

Application No: 15/2391N

Location: Land To The Rear Of New House Farm, CLAY LANE, HASLINGTON

Proposal: Outline Application for Erection of up to 10 dwellings with detached garage buildings, landscaping and associated access

Applicant: HIMOR (Land) Limited & Lorne Waldermar, Conrad Pilip and Diane Lorraine Pilip

Expiry Date: 20-Aug-2015

SUMMARY

The application site falls within the Open Countryside as determined by the Borough of Crewe and Nantwich Local Plan.

Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by Local Plan Policy NE.2. The proposed development does not fall within any of the listed categories and as such, it constitutes a “departure” from the development plan and there is a presumption against the proposal.

However, 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 support 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 regarding loss of employment are noted. However the development would secure replacement employment floorspace elsewhere within the borough.

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.

RECOMMENDATIONS

APPROVE subject to conditions and a s106 legal agreement

PROPOSAL

This application seeks outline planning permission with details of access for the erection of up to 10 dwellings (including affordable housing) on land to the rear of New House Farm, Clay Lane, Haslington. Matters relating to appearance, landscaping, layout and scale are reserved for approval at a later stage.

SITE DESCRIPTION

The site relates to an existing employment site which comprises of a multi-let industrial commercial trading estate situated to the rear of New House Farm, Clay Lane in the Parish of Haslington. The site accommodates a number of small businesses that range from car body repairs, mechanics, paint-spraying, storage and distribution, haulage contractors, caravan storage and vehicle storage. The site is relatively flat and measures approximately 0.99 ha in size. The site is located within Open Countryside as designated in the Borough of Crewe and Nantwich Adopted Replacement Local of Plan 2011 and is not allocated for any other purpose within the Local Plan.

RELEVANT HISTORY

The site has several historic approvals relating to its use for commercial and industrial purposes.

NATIONAL & LOCAL POLICY

National Policy

The National Planning Policy Framework establishes a presumption in favour of sustainable development. Of particular relevance are paragraphs:

14, 17 - Presumption in favour of sustainable development
47-50 - Wide choice of quality homes
55 - Isolated dwellings in the countryside
56-68 - Requiring good design
69-78 - Promoting healthy communities
111 – Re-use of previously developed land
217 Implementation.

Development Plan

The Development Plan for this area is the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011, which allocates the site, under Policy NE.2, as 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.6 (Development on Potentially Contaminated Land)
E.7 (Existing Employment Sites)

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)
RES.7 (Affordable Housing)
RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)
TRAN.3 (Pedestrians)
TRAN.5 (Cycling)

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:

PG2 – Settlement Hierarchy
PG5 - Open Countryside
PG6 – Spatial Distribution of Development
SC4 – Residential Mix
SC5 – Affordable Homes
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE3 – Biodiversity and Geodiversity
SE5 – Trees, Hedgerows and Woodland
SE 1 – Design
SE 2 - Efficient Use of Land
SE 4 - The Landscape
SE 5 - Trees, Hedgerows and Woodland
SE 3 - Biodiversity and Geodiversity
SE 13 - Flood Risk and Water Management
EG3 - Existing and Allocated Employment Sites
IN1 – Infrastructure

Other Material considerations:

SPD2 – Development on Backlands and Gardens
The EC Habitats Directive 1992
Conservation of Habitat & Species Regulations 2010
Interim Affordable Housing Statement: Affordable Housing

CONSULTATIONS

Head of Strategic Infrastructure (Highways)

No objection

Environmental Protection

No objection subject to conditions / informatives relating to external lighting, bin storage, the provision of electric vehicle charging points, contaminated land.

Cheshire Brine Subsidence Compensation Board

No objection provided that the foundations are strengthened.

Haslington Parish Council

Object on the following grounds:

(1) Loss of a major employment site within the service centre of Haslington Parish Council. It would be premature to change the designation of this site before all the employment sites have been identified within the Local Plan.

(2) The development would be in the open countryside and would potentially set precedent in closing the parish council boundaries and feels it is contrary to policies NE2/ RES5.

