

Application No: 15/1249N

Location: GRENSON MOTOR CO LTD, MIDDLEWICH ROAD, MINSHULL
VERNON, CHESHIRE, CW1 4RA

Proposal: Proposed construction of 10 No. Dwelling complete with access,
associated parking and landscaping.

Applicant: Sean Pattinson, Grenson LTD

Expiry Date: 19-Jun-2015

Summary

The proposal is considered to be acceptable in principle. The proposal is for residential development which has previously been accepted on this site under planning permission 09/3251N. Furthermore the site is brownfield and is located within an established linear form of residential development.

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 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 would not be substantial or demonstrable.

The proposal is made in outline with approval for access which is considered to be acceptable. Matters relating to design and layout are reserved for future consideration, however it is considered that the application site is capable of comfortably accommodating 10 no. dwellings and private amenity space whilst respecting the character and appearance of the locality.

The impact of the proposal on trees and ecological issues are considered to be acceptable.

SUMMARY RECOMMENDATION:

Approve subject to completion of a S106 Agreement and conditions

PROPOSAL

The proposal seeks outline planning permission and approval of access for the construction of 10 no. detached dwellings. The works would include the provision of private driveways and hard and soft landscaping.

SITE DESCRIPTION

The application site is a former garage and petrol station located to the western side of Middlewich Road in Bradfield Green. The site lies within the open countryside.

An application under 09/3251N was granted planning permission on 25th July 2012 to demolish the garage and petrol station and construct 11 no. dwellings. The garage and petrol station have since been demolished.

Dwellings lie to the north and south of the site whilst a public house lies immediately adjacent to the east. Open fields lie to the west.

RELEVANT HISTORY

09/3251N - Demolition of Existing Garage and Petrol Station and Erection of 11no. Dwellings. Approved 25th July 2012

P08/1311 – Demolition of existing garage and petrol station and erection of 15 no. dwellings. Refused 05th February 2009

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

NE.5 – Nature Conservation and Habitats

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

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 PG 5 - Open Countryside
Policy SD 1 - Sustainable Development in Cheshire East
Policy SD 2 - Sustainable Development Principles
Policy EG 2 - Rural Economy
Policy SE 1 – Design
Policy SE 2 – Efficient Use of Land
Policy SE3 – Biodiversity and Geodiversity
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

CEC Head of Strategic Infrastructure: No objection.

Natural England: No comments.

Environmental Health: No objection subject to conditions regarding noise mitigation measures, piling hours, dust control, electrical vehicle infrastructure and contaminated land.

CEC Strategic Housing Manager: Originally objected to the application. Updated comments stated that they are happy for the viability issues/affordable housing to be agreed at the reserved matters stage.

United Utilities: No objection.

CEC Flood Risk: No objection subject to conditions to secure a surface water drainage scheme and an assessment into the potential for surface water disposal via a sustainable drainage scheme.

View of the Parish/Town Council: Considerations need to be made in regards to contaminated land and the submission of a contaminated land report, the drainage system needs to be addressed as part of the proposal, contractors vehicles should not park on Moss Lane, Queen's Crescent, West View or the memorial garden at Bradfield Green .

REPRESENTATIONS:

Two representations received neither objecting to or supporting the proposal. Issues raised include impacts of the proposal on existing and proposed drainage systems and potential contaminated land issues.

APPRAISAL

Principle of Development

The application site is a Brownfield site lying outside the settlement boundary which represents a departure from adopted local plan policy NE.2.

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). One of the core planning principles contained within the NPPF states that planning should:

'encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value'

The principle of development for the loss of the employment site and subsequent residential use has already been established under the previous consent 09/3251N, for which the permission was issued in July 2012 following the signing of the S.106 Agreement.

Since the application was originally submitted in 2009, the Authority no longer has a five year deliverable supply of housing sites. It is considered relevant therefore that a more up to date assessment is undertaken to establish the principle of the proposed development.

(i) Housing Land Supply

Following the receipt of the Further Interim Views in December 2015, the Council has now prepared proposed changes to the Local Plan Strategy (LPS), alongside new and amended strategic site allocations, with all the necessary supporting evidence. The proposed changes have been approved at a Full Council meeting held on the 26 February 2016 for a period of 6 weeks public consultation which commenced on Friday 4 March 2016.

The information presented to Full Council as part of the LPS proposed changes included the Council's 'Housing Supply and Delivery Topic Paper' (CD 9.7) of February 2016.

