

Application No: 15/3752N

Location: 416, NEWCASTLE ROAD, SHAVINGTON, CHESHIRE, CW2 5EB

Proposal: Construction of five detached two-storey dwellings with car parking and car parking for existing workshop with shared access

Applicant: John Parton, A B Parton & Son Ltd

Expiry Date: 12-Oct-2015

SUMMARY:

The site is located within the open countryside where under policy NE2 there is a presumption against development unless the development falls into one of a number of categories as detailed by Local Plan. The proposed development does not fall within any of the listed categories and as such, there is a presumption against the proposal unless material considerations indicate otherwise.

Paragraph 49 of the NPPF 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 and that where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development

It is therefore necessary to make a free-standing assessment as to whether the proposal constitutes "sustainable development" in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

The boost to housing supply is an important benefit – and this application achieves this in the context of a deliverable, sustainable housing land release.

Local concerns of regarding highway safety are noted. However the development would result in an improvement to the potential traffic situation at the site.

Given the previous approval on the site, it is not considered that this proposal would have any significant further impact on open countryside.

Subject to conditions, the proposal is considered to be acceptable in terms of its impact upon highway safety, amenity, drainage, landscape, trees and ecology.

In this instance, it is considered that the benefits of the scheme would outweigh the dis-benefits.

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits. Accordingly it is recommended for approval.

RECOMMENDATION:

Approve subject to conditions and a Section 106 Agreement to secure affordable housing provision

PROPOSAL

Outline planning permission is sought for the erection of five, two storey detached dwellings on this site. The application is in outline form with access to be determined at this point with all other matters reserved (Layout, Scale, Appearance and Landscaping).

An indicative layout plan has been submitted with the application, showing two of the dwellings to the front of the site and three at the rear. All the dwellings are shown with private parking and gardens. Access would be taken from the existing access onto Newcastle Road.

SITE DESCRIPTION

The application site is located on the southern side of Newcastle Road just outside the Shavington Settlement Boundary and within the Open Countryside. The site is currently occupied by a parking area and a strip of landscaping. To the north-west of the site is a petrol filling station, to the west of the site is a car garage (ABP) and a children play centre (Playworld). To the north-east of the site is 418 Newcastle Road which is a detached dwelling and an area of gravelled land which has planning permission for 2 units of B1/B8 use.

RELEVANT HISTORY

14/2403N – Construction of two single-storey buildings to be used for B1 (office/light industrial) and B8 (storage and distribution) purposes together with car parking (renewal of application 12/4391N). Approved 21st July 2015.

12/4391N: Construction of two single-storey buildings to be used for B1 (office/light industrial) and B8 (storage and distribution) purposes together with car parking (Amendments to approved applications 10/0714N and 10/4539N). Approved 7 February 2013.

10/4539N - Construction of a Single Storey Building to be Used for B1 (Office/Light Industrial) and B8 (Storage and Distribution) Purposes – Refused 14th February 2011 – Appeal Lodged – Appeal Allowed 5th July 2011.

10/0714N - Construction of Single-Storey Building to be Used for B1 (Office/Light Industrial) and B8 (Storage & Distribution) Purposes – Approved 22nd April 2010

Several other historic applications – not relevant to this proposal.

NATIONAL & LOCAL POLICY

National Policy:

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

Of particular relevance are paragraphs 14 and 47.

Development Plan:

The Development Plan for this area is the Borough of Crewe and Nantwich Replacement Local Plan 2011, which allocates the site as being within the within Open Countryside.

The relevant Saved Policies 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

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:

- SD 1 Sustainable Development in Cheshire East
- SD 2 Sustainable Development Principles
- SE 1 Design
- SE 2 Efficient Use of Land
- SE 3 Biodiversity and Geodiversity
- SE 4 The Landscape
- SE 5 Trees, Hedgerows and Woodland
- SE 9 Energy Efficient Development
- SE 12 Pollution, Land Contamination and Land Instability
- PG 1 Overall Development Strategy
- PG 2 Settlement Hierarchy
- PG5 Open Countryside
- EG1 Economic Prosperity

CONSULTATIONS:

Highways:

No objection.

Environmental Protection:

No objection subject to a condition relating to contaminated land.

United Utilities:

No objection subject to conditions relating to foul and surface water drainage.

