

Application No: 15/0198N

Location: Land At, SCHOOL LANE, BUNBURY

Proposal: Erection of two dwellings and the creation of a 38 space car park for use by the cricket club and primary school.

Applicant: Mr & Mrs A C Bird

## **SUMMARY**

The application site lies entirely within the Open Countryside as determined by the Congleton Borough Local Plan First Review 2005.

Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by Local Plan Policy H6. The proposed development does not fall within any of the listed categories and as such, it constitutes a “departure” from the development plan and there is a presumption against the proposal.

The proposal remains contrary to Open Countryside policy regardless of the Council’s 5-year housing land supply position in evidence at any particular time and a judgement must be made as to the value of the particular area of countryside in question and whether, in the event that a 5 year supply cannot be demonstrated, it is an area where the settlement boundary should be “flexed” in order to accommodate additional housing growth. This consideration is made on the sustainability of the development.

The proposal would bring positive planning benefits such as a minor boost to the local economy and a social benefit via the provision of a car park. In addition the site is located in a relatively sustainable location with regards to its physical relationship to existing built form and with regards to its distance from local facilities.

The detrimental impact of the development would be the loss of a green field, which although regrettable, would not be significant according to the Council’s Landscape Officer.

As a result of the above reasons, it is considered that the proposal would represent sustainable development and is therefore recommended for approval.

## **RECOMMENDATIONS**

**APPROVE subject to conditions**

## **REASON for REFERRAL**

This application is presented to Southern Planning Committee as an Urgent Item as it would fall outside of the statutory determination period for the next meeting.

## **PROPOSAL**

Revised plans have been submitted for the erection of 2 new dwellings and a 38-space car park.

The proposed dwellings would be detached, two-storey in nature, comprise of dual-pitched roofs and a gable-fronted feature to one side of the frontage.

Revised plans have been submitted in order to move the dwelling proposed on the plot furthest to the west, further away from Whitehouse Bungalow. In addition, the heights of the dwellings have been reduced. These changes have been made on the advice of the Planning Officer.

## **SITE DESCRIPTION**

This application site relates to a field on the northern side of School Lane, Bunbury, within the Open Countryside.

The site comprises of a large grassed area which is bounded to the south, east and west by housing, and to the north by the cricket field.

An access runs through the centre of the site from School Lane through to the Cricket Club to the rear.

## **RELEVANT HISTORY**

**14/0934N** - Erection of two residential dwellings – Refused 11<sup>th</sup> April 2014

**7/16864** - Residential Development – Refused 18<sup>th</sup> May 1989

## **NATIONAL & LOCAL POLICY**

### **National Policy**

The National Planning Policy Framework establishes a presumption in favour of sustainable development. Of particular relevance are paragraphs:

14 - Presumption in favour of sustainable development, 47-50 - Wide choice of quality homes, 55 - Isolated dwellings in the countryside, 56-68 - Requiring good design and 69-78 - Promoting healthy communities

### **Development Plan**

The Development Plan for this area is the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011, which allocates the site, under Policy NE.2, as Open Countryside.

The relevant Saved Policies are:

NE.2 - Open Countryside, BE.1 – Amenity, BE.2 - Design Standards, BE.3 - Access and Parking, BE.4 - Drainage, Utilities and Resources, BE.5 – Infrastructure, BE.6 - Development on Potentially Contaminated Land, RES.2 - Unallocated Housing Sites, RES.3 - Housing Densities, RES.5 -

Housing in the Open Countryside, NE.5 - Nature Conservation and Habitats, NE.8 – Sites of Local Importance for Nature Conservation and NE.9 - Protected Species.

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

### **Cheshire East Local Plan Strategy – Submission Version (CELP)**

The following are considered relevant material considerations as indications of the emerging strategy:

PG5 - Open Countryside, SD1 - Sustainable Development in Cheshire East , SD2 - Sustainable Development Principles , SE1 – Design, SE2 - Efficient Use of Land, SE3 – Biodiversity and Geodiversity, SE4 - The Landscape, SE5 – Trees, Hedgerows and Woodland, IN1 – Infrastructure and IN2 – Developer Contributions.

