

Strategic Planning Board

Updates

Date:	Wednesday, 11th April, 2012
Time:	10.30 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.

Updates (Pages 1 - 10)

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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Application No: 11/2818N

Location: LAND ON SHEPPENHALL LANE, ASTON

Proposal: ERECTION OF 43 DWELLING HOUSES
(INCLUDING 5 AFFORDABLE DWELLINGS),
CREATION OF NEW ACCESS TO
SHEPPENHALL LANE

Applicant: NEWLYN HOMES LTD

Expiry Date: 15-Nov-2011

UPDATE REPORT – 10th April 2012

Additional Consultation Response

Dodcott cum Wilkesley Parish Council has, met to discuss the revised proposals. As a result, the feedback is as follows:-

1. The Parish Council is encouraged that the Abbey has decided to extend its opening days to visitors & extended its use for Parish Council events in both Newhall & Dodcott-Cum-Wilkesley. However, the Parish Council feel that this is still inadequate and would suggest an additional 6 days on top of the 12 currently being offered . The Parish Council feel that access does not mirror similar arrangements at other grade 1 listed buildings where public funding has been used to maintain the structures.
2. The Parish Council also feel that the costs of entry could be prohibitive unless there is some way of controlling admission prices charged by the Abbey.

Planning Policy

On 27 March 2012 the Government Published its new National Planning Policy Framework, which supercedes the previous national planning guidance as set out in the main committee report, including PPS3 (Housing) and PPS5 (Planning Policy Statement 5: Planning for the Historic Environment)

Paragraph 49 of the NPPF states that:

“Housing applications should be considered in the context of the presumption in favour of sustainable development. 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”

Clearly the above indicates that the Council’s policies in relation to the supply of housing should not be considered up-to-date.

Paragraph 14 of the NPPF provides specific advice for decision makers. It states that where the development plan is “out-of-date” in a particular area, local planning authorities should grant planning permission unless:

- *“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
- *specific policies in this Framework indicate development should be restricted”*

On the later point, it then gives examples as sites protected under the Boards and Habitats Directives, land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park, designated heritage assets and locations at risk of flooding or coastal erosion.

Overall, the above indicates that Council’s should be approving housing schemes except where adverse impacts *“significantly and demonstrably outweigh the benefits”* of approving the scheme.

With regard to enabling development the NPPF states at:

“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as” (inter alia) *“where such development would represent the optimal viable use of an heritage asset or would be appropriate enabling development to secure the future of heritage assets”*

The NPPF goes on to say at paragraph 140:

“Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.”

Officer Comment

With regard to housing land supply, the publication of the NPPF has reinforced the position as set out in the main report in that, because Cheshire East does not have a five year housing land supply, the Council should give favourable consideration to applications for new housing unless *“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits”*.

Similarly, the policy with regard to enabling development is also within the spirit of the previous advice within PPS5 and the English Heritage guidance

(N.B. the latter has not been superseded by the NPPF and remains extant) which states that Local Planning Authorities should assess whether the benefits of a proposal for enabling development, outweigh the disbenefits of departing from established planning policies.

In this case the benefits of the scheme are the restoration of Combermere Abbey, improved public access to the building, 5 units of affordable housing within the rural area and a contribution of 43 dwellings to the 5 year housing land supply. Any adverse impacts in terms of traffic generation and open space provision have been adequately mitigated through financial contributions. The submission of amended plans has overcome the previous tree and landscape concerns. Subject to the imposition of appropriate conditions the proposal is considered to be acceptable in terms of drainage and flooding, ecological impact, contaminated land and noise implications.

The proposal will have no adverse effect in terms of privacy and amenity of neighbouring occupiers and education provision. The only disbenefits of the scheme are the loss of open countryside, which is generally protected for its own sake.

Consequently, it is considered, that the benefits of the enabling development would outweigh the level of harm that would be generated. As a result, the development complies with the relevant national guidance as set out in the NPPF, which in this case is sufficient to outweigh the provisions of the development plan policy. However, a legal agreement will be required to ensure that the benefits to the heritage asset are fully secured.

RECOMMENDATION

As per the UPDATE REPORT – 28th March 2012

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STRATEGIC PLANNING BOARD –11TH APRIL 2012

UPDATE TO AGENDA

APPLICATION NO.

10/2647C

LOCATION

Land North of Twemlow Lane, Twemlow Green.

UPDATE PREPARED

10th April 2012

Planning Policy

Since Committee previously considered this application, the Government has introduced the National Planning Policy Framework.

Paragraph 49 of the NPPF states that:

“Housing applications should be considered in the context of the presumption in favour of sustainable development. 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”

Clearly the above indicates that the Council’s policies in relation to the supply of housing should not be considered up-to-date.

Paragraph 14 of the NPPF provides specific advice for decision makers. It states that where the development plan is “out-of-date” in a particular area, local planning authorities should grant planning permission unless:

- *“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
- *specific policies in this Framework indicate development should be restricted”*

On the later point, it then gives examples as sites protected under the Boards and Habitats Directives, land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park, designated heritage assets and locations at risk of flooding or coastal erosion.

Overall, the above indicates that Council's should be approving housing schemes except where adverse impacts "*significantly and demonstrably outweigh the benefits*" of approving the scheme.

Having regard to this proposal, the policies in the adopted local plan are up to date and do not conflict with the advice given in the NPPF.

Correspondence

No further correspondence has been received since the report was published.