REPRESENTATIONS

Representations have been received from 3 objectors raising the following concerns:

- Principle of the development contrary to NPPF
- Not sustainable
- Loss of employment site
- There is a need for this site
- The site is popular with small businesses (15 businesses on site)
- Lack of consultation
- Haslington Village cannot support more housing
- Site is isolated and would set a precedent
- Services and amenities are not accessible to the development
- New houses would be at risk from subsidence
- Clay Lane is in poor condition
- Increased traffic using Elton Lane / Clay Lane junction with the Crewe Bypass which is dangerous
- Landowner has been allowing the site to become untidy
- Landowner issued shorter leases to tenants
- Site owners have no intention of relocating existing businesses
- Existing businesses will be subject to relocation costs
- Land ownership
- Inaccuracies in the submission
- Potential land contamination

APPRAISAL

Principle of Development

Policy NE.2 of the Local Plan advises that: *'within the Open Countryside 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.*

An exception may be made where there is the opportunity for the infilling of a small gap with one or two dwellings in an otherwise built up frontage.'

Policy RES.5 of the Local Plan advises that *'Outside settlement boundaries all land will be treated as open countryside. New dwellings will be restricted to those that; a) Meet the criteria for infilling contained in Policy NE.2; or b) are required for a person engaged full time in agriculture or forestry...'*

The proposed development does not meet any of the above exceptions and as such, the proposal 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".

However, one of the NPPF's 12 key principles is to *'encourage the effective use of land by reusing land that has been previously developed'*. This is reiterated in para 111 of the NPPF. This states that Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (Brownfield land), provided that it is not of high environmental value. This proposal seeks to redevelop an existing brownfield site and therefore accords with the NPPF in this regard.

The issue in question is whether the development represents a sustainable form of development and whether there are other material considerations associated with this proposal, which are a sufficient to outweigh the conflict with the development plan.

Housing Land Supply

Paragraph 47 of the National Planning Policy Framework requires that Council's identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements.

The calculation of Five Year Housing supply has two components – the housing requirement – and then the supply of housing sites that will help meet it. In the absence of an adopted Local Plan the National Planning Practice Guidance indicates that information provided in the latest full assessment of housing needs should be considered as the benchmark for the housing requirement.

Following the suspension of the Examination into the Local Plan Strategy and the Inspectors interim views that the previous objectively assessed need (OAN) was 'too low' further evidential work has now taken place and a fresh calculation made.

Taking account of the suggested rate of economic growth and following the methodology of the NPPG, the new calculation suggests that need for housing stands at 36,000 homes over the period 2010 – 2030. Although yet to be fully examined this equates to some 1800 dwellings per year.

The 5 year supply target would amount to 9,000 dwellings without the addition of any buffer or allowance for backlog. The scale of the shortfall at this level will reinforce the suggestion that the Council should employ a buffer of 20% in its calculations – to take account ‘persistent under delivery’ of housing plus an allowance for the backlog.

While the definitive methodology for buffers and backlog will be resolved via the development plan process this would amount to an identified deliverable supply of around 11,300 dwellings.

This total exceeds the total deliverable supply that the Council is currently able to identify – and accordingly it remains unable to demonstrate a 5 year supply of housing land.

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.

Therefore, the proposal remains contrary to Open Countryside policy regardless of the 5 year housing land supply position in evidence at any particular time and a judgement must be made as to the value of the particular area of countryside in question and whether, in the event that a 5 year supply cannot be demonstrated, it is an area where the settlement boundary should be “flexed” in order to accommodate additional housing growth.

In order to assess the impact upon the Open Countryside, a key consideration is the impact that the development would have upon the landscape, which forms part of the assessment as to whether the proposal is a sustainable form of development. It is important to bear in mind that the present industrial / commercial use of the site and its associated impacts on the countryside should also be weighed in the balance.

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”.

Inspectors have determined that locational accessibility is but one element of sustainable development and it is not synonymous with it. The NPPF determines that sustainable development comprises of three dimensions:- 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;

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

Environmental role

Locational Sustainability

The application site is located approximately 1.6 km to the north of the settlement of Haslington. 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 Haslington and the town of Crewe are within a reasonable cycling distance of the site. Crewe offers sustainable access to a range of retail and leisure facilities and employment opportunities with Haslington hosting a range of local amenities / services. Thus, future residents of the proposed development would be car dependant; however, local services and amenities would be accessible by bicycle.

