

Application No: 15/1248C

Location: Land adjacent to, 96, MACCLESFIELD ROAD, HOLMES CHAPEL, CHESHIRE, CW4 8AL

Proposal: Construction of two new dwellings

Applicant: Marion Porter

Expiry Date: 26-May-2015

SUMMARY

It is acknowledged that the Council is unable to robustly demonstrate a five-year housing land supply and that, accordingly, in the light of the advice contained in the National Planning Policy Framework, it should favorably consider suitable planning applications for housing that can demonstrate that they meet the definition of sustainable development.

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; the provision of market housing and a minor boost to the local economy. In addition the site is located in a relatively sustainable location and is linked to the village of Holmes Chapel by a footpath.

It is not considered that the environmental concerns created are significant enough to outweigh the economic and social benefits provided given the sites location amongst residential development.

No issues with regards to neighbouring amenity, landscape, trees, hedgerows, flooding or drainage would be created.

As such, the application is recommended for approval.

RECOMMENDATION

APPROVE subject to conditions

PROPOSAL

This application seeks outline planning permission to erect No.2 dwellings. Matters of Access are also sought for approval.

Matters regarding; Layout, Scale, Appearance and Landscaping are all reserved for later approval.

As such, the application seeks permission for the principle of erecting 2 dwellings on this plot with access only.

Revised plans have been submitted during the application process resulting the in the slight re-siting of the dwellings in order to address United Utilities and the Council's Tree and Landscape Officer's concerns.

Furthermore a revised Arboricultural Implications Assessment has been submitted removing the proposed re-siting of the boundary hedge on the advice of the council's Tree Officer.

SITE DESCRIPTION

The site relates to a triangular parcel of land located on the eastern side of Macclesfield Road, Holmes Chapel, within the Open Countryside.

The application site is 0.2 hectares in size and lies to the south of No.94 Macclesfield Road.

At its maximum points it is approximately 52.3 metres in width and 55 metres in depth. The widest section of the plot is to the north, the narrowest to the south.

The site is largely screened from Macclesfield Road by TPO trees on the western boundary.

The site is relatively flat in nature. However, the height of Macclesfield Road to the west drops lower the further travelled north along the site boundary.

The site falls within the Jodrell Bank Radio Telescope Consultation Zone Line.

RELEVANT HISTORY

09/3339C - Extension of existing detached garage to form ancillary accommodation – Withdrawn 13th November 2009

17952/3 - Erection of shed (to house pet donkey) – Approved 30th September 1986

17951/3 - To use land to store agricultural machinery – Approved 21st October 1986

16528/1 - One detached bungalow – Refused 12th March 1985

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 2005 Congleton Borough Local Plan, which allocates the site, under Policy PS8, as Open Countryside.

The relevant Saved Policies are:

PS8 – Open Countryside
PS10 – Jodrell Bank Radio Telescope Consultation Zone
GR1 - New Development
GR2 – Design
GR4 – Landscaping
GR6 - Amenity and Health
GR9 - Accessibility, Servicing and Parking Provision – New development
GR20 - Public Utilities
GR21 - Flood Prevention
GR22 - Open Space Provision
NR1 - Trees and Woodlands
NR2 - Wildlife and Nature Conservation – Statutory Sites
H1 - Provision of New Housing Development
H6 - Residential Development in the Open Countryside and the Green Belt

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:

MP1 - Presumption in favour of sustainable development
PG1 - Overall Development Strategy
PG5 - Open Countryside
PG6 - Spatial Distribution of Development
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
IN1 – Infrastructure
IN2 - Developer contributions
SC4 - Residential Mix
SC5 - Affordable Homes
SE1 – Design, SE2 - Efficient use of land
SE3 - Biodiversity and geodiversity
SE4 - The Landscape
SE5 - Trees, Hedgerows and Woodland
SE6 - Green Infrastructure
SE9 - Energy Efficient Development

SE12 - Pollution, Land contamination and land instability

SE13 - Flood risk and water management.

Supplementary Planning Documents:

Interim Planning Statement: Affordable Housing (Feb 2011)

North West Sustainability Checklist

CONSULTATIONS

Jodrell Bank (University of Manchester) – No objections, but recommend the use of electromagnetic screening measures in the construction of the proposed development.