This topic paper sets out various methodologies and the preferred approach with regard to the calculation of the Council's five year housing land supply. From this document the Council's latest position indicates that during the plan period at least 36,000 homes are required. In order to account for the historic under-delivery of housing, the Council have applied a 20% buffer as recommended by the Local Plan Inspector. The topic paper explored two main methodologies in calculating supply and delivery of housing. These included the Liverpool and Sedgefield approaches.

The paper concludes that going forward the preferred methodology would be the 'Sedgepool' approach. This relies on an 8 year + 20% buffer approach which requires an annualised delivery rate of 2923 dwellings.

The 5 year supply requirement has been calculated at 14617, this total would exceed the total deliverable supply that the Council is currently able to identify. The Council currently has a total

shortfall of 5,089 dwellings (as at 30 September 2015). Given the current supply set out in the Housing Topic Paper as being at 11,189 dwellings (based on those commitments as at 30 September 2015) the Council remains unable to demonstrate a 5 year supply of housing land. However, the Council through the Housing Supply and Delivery Topic paper has proposed a mechanism to achieve a five year supply through the Development Plan process.

National Planning Policy Guidance (NPPG) indicates at 3-031 that deliverable sites for housing can include those that are allocated for housing in the development plan (unless there is clear evidence that schemes will not be implemented within five years).

Accordingly the Local Plan provides a means of delivering the 5 year supply with a spread of sites that better reflect the pattern of housing need however at the current time, the Council cannot demonstrate a 5 year supply of housing.

(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.

(iii) Sustainability

Paragraphs 17 and 111 of the NPPF state 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 comprises a portion of vacant brownfield land lying within a small, but established built frontage along Middlewich Road. It is considered that the site 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 Bradfield Green however there is a bus stop directly outside the site and additional bus stops approximately 200m south west of the site. A public house lies on the opposite side of the road.

The edge of Crewe Settlement Boundary is located 1.5km from the site. Leighton is the nearest part of Crewe which has a hospital, primary schools and convenience stores.

Crewe town centre is located 5km south of the site which has yet a wider range of facilities and services, including a train station.

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.

Character and Appearance

The application is made in outline, therefore design and layout considerations have been reserved for future consideration.

Given the plot size and previous permission for the construction of 11 no. dwellings, the site is considered to be capable of accommodating 10 no. new dwellings and adequate amenity space without appearing cramped or incongruous in this location.

Existing properties along Middlewich Road are set back from the main road with front gardens, private driveways and defined boundary treatments. The indicative layout plan shows the properties at the frontage of the site to be set back with front/side gardens. This is considered to be appropriate and the proposal would not appear discordant within the street scene.

Windows should be inserted into the front/side elevations of the properties fronting the roadside to ensure active frontages could be achieved.

The layout of the proposal within a perimeter block type development would appear to be acceptable at this stage, with properties fronting onto the proposed access road into the site providing natural surveillance.

The vernacular in the immediate area is loosely defined, with dwellings comprising bungalows and two storey properties and roofscapes comprising pitched and hipped roofs. Material finishes are brick and render with dark slate roof tiles. Garages are also prevalent.

The property to the north of the site is a bungalow. The scale and layout of the final design should take this into account, to ensure the development is sympathetic to this property.

Conditions relating to design and layout are not considered appropriate, given details would be considered under a future reserved matters application.

Residential Amenity

It is considered that 10 no. dwellings could be sited comfortably on the plot, whilst meeting the required separation distances to neighbouring properties and providing sufficient private amenity space within the curtilage, as set out in the Authorities SPD on 'Development on Backland and Gardens'.

Detailed boundary treatments would be considered at reserved matters stage.

Should the application be approved, conditions securing details and methods of piling operations and a dust suppression scheme are considered reasonable to attach to the permission.

Noise

The development is for residential properties adjacent to the A530 main road, and as such there is potential for future occupants to be significantly affected by noise from road traffic. The applicant has submitted an acoustic report in support of the application demonstrating that, with suitable mitigation, satisfactory internal and external noise levels can be achieved.

Contaminated land

The application area has a history of garage use and therefore the land may be contaminated and the application is for new residential properties which are a sensitive end use and could be affected by any contamination present.

The report submitted in support of the application recommends a site investigation be undertaken in order to further assess identified potential contaminant linkages. The previous application for the site (09/3251N) had a condition relating to contaminated land and a condition which is again recommended.

Access and Parking

The proposed access road is the same as that which was previously approved under 09/3251N.

