

CHESHIRE EAST COUNCIL

STRATEGIC PLANNING BOARD

Date of meeting: 18 March 2013
Report of: David Malcolm – Interim Planning and Place Shaping Manager
Title: 13/1305N - Land to the west of Close Lane, Alsager

1.0 Purpose of Report

- 1.1 To consider the withdrawal of part of the reason refusal relating to planning application 13/1305N for a Mixed Residential Scheme to Provide Affordable, Open Market and Over 55's Sheltered Accommodation, Open Space and New Access off Close Lane (76 Family Dwellings Comprising 1 - 4 Bedrooms and 56 Dwellings for the Over 55's Comprising 1 and 2 Bedrooms).

2.0 Decisions Required

- 2.1 To agree to withdraw that part of the reason for refusal which relates to locational sustainability and the car borne travel in respect of the above application and to instruct the Interim Planning and Place Shaping Manager not to contest these issues at the forthcoming public inquiry.
- 2.2 To resolve to enter into a Section 106 in respect of the forthcoming Appeal to secure the Heads of Terms set out below. These Heads of Terms are additional to those previously authorised by the Board.
- **A financial contribution towards to provision of an additional bus service serving Close Lane of £50,000 per annum for a period of 5 years. (£250,000 total contribution)**

3.0 Background

- 3.1 Members may recall that on the 19th June 2013, Strategic Planning Board refused to grant outline permission for a Mixed Residential Scheme to Provide Affordable, Open Market and Over 55's Sheltered Accommodation, Open Space and New Access off Close Lane (76 Family Dwellings Comprising 1 - 4 Bedrooms and 56 Dwellings for the Over 55's Comprising 1 and 2 Bedrooms) for a site to the west of Close Lane in Alsager (13/1305N). All matters were reserved.
- 3.2 The Strategic Planning Board refused the application on the following ground:

The proposal site is an unacceptable housing site by means of its lack of accessibility to sustainable forms of transport, its isolation and the loss of agricultural land within the open countryside. It is therefore contrary to Policy NE.2 (Open Countryside) and Policy RES.5 (Housing in the Open Countryside) of the Crewe and Nantwich Local Plan). In addition, the Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework, and as such the application is also premature to the emerging Development Strategy. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.

- 3.4 The Strategic Planning Board also resolved, for the purposes of any appeal to delegate the authority to The Planning and Place Shaping Manager in consultation with the Chairman of the Strategic planning Board to enter into a S106 Agreement in respect of the following;

1 Provision of 48 (30%) affordable housing units – (31 units) 65% to be provided as social rent/affordable rent with (17 units) 35% intermediate tenure.

2 The provision of a LEAP (min of 5 pieces and public open space to be maintained by a Private resident's management company. The private management company to maintain all Amenity Greenspace, public footpaths and greenways within the site, play areas, and other areas of incidental open space not forming private gardens or part of the adopted highway'

3. Education contribution in respect of primary provision of £151,848

- 3.5 The Appeal is by way of Public Inquiry due to start on 29 April 2014.
- 3.6 A Duplicate application (13/4150N refers) was subsequently submitted in early October 2013. The application includes additional provision of a footway from Delamere Court to Nursery Lane on Close Lane. This provision will result, together with the footway provided as part of the proposal to the site frontage, in the complete provision of a pavement along Close Lane to Crewe Road and the submission of additional Heads Of terms for the provision of funding of £250,000 over a 5 year period for an additional bus service to serve the development site via Close Lane.
- 3.7 Application 13/4150N is considered elsewhere on this Agenda. Inspectors have determined that locational sustainability / accessibility is but one element of sustainable development and it is not synonymous with it.

Two recent appeal decisions which were refused on locational sustainability grounds but were allowed at appeal:

- At 4 Audlem Road, Hankelow an application for 10 dwellings (12/2309N) was refused by Southern Planning Committee on 29th August 2012 for sustainability reasons. In allowing the appeal the Inspector found that *'The Council has used the North West Sustainability Checklist as a guide to assessing accessibility, albeit that this relates to policies in the now defunct RSS. Nevertheless, this gives a number of useful guidelines, many of which are met. The village has a pub, a church, a village green and a post box and there is a golf club close to the appeal site open to both members and nonmembers. However, the village has no shop or school. Audlem, which has a greater range of facilities, is only a short distance away. The appeal site has good access to 2 bus routes, which serve a number of local destinations. There are footways on both sides of the road linking the site to the village centre and other public rights of way close by. Audlem Road here forms part of the national cycle network. Therefore, whilst the use of the car is likely to predominate, there are viable alternative modes of transport. In locational terms, the appeal site appears to me to be reasonably accessible for a rural settlement'*.

