

# **Strategic Planning Board**

## **Agenda**

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<b>Date:</b>	<b>Tuesday, 29th November, 2011</b>
<b>Time:</b>	<b>2.00 pm</b>
<b>Venue:</b>	<b>Meeting Room, Macclesfield Library, Jordangate, Macclesfield</b>

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The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

**Please note that members of the public are requested to check the Council's website the week the Planning/Board meeting is due to take place as Officers produce updates for some or all of the applications prior to the commencement of the meeting and after the agenda has been published.**

### **PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT**

**1. Apologies for Absence**

To receive any apologies for absence.

**2. Declarations of Interest**

To provide an opportunity for Members and Officers to declare any personal and/or prejudicial interests and for Members to declare if they have a pre-determination in respect of any item on the agenda.

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For any apologies or requests for further information, or to arrange to speak at the meeting

**Contact:** Gaynor Hawthornthwaite  
**Tel:** 01270 686467  
**E-Mail:** [gaynor.hawthornthwaite@cheshireeast.gov.uk](mailto:gaynor.hawthornthwaite@cheshireeast.gov.uk)

### 3. **Public Speaking**

A total period of 5 minutes is allocated for each of the planning applications for Ward Councillors who are not members of the Planning Committee.

A period of 3 minutes is allocated for each of the planning applications for the following individual/groups:

- Members who are not members of the Planning Committee and are not the Ward Member
- The Relevant Town/Parish Council
- Local Representative Groups/Civic Society
- Objectors
- Supporters
- Applicants

### 4. **Minutes of the Previous Meeting** (Pages 1 - 4)

To approve the minutes of the meeting held on 9<sup>th</sup> November 2011 as a correct record.

### 5. **11/3414C - Outline Planning Application for 39 Residential Dwellings over 1.29HA. Access from Hassall Road with Landscaping Reserved - Land off Hassall Road, Sandbach, Cheshire for Muller Property Group** (Pages 5 - 24)

To consider the above planning application.

### 6. **11/2017N - Outline Planning - 3 Bedroom Dormer Bungalow (for wheelchair user and his family) - Fields House, Chapel Lane, Baddiley CW5 8PT for Dan Cundall** (Pages 25 - 38)

To consider the above planning application.

### 7. **09/3651C - Outline Planning Permission For The Development Of The Site For Residential Purpose, Comprising 63 Dwellings - Former Sutherland Works, Bromley Road, Congleton, Cheshire CW12 1QB for Woodford Land Ltd** (Pages 39 - 50)

To consider the above planning application.

### 8. **Application 10/0021C - Land off Crewe Road/Zan Drive, Sandbach** (Pages 51 - 54)

To consider an amendment to the requirements of the previously approved Section 106 Agreement.

### 9. **Housing Supply** (Pages 55 - 60)

To consider revision of the Interim Planning Policy on the Release of Housing Land.

10. **Local Plan Annual Monitoring Report 2011** (Pages 61 - 70)

To consider the Local Plan Annual Monitoring Report 2011.

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**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Strategic Planning Board**  
held on Wednesday, 9th November, 2011 at Meeting Room, Macclesfield  
Library, Jordangate, Macclesfield

**PRESENT**

Councillor H Davenport (Chairman)

Councillors C G Thorley, J Hammond, D Hough, J Jackson, B Murphy,  
G M Walton, S Wilkinson and J Wray

**OFFICERS IN ATTENDANCE**

Ms S Dillon (Senior Lawyer)

Mr S Irvine (Planning and Development Manager)

Mr D Cleary (Planning Officer)

**Apologies**

Councillors D Brown and J Macrae

**65 DECLARATIONS OF INTEREST**

There were no declarations of interest received.

**66 MINUTES OF THE PREVIOUS MEETING**

**RESOLVED** - That the minutes of the meeting held on 19<sup>th</sup> October 2011 be approved as a correct record and signed by the Chairman, subject to the inclusion of Mr J Borrowdale, who was speaking **on behalf of Morning Foods Limited**, in the list of speakers for Item 63: 11/2212N.

**67 PUBLIC SPEAKING****RESOLVED**

That the public speaking procedure be noted.

**68 MILL STREET/LOCKITT STREET, CREWE**

Consideration was given to a report relating to the proposed amendments to the resolution passed by Strategic Planning Board in respect of application PO7/0639 relating to land at Lockitt Street/Mill Street, Crewe.

**RESOLVED**

That the resolution in relation to the Section 106 agreement be amended to read:

1. The provision of on site open space and equipped children's playspace in accordance with Policy RT.3 of the Local Plan with any shortfall in provision to be made up by way of a developer contribution in lieu of public open space calculated at £1000 per house (index linked).
2. Affordable housing provision, which shall include a requirement that:  
35% affordable housing be provided, of which 100% shall be affordable rented.
3. Details of phasing of development to include, inter alia, the provision of the pedestrian/cycle link.
4. A scheme of public art to be agreed for the site.

## **69 RACIST AND OFFENSIVE REPRESENTATIONS**

Consideration was given to a report on Guidance on Racist and Offensive Planning Representations.

### **RESOLVED**

That the the approach set out in Appendix 1 of the report be approved.

## **70 NOTICE OF MOTION: PLANNING PERMISSION FOR SOLAR PANELS**

Consideration was given to a Notice of Motion which had been submitted by Councillor D Brickhill at the Council meeting on 13 October which was referred to the Strategic Planning Board for advice and report back to Council for decision in December.

*"That since the government is running the Photovoltaic roof panel scheme for householders to generate green electricity and have exempted this from all planning permission requirements, that this Council notify any enquirers that planning permission is not required and cease to require details, drawings or charges except for listed buildings or conservation areas for which permission is still required"*

### **RESOLVED**

That the report be noted and that Council be recommended to continue to adopt the approach as advocated within the Town and Country Planning (General Permitted Development) Order.

## **71 LOACHBROOK FARM, SANDBACH ROAD, CONGLETON**

Consideration was given to a report relating to the withdrawal of part of a reason for refusal relating to planning application 11/0736C Redevelopment of Land for up to 200 Dwellings, Community Facilities and Associated Infrastructure at Loachbrook Farm, Sandbach Road, Congleton.

The relevant part of the refusal reason concerned inadequate foul drainage of the site. The Board had resolved upon this following an objection from United Utilities. However, United Utilities had recently clarified that their concerns could

be resolved by imposition of a Grampian condition on any approval of planning permission.

**RESOLVED**

That the foul drainage part of the second reason for refusal be withdrawn in favour of control by condition.

The meeting commenced at 2.05 pm and concluded at 3.00 pm

Councillor H Davenport (Chairman)

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Application No: 11/3414C

Location: LAND OFF HASSALL ROAD, SANDBACH, CHESHIRE

Proposal: OUTLINE PLANNING APPLICATION FOR 39 RESIDENTIAL DWELLINGS OVER 1.29HA. ACCESS FROM HASSALL ROAD WITH LANDSCAPING RESERVED.

Applicant: Mr C Davey, Muller Property Group

Expiry Date: 16-Dec-2011

#### **SUMMARY RECOMMENDATION**

**APPROVE** subject to conditions and signing of a S106 legal agreement

#### **MAIN ISSUES**

**Principle of Development**  
**Design Considerations**  
**Highway Safety and Traffic Generation**  
**Landscape and Tree Matters**  
**Provision of Open Space**  
**Impact on Protected Species**  
**Impact on Residential Amenity**  
**Contaminated Land**  
**Flooding and Drainage**  
**Impact on Education Capacity**  
**Impact on Setting of Adjacent Listed Building**  
**Listing Status of Fisons Building (also referred to as 'Benger House')**

#### **REFERRAL**

The application has been referred to Strategic Planning Board because the proposal represents a departure from the development plan as it is situated outside of the settlement zone line for Sandbach.

#### **1. SITE DESCRIPTION**

This application relates to a site positioned on the south east of Sandbach and comprises an irregular parcel of land situated to the east of Hassall Road.

The site is adjoined to the north and the west by residential properties fronting Hassall Road and open countryside designated fields to the east and south. The access to the site falls within the Settlement Zone Line of Sandbach with the remaining part of the site situated within Open Countryside as designated in the adopted Congleton Borough Local Plan First Review (2005).

The site is irregular in shape and occupies an area of approximately 1.3 ha in size. The topography is generally flat. The majority of the site is undeveloped and has been used as a paddock for grazing. There are some single storey stable buildings positioned in the far north-western corner of the site.

## **2. DETAILS OF PROPOSAL**

Outline planning permission is sought for the erection of 39 residential units on land to the east of Hassall Road, Sandbach. Details of access, appearance, layout and scale are to be considered as part of this application with details of landscaping reserved for consideration at a later stage.

## **3. RELEVANT PLANNING HISTORY**

There is no planning history relevant to the site.

## **4. PLANNING POLICIES**

### **National Policy**

PPS 1 Delivering Sustainable Development

PPS: Planning and Climate Change – Supplement to Planning Policy Statement 1

PPS 3 Housing

PPS 7 Sustainable Development in Rural Areas

PPS 9 Biodiversity and Geological Conservation

PPG 13 Transport

PPS 23 Planning and Pollution Control

PPS 25 Development and Flood risk.

### **Local Plan Policy**

PS8 Open Countryside

GR1 New Development

GR2 Design

GR3 Residential Development

GR5 Landscaping

GR6 Amenity and Health

GR9 Accessibility, servicing and provision of parking  
GR14 Cycling Measures  
GR15 Pedestrian Measures  
GR17 Car parking  
GR18 Traffic Generation  
GR21 Flood Prevention  
GR 22 Open Space Provision  
NR1 Trees and Woodland  
NR2 Statutory Sites (Wildlife and Nature Conservation)  
NR3 Habitats  
NR5 Habitats  
H2 Provision of New Housing Development  
H6 Residential Development in the Open countryside  
H13 Affordable Housing and Low Cost Housing

### **Regional Spatial Strategy**

DP4 Make best use of resources and infrastructure  
DP5 Managing travel demand  
DP7 Promote environmental quality  
DP9 Reduce emissions and adapt to climate change  
RDF1 Spatial Priorities  
L4 Regional Housing Provision  
EM1 Integrated Enhancement and Protection of the Region's Environmental Assets  
EM3 Green Infrastructure  
EM18 Decentralised Energy Supply  
MCR3 Southern Part of the Manchester City Region

### **Other Material Policy Considerations**

Interim Planning Policy: Release of Housing Land (Feb 2011)  
Interim Planning Statement: Affordable Housing (Feb 2011)  
Strategic Market Housing Assessment (SHMA)  
Circulars of most relevance include: ODPM 06/2005 Biodiversity and Geological Conservation; ODPM 05/2005 Planning Obligations; and 11/95 'The use of Conditions in Planning Permissions'.  
Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994  
Draft National Planning Policy Framework

## **5. OBSERVATIONS OF CONSULTEES (EXTERNAL TO PLANNING)**

### **Environmental Health**

No objection subject to conditions restriction hours of construction / piling and contaminated land conditions.

## **Highways**

No Objection - Dealing with the traffic impact of the development the applicant has estimated that 6 vehicles will pass north through the junction of Old Mill Lane /The Hill in the peak hour, whilst in my view this is a conservative estimate even if this number was doubled to 12 vehicles, this only represents one vehicle every five minutes. Therefore, although the junction is congested and suffers from extensive queuing, the actual impact from this development will be very small and certainly not material enough to warrant refusal.

With regards visibility at the main site access, the revised information has shown that in the leading direction the visibility achievable is as per standards and in the non leading direction a reduced visibility is available 2.0m x 22m at a point 1.4m from the nearside kerb. I think that given the speed survey has shown that vehicle speeds are just above 20mph the requirement to provide the full visibility splay in this direction is not absolutely necessary and especially as there are no PIA accidents recorded on this section of road.

The private drive location to No. 75 that was directly located on the entry radii to the main access has now been relocated away from the junction with a short separation. This is a better location for the access and the design has been supported by our road safety engineer.

In summary, the information provided and the changes made to the design has dealt with the reasons I had raised in my previous comments and whilst the development does add extra pressure on the local highway network it is not sufficient in my view to warrant refusal of the application.

The developer will be providing funding to improve public transport stops locally, and to facilitate this, a S106 Agreement is required.

## **Environment Agency:**

No objection, subject to conditions requiring the submission of a scheme to limit the surface water run-off generated by the proposed development. The discharge of surface water from the proposed development is to mimic that which discharges from the existing site. The discharge of surface water should, wherever practicable, be by Sustainable Drainage Systems (SuDS).

## **Greenspaces**

No objection subject to financial contributions towards the future maintenance of Amenity Greenspace (£14,544.75 (25 years) and the enhancement and future maintenance of a Hassall Rd/Mortimer Drive local play area (£11,263.11 and £36,715.50 (25 years) respectively).

## **6. VIEWS OF THE SANDBACH TOWN COUNCIL**

Object to the proposed development on this Green Field site which will adversely impact on the landscape character of the area, thus contravening policy GR5 of the Local Plan. Proposals additionally contravene Policies GR6 and GR18 of the Local Plan; the scale of traffic generation will worsen existing traffic problems on Hassall Road to unacceptable levels and therefore have detrimental effect on the amenity of local residents.

## **VIEWS OF THE BETCHTON PARISH COUNCIL**

Betchton Parish Council objects to this proposal as it will cause added congestion to Malkins Bank residents travelling along Hassall road, this road is already in many places single file traffic as residents have nowhere else to park. As is normal in this semi-rural type of area tractors, often with trailers, Lorries and plant hire equipment vehicles use this road adding to vehicle numbers. It is not a quiet road. Brownfield sites that already exist in Sandbach area should be built on first before any arable land is used for housing

## **7. OTHER REPRESENTATIONS**

Over 1400 letters of objection have been received objecting to this application on the following grounds:

- Detrimental to local landscape character
- Unnecessary destruction of wildlife habitat
- Building on a Greenfield site when there are numerous Brownfield sites available
- The local highway network cannot cope – Hassall Road is already overburdened and will result in increased traffic congestion and accidents on nearby roads and junctions at peak times (Hassall Road, Newcastle Road, Heath Road and Junction with the M6)
- Proposed access arrangements will result in strange manoeuvres
- Neighbours have not been consulted
- Loss of High quality Agricultural land
- The developer has already felled trees and hedges. These should be replaced
- The Council has already approved 900 dwellings on brownfield sites in Sandbach
- There is no need for new houses in Sandbach
- The settlement boundaries of Sandbach should not be moved
- Loss of views over open countryside
- The development will have a negative effect on peoples enjoyment of the area
- The proximity of the development to neighbouring properties
- Proposal will result in loss of visibility and light to neighbouring properties

## **8. OFFICER APPRAISAL**

## Principle of Development

The site lies in the Open Countryside as designated in the Congleton Borough Local Plan First Review, where policies H.6 and PS.8 state that only development which is essential for the purposes of:

- agriculture,
- forestry,
- outdoor recreation,
- essential works undertaken by public service authorities or statutory undertakers
- for other uses appropriate to a rural area.

will be permitted.