Wybunbury Parish Council:

Object to the application on the grounds of the site not being suitable for mixed use development, highway safety and drainage. (Full objection available on the website)

Hough & Chorlton Parish Council:

Object on the grounds of conflict with Policy NE.2 (Open Countryside), housing land supply, impact on trees and protected species, highway safety, inappropriate layout and impact on infrastructure. (Full objection available on the website)

REPRESENTATIONS:

At the time of report writing 14 representations have been received which can be viewed on the Council website. These expresses concern about the following issues:

- Encroachment on to open fields
- Contrary to policy
- Not infill development
- Already too much development going on in the area
- Highway safety
- Loss of parking provision to neighbouring businesses
- Potential hazard being sited next to a petrol station
- Adverse impact on wildlife
- Inadequate infrastructure (schools/doctors)
- Unsafe layout
- No need for more housing in this area

APPRAISAL

The key issues to be considered in the determination of this application are set out below.

Principle of Development

The site lies within 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 does not fall within any of these exceptions. 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 this proposal represents sustainable development and whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy objection.

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.

The 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.

Following the suspension of the Examination into the Local Plan Strategy and the Inspectors interim views that the previous objectively assessed need (OAN) was ‘too low’ further evidential work has now taken place and a fresh calculation made.

Taking account of the suggested rate of economic growth and following the methodology of the NPPG, the new calculation suggests that need for housing stands at 36,000 homes over the period 2010 – 2030. Although yet to be fully examined this equates to some 1800 dwellings per year.

The 5 year supply target would amount to 9,000 dwellings without the addition of any buffer or allowance for backlog. The scale of the shortfall at this level will reinforce the suggestion that the Council should employ a buffer of 20% in its calculations – to take account ‘persistent under delivery’ of housing plus an allowance for the backlog.

While the definitive methodology for buffers and backlog will be resolved via the development plan process this would amount to an identified deliverable supply of around 11,300 dwellings.

This total exceeds the total deliverable supply that the Council is currently able to identify – and accordingly it remains unable to demonstrate a 5 year supply of housing land.

This is a material consideration in support of the proposal.

Sustainable Development

Paragraph 49 of the NPPF 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 and that where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development.

It is therefore necessary to make a free-standing assessment as to whether the proposal constitutes “sustainable development” in order to establish whether it benefits from the presumption under paragraph 14.

The NPPF determines that sustainable development includes three dimensions:- economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being;

These roles should not be undertaken in isolation, because they are mutually dependent.

ENVIRONMENTAL ROLE

Open Countryside Policy

In the absence of a 5-year housing land supply settlement boundaries are out of date but where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply. Policy NE2, seeks to protect the intrinsic character and beauty of the countryside.

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.

In this case the site is designated as Open Countryside in the adopted local plan, but actually sits within the confines of a mixed use site. Consent was granted in July this year for two buildings to be used for B1 (Office/light industrial) and B8 (storage and distribution) and

this development could still be implemented. As such it is not considered that a refusal on the grounds of adverse impact on the character and beauty of the Open Countryside could be sustained, as the approved development would result in the loss of open countryside. In addition it is currently partly used for parking and does not have a particularly rural appearance.

Landscape

The site is located on the southern side of Newcastle Road, just outside the Settlement Boundary of Shavington and adjacent to a mixed use site and one residential property.

Consent has already been granted for its redevelopment for office, light industrial and storage and distribution uses with the erection of two buildings. It is considered that the impact of the proposed residential development would be no greater than that which has been approved and as such there are no objections on landscape grounds. The issue of landscaping details on the site would form part of a reserved matters application.

Trees

The application does not present any greater arboricultural implications than the extant permission (15/2403N). There is some slight intrusion into the Root Protection Area of a High (A) category mature Oak tree, due to the position of Plot 5 which is not significantly different to the extant permission.

A condition relating to tree protection should be imposed should the application be approved.

Design & Layout

This is an outline planning application therefore the layout drawing is only indicative. Should the application be approved, layout, scale appearance and landscaping would be determined at reserved matters stage.

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 indicative layout shows a development that would not appear inappropriate in this context.

The proposal is therefore considered to be acceptable and in accordance with Policy BE.2 of the adopted local plan.

Highways

There have been a number of planning applications previously made on the site, the current permission is for B1 office and B8 storage and distribution and permission for this use was renewed in 2015. This approved permission had 81 car parking spaces in total across the whole site.

Traffic Impact

Although there have been a number of planning applications approved recently in the vicinity of the site, this application in traffic terms has to be compared with the current permitted use that would generate far more traffic than the proposed five dwellings. The levels of traffic would be reduced to low levels compared to the industrial usage of the site.

Internal Layout

The existing site access is to be used to serve the residential units shared with the existing uses on the site, the level of parking accords with standards.