- At land adjacent to Rose Cottages, Holmes Chapel Road, Somerford an application for 25 dwellings (12/3807C) was refused by Southern Planning Committee on 12th December 2012 for sustainability reasons. In allowing the appeal the Inspector found that *'it is inevitable that many trips would be undertaken by car as happens in most rural areas. However in this case many such trips for leisure, employment, shopping, medical services and education have the potential to be relatively short. A survey of the existing population undertaken by the Parish Council confirmed that the majority use the car for most journeys. Its results should though be treated with some caution in view of the response rate of only 44%. The survey does not seem to have asked questions about car sharing or linked trips, both of which can reduce the overall mileage travelled. It is interesting to note that use of the school bus was a relatively popular choice for respondents. A few also used the bus and train for work journeys. It also should not be forgotten that more people are now working from home at least for part of the week, which reduces the number of employment related journeys. Shopping trips are also curtailed by the popularity of internet purchasing and most major supermarkets offer a delivery service. The evidence also suggests that the locality is well served by home deliveries from smaller enterprises of various kinds'*

3.8 The importance of the provision of the completion of a footway along Close Lane to Crewe Road in this case, as part of the resubmitted scheme is comparable to the comments by the Hankelow Inspector concerning viable alternative means of transport being available to future residents.

4.0 Conclusion

- 4.1** On the basis of the above, it is considered that the Council should withdraw the locational sustainability and reliance on the private car element of the reason for refusal, amend the wording of the reason for refusal accordingly and agree with the Appellant not to contest the issue at Appeal, subject to the imposition of appropriate conditions and the Appellant agreeing to the necessary Section 106 contributions.

5.0 Recommendation

- 5.1** That the Committee resolve to withdraw the part of the reason for refusal concerning the locational sustainability and reliance upon the private car and amend the reason for refusal as that in application 13/4150N;

The proposed residential development is unsustainable because it is located within the Open Countryside involving the loss of agricultural land within the open countryside contrary to Policies NE.2 and RES.5 of the Crewe and Nantwich Replacement Local Plan 2011 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. As such it and creates harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework, consequently the application is premature to the emerging Development Strategy since there are no material circumstances to indicate that permission should be granted contrary to the development plan.

- 5.2** To instruct the Interim Planning and Place Shaping Manager not to contest the locational sustainability and lack of accessibility issues at the forthcoming public inquiry in respect of application 13/1305N.
- 5.3** Resolve to add additional clauses to the previously resolved Section 106 in respect of the forthcoming Appeal to secure the additional Heads of Terms, to those already resolved as set out below.
- £50,000 per annum for a period of 5 years (£250,000 total)

6 Risk Assessment and Financial Implications

- 6.3** The Applicant has revised the proposal, application 13/4150N refers (reported elsewhere on this agenda) and the Applicant has further advised that they intend to submit the financial contribution towards the provision of an additional bus service serving Close Lane and the provision of a pavement to Close Lane at the forthcoming appeal in respect of the original application 13/1305N.

- 6.4** In the light of this, there is a risk that if the Council continues to pursue the locational sustainability and car reliance part of the reason for refusal at Appeal, when, a successful claim for appeal costs could be made against the Council on the grounds of unreasonable behaviour.
- 6.5** There would also be an implication in terms of the Council's own costs in defending the reason for refusal.
- 6.6** There are no risks associated with not pursuing the reason for refusal at Appeal.

7.0 Consultations

Borough Solicitor

- 7.1** The Borough Solicitor has been consulted and recommends the withdrawal of the locational sustainability/car dependency element of the reason for refusal.
- 7.2** The Strategic Highways Manager has been consulted and concurs.

8.0 Reasons for Recommendation

- 8.1** To ensure that an approved scheme for essential affordable housing within the rural area is delivered.

For further information:

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Background Documents:

Applications 13/1305N