

Southern Planning Committee

Updates - 2

Date: Wednesday, 27th April, 2016
Time: 10.00 am
Venue: Council Chamber, Municipal Buildings, Earle Street, Crewe
CW1 2BJ

The information on the following pages was received following publication of the committee agenda.

5. **15/5259C Land to the North of 24, Church Lane, Sandbach: Erection of 12 dwellings for Chelmere Homes Ltd** (Pages 1 - 2)
6. **16/0574C Land East of Rushcroft, Congleton Road, Sandbach: Residential Development comprising up to 7No Dwellings for Edward Dale, The Dale Land Trust** (Pages 3 - 6)

Please contact Julie Zientek on 01270 686466
E-Mail: julie.zientek@cheshireeast.gov.uk with any apologies, requests for further information or to arrange to speak at the meeting

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Southern Planning Committee – 27th April 2016

UPDATE TO AGENDA

APPLICATION No.

15/5259C – Erection of 12 dwellings

LOCATION

Land to the North Of, 24, Church Lane, Sandbach

UPDATE PREPARED

25th April 2016

CONSULTATIONS

Flood Risk Manager - No objections, subject to a condition requiring the prior approval of a surface water drainage scheme

OFFICER REPORT

Environmental role

Highways

It should be clarified that the creation of a 30mph zone from the entrance of the site northwards was explored by the Head of Strategic Infrastructure (HSI). However, as the stretch of road considered for a new speed limit needs to be at least 600 metres to qualify, and the section of road considered for this application only measures approximately 150 metres, it was not considered that the creation of a 30mph zone in this instance could be sought.

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).

Both United Utilities and the Council's Flood Risk Officer originally reviewed the submission and advised that he has no objections, subject to conditions. This position has not changed, however, the condition sought by the Council's Flood Risk Officer has changed from; the prior submission/approval of a Flood Risk Assessment, to the prior submission/approval of a surface water drainage scheme.

As condition was already proposed within the Officer's original recommendation, it is proposed that the condition requiring the prior submission/approval of FRA should simply be removed.

Procedural/Administrative Matters

Within the 'Other economic considerations' section of the Officer report, the final sentence mistakenly states '*As such, it is not considered that the proposed development would be economically sustainable*'. This is a typo. This sentence should read '*As such, it is considered that the proposed development would be economically sustainable.*'

It should also be noted that the Secretary of State (SoS) has requested to review the application should the Council seek to approve the application.

Sandbach Neighbourhood Plan (SNP)

As identified in the main report the site is outside of the settlement boundary as identified in the Neighbourhood Plan. **Policy PC3** states that new development will be supported in principle within the policy boundary, but outside of the boundary only a limited number of developments will be permitted. New dwellings are not listed and therefore the scheme would be contrary to SNP policy PC3.

Para 198 of the NPPF states:...Where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted. However this potentially conflicts with the clear advice in the **NPPG** which states that where a five year supply cannot be demonstrated then the policy is 'out of date' and the presumption in favour of sustainable development requires the granting of planning permission, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.

In this situation, when assessing the adverse impacts of the proposal against the policies in the Framework as a whole, decision makers should include within their assessment those policies in the Framework that deal with neighbourhood planning.

This includes paragraph 198 which states that where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted.

Officers recognise this is a finely balanced case. As stated in the main report it is therefore a matter for the decision maker to balance these issues to reach a conclusion on whether permission should be granted as recommended, **or** conclude that although small scale the development should be refused as being contrary to the PC3 of Sandbach Neighbourhood Plan.

Southern Planning Committee – 27th April 2016

UPDATE TO AGENDA

APPLICATION No.

16/0574C – Residential development comprising up to 7No dwellings

LOCATION

Land East of Rushcroft, Congleton Road, Sandbach

UPDATE PREPARED

25th April 2016

CONSULTATIONS

No update

REPRESENTATIONS

No update.