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”.*

The issue in question is whether there are material considerations associated with this proposal, which are sufficient to outweigh the policy objection.

National policy guidance (PPS3) states that Local Authorities should manage their housing provision to provide a five year supply. Paragraph 71 of PPS3 states that:

*“where Local Planning Authorities cannot demonstrate an up to date five year supply of deliverable sites, for example where local Development Documents have not been reviewed to take into account policies in this PPS or there is less than five years supply of deliverable sites, they should consider favourably planning applications for housing, having regard to the policies in this PPS including considerations in Paragraph 69.”*

Members should also note that on the 23 March 2011 the Minister for Decentralisation Greg Clark published a statement entitled ‘Planning for Growth’. On the 15 June 2011 this was supplemented by a statement highlighting a ‘presumption in favour of sustainable development’ which will be published in the forthcoming National Planning Policy Framework.

Collectively these two statements mark a clear effort by Government to shift the emphasis of the planning system away from what might be viewed as a protective stance and towards a more positive approach to development. As the minister says:

*“The Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy”.*

The draft National Planning Policy Framework, will replace PPS3, which has also reiterated the requirement to maintain a 5 year rolling supply and states that Local Planning Authorities should:

*“identify and maintain a rolling supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements. The supply should include an additional allowance of at least 20 per cent to ensure choice and competition in the market for land”.*

In respect of the housing land supply position when the previous appeals were considered, the Council took the view that they should rely upon the figures contained within the Regional Spatial Strategy until such time as the LDF Core Strategy has been adopted. The RSS proposed a dwelling requirement of 20,700 dwellings for Cheshire East, as a whole, for the period 2003 to 2021, which equates to an average annual housing figure of 1,150 dwellings per annum. The Council's Cabinet has decided that the Council will continue to use the RSS housing requirement figure for a minimum of 1,150 net additional dwellings to be delivered annually, pending the adoption of the LDF Core Strategy. Correspondence from Government Office for the North West confirms that in order to establish the appropriate housing requirement for Cheshire East, the district figures included in the published Regional Spatial Strategy (RSS) should to be added together to give the new unitary authority requirement.

The supply of deliverable sites was likely to be approximately 3.65 years supply. This equates to a shortfall of approximately 2600 units.

To be considered 'deliverable', PPS 3 advises that housing sites must be:

- 'available',
- 'suitable'
- achievable'

In other words, there must be a reasonable prospect that housing will be delivered on the site within 5 years.

The Council is already taking steps to improve housing supply ready for the recovery, but in line with the Community's aspirations. An Interim Planning Policy for the

Release of Housing Land was adopted by full Council in February 2011 with the intention that it be used in the determination of planning applications. This policy allows for the release of appropriate Greenfield sites for new housing development on the edge of the principal town of Crewe and encourages the redevelopment for mixed uses, including housing, of previously developed land within settlements. This focus on Crewe follows the approach to growth and development within the Council's Community Strategy which was adopted following widespread consultation. The Community Strategy and Interim Planning Policy are material considerations in the consideration of this application.

The policy is now bearing fruit, with applications now considered on the north side of Crewe at Coppenhall East and Barrows Green – and at Crewe Road Shavington in the south. Further applications are also known to be in the pipeline. Collectively these applications provide capacity for some 1200 additional homes which significantly reduces the shortfall from the previous figures.

Consequently, whilst the SHLAA identifies a shortfall against a housing land supply, there are factors to show that supply is improving across the Borough and that it is not land supply that is the primary factor in constraining housing completions. As such, this suggests that other considerations should properly be taken account of in the assessment of this application.

### Spatial Vision

Members may recall that at the meeting of the Strategic Planning Board on 6<sup>th</sup> October 2010, a report was considered relating to Issues and Options for the Local Development Framework Core Strategy, which outlined 3 options for apportioning growth across Cheshire East. Although each of the options is different, the common theme between them is an emphasis on growth in Crewe. Therefore, whilst the options are under consideration, and there is uncertainty as to which option will be taken forward, it is appropriate that any Greenfield development required to make up a shortfall in housing land supply should be directed to Crewe. PPS1 2005 in *The Planning System: General Principles* at para. 14, states that:

*“Emerging policies in the form of draft policy statements and guidance can be regarded as material considerations, depending on the context. Their existence may indicate that a relevant policy is under review, and the circumstances which led to that review may need to be taken into account.”*

Paragraph 69 of PPS 3 states that in determining planning applications, local planning authorities should have regard to a number of criteria, including, inter alia:

*“ensuring the proposed development is in line with planning for housing objectives reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives e.g. addressing housing market renewal issues.”*



Paragraph 72 of PPS.3, states that LPA's should not refuse applications solely on the grounds of prematurity. However, PPS1 also deals with the question of prematurity to an emergent plan and advises that, in some circumstances, it may be justifiable to refuse planning permission on grounds of prematurity where a Development Plan Document (DPD) is being prepared or is under review, but it has not yet been adopted. This may be appropriate where a proposed development is so substantial, or where the cumulative effect is so significant, that granting permission could prejudice the DPD by predetermining decisions about the scale, location or phasing of new development which are being addressed in the policy in the DPD.

Members will be aware of the decision by Strategic Planning Board to refuse an outline planning application for the development of up to 269 dwellings at Hind Heath Road, Sandbach. Following a Public Inquiry, an Inspector recommended that the appeal be allowed. However, the appeal was recovered for the Secretary of State's determination who subsequently dismissed the appeal.

What is clear, however, is that the Secretary of State's decision to overturn his Inspectors recommendation of approval, and dismiss the Appeal at Hindheath Road was based on the particular circumstances of that site and of the town of Sandbach with particular reference to sustainability. It cannot automatically be applied to planning applications in other towns, or used to support refusals of such applications.

With regard to the recently adopted Interim Planning Policy, little weight was given to this by both the Planning Inspectorate and the Secretary of State, although there was no debate about applications that would be submitted in its wake. Whilst the spatial objectives of prioritizing Crewe as a focal point for development is noted, it was concluded that there would be scope for development in the other towns of the Borough.

At paragraph 161 of his report, the Inspector states:

*"whilst the spatial objectives of the development plan and other economic plans seek to prioritize Crewe, there is still scope for new development in a town such as Sandbach."*

He goes on to state at paragraph 163 that:

*"Furthermore, and notwithstanding the Councils desire to see Crewe as the focus for housing development, there is no dispute that Sandbach and Crewe are two separation housing markets. As such, new open market houses built in Sandbach are not likely to be in direct competition with those built in Crewe."*

With regard to the weight to be attached to the Interim Planning Policy he concludes at paragraph 165 that:

*“As the Core Strategy for Cheshire East is still at a very early stage of its preparation, having not been subject to any refinement through the consultation process and with no preferred option having been identified, the Core Strategy Issues and Options can only be given very limited weight at this stage. As for the IPP, Council officers recognized in reporting this document to their Strategic Planning Board that it can only carry limited weight and I see no reason to conclude otherwise. “*

In his Decision Letter, the Secretary of State:

*“Accepts the Inspectors conclusions that whilst the spatial objectives of the development plan and other economic plans seek to prioritise Crewe there is scope for new development in a town such as Sandbach and accepts that the appeal scheme in terms of size, is consistent with the spatial objectives of the development plan.”*

The issue of regeneration was also considered. The Regional Spatial Strategy places an emphasis on development using existing buildings and previously developed land within settlements with an indicative target set of 80%. The Council considered that if the appeal proposals were developed then only 59% of housing building in the 5-year period would be on PDL. The Inspector considered that this would not cause material harm to the regeneration proposals. However, the SoS did not agree with that conclusion and stated that if that proposal was to go ahead, then it would make it extremely difficult for committed brownfield sites to be developed.

The Secretary of State also considered that the shortage of local employment, the distance between the site and the town centre and the limited options available for sustainable public transport weighed against the proposed development.

A further Appeal Decision has been received following a public inquiry into a decision to refuse a housing development at Elworth Hall Farm, on identical grounds. In this case the inspector concludes:

*“The various LDF options for the spatial distribution of growth do not exclude housing away from Crewe – indeed in each case Crewe would take only about 37% of all growth. I appreciate that various other policy documents issued by the Council support the promotion of Crewe. However, to my mind the way in which the IPP exclusively focuses development in the town (with the exception of town centre scheme and regeneration areas) does not reflect the spatial vision in either the RSS or the emerging LDF. This means I can afford it only limited weight.”*

The inspector also attached considerable weight to the fact that the site had been identified in the SHLAA as deliverable (i.e. ‘available’, ‘suitable’ and ‘achievable’). He considered that:

*“The SHLAA had been prepared under a robust methodology and should be afforded significant weight. Based on the evidence before me, it appears to have been compiled in accordance with nationally recognised good practice and has been accepted by the Council presumably after proper consideration and with due regard to the direction of its policy. Consequently I have no basis to put aside its overall finding that this is a suitable site for housing.”*

More recently, a further Appeal Decision has been received following a public inquiry into a decision to refuse a housing development at Abbeyfields. This was also recovered by the Secretary of State and the Inspector's decision to refuse planning permission was supported. It is important to note that this is now the subject of legal challenge.

Whilst the SOS agreed with the Inspector that “the LDF is at an early stage” and that approving the appeal scheme “could send the wrong message to other developers”, the scheme was for a proposal amounting to 285 dwellings, much greater and more strategic than the scheme subject of this application which only proposes 39 dwellings. As stated earlier, para. 72 of PPS3 states that “Local Planning Authorities should not refuse applications solely on the grounds of prematurity” but regard must be had to the requirements of para. 69 of PPS3.

The application site is identified in the SHLAA as available, achievable deliverable and, subject to an appropriate policy change in respect of its designation as open countryside, it is considered to be suitable in all other respects. The proposal only represents a small scale development and would not represent an incursion into the open countryside or a major urban extension due to the characteristics of the site. The site is in a sustainable location where it is easily accessible and within walking distance of local amenities, public transport links and the town centre generally.

### Conclusion

The implication of these appeal decisions is that:

- Whilst weight can be afforded to the IPP in directing development towards Crewe, it has limited weight in preventing development elsewhere
- Little weight should be attached to the emerging Core Strategy, due to its early stage in preparation and - whilst there is an emphasis on development within Crewe and that in all the proposed options Crewe takes the largest share - there is scope for new development in other towns in the Borough.
- Significant weight should be attached to the SHLAA where it has identified sites as being deliverable for housing.

- The argument used by the Secretary of State to ultimately refuse the Hind Heath Road appeal, only applies in the particular circumstances of Sandbach and the sustainability of the site.
- There appears to be a distinction between the way in which Inspectors and the Secretary of State have viewed small scale additions to the urban area which have limited impact and major urban extensions. Elworth Hall Farm, like the site currently under consideration as part of this application is a small site almost surrounded by other houses and a logical 'rounding off' of the existing settlement. Hind Heath Road, by contrast was a much larger incursion of built development into the surrounding open countryside.
- The Abbeyfields decision is currently subject of legal challenge. Whilst the Inspector and the SOS concluded that it would be premature to approve Abbeyfields prior to the emerging LDF, the requirements of PPS3 are a material consideration. Para 72 states that "prematurity" should not be used to refuse planning permission. Further, the Abbeyfields was a much larger scheme and amounted to an urban extension where as this proposal would amount to a 'rounding off' of the settlement.

In the light of these decisions, it is now considered that a refusal of planning permission for this site on the housing land supply grounds would not be sustainable.

### **Design Considerations**

Whilst this is an outline application, details of appearance, scale and layout have been submitted to support the proposals. Given that the site is situated to the rear of existing properties with a single point of access and because the site is self contained, there is little opportunity or need for frontage on Hassall Road. However, within the site, the proposed layout would introduce a linear pattern running parallel with the rear boundary of the site with the adjacent fields. This would then terminate towards the northern end of the site where the development would be arranged around 2 limbs forming a cul-de-sac. The dwellings fronting the road within the site would overlook an area of public open space that would border the rear of the site of the property no. 63 Hassall Road. The pattern of the development follows the shape of the site and is deemed to be acceptable.

With respect to the design and external appearance of the development, the units would be modest in terms of their size and would not deviate significantly from the scale of the residential development on Hassall Road and the area generally. Given the mix in character, and having regard to the fact that the site would be self contained, the design of the dwellings would not appear out of keeping with the area. The design is considered to be acceptable and in accordance with relevant design policies.

## **Highway Safety and Traffic Generation**

Policy 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.

The application proposes a single point of access off Hassall Road positioned directly in-between numbers 61 and 75 Hassall Road. The applicants have employed a Highway Consultant to produce a Transport Report. T (TR). The TR assesses traffic generation numbers and from this considers the traffic impact on the existing highway network.

There is local concern that the vehicle movements generated by the proposed development would exacerbate existing traffic conditions particularly at the nearby junction with Old Mill Road and The Hill. The applicant has estimated that 6 vehicles will pass north through the junction of Old Mill Road / The Hill in peak hours. Whilst this is a conservative estimate, the Strategic Highways Manager considers that even if the number was doubled to 12 vehicles, this would only represent one vehicle every five minutes. Therefore, although it is accepted that the junction is congested and suffers from extensive queuing, the actual impact from this development will be very small and certainly not material enough to warrant refusal.

With regards visibility at the main site access, revised information has been received that shows that visibility in the leading direction is achievable as per standards and in the non leading direction a reduced visibility is available 2.0m x 22m at a point 1.4m from the nearside kerb. The Strategic Highways Manager considers that given the speed survey has shown that vehicle speeds are just above 20mph, the requirement to provide the full visibility splay in this direction is not necessary. Consequently, the design of the proposed access is considered suitable and acceptable for the proposed development.

