

Application No: 14/2018N

Location: 246, NEWCASTLE ROAD, BLAKELOW, CW5 7ET

Proposal: 2 no. detached and 2 no. semi detached houses.

Applicant: Renew Land Developments Ltd

Expiry Date: 23-Jun-2014

SUMMARY:

The proposal is considered to be acceptable in principle, given the site is brownfield and is located within an established cluster of residential dwellings, as well as its proximity to services and facilities accessible via public transport, it is considered that on balance, the proposal would outweigh the conflict with local plan policy in terms of its location within the open countryside and would represent a sustainable form of development.

It is also considered that the proposed development would represent a more commensurate use in relation to the neighbouring uses and on the basis of the information provided, the loss of an employment site would be justified in this instance. The development would assist the Council's 5 year housing land supply position and would promote economic growth.

It is considered that these considerations would outweigh the proposals conflict with the adopted local plan in terms of the site location which lies outside the settlement boundary. Furthermore, it is considered that any harm arising from these issues would not be substantial or demonstrable, and therefore the presumption in favour of development, under paragraph 14 of the NPPF applies.

The proposal is considered to be acceptable in terms of its impact on residential amenity and its design and layout would respect the character and appearance of the surrounding area. The proposal would not detrimentally impact on existing levels of highway safety and the proposed landscaping is considered to be acceptable subject to conditions.

RECOMMENDATION:

Approve subject to conditions

PROPOSAL:

The proposal is for the construction of two detached and two semi-detached, two storey dwellings with integral garages. The works would include the provision of private driveways and hard and soft landscaping.

SITE DESCRIPTION:

The application site is a portion of brownfield land lying to the rear and side of No's 240 - 246 Newcastle Road in Blakelow and within the open countryside. The application states that the site is currently in use as a haulage yard and workshop, vehicle repairs and transport garage.

RELEVANT HISTORY:

7/07122 - Use as a turning area and for the parking of trailers. Approved 18th September 1980.

7/08530 – Change of use transport garage and depot to vehicle repairs and maintenance. Refused 10th December 1981.

7/08904 – Change of use to vehicle repairs and maintenance. Approved 29th April 1982.

P99/0024 - Four detached dwellings associated garages and one additional detached garage. Refused 04th March 1999.

P99/0448 – Four Dwellings and Associated garages and one additional garage. Refused 22nd July 1999.

P05/1624 - Outline Application for Demolition of Existing Garage and Workshop and Erection of Two Dwellings. Refused 24th July 2006.

NATIONAL & LOCAL POLICY

National Policy:

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs:

17, 49, 55 & 111

Development Plan:

The Development Plan for this area is the Borough of Crewe and Nantwich Local Plan 2011.

The relevant Saved Policies are: -

NE.2 - Open Countryside

BE.1 - Amenity

BE.2 - Design Standards

BE.3 - Access and Parking

BE.4 – Drainage, Utilities and Resources

BE.6 - Development on Potentially Contaminated Land

E.7 – Existing Employment Sites

RES.5 - Housing in the Open Countryside

TRAN.9 - Car Parking Standards

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

Cheshire East Local Plan Strategy – Submission Version (CELP)

The following are considered relevant material considerations as indications of the emerging strategy:

Policy MP1 – Presumption in Favour of Sustainable Development

Policy PG 1 - Overall Development Strategy

Policy PG 2 - Settlement Hierarchy

Policy PG 5 - Open Countryside

Policy PG 6 - Spatial Distribution of Development

Policy SD 1 - Sustainable Development in Cheshire East

Policy SD 2 - Sustainable Development Principles

Policy EG 2 - Rural Economy

Policy EG 3 – Existing and Allocated Employment Sites

Policy SE 1 – Design

Policy SE 2 – Efficient Use of Land

Policy SE 4 - The Landscape

Policy SE 5 - Trees, Hedgerows and Woodland

Policy SE 12 - Pollution, Land Contamination and Land Instability

Supplementary Planning Documents:

Development on Backland and Gardens

CONSULTATIONS:

Highways: No objection.

