

Application No: 13/2187C

Location: Land adjacent 5, MIDDLEWICH ROAD, CRANAGE, CHESHIRE, CW4 8HG

Proposal: Extension to time limit for implementation of application 11/0748C - Reserved Matters application for 10 dwellings

Applicant: Cranage Parish Council

Expiry Date: 28-Aug-2013

#### **SUMMARY RECOMMENDATION**

Approve.

**MAIN ISSUES** The main issue is whether or not there have been any significant material changes in policy/circumstances since the application was previously approved.

### **1. REFERAL**

This application is included on the agenda of the Southern Planning Committee as the proposal involves extending the time limit on a scheme which comprises of more than 10 dwellings and is therefore a small-scale major development.

### **2. DESCRIPTION OF SITE**

This application relates to a 0.5 hectare parcel of land located at the junction of Middlewich Road and Knutsford Road in Cranage. The site lies entirely within the Open Countryside and is in the freehold ownership of Cranage Parish Council.

This is a rural site currently used for grazing and is highly prominent within the surrounding area. The site is bound to the west by residential properties, to the north and south by Open Countryside, and to the east by Knutsford Road followed by several residential properties.

The site is currently accessed from an agricultural access off Middlewich Road and the boundaries consist of traditional Cheshire railings and substantial trees and hedges.

### **3. DETAILS OF PROPOSAL**

This application seeks permission to extend the time limit attached to outline approval 07/0662/OUT, which was subsequently kept alive by the later approval of the reserved matters referenced 11/0748C. This granted approval for the erection of 10 affordable dwellings.

#### 4. RELEVANT HISTORY

(07/0662/OUT) - Approved 16.10.2007 - Outline application for ten dwelling houses

(10/4189C)

Withdrawn 04.01.2011

Reserved Matters Application for Approved Application 07/0662/OUT - Ten Dwelling Houses

(11/0748C)

Approved 06.06.2011

Reserved Matters Application for Approved Application 07/0662/OUT - Ten Dwelling Houses

#### 5. POLICIES

##### **Local Plan Policy**

PS8 Open Countryside

GR1 New Development

GR2 Design

GR3 Residential Developments of More than 10 Dwellings

GR4 Landscaping

GR6&7 Amenity & Health

GR9 Accessibility, servicing and parking provision

GR10 Managing Travel Needs

GR16 Footpath, Bridleway , and Cycle Networks

GR18 Traffic Generation

GR19 Infrastructure

GR20 Public Utilities

GR21 Flood Prevention

GR22 Open Space Provision

H1 & H2 Provision of New Housing Development

H6 Residential Development in the Open Countryside and Green Belt

H14 Affordable and Low Cost Housing

NR1 Trees & Woodland

NR2 Wildlife & Nature Conservation

SPG1 Provision of Public Open Space in New Residential Developments

SPG2 Provision of Private Open Space in New Residential Developments

SPD4 Sustainable Development

SPD6 Affordable Housing and Mixed Communities

##### **Other Material Considerations**

National Planning Policy Framework

ODPM 05/2005 Planning Obligations; and 11/95 'The use of Conditions in Planning Permissions'.

DCLG (Oct 2010) Greater flexibility for planning permissions

#### 6. CONSULTATIONS

**Cranage Parish Council:**

No comments received

**Strategic Highways Manager:**

No objection

**Environmental Protection:**

No objection subject to conditions restricting hours of construction / piling and conditions relating to land contamination and noise mitigation.

**United Utilities:**

No objection

**Jodrell Bank:**

No objection

**Public Rights of Way (PROW):**

No objection subject to an informative

**Other Representations:**

Letters have been received from 16 addresses objecting to this proposal on the following grounds:

- This is a Greenfield site
- The Public Bridleway along the edge of the field needs to remain a wide rural bridleway
- Local Residents have already voted to keep this as grazing land
- The Parish Council have already voted not to sell this land off
- There is already affordable housing across the road (Big Stone Gardens), some of which had to be sold off outside the area as demand was too low
- There is no further need for affordable housing in Cranage
- latest SHMA report shows only a need for 7 affordable houses
- There is an excess of affordable units taking into account other permissions which have been granted since the original outline application was considered
- The application is now out of time
- A new housing needs survey should be carried out
- The site is unsustainable – there are no amenities or services nearby
- Highways Safety – coupled with Big Stone House, the A50 is very dangerous. There have been numerous accidents
- The site is not infill and is therefore Green Belt
- The Parish Council were not aware of the submission of this application even though they are the applicant
- The land belongs to the people of Cranage
- This project is a waste of the Parish Council's money
- There is a S106 Legal Agreement with a cascade system including a local connection criteria
- PPS3 advises that land for housing should only be released next to existing settlements
- No reasons have been given for extending the time limit

- Development usually only require 30-35% affordable housing. This application will saturate the area
- The drainage, water and electricity supply in the area is poor
- The application is not within the spirit of the concessions to extend time limits.

## **7. OFFICER APPRAISAL**

### **SCOPE OF THIS APPLICATION**

Extensions to the time limits for implementing existing planning permissions was brought into force on 1 October 2009. The new system was introduced in order to make it easier for developers to keep planning permissions alive for longer during the economic downturn. It includes provisions for a reduced fee and simplified consultation and other procedures.

