

Application No: 14/4339M

Location: THE QUEENS ARMS, LEEK ROAD, BOSLEY, SK11 0NX

Proposal: Construction of 5 no. housing units for social housing (re-submission 14/1355M)

Applicant: Neil Findlay, Punch Taverns PLC

Expiry Date: 13-Nov-2014

SUMMARY: The application site lies with an area designated as Countryside beyond the Green Belt as determined by the Macclesfield Borough Council Local Plan.

Within such locations, there is a presumption against development unless the development falls into one of a number of categories as detailed in Local Plan Policy GC5 and GC6. The proposed development does not fall within any of the listed categories as such, it constitutes a 'departure' from the development plan and therefore 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 affordable housing and a minor boost to the local economy.

The negatives for the site are the generally unsustainable location and will have some impact on the setting of the listed building in the countryside.

However it is not considered that the negative impacts caused in terms of environmental sustainability on the Countryside, and fairly unsustainable location outweigh the positive benefits identified, in allowing social housing in area of need, and increasing the Housing Land Supply.

No issues with regards to neighbouring amenity, landscape, trees, highways or ecology, would be created.

As such, the development is recommended for approval.

RECOMMENDATION: APPROVE Subject to Section 106 Agreement and conditions
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PROPOSAL:

The proposal is for the construction of 5no. 2 bedroom terraced properties, one building, within the former car parking area associated with The Queen's Arms, Bosley. The proposal includes 100% social housing.

SITE DESCRIPTION:

The application site comprises an informal car parking area for the Queens Arms Public House adjacent to the existing beer garden area with open fields to the rear. The site is screened from the road by a row of trees.

The application site is situated within Bosley which is a settlement designated as being Countryside beyond the Green Belt and an Area of Special County Value. The application site lies within a cluster of Listed Buildings, including the Grade II* Listed Saint Mary's Church on the opposite side of the road, and the Grade II listed The Queens Arms Public House.

RELEVANT HISTORY:

14/4347M - Construction of single 4 bedroom house on disused car park - Refused 2nd September 2015

14/1355M - Construction of 5 terraced mews properties and associated gardens and parking on redundant car park – Withdrawn May 2014

49990P - PROPOSED CAR PARK (20 SPACES) – Approved August 1987

NATIONAL & LOCAL POLICY**National Policy**

National Planning Policy Framework (NPPF)

Local Plan Policy

Macclesfield Borough Local Plan 2004.

The site is located within the designated Countryside Beyond the Green Belt. The relevant policies in the assessment of the application are:

BE1 (Design Guidance)

DC1 (New Build)
DC2 (Design Quality of Extensions and Alterations)
DC3 (Protection of the Amenities of Neighbouring Properties)
DC6 (Circulation and Access)
DC8 (Landscaping)
DC9 (Tree Protection)
DC38 (Space, Light and Housing Guidelines for Residential Developments)
NE11 (Nature Conservation)
H1 (Phasing Policy)
H2 (Environmental Quality in Housing Developments)
H3 (Making the Best Use of Land)
H5 (Windfall Housing Sites)
H9 (Affordable Housing)
GC5, GC6 (Countryside Beyond the Green Belt)

Cheshire East Council Local Plan Submission Version 2014

MP1 – Presumption in Favour of Sustainable Development
SD1 – Sustainable Development in Cheshire East
SD2 – Sustainable Development Principles
SC4 – Residential Mix
SE1 – Design
CO1 – Sustainable Travel and Transport

CONSULTATIONS:

Highways – The Head of Strategic Infrastructure (previously Strategic Highways Manager) had no objection to the original application 14/1355M and has no objection to this resubmission.

Environmental Health – No objection, subject to conditions for Contaminated Land, Hours of construction, piling works and dust

United Utilities – No objections

Canal and River Trust – No Comments to make

PARISH/TOWN COUNCIL REPRESENTATION

Bosley Parish Council have viewed and discussed the plans submitted for the above application and the following comments were made:

- Some of the detail in the Design & Access Statement (D&A statement) is not accurate and is grossly misleading; particularly the relative distances to towns, facilities (shops & schools) & access to public transport. The report states that there is street lighting, which there isn't, the only lighting is from the public house itself and does not provide

light to see across the main road, or beyond the retained car park. Walking to local services is mentioned, but this would not be feasible for the vast majority of services; as the nearest town is Macclesfield (5 miles away - NOT 5 km!) and the nearest Train Station is 8.5 km. One service which is closer than the applicant has noted, is the Primary School about 100m away!

