

Application No: 15/3157N

Location: Land Off, PARADISE LANE, CHURCH MINSHULL

Proposal: Demolition of existing buildings, erection of 11 no. dwellings (including 4 no. affordable dwellings), access roads, garaging, car parking and landscaping.

Applicant: Sotrex Ltd

Expiry Date: 12-Oct-2015

**SUMMARY:**

It is acknowledged that the Council is unable to robustly demonstrate a five-year housing land supply and that, accordingly, in the light of the advice contained in the National Planning Policy Framework, it should favourably consider suitable planning applications for housing that can demonstrate that they meet the definition of sustainable development.

The development would be on 'Brownfield' land, which the National Planning Policy Framework supports in paragraphs 17 and 111.

The boost to housing supply is an important benefit – and this application achieves this in the context of a deliverable, sustainable housing land release.

Local concerns of regarding highway safety are noted. However the development would result in an improvement to the existing traffic situation at the site.

Subject to conditions, the proposal is considered to be acceptable in terms of its impact upon highway safety, amenity, flood risk, drainage, landscape, trees, ecology and design.

The scheme represents a sustainable form of development and that the planning balance weighs in favour of supporting the development subject to conditions.

**RECOMMENDATION:**

**Approve subject to conditions and a Section 106 Agreement to secure affordable housing provision**

## **DEFERRAL**

The application was deferred by members in order that it could be ascertained whether a contribution to a school bus could be included and to have the affordable housing 'pepper-potted' within the site. These issues are addressed within the Education, Design and Affordable Housing Sections of this report.

## **PROPOSAL**

Full planning permission is sought for the demolition of the existing buildings, the erection of eleven dwellings, including 4 no. affordable dwellings, access roads, garaging, car parking and landscaping.

## **SITE DESCRIPTION**

The site measures 0.71 Ha (1.75 acres). It is bounded to the north by Paradise Lane. The western, southern and eastern boundaries are formed by an established Leylandii hedge and fencing to extensive agricultural land beyond. The site is accessed currently off Paradise Lane via large security gates at the north eastern corner of the site, but there is evidence of 2 no. additional entrances along the road frontage. The site is virtually flat with less than a metre gradient across the entire site.

The site has a history of use as storage and distribution and is currently used by a company that operates as a supplier of trucks and trailers, including HGV's.

The site is designated as being within Open Countryside in the adopted local plan.

## **RELEVANT HISTORY**

The site has several historic approvals relating to its use for storage and distribution.

## **NATIONAL & LOCAL POLICY**

### **National Policy:**

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs 14 and 47.

### **Development Plan:**

The Development Plan for this area is the Borough of Crewe and Nantwich Replacement Local Plan 2011, which allocates the site as being within the within Open Countryside.

The relevant Saved Policies are: -

BE.1 – Amenity

BE.2 – Design Standards

BE.3 – Access and Parking  
BE.4 – Drainage, Utilities and Resources  
BE.5 – Infrastructure  
BE.6 – Development on Potentially Contaminated Land  
NE.2 – Open Countryside  
NE.5 – Nature Conservation and Habitats  
NE.9 – Protected Species  
NE.17 – Pollution Control  
NE.20 – Flood Prevention

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

### **Cheshire East Local Plan Strategy – Submission Version (CELP)**

The following are considered relevant material considerations as indications of the emerging strategy:

SD 1 Sustainable Development in Cheshire East  
SD 2 Sustainable Development Principles  
SE 1 Design  
SE 2 Efficient Use of Land  
SE 3 Biodiversity and Geodiversity  
SE 4 The Landscape  
SE 5 Trees, Hedgerows and Woodland  
SE 9 Energy Efficient Development  
SE 12 Pollution, Land Contamination and Land Instability  
PG 1 Overall Development Strategy  
PG 2 Settlement Hierarchy  
PG5 Open Countryside  
EG1 Economic Prosperity

### **CONSULTATIONS:**

**Highways:** No objection.

**Environmental Protection:** Request conditions/informatives relating to noise generation, eclectic vehicle charging points and contaminated land.

**Flood Risk Manager:** No objection subject to conditions relating to surface water run off.

**Parish Council:** No objection.

### **REPRESENTATIONS:**

At the time of report writing one representation has been received which can be viewed on the Council website. This expresses concern about highway safety and increased traffic.