To conclude highways matters, whilst the development does add extra pressure on the local highway network it is not sufficient to warrant refusal of the application. The developer will be providing funding to improve public transport stops locally, and to facilitate this, a S106 Agreement is required. Subject to this, the scheme is found to be compliant with local plan policy GR9.

## **Landscape and Tree Matters**

Although landscaping is reserved for future consideration, the scheme is respectful to the boundary hedgers running around the perimeter of the site and it is proposed that these will be retained and supplemented where necessary. This will be secured at the reserved matters stage.

In terms of the overall impact on the landscape, it is accepted that the proposed development would alter the landscape character of the site and that views of the development would be achievable from the east and Colley Lane. Nonetheless, the development would amount to a squaring off of their settlement owing to it being surrounded on the northern, western and southern boundaries. The development would not therefore jut out and would not therefore appear intrusive or harmful within the landscape setting.

With respect to trees, the proposal would involve the removal of some tree specimens within the site but would not require removal of specimens outside of the site which includes a TPO protected Sycamore tree on the northern boundary of 64 Hassall Road. The development would achieve sufficient separation with the TPO specimen. Although concerns have been raised in relation to trees and their potential shading on the plots of some of the proposed dwellings, on balance, it is considered that the impact upon these trees would not warrant the refusal of this application.

### **Provision of Open Space**

The scheme proposes an area of Public Open Space (POS) centrally positioned along western boundary of the site. This area would be well overlooked by the dwellings on the eastern side of the site and appears to offer a good quality usable space. The amount of POS that would be expected in respect of the development is 1230 sq m. The layout provides 1380 sq m of POS, an over provision of 150 sq m which accords with the Council's Supplementary Planning Guidance. The applicant has also confirmed that it is their intention to set up a management company to maintain the onsite open space and in this context they would not be required to make a contribution to the Council for the on-going maintenance of the on-site amenity green space.

Following an assessment of the existing provision of Children and Young Persons Provision accessible to the proposed development, if the development were to be granted, there would be a deficiency in the quantity of provision, having regard to the local standards set out in the Council's Open Space Study for Children and Young Persons Provision.

To meet the needs of the development, an opportunity has been identified for the upgrading of an existing facility at Hassall Rd/Mortimer Drive, to increase its capacity. This facility is a local facility located less than 100m away from the development site. The existing facilities at the identified site are substandard in quality and the applicant has agreed to provide a financial contribution for capital works for the upgrade of its play area in accordance with Council standards.

Therefore, subject to the applicant entering into a Section 106 Agreement to secure the financial contributions and the establishment of the management company, the scheme is found to be in accordance with SPD6.

### **Impact on Protected Species**

The application is accompanied by a Phase I habitat survey including a bat survey of the trees on the site. This concludes that bats, amphibians (great crested newts) and barn owls are not likely to be present or affected by the proposed development. However, the site does exhibit features that are considered as Biodiversity Action Plan Priority habitats and hence a material consideration. These include hedgerows and breeding birds.

The Council's Nature Conservation has considered the submitted surveys and agrees with their findings and conclusions subject to conditions requiring a breeding bird survey to be carried out and submission of a scheme for the incorporation of features into suitable for use by breeding birds. Subject to these being implemented, the requirements of PPS9 and the EC Habitats Directive are satisfied.

### **Impact on Residential Amenity**

According to Policy GR6, planning permission for any development adjoining or near to residential property or sensitive uses will only be permitted where the proposal would not have an unduly detrimental effect on their amenity due to, inter alia, loss of privacy, loss of sunlight and daylight and visual intrusion, and noise. Supplementary Planning Guidance Note 2 advises on the minimum separation distances between dwellings. The distance between main principal elevations (those containing main windows) should be 21.3 metres with this reducing to 13.8 metres between flanking and principal elevations.

With respect to the existing properties on Hassall Road, and those to the north backing onto the site at Cross Lane, the minimum separation distances would be achieved. With respect to the nearest property, no 63, Plot 03 would be offset from this property and the proposed buildings to the side would be single storey garaging. Plot 39 would be situated directly to the rear of no. 75 Hassall Road but would be positioned at 90-degrees achieving a distance of 12 metres between the main 2 storey elements. Having regard to the positioning and proximity, the scheme would not give rise to any direct overlooking or significant loss of sunlight or daylight to these neighbouring properties.

With regard to the amenities of the occupiers of the proposed units, the dwellings have been configured and arranged so as to ensure that there is no direct overlooking of principal windows. Equally, there would be no significant overshadowing or visual intrusion. Each dwelling unit would benefit from its own rear garden and it is considered that the amenity space provided as part of the development would be acceptable for the size of units proposed. Subject to the removal of permitted development rights, the proposal is found to be acceptable in terms of residential amenity.

### **Flooding and Drainage**

A Flood Risk Assessment has been carried out to determine the impact of the proposed development on flooding and the risk of the proposed development from flooding. In accordance with PPS 25 and local policy, the FRA has considered the impact on the surface water regime in the area should development occur. The Environment Agency has confirmed that the redevelopment of the site is considered to be acceptable with the use of appropriate conditions for a drainage scheme for surface water run-off, a scheme to manage the risk of flooding from overland flow of surface water.

### **Provision of Affordable Housing**

Following negotiations with the applicant, the proposed development will provide 12 affordable units (8 social rent and 4 for intermediate tenure) within the proposed 39. This provision accords with the Interim Affordable Housing Statement requirements that developments of this scale should provide a minimum of 30% affordable housing within the scheme and of which 65% should be social rented and 35% should be intermediate tenure.

## **10. REASONS FOR APPROVAL**

It is acknowledged that the Council does not currently have a five-year housing land supply and that; accordingly, in the light of the advice contained in PPS3 it should consider favourably suitable planning applications for housing. However the housing land supply situation is worse than previously thought and the implication of recent Appeal decisions is that little weight should be afforded to the IPP which directs development towards Crewe and there is scope for new development in other towns in the Borough subject to other material planning considerations

Significant weight should be attached to the SHLAA where it has identified sites as being deliverable for housing. The argument used by the Secretary of State to ultimately refuse the Hind Heath Road appeal, only applies in the particular circumstances of Sandbach including the sustainability of the site and cannot be used to refuse other applications.

Whilst the Inspector and the SOS concluded that it would be premature to approve Abbeyfields prior to the emerging LDF, the requirements of PPS3 are a material consideration. Para 72 states that "prematurity" should not be used to refuse planning permission. Further, the Abbeyfields was a much larger scheme and amounted to an urban extension where as this proposal would amount to a 'rounding off' of the settlement. It should also be noted that as both these decisions have been challenged and are under review then they can only be afforded limited weight.

In the light of these decisions, it is considered that a refusal of planning permission for this site on the housing land supply grounds would not be sustainable.



To conclude highways matters, whilst the development does add extra pressure on the local highway network it is not sufficient to warrant refusal of the application as the additional movements generated will not be significant.

The proposal will not have a significant impact on the landscape character of the area and will represent a rounding off of the settlement without resulting in a n intrusion into the open countryside.

Following the successful negotiation of a suitable Section 106 package, the proposed development would provide adequate public open space and the necessary affordable housing requirements.

The proposal is considered to be acceptable in terms of its impact upon residential amenity, ecology, drainage/flooding and it therefore complies with the relevant local plan policy requirements and accordingly is recommended for approval.

## **11. RECOMMENDATION**

**APPROVE** subject to completion of Section 106 legal agreement to secure the following:-

- **30% affordable housing (12no. units), split on the basis of 65% social rent and 35% intermediate tenure as per the requirements of the interim planning statement.**
- **£11,263.11 and £36,715.50 (25 years) for the upgrading and maintenance of an existing children's play facility at Moss Drive (not be 'time limited')**
- **Provision for a management company to maintain the on-site amenity space**
- **Upgrade of Bus Stop on Hassall Road**

**And the following conditions**

- 1. Standard outline**
- 2. Submission of reserved matters (landscaping)**
- 3. Approved plans including amended access detail**
- 4. Contaminated land investigation**
- 5. Hours of construction**
- 6. Details of pile driving operations**
- 7. Submission of details of bin storage**
- 8. Scheme to manage the risk of flooding**
- 9. Scheme to limit surface water runoff**
- 10. Discharge of surface water to mimic that of the existing site**
- 11. Sustainable Urban Drainage System,**
- 12. Only foul drainage to be connected to sewer**
- 13. Retention of important trees**

- 14. Submission of Comprehensive tree protection measures**
- 15. Implementation of Tree protection**
- 16. Timing of the works and details of mitigation measures to ensure that the development would not have a detrimental impact upon breeding birds.**
- 17. Hedgerows to be enhanced by 'gapping up' as part of the landscaping scheme for the site**
- 18. Removal of Permitted Development Rights for windows/openings for plots 03, 08, 11, 15, 16, 22, 24, 39**
- 19. Obscured glazing for first floor windows in flanking elevations of plots 08, 11, 15, 16**
- 20. Submission for details of boundary treatment**



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Application No: 11/2017N

Location: Fields House, CHAPEL LANE, BADDILEY, CW5 8PT

Proposal: Outline Planning- 3 Bedroom dormer bungalow(for wheelchair user and his family)

Applicant: Mr Dan Cundall

Expiry Date: 30-Aug-2011

#### **MAIN ISSUES**

**The main issues are:-**

- Principle of the development
- Design and layout,
- Impact on highway safety,
- Living conditions,
- Ecology,
- Trees and landscape
- Contaminated land.

#### **SUMMARY RECOMMENDATION**

**Approved subject to conditions.**

#### **REFERRAL**

This application is referred to the Strategic Planning Board because the development is a departure from the Local Plan.

#### **1. SITE DESCRIPTION AND DETAILS OF PROPOSAL**

The application relates to a paddock area, to the front of an existing property known as Fields Farm off Chapel Lane in Baddiley, which lies to the north of the site. The access track to this property runs along the eastern site boundary. The site has a frontage to Chapel Lane to the south, and is surrounded by agricultural land to the west, and on the opposite side of Chapel Lane. The boundaries comprise native hedgerows to the south and west and post and rail fencing to the access track to the east and the domestic curtilage of Fields Farm to the north.

This application seeks outline consent to develop the site for a single dwelling for a disabled person and his family.

#### **2. RELEVANT PLANNING HISTORY**

There are no relevant previous applications relating to this site.

### **3. PLANNING POLICIES**

The development plan includes the North West of England Plan Regional Spatial Strategy 2021 (RSS) and the Borough of Crewe and Nantwich Replacement Local Plan 2011 (LP). The relevant development plan policies are:

#### **Regional Spatial Strategy**

DP1 (Spatial Principles)  
DP2 (Promote Sustainable Communities)  
DP4 (Make the Best use of Existing Resources and Infrastructure)  
DP5 (Manage Travel Demand)  
DP7 (Promote Environmental Quality)  
DP8 (Mainstreaming Rural Issues)  
DP9 (Reduce Emissions and Adapt to Climate Change)  
RDF2 (Rural Areas)  
L5 (Affordable Housing)  
MCR4 (South Cheshire)

#### **Cheshire Replacement Waste Local Plan**

Policy 11A (Development and Waste Recycling)

#### **Borough of Crewe and Nantwich Replacement Local Plan 2011**

BE.1 (Amenity)  
BE.2 (Design Standards)  
BE.3 (Access and Parking)  
BE.4 (Drainage, Utilities and Resources)  
BE.6 (Development on Potentially Contaminated Land)  
TRAN.9 (Car Parking Standards)  
NE.2 (Open Countryside)  
NE.5 (Nature Conservation and Habitats)  
NE.9 (Protected Species)  
RES.5 (Housing in the Open Countryside)

#### **Other Material Considerations**

PPS1 (Delivering Sustainable Development)  
PPS3 (Housing)  
PPS7 (Sustainable Development in Rural Areas)  
PPS9 (Biodiversity and Geological Conservation)  
PPG13 (Transport)

#### **4. OBSERVATIONS OF CONSULTEES**

##### **Highway Authority:**

##### **Environmental Health:**

No objection subject to the following comments:

- The application is for a new residential property which is a sensitive end use and could be affected by any contamination present.
- As such, and in accordance with PPS23, this section recommends that should any adverse ground conditions be found during the excavation works, all work in that area should cease and Environmental Health should be contacted for further advice.
- Construction hours (and associated deliveries to the site) shall be restricted to 08:00 to 18:00 hours Monday to Friday, 09:00 to 14:00 hours Saturday, with no working Sundays or Bank Holidays.

#### **5. VIEWS OF THE PARISH COUNCIL**

The application was considered in depth by Sound & District Parish Council and the Meeting unanimously agreed to 'Support' the application.

#### **6. OTHER REPRESENTATIONS**

Letters of support have been received from 3 Barracks Lane, 16 Baddiley Close, 14 Jan Palach Avenue, Fir Tree Farm, and Springfield making the following points:

- Access is easily modified from the farm drive to reach the position although the quality of the road surface in Chapel lane is not good for a wheelchair
- The building will not overlook anyone and in all ways will be an ideal position for the potential occupier
- Planning permission should be given as soon as possible. The family deserve all the help they can get.
- Both Dan and his brother Mathew have made the very best of their situation.
- Dan has been looking for a suitable but affordable home for some time unsuccessfully
- It would take a great deal of sense for them to travel to work together at the NMC in Winsford and save the charity money on transit costs.
- Please support Dan's plans and give the family the support that they surely deserve.
- Dan is an outstanding credit to this community and his family, persistently working against his severe disability to lead a life of independence that many would consider impossible given the same restrictions.
- Where most people in Dan's situation would simply rely on the State for support, Dan has not let his disability limit his aspirations; passing through higher education,

getting married and working as a Graphic Designer for the Neuromuscular Centre in Winsford.

- The family have supported Dan in seeking his independence whilst relying as little as possible on State support. To this end we feel it only fair that the LPA, on behalf of the State, should grant this application to enable Dan and his family to continue with their independent life in the face of severe disability.
- The proposed development is very modest, and is on the edge of an existing village whose community would welcome the return of this valued family. Therefore, whilst this application may not neatly fit the Local Plan and various legislative Policies, it is clearly evident that the applicant has gone to all possible lengths to conform, whilst being constrained by the requirements of his severe disability. We wish to highlight that in such highly exceptional circumstances the relevant planning policies need not be strictly applied.
- Given the overwhelming case provided in this application we request that the proposed development is APPROVED.