- The Planning Statement also seems to refer to “5 x 3 bed Cottages” whereas the application is for “5 x 2 bed Terraced Houses” – too much cutting & pasting has gone on here and a great deal of the info seems to be a straight copy of the original application 14/1355M.
- The Design & Access Statement also seems to include a sentence which seems totally out of place for this development, page 4 “*The barn already had service connections; these will be split for the two units*” ?!
- The site of the proposal may be within the curtilage of a current property, but Bosley village sits within the area of "Countryside beyond the Green Belt" and as such these new dwellings would not satisfy policy **GC5** in this instance. Even though the application is for “Social Renting”, the application does not refer to any s.106 agreement or reference to affordable shared ownership.
- A Housing Needs Survey should be procured before any Social Renting Housing development is approved. The last survey was a few years ago and showed need for 16 units. This supply has recently been fulfilled by the current development at Boars Leigh, Fold Lane, Bosley. Bosley Parish Council believe there is not sufficient need for a housing development in our small village without further proof of need. 5 houses is a relatively large development – for a village of only 180 houses),
- The D&A statement also indicates that the development would use the mains sewerage system for foul water. Bosley is not served by mains sewerage and any new housing would need a sizeable wastewater treatment facility on site; no area has been set aside for this important facility. Consultation response from United Utilities confirms this “**Drainage Comments** - *Our records show that there are no known public sewers in the vicinity of the proposed development.*”
- Surface water is to be dealt with by "Soakaway", but this is already a regular problem in the vicinity; the main road directly at the entrance to this site floods every time there is significant rainfall - any additional soakaway from houses and hardstanding would only increase this constant problem. The CEC Highways dept. have been contacted regarding this flooding issue on several occasions of the past few years and no permanent solution has been found.
- The application states that the car park is "disused" and was last used 15/9/14. The attached photos taken on 5/10/14 clearly show several cars parked there. There is also anecdotal evidence from villagers who parked on the car park for a Charity Auction on 29/9/14. The car park is regularly used & closing this car park would mean any extra cars for the public house would be parked on the main A523 (an unlit road with only a 40mph limit). The number of cars can often exceed the other car park capacity of 14 for such things as School Concerts, Village Fete, Church Events (the parish church is directly opposite) & the Christmas Band Concert.
- There is a severe lack of amenity space within this development. The private gardens to the rear of each property would not even be big enough for a bicycle shed and patio table. Space for children to play in their own gardens would be very limited. There is no facility for shared outdoor amenity space and the nearest play area is 1Km away at Lakeside. It is also noted that an allocation of 2 car parking spaces per property has been designed. As most rural residents will have 2 cars per family, this leaves no

space for visitor parking. Visitors would be forced to park on the main A523 - causing obstruction to the general traffic flow and adding to those using the pub & already parked on the road.

- The visual character of the proposed housing development does not fit well within the area of this site. Adjacent properties include 3 listed buildings, farm and farm cottages dating back over 200 years and overall this area of the village is of great historical value in it's appearance (policy **DC2**). These proposed properties would be incongruous in the local landscape especially as the proposal indicates the removal of a significant number of mature and semi-mature trees. To the rear of the properties their appearance would be most pronounced and would be clearly visible from the footpaths around Bosley Reservoir. Policies **NE1 & NE2** refer to our landscape character.
- As the development sits on a raised site above the road and other properties, it's elevated position and subsequent high roofline would be obtrusive to the neighbours and would need to be restricted to balance with other properties on the opposite side of the public house. This amendment would help retain the farm cottage appearance of the locality. Policy **DC3** should be considered.
- The Council feel that this development, along with additional planning applications recently approved, would prove unsustainable for the infrastructure of our small village (e.g. school places/ public transport/ amenity space). We have to be careful that rapid growth is not detrimental to the overall rural aspect of Bosley.

Bosley Parish Council would recommend that the Planning Officer **REFUSES** permission for this application.

OTHER REPRESENTATIONS

Letters of objection have been received by 4 residences. The main issues raised are;

- Concern raised over consultations
- Any development on the site would have an adverse impact on the village
- Concerns over the future development of the site
- Car park is not redundant and is used by the church, generally by the village, car dealer, the pub, marquees
- Loss of car park would be the loss of an amenity afforded to the town
- Impact on ecology
- Highways safety impact
- Drainage in the area is poor
- Visual impact on The Old Vicarage
- Agent has twin tracked the applications to enable one approval on the site
- Plans are not sympathetic to the area
- The current sewage system is insufficient to cope with additional usage
- Inconsistencies within the Design and Access Statement in regards to the sustainability of the site
- There is no mains sewerage, no mains gas and no street lights. Incorrect distances are quoted to neighbouring towns and amenities.