The Government's advice is for Local Planning Authorities to take a positive and constructive approach towards applications that improve the prospects of sustainable development being brought forward. It is the Government's advice for Local Planning Authorities to only look at issues that may have changed significantly since that planning permission was previously considered to be acceptable in principle.

In short, it is not intended for Local Planning Authorities to re-open debates about principles of any particular proposal except where material circumstances have changed, either in development plan policy terms or in terms of national policy or other material considerations such as Case Law.

### **MATERIAL CHANGES IN POLICY/CIRCUMSTANCES SINCE PREVIOUS APPLICATION**

The application remains unchanged from the previous schemes that were approved under the outline consent and the detail agreed at the reserved matters stage. Since then, the National Planning Policy Framework has been introduced, but does not make any significant changes to the original policy position with respect to rural exception sites for affordable housing such as this one.

With respect to local policy, whilst there has been a change in position in terms of housing land supply, with the recent update to the Strategic Housing Land Availability Assessment (2013) and the Cheshire East Draft Strategy, this would not preclude this site from being brought forward because it is a scheme for 100% affordable housing (i.e. a rural exception). In this regard, there has been no material change.

A number of objectors consider that there is no proven need for additional affordable units in the area as they feel that the need has already been met by developments such as Big Stone Gardens across the Road and the Sanofi Aventis site in Holmes Chapel. There has been a change in the level of provision since the original application was considered. However, the Council's Housing Section has confirmed that there is still a need.

The Strategic Housing Market Assessment 2010 (SHMA) identified a requirement for 40 affordable homes between 2009/10 – 20013/14 in the Holmes Chapel Rural sub-area. This sub-area includes Cranage, Goostrey, Twemlow and Swettenham. There are currently 9 applicants on Cheshire Homechoice who have selected Cranage as their first choice. Four of

these require 3 bed properties, three require 2 bed properties and two haven't said how many bedrooms they need. In addition, when the last housing needs survey (which incorporated Cranage) was carried out; it identified 27 newly forming households who required affordable housing.

In terms of delivery, 10 affordable dwellings were delivered at Big Stone House, Cranage in 2010/11 and the development of 13 affordable dwellings at Twemlow Lane, Twemlow has now commenced. The likely prospect is that only 23 affordable dwellings have been delivered in the Holmes Chapel Rural sub-area. As such, there is still a shortfall that needs to be met and therefore still a need for the proposed units. Thus, whilst there has been a slight change in the delivery, this has not been enough to address the need and as such, there has been no 'significant' material change in circumstances that would warrant an objection to the proposal.

### **Other Issues Raised by Representation**

Much of the comments raised by objectors refer to the acceptability of the development. However, the principle of the development has already been established and issues relating to access, highway safety, the sustainability of the site, drainage and local infrastructure have already been considered and deemed acceptable.

With respect to the survey that Cranage Parish Council conducted to gather local resident's opinions about the sale of the land and whether the site should be developed or not, this is not a material planning consideration.

Reference has also been made to the fact that the original outline application has expired. The application for reserved matters was lodged within the required 3 year time limit. The time limit then stated that the reserved matters had to be commenced within 2 years of the reserved matters being approved. This application to extend the time limit was lodged before the expiration of the 2 year time limit to commence (before 3<sup>rd</sup> June 2013). As such, this application is valid and is in accordance with guidance (para 21 of DCLG 'Greater flexibility for planning permissions').

### **Conditions**

Condition numbers 4 and 5 required submission of legal agreements prior to development commencing to secure the affordable housing and to protect the Council against Part 1 claims under the Highways Act 1980. However, a S106 agreement has not been submitted for the affordable housing as development has not commenced. This can be secured by way of a condition and as such will be amended accordingly. The legal agreements relating to Part 1 Claims are not a material planning consideration and therefore this condition should be deleted. This is covered under separate highways legislation.

## **8. CONCLUSIONS**

It is concluded that there are no 'significant' material changes since applications 07/0662/OUT and 11/0748C were permitted that would warrant a refusal to extend the time limit on the original permission. Therefore, it is recommended that the application to extend the period of permission should be approved, subject to the conditions that were applied, except where amendment is required to account for the later approval of the reserved matters.

## **9. RECOMMENDATION**

**APPROVE subject to the following conditions:-**

- 1. Reserved Matters to be submitted or in accordance with reserved matters 11/0748C**
- 2.Reserved Matters to be submitted within 3 years or in accordance with reserved matters 11/0748C**
- 3.Commencement of development within 3 years of this permission or 2 years following approval of last of reserved matters**
- 4.Housing to be 100% affordable in perpetuity**
- 5.Compliance with parking standard agreed at Reserved Matters stage**
- 6.Prior to first use, visibility splays to be provided at the access**
- 7.Landscaping to be implemented in the first planting season following occupation or completion**
- 8.Details of boundary treatment to be submitted**
- 9.Contaminated Land Assessment top be submitted**
- 10.Submission of scheme to protect dwellings from traffic noise**
- 11.Hours of construction restricted**
- 12.Submission of an Air Quality Assessment**
- 13.Hours of piling restricted**
- 14.Submission of details of anti-radio interference materials**
- 15.Submission of details of foul and surface water drainage**
- 16.Submission of details of external materials and finishes**
- 17.Dwelling to be set-out and finished floor levels**
- 18.Removal of Permitted Development Rights for Classes A-E (extensions, alterations and outbuildings)**
- 19.Removal of Permitted Development Rights for gates, walls and fences**

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