### **Other Material considerations:**

SPD2 – Development on Backlands and Gardens  
The EC Habitats Directive 1992  
Conservation of Habitat & Species Regulations 2010  
Interim Affordable Housing Statement: Affordable Housing  
Bunbury Village Design Statement  
Draft Bunbury Neighbourhood Plan

### **CONSULTATIONS**

**Strategic Highways Manager** – No objections, subject to a condition that no gates or other means of obstruction shall be erected across the vehicular access into the approved development. Furthermore, an informative that the application enter into and sign and S184 Agreement under the Highways Act 1980 for the new crossing

**Environmental Protection** – No objections, subject to a number of conditions. These conditions include; A restriction on the hours of piling; the prior submission of a piling method statement, the prior submission of any external lighting and the prior submission of a dust mitigation scheme. Informatives sought relate to; hours of construction and contaminated land are also sought.

**United Utilities** – No objections, subject to a number of informatives.

**Bunbury Parish Council** – No objections, subject to conditions that the existing hedges and sandstone walls be reinstated.

### **REPRESENTATIONS**

Neighbour notification letters were sent to all adjacent occupants and a site notice was erected.

35 letters of representation have been received objecting to the proposal on the following grounds:

- Principle of the development
- Impact upon open countryside

- No need for additional housing
- Need for affordable housing
- Previous similar application was refused
- Location – unsustainable with regards to its public facilities
- Pressure for further development / Future loss of cricket pitch
- No need for executive homes
- Amenity – Loss of outlook / privacy, loss of light/overshadowing, pollution
- Design – Scale of dwellings, impact upon local character
- Highway Safety – additional traffic, increased impact upon highway safety, impact upon parking
- Impact upon the landscape
- Impact upon hedgerows
- Impact upon ecology

Other concerns such as the loss of a view have also been raised but these are not material considerations.

3 letters of support has also been received.

## **APPRAISAL**

The key issues are:

- Principle of the development
- Housing land supply
- Impact upon the Open Countryside
- Sustainability
- The acceptability of the design
- Impact on residential amenity
- The impact upon highway safety
- The impact upon ecology
- The impact upon the landscape, trees and hedgerows
- The impact upon flooding and drainage

### **Principle of Development**

Policy NE.2 of the Local Plan advises that: *‘within the Open Countryside 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.*

*An exception may be made where there is the opportunity for the infilling of a small gap with one or two dwellings in an otherwise built up frontage.’*

Policy RES.5 of the Local Plan advises that *‘Outside settlement boundaries all land will be treated as open countryside. New dwellings will be restricted to those that; a) Meet the criteria for infilling contained in Policy NE.2; or b) are required for a person engaged full time in agriculture or forestry...’*

It was determined in the consideration of application 14/0934N that the site did not represent the infilling of a small gap in an otherwise built-up frontage and as such, this application was refused.

As a result of the above assessment, the proposed development does not fall within any of these acceptable exceptions for dwellings in the Open Countryside. Neither does the proposed car park.

As a result, these developments constitute 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 the development represents sustainable development and whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy objection.

### **Housing Land Supply**

Paragraph 47 of the National Planning Policy Framework requires that Council’s identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements.

This calculation of Five Year Housing Supply has two components – the housing requirement – and then the supply of housing sites that will meet it. In the absence of an adopted Local Plan the National Planning Practice Guidance indicates that information provided in the latest full assessment of housing needs should be considered as the benchmark for the housing requirement.

The current Housing Supply Position Statement prepared by the Council employs the figure of 1180 homes per year as the housing requirement, being the calculation of Objectively Assessed Housing need used in the Cheshire East Local Plan Submission Draft.

