

Application No: 15/5280C

Location: Lawton Mere Nurseries, Cherry Lane, Rode Heath, Cheshire, ST7 3QX

Proposal: Demolition of an existing glasshouse building and the construction of six new dwellings

Applicant: Gary Barratt, Alsager Plant Hire and Groundwork

Expiry Date: 22-Jan-2016

SUMMARY:

The site is situated within the South Cheshire Green Belt and is currently in use as horticulture. It therefore does not fall within the definition of previously developed land and housing on the site would be unacceptable in principle.

Subject to conditions, the proposal is considered to be acceptable in terms of its impact upon amenity, landscape, trees and design. However the development is unacceptable in principle due to it representing inappropriate development within the Green Belt. The development is therefore recommended for refusal.

RECOMMENDATION:

Refuse

CALL IN

The application has been called in to Southern Planning Committee by Cllr Rhoda Bailey on the following grounds:

"I have been contacted on behalf of residents who would like the opportunity to make direct representations to the committee in relation to their views on overdevelopment of the site and highways issues in relation to the proposal."

PROPOSAL

The application proposes the demolition of existing glasshouse buildings and the construction of six new dwellings.

The application is in outline form with all matters apart from access. However there are indications within the supporting documentation that the development would consist of bungalows.

SITE DESCRIPTION

The application relates to an existing horticultural nursery. It is situated on the northern side of Cherry Lane, which is within the South Cheshire Green Belt. To the south east of the site is the Grade II Listed Lawton Mere Cottage.

RELEVANT HISTORY

15/1583C Change of use of existing glasshouse to storage and distribution – Approved June 2015.

NATIONAL & LOCAL POLICY

National Policy:

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs 14, 79-92 and 47.

Development Plan:

The Development Plan for this area is the adopted Congleton Borough Local Plan First Review 2005, which allocates the site as being within the within Open Countryside.

The relevant Saved Policies are;

PS7 Green Belt
GR1 General Requirements
GR2 Design
GR6 Amenity
GR9 Access and Parking
H6 Housing
E.6 Employment Development in Green Belt
BH4 Listed Buildings

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:

SD 1 Sustainable Development in Cheshire East
SD 2 Sustainable Development Principles
SE 1 Design
SE 4 The Landscape
SE 5 Trees, Hedgerows and Woodland
PG 1 Overall Development Strategy
PG 3 Green Belt
EG1 Economic Prosperity

CONSULTATIONS:

United Utilities: No objection subject to conditions.

Cheshire Brine Subsidence Board: Request a condition relating to brine subsidence on the site.

Environmental Protection: Request conditions/informatives relating to piling, noise and land contamination.

CEC Strategic Housing Manager: Object to the proposal.

CEC Head of Strategic Infrastructure: Request further information relating to visibility, layout and access for refuse vehicles.

Church Lawton Parish Council: Object on the grounds of development on Green Belt, lack of affordable housing, access and highway safety and sustainability.

REPRESENTATIONS:

At the time of report writing, four representations and a petition with 21 signatures have been received. These can be viewed in full on the Council's website. They express the following concerns:

- Highway Safety
- Impact on the Listed Building
- Impact on Green Belt
- Impact on toads and newts
- Impact on neighbouring cattery
- Not starter homes
- Back door way of securing planning permission

APPRAISAL

The key issues to be considered in the determination of this application are set out below.

Principle of Development/Green Belt

The site is designated as being within the South Cheshire Green Belt where Policy PS7 states that development will not be permitted unless it is for the following:

- Agriculture and forestry;
- Essential facilities for outdoor sport and outdoor recreation, for cemeteries and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of land included within it;
- New dwellings in accordance with Policy H6 and extensions and alterations to existing dwellings in accordance with Policy H16;

- Controlled infilling within those settlements identified in Policy PS7 in accordance with Policy H6;
- Limited affordable housing for local needs which comply with Policy H14;
- Development for employment purposes in accordance with Policy E6;
- The re-use of existing rural buildings in accordance with Policies BH15 and BH16.

The NPPF in paragraph 89 allows for *“limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.”*

The supporting information submitted with the application states that the approval for *“change of use of existing glasshouse to storage and distribution associated with the existing plant hire business.”* (15/1583C), means that the land is now classified as ‘previously developed’ as defined in the NPPF.

However, following the Officers site visit, it was clear that this use has not as yet been implemented and the glasshouse is still being used for horticultural purposes. As such the site cannot be accepted as previously developed land as the definition of previously developed land within the NPPF excludes amongst other things *‘land that is or has been occupied by agricultural or forestry buildings’*.

The proposal therefore comprises inappropriate development in the Green Belt as set out in the NPPF and Policies PS7 and H6 of the adopted local plan and no ‘very special circumstances’ have not been identified in this case.

The proposal is therefore considered to be unacceptable in principle.

