

Application No: 15/5846C

Location: TALL ASH FARM TRIANGLE, BUXTON ROAD, CONGLETON,
CHESHIRE, CW12 2DY

Proposal: Construction of three new residential dwellings (Resubmission of
Application Reference 12/4082C)

Applicant: Mr Peter Hudson

Expiry Date: 29-Feb-2016

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, there is a presumption against the proposal unless material considerations indicate otherwise.

Paragraph 49 of the NPPF states that 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 and that where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development

It is therefore necessary to make a free-standing assessment as to whether the proposal constitutes “sustainable development” in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

In this case, the development would provide positive planning benefits such as; the provision of a market dwelling in a sustainable location and the knock-on minor local economic benefits such a development would bring.

Balanced against these benefits must be the dis-benefits, which in this case would be the loss of open countryside.

In this instance, is considered that the benefits of the scheme would outweigh the dis-benefits.

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits. Accordingly it is recommended for approval.

RECOMMENDATION

APPROVE subject to conditions

PROPOSAL

Full Planning permission is sought for the erection of 3 detached dwellings.

The application is a identical re-submission of 12/4082C which was granted by Cheshire East Council on the 19th February 2013, and therefore expired on the 19th February 2016.

SITE DESCRIPTION

This application relates to a triangular shaped field on the southern side of Buxton Road (A54), Congleton within the Open Countryside.

RELEVANT HISTORY

12/4082C - Construction of three new residential dwellings (Resubmission of Application Reference 12/0106C) – Approved 19th February 2013

12/0106C - Construction of Three New Residential Dwellings – Withdrawn 15th February 2012

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; 17 – Core planning principles, 47-50 - Wide choice of quality homes and 56-68 - Requiring good design

Development Plan

The Development Plan for this area is the 2005 Congleton Borough Local Plan, which allocates the site, under Policy PS4, as town.

The relevant Saved Policies are;

PS8 – Open Countryside, GR21- Flood Prevention, GR1- New Development, GR2 – Design, GR3 - Residential Development, GR4 – Landscaping, GR5 – Landscaping

GR9 - Accessibility, servicing and provision of parking, GR14 - Cycling Measures
GR15 - Pedestrian Measures, GR16 - Footpaths Bridleway and Cycleway Networks, GR17 - Car parking, GR18 - Traffic Generation, NR4 - Non-statutory sites, NR5 – Habitats, H2 - Provision of New Housing Development, H6 - Residential Development in the Open countryside, H13 - Affordable Housing and Low Cost Housing, RC2 – Protected Areas of Open Space

Supplementary Planning Note 2 (Private Open Space)

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

PG5 – Open Countryside, SC4 – Residential Mix, CO1 Sustainable Travel and Transport, CO4 – Travel Plans and Transport Assessments, SC5 – Affordable Homes, SD1 - Sustainable Development in Cheshire East, SD2 - Sustainable Development Principles, SE 1 Design, SE 2 Efficient Use of Land, SE 3 Biodiversity and Geodiversity, SE 4 The Landscape, SE 5 Trees, Hedgerows and Woodland, SE 6 – Green Infrastructure, SE 8 – Renewable and Low Carbon Energy, SE 9 – Energy Efficient Development, SE 13 Flood Risk and Water Management, IN1 – Infrastructure and IN2 – Developer Contributions

CONSULTATIONS

Head of Strategic Infrastructure (HSI) – No objections, subject to the receipt of a revised ‘Site Access Arrangement’ plan and associated Proposed Site Plan (if necessary) demonstrating that a refuse vehicle of a 10.4 metres length can undertake all necessary manoeuvres without impacting the refuge strip on the site entrance approved as part of application 15/2099C

Environmental Protection (Cheshire East Council) – No objections, subject to a condition seeking the prior submission of a piling method statement and informatives relating to; hours of construction, hours of piling and contaminated land

Housing (Cheshire East Council) – No objections, no affordable housing requirement

United Utilities – No comments received at time of report

Countryside Rights of Way – No objections, subject to informatives relating to reminding the applicant of their rights

Ramblers Association – No comments received at time of report

Open Spaces Society – No comments received at time of report

Mid-Cheshire Footpath Society - No comments received at time of report

Congleton Town Council – No objections

REPRESENTATIONS

Neighbour notification letters were sent to all adjacent occupants. In response, 1 letter of objection has been received to date. The main areas of objection are;

- Capacity of local doctors and schools
- Design – Form and appearance of dwelling
- Highway safety

APPRAISAL

The key issues are:

- The sustainability of the proposal (Social, Economic and Environmental Role)
- Other matters
- Planning balance

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”

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.

