

**Southern Planning Committee – 27<sup>th</sup> April 2016**

**UPDATE TO AGENDA**

**APPLICATION No.**

16/0574C – Residential development comprising up to 7No dwellings

**LOCATION**

Land East of Rushcroft, Congleton Road, Sandbach

**UPDATE PREPARED**

25<sup>th</sup> April 2016

**CONSULTATIONS**

No update

**REPRESENTATIONS**

No update.

**OFFICER REPORT**

**Principle of Development**

**Sandbach Neighbourhood Plan (SNP)**

The application site is located outside of the settlement boundary, as designated within the SNP. In such locations Policy H1 permits housing development to meet the housing requirement established in the Cheshire East Local Plan through existing commitments, sites identified in the Cheshire East Local Plan (Strategy and Allocations Documents) and windfalls. Policy H5 requires that developments will be required to be in a location which contributes positively to local character and help to meet identified housing needs and have easy access to existing public transport provision and be designed so that they encourage the use of green methods of transportation. Due to the location of the application site on the fringe of Sandbach, located adjacent to the settlement boundary and close to the town centre, it is considered that the policy requirement of H5 is fulfilled.

In the context of the SNP, the NPPG advises that where the Local Planning Authority (LPA) cannot demonstrate a five-year supply of deliverable housing sites, decision makers may still give weight to relevant policies in the emerging neighbourhood plan, even though these policies should not be considered up-to-date.

As such, although weight that can be given to this SNP, at present due to the Council's Housing Land Supply position, this weight is limited and this feeds into the overall planning balance of the proposal.

This matter is further emphasised in light of the Richborough Court of Appeal decision. The judges concluded that paragraph 49 refers to all policies 'affecting' housing land supply in its widest context – this includes any policy which is capable of preventing land from being developed for housing. As such all such housing policies could be considered to be out of date.

However, whereas previously 'out of date' policies have been given little or any weight, it was clear that they are not irrelevant and should be given weight. The judges were clear that it is for the decision maker to consider what weight to give to the competing issues in arriving at a decision.

Policy PC3 states that, within the countryside, only development required for agricultural/forestry operations, replacement buildings, small scale and low impact rural diversification, the conversion/reuse of existing buildings, the expansion of existing buildings, extensions/alterations to existing houses, affordable housing and facilities for sport/recreation will be permitted. The proposed development does not conform with Policy PC3. Although weight can be given to the SNP at present, due to the Council's Housing Land Supply position, this weight is limited and this feeds into the overall planning balance of the proposal. In this circumstance 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 fact that the proposal does not conform with policy. As detailed in the Committee Report it is considered that the proposal is acceptable in terms of its impact upon highway safety, amenity, drainage, landscape and ecology. It is considered that the benefits of the scheme would outweigh the dis-benefits and as a result the application is recommended for approval.

As identified above the site, although immediately adjacent, is located outside of the settlement boundary as identified in the Neighbourhood Plan. Policy PC3 states that new development will be supported in principle within the policy boundary, but outside of the boundary only a limited number of developments will be permitted. New dwellings are not listed within the criteria and therefore the scheme would be contrary to SNP policy PC3.

**Para 198 of the NPPF states** where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted. However this potentially conflicts with the clear advice in the **NPPG** which states that where a five year supply cannot be demonstrated then the policy is 'out of date' and the presumption in favour of sustainable development requires the granting of planning permission, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.

In this situation, when assessing the adverse impacts of the proposal against the policies in the Framework as a whole, decision makers should include within their assessment those policies in the Framework that deal with neighbourhood planning.

This includes paragraph 198 which states that where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted.

## **Design**

As identified in the Committee Report it is considered that the illustrative layout represents an over development of the site that is out of context with the character of the area. These matters are reserved for future consideration, however, it is considered necessary to include a condition on any planning approval which specifically does not accept the indicative scale and layout as proposed in this case. This would allow for a development in keeping with the local character, as opposed to the overtly dense, out of keeping current indicative proposal.

A condition could be imposed to ensure compliance with Policy H2 of the SNP.

## **Highway Safety**

Policy IFT1 of the SNP advises that development should be located in an acceptable location in relation to the existing network with good accessibility. 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.

Subject to condition it is considered that the proposal would not create any significant highway safety concerns and adhere with Policy IFT1 of the SNP.

## **Conclusion**

Officers recognise this is a finely balanced case. As stated in the main report it is a matter for the decision maker to balance these issues to reach a conclusion on whether permission should be granted as recommended, **or** conclude that although small in scale the development should be refused as being contrary to the PC3 of Sandbach Neighbourhood Plan.

## **Recommendation**

No change