Landscape Impact

The site has no national landscape designation. The application site is located in relatively flat agricultural landscape, characterised by hedgerows and a number of mature hedgerow trees. The site is visible from public viewpoints and the existing use of the site may be considered to have elements which are visually intrusive in the landscape. Redevelopment for residential use could provide opportunities for additional landscape works. Subject to this, which would be secured at the detailed reserved matters stage, the site is capable of accommodating a proposal for up to 10 units without injuring the visual amenity of the open countryside.

Trees

Although there is some vegetation on the periphery, and trees and hedges are indicated on plans the Council's Tree Officer does not anticipate that the existing trees or hedges would provide a significant constraint to development. A reserved matters application would need to take account of the guidance contained within BS 5837:2012. Subject to conditions, it is considered that the proposal is acceptable in terms of its impacts on trees.

Ecology

The application is supported by an Extended Phase 1 habitat survey and this has further been updated following initial comments from the Council's Nature Conservation Officer (NCO). The NCO has reviewed the submitted information and advises that no evidence of protected species were recorded at the site and the proposals would not affect them subject to a suite of 'reasonable avoidance measures'. The NCO has commented that a native species hedgerow to the south of the site and a mature oak tree needs to be retained for their nature conservation value. The indicative plan would allow for the retention of these features. As such, it is considered that the proposal would not affect species protected by law and would accord with Policy NE.9 of the Local Plan.

Design Standards

Policy BE.2 of the Local Plan advises that new development should respect the pattern, character and form of the surroundings and not adversely affect the street-scene by reason of scale, height, proportions or materials used. Policies SD2 and SE1 of the emerging Cheshire East Local Plan Strategy – Submission Version largely support this local plan policy.

The proposal is in outline form and therefore the submitted layout is only indicative. However, the indicative layout shows how a scheme of up to 10 units could be accommodated on the site. The units would utilise the existing vehicular access serving the site, which would be extended along the northern boundary and would have 2 limbs extending south into 2 'courtyard' style cul-de-sacs. The units would be arranged around these 2 access limbs and would be set within spacious plots.

The dwellings as shown would be well spaced and would provide a mix of units. It is considered that further work would be required to ensure that scheme does not introduce a suburban form of development within this rural context, however, this would be a matter to be dealt with at the reserved matters stage when appearance and layout is fully considered. The application is considered to be acceptable in this regard.

Access

Access to the site is to be taken from Clay Lane where the site is already served by a vehicular access. The Head of Strategic Infrastructure (HSI) has assessed the application has confirmed that a development of just 10 dwellings would not be expected to have a material traffic impact on the adjacent highway network having regard to the current lawful use of the site for employment uses. Parking for each unit would accord with standards and would not result in a displacement of parking. As such, the scheme is found to be acceptable in terms of highways and parking.

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.

Thus, taking the above into account, the scheme would be sustainable in the environmental sense.

Economic Role

It is accepted that the construction of a housing development of this size would bring some economic benefit to the closest shops in Haslington and Crewe, and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain during the construction phase. There would be some economic and social benefit by virtue of new resident's spending money in the area and using local services.

It is important to note that this proposal would involve the loss of an employment site, which is currently performing a valuable function by offering floor space to small businesses in the area. The applicant has not put a case forward that the site is no longer suitable or viable for employment uses and this is supported by the fact that there is a good uptake of the units on the site and a number of small businesses operating from there. No case has been made that there is no potential for modernisation or alternate employment uses.

However, the applicant has confirmed that owing to the location of the site within open countryside, there is limited scope to expand the site. It is the applicant's intention to find an alternative site where there is scope to expand. As such, the applicant has offered to enter into a s106 legal agreement to secure similar employment floor-space within the borough. Subject to this, there would be no tangible loss of employment floor-space and the proposal would not be contrary to local plan policies E.7 and EG3. Taking this into account, it is considered that the proposed development would be economically sustainable.

Social Role

Affordable Housing

The Interim Planning Statement: Affordable Housing (IPS) states that in areas with a population of less than 3,000 the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 3 dwellings or more than 0.2 hectare in size.