A letter has been received from the applicant's father making the following points:

- I would like to declare that I am Dan's father and would like to offer my obvious and natural support for the application that Dan has put forward for planning for a purpose built adapted affordable home.
- Dan who is severely handicapped by his condition is a very talented graphic designer. After obtaining his degree he married Karen his wife who works as a nurse at Leighton hospital.
- They have been looking for a bungalow within the village for several years to adapt, but with only a handful built none have come for sale. Ironically in recent months 3 have come up for sale but they are beyond the financial reach of these young people. In view of the circumstances they find themselves in the only way forward was for my wife and I to offer them a piece of ground on which they could build a purpose built bungalow.
- The proposed site is adjacent to Chapel Lane a quiet no through road. The loss of this small parcel of land will have minimum impact on the smallholding.
- On the other hand the benefits will be enormous to both families, Dan's brother suffers from the same condition and is also confined to a wheelchair and cannot look after himself.
- Despite my wife and I being pensioners we will be able to continue to offer support to both of our sons, whilst Dan and his family can maintain a degree of independence.

## **7. APPLICANT'S SUPPORTING INFORMATION:**

- Design and Access Statement
- Land Contamination Report
- Supporting Statement
- Summary Report



## **8. OFFICER APPRAISAL**

### **Main Issues**

The main issues are the principle of development, design and layout, impact on highway safety, living conditions, ecology, trees and landscape and contaminated land.

### **Principle of Development.**

The site is located in open countryside where there is a general presumption against new residential development, unless it falls within one of a number of categories, none of which include disabled persons accommodation. Consequently, 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*".

The applicant has argued that there are very exceptional personal circumstances associated with this proposal, which are a material consideration to outweigh the policy objection. Namely, the fact that he is unable to obtain suitable accommodation by utilising a suitably adapted existing property elsewhere within the Borough or by constructing a purpose built dwelling within the Settlement Zone Line or Infill Boundary Line of one of the Borough's Settlements.

Ministerial advice relating to the extent to which public opinion or personal pleading may be a material consideration is mainly to be found in "The Planning System: General Principles", which accompanies Planning Policy Statement 1 (April 2005). Para. 21 states that exceptionally the personal circumstances of an occupier, personal hardship, or the difficulties of businesses which are of value to the welfare of the local community, may be material to the consideration of a planning application. It is noted that in such circumstances a permission may be made subject to a condition that it is personal to the applicant. However, the guidance warns that such arguments will seldom outweigh more general planning considerations, which would include the strong presumption against new residential development in the open countryside.

This issue was considered at a Public Inquiry in 2006, relating to a very similar case, at Mill Run, in the former Congleton Borough. In this case the applicant's daughter's disability and housing needs were considered to be a material consideration, which had to be weighed in the balance against the planning policy presumption against residential development in the Open Countryside. However, in order to determine the weight to be given to those personal circumstances it was necessary to examine the reasonableness of the housing needs which were claimed by the Appellants and the criteria and the efforts employed by them to find suitable accommodation elsewhere.

The Appeal turned on whether the features of the proposed dwelling proposed by the Appellants were "essential" or "desirable" for their disabled daughter. Having considered this issue the inspector determined that, having regard to grants and other assistance

which were available to help the family to adapt a dwelling, the needs of the disabled person could be adequately met by an existing property.

In order to consider whether the requirements are indeed essential, a detailed understanding of the individual needs has to be appreciated and understood.

The applicant's supporting statement explains that he cannot walk or stand and uses a powered wheelchair, and an electric hoist to transfer to and from his wheelchair. Each morning he requires dressing, before being hoisted into his wheelchair. He requires help to be set up at the bathroom sink and to wash his hands, face, shave and brush his hair.

He cannot physically cook or prepare drinks and requires feeding. If he goes out he needs accompanying in case he slips in his wheelchair or has to negotiate slopes or rougher ground. He cannot drive but owns a van with a ramp which he requires assistance entering and securing the wheelchair with a clamp.

Currently his wheelchair does not fully meet his needs and he is quite limited with choice as to a replacement with his specific requirements.

He spends around 15 hours per day in his wheelchair so the correct choice of chair has to take priority. It is imperative that he achieves good posture, support, balance, mobility and pressure relief. The two chairs that he is considering, the Etac Balder Finesse and the Permobil C500, have many essential power features to enable comfort and required pressure relief; reclining back rest, tilting seat, adjustable leg rest and raising seat. These features however increase the weight and size and it is difficult to fit the chair into a smaller property.

Currently he uses an older through the floor lift, helping him access the upper floor. This lift has a maximum user weight (person and wheelchair) of 225kg, newer models can allow 250kg.

The wheelchair weighs 158kg and he is 99.6kg leaving the combined weight 257.6kg. This removes the option of such lifts pointing us to single storey living. Size is also an issue as the chairs measure 1150 x 650mm with a turning radius of 1110mm. When coupled with household furniture makes average room sizes and property layout a problematic issue. Consequently a single storey dwelling with generous room sizes is essential.

The applicant receives care from Cheshire West and Chester Council in the form of Direct Payments. This flexible scheme offers the freedom to purchase care to meet his needs up to 17 hours per week, this suits the constant varying nature of his wife's shifts well. He has not been informed of any plans to reduce his care, however, a worry in this current economic environment is council cuts, which have extended to varying forms of support and care of people with disabilities.

The applicant has chosen to employ a professional care agency called "Home Instead" to meet his needs. The majority of the time this service works very well, but there are some

occasions when the service breaks down and he is left without assistance, effectively stranded. The supporting statement covers in detail a number of instances including:

- May 2011 – Care booking system communication breakdown over Easter holiday period resulting in no carer being provided.
- June 2010 – Carer failed to attend resulting in the applicant's father having to drive over 20 miles to provide assistance.
- February 2009 – Applicant's wife inadvertently locked door when leaving for work resulting in carer being unable to gain entry resulting in wife needing to leave work
- 2009 - Carer overslept resulting in 45 minutes of acute concern.
- Equipment Failure - On two separate occasions my bathroom and bedroom ceiling hoists have failed resulting in the applicant being stranded in mid air with restricted breathing. He required cutting free from the sling, falling six inches jarring his spine on one occasion.
- Accident. Whilst dressing I have rolled out of bed onto the ground. Thankfully not injured but required assistance and was stranded on the floor for over 30 minutes.

When emergencies of the nature described above occur, the applicant is dependent upon assistance provided by his wife and parents. Consequently, it is essential to be located within a short response time of his parents' home in Ravensmoor.

In the light of the above, the following specification for a suitable property was produced.

#### Property Type:

- Single Storey
- Wheelchair requirements present problems using a through the floor lift and so accessing an upper floor.
- Safety / fire escape concerns also contribute to requirement for ground floor accommodation

#### Location:

- 2 miles / 7 minutes of parents home, Fields Farm in Ravensmoor.
- This is based upon emergency assistance that may be required in the event of lifting equipment failure, where welfare depends upon physical assistance which is greater than that which can be provided by the applicant's wife.

#### Driveway / Hard Standing:

- Level area to load wheelchair into the adapted van via a ramp.
- Access and parking is also an issue as the van is larger than many un-adapted family vehicles.
- Space required 3600mm x 5800mm.

#### Access:

- Many properties built before 2004 do not require flat main door access.
- Is space available for shallow ramp with flat top area at main door?
- 1:15 ratio is required.

Door width:

- Ideal clear opening of 900mm between door face and frame on all doors.

Outdoor Access:

- To gain access, paths around house require a minimum width of 900mm.

Internal Access:

- Is the property level throughout.

Room Circulation:

- Required wheelchair has a footprint of 750 x 1250mm with turning circle 1700mm.
- With furniture is there enough room freely move around?

3 Bedrooms:

- Family housing requirements need to cater for a master bedroom, family member and carer's room.

Master Bedroom Size:

- The large electric profiling bed measures 2400 x 2000mm. With room for wheelchair to manoeuvre the minimum size room required is 3510 x 3110mm plus other furniture. Layout may also dictate.

Bathroom:

- Is there a possibility of an en suite full bathroom (not just shower room) for privacy and ease of care?

Toilet Space:

- Require 800mm of left hand space from the centre of pan to side wall, plus suitable extra space for ceiling hoist tracking access to toilet, bath and wheelchair loading space.

Accessible Garden:

- A small area available, ideally easily accessed.

Safety Concerns:

- Fire escape options or other concerns.

Budget:

- £170,000.
- The applicant works as a graphic designer for a charity and his wife is a staff nurse at Leighton Hospital

The above requirements all appear to relate to basic necessities such as being able to wash, dress, eat, sleep and access the property and were drawn up based upon details in the Muscular Dystrophy Campaign's Adaptations Manual 2003. The applicant's

requirements have been endorsed by letters from Occupational Therapy, the University Hospital of North Staffordshire, Department of Respiratory Medicine and Shrewsbury and Telford Hospital. On this basis they are considered to be “essential” requirements of the dwelling rather than “desirable” luxuries.

The second question, therefore, is whether an existing property meeting these specifications or capable of suitable adaptation, or alternatively, a site within the settlement boundary, where such a dwelling could be constructed, can be identified.

The applicant has supplied details of all property that offered some potential to meet the identified specification as registered on the “Right Move” website area search feature from between February to April 2011. In total, 11 properties, and a building plot in Ravensmoor, have been scored against the criteria above. However, none met all of the essential requirements, whilst remaining within the set budget, particularly given the costs of necessary adaption which must be factored, to a greater or lesser extent, into most property prices. Of particular difficulty is the need to be within a few minutes response time (either in the car or on foot) of the applicant’s parents property within Ravensmoor. Clearly, properties and building plots in rural areas are scarcer and property prices tend to be higher than within urban areas.

It is therefore considered that the applicant has adequately demonstrated that there is no suitable alternative accommodation available in the vicinity that could meet the applicant’s requirements and that the only way in which his needs can be adequately catered for this through the construction of a new-build property adjacent to his parent’s house in Chapel Lane, Ravensmoor. Exceptionally, in this case, therefore, the appellants personal circumstances are considered to be a sufficient material consideration to outweigh the general presumption against new development in the open countryside as set out in the development plan.

### **Design and Layout**

The site is situated at the end of a row of detached dwellings forming a ribbon development along Chapel Lane. The proposed property would form a natural continuation of this row, and therefore would not appear isolated or out of place within the landscape or the form of the existing settlement. Furthermore, the site is a long narrow field which is well screened by existing hedgerows and trees to the east, west and south. These could be retained, protected and enhanced through the use of appropriate conditions. Consequently, the proposed dwelling would not appear highly prominent or visually intrusive within the landscape. Similarly conditions could be applied to require the planting of similar boundary fencing and landscaping on the more open boundary to the north.

With regard to elevational detail, the application is submitted in outline and only an indicative floorplan has been provided. The surrounding development comprises a mix of individually designed detached properties of varying architectural styles and it is therefore considered that an adequate design could be achieved which would respect the character and appearance of the property’s surroundings.

## **Highways**

The proposed dwelling would be accessed from the existing driveway to Fields Farm which runs from Chapel Lane, which is a single track road joins Swanley Lane, which is the main route through the village of Ravensmoor. The existing access is already serves fields Farm and is considered to be adequate to serve an additional dwelling. Chapel Lane, although narrow, is lightly used and serves 6 detached properties and a small cul-de-sac. It is not considered that the proposal for a single additional dwelling would raise any significant concerns in respect of traffic generation or highway safety. Adequate parking and turning space for the applicant's vehicle would be provided within the site and therefore the proposal would not result in any additional on-street parking which would be to the inconvenience of other residents or the detriment of highway safety.

The Strategic Highways Manager's comments were awaited at the time of report preparation and will be provided to Members at their meeting.

## **Living conditions**

With the exception of Fields Farm to the north and Chapel House to the east, the site is entirely surrounded by open countryside. Distances in excess of 50m will be maintained to both properties, which is considerably in excess of the 21m which is usually considered to be sufficient to maintain an adequate level of privacy and amenity between dwellings. Furthermore, a dense hedge provides a good level of screening between the site and Chapel House. The boundary to Fields Farm is an open post and rail fence but this could be enhanced through native hedge planting which could be secured by condition.

## **Ecology**

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places,

- in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment

and provided that there is

- no satisfactory alternative and
- no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK implements the Directive in the Conservation of Habitats & Species Regulations 2010 which contain two layers of protection

- a requirement on Local Planning Authorities (“LPAs”) to have regard to the Directive’s requirements above, and
- a licensing system administered by Natural England.

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. “This may potentially justify a refusal of planning permission.”

PPS9 (2005) advises LPAs to ensure that appropriate weight is attached to protected species “Where granting planning permission would result in significant harm .... [LPAs] will need to be satisfied that the development cannot reasonably be located on any alternative site that would result in less or no harm. In the absence of such alternatives [LPAs] should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where ... significant harm ... cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused.”

PPS9 encourages the use of planning conditions or obligations where appropriate and again advises [LPAs] to “refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm.”

The converse of this advice is that if issues of detriment to the species, satisfactory alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations.

The Council’s Ecologist has examined the proposals and stated that he has no grounds to believe that valued habitats or protected species will be threatened by this proposed development.

### **Contamination**

The Council’s Environmental Health officer has commented that the application is for a new residential property which is a sensitive end use and could be affected by any contamination present. Therefore conditions are recommended requiring that, should any adverse ground conditions be found during the excavation works, all work in that area should cease and Environmental Health should be contacted for further advice. Subject to compliance with these conditions it is considered that the proposal will accord with the relevant development plan policies in respect of contaminated land.

### **Trees and Landscape**

The site is situated in open countryside, outside settlement boundaries. The landscape has no local or national landscape designation. The site is accessed along a narrow lane and is

reasonably well contained being bounded by established hedges on two sides, with two semi mature trees in the southern hedge. It is at the junction of public footpaths from which the site is visible. Given that existing trees and hedges are confined to the site boundaries and that the indicative layout demonstrates a reasonable separation distance from these features, the proposal is unlikely to have any significant impact on existing trees and hedges. The Council's Landscape Officer has examined the proposals and commented that in the event development was deemed acceptable she would recommend standard tree protection and landscape conditions.

