

# CHESHIRE EAST COUNCIL

## STRATEGIC PLANNING BOARD REPORT

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<b>Date:</b>	24 <sup>th</sup> February 2016
<b>Report of:</b>	David Malcolm – Head of Planning (Regulation)
<b>Title:</b>	Update following the Refusal of Application 14/5921C – A Mixed Use Development including Residential and Commercial (outline)
<b>Site:</b>	Land off London Road, Brereton

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### 1.0 Purpose of Report

1.1 Planning application 14/5921C was determined by the Strategic Planning Board on 15<sup>th</sup> April 2015. This report is to consider an update to the reasons for refusal in advance of the upcoming appeal.

1.2 The minutes from the meeting are as follows:

*RESOLVED That the application be refused for the following reasons:-*

*1. The proposal is an unsustainable form of development as it is located within the Open Countryside and is contrary to Policies PS8 and H6 of the Congleton Borough Adopted Local Plan First Review 2005 and the principles of the National Planning Policy Framework.*

*2. The proposed development would result in a harmful encroachment into the open countryside. The development would adversely impact upon the landscape character and does not respect or enhance the landscape when viewed from the local footpath network. The proposed development is therefore contrary to Policies GR1 and GR5 of the Congleton Borough Adopted Local Plan First Review and guidance contained within the NPPF.*

*3. The proposed development is unlikely to function or operate in a sustainable manner, taking account of the predicted generation of vehicular traffic and the sites location relative to local services, facilities and public transport connections. The proposal is therefore contrary to local and national planning policies that seek to promote sustainable development, in particular paragraphs 7, 14 and 34 of the NPPF.*

*4. Insufficient information has been submitted with the application in order to assess adequately the impact of the proposed development on the surrounding road network. In the absence of this information, it has not been possible to demonstrate that the proposal would not result in a severe impact on the surrounding road network and would comply*

*with relevant national policy guidance and Development Plan policies relating to highway safety.*

*5. The Local Planning Authority considers that the scale of the proposed development would be premature following the publication consultation draft of the Brereton Neighbourhood Plan. As such allowing this development would prejudice the outcome of the neighbourhood plan-making process and would be contrary to guidance contained at Paragraph 216 of the NPPF and guidance contained within the NPPG.*

*6. The proposal is contrary to Policy PG2 of the Cheshire East Local Plan Strategy Submission Version March 2014. The site is located in the parish of Brereton which is identified as an 'other settlement and rural area' for the purposes of this policy where growth should be confined to small scale infill, change of use or conversions or affordable housing developments. The proposed development is of a significant scale which does not reflect the function and character of Brereton and is therefore contrary to the principles of Policy PG2.*

*Should the application be subject to an appeal, the details regarding the Section 106 Agreement and the conditions should be delegated to the Head of Planning (Regeneration) in consultation with the Chairman of the Strategic Planning Board and Ward Councillors.*

*In order to give proper effect to the Board's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning (Regeneration), in consultation with the Chairman (or in his absence the Vice Chairman) of Strategic Planning Board, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.*

## **2.0 Decision Required**

- 2.1 Since the refusal of this application an appeal has now been lodged and it is now necessary to update the reasons for refusal to reflect the current policy position.

## **3.0 Background**

- 3.1 The application site measures 16.02 hectares and is located to the south of the settlement boundary of Holmes Chapel, in the parish of Brereton. It is located immediately to the west of London Road, with its eastern boundary running parallel with the road for a distance of approximately 500m. The northernmost part of the site is located opposite Sanofi Aventis, and south of existing and proposed residential development. The western and southern boundaries of the site adjoin open countryside, with some sporadic residential and commercial development within the vicinity. The railway line runs in a north-easterly, south-westerly alignment to the north/west of the site. The site is within open countryside as defined by the Congleton Borough Local Plan.

- 3.2 The site is made up of large, relatively flat and open agricultural fields, with existing hedgerows located along the site boundaries and within the fields. Public footpaths are located to the north and south with one running through the site along its western boundary. An existing pond is located within the site.

#### **4 Proposed Development**

- 4.1 Outline planning permission is being sought for a mixed use development on a site of 16.02 hectares of up to 190 dwellings (including a minimum of 30% affordable housing) and 0.8 hectares of employment land with a maximum floor area of 350 sq metres of use class B1 commercial space. All matters are reserved except access. Two access points are proposed off London Road, one to serve the residential development and one to serve the commercial development. Main access routes within the residential development are also indicated on the submitted masterplan.
- 4.2 Associated development of a playing field (0.22 Ha), a small play area (0.04 Ha), an attenuation pond (1,966 sq metres), proposed public open space (4.51 Ha), proposed nature reserve and retained woodland (2.7 Ha), circular footpath link around the site and buffer planting and habitat areas are also proposed.
- 4.3 The Design & Access Statement indicates that the housing would be mixed, between 2 and 5 bedrooms comprising of a range of house types (single and two storey) from linked town houses to detached properties. The commercial development is likely to be two storey, up to a maximum of three storey.