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”

The application is accompanied with a Sustainability Statement that sets out the following distances to services and facilities:

Services & Facilities	Description	Distance from Application Site (Km)
Public Transport	Bus Stop	0.50

	Public Right of Way	0.20
	Railway Station	1.60
Services & Amenities	Convenience Store	0.45
	Supermarket	1.30
	Post Box	0.45
	Post Office	0.45
	Primary School	0.75
	Secondary School	1.70
	Medical Centre	1.50
	Local Meeting Place – Village Hall	0.60
	Public House	0.50
	Child Care Facility – Pre-School	0.75

Sustainability has three 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; and

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

ENVIRONMENTAL ROLE

Trees and Hedgerows

The site is well screened by existing trees and hedgerows and whilst the proposal is submitted in outline form an indicative layout has been submitted with the application. This shows a development of six bungalows within the site. The indicative layout shows that the

boundary hedges and trees would be retained, meaning that the extensive, existing screening of the site would be maintained.

It is considered that, should planning permission be granted, a condition should be imposed relating to tree/hedgerow retention and protection.

Highways

The Head of Strategic Infrastructure (HSI) originally assessed the application and requested further information relating to visibility, layout and access for refuse vehicles. This information has now been submitted and is being assessed by the HSI. An update on this matter will be provided to Members prior to the meeting.

Ecology

The application was accompanied by a Great Crested Newt Scoping Survey. This survey has been assessed by the Council's Principal Nature Conservation Officer, who has concluded that there would be no adverse impact on Great Crested Newts from the development. This is subject to a condition that the recommendations contained within the GCN Scoping Survey be complied with.

ECONOMIC SUSTAINABILITY

The Framework includes a strong presumption in favour of economic growth.

Paragraph 19 states that:

'The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth'

With regard to the economic role of sustainable development, the proposed development would involve some employment and economic benefits during construction. However it would lead to the loss of a small employment site within the borough.

SOCIAL SUSTAINABILITY

Affordable Housing

The Council's Interim Planning Statement: Affordable Housing (IPS) states in Settlements with a population of 3,000 or less that the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 3 dwellings or more or larger than 0.2 hectares in size. The desired target percentage for affordable housing for all allocated sites will be a minimum of 30%, in accordance with the recommendations of the Strategic Housing Market Assessment carried out in 2013. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

This is a proposed development of 6 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 2 dwellings to be provided as affordable dwellings. The SHMA 2013 shows the majority of the demand in Alsager Rural is for 1 bedroom dwellings. The majority of the demand on Cheshire Homechoice is shared equally between 1, 2 and 3 bedroom dwellings therefore the Council would like to see some 1 bedroom units on this site. One of the affordable units should be provided as Affordable rent and one unit as Intermediate tenure. Although the submitted Planning Statement makes reference to the requirement for affordable housing provision as stated in the IPS, the application does not actually include any affordable units and for this reason the development does not meet the requirements of current policy.

Heritage

There is a Grade II Listed building adjacent to the site and in the original submission no Heritage Assessment had been submitted. This information has now been provided and an update on the impact on this heritage asset will be provided to Members prior to the meeting.

Amenity

Whilst the submitted layout plan is indicative only, it does demonstrate that six dwellings could be accommodated within the site and they would meet the minimum separation distances and be able to provide adequate private amenity space.

In order protect the amenity of neighbouring properties, should permission be granted, a condition relating to piling operations should be imposed.

Response to Observations

The representations of the members of the public have been given careful consideration in the assessment of this application including and the issues raised are addressed within the individual sections of the report including the impact on the green belt, amenity and privacy. The matter of disturbance to the neighbouring cattery is not something that could form a reason for refusal of the application. These issues have all been weighed in the planning balance.

Conclusion – The Planning Balance

The site is situated within the South Cheshire Green Belt and is currently in use as horticulture. It therefore does not fall within the definition of previously developed land and housing on the site would be unacceptable in principle.

Subject to conditions, the proposal is considered to be acceptable in terms of its impact upon amenity, landscape, trees and design. However the development is unacceptable in principle due to it representing inappropriate development within the Green Belt and there is insufficient information relating to the provision of affordable housing. The development is therefore recommended for refusal.

RECOMMENDATION

Refuse for the following reason:

- 1. The proposed residential development, by virtue of its location within the South Cheshire Green Belt is inappropriate development and no very special circumstances have been demonstrated to indicate why the development should be approved. The proposal is therefore contrary to Policies PS7 and H6 of the adopted Congleton Borough Local Plan First Review 2005 and the requirements of the National Planning Policy Framework.**
- 2. Local Planning Authority considers that insufficient information has been submitted in relation to affordable housing provision of the site. In this case there no detail in relation to the proportion of affordable housing on the site, tenure proposals for the affordable units including the arrangements for transfer to a Registered Provider, provisions for the units to be affordable in perpetuity and confirmation that the affordable homes to be let or sold to people who are in housing need and have a local connection. As a result it is not considered that the proposal would create a sustainable, inclusive, mixed and balanced community and would be contrary to the Interim Planning Policy on Affordable Housing and Policy H13 (Affordable Housing) of the adopted Congleton Borough Local Plan First Review 2005 and the National Planning Policy Framework.**

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) has delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