OFFICER REPORT

Principle of Development

Sandbach Neighbourhood Plan (SNP)

The application site is located outside of the settlement boundary, as designated within the SNP. In such locations Policy H1 permits housing development to meet the housing requirement established in the Cheshire East Local Plan through existing commitments, sites identified in the Cheshire East Local Plan (Strategy and Allocations Documents) and windfalls. Policy H5 requires that developments will be required to be in a location which contributes positively to local character and help to meet identified housing needs and have easy access to existing public transport provision and be designed so that they encourage the use of green methods of transportation. Due to the location of the application site on the fringe of Sandbach, located adjacent to the settlement boundary and close to the town centre, it is considered that the policy requirement of H5 is fulfilled.

In the context of the SNP, the NPPG advises that where the Local Planning Authority (LPA) cannot demonstrate a five-year supply of deliverable housing sites, decision makers may still give weight to relevant policies in the emerging neighbourhood plan, even though these policies should not be considered up-to-date.

As such, although weight that can be given to this SNP, at present due to the Council's Housing Land Supply position, this weight is limited and this feeds into the overall planning balance of the proposal.

This matter is further emphasised in light of the Richborough Court of Appeal decision. The judges concluded that paragraph 49 refers to all policies 'affecting' housing land supply in its widest context – this includes any policy which is capable of preventing land from being developed for housing. As such all such housing policies could be considered to be out of date.

However, whereas previously 'out of date' policies have been given little or any weight, it was clear that they are not irrelevant and should be given weight. The judges were clear that it is for the decision maker to consider what weight to give to the competing issues in arriving at a decision.

Policy PC3 states that, within the countryside, only development required for agricultural/forestry operations, replacement buildings, small scale and low impact rural diversification, the conversion/reuse of existing buildings, the expansion of existing buildings, extensions/alterations to existing houses, affordable housing and facilities for sport/recreation will be permitted. The proposed development does not conform with Policy PC3. Although weight can be given to the SNP at present, due to the Council's Housing Land Supply position, this weight is limited and this feeds into the overall planning balance of the proposal. In this circumstance the issue in question is whether this proposal represents sustainable development and whether there are other material considerations associated with this proposal which are a sufficient material consideration to outweigh the fact that the proposal does not conform with policy. As detailed in the Committee Report it is considered that the proposal is acceptable in terms of its impact upon highway safety, amenity, drainage, landscape and ecology. It is considered that the benefits of the scheme would outweigh the dis-benefits and as a result the application is recommended for approval.

As identified above the site, although immediately adjacent, is located outside of the settlement boundary as identified in the Neighbourhood Plan. Policy PC3 states that new development will be supported in principle within the policy boundary, but outside of the boundary only a limited number of developments will be permitted. New dwellings are not listed within the criteria and therefore the scheme would be contrary to SNP policy PC3.

Para 198 of the NPPF states where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted. However this potentially conflicts with the clear advice in the **NPPG** which states that where a five year supply cannot be demonstrated then the policy is 'out of date' and the presumption in favour of sustainable development requires the granting of planning permission, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.

In this situation, when assessing the adverse impacts of the proposal against the policies in the Framework as a whole, decision makers should include within their assessment those policies in the Framework that deal with neighbourhood planning.

This includes paragraph 198 which states that where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted.

Design

As identified in the Committee Report it is considered that the illustrative layout represents an over development of the site that is out of context with the character of the area. These matters are reserved for future consideration, however, it is considered necessary to include a condition on any planning approval which specifically does not accept the indicative scale and layout as proposed in this case. This would allow for a development in keeping with the local character, as opposed to the overtly dense, out of keeping current indicative proposal.

A condition could be imposed to ensure compliance with Policy H2 of the SNP.

Highway Safety

Policy IFT1 of the SNP advises that development should be located in an acceptable location in relation to the existing network with good accessibility. GR9 states that proposals for development requiring access, servicing or parking facilities will only be permitted where a number of criteria are satisfied. These include adequate and safe provision for suitable access and egress by vehicles, pedestrians and other road users to a public highway.

Subject to condition it is considered that the proposal would not create any significant highway safety concerns and adhere with Policy IFT1 of the SNP.

Conclusion

Officers recognise this is a finely balanced case. As stated in the main report it is a matter for the decision maker to balance these issues to reach a conclusion on whether permission should be granted as recommended, **or** conclude that although small in scale the development should be refused as being contrary to the PC3 of Sandbach Neighbourhood Plan.

Recommendation

No change

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