Correction

The recommendation should read as follows:

Approve subject to the completion of the Unilateral Undertaking submitted with the application, within 3 months of the date of the Strategic Planning Board of 11th April 2012, or any date as agreed by the Chairman of the Strategic Planning Board and the Development and Building Control Manager subsequently, and the following conditions:

- 1. Commence development within 3 years**
- 2. Development in accordance with agreed drawings**
- 3. Submission of details/samples of external materials**
- 4. Electromagnetic protection measures**
- 5. Submission and implementation of detailed access and junction plans**
- 6. The dwellings shall not be occupied until the access and junction are completed in accordance with the approved details**
- 7. Provision of tactile paving and dropped kerbs**
- 8. Submission and implementation of details of a footpath within the south western boundary of the site**
- 9. Submission and implementation of surveys and mitigation methods for the protection of breeding birds**
- 10. Submission of a scheme of landscaping of the site including the retention of the hedgerow on the eastern boundary of the site**
- 11. Implementation of approved landscaping scheme**
- 12. Submission and implementation of details of boundary treatments**
- 13. Submission and implementation of a tree protection scheme**
- 14. Submission and implementation of an arboricultural method statement**
- 15. Submission of a detailed drainage scheme**
- 16. Submission of a Phase 1 land contamination survey**
- 17. Limits on hours of construction**
- 18. Limits on hours of piling**
- 19. Removal of permitted development rights for extensions**

STRATEGIC PLANNING BOARD –11TH APRIL 2012

UPDATE TO AGENDA

APPLICATION NO.

11/4434C

LOCATION

Land South of Tudor Way, Congleton.

UPDATE PREPARED

10th April 2012

Planning Policy

Since Committee previously considered this application, the Government has introduced the National Planning Policy Framework.

Paragraph 49 of the NPPF states that:

“Housing applications should be considered in the context of the presumption in favour of sustainable development. 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”

Clearly the above indicates that the Council’s policies in relation to the supply of housing should not be considered up-to-date.

Paragraph 14 of the NPPF provides specific advice for decision makers. It states that where the development plan is “out-of-date” in a particular area, local planning authorities should grant planning permission unless:

- *“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
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Overall, the above indicates that Council's should be approving housing schemes except where adverse impacts "*significantly and demonstrably outweigh the benefits*" of approving the scheme.

Having regard to this proposal, the major concern to local residents is the potential adverse impact that the development would have on highway safety, in particular on the roads leading to Tudor Way, due to on-street parking.

It is not considered that occupiers of the proposed dwellings would be likely to add any additional parking on to these roads.

The issue of safety on the roads leading to the access to Tudor Way is acknowledged as there is considerable on-street parking. However it is not considered that the additional vehicles generated from a development of sixteen dwellings, would significantly increase the risk to road users or pedestrians. Therefore the adverse impacts of granting planning permission for the development would ***not significantly outweigh the benefits*** of approving the scheme.

Correspondence

Since the report was published, the Council has received further correspondence relating to the application.

One is a letter of objection that puts forward the view that approving the application would be premature and should await the approval of the Draft Local Plan.

An email was also submitted by one of the owners of the land. It was accompanied by a series of photographs of the parking on Tudor Way taken on 4th April and then on 5th April, the date of the site visit. The accompanying email pointed out that several of the cars parked on the road belonged to residents of Tudor Way and had been parked on the driveways on the previous day.

Finally an email with attached assessment of road safety issues was submitted by a local resident who is a retired Chartered Civil Engineer, with experience of these sorts of issues. The assessment points out the hazards on the approach road to the site and considers that the additional traffic generation would be detrimental to highway safety and should be refused.

RECOMMENDATION

No change to the recommendation.

CHESHIRE EAST COUNCIL

STRATEGIC PLANNING BOARD

Date of meeting: 27th March 2010
Report of: Steve Irvine – Development Management and Building Control Manager
Title: Proposal Alterations to the Section 106 Agreement to allow affordable rent provision in scheme (11/1879N) for up to 400 residential units at Parkers Road Crewe

UPDATE REPORT 10th April 2012

Erratum

- Page 150 – paragraph 4.3 should read “amend this wording”
- Page 151 – paragraph 72. Should read “event of any changes”

Officer Comments

Since the main report was drafted it has been brought to officer’s attention that there are likely to be a number of cases over the coming months where Strategic Planning Board or the Area Planning Committee’s have resolved to grant planning permission subject to a legal agreement to secure a percentage of social rented units.

For the reasons set out in the report developers, with the agreement of Officers, will be seeking to amend these resolutions to provide for social or affordable rented units.

To avoid the need to bring a report before Strategic Planning Board or the Area Planning Committee’s in respect of each of these cases, it is recommended that Board grant delegated powers to the Development Management and Building Control Manager, in consultation with the Chair of the Strategic Planning Board or the Area Planning Committee (depending on which committee passed the original resolution to approve), to amend, where necessary, any resolution relating to the provision of affordable housing to allow for the provision of social or affordable rented units instead of only social rented units.

AMENDED RECOMMENDATION

As per main report PLUS

“That authority be delegated to The Development Management and Building Control Manager, in consultation with the Chair of the Strategic Planning Board or the Area Planning Committee (depending on which

committee passed the original resolution to approve), to amend, where necessary, any resolution relating to the provision of affordable housing to allow for the provision of social or affordable rented units instead of only social rented unit"