## **9. CONCLUSIONS**

The proposal involves the erection of a new dwelling in the open countryside, which is contrary to established local plan policies. The bungalow is intended for occupation by the applicant, who is severely disabled. The Planning Acts state that development must be in accordance with the development plan unless material considerations indicate otherwise. Guidance within PPS1 states that personal circumstances can be a material consideration, but will seldom be of sufficient to outweigh established planning policies.

Previous appeal decisions have determined that the personal circumstances of disabled persons can be sufficient to outweigh local plan policies restricting new development in the open countryside, where it can be adequately demonstrated that the applicant's accommodation requirements are essential rather than merely desirable and that there are no suitable existing properties, or building plots in locations which were compliant with planning policy, which could fulfil those essential requirements.

In this case it is considered that the specification for the property drawn up by the applicant relates to basic necessities such as being able to wash, dress, eat, sleep and access the property and has been drawn up based upon details in the Muscular Dystrophy Campaign's Adaptations Manual 2003. On this basis they are considered to be "essential" requirements of the dwelling rather than "desirable" luxuries. The applicant has also adequately demonstrated that there is no suitable alternative accommodation available in the vicinity that could meet the applicant's requirements and that the only way in which his needs can be adequately catered for this through the construction of a new-build property adjacent to his parent's house in Chapel Lane, Ravensmoor. Exceptionally, in this case, therefore, the appellants personal circumstances are considered to be a sufficient material consideration to outweigh the general presumption against new development in the open countryside as set out in the development plan.

The proposal is acceptable in terms of design and layout, impact on highway safety, living conditions, ecology, trees and landscape and contaminated land and complies with the relevant local plan policies in this regard.

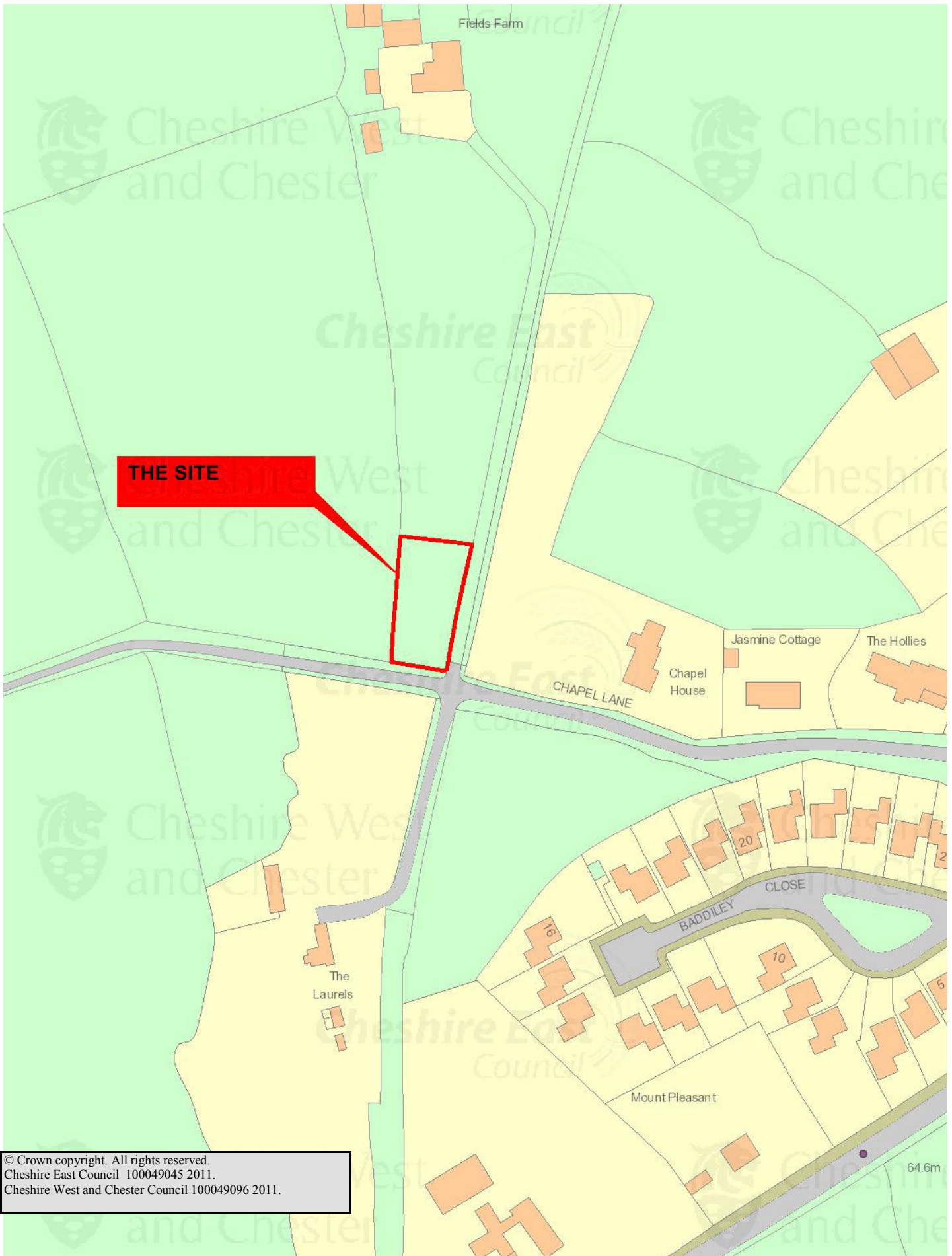
Therefore, for the reasons stated above and having due regard to the relevant local plan policies, and all other material considerations raised, the proposal is recommended for approval subject to appropriate conditions.



## **10. RECOMMENDATION**

**APPROVE** subject to the following conditions:

- 1. Reserved matters to be submitted**
- 2. Three years for the submission of reserved matters application**
- 3. Implementation within two years from approval of final reserved matters**
- 4. Submission and approval of materials**
- 5. All work to stop in the event of unforeseen land contamination and mitigation to be submitted**
- 6. Submission and approval of boundary treatment**
- 7. Submission and approval of landscaping scheme**
- 8. Implementation of landscaping scheme**
- 9. Submission of tree protection measures**
- 10. Implementation of tree protection**
- 11. Surface water drainage scheme in accordance with principles of sustainable drainage**
- 12. Scheme for the disposal of foul drainage**
- 13. Construction hours (and associated deliveries to the site) shall be restricted to 08:00 to 18:00 hours Monday to Friday, 09:00 to 14:00 hours Saturday, with no working Sundays or Bank Holidays.**
- 14. Remove Permitted Development rights**
- 15. Dwelling to be occupied by Mr. D. Cundall, spouse, family, dependents or carers only.**



Application No: 09/3651C

Location: FORMER SUTHERLAND WORKS, BROMLEY ROAD, CONGLETON, CHESHIRE, CW12 1QB

Proposal: Outline Planning Permission For The Development Of The Site For Residential Purpose, Comprising 63 Dwellings

Applicant: Woodford Land Ltd

Expiry Date: 15-Mar-2010

**SUMMARY RECOMMENDATION**

Approve subject to conditions and s106 Legal Agreement

**MAIN ISSUES**

Loss of Employment Land  
Affordable Housing Provision and Viability  
Highways  
Amenity

**1. REASON FOR REFERRAL**

This report is presented to the Strategic Planning Board following a decision by Members of SPB in March 2010 to defer the application pending further information on the marketing of the site and in order to seek further expert advice on matters relating to financial viability and the proposed affordable housing provision.

However, given both the length of time that has passed since the deferral and the changes to the policy position, a totally new report has been prepared for Members.

**2. DESCRIPTION OF SITE AND CONTEXT**

The site is located to the east of Congleton town centre and is accessed off both Bromley Road and Brunswick Street, which form two boundaries to the site. The north of the site is bounded by the Biddulph Valley Way and beyond this lies an area of employment land. To the west there is a footpath linking Bromley Road to the walk to the north.

Although access can be taken from the two roads to the south and east, there is a line of residential properties between the majority of the site and the road which have their rear gardens backing on to the boundary of the application site.

Whilst the main area of the site itself is relatively flat, the surrounding land and the entrance to the eastern side of the site is at a different level with the land falling away to the north down a steep wooded embankment before meeting the footpath which forms the northern most boundary. The land to the east is at a higher level and the access road into the site from this point, descends down from Bromley Road into the centre of the site.

The site is currently occupied by an existing factory building providing approximately 7230sq.m floorspace formerly used for the production of cardboard cartons. Despite various marketing exercises, the site has now been vacant for almost four years and is awaiting potential redevelopment.

### **3. DETAILS OF PROPOSAL**

This application seeks permission to redevelop the site with up to 63-units. The application has been made in outline form, with only access being considered at the current time. Appearance, landscaping, layout and scale are reserved for later consideration.

Whilst the application is made in outline, the applicants have provided indicative details of the form and character of development being proposed by of an indicative site layout and site sections showing the changing levels across the site.

In terms of access, it is proposed that all of the properties are accessed from the Bromley Road access to the east with the existing smaller access to Brunswick Street being retained for emergency purposes only. In the main, the development indicates that the site would comprise semi-detached and detached dwellings, although a number of the buildings will be for apartment properties. However, as an outline, it is possible that a different mix of units would come forward at reserved matters stage.

In addition to the development of the properties, a raised bund is proposed along the northern edge of the site to provide an additional degree of protection to the future occupiers from the industrial uses to the north.

### **4. RELEVANT HISTORY**

There are three past approvals for extensions to the factory unit during the 1970s, 1980s and early 1990s. In addition, a more recent application reference 37076/3 was refused in 20 April 2004 for the construction of 73 dwellings on the site.

There were two grounds for this refusal. Firstly, that the development of the houses at that time would exacerbate the over-supply of housing within the Borough and this would be at significant variance with the provisions of Policies H1 and H2 of the Local Plan. Secondly, it was considered that the proposed development would result in the loss of employment land, and the applicant had failed to demonstrate that the site was unsuitable for employment uses, that there was an adequate supply of employment land or premises within Congleton, or there was an overriding planning benefit to be gained from the residential redevelopment of the site. As such the proposal was deemed to be contrary to Policy E10 of the First Review of the Congleton Borough Local Plan.

### **5. POLICIES**

#### **National Policy**

PPS1 'Delivering Sustainable Development' and supporting documents

PPS3 'Housing'

PPS9 'Bio-diversity and Geological Conservation'

PPG13 'Transport'

PPS23 'Planning and Pollution Control'

PPG24 'Planning and Noise'  
PPS25 'Development and Flood Risk'

### **North West of England Plan - Regional Spatial Strategy to 2011**

DP1 Spatial Principles  
DP7 Environmental Quality  
L1 Health, Sport, Recreation, Cultural and Education Service Provision  
L4 Regional Housing Provision  
L5 Affordable Housing  
EM11 Waste Management Principle  
EM18 Decentralised Energy Supply  
Cheshire Replacement Waste Local Plan  
Policy 11 (Development and Waste Recycling)

### **Congleton Borough Council Local Plan First Review 2005**

PS4 Towns  
H1 & H2 Provision of New Housing Development  
H4 Residential Development in Towns  
H13 Affordable and Low Cost Housing  
GR1 New Development  
GR2 & GR3 Design  
GR4 & 5 'Landscaping'  
GR6 & 7 'Amenity and Health'  
GR9 Accessibility, Servicing and Parking Provision (New Development)  
GR17 Car Parking  
GR22 Open Space Provision  
RC1 'Recreation and Community Facilities – General'

### **Other Material Considerations**

- SPG1 Provision of Public Open Space in New Residential Development
- SPG2 Provision of Private Open Space in New Residential Development
- SPD6 'Affordable Housing and Mixed Communities'
- Interim Planning Statement: Affordable Housing
- Interim Planning Statement: Release of Housing Land
- 2010 'Strategic Housing Market Assessment'(SHMA)
- Strategic Housing Land Availability Study (SHLAA)
- Department for Transport: 'Manual for Streets'
- Circular 11/95 'Planning Conditions'
- Circular 05/2005 'Planning Obligations'
- Chief Planning Officer Letters re the abolition of RSS.
- Advice Produced by the Planning Inspectorate for Use by its Inspectors.
- Draft National Planning Policy Framework
- DCLG 'Planning for Growth'

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

### **Environmental Health Officer**

The site investigation report submitted with the application is now over two years old and new guidelines have been released with respect to undertaking site investigations. In addition,

there are a number of areas where it was noted on site that odour was encountered requiring further investigation, particularly around the area of the old substation on the northern boundary. In addition, the old gravel pit area requires investigation to determine the nature of the fill material and the gas protection measures required on-site.

In respect of noise, the principal of use of the bund on the northern boundary is accepted however ongoing maintenance would have to be secured through the legal agreement. This matter, however, could be addressed through the use of appropriate conditions. If the application had been deemed suitable to be approved, conditions on pile driving and protection of noise from construction would also be applicable.

### **Greenspaces – Amenity Greenspace and Children and Young Persons Provision**

The Greenspaces Team have provided comments on the application. They consider that no on-site provision is necessary in this case and that financial contributions towards off-site enhancements are appropriate in this instance to address qualitative deficiencies within the area. These matters are discussed in detail further into the report.

### **Strategic Highways Manager**

The Strategic Highways Manager has undertaken significant pre-application discussions with regard to this site. Traffic generation from the proposed residential use will be a significant reduction when compared to the potential traffic generation from the existing use class and this reduction will provide betterment in terms of reduced impact on the local highway infrastructure. Therefore the Strategic Highways Manager considers that there should be no objection in principle to the proposal for development.

The Officer acknowledges that there are issues with the proposal which need resolution in terms of local infrastructure provision or upgrade, and accordingly they recommend a number of conditions and informatives for inclusion with any planning permission which may be granted. Given the indicated intent in the submitted travel assessment and the travel plan framework, it is clear that the proposed development is intended to rely on local sustainable connectivity, in particular pedestrian, cycle and bus facilities.

The extent of the existing facilities which are in place is detailed in the transport assessment and travel plan framework, and therefore the Strategic Highways Manager considers it reasonable that a capital sum of money is negotiated to secure a number of local improvements to the local sustainable infrastructure. This will include improvements to local footway and surface.