Accessibility is a key factor of sustainability that can be measured. It was established as part of the previous application (re: 12/4082C) that the application site was sustainably located due to its close proximity to the Congleton Settlement Boundary and its associated public facilities.

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 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;

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

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

Economic and Social Role

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 categories. As such, the development would be a 'departure' and 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. These are considered below.

Housing Land Supply

Following the receipt of the Further Interim Views in December 2015, the Council has now prepared proposed changes to the Local Plan Strategy (LPS), alongside new and amended strategic site allocations, with all the necessary supporting evidence. The proposed changes have been approved at a Full Council meeting held on the 26 February 2016 for a period of 6 weeks public consultation which commenced on Friday 4 March 2016.

The information presented to Full Council as part of the LPS proposed changes included the Council's 'Housing Supply and Delivery Topic Paper' (CD 9.7) of February 2016.

This topic paper sets out various methodologies and the preferred approach with regard to the calculation of the Council's five year housing land supply. From this document the Council's latest position indicates that during the plan period at least 36,000 homes are required. In order to account for the historic under-delivery of housing, the Council have applied a 20% buffer as recommended by the Local Plan Inspector. The topic paper explored two main methodologies in calculating supply and delivery of housing. These included the Liverpool and Sedgfield approaches.

The paper concludes that going forward the preferred methodology would be the 'Sedgpool' approach. This relies on an 8 year + 20% buffer approach which requires an annualised delivery rate of 2923 dwellings.

The 5 year supply requirement has been calculated at 14617, this total would exceed the total deliverable supply that the Council is currently able to identify. The Council currently has a total

shortfall of 5,089 dwellings (as at 30 September 2015). Given the current supply set out in the Housing Topic Paper as being at 11,189 dwellings (based on those commitments as at 30 September 2015) the Council remains unable to demonstrate a 5 year supply of housing land. However, the Council through the Housing Supply and Delivery Topic paper has proposed a mechanism to achieve a five year supply through the Development Plan process.

National Planning Policy Guidance (NPPG) indicates at 3-031 that deliverable sites for housing can include those that are allocated for housing in the development plan (unless there is clear evidence that schemes will not be implemented within five years).

Accordingly the Local Plan provides a means of delivering the 5 year supply with a spread of sites that better reflect the pattern of housing need however at the current time, the Council cannot demonstrate a 5 year supply of housing.

This is a material consideration in support of the proposal.

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 overall impact upon the Open Countryside, a significant consideration is the impact the development would have upon the landscape which is considered within the Environmental section below.

Other economic considerations

It is accepted that the construction of a housing development of this size would bring the usual economic benefit to the closest shops in Congleton 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.

Other social considerations

Residential 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 via 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.

Having regard to this proposal, the residential amenity space provided for the new dwellings would be satisfactory.

The three neighbouring properties to the development site are No.106 Buxton Road, which would be approximately 7.8 metres to the southwest of House No.3, No.93 Buxton Road, which would be approximately 24 metres to the northwest of House No.3 and No.110 Buxton Road which would be approximately 13.8 metres to the east of House No.1.

With regard to the impact upon No.106 Buxton Road, on the side elevation of House No.3, which would be the closest house to this neighbour, there would be a ground floor door to a dining room and a first-floor bathroom window. Between House No.3 and this neighbour at present is a conifer hedge that is approximately 2 metres tall. On the relevant side elevation of No.106 Buxton Road, the only opening is a ground-floor door to a garage.

Due to the 7.8 metre separation distance, the exiting boundary treatment, the offset relationship, it is not considered that this closest proposed property would create any issue with regards to loss of privacy, light or visual intrusion subject to the first-floor windows being obscurely glazed.

