

Application No: 14/0084N

Location: LAND AT MAW GREEN ROAD, CREWE, CW1 4HH

Proposal: ERECTION OF 8 NO. DWELLINGS, VEHICULAR ACCESS,
ASSOCIATED CAR PARKING AND LANDSCAPING

Applicant: RJC REGENERATION LTD

Expiry Date: 17-Feb-2014

SUMMARY RECOMMENDATION

APPROVE

MAIN ISSUES

Impact of the development on:-

**Planning Policy and Housing Land Supply
Affordable Housing,
Highway Safety and Traffic Generation
Landscape Impact
Hedgerow and Tree Matters
Ecology
Design
Amenity
Drainage and Flooding**

REASON FOR REFERRAL

This application is referred to the Southern Planning Committee as it relates to a departure from the development plan.

DESCRIPTION OF SITE AND CONTEXT

The site comprises approximately 0.37ha and is bounded by Maw Green Road to the north and to the west by land used for stabling and the rear of properties on Sydney Road. To the east is an established boundary hedge which abuts the site which has planning consent for residential development (discussed below).

The site is currently occasionally used for storage (albeit without the benefit of planning permission) and has been surfaced with hardcore/stone and is relatively flat.

DETAILS OF PROPOSAL

This is a full planning application for the erection of 8 dwellings, vehicular access, associated car parking and landscaping on land at Maw Green Road, Crewe.

The dwellings would take the form of six, 2-storey detached properties and two detached bungalows adjacent to the boundaries of numbers 24, 26 and 28 Sydney Road.

Access is proposed from a junction to be created off Maw Green Road from a short access road with a turning head at the end.

RELEVANT HISTORY

11/2745N	2011	Refusal for change of use to contractors storage yard
12/0831N	2013	Outline approval for 165 dwellings (adjacent site)
13/4633N		Reserved matters application for 72 dwellings (approved subject s106) (adjacent site)

POLICIES

National Guidance

National Planning Policy Framework

Local Policy

Paragraph 216 of the National Planning Policy Framework (NPPF) states that, unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process.

At its meeting on the 28th February 2014, the Council resolved to approve the *Cheshire East Local Plan Strategy – Submission Version* for publication and submission to the Secretary of State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

The relevant policies of the **Cheshire East Local Plan Strategy – Submission Version** are:

Policy SD 1 Sustainable Development in Cheshire East
Policy SD 2 Sustainable Development Principles
Policy SE 1 Design
Policy SE 2 Efficient Use of Land
Policy SE 3 Biodiversity and Geodiversity
Policy SE 4 The Landscape
Policy SE 5 Trees, Hedgerows and Woodland
Policy SE 9 Energy Efficient Development
Policy SE 12 Pollution, Land Contamination and Land Instability
Policy PG 1 Overall Development Strategy
Policy PG 2 Settlement Hierarchy
Policy PG 5 Open Countryside
Policy EG1 Economic Prosperity

The relevant policies saved in the **Congleton Borough Local Plan First Review** are:

BE.1 – Amenity
BE.2 – Design Standards
BE.3 – Access and Parking
BE.4 – Drainage, Utilities and Resources
BE.5 – Infrastructure
BE.6 – Development on Potentially Contaminated Land
NE.2 – Open Countryside
NE.5 – Nature Conservation and Habitats
NE.9 – Protected Species
NE.17 – Pollution Control
NE.20 – Flood Prevention
RES.7 – Affordable Housing
RES.3 – Housing Densities

CONSULTATIONS (External to Planning)

United Utilities:

No objection.

Strategic Highways Manager:

It was the highway preference for the access to serve the site from the nearby residential development that already had a new roundabout access onto Maw Green Road. However, it seems that this can't be achieved and therefore a separate access has been submitted with access to Maw Green Road. The highway concern was that the proposed access was too close to the new roundabout and subsequently a revised access design was submitted to move the proposed access further away from the new access roundabout and incorporate the access the adjacent stables.

The revised access design was supported by a safety audit that considered the proximity of the access to the roundabout and forward visibility to the access position for vehicles exiting the roundabout and also vehicles on Maw Green Road. The safety audit did not raise any fundamental safety concerns regarding the proposed access location.

Given the small number of units proposed in this development, the traffic generations are very low and these would not produce an impact on the road network to warrant a severe impact reason for refusal. The site internally will be a shared surface design but will have turning facilities for refuse and delivery vehicles.