### **APPRAISAL**

The key issues to be considered in the determination of this application are set out below.

## **Principle of Development**

The site lies within the Open Countryside as designated in the Borough of Crewe and Nantwich Replacement Local Plan 2011, where Policies NE.2 and RES.5 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, or for other uses appropriate to a rural area will be permitted. Residential development will be restricted to agricultural workers dwellings, affordable housing and limited infilling within built up frontages.

The proposed development does not fall within any of these exceptions. 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 this proposal represents sustainable development and whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy objection.

## **Open Countryside Policy**

In the absence of a 5 year housing land supply we cannot rely on countryside protection policies to defend settlement boundaries and justify the refusal of development simply because it is outside of a settlement, but these policies can be used to help assess the impact of proposed development upon the countryside. Where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply.

Policy NE.2, seeks to protect the intrinsic character and beauty of the countryside.

The site is designated as Open Countryside in the adopted local plan, but it is actually an industrial site in use by a company involved in the supply of vehicles and trailers, including HGV's, therefore the land is classified as 'Brownfield'. As such it is not considered that a refusal on the grounds of adverse impact on the character and beauty of the Open Countryside could be sustained as the development would result in the improvement of the appearance of the area.

## **Sustainability**

The National Planning Policy Framework definition of sustainable development is:

*“Sustainable means ensuring that better lives for ourselves don't mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment”*

There are three dimensions to sustainable development: - economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

***an environmental role*** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

***an economic role*** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

***a social role*** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

*These roles should not be undertaken in isolation, because they are mutually dependent.*

## **ENVIRONMENTAL SUSTAINABILITY**

### **Landscape**

The site is located on Paradise Lane, some distance from the village of Church Minshull. It is a brownfield site currently in use by a company dealing in the supply of trucks and trailers, including HGV's. It has large areas of hardstanding, industrial style buildings and several large vehicles within the site.

The development of the site as proposed would remove large areas of the hard standing and the existing buildings and would replace it with a development of a more rural appearance with more appropriate landscaping and boundary treatments. As such the development is considered to represent an improvement to the landscape character of the area.

### **Trees**

The application is supported by a preliminary Tree Survey and Assessment. The report identifies five individual trees (one off site) and two hedges, with the proposed site plan depicting both T1 and T4 for removal. T1 an early mature Cedar has been 'topped' removing any value the tree presented in amenity terms, T4 exhibits significant signs of reduced vigour and vitality, probable as a result of on site activities and the presence of both permanent hard standing and adjacent building. The remaining trees are schedule for retention and can be retained and protected in accordance with current best practice, none are considered worthy of formal protection.

The hedge identified as H1 (Leyland Cypress) extends around three sides of the site, with H2 forming the western boundary only. None of the hedges are considered to be important in terms of the 1997 Hedgerow legislation

There are no significant arboricultural constraints associated with this application. Should the application a tree protection condition should be imposed.

## **Design & Layout**

The application was the subject of a pre-application enquiry where a design strategy was discussed. This resulted in the proposed scheme that Members debated at the previous meeting. That scheme comprised 11 dwellings taking the form of a Cheshire farm complex. This included a large family dwelling designed to replicate a farmhouse, a courtyard of 6 dwellings in the form of converted barns and a block of 4 dwellings in the form of farm workers cottages.

A revised scheme has now been submitted which shows the 'Farmhouse' and annex as previously proposed and a larger 'barn' complex with the affordable units sited centrally. Whilst not in line with the original design strategy, this layout is considered to be acceptable in order to create a development appropriate to the character of this rural area.

The materials used in the development should be the traditional materials used in Cheshire farm complexes and this can be controlled by condition. To the front of the development the boundary treatment would comprise Cheshire railings, which is considered to be appropriate.

The proposal is therefore considered to be acceptable and in accordance with Policy BE.2 of the adopted local plan.

## **Highways**

The site is currently occupied by Sotrex Ltd who utilise the existing commercial building and large area of hardstanding for the export of right hand drive trucks to right hand drive countries throughout the world. The site has a number of historical planning permissions for storage and distribution and was previously occupied by J T Lunt and Co who had HGV operator's license for 18 vehicles.

The site extends to some 0.7 hectares in area and is located off Paradise Lane, Church Minshull. The site has three existing site access, all of which are taken from Paradise Lane.

