

Application No: 17/0560N

Location: Land Off, SYDNEY ROAD, CREWE

Proposal: Full planning permission for the proposed development of 40 affordable dwellings, comprising of 17 two-bed and 23 three-bed dwellings, the creation of a new vehicle and pedestrian access from Sydney Road, internal shared surface roads, car parking, landscaping and public open space.

Applicant: Galliford Try Partnerships

Expiry Date: 10-May-2017

## **SUMMARY**

The site is within the Open Countryside where, under policy PG6 of the Adopted Local Plan Strategy, there is a presumption against new residential development. The proposed development although affordable has not been put forward as a Rural Exception Site and therefore would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside. The issue in question is whether there are other material considerations associated with this proposal, which are sufficient material considerations in this case to outweigh the policy objection

The development would provide significant social benefits in terms of much needed affordable housing through the provision of a 100% affordable housing scheme. It would provide economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses. Due to its landscape designation, it is not considered that the proposal will have a significant landscape impact.

Balanced against this are the adverse impacts of the development including the limited loss of open countryside and the lack of planning obligations for infrastructure which play a vital role in ensuring the social wellbeing of the community. However the contribution of affordable housing is also considered an important and overriding consideration, constituting a significant social benefit.

It is therefore considered that the benefits arising from proposed scheme of 40 Affordable Dwellings on this site weighs significantly in the planning balance, and would outweigh the disadvantages of the scheme, and justify a departure from the Development Plan.

## **SUMMARY RECOMMENDATION**

Approval subject to conditions

## **PROPOSAL**

The application seeks full planning permission for 40, two storeys, affordable dwellings which will all be in shared ownership. The Scheme will be delivered in partnership the Regenda Group, a Registered Provider. The development comprises of 17 two-bedroom dwellings, and 23 three bedrooms and will all be in shared ownership.

Access into the site will be gained from Sydney Road to the west, using a currently undeveloped strip of land between existing dwellings (No 72 and 74) which front onto the Sydney Road.

The dwellings have been arranged to face on the new adoptable access road which will serve the site from Sydney Road.

The layout has been subject to some design changes over the course of the application process, however the mix and broad location of the units has remained the same.

## **SITE DESCRIPTION**

The site is located on the north-eastern edge of Crewe and lies within Open Countryside as identified by the Development Plan, and covers an area of 1.03 hectare. It is a triangular parcel of land comprising a single field on the northern side of Sydney Road. The site is pasture land, but is not in agricultural use, nor is it accessible to the public.

The rear garden boundaries of dwellings fronting Sydney Road (Nos.56-84 even) form the western edge of the Site. The residential curtilage of a detached property (No.54 Sydney Road) adjoins the northern boundary of the site.

The Manchester to Crewe railway line runs north/south alongside the eastern site boundary. An electricity pylon is also located within open land adjacent to the eastern boundary of the Site, but no powerlines pass directly over the site.

## **RELEVANT HISTORY**

7/16274 - Residential Development - Refused 19th January 1989

7/07282 - 4 detached dwellings - Refused 30th October 1980

## **POLICY**

### **Cheshire East Local Plan Strategy – Adopted Version (CELP)**

The following are considered relevant material considerations as indications of the Adopted Local Plan Core Strategy:

PG2 – Settlement Hierarchy

PG6 - Open Countryside

PG7 – Spatial Distribution of Development

SC4 – Residential Mix

SC5 – Affordable Homes

SC6 - Rural Exceptions Housing for Local Needs  
SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
SE3 – Biodiversity and Geodiversity  
SE5 – Trees, Hedgerows and Woodland  
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 6 – Green Infrastructure  
SE9 - Energy Efficient Development  
SE12 - Pollution, Land contamination and land instability  
SE13 - Flood risk and water management  
CO1 - Sustainable Travel and Transport  
CO4 - Travel plans and transport assessments  
IN1 - Infrastructure  
IN2 - Developer Contributions

The Cheshire East Local Plan Strategy was formally adopted on 27th July 2017. There is however policies within the legacy Local Plan that still apply and have not yet been replaced. These policies are set out below.

