

Strategic Planning Board

Updates

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| Date: | Wednesday, 2nd August, 2017 |
| Time: | 10.30 am |
| Venue: | Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ |

The information on the following pages was received following publication of the Board agenda.

Planning Updates (Pages 3 - 10)

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| Please contact | Sarah Baxter on 01270 686462 |
| E-Mail: | sarah.baxter@cheshireeast.gov.uk with any apologies, requests for further information or to arrange to speak at the meeting |

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APPLICATION NO: 15/5840c

PROPOSAL: Outline planning permission for up to 235 residential dwellings (including up to 30% affordable housing), introduction of structural planting and landscaping, informal public open space, and children's play area, 0.22ha for a community facility (use class D1 or D2), surface water flood mitigation and attenuation, vehicular access point from Warmingham Lane and associated ancillary works. All matters to be reserved with the exception of the main site access.

ADDRESS: LAND OFF WARMINGHAM LANE, MIDDLEWICH, CHESHIRE

APPLICANT: Gladman Developments

Local Plan Update

On 27th July the Council adopted the Cheshire East Local Plan Strategy. Accordingly the new Local Plan now forms part of the statutory development plan.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that *"where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise."*

This is the test that legislation prescribes should be employed on planning decision making.

The National Planning Policy Framework, which is the Secretary of State's guidance, also advises Councils as to how planning decisions should be made. The 'presumption in favour of sustainable development' at paragraph 14 of the NPPF means:

"approving development proposals that accord with the development plan without delay"

As a consequence where development accords with the adopted Local Plan Strategy the starting point should normally be that it should be approved - and approved promptly.

Councillors will be familiar with the second section of Paragraph 14, namely that:

"where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
– *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
– *specific policies in this Framework indicate development should be Restricted"*

With the adoption of the Local Plan, the development plan is clearly not absent. It is also unlikely to be the case that the development plan will be silent or that relevant policies are out-of-date. As a consequence the second limb of the favourable presumption will not apply to overwhelming majority of planning decisions from this point forward (but see further on housing supply below).

That being the case, the appeal Court case of *Barwood Strategic Land II LLP v East Staffordshire Borough Council* has determined that there is no further test to employ in respect of the favourable presumption. The correct test for planning decision taking is that set out in Section 38(6) of the Act.

The Inspector's Report published on 20 June 2017 signalled the Inspector's agreement to the plans and policies of the Local Plan Strategy, subject to the modifications consulted on during the spring of 2016 and 2017. On adoption, all of these sites and policies will form part of the Statutory Development plan. In particular sites that were previously within the green belt are removed from that protective designation and will be available for development. Other sites also benefit from the certainty that allocation in the development plan affords.

In the light of these new sources of housing supply, The Inspector has now confirmed that on adoption, the Council will be able to demonstrate a 5 year supply of housing land. In his Report he concludes:

"I am satisfied that CEC has undertaken a robust, comprehensive and proportionate assessment of the delivery of its housing land supply, which confirms a future 5-year supply of around 5.3 years"

Given this conclusion from the examining Inspector, the Council now takes the position that it can demonstrate a 5 year supply of housing land.

The NPPF requires that the housing land supply position be updated annually. If at some future point a five year supply cannot be demonstrated, then in accordance with paragraph 49 of the NPPF, relevant policies for the supply of housing will not be considered up to date. In those circumstances the second limb of the favourable presumption would then apply for decision takers.

The site is now an allocated housing site within the Adopted Local Plan (Site CS55 – land to the west of Warmingham Lane). The proposal is in accordance with the policy although some aspects of the policy are not achieved given the viability issues, as discussed in the main report assessment.

In addition, the following policies referred to within the Committee Report have now been deleted from the development plan;

Congleton Local Plan policy

PS3 – Settlement Hierarchy

GR21- Flood Prevention

GR1- New Development

GR2 – Design

GR3 - Residential Development

GR4 – Landscaping

GR5 – Landscaping

NR1 - Trees and Woodland

H2 - Provision of New Housing Development

H6 - Residential Development in the Open countryside

H13 - Affordable Housing and low cost housing

RECOMMENDATION:

No change to Recommendation

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STRATEGIC PLANNING BOARD UPDATE – 2nd August 2017

APPLICATION NO: 17/2751N

PROPOSAL: Outline application for residential development to include details of access (Revised application incorporating revised highway improvements)

ADDRESS: Land South of Nantwich Road, Wrenbury

APPLICANT: Siteplan UK LLP

Local Plan Update

On 27th July the Council adopted the Cheshire East Local Plan Strategy. Accordingly the new Local Plan now forms part of the statutory development plan.