The Local Plan Inspector has now published his interim views based on the first three weeks of Examination. He has concluded that the Council’s calculation of Objectively Assessed Housing Need is too low. He has also concluded that following six years of not meeting housing targets, a 20% buffer should also be applied.

Given the Inspector’s Interim view that the assessment of 1180 homes per year is too low, we no longer recommend that this figure be used in housing supply calculations. The Inspector has not provided any definitive steer as to the correct figure to employ, but has recommended that further work on housing need be carried out. The Council is currently considering its response to these interim views.

Any substantive increase of housing need above the figure of 1180 homes per year is likely to place the housing land supply calculation at or below five years. Consequently, at the present time, our advice is that the Council is unable to robustly demonstrate a five year supply of housing land. Accordingly recommendations on planning applications will now reflect this position.

### **Open Countryside Policy**

In the absence of a 5-year housing land supply we cannot rely on countryside protection policies to defend settlement boundaries and justify the refusal of development simply because it is outside of a settlement, but these policies can be used to help assess the impact of proposed development upon the countryside. Where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply. Policy NE.2, seeks to protect the intrinsic character and beauty of the countryside.

Therefore, the proposal remains contrary to Open Countryside policy regardless of the 5 year housing land supply position in evidence at any particular time and a judgement must be made as to the value of the particular area of countryside in question and whether, in the event that a 5 year supply cannot be demonstrated, it is an area where the settlement boundary should be “flexed” in order to accommodate additional housing growth.

In order to assess the impact upon the Open Countryside, a significant consideration is the impact the development would have upon the landscape which is considered below.

## **Sustainability**

The National Planning Policy Framework definition of sustainable development is:

*“Sustainable means ensuring that better lives for ourselves don’t mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment”*

Accessibility is a key factor of sustainability that can be measured. One methodology for the assessment of the locational sustainability of the site is the use of the North West Sustainability Checklist, which considers the walking distances to nearby public facilities.

Accessibility is a key factor of sustainability that can be measured. One methodology for the assessment of walking distance is that of the North West Sustainability Checklist, backed by the Department for Communities and Local Government (DCLG) and World Wide Fund for Nature (WWF). The Checklist has been specifically designed for this region and can be used by both developers and architects to review good practice and demonstrate the sustainability performance of their proposed developments. Planners can also use it to assess a planning application and, through forward planning, compare the sustainability of different development site options.

The criteria contained within the North West Sustainability Checklist are also being used during the Sustainability Appraisal of the Cheshire East Local Plan. With respect to accessibility, the toolkit advises on the desired distances to local facilities 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 accessibility of the site shows that following facilities meet the minimum standard:

- Public house (1000m) - 400m
- Child care facility (1000m) – 390m
- Bus stop (500m) – 75m
- Public right of way (500m) – 140m
- Primary School (1000m) – 65m
- Bank or Cash Machine (1000m) – 410m
- Outdoor Sports Facility – (500m) – Adjacent
- Post Office (500m) – 410m
- Medical Centre (1000m) – 415m
- Convenience Store (500m) – 410m
- Children's Play space (500m) – 480m
- Amenity open space (500m) – 480m
- Local meeting place (1000m) – 390m
- Leisure Facilities (Leisure Centre or Library) (1000m) – 480m

Where the proposal fails to meet the standards, the facilities in question are still within a reasonable distance of those specified and are therefore accessible to the proposed development. Those facilities are:

The following amenities/facilities fail the standard:

- Railway station (2000m) – over 2000m
- Any transport node
- Pharmacy (1000m) – 5470m
- Supermarket (1000m) – Over 1000m
- Secondary School (1000m) – over 4000m

In summary, the site complies with the majority of the standards advised by the NWDA toolkit. As such, it can be considered that the site is locationally sustainable.

Inspectors have determined that locational accessibility is but one element of sustainable development and it is not synonymous with it. The NPPF determines that sustainable development includes three dimensions:- economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

**an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

**an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

**a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high

quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being;

These roles should not be undertaken in isolation, because they are mutually dependent.