NE.5 (Nature Conservation and Habitats)  
NE.8 (Sites of Local Importance for Nature Conservation)  
NE.9 (Protected Species)  
NE.17 (Pollution control)  
NE.20 (Flood Prevention)  
BE.1 (Amenity)  
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.3 (Pedestrians)  
RT.3 (Provision of recreational open space and children's play space in new housing developments)

### **Other Material Considerations**

National Planning Policy Framework (2012)  
National Planning Practice Guidance

### **Supplementary Planning Documents:**

The EC Habitats Directive 1992  
Conservation of Habitats & Species Regulations 2010  
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System  
Interim Planning Statement Affordable Housing  
Interim Planning Statement Release of Housing Land

## CONSULTATIONS

**Environmental Health** – No objection subject to conditions regarding the implementation of the Noise Mitigation Scheme, provision of Environmental Management Plan, charging for electric vehicles, travel information pack, dust control and remediation of contamination. An Informative relating to hours of construction is recommended.

**Highways Officer** - No objection subject to conditions requiring a Construction Management Plan and pedestrian crossing point/refuge on Sydney Road. Also the relevant highway permits will be required to enable timings of construction.

**Education** - No objection subject to an education contribution of £86,770.

**Public Rights of Way Officer** – No objection

**United Utilities** – No objections subject to conditions requiring surface and foul drainage to be being carried out in accordance with the submitted Flood Risk Assessment, and the submission of a drainage management plan.

**Flood Risk** – No objections subject to conditions requiring that the development is carried out in accordance with the approved Flood Risk Assessment and for the approval of the detailed design, associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods

**Network Rail:** No objection. Subject to conditions requiring details of boundary fencing, provision of acoustic mitigation, details of foul and surface water drainage and details of levels. Also detailed informatives are recommended to be attached hatched the decision notice regarding construction work and development adjacent to the railway.

**Cheshire Brine Subsidence Compensation Board** - No objection subject to a condition being imposed requiring details of foundation design

## VIEWS OF THE TOWN COUNCIL

**Crewe Town Council** - Commented as follows;

*“The Town Council has no objection in principle to residential development on this site and welcomes the provision of affordable housing. However, the proposed layout is very high density. This is likely to be family housing and there is no play provision within the site. The public open space is not of any real benefit, located under a pylon and not laid out for children’s play. Some houses are close to the railway where noise is a concern. The noise report submitted with the application identifies that certain properties would experience unacceptable internal noise levels if the windows are open. The proposed mitigation is additional trickle ventilation. It is not acceptable for family housing that windows cannot be opened. Further consideration needs to be given to the means of mitigating unacceptable*

*noise impacts. The Town Council objects to the currently proposed layout for the reasons stated above”.*

## **OTHER REPRESENTATIONS**

Representations have been received from the residents of 9 neighbouring properties raising the following points:

- Overdevelopment of the site. Number of properties should be reduced
- Inappropriate site and no need for development
- Cumulative effects of development in the immediate area
- Increased pressure on community facilities and infrastructure including Doctor's surgeries, schools, dentists and hospitals
- Development out of character.
- Houses along this part of Sydney Road are 3/4 bedroom link detached and planning application is for Affordable housing of 2 and 3 bed homes.
- Proposed access serving the site is very narrow and of inadequate width.
- Adverse impact on highway safety due to inadequate highway visibility along Sydney Road and proximity to Sydney Road Bridge
- Increase traffic congestion on Sydney Road, which is a busy road especially at peak periods and operates at maximum capacity
- Reinstatement of two-way traffic flow across Sydney Road Bridge will exacerbate problems of joining the flow of traffic on to this busy stretch of road and a dangerous place for pedestrians to cross
- insufficient on site parking
- Reduction in quality of life
- loss of privacy
- Adverse impact on security as no boundary treatment for existing rear gardens adjoining the site
- Unfavourable ground conditions due to brine subsidence;
- Increased in heavy railway traffic has caused vibration and subsidence
- Will exacerbate drainage problems
- Increased noise from traffic using site access.
- Adverse impact of construction work
- Removal of trees and greenspace
- Loss of wildlife habitat and adverse impact on nesting birds
- Health, noise and safety issues due to proximity of site to railway line and electricity pylon
- Poor provision of public open space within the development
- Impact of Landfill Gas originating from Maw Green
- Reduction of property values

Comments received from Cllr Suzanne Brookfield;

*Proximity to Railway Line. This is a busy railway line and there are a number of dwellings that are too close to the line. It should be unacceptable in this day and age for residents to be unable to open their windows.*

