

Application No: 15/2756N

Location: Land North of Parkers Road, Leighton, Crewe, Cheshire, CW1 4GA

Proposal: Variation of condition 34 on approved 11/1879N - A hybrid planning application seeking residential development for up to 400 new dwellings with open space; comprising a full planning application for Phase A of 131 dwellings and Phase B which seeks outline planning permission for up to 269 dwellings with access and associated infrastructure. In respect of the outline element (Phase B), only access is sought for approval and all other matters are reserved for determination at a later date.

Applicant: Mr Martin Aston

Expiry Date: 15-Sep-2015

SUMMARY

The variation of the condition is considered to be acceptable and in compliance with Para 206 NPPF concerning conditions.

Energy and carbon reduction will be safeguarded through Building Regulations.

SUMMARY RECOMMENDATION

Approve

1. SITE DESCRIPTION

The site comprises 15.1ha of agricultural land (plus highway land – Parker's Road) located on the north western edge of Crewe. The site is defined by Parkers Road to the south, Moss Lane to the east existing development to the west and a public footpath along part of its northern boundary. It is bisected by a network of existing hedgerows, some of which contain trees. In addition, there are a small number of free standing trees within fields.

Existing residential development lies to the east, south and south west of the site. Leighton Hospital lies to the west of the site. The wider site context includes Crewe Town Centre and railway station to the south west, Bentley Cars to the south on Pyms Lane and the village of Bradfield Green to the North West.

2. DETAILS OF PROPOSAL

Members may recall that in October 2011, Strategic Planning Board resolved to grant planning permission for a "hybrid" application (i.e. part outline and part full planning permission) for residential development on this site. Full planning permission was sought for

131 dwellings in Phase A to the south of the site close to Parkers Road and outline planning permission was sought for up to an additional 269 dwellings of the remainder of the site (Phase B). In total planning permission for a maximum of 400 dwellings was applied for.

The permission was subject to a condition requiring compliance with the Code for Sustainable Homes.

34. The dwellings hereby permitted shall be constructed to Code for Sustainable Homes Level 3 unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable and the Local Planning Authority gives written consent to the variation.

Reason: To comply with the Interim Policy on the Release of Housing Land.

The Applicant seeks to amend the condition to require compliance with Part L of the Building Regulations.

3. RELEVANT PLANNING HISTORY

11/1879N - A Hybrid Planning Application Seeking Residential Development for up to 400 New Dwellings with Open Space; Comprising a Full Planning Application for Phase A of 131 Dwellings and Phase B which Seeks Outline Planning Permission for up to 269 Dwellings with Access and Associated Infrastructure. In Respect of the Outline Element (Phase B), Only Access is Sought for Approval and All Other Matters are Reserved for Determination at a Later Date - Approved 1 May 2014

4. PLANNING POLICIES

National Planning Policy Framework

Cheshire East Local Plan Strategy – Submission Version:

SE9 –Energy Efficient Development

Local Plan Policy

None specified

Other Material Policy Considerations

RSS Evidence Base
Climate Change Act 2008
Renewable Energy Directive 2009

5. OBSERVATIONS OF CONSULTÉES

None Consulted

6. VIEWS OF THE PARISH / TOWN COUNCIL

None received at time of report preparation

7. OTHER REPRESENTATIONS

4 representations of objection to the housing proposal in principal.

8. APPLICANT'S SUPPORTING INFORMATION:

None

9. OFFICER APPRAISAL

The previous planning permission established the acceptability in principle of residential development on this site and therefore this proposal does not represent an opportunity to revisit this issue or to amend any aspect of the permission other than the condition in question.

Paragraph 206 of the NPPF requires conditions to only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

Therefore, in order to determine whether the condition serves a useful purpose it is necessary to examine it in the light of these tests.

The reason given for the condition was "to comply with the Interim Policy on the Release of Housing Land".

The Interim Policy has been found by Inspectors on a number of occasions at Appeal to carry very limited weight as it is not part of the development plan or adopted Supplementary Planning Guidance. Consequently, the Council no longer relies upon it.

Furthermore, the requirement for Code for Sustainable Homes has been removed following the Housing Standards Review dated September 2014. Building Regulations standards are now the mechanism by which energy efficient dwellings will be safeguarded.

Given that Building Regulations is separate legislation to Planning, it is not considered necessary to duplicate other legislation with a new planning condition. This similarly would not meet the reasonable and necessary tests. The condition can therefore be removed.

10. CONCLUSIONS

The condition does now meet the tests within the NPPF/PPG and should therefore be removed.

RECOMMENDATION

APPROVE the removal of condition 34 subject to a Deed of Variation to the Section 106 Agreement to reference the new consent and the following conditions as originally imposed on the consent:

- 1. Time Limit**
- 2. Standard Outline**
- 3. Reserved Matters**
- 4. Plans**
- 5. Materials**
- 6. Boundary Treatment**
- 7. Landscaping**
- 8. Landscape Implementation**
- 9. Breeding bird survey**
- 10. Breeding bird features**
- 11. Habitat Creation and management plan**
- 12. Design for pond**
- 13. Newt mitigation**
- 14. Bin Storage**
- 15. Archaeological Survey**
- 16. Compliance with Flood Risk Assessment**
- 17. Limit Surface Water runoff**
- 18. Surface water attenuation measures**
- 19. The floor levels of the buildings to be a minimum of 150mm above surrounding ground levels.**
- 20. Design for Surface Water Regulation**
- 21. Site to be drained on a separate system**
- 22. Contaminated Land**
- 23. Travel Plan**
- 24. Air Quality Impact Assessment**
- 25. Hours of construction**
- 26. Details of external lighting**
- 27. Details of phasing / triggers for site access and highway improvements**
- 28. Provision of parking and vehicle turning**
- 29. Submission of Highway Construction details**
- 30. Replacement planting for any trees / hedges to be removed**
- 31. Scheme of Tree protection**
- 32. Implementation of Tree protection**
- 33. Arboricultural Method Statement**
- 34. Assessment of traffic noise**
- 35. Provision of Bungalows in Phase B**
- 36. Highway assessment of Moss Lane**