- Has a need for social housing been proven?
- Has the current proposal been considered within the Bosley Pariah Plan?
- Site is on elevated land and therefore will be higher than surrounding properties
- Already enough housing proposals in the Bosley area

OFFICER APPRAISAL

Principle of Development

The site lies within the Countryside beyond the Green Belt in the adopted Macclesfield Borough Local Plan (2004). Policies GC5, and GC6 are particularly relevant. Policy GC5 gives a presumption against development unless it is essential for agriculture, forestry, outdoor recreation or for other uses appropriate to a rural area. Policy GC6 gives further details of development that will be allowed and indicates that new dwellings are acceptable if they are required for a person engaged full time in agriculture, forestry or other rural enterprise appropriately located in the countryside, and a location in the countryside is essential for the efficient working of the enterprise etc.

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

In the absence of a 5-year housing land supply, the Local Planning Authority 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 conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply.

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.

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”

In order to assess whether or not residential development of this site would be sustainable, there is a toolkit which was developed by the former North West Development Agency. With respect to accessibility, the toolkit advises on the desired distances to local amenities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. This suggests that new developments should meet the following:

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

It is considered that Bosley is limited in terms of public services and facilities that are available. With the exception of a pub, village hall, church and primary school the nearest facilities are located in either Macclesfield or Congleton Town Centres. Public transport options are limited to a bus service, which runs between the neighbouring Market Towns of Leek, Macclesfield, Congleton and Buxton.

It is evident therefore that essential facilities are not readily accessible and therefore the site is clearly less sustainable than a town centre location. It is considered that the proposals meet only a few of the above criteria.

As a result the site is considered to lie within an unsustainable location.

There are, however, three dimensions to sustainable development: 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; and

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

SOCIAL SUSTAINABILITY

Amenity

The application site is situated over 90m away from the closest residential property and would lie 17m away from the adjacent public house, however would lie adjacent to the public house beer garden. It is considered unlikely that the proposed development would have detrimental impact on neighbouring amenity.

The proposed site plan appears to show a suitable level of private amenity space afforded to each property and overall a commensurate degree of space, light and privacy would remain to the neighbouring properties and the development would comply with policies DC3, DC38.

Environmental Protection have requested conditions for Contaminated Land, Hours of construction, piling works and dust and it is considered that all except the Hours of Construction condition are reasonable. Construction Hours are covered under a separate legislation and therefore this will form an informative to any approval.

Affordable housing

The site is located in Bosley so the affordable housing need for the Parish has been considered.

For the purposes of the Strategic Housing Market Assessment (SHMA) Update 2013 Bosley is located in the Macclesfield Rural sub-area. The SHMA Update 2013 shows that for this sub-area there is a requirement for 59 new affordable units per year between 2013/14 – 2017/18, made up of a need for 9 x 1 bed, 6 x 2 bed, 23 x 3 bed, 11 x 4+ bed and 2 x 1 bed & 8 x 2 bed older persons accommodation.

A rural housing needs survey was carried out in 2013 for the Bosley Parish. The survey was conducted by sending out a questionnaire to all the households in the Bosley Parish. 169 questionnaires were sent out to households in the Parish and 75 were returned, giving a return rate of 44%. The survey established that there were 8 hidden households in Bosley, and that there are 3 people who left the Bosley Parish and would wish to return if there was cheaper housing available. The Bosley Rural Housing Needs Survey 2013 has identified that there is a need for at least 11 new affordable homes in the Bosley Parish.

In addition to this information taken from the SHMA Update 2013 and the Rural Housing Needs Survey Cheshire Homechoice is used as the choice based lettings method of allocating social and affordable rented accommodation across Cheshire East. There are currently 3 applicants who have selected Bosley as their first choice. These applicants have indicated they need 2 x 1 beds, 2 x 2 beds and 1 x 3 bed. A potential reason for the low number of applicants who have selected Bosley as their first choice would be that there are a low number of existing social/affordable rented properties in Bosley.

Taking account of the above there is need for affordable housing in the Bosley Parish and the Macclesfield Rural sub-area from the SHMA.