*Lack of Play Area - This appears to be a development aimed at young families. Yet again we see an affordable housing site being constructed without regard for the children residing there. As the ward councillor I had to think hard where the nearest playground areas are -*

*these are Lime Tree Avenue and Lansdowne Road - both a considerable walk away and both with the need to cross busy highways both with no provision for pedestrian crossing. A recent development at Mayfair Drive (albeit not affordable) has seen requests from residents for children's play areas 8/10 years after first construction.*

*Green Space- The green space is welcomed but sits under a pylon - is this really acceptable?*

*Cheshire Brine - I sit on the Cheshire Brine Compensation Board and I note the requirements for the increased provision of raft foundations by Cheshire Brine. As such I would question whether this is the right area for construction. I would also urge for the Planning Committee to ensure that the recommendation from Cheshire Brine is adhered to.*

*Highways - Sydney Road is a major thoroughfare in the town and experiences high levels of traffic at all times but particularly at peak times. This development once completed will add to this traffic. I however have serious concerns about the timing of this construction with all the planned highway works that are scheduled for this corridor;- Crewe Green roundabout, Sydney Road Bridge, Maw Lane and Cross Keys/Remer St roundabout. Consideration needs to be given to the residents living along this corridor.*

## **APPRAISAL**

### **Principle of development**

The site lies within the Open Countryside. Policy PG6 of the Adopted Local Plan Strategy states that within the Open Countryside only development that is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Residential development is restricted to agricultural workers dwellings, affordable housing and limited infilling within built up frontages.

The proposed development although affordable has not been put forward as a Rural Exception Site and therefore 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".

Policy SC6 (Rural Exceptions Housing for Local Needs) of the CELPS only applies to developments which adjoin a Local Service Centre or Other Settlement and are for small schemes (10 dwellings or fewer). As a result the proposed development does not comply with this Policy.

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**

Paragraph 49 on the NPPF advises 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 Inspector's Report published on 20 June 2017 signalled the Inspector's agreement to the plans and policies of the Local Plan Strategy, subject to the modifications consulted on during the spring of 2016 and 2017. On adoption, all of these sites and policies will form part of the Statutory Development Plan. In particular sites that were previously within the green belt are removed from that protective designation and will be available for development. Other sites also benefit from the certainty that allocation in the development plan affords.

In the light of these new sources of housing supply, The Inspector has now confirmed that on adoption, the Council will be able to demonstrate a 5 year supply of housing land. In his Report he concludes:

*"I am satisfied that CEC has undertaken a robust, comprehensive and proportionate assessment of the delivery of its housing land supply, which confirms a future 5-year supply of around 5.3 years"*

Given this conclusion from the examining Inspector, the Council now takes the position that it can demonstrate a 5 year supply of housing land.

## **Sustainability**

The National Planning Policy Framework definition of sustainable development is:

*"Sustainable means ensuring that better lives for ourselves don't mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment"*

There are, however, three dimensions to sustainable development: 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; and These roles should not be undertaken in isolation, because they are mutually dependent.

## **SOCIAL SUSTAINABILITY**

### **Affordable Housing**

This application proposes 40 affordable dwellings, comprising Three bedroom houses 23 no. two bedroom houses 17 no. The proposed development is to comprise 100% affordable housing and be delivered under a joint venture 'partnership' arrangement between the private sector (Galliford Try Partnerships) and The Regenda Group, a Registered Provider of affordable housing. Once completed by Galliford Try Partnerships, the Registered Provider will acquire the completed housing units.

The Councils Housing Officer has advised that the SHMA 2013 evidenced a requirement for 217 new affordable dwellings per annum in Crewe until 2017/18. Broken down this evidenced a requirement for 50 x 1 bed, 149 x 3 bed, 37 x 4 bed, 12 x 1 bed older person and 20 x 2 bed older person dwellings.

There are currently 1510 households on the Cheshire Homechoice housing waiting list who have selected Crewe as their first choice area for rehousing. They require 468 x 1 bed, 635 x 2 bed, 340 x 3 bed, 62 x 4 bed and 5 x 5 bed dwellings.