## **Environmental role**

### Landscape Impact

The application site occupies an area of approximately 0.29 hectares in size and lies between Whitehouse Bungalow to the north-west and Whitehouse Cottage to the south-east. To the south of the site is School Lane, the other side of which is further residential dwellings. To the rear of the site is a cricket club.

At its maximum points it is approximately 95 metres in width and 35 metres in depth and is largely rectangular in shape. The application site is designated as Open Countryside within the Local Plan.

The application site is bound along School Lane by a dwarf wall and a hedgerow which at its maximum point measures approximately 1.8 metres in height.

The Council's Landscape Officer has advised that the paddock provides an attractive open area in the street scene with views from School Lane through gaps in the hedge to the cricket field and open countryside beyond.

The Landscape Officer has concerns that the proposal would inevitably alter the existing open situation. However, she has advised that should the application be approved, landscape and boundary treatment conditions should be secured in order to minimise the impact.

In relation to the parking area, The Landscape Officer has advised that whilst appreciating the intention behind the proposed surfacing with a grasscrete type product, with a heavy use such as school parking this may not be appropriate. The issue could be addressed by condition.

As such, subject to conditions, it is not considered that the proposed development would result in any significant landscape impact.

### Trees

The application is supported by a Tree Survey. This survey considered 6 existing individual trees, 2 tree groups and 2 hedges within the development site.

The Council's Tree Officer originally had concerns that the car park layout would compromise a Grade A Oak Tree and as such, recommended that the layout be amended to safeguard this tree. She also advised that subject to a revised layout being received and a condition to secure the submission and implementation of a revised tree and hedge protection measures, there should be no significant impact upon trees and she would raise no objections.

In light of these comments, a revised layout plan was received which illustrates that the Grade A early mature Oak (T1) is to be retained and ground protection incorporated to ensure a 'no dig' car



park surface to minimise root damage is proposed. An updated Tree Survey and Arboricultural Impact report has been submitted to reflect these changes and this detail.

Subject to the mitigation measures being conditioned for implementation, it is considered that this revised / additional information overcomes these initial concerns.

### Hedgerows

The application proposes the loss of 2 sections of the roadside frontage hedgerow in order to create the individual accesses to the 2 proposed dwellings.

Where proposed development is likely to result in the loss of existing agricultural hedgerows which are more than 30 years old, it is considered that they should be assessed against the criteria in the Hedgerow Regulations 1997 in order to ascertain if they qualify as 'Important'. The Regulations require assessment on various criteria including ecological, landscape and historic value. Should any hedgerows be found to be 'Important' under any of the criteria in the Regulations, this would be a significant material consideration in the determination of the application. Hedgerows are also a habitat subject of a Biodiversity Action Plan.

The submission includes an ecological report which indicates that the roadside hedge contains 5 woody species but is unlikely to qualify as important under the wildlife criteria of the Hedgerow Regulations 1997.

A consultation response from the Cheshire Archivist indicates that the roadside hedge is 'Important' under the Regulations. The fact that the hedge is 'Important' by any criteria is a material consideration in the determination of the application.

However, given that this hedgerow is to be retained and only punctured in 2 locations, and given that it shall be conditioned that a new hedgerow shall be planted on the rear boundary of the site, the loss of these 2 small sections of hedgerow are considered to be acceptable in this instance.

### Ecology

The application is supported by an Extended Phase 1 habitat survey.

The Council's Nature Conservation Officer has reviewed the submitted information and advised that he has no objections, subject to conditions that; hedgerow planting should be secured along the northern boundary and a condition to protect nesting birds.

As such, it is considered that the proposal would adhere with Policy NE.9 of the Local Plan.

### Design Standards

Policy BE.2 of the Local Plan advises that new development should respect the pattern, character and form of the surroundings and not adversely affect the streetscene by reason of scale, height, proportions or materials used.

Policies SD2 and SE1 of the emerging Cheshire East Local Plan Strategy – Submission Version largely support this local plan policy.