#### **5 Officer Comment**

- 5.1 Given the passage of time it is now considered appropriate to provide an update on the current situation to allow the appeal to proceed based on the most up to date position. In this case the third and fourth reasons for refusal relate to highways matters and the fifth reason for refusal relates to the Brereton Neighbourhood Plan.
- 5.2 Reason for refusal three relates to the predicted vehicular traffic and whether due to this the site could operate in a sustainable manner.
- 5.3 Reason for refusal four relates to insufficient information in order to be able to assess adequately the impact of the proposed development on the road network.
- 5.4 Since the appeal was lodged, a second planning application has been submitted for the proposed development. During this process the applicant and the Highways Officer have been in discussions. A final highways solution has now been agreed and plans to demonstrate this have been submitted, this means that the traffic generated by the development and the impact this would have on the surrounding network can be sufficiently mitigated. Therefore with this information available it is considered that reasons three and four could no longer

be successfully defended through the appeal process. Therefore it is proposed to delete reasons three and four.

5.5 With regard to reason for refusal five, the site lies within the Parish of Brereton, therefore the progress of this Neighbourhood Plan is an important consideration in this decision. A Neighbourhood Plan, when made, will form part of the Development Plan for the local area and the policies within it will form part of the decision making process.

5.5 The Brereton Neighbourhood Plan has been through examination, the necessary amendments have been made, and it is due to go through the referendum process on 10<sup>th</sup> March. Therefore should the referendum result in the Neighbourhood Plan be successful, it is scheduled to be made prior to the Public Inquiry for this appeal. If this is the case the appeal will no longer be premature to the Neighbourhood Plan making process but will be contrary to the Neighbourhood Plan.

5.6 On this basis it is necessary to agree alternative wording that this appeal is defended on. The suggested wording is as follows:

*5. The Local Planning Authority considers that having regard to the location of the proposed development which would not be directly related to the settlements of Brereton or Brereton Heath as defined by key map C20a and key map C20b contained within Brereton Neighbourhood Plan, the proposed development would be contrary to policy HOU01 which restricts development within the Parish of Brereton to the settlement boundaries of these locations only. As a result the development would be contrary to guidance contained at Paragraph 216 of the NPPF and guidance contained within the NPPG.*

## **6 Conclusion**

6.1 On the basis of the above, it is considered that the appeal be defended on the amended grounds.

## **7 Recommendation**

7.1 That the appeal is defended on the following grounds;

*1. The proposal is an unsustainable form of development as it is located within the Open Countryside and is contrary to Policies PS8 and H6 of the Congleton Borough Adopted Local Plan First Review 2005 and the principles of the National Planning Policy Framework.*

*2. The proposed development would result in a harmful encroachment into the open countryside. The development would adversely impact upon the landscape character and does not respect or enhance the landscape when viewed from the local footpath network. The proposed development is therefore contrary to Policies GR1 and GR5 of the*

*Congleton Borough Adopted Local Plan First Review and guidance contained within the NPPF.*

*5. The Local Planning Authority considers that having regard to the location of the proposed development which would not be directly related to the settlements of Brereton or Brereton Heath as defined by key map C20a and key map C20b contained within Brereton Neighbourhood Plan, the proposed development would be contrary to policy HOU01 which restricts development within the Parish of Brereton to the settlement boundaries of these locations only. As a result the development would be contrary to guidance contained at Paragraph 216 of the NPPF and guidance contained within the NPPG.*

*6. The proposal is contrary to Policy PG2 of the Cheshire East Local Plan Strategy Submission Version March 2014. The site is located in the parish of Brereton which is identified as an 'other settlement and rural area' for the purposes of this policy where growth should be confined to small scale infill, change of use or conversions or affordable housing developments. The proposed development is of a significant scale which does not reflect the function and character of Brereton and is therefore contrary to the principles of Policy PG2.*

## **8 Financial Implications**

8.1 There are no financial implications.

## **9 Legal Implications**

9.1 The Borough Solicitor has been consulted on the proposals and raised no objections

## **10 Risk Assessment**

10.1 There are no risks associated with this decision.

## **11 Reasons for Recommendation**

11.1 For the purpose of defending this appeal at the upcoming public inquiry.

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

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

- *Application 14/5921C*