There is a pressing need for affordable housing of all tenures. The application proposes 100% of the dwellings on this site to be affordable, with all of them being provided by way of Intermediate tenure. Whilst some rented dwellings would normally be expected on a site like this, Strategic Housing are aware that the scheme is being funded by grant from the HCA, which at the time was available only for shared ownership and as such no objection is raised to this application on the tenure split.

The applicant proposes to deliver 17 x 2 bed and 23 x 3 bed dwellings on this site. The proposed housing mix is considered acceptable by the Housing Officer given that Regenda's experience has been that 1 bed shared ownership dwellings are not attractive to buyers.

The Local Plan Strategy's annual affordable housing target for the borough is 7,100 across the Plan period (average of 355 per year). Affordable housing completions since 2010 are reflected in the table below taken from the Councils Annual monitoring report (AMR).

	10/11	11/12	12/13	13/14	14/15	15/16
Affordable housing	170	214	184	131	638	448

Given the rates of completion, a key action of the AMR in relation to planning for housing in Cheshire East is to;

- Make sure that affordable houses are being provided on appropriate site



The proposal is strongly supported by Housing officers within Cheshire East Council Therefore the proposal makes a significant contribution to the community in its own right and therefore is socially very sustainable.

Development proposals for housing can traditionally contribute to social sustainable development through the provision of some community benefit, this is often brought about through contributions (financial or otherwise). A main community benefit is itself the provision of affordable housing. However, alongside this, for large developments, other benefits are required to make the development acceptable in planning terms, and to ensure that it does not have a detrimental impact on the community it is to serve.

## Education

Following consultation with children's services a financial contribution is required as the development of 40 dwellings comprising 23 Three bedroom and 17 two bedroom houses is expected to generate:

The development of 40 dwellings is expected to generate:

- 8 primary children (40 x 0.19)
- 6 secondary children (40 x 0.15)
- 0 SEN children (40 x 0.51 x 0.023%)

The development is forecast to increase an existing shortfall for primary provision (8 pupils) in the immediate locality as set out in the table below.

Primary Schools	PAN Sep 16	PAN Sep 17	NET CAP May-16	Any Known Changes	PUPIL FORECASTS based on October 2015 School Census					Comments	
					2016	2017	2018	2019	2020		
Beechwood Primary School and Nursery	45	45	315	315	343	358	362	362	363		
Brierley	30	30	210	210	207	212	210	208	208		
Edleston Primary School	30	30	210	210	207	207	205	202	200		
Gainsborough Primary and Nursery School	60	60	420	420	415	415	409	406	405		
Hungerford Primary Academy	60	30	420	420	429	437	439	444	448		
Leighton Academy	60	60	420	480	484	495	504	517	534		
Mablins Lane Community Primary School	75	30	525	525	531	560	555	560	566		
Monks Coppenhall Academy	60	30	420	420	422	455	475	489	503		
Pebble Brook Primary School	45	45	315	315	279	292	297	296	304		
St Michael's Community Academy	60	60	420	420	400	413	410	407	406		
Underwood West Primary School	60	60	432	432	445	456	464	475	486		
Haslington Primary School	45	45	315	315	260	263	267	262	259		
The Dingle Primary School	50	50	350	350	332	360	368	362	370		
Developments with S106 funded and pupil yield included in the forecasts				194							
Developments pupil yield not included in the forecasts									52		
Pupil Yield expected from this development									8		
OVERALL TOTAL	680	755	4,772	5,026	4,760	4,923	4,965	4,990	5,118		
OVERALL SURPLUS PLACES PROJECTIONS based on Revised NET CAP					266	103	61	36	-92		

To alleviate forecast pressures, the following contributions would be required:

8 x £11,919 x 0.91 = £86,770.00 (primary)  
Total education contribution: £86,770.00

## **Open Space**

Policy RT.3 states that where a development exceeds 20 dwellings the Local Planning Authority will seek POS and play space on site. In this case, given the constraints of the site, a designated area of public open space incorporating play space is not provided. Policy RT3 further states that if located more than 400m from an easily accessible equipped playground a contribution should be made towards off site provision of play equipment.

However as set out below, an alternative approach to the provision of formally designated public open space has been followed within the amended site layout through the provision of squares and shared surfaces which can be successfully be used by residents for purposes including public one space and informal play space.

In addition, it is also the case that an equipped play area is within easy walking distance of the site. This is located off Greendale Avenue/ Queens Drive about 370m to the south of the site beyond Sydney Road. A pedestrian route running north/south between Sydney Road and Queens Drive also provides a reasonably direct access to the play area.