This is a full planning application for the development of 11 dwellings including off street parking provision, access to Paradise Lane and associated landscaping.

### Wider planning balance (transport related)

- The Head of Strategic Infrastructure (HSI) has not been made aware of any wider transport impacts in the area such as Air Quality Management impact for example, but recognises that the relevant officers would respond in detail on such items.
- The proposals will result in the removal of HGV movements on the adjacent rural highway network to the benefit of highway safety.

The HSI has reviewed the Transport Statement submitted by the applicant in support of the development proposals and finds the following:

Sustainability

There are no facilities within a reasonable walking distance of the site and access to public transport is also limited. However, the village centre of Church Minshull and Winsford are within a reasonable cycling distance of the site, Winsford offers sustainable access to a range of retail and leisure facilities; and employment opportunities associated with town centres.

Having regard for the existing commercial use of the site HSI does not consider there to be sufficient grounds for refusal based on sustainability from an access perspective.

Access and Parking

Access to the proposed site is taken from two existing points of access to Paradise Lane, albeit appropriately modified to serve residential development. Having regard for the existing site use the access proposals are considered to be an acceptable solution to serve the development proposals.

In terms of off-street parking provision, the proposal is in accordance with CEC minimum parking standards.

Traffic Impact

The morning and evening commuter peak hour traffic generating potential and daily traffic generating potential of the existing site use is compared to that associated with the development proposals in Table 1.

**Table 1 - Average trip rates**

	AM PEAK HOUR		PM PEAK HOUR		DAILY TRAFFIC	
	ARRIVALS	DEPARTURES	ARRIVALS	DEPARTURES	ARRIVALS	DEPARTURES
<b>EXISTING USE</b>	18	7	2	11	139	139
<b>11 DWELLINGS</b>	2	6	7	2	44	45
<b>NET DIFFERENCE</b>	<b>-16</b>	<b>-1</b>	<b>+5</b>	<b>-9</b>	<b>-95</b>	<b>-95</b>

The summary in Table 1 demonstrates that the development proposals will result in a significant reduction in site generated traffic, additionally, the development proposals will also result in a significant reduction in HGV traffic generation associated with the site, which will also benefit highway safety in the area.

The HSI is satisfied that the development proposals can be safely accommodated on the adjacent highway network; accordingly, the HSI has no objection to the planning application.

## **Ecology**

The application site is supported by an ecological assessment which has been assessed by the Council's Principal Nature Conservation Officer. The findings of the assessment are considered to be acceptable and there are no significant ecological issue at the site. Should the application be approved, a condition should be imposed for the protection of breeding birds.

## **Flood Risk**

It is understood from the submitted documents that there will be a reduction in impermeable area at the site following development. Cheshire East Council as Lead Local Flood Authority would support this and, in line with the latest guidance published by Defra, consideration should be given to SuDS as the preferred option for surface water disposal. Conditions should be imposed relating to surface water run-off.

## **ECONOMIC SUSTAINABILITY**

The Framework includes a strong presumption in favour of economic growth.

Paragraph 19 states that:

*'The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth'*

Given the countryside location of the site, consideration must also be given to one of the core principles of the Framework, which identifies that planning, should recognise:

*'the intrinsic character and beauty of the countryside and supporting thriving rural communities within it'.*

Specifically, in relation to the rural economy the Framework identifies that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

*'support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings'*

The economic benefits of the development need to be balanced against the impact upon the open countryside.

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits, to Church Minshull, including additional trade for local

shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

Whilst this would involve the loss of an employment site in this location, if an application for a business such as this in this rural location was put to the Council now, it would be unlikely to be approved. The company operating out of the site currently, is seeking to relocate to an alternative, larger site to accommodate this growing business.

## **SOCIAL SUSTAINABILITY**

### **Residential Amenity**

The proposal is for eleven dwellings on this site. Adequate separation distance can be achieved between the proposed dwellings and adequate private residential amenity space can be provided within the site. There are no existing residential properties adjacent to the site.

Should the application be approved a condition should be imposed relating to a Phase I Contaminated Land Report in order to protect future occupiers of the proposed dwellings.

Subject to the condition set out above, the proposal is considered to be acceptable in amenity terms and in compliance with Policy BE.1 of the adopted local plan.