Each property would have a minimum two no. car parking spaces which would accord with LP Car Parking Standards. The Head of Strategic Infrastructure has raised no objection to this application.

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

Drainage

The application site is located in an area with localised flooding/drainage issues.

Conditions would therefore be attached to any grant of planning permission to secure a surface water drainage scheme and surface water disposal scheme by means of a sustainable drainage system. Subject to the imposition of the suggested conditions there is no objection from the Councils Flood Risk Manager or United Utilities.

Ecology

Ponds are located within 250 metres of the site to which Great Crested Newts have previously been recorded. The application site however offers limited habitat for Great Crested Newts.

The potential impacts of the proposed development are mostly associated with the low risk of any newts that venture onto the site which may be killed or injured during the construction process. In order to address this risk the applicant's ecological consultant has recommended a suite of 'reasonable avoidance measures'

The Councils Ecologist advises that provided these measures are implemented the proposed development would be highly unlikely to result in a breach of the Habitat Regulations. Consequently, it is not necessary for the Council to have regard to the Habitat Regulations during the determination of this application.

A condition to ensure the proposal is carried out in accordance with the Great Crested Newt Reasonable Avoidance Measures submitted with the application would be attached to any grant of planning permission.

Trees

There are trees outside the site boundary which overhang the site. A tree protection condition would be attached to any grant of consent.

Affordable Housing

In this case the applicant has submitted a Viability Appraisal which states that the development would only be viable with no affordable housing provision.

In this case the Council has commissioned an assessment of this viability report and this identifies a number of issues with the applicants Viability Appraisal. This includes the following:

- As an outline application the submitted house types do not provide sufficient detail of the house types to enable the gross and net areas can be calculated to which appropriate build costs can be assessed.
- The applicant's consultants and the Councils consultants are not in agreement in relation to the all in build cost with a difference of £18 per square foot.
- The Council's consultants state that the applicants build cost is well in excess of the BCIS mean base build rates

On this basis the Councils viability consultants recommend that as the outline application does not provide detail of external elevation finishes or the specification of the internal fit out that the viability appraisal is reviewed when the reserved matters application is submitted which will be accompanied by more detailed plans, specification details and for clarity on the basis of the gross

internal area of the proposed plans from which better information on the GDV (Gross Development Value) can be achieved. This could also provide an up to date position on the average house prices in Cheshire East (which has increased from January 2015 to January 2016 by 2.3 %).

An updated Viability Report will be secured as part of a S106 Agreement for submission at the reserved matters stage and this can be assessed by an agreed Independent chartered surveyor. The affordable housing provision will then be agreed at the reserved matters stage.

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.”*

It is therefore necessary to consider whether the proposal constitutes “sustainable development” in order to establish whether it benefits from the presumption under paragraph 14. The cases of Davis and Dartford have established that that “*it would be contrary to the fundamental principles of the NPPF if the presumption in favour of development, in paragraph 14, applied equally to sustainable and non-sustainable development. To do so would make a nonsense of Government policy on sustainable development*”. In order to do this, the decision maker must reach an overall conclusion, having evaluated the three aspects of sustainable development described by the framework (economic, social and environmental) as to whether the positive attributes of the development outweighed the negative in order to reach an eventual judgment on

the sustainability of the development proposal. However, the Dartford case makes clear that this should be done simultaneously with the consideration of whether “*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*” as required by paragraph 14 itself and not on a sequential basis or as a form of preliminary assessment.

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 small 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 completion of a S106 Agreement to secure the following:

- The reserved matters application to include the submission of an updated viability report which shall be assessed by an independent viability consultant (agreed between both parties and paid for by the applicant) which shall determine any affordable housing provision to be provided at the reserved matters stage.

1. Submission of Reserved Matters
2. Application for Approval of Reserved Matters
3. Commencement of Development
4. Plans
5. Noise mitigation measures (construction of the dwellings)
6. Noise mitigation measures (fencing)
7. Dust control measures to be submitted for approval
8. Submission / Approval of Information regarding Contaminated Land
9. Surface Water Drainage Scheme
10. Surface Water Disposal via SUDs
11. Protection of Great Crested Newts
12. Tree Protection Condition

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Principal Planning Manager (Regulation), in consultation with the Chair (or in her 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 is agreed to enter into a S106 Agreement to secure the following;

- The reserved matters application to include the submission of an updated viability report which shall be assessed by an independent viability consultant (agreed between both parties and paid for by the applicant) which shall determine any affordable housing provision to be provided at the reserved matters stage.