## **Viability**

A Financial Viability Statement in respect of the delivery of the proposed scheme has been prepared by Rees Straw Chartered Surveyors in support of the application. A redacted version of the report is can be viewed on the Councils website.

In this case the proposal to develop a scheme of 100% affordable housing is a critical consideration in the context of the scheme's viability. The Viability Statement concludes that due to the nature of the scheme, being a 100% affordable housing scheme, it could not bear the costs of any financial planning obligations and could therefore not be fully policy compliant.

However, a key planning obligation is for affordable housing, whereby 30% is expected from all developments. Therefore for this scheme to be providing 100% it is fully compliant with regard to this requirement. Therefore it is for this assessment to consider whether on balance the benefits outweigh the disadvantages of partial policy compliant scheme.

## **Social Sustainability Conclusion**

It is considered that, although the proposal will not make contributions to education or fund off-site works it will make a very significant contribution to the provision of affordable housing, especially in an area where it is needed. On balance this contribution alone does provide significant community benefit, and it is unfortunate that the scheme is unable to provide a financial educational and off site play space contributions however given the nature of this scheme, the viability appraisal demonstrates that this contribution cannot be afforded. It is not considered that the education can be a showstopper, as an affordable housing scheme such as this, developed by a registered provider will be under significant financial pressure, as demonstrated by the viability report. Although it is finely balanced this proposal will be sustainable socially by providing much needed affordable housing.

## **ECONOMIC SUSTAINABILITY**

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 the local area including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

## **Agricultural Land**

Policy SE2 of the Local Plan Strategy sets out that development should safeguard natural resources including high quality agricultural land (grades 1, 2, and 3a), whilst recognising that some reduction of agricultural land is inevitable if new development is to proceed.

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.

In this the site comprises of Grade 3 Agricultural Land. However, the loss of such a small and constrained parcel, which is enclosed on by residential properties and the railway line is considered to be acceptable. As a result this issue needs to be considered as part of the planning balance.

### Economic sustainability conclusion

It is considered that the proposals represent sustainable development in terms of the economic sustainability of the scheme which will provide benefits to the local area through the construction process and the use by residents of local businesses.

## **ENVIRONMENTAL SUSTAINABILITY**

### **Site location**

Accessibility is a key factor of sustainability that can be measured. A methodology for the assessment of walking distance is that of the North West Sustainability Checklist, backed by the Department for Communities and Local Government (DCLG) and World Wide Fund for Nature (WWF). The checklist has been specifically designed for this region and relates to current planning policies set out in the North West Regional Spatial Strategy for the North West (2008).

The application site is located on the edge of Crewe, which is a main service centre. The site is close to a variety of amenities and services, with public transport available along Sydney Road. The site location therefore performs well against the desired distances to local facilities which developments should aspire to achieve as set out within the toolkit of the checklist. The site is therefore considered to be locationally sustainable.

There are, however, three dimensions to sustainable development: economic, social and environmental. Sustainability is the golden thread running through the National Planning Policy Framework, and proposals for sustainable development should be approved without delay.

## **Landscape Impact**

Whilst the Site lies within the open countryside, it is effectively contained by existing residential development and the west coast main line with very limited views into the site from public vantage points. In addition, land beyond the railway to the west is allocated for residential development and as a result this small parcel of land will become entirely isolated from the surrounding countryside. Therefore although the site itself would remain open, its surroundings would not.

In principle, the development of this site would not have not had unacceptable impact on the character or appearance of the locality, nor on the wider rural landscape.

## **Impact on Trees**

A supporting Arboricultural Statement has been submitted and assessed by the Council's Tree Officer. This identifies the removal of two groups Sycamore/Hawthorn located within the southern boundary section of the site and a group of Hawthorn/Crab Apple (an overgrown hedge) adjacent to the central eastern site boundary.

The Council's Tree Officer considers that these trees present a low to medium contribution to visual amenity within the immediate surrounding area, but are not considered to be significant in terms of their contribution to the wider public realm.

The Tree Officer originally raised concerns as regards the impact of the scheme on an Oak (T4) located alongside the eastern boundary. However a subsequent inspection of this tree revealed that there is extensive damage to the base of the stem. Furthermore there are overhead high voltage cable that run within a couple of metres of the trees crown and the basis of these factors the tree officer has confirmed that this tree is worthy of long term protection.