The Interim Planning Statement on Affordable Housing (IPS) states in section 3 states: -

Monitoring has shown that in settlements of less than 3,000 population the majority of new housing has been delivered on sites of less than 15 dwellings. The council will therefore negotiate for the provision of an appropriate element of the total dwelling provision to be affordable housing on all unidentified 'windfall' sites of 0.2 hectares or 3 dwellings or more in all settlements in the rural areas with a population of less than 3,000 population. The exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion for any site will normally be 30%. This proportion includes the provision of social rented and/or intermediate housing as appropriate.

The village of Bosley has a population of below 3,000 and as such the threshold highlighted above will apply and 30% affordable housing will be required on this site. In line with the IPS the affordable housing should be 65% rented and 35% intermediate tenure, which for this development would equate to 3 rented and 2 intermediate.

Our preference is that the affordable housing is secured by way of a S106 agreement, which:

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- requires them to transfer any rented affordable units to a Registered Provider
- provide details of when the affordable housing is required
- includes provisions that require the affordable homes to be let or sold to people who are in housing need and have a local connection. The local connection criteria used in the agreement should match the Councils allocations policy.
- includes the requirement for an affordable housing scheme to be submitted prior to commencement of the development that includes full details of the affordable housing on site.

ENVIRONMENTAL SUSTAINABILITY

Landscape and Trees

The development site is contained by a hedge and trees to the front and sides with a relatively open view of the countryside to the rear. The Councils Tree Officer has considered the proposal and notes the development footprint including the detailed courtyard parking requires the removal of a number of low value trees which form part of the A523 road frontage.

None of those identified for removal are considered worthy of formal protection, with the more significant specimens located off site able to be protected in accordance with current best practice BS5837:2012.

Furthermore, post development the plans show an adequate space has been established to mitigate any issues of social proximity and nuisance. Subject to a condition for a Tree Protection measures the development is considered to be acceptable.

Ecology

The Council's Ecology Officer has considered the proposal and he does not anticipate there being any significant ecological issues associated with the proposed development.

Design

The proposal site is to the south east of one grade II Listed Building (The Queens Arms Public House) and one grade II* listed buildings (Saint Mary's Church) and represents new build along this main road, which introduces a new built form in this predominantly rural setting.

The proposed dwellings will be sited to the rear of the site with a parking courtyard to the front of the site, still set back from the road frontage with landscaping as a buffer. The proposed building is of a traditional design which is keeping with the surrounding dwelling.

This proposed development will affect the openness of the setting of the listed building however this proposal represents a better visual impact than previous schemes and is not out of character with other property in the area.

With the additional of several controlling conditions in relation to materials to be used it is considered that the harm to the setting of the listed building is limited and the development although will have some increased impact on the character and appearance of the streetscene will not unduly harm the setting or character of the area to warrant refusal.

Strategic Highways

The Strategic Highways Officer has considered the proposal and have raised no objections to the proposal on grounds of access or parking. It is therefore considered to be suitable for the proposed development.

ECONOMIC SUSTAINABILITY

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

PLANNING BALANCE AND CONCLUSION

The application site lies within an area designated as Countryside beyond the Green Belt as determined by the Macclesfield Borough Council Local Plan.

Within such locations, there is a presumption against development unless the development falls into one of a number of categories as detailed in Local Plan Policy GC5 and GC6. The proposed development does not fall within any of the listed categories as such, it constitutes a 'departure' from the development plan and therefore 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.

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However it is not considered that the negative impacts caused in terms of environmental sustainability on the Countryside, and fairly unsustainable location do not outweigh the positive benefits identified, in allowing social housing in area of need, and increasing the Housing Land Supply.

No issues with regards to neighbouring amenity, landscape, trees, highways or ecology, would be created.

As such, the development is recommended for approval.

RECOMMENDATIONS

APPROVE Subject to Section 106 agreement and conditions:

Heads of Terms

Secure 100% affordable units

- **requires them to transfer any rented affordable units to a Registered Provider**
- **provide details of when the affordable housing is required**

- includes provisions that require the affordable homes to be let or sold to people who are in housing need and have a local connection. The local connection criteria used in the agreement should match the Councils allocations policy.
- includes the requirement for an affordable housing scheme to be submitted prior to commencement of the development that includes full details of the affordable housing on site.

1. A03FP - Commencement of development (3 years)
2. A02EX - Submission of samples of building materials
3. A01AP - Development in accord with approved plans
4. A10EX - Rainwater goods
5. A17EX - Specification of window design / style
6. A19EX - Garage doors
7. A20EX - Submission of details of windows
8. A23GR - Pile Driving details to be submitted
9. Phase 1 contaminated land survey to be submitted
10. Scheme to control dust to be submitted