The application proposes 2 detached dwellings to be located on the northern side of School Lane, Bunbury within the Open Countryside.

The revised site plan shows that 1 dwelling would be sited to one end of the site (northwest) and the other to the other end (southeast). Between the 2 dwellings a 38-space car park is proposed.

The dwelling proposed to the northwest would be inset by approximately 13.4 metres from School Lane. The dwelling proposed to the southeast, would be inset by approximately 12.4 metres.

The house proposed to the northwest would be inset from the rear boundary of the site by approximately 12.6 metres and the house proposed to the southeast would be inset from the rear boundary of the site by approximately 13.4 metres.

The property proposed to the northwest would be inset from the eastern boundary of the site by approximately 9 metres and the property to the southeast side would be inset from the western boundary by approximately 4 metres.

As such the proposed units would be sited centrally within the application site and the front and rear boundaries of the plot would reflect the existing boundaries of the field.

It is proposed that the hedgerow which fronts the site and bounds School Lane would be punctured in 2 locations in order to provide vehicular access.

It is considered that the overall layout of the development would be acceptable.

The proposed dwellings would each be detached and two-storeys in nature. However, each would also include a basement. It was noted from the site visit that the neighbouring dwellings consist of a mixture of forms.

Whitehouse Cottages to the southeast are two-storey, semi-detached units, whereas Whitehouse Bungalow to the northwest is a detached bungalow. Beyond this are two-storey detached and semi-detached units. On the opposite side of the road are a row of semi-detached, two-storey dwellings. As such, the form of the proposal as detached, two-storey dwellings would be appropriate and would not appear incongruous within this setting.

In relation to scale, the footprint of the dwelling proposed to the northwest would be approximately 97 metres squared. The footprint of the dwelling to the southeast would be approximately 91 square metres. In comparison, the Whitehouse Cottages each have footprints of approximately 103 metres squared each, whereas Whitehouse Bungalow has a footprint of approximately 67 metres squared. On the opposite side of the road the footprints of the dwellings vary between approximately 63 metres squared and 46 metres squared. As a result of this surrounding range, it is not considered that developments of this footprint would appear incongruous.

In relation to height, the dwelling proposed on to the northwest would now be approximately 7.1 metres in height (originally 8.6 metres) and the dwelling proposed to the southeast would be approximately 7.8 metres in height (originally 8.7 metres in height).

Records indicate that the closest neighbouring properties of which have planning records for, vary between 7 and 8 metres in height (Whitehouse Cottages) to the immediate east, 7.6 metres (Heathlea – Opposite) and 8 metres (Berwyn – Opposite). White House Bungalow to the west is considerably lower.

As such, the height of the dwellings would step-down from the tallest to the south-east which would reflect the taller Whitehouse Cottages to the lower height dwelling to the northwest which would be closer to the bungalow.

It is considered that these revised heights are acceptable.

With regards to appearance, the dwellings would have 'L-shaped' footprints and comprise of dual-pitched roofs with a central gable projection to the left of the frontage. A central, mono-pitched roof is proposed in the centre of the frontage. A chimney is sought on the left hand side of each of the properties sought.

There are dwellings within the vicinity of a similar design, such as Redwalls on the opposite side of the road. As such, it is considered that the general appearance of the design features sought would be acceptable.

It is advised within the submission that the dwellings will be constructed from reclaimed Cheshire brick walls and Welsh slate roofs. No further specifics regarding materials have been provided. As such, should the application be approved, it is recommended that the material details be submitted for prior approval via condition.

As such, subject to the conditioning of materials, it is considered that the development would be of an acceptable design which would adhere with Policy BE.2 of the Local Plan and policies SD2 and SE1 of the emerging Cheshire East Local Plan Strategy – Submission Version.

### Access

The application proposes to create 2 new access points from School Lane. 1 would be used to exclusively access 1 of the 2 dwellings proposed, the other would be used to access the second proposed dwelling and provide access to the Cricket Club to the rear. An existing access would be utilised for the creation of the proposed car park.