To address the reservations of the Tree Officer, as regards the impact on trees to be retained, within and adjacent to the site, conditions are recommended for the implementation of tree protection measures and updated Arboriculture Method Statement to fully take into account the amended layout.

## **Ecology**

The proposals and the supporting Ecological Appraisal have been assessed by the Council's Ecologist. Although the habitat survey undertaken as part of the submitted ecological appraisal was undertaken in January, the Council's Ecologist considers that given the nature of the habitats present on site, this is not a significant constraint on the accuracy of the submitted survey.

### Reptiles

Reptile species are known to occur to the north of the application site. The habitats on site are potentially suitable for reptiles, but the site is relatively isolated from the known populations. The Council's Ecologist considers that the risk posed by the proposed development to reptiles is relatively low, and be mitigated through the implementation of 'reasonable avoidance measures'

during the construction phase. A condition is therefore recommended requiring the submission of a method statement of Reptile Reasonable Avoidance Measures prior to the commencement of development.

#### Hedgerows

Native species hedgerows are a priority species and hence a material consideration. There is an existing hedgerow located on the eastern boundary of the site and the amended plan shows the hedgerow being retained as part of the proposed development.

#### Trees with bat roost potential

A single tree has been identified on site as having moderate potential to support roosting bats. This tree is to be retained as part of the proposed development.

To avoid any adverse impacts on bats resulting from any lighting associated with the development a condition should be attached requiring details of external lighting. to be agreed with the LPA. Any proposed lighting should be low level and directional and the design of the lighting scheme informed by the advice in *Bats and lighting in the UK- bats and the built environment series*, (Bat Conservation Trust, 2009).

#### Great Crested Newts

The Council's Ecologist has advised that this species is unlikely to be affected by the proposed development and no further action is required in respect of GCN.

#### Hedgehogs

Hedgehogs are a biodiversity action plan priority species and hence a material consideration. There are records of hedgehogs in the broad locality of the proposed development and so the species may occur on the site of the proposed development. A condition is recommended requiring a scheme to be implemented to ensure the incorporation of gaps for hedgehogs into garden or boundary fencing.

#### Nesting Birds

Standard conditions are recommended to safeguard nesting birds.

#### Residual impacts on biodiversity

The Council's Ecologist has advised that habitats on site are of low value and do not present a significant constraint upon development. Nevertheless the proposals may still result in an overall loss of biodiversity and it is recommended a financial contribution is made to 'offset' the impacts of the development and fund habitat creation/enhancement works locally.

However given that there are no opportunities in the locality of the site to secure such habitat creation, it is considered that the requirement for such a financial contribution in these circumstances would not accord with national planning guidance, as it would not be reasonably related to the development. It is considered that ecological issues can be addressed through suitably worded conditions. Therefore it is considered that the proposal accords with policy NE.9 of the Crewe and Nantwich Local Plan.

## **Flood Risk**

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps. Flood Zone 1 defines that the land has less than 1 in 1000 annual probability of flooding and all uses of land are appropriate in this location. As the application site is more than 1 hectare, a Flood Risk Assessment (FRA) has been submitted in support of the application.

The Flood Risk Officer and United Utilities have been consulted as part of this application and have both raised no objection to the proposed development subject to the imposition of planning conditions. As a result, the development is considered to be acceptable in terms of its flood risk/drainage implications.

### **Contaminated Land**

Environmental Health has been consulted with regard to contamination and the Contaminated Land team has raised no objections. This is however subject to conditions being imposed requiring an updated Phase II ground investigation be undertaken in order to further investigate the potential contamination risks at the site.

### **Air Quality**

Whilst this scheme itself is of a small scale, and as such would not require an air quality impact assessment, there is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality.

Crewe has three Air Quality Management Areas and as such the cumulative impact of developments in the town is likely to make the situation worse, unless managed.

Modern Ultra Low Emission Vehicle Technology (such as all electric vehicles) are expected to increase in use over the coming years (the Government expects most new vehicles in the UK will be ultra low emission). As such, it is considered appropriate to create infrastructure to allow home charging of electric vehicles in new, modern, sustainable developments. The Council's Environmental Health Officer recommends conditions to mitigate the impact on air quality including the provision of ELV infrastructure and a Residents' Travel Information Pack incorporating local information on sustainable transport.