If the scheme would be approved, the improvements sought through the obligations relate to detailed designs for the proposed alterations to the junction with Vaudrey Crescent and Bromley Road, submission of detailed plans for the proposed main junction with Bromley Road, improvements to the pedestrian cycle junction with Brunswick Street, improvements for the proposed alterations to the footway of Bromley Road and improvements to pedestrian crossings in the vicinity of the site.

## **7. VIEWS OF CONGLETON TOWN COUNCIL:**

Recommend approval

## **8. OTHER REPRESENTATIONS:**

### **Neighbour Comments**

Two neighbours have commented on this scheme. The first of these from Brunswick Wharf House expressed concern that the proposal is being brought forward in isolation separate to neighbouring employment sites. It argues that if a larger proposal was submitted, this would enable a common access to be provided to deliver better improvements for the good of the area currently under consideration. The objector also points out that under the Strategic Housing Land Availability Assessment, the site was anticipated to deliver an element of employment land, but this is not part of the proposal.

The objector also notes that there are a number of discrepancies on the plan, including the absence of trees near the applicant's site and a pedestrian right-of-way seems not to have been marked. In summary, the applicant requests that this application be delayed until such time that the whole area can be redeveloped as opposed to taking the site forward on a piecemeal basis.

The second objector has opposed the application on two grounds. The first of these is that the main access road would be adjacent to the property and concern is also raised that the use of the access would exacerbate problems using their existing driveway, which is in an awkward position next to the proposed Bromley Road access point. On the second point, they have requested that any planting adjacent to their site would be of a sufficient nature to deter children playing alongside the property but was not too high to cause future amenity problems through loss of light.

### **Congleton Cycling Campaign**

The group has questioned the applicants suggestion that the journey to Congleton Railways station would be only 1.5 km as this is a difficult route and would mostly be on roads as the passing cycle route does not provide immediate access. It would appear to the group that the applicants study gives lip service to the issue of sustainable transport, and they would wish to see the applicant make provision for some signing and cycle facilities including a direct link to the town centre as part of their obligations.

## **9. APPLICANT'S SUPPORTING INFORMATION:**

Design and Access Statement

Development Viability Report

Desk Study and Site Investigation Report

Ecological Report

Employment Land Appraisal

Flood Risk Assessment

Noise Assessment

Planning Statement

Transport Statement

Tree Survey and Constraints Report

Waste Management Plan

Waste Management Strategy

King Sturge Marketing Summary Report (December 2010)

## **10. OFFICER APPRAISAL**

### **Principle of Development**

The principle of residential development on the site is acceptable having regard to the advice contained within PPS1 and PPS3 in terms of the site previously developed status and location within the Congleton settlement zone. Furthermore the site is identified within the SHLAA as suitable, available and achievable and therefore falls to be considered as a deliverable site in PPS3 terms. The site will therefore make an important contribution to the five-year housing land supply both across the borough and within Congleton itself as well as contributing to the provision of an appropriate mix of housing within the Congleton area having regards to the SHMA.

Members must also note that in the absence of five year housing land supply within the Congleton area, paragraph 71 of PPS3 requires that applications for housing must be considered favourably providing they meet the objectives PPS3 paragraph 69.

In terms of local plan policies, the sites location within the Congleton settlement zone means that there is presumption in favour of development under policy PS4 providing the proposal does not conflict with other policies within the local plan, is in keeping with the towns scale and character, and is appropriate to character of its locality in terms of use, intensity and scale. The scheme is considered to meet the requirements of policy E10 in respect of Employment Land issues, although this is discussed in more detail in the next section of report.

### **Loss of Employment Land**

The application site comprises four factory buildings with the single largest being a brick built, asbestos covered building that occupies a central position within the site. After visiting the site, it is immediately apparent that the building's age, nature, very poor physical condition, constrained nature and poor access entirely support the applicant's case that both the site and existing buildings are unsuitable for continued employment use and simply cannot be re-let despite a comprehensive and sustained marketing campaign.

Similarly it is also the case that the site is not capable of redevelopment for new employment uses given the sites location, competition from other employment sites (such as Radnor Park and Eaton Bank) and more particularly current economic conditions which have substantially suppressed demand for commercial and industrial development. This was also evidenced by a near identical case on land at Mill Street and Brook Street, Congleton (on the opposite site of Bromley Road) where Members of Southern Planning Committee approved redevelopment of the site with a mixed residential scheme and where, following an extensive assessment, new B1 and B2 employment uses were found to be unviable.

Taking into account all these factors it is extremely clear that the site and the buildings it contains are no longer suitable for employment uses and that its redevelopment for residential use will bring back into a beneficial re-use of a now defunct employment site.

In summary, we consider that the requirements of local plan policy E10 have been satisfied and that the site is no longer suitable for continued employment use.



### **Affordable Housing Provision and Viability**

Following the decision by Members to defer the matter pending further consideration of the viability evidence, the Council instructed Savills, Manchester to undertake an independent review and appraisal of the applicant's viability evidence.

The professional advice from Savills to the Council is that the applicant's report is robust and demonstrates that 30% affordable housing is not viable on this site at the present moment in time and that the offer of 13% affordable housing reflects what the scheme could reasonably and fairly deliver. We are also satisfied that the proposed mix, which includes 1-bed apartments along with 2-bed and 3-bed houses, will provide a suitable mix to cater for the varied housing need within the area.

Whilst it is clearly unfortunate that a higher level of affordable housing cannot be delivered in accordance with the requirements of SPD6 and the Interim Housing Policy, policy H13 and the Interim Housing Policy do advise that the Council will consider the economics of provision when assessing affordable housing provision. Furthermore, the guidance contained within 'Planning for Growth' makes it clear that Councils will be expected to consider the impact of planning obligations on the viability of development and that such issues amount to important considerations.

It is recommended however the proposed S106 Agreement incorporates an "overage clause" to allow the Council to secure 50% of any additional sales revenue over and above a threshold value (subject to a maximum amount equivalent of 30% affordable housing provision) to be reinvested back into affordable housing within the area. Clearly this relies upon market conditions improving significantly in the coming years.

### **Amenity**

The main relation this site has with its neighbours is to the residential properties to the south. In the main, many of these properties have extensive rear gardens, and accordingly the dwellings themselves are situated a substantial distance away from the proposed buildings.

Where the neighbouring properties do get closer to the southern boundary of the site, the indicative master plan for the site indicates that there is either extensive landscaping between the two areas or the properties themselves setback in order to minimise impact on the neighbouring properties.

It is felt that at this outline stage, sufficient scope exists within the site to ensure that satisfactory separation distances between existing and proposed dwellings can be ensured at the reserved matters application stage.

Whilst there would be some disturbance during the construction operations which could be controlled through conditions in respect of hours of work, the resultant development will have less harm on the neighbouring occupiers in respect of noise and other sources of pollution e.g. dust compared to the existing factory force and associated activities including deliveries.

### **Landscape**

The indicative scheme shows landscaping to the north and southbound of the site particular with some new planting within the centre of the site, particularly around the access road. In addition to the applicant's own planting, there is existing planting on the slopes rising up from

the northern boundary of the site, and it is felt that in general this matter can be adequately addressed through the reserved matters stage.

### **Ecology**

Following the additional work undertaken in respect of bats on the site, the Council's Ecological Officer is satisfied that the development would not impinge on protected species, and accordingly a licence would not be required from English Nature in this instance.

In addition, applicants have acknowledged that some of the existing trees towards the north of site can be retained as future wildlife habitat and should scheme be acceptable for approval. This could be conditioned if the scheme were to be approved.

### **Highways and Parking**

Following extensive work with the Council's Strategic Highways Manager, it is felt that the matter of access of the vehicles and other road users can be suitably addressed through the use of conditions and a section 106 agreement to secure appropriate offsite works. Given that the scheme will result in the removal of the existing industrial use on the site, the Strategic Highways Manager is of the view that this scheme will bring about betterment within the locality.

### **Contamination**

Whilst some initial concern was expressed that the contaminated land surveys were out of date, further discussions have taken place between the applicant and Environmental Health which have now resolved any outstanding concerns. Furthermore, none of the concerns expressed indicate that the site cannot be remediated to an appropriate standard to allow for residential development or that the redevelopment of the site would result in unacceptable consequences elsewhere adjacent to the site. The scheme is considered to meet the requirements of advice in PPS23 (paragraph 1.36 & 1.37) and that conditions can be attached to secure the submission of the further survey work, gas monitoring and appropriate remediation strategy.

### **Open Space Provision**

In terms of public open space, it was previously agreed that there is no requirement for public open space provision on the site but that there is a qualitative deficiency in the open space accessible to the development. On that basis, the Greenspaces team have identified a number of opportunities to enhance the existing open space at Bromley Farm to address to this qualitative deficiency and to ensure that the proposed development adequately caters for its impacts.

In terms of Children and Young Person Provision, Greenspaces have advised that a financial contribution of £13,735.50 will allow for an appropriate enhancement of existing provision within the area and that an additional sum of £44,775 would be required for future maintenance. At this stage, it is proposed that this sum would be invested into enhancing the existing Cheshire East owned facility at Edinburgh Road, Bromley Farm.

In terms of Amenity Greenspace, whilst accepting there is no need for new open space to be provided within the site, the development can help to address the qualitative deficiency of Amenity Greenspace within the area and in this respect a financial contribution of £7,924.50 plus £17,737.50 for future maintenance would ensure that the scheme adequately addressed

its impacts. It is envisaged that this contribution would be invested into the Biddulph Valley Way disused railway line which lies directly adjacent to the site and would, for example, allow for works to improve surfaces and drainage with a view to increasing use.

Providing these financial contributions are secured by way of S106 Agreement, the proposed development will satisfy the requirements of SPG1 and local plan policies GR1 and GR22.

### **Building Sustainability and Renewable Energy**

Matters relating to sustainability and renewable energy have now been satisfactorily addressed. The applicant has committed to constructing the proposed dwellings to Code for Sustainable Homes Level 3, with an appropriate sum allocated within the financial appraisals to allow for this, with the matter of provision of 10% renewable, decentralised or low-carbon on-site energy provision being capable of resolution by way of condition when the development will be at the detailed design stage.

Subject to conditions to secure this provision therefore, the scheme will satisfy the requirements PPS1 'Delivering Sustainable Development', RSS policies EM17 and EM18 and local plan policies GR1.

## **11. CONCLUSIONS**

The proposed development would bring about the remediation and redevelopment of a derelict, contaminated previously developed site within the Congleton settlement zone.

The scheme would make an important contribution to housing land supply within Congleton and is identified within the SHLAA as a deliverable site. Whilst the scheme cannot deliver a 30% affordable housing contribution, the 13% it can deliver would still make an important contribution to addressing the shortfall in affordable housing provision within the Congleton area and has been found to be a reasonable contribution following rigorous assessment of the development economics.

The proposed development adequately caters for public open space provision, provides betterment in terms of impacts on the local highway network and makes suitable provision to deliver sustainable housing. Whilst further work is required in respect of contamination and the remediation, this is not considered to be a barrier to the grant of permission and can be adequately addressed by way of suitable conditions.

Whilst the detailed design is for reserved matters, the indicative material demonstrates a satisfactory layout could be achieved and amenity of neighbouring residents preserved. Other matters relating to noise, flood risk, ecology and trees have also been adequately addressed.

## **12. RECOMMENDATIONS**

That subject to the prior signing of a S106 Agreement, permission is granted subject to the following conditions:

### **S106 Heads of Terms:**

#### Affordable Housing

1. Provide 8-no (13%) affordable housing comprising four intermediate units and four social rented units.

*Trigger:*

All intermediate housing to be constructed and transferred to an RP before occupation of 50% of the open market housing.

2. Affordable housing overage clause as described within the report

Greenspaces

3. That prior to the commencement of development, financial contributions toward Children and Young Persons Provision (CYPP) and Amenity Greenspace (AG) are made in full to the Council. The financial contributions will comprise:

CYPP - £13,735.50 for enhanced provision and £44,775.00 towards maintenance

AG - £7,924.50 for enhanced provision and £17,737.50 towards maintenance

Acoustic Bund

4. Management regime for the acoustic bund and any on site amenity Greenspace.

*Trigger*

Scheme to submitted and agreed prior to first occupation of any dwelling.

Proposed Conditions

**General**

1. 3-year Outline / 2-year Reserved Matters Time Limit
2. The Reserved Matters (Layout, Scale, Appearance and Landscaping)
3. Restriction no more than 63-dwellings
4. External Facing Materials to be submitted

**Environmental Health**

5. Hours restriction – demolition and construction  
08:00 to 18:00 hours on Monday to Friday, 08:00 to 13:00 hours on Saturday, with no work at any other time including Sundays and Public Holidays.
6. Hours restriction – piling activity  
08:00 to 18:00 hours on Monday to Friday, 08:00 to 13:00 hours on Saturday, with no work at any other time including Sundays and Public Holidays.

7. Standard DCLG Contaminated Land Condition.
8. Scheme for gas monitoring and mitigation (if required).
9. Detailed scheme for acoustic mitigation for the proposed dwellings prior to commencement of development. Unless otherwise agreed, the scheme will include an acoustic bund and fence, acoustic glazing to dwellings.