With regards to the impact upon No.93 Buxton Road, because the closest proposed unit to this neighbour would be approximately 24 metres away, it is not considered that any amenity issues would be created to this side.

With regards to the impact upon No.110 Buxton Road, on the side elevation of House No.1, which would be the closest house to this neighbour, there is 1 ground window proposed. This window would serve as a secondary sitting room window.

Between House No.1 and this neighbour at present is a hedge and fence approximately 1.2 metres tall. On the relevant elevation (principal elevation) of No.110 Buxton Road are 7 openings. These include 2 first floor windows, 4 ground floor windows and a door. One first floor window serves a bathroom, whereas the other window is a secondary bedroom window. At ground floor level, there is a workshop window, a utility room window, a W.C window, a front door and a dining room window. It is advised within SPG2 that between a flank elevation and a main window, a gap of 13.8 metres should be achieved. This gap is achieved in this instance; furthermore, the most impacted windows on this neighbouring dwelling, the windows that would directly face the flank elevation of House No.1, currently serve a workshop, a utility room and a bathroom, all of which are not considered to be principal habitable rooms. As such, it is not considered that the development would create any issues for this neighbour in terms of loss of privacy or visual intrusion. With regards to loss of light, because the closest dwelling would be to the west of this neighbour, there is potential for a loss of light to be created to this side towards the end of each

day. However, the main habitable windows to the property would be to the southeast of House No.1 and as such, would not be impacted. As a result, it is considered that the proposal would not detrimentally impact this neighbour by reason of loss of light.

There would be no other amenity issues created to any other sides.

In order to protect the amenities of the closest neighbours to the proposal, Environmental Health have proposed a number of conditions including; the prior submission of piling method statement and informatives relating to; hours of piling, hours of construction and contaminated land. Subject to these conditions, it is considered that the development would adhere with Policy GR6 of the Local Plan.

Affordable Housing

There is no affordable housing requirement for this scheme.

Environmental role

Design

Policy GR2 of the Local Plan states that the proposal should be 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 building, choice of materials and external design features

Policies SE1 and SD2 of the Cheshire East Local Plan Strategy – Submission Version, largely reflect the Local Plan policy.

The proposal is for 3 detached, two-storey, 4-bedroom dwellings which would all front onto Buxton Road.

- House 1 would be positioned approximately 19 metres to the south of Buxton Road and would have a footprint of approximately 93 metres squared and would have a hipped roof approximately 8.1 metres in height.
- House 2 would be positioned approximately 19 metres to the south of Buxton Road, would have a footprint of approximately 103 metres squared and would have a part dual-pitched / part catslide roof approximately 7.8 metres in height.
- House 3 would be positioned approximately 7 metres to the south of Buxton Road, would have a footprint of approximately 95 metres squared and would have a dual-pitched roof approximately 7.7 metres in height.

With regards to the scale of the surrounding units, No.106 Buxton Road has a footprint of approximately 95 metres squared, No.93 Buxton Road has a footprint of approximately 76 metres squared and No.110 Buxton Road has a footprint of approximately 124 metres squared. Therefore the range of footprint of the surrounding units is from 76 metres squared to 124 metres squared. As all 3 of the proposed units would fall within this footprint range, the scales of the dwellings are deemed to be acceptable.

All 3 units have a height of 8.1 metres or below. Planning history searches show that No.106 Buxton Road to the west of the site has a height of 9.5 metres and No.110 Buxton Road has a height of approximately 7.5-8 metres. No.93 Buxton road, across the road from the site is a

two-storey property located in an elevated position and No.97 Buxton Road is a split level bungalow. As such, considering this variation in heights in surrounding properties, the heights of the dwellings proposed are considered to be acceptable.

In relation to materials, the specifics of these have not been detailed and as such, should the application be approved, it is recommended that a condition be added to the decision notice requesting that materials be submitted for subsequent approval.

Subject to suitable materials being secured by condition, the proposed layout and design of the development is considered to be in compliance with Policy GR2.

As such, it is considered that the development would be of an acceptable design that would adhere with Policy GR2 of the Local Plan and policies SE1 and SD2 of the Cheshire East Local Plan Strategy – Submission Version.