### **Affordable Housing**

The site falls within the Minshull sub-area for the purposes of the SHMA update 2013. This identified a net requirement for 8 affordable homes per annum, equating to a need for 1x 1bd, 2x 2bd, 2x 3bd general needs units and 2x 1bd older persons accommodation. Information taken from Cheshire Homechoice shows there are currently 4 applicants who have selected the Church Minshull lettings area as their first choice, these applicants require 1x 1bd, 2x 2bd and 1x 3bd units.

The Interim Planning Statement on Affordable Housing (IPS) and Policy SC5 in the Local Plan Strategy Submission Version outline that in this location the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all sites of 3 dwellings or more or than 0.2 hectare in size. Further to changes to guidance the determination of applications should be in accordance with the NPPG and not require provision of affordable housing on sites of 10-units or less. The proposals are for 11 dwellings therefore there is a requirement for affordable housing.

The IPS also states the exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion of affordable housing for any site will normally be 30%, in accordance with the recommendation of the 2010 Strategic Housing Market Assessment. The preferred tenure split for affordable housing identified in the SHMA 2010 was 65% affordable or social rented and 35% intermediate tenure.

The Affordable Housing IPS requires that the affordable units should be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration and also that the affordable housing should be provided no later than occupation of 50% of the open market dwellings (unless the development is phased with a high degree of pepper-potting, in which case the affordable housing can be provided no later than occupation of 80% of the market dwellings).

The applicant is providing 4 dwellings as affordable housing as detailed in their application form. This equates to 30% of the total dwellings however they have selected that all the affordable units will be provided as intermediate tenure. This is not acceptable as this is not in accordance with the tenure split identified in the policy.

The affordable dwellings are now contained within a 'barn' complex of market units and this is considered to be acceptable on a development of this size.

### **Education**

An application of 11 dwellings is expected to generate 2 primary aged children and 2 secondary aged children.

An assessment has been undertaken looking at the capacities at primary schools within a 2 mile radius and secondary schools within a 3 mile radius of the proposal and this has been considered against numbers on roll and 5 year pupil forecasts.

Forecasts indicate that there will be sufficient space available in the catchment primary school to accommodate the pupils generated by this development. Forecasts are indicating a shortfall of places in the catchment secondary school and so a contribution will be needed to accommodate the pupils generated by the development.

$2 \times £17,959 \times 0.91 = 32,685.$

Transport Service Solutions have confirmed that the existing school transport service which would include for this development proposal has sufficient space to accommodate the pupils generated and so the development will not create an extra burden on the service. The cost of transport is included in the calculations for education provision.

### **Health**

There are ten GP surgeries within 4 miles of the site which are all accepting patients and therefore not at capacity. No contributions will be required for health provision.

### **Response to Objections**

There has been one objection to the proposal, expressing concerns about highway safety. It should be noted that the development would generate significantly less traffic than the existing use and the types of vehicles would also be smaller. As such a refusal on these grounds could not be defended.

## **Conclusion – The Planning Balance**

It is acknowledged that the Council is unable to robustly demonstrate a five-year housing land supply and that, accordingly, in the light of the advice contained in the National Planning Policy Framework, it should favourably consider suitable planning applications for housing that can demonstrate that they meet the definition of sustainable development.

The development would be on 'Brownfield' land, which the National Planning Policy Framework supports in paragraphs 17 and 111.

The boost to housing supply is an important benefit – and this application achieves this in the context of a deliverable, sustainable housing land release.

Local concerns of regarding highway safety are noted. However the development would result in an improvement to the existing traffic situation at the site.

Subject to conditions, the proposal is considered to be acceptable in terms of its impact upon highway safety, amenity, flood risk, drainage, landscape, trees, ecology and design.

The scheme represents a sustainable form of development and that the planning balance weighs in favour of supporting the development subject to conditions.

On the basis of the above, it is considered that the application should be approved subject to the imposition of appropriate conditions.