In summary, the main highway issue is the location of the access. The access has been carefully considered against highway standards and also has been the subject of a safety audit that has not found any material problems with the design, I would have to conclude that it is acceptable.

There are no traffic impact or design issues with the scheme and I do not raise objections to the application.

Environmental Health:

Recommend conditions relating to noise generation, contaminated land and electric vehicle infrastructure. Also recommend refusal having regard to protection from road noise.

Network Rail:

It is noted on our geospatial databases that there is a drain or some type of water course running to the east of the site and under the railway. Network Rail would require confirmation from the developer that no surface water or foul water will be discharged into this water course that passes under the railway. All foul water and surface water must be discharged in a direction away from the railway.

VIEWS OF THE PARISH COUNCIL

The Town Council wishes to see the development linked into the sustainable transport network and that the comments of neighbours be taken into consideration.

OTHER REPRESENTATIONS

At the time of report writing, approximately 11 objections have been received relating to this application. These can be viewed on the application file. They express concerns about the following issues:

- Highway safety
- Inaccurate plans
- Drainage problems
- Loss of light and privacy
- The properties should be bungalows
- Boundary dispute subject to a court case

OFFICER APPRAISAL

Principal of Development

The site lies largely in the Open Countryside as designated in the Borough of Crewe and Nantwich Replacement Local Plan 2011, where policies NE.2 and RES.5 state that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Residential development will be restricted to agricultural workers dwellings, affordable housing and limited infilling within built up frontages.

The proposed development would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside. As a result, it constitutes a "departure" from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined "*in accordance with the plan unless material considerations indicate otherwise*".

The issue in question is whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy objection.

Housing Land Supply

The National Planning Policy Framework (NPPF) confirms at paragraph 47 the requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

"identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land".

The NPPF clearly states at paragraph 49 that:

“housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means:

“where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- n 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*
- n specific policies in the Framework indicate development should be restricted.”*

A number of recent appeal decisions have concluded that the Council has not conclusively demonstrated a five year supply of deliverable housing land, founded on information with a base date of 31 March 2012 selectively updated to 31 March 2013. However, the Council has recently published a 5 Year Supply Position Statement which seeks to bring evidence up to date to 31 December 2013. The approach taken to the Statement has been informed by policy requirements and by consultation with the Housing Market Partnership.

The Borough's five year housing land requirement is 8,311. This is calculated using the 'Sedgefield' method of apportioning the past shortfall in housing supply across the first five years. It includes a 5% buffer, which is considered appropriate in light of the Borough's past housing delivery performance and the historic imposition of a moratorium.

A standard formula of build rates and lead-in times has been applied to most housing sites, unless more detailed site-specific information is available. Those considered deliverable within the five year supply have been 'sense-checked' and assumptions altered to reflect the circumstances of the particular site. The Criticisms made of the yields from certain sites in the recent appeals, particularly those in the merging Local Plan, have also been taken on board.

Sources of supply include sites under construction; sites with full and outline planning permission; sites awaiting Section 106 Agreements; selected Strategic Sites which are included in the emerging Local Plan; sites in adopted Local Plans; and small sites. This approach accords with the *National Planning Policy Framework*, existing guidance and the emerging *National Planning Policy Guidance*.

A discount has been applied to small sites, and a windfall allowance included reflecting the applications which will come forward for delivery of small sites in years four and five.

A number of sites without planning permission have been identified and could contribute to the supply if required. However, these sites are not relied upon for the five year supply at present.

The current deliverable supply of housing is assessed as being some 9,757 homes. With a total annual requirement of 1,662 based on the 'Sedgefield' methodology and a 5% 'buffer', the *Five Year Housing Land Supply Position Statement* demonstrates that the Council has a 5.87 year housing land supply. If a 20% 'buffer' is applied, this reduces to 5.14 years supply.

In the light of the above the Council will demonstrate the objective of the framework to significantly boost the supply of housing is currently being met and accordingly there is no justification for a departure from Local Plan policies and policies within the Framework relating to housing land supply, settlement zone lines and open countryside in this area.

Additionally, the adverse impacts in terms of conflict of this proposal with the Cheshire East Local Plan Strategy – Submission Version, of releasing this site for housing development would, in the planning balance, outweigh the benefits of the proposal in terms of housing land supply, since the site is not relied upon with the Local Plan Strategy – Submission Version or the Assessed Housing land supply.