The Strategic Highways Manager (SHM) has advised that the parking proposed for the 2 dwellings accords with the Cheshire East minimum parking standards for 3-4 bedroom properties and all vehicles will be able to enter and exit the respective plots safely in a forward gear.

The SHM has advised that the proposed visibility splays of 2.0m x 59m for the dwellings are considered to be satisfactory.

In relation to the proposed car park, the SHM has advised that the access would represent an improvement when compared to the existing informal arrangement and access track. Additionally, it is advised that the proposed visibility splays of 2.4m x 59m are also satisfactory for safe access.

With regards to the overall traffic impact, the SHM has advised that the development proposals would not be expected to have a material traffic impact on the adjacent highway network.

As a result of the above, it is advised that the SHM has no objections, subject to a condition that; no gates or other means of obstruction shall be erected across the vehicular accesses into the approved development.

In addition, an informative for the creation of the new accesses is sought.

### Flood Risk and Drainage

The application site does not fall within a Flood Zone and is not of a scale which requires the submission of a Flood Risk Assessment.

United Utilities have also reviewed the application and advised that they have no objections, subject to a number of informatives relating to the provision of water metres and general drainage advise.

As such, it is considered that the proposed development would adhere with Policies GR20 and GR21 of the Local Plan.

### Conclusion

As the proposed development would result in the loss of a green space, the Council's Landscape Officer has advised that its impact upon the wider landscape will not be significant.

Subject to conditions relating to trees, hedges and ecology and materials, it is not considered that the proposed development would create any significant environmental concerns and as such on balance, is considered to be environmentally sustainable.

### **Economic Role**

It is accepted that the construction of a housing development of this size would bring the usual economic benefit to the closest shops in Bunbury for the duration of the construction, and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain. There would be some economic and social benefit by virtue of new resident's spending money in the area and using local services.

As such, it is not considered that the proposed development would be economically sustainable.

### **Social Role**

The proposed development would provide a new car park which would contain 38 parking spaces. According to the submitted Design and Access Statement, this car park would be for the use of both the cricket ground and the nearby school as overspill parking.

It is considered that this offers a substantial social benefit in consideration of the sustainability of the application.

### Amenity

Policy BE.1 of the Local Plan advises that development shall only be permitted when the proposal would not have a detrimental impact upon neighbouring amenity in terms of overlooking, overshadowing, visual intrusion or environmental disturbance.

The closest residential properties to the site in question would be the occupiers on either side of the site, Whitehouse Bungalow to the northwest and Whitehouse Cottages to the southeast. Furthermore, consideration needs to be given to the properties on the opposite side of the road.

For the erection of new houses, the proposal would be expected to adhere to specified separation distances between the proposed new dwellings themselves and the surrounding properties.

The Council's *'Development on Back lands and Gardens Supplementary Planning Document.'* details these minimum standards. Paragraph 3.9 of the SPD advises that *'As a general indication, there should ideally be a distance of 21 metres between principal elevations (e.g. between properties fronting and backing onto each other), 13.5 metres between a principal elevation with windows to habitable rooms and blank elevations (e.g. the front and rear of dwellings and the side of other properties)...*'

The side elevation of the dwelling proposed to the northwest, at its closest point, would be approximately 12.8 metres away from the side elevation of Whitehouse Bungalow. This relationship is between a section of the neighbouring dwelling's side elevation which includes a principal bedroom window and a section of the proposed neighbouring dwelling which include a pedestrian door and window to a utility room.

Although the development would be within the recommended 13.5 metre standard, the openings within Whitehouse Bungalow would not lie directly parallel with the proposed closest dwelling as this dwelling lies at an offset angle in comparison.