The applicant has stated that the site does not lend itself well to the provision of affordable units on site. As such, their preference would be a contribution in lieu of affordable housing on site. The Council's Strategic Housing is currently considering this and this will be reported to Members by way of an update.

Residential Amenity

The nearest residential property is the former farmhouse to the front of the site. As the application is in outline form, the precise position of the proposed dwellings in relation to this existing property is not yet known nor is the position of windows. However, the existing property would enjoy a distance of 26 metres to the boundary of the site, which would be more than sufficient to ensure limited impact on the occupier's amenity.

Within the site, it has been demonstrated that a layout of 10 dwellings could be accommodated on the site without comprising the spacing standards advised between principal to principal elevations and principal to flanking elevations. The minimum separation distances would be exceeded and as far as can be determined at this stage, would not materially harm the amenity afforded to the future residents.

The scheme would be capable of providing a sufficient standard of amenity for each dwelling and as such, subject to suitable reserved matters detail, it is considered that the proposed development would adhere with Policy BE.1 of the Local Plan.

In the context of social sustainability, the proposal would provide much needed housing and would (subject to update) assist with the provision of affordable housing in the vicinity.

S106 contributions Levy (CIL) Regulations:

Policy BE.5 of the Local Plan advises that the Local Planning Authority may impose conditions and/or seek to negotiate with developers to make adequate provision for any access or other infrastructure requirements and/or community facilities, the need for which arises directly as a consequence of that development. It is advised that such provision may include on site facilities, off site facilities or the payment of a commuted sum.

Policy IN1 of the Cheshire East Local Plan Strategy – Submission Version, advises that the Local Planning Authority should work in a co-ordinated manner to secure funding and delivery of physical, social, community, environmental and any other infrastructure required to support development and regeneration.

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The Council's Strategic Housing Section (who deal with affordable housing) have advised that the proposed development will need to address a shortfall of affordable housing in the vicinity, be it by contribution or on site provision. Without such, the scheme would result in planning harm and would fail to address an identified need.

Additionally, without replacement employment floorspace to replace that which would be lost, the scheme would result in a loss of employment opportunities in the area without justification. As such, the proposed obligations are necessary and directly and reasonably related to the scale of development.

Other Issues Raised by Representation

Comments have been received regarding the loss of the site for specific businesses, land ownership and the precedent that the development would set. These are not material planning considerations. Each application must be assessed on its own merits. The planning process can only safeguard employment uses and the local planning authority cannot involve itself with the tenancy arrangements between the landowner and individuals / businesses.

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 support 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.

In this case, the visual impact on the landscape and open countryside would not be severe owing to the site characteristics and with the provision of a suitable landscaping scheme (the reserved matter).

The proposal would bring positive planning benefits such as a boost to the local economy and a social benefit via the provision of the required affordable housing. In addition the site is located in a relatively sustainable location with regards to its physical relationship to existing built form and with regards to its distance from local facilities.

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.

Overall, the scheme represents a sustainable form of development and that the planning balance weighs in favour of supporting the development subject to conditions and a s106 legal agreement.

RECOMMENDATION

APPROVE subject to S106 Agreement making provision for:

- **Affordable Housing comprising: TBC**
- **Replacement employment floor-space of a size and format similar to that which would be lost**

and for the following conditions:

- 1. Standard Outline Time Limit**
- 2. Submission of Reserved Matters**
- 3. Accordance with approved plans**
- 4. Submission of a tree protection scheme including retention of existing oak tree and southern hedgerow**
- 5. Survey for nesting birds if development is carried out in bird breeding season**
- 6. Features for breeding birds to be incorporated into scheme**
- 7. Access to be constructed in accordance with approved plans**
- 8. Accordance with recommendations of ecological report**
- 9. Prior submission of any external lighting**
- 10. Prior submission of a dust mitigation scheme**
- 11. Submission of details of drainage**
- 12. Submission of land contamination report**

13.Submission of details of bin storage

14.Provision of electric vehicle charging points within each house

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 this application be the subject of an appeal, authority be delegated to the Head of Planning (Regulation) in consultation with the Chairman of the Southern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