Open Countryside Policy

As well as assessing housing supply, the recent Appeal decisions at Sandbach Road North Congleton Road Sandbach, the Moorings Congleton and Crewe Road, Gresty Green are also significant for clarifying the status and intent of settlement zone line and countryside policies.

Some have sought to argue that as settlement boundaries effectively contain the built area of a town or village – and so define the area in which development is usually concentrated – that accordingly they should be viewed as housing supply policies. This subsequently could mean that those policies, along with normal countryside policies, should be considered “out of date” if there is no five year supply of housing land. This view is derived from paragraph 49 of the framework which states that:

“Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”.

There are appeal decisions that appear to support this perspective, although those in Cheshire East have generally taken a different approach.

The recent appeal decisions consider this matter in some detail. It was noted by the Inspector that the settlement zone lines serve a variety of purposes – and take account of land allocated for development up to a particular point (in this case 2011). However, the Inspector considered that settlement zones lines were not driven by the need to identify land for development, but rather are based on the objective of protecting countryside once development land is identified. Consequently, he concluded that the related policy (Policy PS4 of the Congleton Local Plan) was *“not sufficient directly related to housing land supply that it can be considered time expired for that purpose.”* Instead the Policy is *“primarily aimed at countryside & green belt protection”*. These objectives are largely in conformity with the NPPF and attract *“significant weight”*. In both appeals conflict with countryside policies were acknowledged.

This means that these policies remain important in the planning balance – but are not necessarily determinative. The two decisions pinpoint that much depends on the nature and character of the site and the individual circumstances pertaining to the application. At Congleton Road, the Inspector considered that the objective to boost significantly the supply of housing outweighed the “relatively moderate” landscape harm. In contrast, at Sandbach Road North the provision of housing was viewed as an “important and substantial” material consideration, but there would also be serious harm resulting from the impact on the character and appearance of the countryside. On this occasion that identified harm, combined with the significant weight attributed to countryside policies, outweighed the benefits in terms of housing supply.

In reaching this conclusion, the Inspector memorably noted that:

“the lack of a 5 year supply of housing land does not provide an automatic ‘green light’ to planning permission”.

Therefore, countryside policies in existing local plans can be considered as consistent with NPPF and are not housing land supply policies – and thus not of date, even if a 5 year supply is not in evidence. They accordingly need to be played into the planning balance when decisions are made.

In the case of this proposal, it is a small site which is ‘sandwiched’ between existing development on Maw Green Road and Sydney Road and the site to the east which has outline consent for 165 dwellings and 72 of those dwellings have been given reserved matters approval. In addition it has been hard surfaced albeit without planning permission, and therefore does not offer any benefit to the character and openness of the countryside. Therefore it should be considered as a rare exception to the strict controls on development on land designated as Open Countryside.

Affordable Housing

As the site is for less than fifteen units and is less than 0.4 hectares in size, therefore there is no requirement to provide affordable housing.

Highways Implications

Concern has been expressed by local residents and other interested parties that the development would have an adverse impact on highway safety due the proximity of the access to the proposed roundabout which is a requirement of the development to the east of the site.

The site and the proposed access have been assessed by the Strategic Highways Manager (SHM) who had concerns and requested some amendments. The amendment moves the proposed access further away from the new roundabout and incorporate access to the adjacent stables. The amendments to the access were supported by a safety audit which did not raise any fundamental safety concerns about the location of the access.

Having regard to the small number of units proposed, there would be very low traffic generation. As such, it could not be demonstrated that the development would have a severe impact on highway safety and a reason for refusal on these grounds could not be sustained.

Amenity

Originally the proposal was for all two-storey dwellings. Following discussions with the local Ward Member plots 1 and 2 were amended to provide bungalows and it is considered that this is a more appropriate form of development in relation to the surrounding development.

All the proposed dwellings would meet the required separation distances, therefore there would be no issues relating to privacy, light loss or outlook from neighbouring properties.

Having regard to the amenity of future occupiers of the dwellings, adequate private residential amenity space could be provided, as could areas for bin storage.

Environmental Protection have requested that the application is refused due to lack of information on traffic noise from Maw Green Road. It would not be reasonable to refuse the application on these grounds as mitigation against this is possible. This is because on the neighbouring site, a Noise Assessment was submitted that concluded that it was possible to achieve suitable internal noise and vibration levels. The Council's Environmental Protection Officers accepted these conclusions and did not object on these grounds and this site is immediately adjacent. As such a condition should be imposed requiring submission of a noise assessment with full details of mitigation methods.

