

Application No: 21/5953C

Location: Land Off, READES LANE, CONGLETON

Proposal: Outline planning approval for a proposed erection of single, two storey, 3 bedroomed dwelling house.

Applicant: Mr Richard Winnington

Expiry Date: 08-Apr-2022

## **SUMMARY**

The application site lies within the Green Belt and represents inappropriate development which causes harm to the openness of the Green Belt. No very special circumstances have been identified and the proposal is contrary to Policy PG3 of the CELPS and the NPPF.

Insufficient information has been provided to identify how the proposal will either conserve or enhance the quality of the designated landscape or the Peak Park Fringe area. As a result, the proposal is contrary to Policies SE4 and SE15 of the CELPS.

The application is in outline form and the matters of residential amenity and access will be determined at a later date. There is no reason why an acceptable solution could not be achieved at the Reserved Matters stage.

There is not considered to be any conflict with the Development Plan Policies in terms of the impact upon trees, ecology or drainage.

## **RECOMMENDATION**

### **REFUSE**

## **REASON FOR REFERRAL**

This application is referred to Southern Planning Committee at the request of Cllr Moreton for the following reason;

*'The proposed is for development on Greenbelt land and outside the Congleton settlement boundary. It is against PG3iv and PG3iii polices and does not offer a very special circumstance to allow the development to be approved'*

## **PROPOSAL**

Outline planning permission is sought to erect a single dwelling on land to the northern side of Reades Lane.

Scale is to be determined at this stage with all other matters reserved.

## **DESCRIPTION OF SITE AND CONTEXT**

The application site is a rectangular parcel of land which is located to the northern side of Reades Lane. The site lies outside the settlement boundary and within the Green Belt and the Peak Park Fringe.

The site is set at a higher level to Reades Lane, with a retaining stone wall and hedgerow forming the boundary to Reades Lane. There are a number of trees to the boundaries of the site.

There are residential properties to the north-west and south, with a field access to the south-east and agricultural land to the north.

## **RELEVANT HISTORY**

16227/3 - Agricultural access – Refused 27<sup>th</sup> September 1984

## **POLICIES**

### **Cheshire East Local Plan Strategy (CELPS)**

PG 3 Green Belt  
PG 6 Open Countryside  
SD 1 Sustainable Development  
SD 2 Sustainable Development principles  
SC 4 Residential Mix  
IN 1 Infrastructure  
IN 2 Developer Contributions  
SE1 Design  
SE 2 Efficient use of land  
SE 3 Biodiversity and Geodiversity  
SE 4 The Landscape  
SE 5 Trees hedgerows and woodlands  
SE 6 Green Infrastructure  
SE12 Pollution, Land Contamination and Land Instability  
SE 15 Peak Park Fringe  
CO 2 Enabling business growth through transport infrastructure

Appendix C – Parking Standards

Cheshire East Design Guide SPD

## **Congleton Local Plan (CLP)**

PS7 Green Belt  
PS8 Open Countryside  
PS9 Areas of Special County Value  
NR3 Habitats  
NR4 Non-Statutory Sites  
GR6-GR7 Amenity and Health  
GR9-GR10 – Accessibility, Servicing and Parking Provision  
GR14 Cycling Measures  
GR15 Pedestrian Measures  
GR18 Traffic Generation

## **Neighbourhood Plan**

The Congleton Neighbourhood Plan was withdrawn on 22<sup>nd</sup> May 2019 and can be given no weight.

## **National Guidance**

National Planning Policy Framework

## **CONSULTATIONS (External to Planning)**

**Strategic Highways Manager:** No objection.

**United Utilities:** General advice provided.

**Environmental Health:** No objection subject to conditions for electrical vehicle infrastructure and low emission boilers.

## **VIEWS OF THE TOWN COUNCIL**

**Congleton Town Council:** Reject due to;

- Building on greenbelt not justified by any of the legitimate exceptions
- Highway/access issues due to difference in levels between the site and the road

## **OTHER REPRESENTATIONS**

Letters of objection have been received from 12 households which raise the following points;

- The site is within the Green Belt
- The road is dangerous and narrow at this point
- The loss of the pavement would be bad for pedestrians
- There is a high level of traffic accidents on Reades Lane
- The access is near to a blind bend on the brow of a hill
- Construction work will block passage of traffic and the pavement
- Disruption caused by parked contractors vehicles
- Difficulty exiting the proposed driveway with a high risk of collusion
- The development is out of place occupying an elevated position with no synergy to adjoining properties