Head of Strategic Infrastructure (HSI) – No objections

Environmental Protection – No objections, subject to a number of conditions including; the prior submission of a Noise Impact Assessment, the prior submission of a Phase I contaminated Land report and informatives relating to contaminated land.

Flooding (Cheshire East Council) – No objections, subject to a condition that requires the prior submission of a scheme showing the disposal of surface water

United Utilities - No objections, but advise that there are water mains on the western edge of the site which the development cannot impede.

Holmes Chapel Parish Council – Object to the proposal based on the following grounds;

- Outside of settlement boundary
- Increased traffic generation

REPRESENTATIONS

Neighbour notification letters were sent to all adjacent occupants and a site notice was erected. To date, letters of objection have been received from 2 neighbouring properties. The main areas of objection include;

- Principle of development / Loss of open countryside
- Unsustainable location
- Highway safety

APPRAISAL

The key issues are:

- The principle of the development
- Housing Land Supply
- Open Countryside
- Sustainability
- Planning balance

Principle of Development

The site lies entirely within the Open Countryside as designated in the Congleton Borough Local Plan First Review 2005 where policies PS8 and H6 state that only residential development which is required for a person engaged full-time in agriculture or forestry, the replacement of an existing dwelling, the conversion of an existing rural building, the change of use or re-development of an existing employment site, infill development or affordable housing shall be permitted.

The proposed development does not fall within any of these exceptions. As a result, it constitutes a “departure” from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined “in accordance with the plan unless material considerations indicate otherwise”.

The issue in question is whether 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.

The calculation of Five Year Housing supply has two components – the housing requirement – and then the supply of housing sites that will help 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.

Following the suspension of the Examination into the Local Plan Strategy and the Inspectors interim views that the previous objectively assessed need (OAN) was ‘too low’ further evidential work has now taken place and a fresh calculation made.

Taking account of the suggested rate of economic growth and following the methodology of the NPPG, the new calculation suggests that need for housing stands at 36,000 homes over the period 2010 – 2030. Although yet to be fully examined this equates to some 1800 dwellings per year.

The 5 year supply target would amount to 9,000 dwellings without the addition of any buffer or allowance for backlog. The scale of the shortfall at this level will reinforce the suggestion that the Council should employ a buffer of 20% in its calculations – to take account ‘persistent under delivery’ of housing plus an allowance for the backlog.

While the definitive methodology for buffers and backlog will be resolved via the development plan process this would amount to an identified deliverable supply of around 11,300 dwellings.

This total exceeds the total deliverable supply that the Council is currently able to identify – and accordingly it remains unable to demonstrate a 5 year supply of housing land.

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 PS8, 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. A 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.

To aid this assessment, there is a toolkit which was developed by the former North West Development Agency. With respect to locational 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.

Adherence with the recommendation

Primary School (1000m) – 800m
Local meeting place (1000m) – 700m
Public House (1000m) – 1000m
Child Care Facility (nursery or crèche) (1000m) – 500m
Railway station (2000m where geographically possible) – 1000m
Public Right of Way (500m) – 400m

Failure by 60% or less

Supermarket (1000m) – 1100m
Bank or cash machine (1000m) – just over 1000m
Pharmacy (1000m) – 1200m
Medical Centre (1000m) – 1200m
Leisure facilities (1000m) – 1125m
Post box (500m) – 700m

Failure

Post Office (500m) – 1200m
Secondary School (1000m) – 2200m
Amenity Open Space (500m) – 1300m
Convenience Store (500m) - 1000m
Children's Play Space (500m) – 1000m
Bus Stop (500m) – 800m
Outdoor Sports Facility (500m) – 1125m

The outcome of this survey concluded that the site either complied with or was within 60% of the recommended distances to public facilities of 12 of the 19 listed. Furthermore, it can be confirmed that the site is linked via a footpath to the village of Holmes Chapel.

As a result of this footpath linkage in particular, it is considered that the site is locationally sustainable.

Notwithstanding the above, 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 is designated as Open Countryside within the Local Plan. It is bound to the west and south by mature TPO trees and hedgerow, and to the east and north by a post and rail fence.

The site currently comprises of a field which is used by a pet donkey for grazing and a small yard to the north.