The proposal is therefore considered to be acceptable in these terms. Environmental Protection have recommended refusal on the grounds of lack of information relating to noise. However; it is considered that this issue can be addressed by means of condition.

Infrastructure

Environmental Protection have recommended that a electric vehicle charging point is installed at each dwelling. It is considered that this is reasonable and in compliance with the requirements of Policy SD 1 of the Cheshire East Local Plan Strategy – Submission Version and the NPPF.

Landscape

As stated in the Principle section of the report, the site is 'sandwiched' between existing housing and the approved development site to the east. There are hedgerows on the boundaries of the site; however they are not of significant quality. The hedgerow adjacent to plots 7 and 8 is proposed for retention and a condition should be imposed requiring protection measures being put in place. It is considered that it may be difficult to construct these dwellings without damage to this hedgerow and as such any conditions should include the requirement for replacement planting if it is not possible to retain this hedge.

In order to ensure satisfactory landscaping of the site, conditions should be imposed requiring full landscaping details, protection of hedgerows where possible and proposed levels.

Design

This is a full planning application with all matters, including design to be considered.

The importance of securing high quality design is specified within the NPPF and paragraph 61 states that:

"Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment."

The proposed dwellings are of a relatively traditional design, in keeping with the character and appearance of the area and the newly approved dwellings to the east. The application form

indicates that external materials would be subject to the approval of the Local Planning Authority, as such this could be controlled by condition.

Following the input from the local ward member, the dwellings on plots 1 and 2 would have bungalows in keeping with the existing neighbouring properties.

The proposal is therefore considered to be in accordance with Policy BE.2 of the adopted local plan and Policies SD 2 and SE 1 of the Cheshire East Local Plan Strategy – Submission Version.

Ecology

The ecological submitted in respect of this application is acceptable. With the exception of breeding birds and hedgerows on site, it is not anticipated that there would be any significant ecological issues associated with the proposed development.

The hedgerow on the eastern boundary of the site is shown as being retained as part of the proposed development. This is supported, however it should be ensured that the hedgerow is enhanced as part of any detailed landscaping scheme for the site.

The application site is unlikely to be significantly important for breeding birds however if planning consent is granted conditions are required to safeguard breeding birds:

Drainage

United Utilities have no objection to the proposal provided that it is drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to a soakaway/watercourse/surface water sewer. In addition surface water run off should be controlled.

These issues should be controlled by condition.

Agricultural Land

Policy NE.12 (Agricultural Land Quality) of the Crewe and Nantwich Replacement Local Plan has been saved. The National Planning Policy Framework highlights that the use of such land should be taken into account when determining planning applications. It advises local planning authorities that, 'significant developments' should utilise areas of poorer quality land (grades 3b, 4 & 5) in preference to higher quality land.

Given the location of the site, its size and the hardstanding that has been in situ for some time, it is not considered that there are any adverse impacts in terms of the loss of agricultural land.

Other issues

There is currently a boundary dispute between the applicants and the neighbouring property. This is not a material consideration in the determination of this application. If it transpires that the applicant does not have control of any of the application site, they would be unable to implement any planning permission that may be granted.

CONCLUSIONS

Whilst the site lies within the Open Countryside, it is considered that the nature of this particular small plot of land, being 'sandwiched' between existing development and the approved major development to the east, does not contribute to the character of Open Countryside. As such it is considered that this should be treated as a **rare** exception to the Council's strict stance on development in the Open Countryside. The circumstances surrounding this application are unlikely to be repeated elsewhere and it is not therefore a precedent for other sites.

The proposal is considered to be acceptable in terms of design, amenity, highway safety, landscaping and ecology.

The proposed development would provide a suitable access from the new junction off Maw Green Road.

RECOMMENDATIONS

APPROVE SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. Time limit.**
- 2. Approved plans**
- 3. Materials to be approved.**
- 4. Tree/hedgerow protection including replacement if necessary.**
- 5. Submission of landscape details.**
- 6. Implementation of landscape details.**
- 7. Submission of drainage details.**
- 8. Controls over any piling operations.**
- 9. Submission of a noise assessment with mitigation methods to address traffic noise.**
- 10. Provision of electric vehicle charging points.**

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Interim Planning and Place Shaping Manager has delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.



DATE	10/10/2014
TIME	10:00 AM
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