### **Noise Impact**

The proposed development is located next to the West Coast Main Line and noise from this would have the potential to adversely impact upon any residential properties.

An acoustic report has been submitted in support of the application. The Council's Environmental Health Officer has advised that the impact of the noise from the west Coast Main Line on the proposed development has been satisfactorily assessed.

It is considered that the acoustic report's recommended noise mitigation measures will ensure that occupants of the properties are not adversely affected by noise from the trains on the

West Coast Main Line. This relates to the provision of double glazing and through-frame window mounted trickle ventilators for habitable rooms.

As the elevations of several dwellings will face the railway line, the report recommends that measures are needed to control internal noise levels. It is proposed that a through-frame window mounted trickle ventilator is incorporated into the glazing unit of windows serving habitable rooms. This simply provides residents with an alternative to opening these windows in order to provide background ventilation. All windows will remain opening.

It is therefore considered that the proposed development will not have a detrimental impact on the amenity of future residents by virtue of excessive noise or vibration.

### **Neighbour Amenity**

Care has been taken to ensure that the amended layout of the proposed development does not create issues with overlooking, loss of privacy or loss of light to existing properties (Sydney Road) due to the juxtaposition of the proposed dwellings and the provision of adequate separation distances.

The proposed dwellings of the scheme will have areas of outdoor private amenity space, which will not be subject to unacceptable overlooking, loss of light, or loss of privacy within the scheme. A planning condition is recommended to ensure the provision of satisfactory boundary treatment with adjoining properties.

It is considered that the proposed development accords with policy BE1 of the Crewe and Nantwich Local Plan.

### **Design**

The importance of securing high quality design is specified within the Framework. 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 local area is characterised by 1960s-80s semi-detached and detached housing. The site is also contained and consequently not prominent from public vantage points other than from the vehicular access into the site.

Following discussions with the Councils Design Officer the proposal has been amended during the application process and various improvements have been made to the layout to create a greater sense of place and a more sustainable environment for the future residents of the site.

The amendments have achieved a greater cohesiveness of the grouping of buildings particular around squares and focal points. The Buildings enclose spaces well, and additional detailing on house types has providing increased visual interest.

The amended layout has included the removal of some car parking from frontages, and significantly reduced its visual impact within the street scene. Improvements have been made to the road layout with a hierarchy of surfaces and road widths. The highways design has been agreed with the Highways Officer and is designed to an adoptable standard.

Policy RT.3 states that where a development exceeds 20 dwellings the Local Planning Authority will seek POS on site. The scheme does not include a formally dedicated area of open recreational space. A small area of public open space was originally proposed within the development, but this was unattractive and poorly located alongside the railway and demonstrated by the electricity pylon.

However, given the small scale of development, which occupies a particularly constrained site, an alternative approach has been adopted in this case following the principles of the Cheshire Design Guide, through the provision of squares set into the street layout. These are designed as shared surfaces which whilst provided vehicular access, can successfully be used by residents for purposes including public one space and informal play space.

Given the site location and character of development, these proposals are of density (40 dwellings per hectare) which would not adversely affect the landscape and townscape of the surrounding area, therefore representing an efficient use of land in compliance with Policy SE.2 of the Local Plan Strategy.

Following the amendments to the scheme it is now considered that an acceptable design/layout has been achieved, and it does include an area of open space to the front of the site. It is considered that the proposed development accords with the principles of the Cheshire East Design Guide and Policy SE.1 of the Adopted Local Plan Strategy.

## **Highways**

There have been objections raised by neighbouring properties in relation to highways and the impact on the surrounding road network. However the Council's Highway Officer does not raise specific objections to the proposals. A Transport Statement has accompanied the application and the Strategic infrastructure Manager concurs with its findings.

The existing access onto the access road would be upgraded to CEC adoptable standards and the internal carriageway of the amended layout and off-road parking provision meet to CEC requirements.

The Highway Officer confirms that access onto Sydney Road has sufficient visibility and there have been no accidents associated with it over the last 5 years. The proposal would generate around 25 two-way vehicle trips during the peak hour, the impact of which would be negligible.