In regard to the traffic impact of this application, this proposal represents a trip reduction when compared to the accepted commercial use of the site and as such there can be no traffic impact reason to reject the application. There is no change in the access points that were agreed in the previous commercial application in this proposal and the number of car parking spaces in total in being reduced to 50.

The Head of Strategic Infrastructure has confirmed that he has no objections to the proposal and it is therefore considered to be acceptable in highway safety and parking terms.

Ecology

The Council's Principal Nature Conservation Officer has assessed the proposal and is satisfied that the site poses no significant ecological issues.

ECONOMIC SUSTAINABILITY

The Framework includes a strong presumption in favour of economic growth.

Paragraph 19 states that:

'The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth'

Given the countryside location of the site, consideration must also be given to one of the core principles of the Framework, which identifies that planning, should recognise:

'the intrinsic character and beauty of the countryside and supporting thriving rural communities within it'.

Specifically, in relation to the rural economy the Framework identifies that planning policies should support economic growth in rural areas in order to create jobs and prosperity by

taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

‘support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings’

The economic benefits of the development need to be balanced against the impact upon the open countryside.

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits, to Shavington, including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

SOCIAL SUSTAINABILITY

Residential Amenity

The proposal is for 5 dwellings on this site. Adequate separation distance can be achieved between the proposed dwellings and adequate private residential amenity space can be provided within the site.

It is proposed that 2m high acoustic fencing is erected on the boundaries of plots 1, 2 and 3 to protect the amenity of the occupiers of these properties and this should be controlled by condition. A condition should also be imposed to restrict the hours of piling.

Should the application be approved a condition should be imposed relating to a Phase II Contaminated Land Investigation in order to protect future occupiers of the proposed dwellings.

Subject to the conditions set out above, the proposal is considered to be acceptable in amenity terms and in compliance with Policy BE.1 of the adopted local plan.

Affordable Housing

This is a proposed development of 5 dwellings, 3 of which lie in the Parish of Hough. The Council's Interim Planning Statement on Affordable Housing requires 30% provision on all sites larger than 3 dwellings in rural areas

This leads to a requirement for 0.9 of a dwelling. The SHMA 2013 shows the majority of the demand in Shavington is for 2 bedroom dwellings. In addition Cheshire Homechoice reflects this demand.

The preference would therefore be for on site provision of one unit at Intermediate tenure either shared ownership or shared equity. If this is not possible then a commuted sum would be acceptable.

The Affordable Housing IPS requires that the affordable units should be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration and also that the affordable housing should be provided no later than occupation of 50% of the open market dwellings.

The applicant is currently considering whether to provide on site provision or a commuted sum and this will be addressed in an update prior to the Committee meeting.

Response to Objections

There have been fourteen objections to the proposal, expressing various concerns including highway safety and loss of open countryside. It should be noted that the development would generate significantly less traffic than the approved use and the types of vehicles would also be smaller. As such a refusal on highway safety grounds could not be defended.

CONCLUSION – THE PLANNING BALANCE

The site is located within the open countryside where under policy NE2 there is a presumption against development unless the development falls into one of a number of categories as detailed by Local Plan. The proposed development does not fall within any of the listed categories and as such, there is a presumption against the proposal unless material considerations indicate otherwise.

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The boost to housing supply is an important benefit – and this application achieves this in the context of a deliverable, sustainable housing land release.

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In this instance, it is considered that the benefits of the scheme would outweigh the dis-benefits.

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits. Accordingly it is recommended for approval.

RECOMMENDATION

Approve subject to the completion of a Section 106 Agreement to secure the affordable housing and the following conditions:

- 1. Commencement**
- 2. Submission of reserved matters (all matters other than access)**
- 3. Approved plans**
- 4. Submission of a Phase II Contaminated Land Investigation**
- 5. Submission and approval of a construction management plan including any piling operations and a construction compound within the site**
- 6. Restriction on hours of piling to 9am to 5.30pm Monday to Friday, 9am to 1pm Saturday and no working on Sundays or public holidays.**
- 7. Reserved matters to include details of any external lighting.**
- 8. Submission of drainage scheme to include foul and surface water including sustainable drainage systems**
- 9. Tree and hedgerow protection measures**
- 10. Breeding bird survey for works in the nesting season**
- 11. Reserved matters to include details of boundary treatments in particular acoustic fencing**
- 12. Reserved matters to include details of existing and proposed levels**
- 13. Reserved matters to include details of bin/cycle storage**
- 14. Reserved matters to include a single electric vehicle charging point for each dwelling**

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 Head of Planning (Regulation) 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.

Should this application be the subject of an appeal, authority be delegated to the Principal Planning 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.