- There is no pavement to the opposite side of Reades Lane
- Increased risk of traffic accidents
- Speeding vehicles along Reades Lane
- Parking blocks the pavement which is narrow
- Two parking spaces is not sufficient to serve the proposed dwelling
- Impact upon wildlife on this site
- Loss of trees and hedgerows
- Negative impact upon the character and appearance of Reades Lane
- Previously been advised that planning permission would not be granted on this site
- Concern over the loss of boundary treatment from a security point of view
- Loss of light
- The driveway at the adjacent dwelling is too dangerous to use
- The description of development is misleading
- The site is in a prominent location on the outside of a bend. The eastern elevation would be very prominent and would require a reinforced bank.
- Privacy issues as the dwelling would be set at a higher level to those opposite
- Concerns that the highways officer has not objected to the application
- Congleton is already providing thousands of new homes
- Approving the development will set a precedent
- It is difficult to use the driveways opposite the site
- The construction of the dwelling will require substantial excavations and retaining walls to be constructed

## **OFFICER APPRAISAL**

### **Principle of Development**

The application site is situated within the Green Belt as defined by the Development Plan.

Within the Green Belt, planning permission will not be granted for inappropriate development except in very special circumstances. The construction of new buildings is inappropriate in the Green Belt unless it meets a number of exceptions as outlined at paragraph 149 of the NPPF and within Policy PG3 (point 3).

CLP Policy PS7 sets allows for new dwellings in accordance with policy H6 and controlled infilling within those settlements identified in policy PS7 in accordance with policy H6. In this case Policy H6 has been deleted and the weight which can be applied to this policy is reduced.

Policy PG3 point 3v allows for limited infilling of villages and this is repeated within the NPPF at paragraph 149e. Policy PG3 point 3vi allows for limited infilling of previously developed sites and this is repeated within the NPPF at paragraph 149g.

### Limited Infilling

There is no definition of 'village' or 'limited infilling' within the Framework or the CELPS.

The application site is located on the edge of Congleton which is a Key Service Centre. Within Congleton there are substantial housing allocations within the CELPS, as well as other windfall sites which may

come forward within the settlement boundary. On this basis the site is not considered to form part of a village.

The site is located between a terrace of traditional two-storey dwellings to the north-west and a much larger dwelling known as 'The Old Vicarage' to the south-east. The terraced dwellings are positioned in close proximity to the back of the pavement and are only slightly higher than the road. There is a gap of 50m between the gable of the end-terraced unit (Hawthorne Cottage) and the curtilage boundary of 'The Old Vicarage'.

The application site is located at an elevated position with stone wall and hedgerow forming the front boundary to the site, to the south-east is the retained field access and with 'The Old Vicarage' beyond. In terms of 'The Old Vicarage' this is a substantial dwelling set back from the road within a large plot, there is mature tree/vegetation cover to the front boundary and 'The Old Vicarage' is not easily visible from Reades Lane.

To the opposite side of Reades Lane is a group of terraced and detached dwellings facing towards the application site. These properties have low boundary treatment and are generally at the same level as Reades Lane.

The proposal is not considered to represent 'limited infilling' as when viewed from Reades Lane the gap is large and includes a retained field access, the positioning and landscaping to the front boundary of 'The Old Vicarage' means that the proposal does not read as being directly adjacent to that site or as a built-up frontage. Having regard to the location of the site and the characteristics of the area, the site would not constitute infill.

### Previously Developed Land

The application site is unusual in that it appears to have once been used as domestic curtilage. It is separated from Hawthorne Cottage and the field by boundary treatment and there is a pedestrian gate providing access from the pavement off Reades Lane. There are remnants of garden planting on the site as well as a tarpaulin fixed to the ground on part of the site. The aerial photographs dating from 1999-2003, 2010 and 2015-17 also appear to show the site as separate from Hawthorne Cottage and the surrounding field.

As noted above Policy PG3 point 3vi allows for limited infilling of previously developed sites as does the NPPF at paragraph 149g.

The definition of previously developed land (PDL) only includes land in built-up areas such as private residential gardens, parks, recreation grounds and allotments. As the site is within the Green Belt it is not within a 'built-up' area and is not excluded from the definition of PDL.

### Openness

The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

The proposal would result in the development of a dwelling, associated hardstanding and parking on land which is presently open and largely free of any built development. The proposal would result in a spatial loss of openness.