Environmental Health: No objection subject to pre-commencement conditions requiring a method statement for any piling work, dust suppression scheme and a Phase II contaminated land report. Compliance condition relating to hours of work is also suggested.

United Utilities: No objection subject to pre-commencement conditions avoiding any building works over the existing public sewer which crosses over the site.

View of the Parish Council:

Wybunbury Parish Council: No objection

Shavington Parish Council: No comments received at the time of writing this report.

REPRESENTATIONS:

Neighbour notification letters were sent to all adjoining occupants and a site notice erected.

Five representations received objecting to the proposal. Concerns raised include:

- access into and out of the site
- drainage
- impact on visual and residential amenities

APPRAISAL:

The key issues are:

Principle of Development
Character and Appearance
Residential Amenity
Access and Parking
Landscaping
Drainage

Principle of Development

The application site is a Brownfield site lying outside the settlement boundary. This represents a departure from adopted local plan policy.

Sec.38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications and appeals must be determined "*in accordance with the plan unless material considerations indicate otherwise*". The most important consideration in this case is the National Planning Policy Framework (NPPF).

(i) Housing Land Supply

Paragraph 47 of the National Planning Policy Framework requires that Council's identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements.

This calculation of Five year Housing supply has two components – the housing requirement – and then the supply of housing sites that will help meet it. In the absence of an adopted Local Plan the National Planning Practice Guidance indicates that information provided in the latest full assessment of housing needs should be considered as the benchmark for the housing requirement.

The current Housing Supply Position Statement prepared by the Council employs the figure of 1180 homes per year as the housing requirement, being the calculation of Objectively Assessed Housing Need used in the Cheshire East Local Plan Submission Draft.

The Local Plan Inspector has now published his interim views based on the first three weeks of Examination. He has concluded that the council's calculation of objectively assessed housing need is too low. He has also concluded that following six years of not meeting housing targets a 20% buffer should also be applied.

Given the Inspector's Interim view that the assessment of 1180 homes per year is too low, we no longer recommend that this figure be used in housing supply calculations. The Inspector has not provided any definitive steer as to the correct figure to employ, but has recommended that further work on housing need be carried out. The Council is currently considering its response to these interim views.

Any substantive increase of housing need above the figure of 1180 homes per year is likely to place the housing land supply calculation at or below five years. Consequently, at the present time, our advice is that the Council is unable to robustly demonstrate a five year supply of housing land. Accordingly recommendations on planning applications will now reflect this position.

(ii) Open Countryside Policy

Countryside policies in existing local plans can be considered as consistent with NPPF and are not housing land supply policies in so far as their primary purpose is to protect the intrinsic value of the countryside in accordance with paragraph 17 of the NPPF– and thus are not of date, even if a 5 year supply is not in evidence. However, it is acknowledged that where the Council cannot demonstrate a 5 year supply, they may be out of date in terms of their geographical extent, in that the effect of such policies is to restrict the supply of housing. They accordingly need to be played into the planning balance when decisions are made. Where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply.

Therefore, the proposal remains contrary to Open Countryside policy regardless of the 5 year housing land supply position in evidence at any particular time and a judgement must be made as to the value of the particular area of countryside in question and whether, in the event that a 5 year supply cannot be demonstrated, it is an area where the settlement boundary should be “flexed” in order to accommodate additional housing growth.

Consequently, the main issues in the consideration of this application are the sustainability of the site and whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits in terms of housing land supply.

(iii) Sustainability

Paragraphs 17 and 111 of the NPPF states that the planning system should encourage the effective use of land by reusing land that has been previously developed, provided it is not of high environmental value. Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development.

The application site is currently a B1 use, operating as a haulage yard and workshop, vehicle repairs and transport garage. The site is located to the immediate rear and side of the established built frontage along Newcastle Road and Blakelow Crescent. It is considered therefore that the site is brownfield and would represent an acceptable infilling opportunity for new housing in this location.