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- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
- specific policies in this Framework indicate development should be Restricted”*

With the adoption of the Local Plan, the development plan is clearly not absent. It is also unlikely to be the case that the development plan will be silent or that relevant policies are out-of-date. As a consequence the second limb of the favourable presumption will not apply to overwhelming majority of planning decisions from this point forward (but see further on housing supply below).

That being the case, the appeal Court case of *Barwood Strategic Land II LLP v East Staffordshire Borough Council* has determined that there is no further test to employ in respect of the favourable presumption. The correct test for planning decision taking is that set out in Section 38(6) of the Act.

The Inspector's Report published on 20 June 2017 signalled the Inspector's agreement to the plans and policies of the Local Plan Strategy, subject to the modifications consulted on during the spring of 2016 and 2017. On adoption, all of these sites and policies will form part of the Statutory Development plan. In particular sites that were previously within the green belt are removed from that protective designation and will be available for development. Other sites also benefit from the certainty that allocation in the development plan affords.

In the light of these new sources of housing supply, The Inspector has now confirmed that on adoption, the Council will be able to demonstrate a 5 year supply of housing land. In his Report he concludes:

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Given this conclusion from the examining Inspector, the Council now takes the position that it can demonstrate a 5 year supply of housing land.

The NPPF requires that the housing land supply position be updated annually. If at some future point a five year supply cannot be demonstrated, then in accordance with paragraph 49 of the NPPF, relevant policies for the supply of housing will not be considered up to date. In those circumstances the second limb of the favourable presumption would then apply for decision takers.

In this case the following policies referred to within the Committee Report have now been deleted from the development plan;

NE.2 (Open Countryside)

NE.12 (Agricultural Land Quality)

BE.2 (Design Standards)

RES.7 (Affordable Housing)

RECOMMENDATION:

REFUSE for the following reasons;

- 1. The proposed development would be unable to provide a safe and suitable access to and from Nantwich Road and into the village of**

Wrenbury. This would result in a severe and unacceptable impact in terms of road safety. The development is therefore contrary to Policies SD1 (Sustainable Development in Cheshire East) and SD2 (Sustainable Development Principles) of the Cheshire East Local Plan Strategy and Policy BE.3 (Access and Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and paragraph 32 of the National Planning Policy Framework and the technical guidance within Manual for Streets, which states that decisions should take account of whether safe and suitable access to the site can be achieved for all people, respectively.

2. The proposed residential development is unsustainable because it is located within the Open Countryside contrary to Policies PG6 (Open Countryside), SD1 (Sustainable Development in Cheshire East) and SD2 (Sustainable Development Principles) of the Cheshire East Local Plan Strategy and Policy RES.5 (Housing in the Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan, and the principles of the National Planning Policy Framework, which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use.

3. The proposed development including the hedgerow loss as part of the proposed highways works would have some adverse impact upon the visual character and openness of the landscape/countryside. As such the proposed development is contrary to Policies PG6 (Open Countryside), SD1 (Sustainable Development in Cheshire East), SD2 (Sustainable Development Principles), SE3 (Biodiversity and Geodiversity), SE4 (The Landscape) and SE5 (Trees, Hedgerows and Woodland) of the Cheshire East Local Plan Strategy and Policy NE.5 (Nature Conservation and Habitats) of the Borough of Crewe and Nantwich Replacement Local Plan, and the principles of the National Planning Policy Framework.

In order to give proper effect to the Board's/Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning (Regulation), in consultation with the Chair (or in her absence the Vice Chair) 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.

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.
2. Provision of Public Open Space and a NEAP (8 pieces of equipment) to be maintained by a private management company
 3. Secondary School Education Contribution of £212,455 and a SEN Contribution of £45,500