The development would increase the site's visibility from the Reades Lane on an elevated site. The siting of the dwelling together with the access arrangements would lead to a loss of visual openness.

It is considered that there would be an adverse impact upon openness (from the dwelling, parking areas, curtilage and boundary treatment), which would be exacerbated by the prominence of the site and the change in land levels.

As the proposal would have a greater impact on the openness of the Green Belt than the existing site, it would not meet the exception criteria set out at paragraph 145g of the NPPF or Policy PG3vi.

As a result, the proposal represents inappropriate development.

### Very Special Circumstances

Within the Green Belt, planning permission will not be granted for inappropriate development except in very special circumstances. In this case no very special circumstances have been demonstrated and the proposal is contrary to Policy PG3 of the CELPS and the NPPF.

### **Housing Land Supply**

The Cheshire East Local Plan Strategy was adopted on the 27<sup>th</sup> July 2017 and forms part of the statutory development plan. The plan sets out the overall strategy for the pattern, scale and quality of development, and makes sufficient provision for housing (36,000 new dwellings over the plan period, equating to 1,800 dwellings per annum) in order to meet the objectively assessed needs of the area.

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted.

The National Planning Policy Framework (NPPF) identifies the circumstances in which relevant development plan policies should be considered out-of-date. These include:

- Where a local planning authority cannot demonstrate a five year supply of deliverable housing sites (with appropriate buffer) or:
- Where the Housing Delivery Test Measurement 2020 indicates that the delivery of housing was substantially below (less than 75% of) the housing required over the previous three years.

In accordance with the NPPF, the council produces an annual update of housing delivery and housing land supply. The council's most recent Housing Monitoring Update (base date 31 March 2019) was published on the 7<sup>th</sup> November 2019. The published report confirms a deliverable five year housing land supply of 7.5 years (17,333 dwellings). While it is acknowledged that these findings have been subject to recent challenge in the recovered appeal 'Land off Audlem Road/ Broad Lane, Stapeley, Nantwich'<sup>1</sup>, in his decision letter dated the 15<sup>th</sup> July 2020, the Secretary of State confirms that the council can demonstrate a deliverable housing land supply well in excess of 5 years.

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<sup>1</sup> APP/R0660/A/13/2197532 & APP/R0660/A/13/2197529

The 2020 Housing Delivery Test Result was published by the Ministry of Housing Communities and Local Government on the 19 January 2021 and this confirms a Cheshire East Housing Delivery Test Result of 278%. Housing delivery over the past three years (8,421 dwellings) has exceeded the number of homes required (3,030). The publication of the HDT result affirms that the appropriate buffer to be applied to the calculation of housing land supply in Cheshire East is 5%.

In the context of five year housing land supply and the Housing Delivery Test, relevant policies concerning the supply of housing should therefore be considered up-to-date and consequently the 'tilted balance' at paragraph 11 of the NPPF is not engaged.

### **Locational Sustainability**

Policy SD2 outlines a checklist of key amenities which a development should be within the distances to be considered a sustainable location.

The site lies just beyond the settlement boundary for Congleton and there is a pavement on this side of Reades Lane heading into the settlement. In this case a site 160m to the west within the settlement boundary was recently found to be locationally sustainable for a development of 3 dwellings (21/1156C). On this basis the same conclusion has to be applied to this site.

### **Highways Implications**

The proposal is for a single dwelling with off-road parking and a new access off Reades Lane. Access and layout are not being determined at this stage.

The Highways Officer has stated that access visibility may be limited and should be considered by the applicant if a future reserved matters application is applied for, and improvements may be possible by removing all the high frontage boundary or relocating the access (this has design/landscape implications which are discussed below).

### **Design/Landscape**

Policy SE1 of the CELPS advises that the proposal should achieve a high standard of design and wherever possible, enhance the built environment. It should also respect the pattern, character and form of the surroundings. There are also further references to design within policies; SD1, SD2 and SE3 of the CELPS.

Scale is to be determined at this stage and the provision of a two-storey dwelling would not appear out of character given that the surrounding dwellings are all two-stories in height.

The site is located within the Peak Park Fringe Landscape Designation (formerly known as an Area of Special County Value) and is the subject of Policies SE4 and SE15 of the CELPS. Policy SE15 states that development that would affect the setting of the Peak District National Park will be resisted where it compromises the statutory designation and purposes of the National Park.

Policy SE4 requires that all development will conserve and enhance the quality of the landscape and protect it from development which is likely to have an adverse effect on its character and appearance and setting.