Paragraph 34 of the NPPF states that decisions should ensure that developments that generate travel movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

Paragraph 55 of the National Planning Policy Framework states that housing should be located where it will enhance or maintain the vitality of rural communities, for example development in one village may support services in a village nearby.

There is a limited range of services within Blakelow, however there are bus stops approximately 20m west and 350m east and a public house also 350m east of the site. The larger settlement of Shavington is located within walking distance, 1km east of the site and has a wider range of facilities including convenience stores, primary and secondary schools and a surgery.

Nantwich is located 4km west of the site which has yet a wider range of facilities and services, including a train station. The bus stops along Newcastle Road provide a regular bus service to this settlement, as well as to Crewe town centre which is 5.5km north of the site.

Having regard to the current housing land supply, given the site is brownfield and is located within an established cluster of residential dwellings, as well as its proximity to services and facilities accessible via public transport, it is considered that on balance, the proposal would outweigh the limited conflict with local plan policy in terms of its location within the open countryside and would represent a sustainable form of development.

(iv) Loss of an Existing Employment Site

Policy E.7 (Existing Employment Sites) advises that development resulting in the loss of an existing employment site will only be permitted where it can be demonstrated that the site is not capable of satisfactory use for employment.

The applicant has provided evidence to demonstrate that the site is not capable of an alternative satisfactory use for employment.

A letter received by Rory Mack Associates on 21st November states that the site was marketed between September 2010 and June 2013, of which the asking price was reduced during this time by £50,000 when a formal offer was received by the current owners in November 2012. The letter confirms that limited interest in the site was expressed for its use as commercial premises during the marketing period, given the sites proximity to surrounding residential properties and its location away from more established industrial estates.

It is considered therefore that the proposed development would represent a more commensurate use in relation to the neighbouring uses and the loss of an employment site in this instance would be justified.

In taking the above into account, the proposed development would accord with both Local and National Policy in terms of its principle.

Character and Appearance

The dwellings would be sited in line with the terraced properties at the end of Blakelow Crescent, respecting the existing pattern of development in the area and not appearing discordant within the street scene.

The proposal for four two storey dwellings with integral garages, private driveways and front and rear gardens would be commensurate to the plot size and the development would not appear cramped, sitting comfortably within the sites parameters.

The overall scale of the proposal would be comparable to dwelling No's 238 – 246 running along the front of the site.

House type B1 would appear larger than the terraced properties at the end of Blakelow Crescent. However, there would be a 10m separation distance between the proposed integral garage and side elevation of the nearest dwelling at 4 Blakelow Crescent and the single storey height of the garage would help to offset the impact of the dwelling on the boundary between both properties. The existing 2m+ high hedge running along the eastern boundary of the site would provide further screening between both properties.

The overall design and layout would appear appropriate in the context of surrounding properties with features such as porches, dormers, finials and chimneys and front gardens with private driveways. Surrounding dwellings are finished in red brick with dark slate roof tiles. A condition securing these materials would ensure the property further integrates with the existing vernacular.

Proposed planting along the front (northern) boundary would help to soften the impact of the development, as would varying surface materials. Landscaping details can be secured by condition.

Overall, the scale and design of the proposed development is considered to integrate with the established character and appearance of the locality, according with Policy BE.2 of the Borough of Crewe and Nantwich Local Plan 2011 and Policy SE 1 of the Cheshire East Local Plan Strategy – Submission Version.

Residential Amenity

Separation distances between existing neighbouring properties and the proposed dwellings would exceed the recommended distance as contained within the Authorities SPD on 'Development on Backland and Gardens'.

An existing 2m+ high conifer hedge runs along the boundaries of the site, which would provide further screening between the application site and surrounding properties.

Each proposed dwelling would be off-set from the site boundary, allowing adequate space for the storage and movement of waste bins, therefore not compromising the character and appearance of the site frontage.

The rear gardens and amenity space would measure a minimum of 66.5m², accommodating all of the basic amenities required, as set out in the 'Development on Backland and Gardens' SPD.