### **Highways and Drainage**

10. Scheme for off-site highway works to the junction Vaudrey Crescent and Bromley Road
11. Scheme for off-site highway works to secure improvements to cycle access
12. Precise design of Bromley Road access to be submitted and agreed prior to the commencement of development based on Axis drawing number 724-01/GA-02.
13. Access onto Brunswick Street shall be for emergency access only. Submission of a scheme to restrict access for emergency vehicles only.
14. Detailed SUDS, surface water drainage and sewerage scheme
15. Detailed flood storage and attenuation design
16. Scheme for improvements to the local footpath network and pedestrian crossings

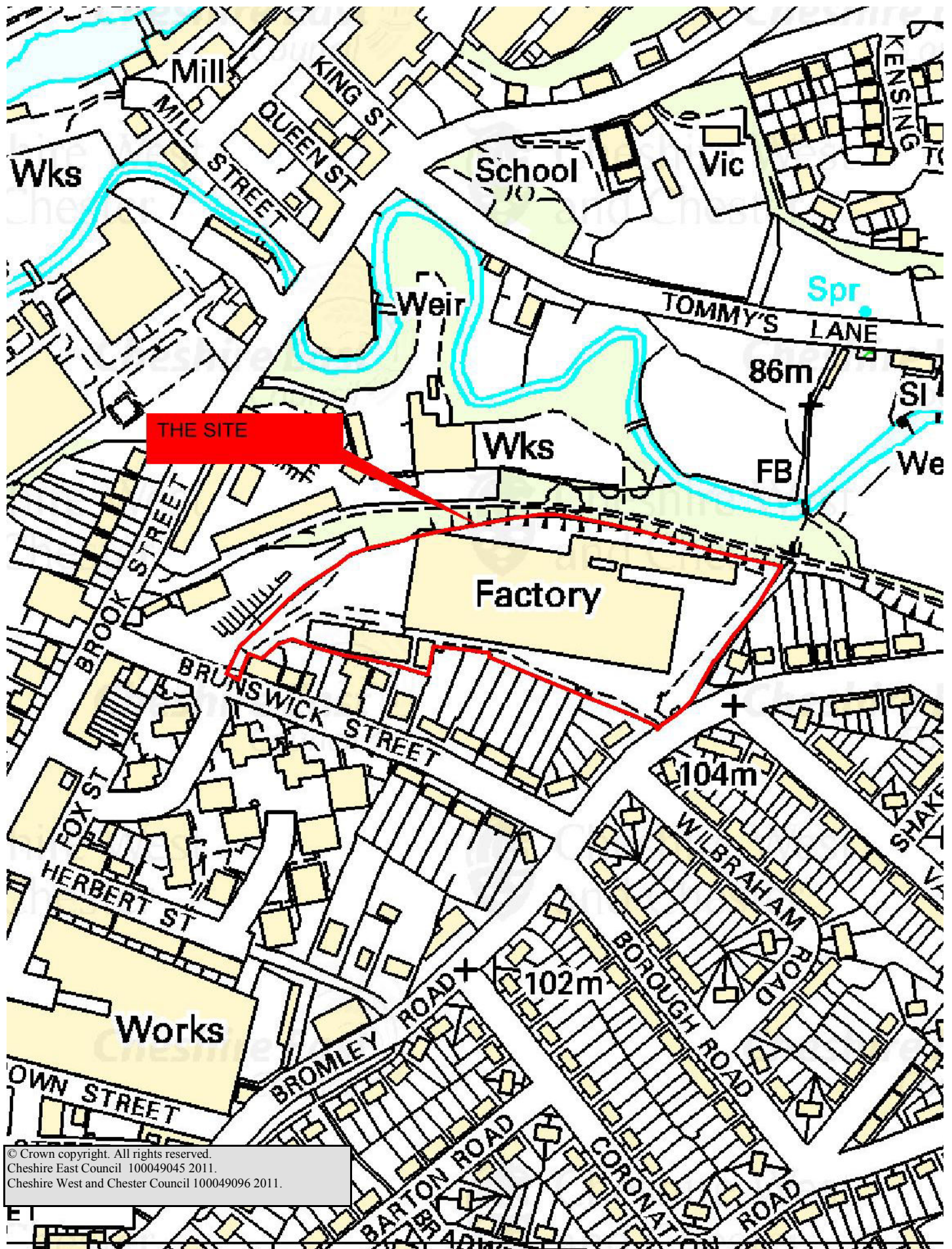
### **Landscape and Ecology**

17. Lighting scheme to be submitted
18. Scheme for bat and bird boxes
19. Protection of breeding birds
20. Management plan for on-site landscaping and adjacent wildlife corridor
21. Implementation and five-year maintenance of landscaping scheme
22. Precise details of boundary treatments

### **Sustainable Development**

23. Homes to be constructed to 'Code for Sustainable Homes' Level 3.
24. 10% renewable, decentralised or low carbon on-site energy provision.
25. Construction site environmental management plan including precise details of construction access, siting of portakabins, staff parking and wheel wash facilities.





## CHESHIRE EAST COUNCIL

### STRATEGIC PLANNING BOARD

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**Date of meeting:** 29<sup>th</sup> November 2011  
**Report of:** Caroline Simpson, Head of Development.  
**Title:** 10/0021C Land off Crewe Road/Zan Drive, Sandbach.

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#### **1.0 Purpose of Report**

- 1.1 To consider proposed amendments to the s106 Agreement linked to application 10/0021C passed by Southern Planning Committee on 23<sup>rd</sup> April 2010.
- 1.2 The report has been presented to Strategic Planning Board as it is the first available committee and a timely decision is required in order to allow the purchasers of the discount market sale units to complete the purchase of their properties.

#### **2.0 Decision Required**

- 2.1 To agree to the amendments to the previous resolutions as stated in this report.
- 2.2 The principle of the residential development has already been established by the previous resolution and this report does not provide an opportunity to revisit that issue. This item relates solely to the proposed amendment to the requirements of the Section 106 Agreement.

#### **3.0 Background**

- 3.1 The application relates to a development of 41 dwellings, which is close to completion.
- 3.2 Outline consent was granted in April 2010, subject to a s106 agreement. The agreement required a Traffic Management Contribution, Transitional Ecology Area, parking area and secured the provision of affordable housing.
- 3.3 The subsequent reserved matters application was approved in December 2010 (10/2131C), with to a Deed of Variation to the s106 Agreement, allowing the 4 two bedroom apartments to be replaced with 4 two bedroom houses.

#### **4.0 Proposals**

##### Affordable Housing

- 4.1 The developers have requested that paragraph 8 of the agreement be varied. It currently reads as follows:

*'If any of the Discounted for Sale Units have not been sold within 32 weeks of their release for sale the Developer shall be entitled to Dispose of such Discounted Housing for Sale Units to any person at the discounted price described in paragraph 6.2 (i) above on terms that ensure that the future ownership and selling price of the Discounted for Sale selling price of the Discounted for Sale Unit are in accordance paragraph 6.2 above.'*

Paragraph 6.2 requires that the Units are offered for sale on a freehold or long leasehold interest, for not more than 70% of the Open Market Value, and initially offered to people who meet the relevant eligibility criteria laid out in the Agreement.

- 4.2 They request that the variation allows for a reduction in the time period to 20 weeks in the case of Mortgagees in possession of the property.
- 4.3 The reason for the request is because purchasers of the properties have been unable to secure mortgages due to the time scale specified in the s106 Agreement. Evidence of this has been submitted to the Council, and is accepted.
- 4.4 It is therefore proposed that a Deed of Variation is granted to allow for a time period of 20 weeks for the sale of Discounted Housing for Sale Units in the event of a Mortgagee is in possession of the property. The requirement for a 32 week period in all other cases should remain.
- 4.5 The Strategic Housing Manager supports the amendment as proposed.

#### **5.0 Conclusion**

- 5.1 On the basis of the above, the proposed Deed of Variation to reflect the amendments outlined above, is considered to be acceptable.

#### **6.0 Recommendation**

That the Board resolve to agree the acceptability of a Deed of Variation to allow a time period of 20 weeks for the sale of the Discounted for Sale Housing Units in the event that a Mortgagee is in possession of the property and a 32 week time period in all other cases.

#### **7.0 Financial Implications**

- 7.1 There are no financial implications.



## **8.0 Legal Implications**

- 8.1 Revisions to the time period for sale of the Discounted Housing for Sale Units to 20 weeks for Mortgagees, should be confirmed in a new resolution so that the Borough Solicitor has authority to execute a Deed of Variation to the s106 Agreement.

## **9.0 Risk Assessment**

- 9.1 There are no risks associated with this decision.

## **10.0 Reasons for Recommendation**

- 10.1 To allow purchasers of the Discounted Housing for Sale Units to complete the purchase of the units, whilst still retaining the requirement for the Units to remain affordable, in accordance with the requirements of paragraph 6.2 of the original agreement.

### ***For further information:***

*Portfolio Holder: Councillor Rachel Bailey*  
*Officer: Philippa Cockroft – Senior Planning Officer*  
*Tel No: 01270 537418*  
*Email: philippa.cockroft@cheshireeast.gov.uk*

### ***Background Documents:***

- *Section 106 Agreement*

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## **CHESHIRE EAST COUNCIL**

### **Strategic Planning Board**

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**Date of Meeting:** 29 November 2011  
**Report of:** Strategic Planning & Housing Manager  
**Subject/Title:** Housing Supply  
**Portfolio Holder:** Cllrs David Brown & Rachel Bailey

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#### **1.0 Report Summary**

- 1.1 This report considers the Council's approach to housing supply and also responds to two Notices of Motion put to the Full Council

#### **2.0 Recommendation(s)**

- 2.1 That the Council maintains an annual housing requirement of 1150 dwellings until a figure is set within the new Cheshire East Local Plan
- 2.2 That the Strategic Planning Board approves the approach to revision of the Interim Planning Policy on the Release Of Housing Land set out in Appendix 1 of the report

#### **3.0 Reasons for Recommendation(s)**

- 3.1 To ensure the Council has a consistent and soundly based housing figure.

#### **4.0 Wards Affected**

- 4.1 All

#### **5.0 Local Ward Members**

- 5.1 All

#### **6.0 Policy Implications**

- 6.1 The report clarifies the Council's policy approach to this subject

#### **7.0 Financial Implications**

- 7.1 None.

#### **8.0 Legal Implications**

- 8.1 The numbers of new homes that the Council is required to provide for was previously set out in the Regional Plan for the North West. The Regional Plan formed part of the statutory development plan for the purposes of s. 38 of the Planning Act. The Secretary of State previously attempted to revoke Regional Plans via statutory Instrument – but the courts have re-instated the Plans until primary legislation allows for their abolition and replacement
- 8.2 In future it will be for the Local Plan alone to set appropriate housing numbers for the Borough.

## **9.0 Risk Management Implications**

- 9.1 If the Council fails to provide sufficient housing over a long and sustained period of time then it risks increasing house prices, stifling economic growth and eroding choice and balance in the housing stock.

## **10.0 Housing Numbers**

- 10.1 At the Full Council on 13 October the following Notice of Motion was received:
- 10.2 *That the annual target for housing in Cheshire East set in the Regional Spatial Strategy, already rescinded by the government, be reduced from 1000+ to 710 per annum to give a five year requirement of 3550 which is already available.*
- 10.3 The Council's housing requirement of 1150 per annum was established through the Regional Spatial Strategy for the North West. This figure was agreed following rigorous testing at the public examination on the RSS.
- 10.4 The Localism Bill 2011 was passed by Parliament on 15 November. Whilst the Government has approved the abolition of RSS, they are still in effect until formally abolished by the enactment of the relevant part of the legislation which is expected early in 2012.
- 10.5 The Government has stated its intention for local planning authorities to set their own housing requirement figures in the future and that they should deliver the full requirements for growth for the Borough. The process for revising the housing requirement figure is through the Local Plan where the research and projections supporting the proposed figure will be subject to scrutiny at the examination.
- 10.6 In support of this the Council is currently commissioning some further work on the population and demographics of the Borough. This will reinforce work already carried out and provide a strong evidence base for the eventual housing figures which will be included within the Local Plan.

- 10.7 It is very important in the long run that the Council ensures enough homes are built to meet the needs of the Borough. Restriction in housing supply over many years has the effect of distorting the housing market, restricting choice and stifling economic growth. The effect of reducing housing numbers for a temporary period is much less critical – and to some extent particularly so in the midst of recession when Housing completions are in any event very low. A reduction in overall numbers might also be viewed as a means of fending off planning applications for housing on land not currently allocated in existing local plans – and therefore ensuring that the Community is not subjected to ‘unexpected’ development on their doorstep.
- 10.8 Tempting as these objectives might be seen to be, a simple reduction in housing numbers is unlikely to be the means of achieving this. To arbitrarily revise the figure as proposed at this time would leave the Council in a weak position in appeals in trying to justify this unsubstantiated figure, thus leaving the Council open to challenge from developers with the likelihood of significant costs.
- 10.9 In addition, housing supply should be looked at over a period of at least 5 years, with assumptions for the next ten years also being recommended. A few years of diminished completions is unlikely of itself to be harmful given the cyclical nature of the housing market – but a failure to provide enough homes over a period of fifteen years is likely to be damaging to the housing market and economy of the area
- 10.10 Consequently we do not recommend any change to the current housing numbers of 1150 homes per year.

## **11.0 Interim Policy for the Release of Housing Land.**

- 11.1 At the Full Council on 13 October the following Notice of Motion was received:
- That the Council's decision at its meeting on 24<sup>th</sup> February 2011 to approve the Interim Planning Policy on the Release of Housing Land (Minute 95 refers) should be rescinded.*
- 11.2 The Interim Planning Policy on the Release of Housing Land was prepared in the context of national planning policy set out in PPS3 ‘Housing’ as an interim measure to help the Council manage the release of housing land to maintain a five years supply as required.
- 11.3 Planning Policy Statement 3 ‘Housing’ requires local planning authorities to monitor and manage the release of housing land to ensure that there is a five years supply of deliverable sites. This includes sites with planning permission, sites allocated for residential development in the Local Plan and identified redevelopment sites within settlement boundaries.

- 11.4 The Interim Planning Policy was adopted by Cheshire East Council on 24 February 2011 following public consultation. The policy was developed in a manner that would help deliver the Council's aspirations for growth for Crewe and that would not prejudice the consideration of alternative options for the development strategy of the Local Development Framework.
- 11.5 The policy has been operating successfully since its adoption and is leading to an increase in the supply of housing land. Developers have submitted planning applications on a number of sites adjacent to the settlement boundary of Crewe. Some of these planning applications have already been considered and approved by the Strategic Planning Board.
- 11.6 Other planning applications have also been submitted for a number of sites on the edge of other settlements. The Interim Housing Land Release Policy cannot on its own provide a basis for refusing such applications but is never the less helpful in demonstrating how supply will be met. Thus far we have avoided sporadic developments and appeals on two major sites in Sandbach have recently been dismissed, although both have been subject to challenge.
- 11.7 However as with any policy it is timely to review its operation and content. Given the complex array of appeals now underway and the changing nature of National Guidance we recommend that Council carries out a review of the policy.
- 11.8 Options for a review include:
- Continue to use the Interim Planning Policy on Release of Housing Land
  - Rescind the Interim Policy, and determine planning applications using
    - saved Local Plan policies;
    - PPS3;
    - draft NPPF guidance on delivering sustainable development and develop guidance on the interpretation of sustainable development in the local context.
  - Review the Interim Policy to include guidance on the release of appropriately sized and located sites in other settlements
- 11.9 A prospective timetable for this review is set out in Appendix 1. If approved a full consultation document will be submitted to the next meeting.