As a result of this relationship, in conjunction with the separation distance, it is not considered that the occupiers of this neighbouring dwelling would be detrimentally impacted by the proposed development with regards to loss of light or visual intrusion. Subject to the proposed utility door and window within the side elevation of the dwelling proposed to the northwest being obscurely glazed via condition, it is considered that the proposed development would not create any privacy concerns.

In order to prevent future amenity issues being created to this side it is recommended that should the application be approved, permitted development rights for the dwelling proposed to the northwest be removed.

The side elevation of No.1 White House Cottages, the closest dwelling to the southeast of the site would be positioned approximately 10.5 metres away and offset to the southeast of the proposed dwelling to the southeast of the site. There are no openings within the relevant side elevation of this neighbouring property and within the relevant side elevation of the proposed dwelling, no openings are proposed. As such, it is not considered that the occupiers of this neighbouring dwelling would be detrimentally impacted by the proposed development with regards to loss of privacy, light or visual intrusion.

The properties on the opposite side of School Lane would all be positioned over 30 metres away from the closest of the proposed dwellings. Given this large separation distance, it is not considered that the occupiers of these properties would be detrimentally impacted by the proposed development in terms of loss of overlooking, overshadowing or visual intrusion.

In terms of the impact of environmental disturbance, this is assessed by the Council's Environmental Protection team have advised that they have no objections, subject to conditions relating to a restriction on the hours of piling; the prior submission of a piling method statement, the prior submission of any external lighting and the prior submission of a dust mitigation scheme. Informatives sought relate to; hours of construction and contaminated land are also sought.

The private garden space of both properties proposed would adhere with the 50 metres squared minimum standard detailed within the Development on Backlands and Gardens Supplementary Planning Document.

As such, subject to the inclusion of the conditions proposed by Environmental Health and an obscure glazing condition, it is considered that the proposed development would adhere with Policy BE.1 of the Local Plan.

### **Planning Balance**

The application site lies entirely within the Open Countryside as determined by the Congleton Borough Local Plan First Review 2005.

Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by Local Plan Policy H6. The proposed development does not fall within any of the listed categories and as such, it constitutes a "departure" from the development plan and there is a presumption against the proposal.

The proposal remains contrary to Open Countryside policy regardless of the Council's 5-year housing land supply position in evidence at any particular time and a judgement must be made as to the value of the particular area of countryside in question and whether, in the event that a 5 year supply cannot be demonstrated, it is an area where the settlement boundary should be "flexed" in order to accommodate additional housing growth. This consideration is made on the sustainability of the development.

The proposal would bring positive planning benefits such as a minor boost to the local economy and a social benefit via the provision of a car park. In addition the site is located in a relatively sustainable location with regards to its physical relationship to existing built form and with regards to its distance from local facilities.

The detrimental impact of the development would be the loss of a green field and the minor loss of hedgerow which although regrettable, would not be significant enough to warrant refusal of this application,

As a result of the above reasons, it is considered that the proposal would represent sustainable development and is therefore recommended for approval.

### **RECOMMENDATION**

**APPROVE subject to conditions**

- 1. Time (3 years)**
- 2. Plans**
- 3. Prior submission of facing and roofing material details**
- 4. Prior submission of surfacing material details**
- 5. Landscape (Details)**
- 6. Landscape (Implementation)**
- 7. Boundary treatment**
- 8. Tree protection – Implementation**
- 9. Hedgerow planting – Northern boundary**
- 10. Nesting birds**
- 11. No gates or other means of obstruction shall be erected across the vehicular accesses into the approved development**
- 12. Obscure glazing (dwelling to northwest – g/f side elevation)**
- 13. Removal of PD rights (A-E) – Dwelling to the northwest**
- 14. Hours of piling**
- 15. Prior submission of a piling method statement**
- 16. Prior submission of any external lighting**
- 17. Prior submission of a dust mitigation scheme**
- 18. Tree protection - Implementation**

**Informatives:**

- 1. NPPF**
- 2. Hours of construction**
- 3. Contaminated land**

**In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Strategic & Economic Planning, in consultation with the Chair (or in his absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.**