It is not clear from the submitted information how the proposed development will either conserve or enhance the quality of the designated landscape or the Peak Park Fringe area. Given the land level changes on the site the development is likely to require level changes, engineering solutions, formation of the access, retaining structures and visibility splays consequently the proposals are contrary to policies SE4 (The Landscape) and SE15 (Peak District National Park Fringe).

## **Amenity**

In this case the Congleton Borough SPG requires the following separation distances:

21.3 metres between principal elevations

13.8 metres between a non-principal and principal elevations

It should also be noted that the recently adopted Cheshire East Design Guide SPD also includes reference to separation distances and states that separation distances should be seen as a guide rather than a hard and fast rule.

Figure 11:13 of the Design Guide identifies the following separation distances;

21 metres for typical rear separation distance

18 metres for typical frontage separation distance

12 metres for reduced frontage separation distance (minimum)

Hawthorne Cottage has three windows to its side elevation facing the site (a kitchen at ground floor and a bathroom and bedroom window at first floor). Based on the indicative plan there would be a separation distance of 14.5m between the side elevation of Hawthorne Cottage and the side elevation of the proposed dwelling. This complies with the standards set within the SPG.

To the south the indicative plan shows a separation distance of 23m to the front elevation of the dwellings opposite. This exceeds the separation distances set out within the SPG and even with the associated level differences the relationship is considered to be acceptable.

There is no reason that an acceptable solution could not be secured at the Reserved Matters stage to protect the residential amenities of the surrounding dwellings. The proposed development is considered to comply with Policy GR6 of the CLP.

## **Air Quality**

Whilst this scheme itself is of a small scale, and as such would not require an air quality impact assessment, there is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality. Conditions can be imposed to safeguard air quality.

## **Trees**

The Reades Lane boundary is bordered by a privet hedge colonised with Elder and Ivy which is located at a slightly raised level above the level of the footpath and road.

Several closely spaced, established Cypress are located along the southwestern boundary of the site. Two mature Hawthorn and a young Oak appear to be located on the northeastern boundary. The trees on the site are not considered to be of sufficient quality or Arboricultural significance to be considered



worthy of formal protection. None of the supporting information has indicated the location of existing trees but given the existing levels on site, its anticipated that the loss of trees is likely to be necessary to accommodate any future proposal.

Should this application be approved, any future reserved matters application should clearly indicate the position of existing trees on the existing and proposed site plans to ensure that appropriate levels of mitigation are provided. Subject to the imposition of this condition the proposal would comply with Policy SE5 of the CELPS.

## **Ecology**

### Breeding Birds

If planning consent is granted, a condition could be imposed to safeguard breeding birds.

### Ecological Enhancement

Local Plan Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity. This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development in accordance with this policy. If planning permission is granted a condition could be imposed to secure the submission of an ecological enhancement strategy.

## **Drainage**

The application site is in Flood Zone 1 and conditions could be imposed in relation to drainage on this site.

## **CONCLUSIONS**

The application site lies within the Green Belt and represents inappropriate development which cause harm to the openness of the Green Belt. No very special circumstances have been identified and the proposal is contrary to Policy PG3 of the CELPS and the NPPF.

Insufficient information has been provided to identify how the proposal will either conserve or enhance the quality of the designated landscape or the Peak Park Fringe area. As a result, the proposal is contrary to Policies SE4 and SE15 of the CELPS.

The application is in outline form and the matters of residential amenity and access will be determined at a later date. There is no reason why an acceptable solution could not be achieved at the Reserved Matters stage.

There is not considered to be any conflict with the Development Plan Policies in terms of the impact upon trees, ecology or drainage.

## **RECOMMENDATION**

**REFUSE for the following reasons;**

- 1. The development is inappropriate development within the Green Belt which would cause harm to openness. No very special circumstances have been identified as part of this application and the proposed development is contrary to Policy PG3 (Green Belt) of the Cheshire East Local Plan Strategy and the NPPF.**
- 2. The site is located within the Peak Park Fringe Landscape Designation and in sufficient information has been provided in terms of how the development that would affect the landscape designation. The development of this site is likely to require level changes, engineering solutions, formation of the access, retaining structures and visibility splays which could all impact upon the landscape designation. The proposed development is contrary to policies SE4 (The Landscape) and SE15 (Peak District National Park Fringe) of the Cheshire East Local Plan Strategy and the NPPF.**

**In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Development Management, 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.**