## **12.0 Access to Information**

The background papers relating to this report can be inspected by contacting the report writer:

Name: Adrian Fisher

Designation: Strategic Planning & Housing Manager

Tel No: 01270 686641

Email: [adrian.fisher@cheshireeast.gov.uk](mailto:adrian.fisher@cheshireeast.gov.uk)

## **APPENDIX 1 – DRAFT TIMETABLE FOR THE REVIEW OF THE INTERIM POLICY ON THE RELEASE OF HOUSING LAND**

29 Nov	Report to Strategic Planning Board (SPB) setting out timetable for Review
10 Dec	Finalise Draft Policy for Consultation
20 Dec	Consideration by Environment & Prosperity Scrutiny Committee
21 Dec	SPB Draft Policy approved for Consultation purposes
10 Jan -21 Feb	6 week consultation Period
10 March	Finalise Policy following comments received
20 March	Consideration by Environment & Prosperity Scrutiny Committee
21 March	Consideration by SPB
2 April	Consideration by Cabinet & recommendation to Council
19 April	Council consider & Adopt updated Policy



## **CHESHIRE EAST COUNCIL**

### **Strategic Planning Board**

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**Date of Meeting:** 29<sup>th</sup> November 2011  
**Report of:** Head of Strategic Planning and Housing  
**Subject/Title:** Local Plan Annual Monitoring Report 2011  
**Portfolio Holders:** Councillor David Brown

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#### **1.0 Report Summary**

- 1.1 This report sets out the findings in the Annual Monitoring Report 2010/11. The Annual Monitoring Report shows the progress with the preparation of the Local Plan and reviews the Local Development Scheme and considers how the policies set out in the development plan were delivered during the period 1<sup>st</sup> April 2010 to 31<sup>st</sup> March 2011.

#### **2.0 Decision Request**

- 2.1 That the Strategic Planning Board recommends that the Portfolio holder for Performance and Capacity notes the findings in the Annual Monitoring Report 2010/11 and approves the revision to the timetable for the Local Plan set out in the Local Development Scheme.

#### **3.0 Reasons for Recommendation(s)**

- 3.1 Planning authorities are required to monitor the progress in the preparation of their Local Plan and the effectiveness of their planning policies.
- 3.2 Monitoring is very important in order to establish what is happening now, what may happen in the future and then compare these trends against existing policies and targets to determine whether any changes are necessary. It provides a crucial method for feedback within the process of policy making and implementation whilst also identifying key challenges and opportunities enabling adjustments and revisions to be made as necessary through the Local Plan process.

#### **4.0 Wards Affected**

- 4.1 All

#### **5.0 Local Ward Members**

- 5.1 All

#### **6.0 Policy Implications**

- 6.1 The report contains statistical evidence on the performance of existing development plan policies which will be crucial in the formulation and process of policy making and implementation of the Local Plan.

## **7.0 Financial Implications**

- 7.1 There will be no costs involved with the publication of the Annual Monitoring Report – it will be published on the Council's website only.

## **8.0 Legal Implications**

- 8.1 Under the Planning and Compulsory Purchase Act 2004 the Council is required to submit an annual report, to the Secretary of State, containing prescribed information regarding:
- a) implementation of the Local Development Scheme and
  - b) the extent to which the policies set out in Local Development Documents are being achieved is a statutory requirement imposed by s35 Planning & Compensation Act 2004.

## **9.0 Risk Management Implications**

- 9.1 The Local Development Scheme is being revised to ensure that sufficient time is included in the timetable to enable members to give full consideration to the proposals to be included in the draft Local Plan. The Local Development Scheme sets out the risks associated with the preparation of the Local Plan.

## **10.0 Background and Options**

- 10.1 This is the third Annual Monitoring Report for Cheshire East Council. Every local planning authority has to make an annual report to the Secretary of State containing information on the implementation of the Local Development Scheme and the extent to which the policies set out in local plans are being achieved. However the Government has advised that it intends to remove the requirement for local planning authorities to submit their annual monitoring report to the Government in future but it intends to retain the overall duty to monitor. A letter was sent to all authorities in March announcing the withdrawal of guidance on local plan monitoring and it is therefore a matter for each council to decide what to include in their monitoring reports.
- 10.2 The Executive Summary to the Annual Monitoring Report is set out in Appendix 1. It gives the extent of development and progress throughout the Borough highlighting the main conclusions from each of the chapters. The full report is available on the Council's web site:  
[http://www.cheshireeast.gov.uk/environment\\_and\\_planning/planning/spatial\\_planning/local\\_development\\_framework/annual\\_monitoring\\_report.aspx](http://www.cheshireeast.gov.uk/environment_and_planning/planning/spatial_planning/local_development_framework/annual_monitoring_report.aspx)
- 10.3 The current Local Development Scheme came into effect on 31<sup>st</sup> January 2011 and covers the period 2010-14, setting out the key milestones, identifying target dates for the various stages of each documents. In the

last year the council have been continuing to put together the evidence base but also it has carried out extensive consultations on Core Strategy Issues and Options and Place Shaping. The key milestones set for 2010-11 have been met. A separate report will consider the revisions to the Local Development Scheme and review the timetable.

- 10.4 The national economic position is having an effect on development in Cheshire East in terms of the amount of new development for housing, employment, town centre and other shopping developments and also on the amount of mineral extraction.
- 10.5 Following the national trend, housing completions in Cheshire East have fallen again, down to 600 dwellings completed in the year. The number of affordable housing completions also fell, to 205 dwellings.
- 10.6 The Government requires all planning authorities to be able to demonstrate a five year supply of land available for new housing development. The most recently published Cheshire East Strategic Housing Land Availability Assessment identified a 4.58 years supply of housing in the Borough as at March 2010. The SHLAA is currently being reviewed and a provisional housing land supply of 4.06 years (as at March 2011) has been identified. In February 2011, the Council adopted an Interim Planning Policy on the Release of Housing Land in order to help address the shortfall in housing land supply. As a consequence of the Interim Policy, a number of planning applications were approved in 2011, subject to the completion of legal agreements, for housing development on sites on the edge of Crewe. Whilst these sites will contribute towards the five year supply for the Borough, the ongoing downturn in the housing market has meant that many sites within the Borough with planning permission for housing are now considered unlikely to be developed in the next five years and have therefore been discounted from the five years supply. The shortfall in housing land supply has also led to the submission of a number of speculative planning applications for housing on greenfield sites on the edge of other towns in the Borough.
- 10.7 Employment floorspace completions were also down to around a quarter of the previous year's level while the loss of employment land, mainly to residential uses, has increased. However many of the town centres have seen a reduction in the number of vacancies while most of the new retail development has mainly taken the form of increase in floorspace of existing units, for example by adding mezzanine floors. The tourism sector has benefited from people holidaying in Britain with many of our attractions having had a record breaking year in terms of the number of visitors.
- 10.8 The natural environment and heritage assets continue to be well managed throughout the Borough and work continues on the management of climate change. While there has been a drop in demand for materials for the construction sector, standards of development/ energy efficiency is improving.

- 10.9 It is imperative that the Council continue this monitoring as monitoring provides a crucial method for feedback, highlighting where adjustments and revisions are necessary. The information forms evidence for the development of policies for the Local Plan process. With the withdrawal of the government requirement, it is up to each Council to decide what will be included in future annual reports. It is intended that this Council will continue to monitor on a more focussed list of indicators that link to either corporate performance measures or key planning policies.

#### **11.0 Access to Information**

The background papers relating to this report can be inspected by contacting the report writer:

Name: Pamela Cunio  
Designation: Principal Planning Officer  
Tel No: 01270 685641  
Email: [pam.cunio@cheshireeast.gov.uk](mailto:pam.cunio@cheshireeast.gov.uk)



# **LOCAL PLAN ANNUAL MONITORING REPORT 2011**

## **EXECUTIVE SUMMARY**

**November 2011**

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## Chapter 1: Executive Summary

**1.1** This is the third Annual Monitoring Report (AMR) produced by Cheshire East Council in compliance with the requirements of Section 35 of the Planning and Compulsory Purchase Act 2004. However the Government has announced that it intends to remove the requirement to produce an annual report although it intends to retain the overall duty to monitor. In the future there will be greater flexibility for the Council to decide how it monitors the effectiveness of the development plan and its planning function.

**1.2** Through the Localism Act 2011, the Government refers to the statutory development plan as "the Local Plan". To reflect this, it is proposed that in future the Cheshire East Local Development Framework will be renamed the "Cheshire East Local Plan".

### Local Development Scheme

**1.3** In the last year the Council has been continuing to put together the evidence base and has been carrying out extensive consultations across the Borough to help advise the preparation of the Local Plan. There have been two consultations: one on the Issues and Options for the overall development strategy and the second one on Place Shaping, looking at the concerns and aspirations of local communities.

**1.4** The towns of Alsager, Congleton, Middlewich and Sandbach have been selected by the Department of Communities and Local Government as Neighbourhood Planning Vanguard. These towns will act as pilots in working collaboratively with Cheshire East in preparing a vision and strategy for each town to be incorporated in the Local Plan.

**1.5** The following documents/evidence have been published/completed:

- Interim Planning Policy on the Release of Housing Land
- Interim Planning Statement on Affordable Housing
- Town Centre Retail Capacity Study
- Market Town Benchmarking: Measuring the performance of town centres
- Green Infrastructure Strategy
- Green Space Strategy
- Renewable Energy Study
- Waste Needs Assessment

**1.6** Progress with the preparation of the Local Plan in 2010/11 has been made in accordance with the key milestones set out in the 2010-14 Local Development Scheme. In order to ensure that there is sufficient time for Members and key stakeholders to help develop the plan, in the spirit of localism, and to consider the implications of changes in national and regional policy for preparation of the Local Plan, it is proposed to review the timetable for the Local Development Scheme. This will be presented in a separate report.

### Housing

**1.7** The down turn in the economy has continued to have an input on house building. There has been a further reduction in the number of housing completions during the monitoring period, however house builders are showing some interest with a number of new sites started during the year. Almost half the completions were in Crewe and and



Macclesfield and a fifth of the total were built in villages/rural areas. The completions were for a mix of house types and sizes however development has on average been at a lower density than previous years.

**1.8** The reduction in housing completions has also led to a reduction in the number of affordable houses completed this year. However the number of empty homes has fallen again this year following action taken by the Council. The Council is preparing a local housing strategy which will consider its vision and priorities for meeting the housing needs of local residents.

**1.9** The Government requires all planning authorities to be able to demonstrate a five year supply of land available for new housing development. The most recently published Cheshire East Strategic Housing Land Availability Assessment identified a 4.58 years supply of housing in the Borough as at March 2010. The SHLAA is currently being reviewed and a provisional housing land supply of 4.06 years (as at March 2011) has been identified. In February 2011, the Council adopted an Interim Planning Policy on the Release of Housing Land in order to help address the shortfall in housing land supply. As a consequence of the Interim Policy, a number of planning applications were approved in 2011, subject to the completion of legal agreements, for housing development on sites on the edge of Crewe. Whilst these sites will contribute towards the five year supply for the Borough, the ongoing downturn in the housing market has meant that many sites within the Borough with planning permission for housing are now considered unlikely to be developed in the next five years and have therefore been discounted from the five years supply. The shortfall in housing land supply has also led to the submission of a number of speculative planning applications for housing on greenfield sites on the edge of other towns in the Borough.

**1.10** The Borough continues to have pockets of deprivation with five areas being within the 10% most deprived and 23 in the 25% most deprived in England. However it also has an increased number of areas within the least deprived areas.

## **Economy**

**1.11** The present uncertain global economic climate continues to have an impact on economic development in Cheshire East. Employment floorspace completions were down to around a quarter of the previous year's level, and the loss of land from employment use to other uses (often residential), whilst remaining low, increased significantly. Cheshire East maintains a good supply of employment land, much of which is allocated or committed for mixed use development; however, much of the supply is located on a small number of very large sites concentrated in a small number of settlements.

**1.12** Despite the difficulties in the national economy Cheshire East has experienced an overall reduction in the number of vacant retail units though some town centres have seen increases in their vacancies. There have been some new retail developments, however these have mainly been through the increase of floorspace in existing units. There have also been some new leisure developments with two new gyms being completed.





**1.13** Cheshire East's Visitor Economy Strategy was approved by Cabinet in January 2011 and launched in February 2011. Although the economy is going through a difficult period, many of Cheshire East's attractions and festivals have had a record breaking year. Jodrell Bank has completed its £3m project and has been short listed for World Heritage Status.

### **Minerals and Waste**

**1.14** Aggregate production continues to decline primarily as a result of a reduced construction activity due to the current economic climate. The Cheshire sub-region is producing below its annual aggregate apportionment and landbanks have fallen since the last reporting year, with sand and gravel now below the 7 year national indicator. At silica sand sites, a 10 year landbank is not being maintained at all sites although an application has come forward indicating demand for silica sand.

**1.15** Revised sub-regional apportionment figures are now available, with lower levels of aggregate supply being set for Cheshire in the period up until 2020. The sand and gravel apportionment figure is to be split between Cheshire East and Cheshire West and Chester in the future.

**1.16** Figures on 2010/11 figures on municipal waste will be included when available.

**1.17** An application received to extend the operational lifespan (and subsequent restoration) of one of the borough's non-hazardous landfill sites indicates that trends in the overall reduction of municipal waste arisings and increased levels of recycling have slowed the expected rate at which landfill sites are reaching capacity.

### **Environment**

**1.18** Cheshire East remains committed to the management and protection of both the built and natural environment as shown by the fact that there have been no significant changes to report in terms of Listed Buildings and effect of planning applications on the natural environment. The number of renewable energy approvals and completions has gone up but the schemes have been of low energy production. It must be remembered that many renewable schemes however do not require planning consent.

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