Highway Safety

The principle and design of the access and parking was previously agreed for this development.

Since the determination of the previous application, an adjacent development has been consented, subject to a s106 agreement for 236 dwellings.

The access drawing for this adjacent application indicates a pedestrian refuge close to the proposed access to this development for three dwellings.

As such, the Head of Strategic Infrastructure (HSI) has advised that he would like to see the access re-tested with an appropriate refuse vehicle for all manoeuvres with the pedestrian refuge in place to ensure that there is not conflict.

In response, the application on the adjacent site has not been granted planning permission yet as the associated legal agreement has not been signed. However, as it is considered that the application site could comfortably accommodate a larger turning head than shown on the submitted plan without any significant knock-on effects, it is recommended that a revised access and layout plan be submitted for prior approval should the application be approved.

As such, subject to this condition, it is considered that the proposal adheres with Policy GR9 of the Local Plan.

Flood Risk and Drainage

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

As part of the previous approval, details of drainage were conditioned for prior approval. Should the application be approved, it is recommended that this condition be re-imposed.

As such, it is not considered that the proposed development would create any significant flooding or drainage concerns, subject to conditions and would adhere with Policies GR20 and GR21 of the Local Plan.

Ecology

The application is supported by an updated protected species.

This has been reviewed by the Council's Nature Conservation Officer who has subsequently advised that he has no objections, subject to a condition ensuring that the bat boxes be erected in accordance with the updated ecological letter (in association with application 12/4082C) prior to the first occupation of the dwellings.

As such, the proposed development is considered to adhere with Policy NR2 of the Local Plan.

Landscape and Trees

The site is situated in open countryside as defined the Adopted Congleton Borough Local Plan and protective policies apply. It is agricultural land, laid to grassland with some lengths of hedgerow on the boundaries. Much of the boundary to Buxton Road is defined by a post and wire fence. The site slopes down to the south from Buxton Road. There are residential properties to the west and south east and a public footpath runs along the southern boundary. There are no significant trees on the site. Currently open views across the site to open countryside beyond are afforded from Buxton Road.

No levels information has been provided and this was added as a condition on the previous application.

The soft landscape proposals on plans 3354 01 and 3354 02 appear reasonable to the Council's Landscape Officer.

It is recommended that further details of the proposed boundary treatment be conditioned for prior approval.

A tree protection condition was imposed on the previous submission. It is recommended that this be re-imposed as part of this application.

Environmental Conclusion

The proposed revised development would be of an acceptable design that would not create any significant issues in relation to highway safety, drainage or flooding, ecology, landscaping or trees subject to conditions.

As such, it is considered that the proposed development would be environmentally neutral.

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, there is a presumption against the proposal unless material considerations indicate otherwise.

Paragraph 49 of the NPPF states that 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 and that where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development

It is therefore necessary to make a free-standing assessment as to whether the proposal constitutes “sustainable development” in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

In this case, the development would provide positive planning benefits such as; the provision of a market dwelling in a sustainable location and the knock-on minor local economic benefits such a development would bring.

Balanced against these benefits must be the dis-benefits, which in this case would be the loss of open countryside.

In this instance, is considered that the benefits of the scheme would outweigh the dis-benefits.

It should also be noted that this proposal has previously benefitted from planning permission and the planning policy framework of relevance is unchanged from 2013. This is a very important material consideration to which significant weight should be attached.

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits. Accordingly it is recommended for approval.

RECOMMENDATION

APPROVE subject to conditions

- 1. Time (Standard)**
- 2. Plans**
- 3. Materials**
- 4. Hours of construction**
- 5. Hours of piling**
- 6. Piling method statement**
- 7. Prior submission and approval of site compound position**
- 8. Landscaping (details)**
- 9. Landscaping (Implementation)**
- 10. Boundary treatment**
- 11. Obscure glazing (House 3 – First Floor bathroom window on western elevation)**
- 12. Construction management plan**
- 13. Drainage**
- 14. Levels**
- 15. Tree protection**
- 16. Incorporation of bat features**

17. Prior submission/approval of revised site access plan/site plan showing larger turning head

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 their absence the Vice Chair) of the 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.