## **RECOMMENDATION**

**Approve subject to the completion of a Section 106 Agreement to secure the affordable housing provision following conditions:**

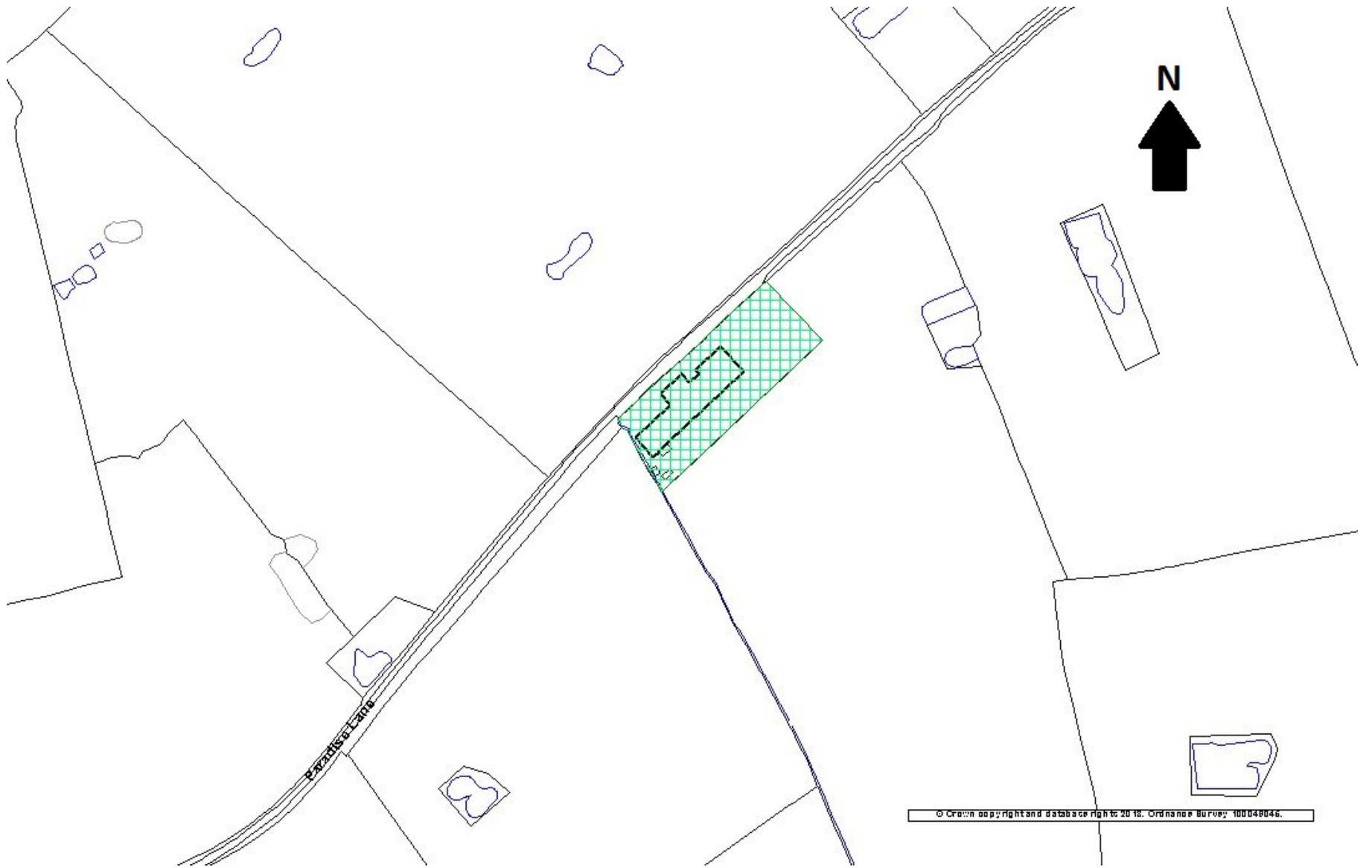
- 1. Commencement**
- 2. Approved plans**
- 3. Submission of external material**
- 4. Submission of full details of boundary treatments**
- 5. Submission of a scheme for disposing of foul surface water**
- 6. Submission of a Phase II Contaminated Land Report**
- 7. Submission of drainage scheme to include foul and surface water including sustainable drainage systems**
- 8. Tree protection scheme**
- 9. Breeding bird survey for works in the nesting season**

**In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) has delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.**

**Should the application be subject to an appeal, the following Heads of Terms should be secured as part of any S106 Agreement:**

**1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:**

- The numbers, type, tenure and location on the site of the affordable housing provision**
- The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing**
- The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved**
- The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and**
- The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.**



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