The Council's Landscape Officer has informally advised that she does not consider that the proposed development would result in any significant landscape or visual impact as the site would be enclosed by residential development.

Trees and Hedgerows

The Trees on the Macclesfield Road frontage are subject to TPO protection.

The submission is supported by an Arboricultural Implications Assessment and an Arboricultural method statement. Both of these were updated during the application process as further information was sought by the Council's Tree Officer.

In response, the submission indicates that 4 No. TPO protected trees would be felled in order to accommodate the southern plot. The Council's Tree Officer has advised that whilst not individually outstanding, the trees stand within a group of trees which make some contribution to the street scene. However, it has also been advised that if the losses are accepted as part of the planning balance, replacement planting would need to be secured.

The 4 TPO trees that are sought for removal form part of a group comprising of 6 trees. As the 2 trees that would be retained within this group are on the Macclesfield Road frontage, it is not considered that the impact upon the streetscene would be significant enough to warrant refusal of this application.

The Council's Tree Officer has concluded that should the application be approved, any reserved matters application would need to be supported by a comprehensive package of arboricultural information in accordance with BS 5837: 2012 Trees in relation to design, demolition and construction.

Ecology

The Council's Nature Conservation Officer has reviewed the application and advised that he has no objections subject to a nesting bird's condition and a condition requiring the prior submission of features suitable for breeding birds.

Design

The proposed development is for 2 new dwellings.

The submitted indicative layout plan shows that the proposed dwellings would be erected in a linear pattern fronting the private road to which they would be accessed with their rear elevations fronting Macclesfield Road.

The dwellings would be inset from Macclesfield Road by between 10 and 12 metres. The plots would be largely square in nature.

Although the arrangement of the dwellings having their backs to the highway is not ideal, given the separation distance between the built form and the highway and the mature, tall boundary treatment which would provide a degree of screening, it is not considered that this orientation would have a detrimental impact on the streetscene should the indicative layout be submitted at reserved matters stage.

The majority of the other dwellings served by this private, un-adopted road also front onto it and as such, this arrangement would not appear unusual.

As such, it is considered that the site is large enough to accommodate 2 dwellings in the layout proposed.

With regards to form, the indicative layout and elevational plans indicate that the applicant seeks to erect 2 detached dwellings. It is noted that the surrounding properties are either semi-detached or detached. As such, the form of detached units would be acceptable.

The indicative plans also show that the proposed dwellings would either be 1 ½ storeys tall and 2 storey's tall. Again, although not sought for approval, this scale would not appear incongruous within the immediate vicinity in principle.

As a result, it is considered that the proposed development would adhere with Policy GR2 of the Local Plan and Policies SE1 (Design) and SE2 (Efficient use of land) of the Cheshire East Local Plan Strategy – Submission Version (CELP).

Access

The indicative layout plan demonstrates that the proposal seeks the creation of 2 driveways off an existing un-adopted shared private road which currently serves a number of dwellings.

The Head of Strategic Infrastructure (HSI) has reviewed the submitted information and advised that the addition of the traffic associated with the development of two dwellings would not be expected to have a material impact on the adjacent or wider highway network. It also appears

that sufficient off-street parking can be accommodated within the development. As such, he has no objections.

Flood Risk and Drainage

The application site falls within Flood Zone 1 and is not of a scale which requires the submission of a Flood Risk Assessment.

The Council's Flood Risk Officer has reviewed the application and advised that she has no objections to the proposal in principle, but would request the prior submission of a surface water drainage plan.

United Utilities have also reviewed the application and advised that whilst they raise no objections in principle, would like to make it clear that there are 2 water mains on the western side of the site which should be kept clear from development.

In response, the applicant has amended their indicative layout plan to show the location of these water mains and that the development shall be kept clear from these.

As such, subject to a surface water conditions, it is considered that the proposed development would adhere with Policies GR20 and GR21 of the Local Plan.

Conclusion

The proposed development would not create any significant landscape, tree or hedgerow, design, access, ecology, flooding or drainage issues.

As such, it is considered that the proposed development can be 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 Holmes Chapel 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 considered that the proposed development would be economically sustainable.

Social Role

The proposed development would provide 2 market dwellings.