It is not considered that the siting of the access would result in increased disturbance to the rear of No's 5 – 8 Blakelow Crescent and side of No 246 Newcastle Road, given it is currently used by small trucks and lorries in association with the use of the site as a haulage yard and workshop.

Environmental Health request conditions to control construction activities including hours of work and method statements for dust suppression and piling.

The application site has a history of vehicle service and storage use and therefore has the potential for contamination. Following the results of the Phase I Site Investigation, the Contaminated Land Team request the submission of a Phase II Contaminated Land Report in the event of any planning permission.

The proposed development would be in accordance with Policy BE.1 of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

Access and Parking

Plots 3 and 4 would have three bedrooms and would accommodate a minimum of two car parking spaces. Plot 2 would have four bedrooms and plot 1 would have 5. Both would accommodate a minimum of 3 car parking spaces. The proposal would accord with the Authorities Maximum Car Parking Standards and Policy TRAN.9 of the Borough of Crewe and Nantwich Local Plan 2011.

Highway Authority raise no objections.

The proposal would accord with Policy BE.3 of the Borough of Crewe and Nantwich Local Plan 2011.

Landscaping

It is considered that the existing conifer hedges bordering the site should be retained given they would continue to provide an effective screening method between neighbouring

properties and are considered to be an established landscape feature surrounding the site. Proposed landscaping and boundary treatments can be secured by condition.

The proposal would accord with Policy NE.5 of the Borough of Crewe and Nantwich Local Plan 2011 and Policies SE 3, SE 4 and SE 5 of the Cheshire East Local Plan Strategy - Submission Version.

Drainage

United Utilities have requested that the development is not constructed over the public sewer which crosses the site. An informative would be attached to any grant of planning permission to secure an access strip width of 6 metres, 3 metres either side of the centre line of the sewer, in accordance with the distances specified in the current issue of 'Sewers for Adoption'.

Planning Balance

The proposal is contrary to development plan policy NE.2 (Open Countryside) and therefore the statutory presumption is against the proposal unless material considerations indicate otherwise.

The most important material consideration in this case is the NPPF which 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.

The development plan is not "absent" or "silent". The relevant policies are not out of date because they are not time expired and they are consistent with the "framework" and the emerging local plan. Policy NE.2, whilst not principally a policy for the supply of housing, (its primary purpose is protection of intrinsic character and beauty of the countryside,) it is acknowledged has the effect of restricting the supply of housing. Consequently the application must be considered in the context of paragraph 14 of the Framework, which states:

"At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.....For decision taking means:

- *approving development proposals that accord with the development plan without delay; and 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 the Framework taken as a whole; or*
 - *specific policies in the Framework indicate development should be restricted."*

In this case, the development would provide market housing to meet an acknowledged shortfall. The proposal would also have some economic benefits in terms of jobs in construction, spending within the construction industry supply chain and spending by future residents in local shops.

Balanced against these benefits must be the negative effects of an incursion into Open Countryside. However, this incursion is considered to be of limited harm and given the site's location within an established cluster of dwellings and the site comprising brownfield land, it is not considered that this is sufficient to outweigh the benefits in terms of housing land supply in the overall planning balance.

On the basis of the above, it is considered that the proposal is acceptable subject to the imposition of appropriate conditions.

RECOMMENDATION

APPROVE subject to the following conditions:

- 1. Standard time 3 years**
- 2. Plans**
- 3. Materials**
- 4. Landscaping Scheme**
- 5. Implementation of Landscaping Scheme**
- 6. Retention of Existing Hedges**
- 7. Boundary Treatments**
- 8. Submission / Approval and Implementation of Dust Suppression Scheme**
- 9. Submission / Approval and Implementation of Piling Method Statement**
- 10. Contaminated Land**
- 11. Bin Storage**

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In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Strategic & Economic Planning, in consultation with the Chair (or in his absence the Vice Chair) of Southern Planning Committee, 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 this application be the subject of an appeal, authority be delegated to the Interim Planning and Place Shaping Manager in consultation with the Chairman of the Southern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

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