Amenity

Policy GR6 (Amenity and Health) of the Local Plan, requires that new development should not have an unduly detrimental effect on the amenities of nearby residential properties in terms of

loss of privacy, loss of sunlight or daylight, visual intrusion, environmental disturbance or pollution and traffic generation access and parking. Supplementary Planning Document 2 (Private Open Space) sets out the separation distances that should be maintained between dwellings and the amount of usable residential amenity space that should be provided for new dwellings.

The closest neighbouring properties to the application site include; No's 94 and 96 Macclesfield Road to the north and north-east and the occupiers of Saltersford Farm across Macclesfield Road to the west.

According to the submitted indicative layout plan, the dwelling proposed to the north would be approximately 15.8 metres and significantly offset from No.94 Macclesfield Road and further away and even more offset from No.96 Macclesfield Road.

Given this relationship, it is not considered that the occupiers of either of these dwellings would be detrimentally impacted by the proposed development in terms of loss of privacy, light or visual intrusion.

Any concerns regarding overlooking can be addressed at reserved matters stage given that the appearance is not sought for approval as part of this application.

Saltersford Farm would be positioned approximately 30 metres away and also be significantly offset from the closest of the proposed dwellings (the southern dwelling).

As such, the occupiers of this neighbouring dwelling would not be detrimentally impacted by the proposed development in terms of loss of privacy, light or visual intrusion.

The Council's Environmental Protection Team have advised that they have no objections subject to a number of conditions including; the prior submission of a noise mitigation scheme, the prior submission of phase 1 contaminated land report and a contaminated land informative.

In terms of the amenity of the future occupiers of the proposed dwellings, sufficient space would be available for each dwelling to have a private amenity space of at least 65 square metres. Subject to the detail of the window and door positions and the use of obscure glazing where necessary, it is not considered that the future occupiers of the proposed dwellings would be detrimentally impacted by the proposed development.

As such, it is considered that the proposed development would adhere with Policy GR6 of the Local Plan.

Jodrell Bank

As the application site falls within the Jodrell Bank Radio Telescope Consultation Zone, it is subject to Policy PS10 of the Local Plan.

Policy PS10 advises that for such sites, development will not be permitted which can be shown to impair the efficiency of the Jodrell Bank Radio Telescope.

It is proposed that Policy PS10 will be replaced by Policy SE14 within the emerging Cheshire East Local Plan Strategy – Submission Version. The principles of this policy broadly reflect those of Policy PS10.

Jodrell Bank have advised that they have no objections to the proposal, but recommend the incorporation of electromagnetic screening measures into the construction of the proposed development.

As such, subject to the addition of this condition, it is considered that the proposal would adhere with Policy PS10 of the Local Plan and Policy SE14 of the emerging Cheshire East Local Plan Strategy – Submission Version.

Other Matters

The scheme is not of a scale which requires; affordable housing, public open space, education or health contributions.

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; the provision of market housing and a minor boost to the local economy. In addition the site is located in a relatively sustainable location and is linked to the village of Holmes Chapel by a footpath.

It is not considered that the environmental concerns created, by reason of the impact upon the Open Countryside and loss of 4 TPO protected trees are significant enough to warrant refusal of this application given the sites location amongst residential development.

No issues with regards to neighbouring amenity, landscape, trees, hedgerows, flooding or drainage would be created.

As such, the development is recommended for approval.

RECOMMENDATION

APPROVE subject to the following conditions;

1. Time Limit (Outline) A06OP
2. Submission of reserved matters A01OP
3. Reserved Matters application made within 3 years A03OP
4. Development in accordance with approved plans
5. Reserved Matters to be accompanied by a comprehensive package of arboricultural information in accordance with BS 5837: 2012 Trees in relation to design, demolition and construction.
6. Prior submission of replacement tree planting plan
7. Prior submission of a surface water drainage plan
8. Prior submission of a Noise Impact Assessment
9. Prior submission of a Phase 1 Contaminated land report
10. Prior submission of electromagnetic screening measures (Jodrell Bank)
11. Removal of PD Rights (A-E)
12. Nesting birds
13. Prior submission of features suitable for breeding birds

Informatives:

1. NPPF
2. 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 Planning Manager (Regulation), 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.

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