Safety concerns have been raised by local residents as regards the use of proposed access onto Sydney Road following the reinstatement of two-way traffic flow across the new Sydney



Road railway bridge for which planning approval (17/1980N) was granted by Southern Planning Committee on 5th July 2017. However the Highway Officer has confirmed that visibility of oncoming traffic of the site access onto Sydney Road is acceptable and the reinstatement of two-way traffic flow will not make it unsafe.

The site would provide footways from the site access to the existing footways on Sydney Road assisting in the provision of access to the wider area and to near-by bus stops. There are currently no pedestrian crossing points across Sydney Road within the vicinity of the site. A signalised or zebra crossing cannot be justified due to the small size of the development but given the width of Sydney Rd (approximately 9m at this location), a pedestrian refuge island can be justified. This would aid the pedestrian desire line from the site to the nearby school; play area and wider Crewe area.

Whilst, the applicant's viability appraisal demonstrates that the scheme will not be able to sustain any off site improvements, such a refuge island will be provided as part of the approved Sydney Road bridge scheme being located around 45m south of the access to development from Sydney Road. Construction work associated with the new railway bridge is anticipated to begin in late 2019/early 2020.

It is considered that a pedestrian refuge should be in place to serve the bulk of the proposed development once it is occupied. It is therefore recommended that a condition should be imposed which sets out that no more than 10 units of the approved scheme should be occupied prior to the pedestrian refuge being provided and available for use.

The Highway Officer further recommends that a condition should be imposed requiring the submission and approval of a Construction Management Plan given the need for vehicle movements associated with construction activities to take account of local highway improvement works.

### Summary

The Highway Officer has confirmed that a safe and suitable access can be achieved, at this time, and following the completion of the new Sydney Road railway bridge. It is considered that the development would have a minimal impact upon the highway given the modest levels of traffic movements which it would be expected generate.

Any development, whether for this proposal or that associated with Sydney Road bridge would need the relevant highway permits, and consequently Network Management have the ability to manage the timings of construction activity.

### **Electric Infrastructure - pylon**

The site layout ensures that dwellings are not located within 20m of the existing pylon. The National Grid has published guidelines in two documents which are considered most relevant:

- Development Near Overhead Lines (July 2008)
- A sense of Place: Design guidelines for development near high Voltage overhead lines.

Electric and Magnetic Fields (EMFs) - Both documents cover this subject in detail and outline the current legislation on building close to overhead lines. Page 15 of National Grids Publication 'Development Near Overhead Lines' states that 'in the UK at present, there are no restrictions on EMF grounds on building close to overhead lines.' and concludes that 'Neither the UK Government nor the National Radiological Protection Board (NRPB) has recommended any special precautions for the development of homes near power lines on EMF grounds'.

## **Brine Subsidence**

The Brine Board has stated that the site is within an area that has previously been affected by brine subsidence and future residual movements cannot be completely discounted. The Board requires the foundations of the development to be of strengthened beyond the specification proposed to satisfactorily mitigate the effects of minor residual brine pumping movements.

The following Informative will be attached to advise the applicants of these comments, as details concerning foundation design are matters ordinarily addressed by the Building Regulations;

***Upon the submission of a ground dissolution/brine extraction related risk assessment and proposals regarding suitable foundations designed to overcome the potential effects of brine pumping related subsidence, the Board would be willing to discuss alternative design options.***

## **Representations**

Objections to the proposal have been received from neighbouring properties to the proposed development on various grounds which have been considered and are addressed in the main body of the report.

## **PLANNING BALANCE**

The site is within the Open Countryside, where new development for housing is restricted to agricultural, forestry, limited infilling and affordable housing through Rural Exception Sites. However a significant benefit of the development that constitutes is for a 100% affordable housing scheme, which is needed within Cheshire East. It is also considered that that the loss of this small parcel of land would not be harmful to the character or appearance of the open countryside given that it is effectively contained by existing residential development, the railway line and Sydney Road Bridge.

Although it is regrettable that the scheme cannot contribute to a full package of community benefits, it is considered on balance that the benefits of the scheme weigh significantly in the planning balance and outweigh the disadvantages of the scheme.

Through the assessment as to whether the scheme represents sustainable development, it is considered that it does achieve this in terms of social, environmental and economic sustainability. Therefore the proposal aligns with the presumption in favour of sustainable development set out in the NPPF, and should be approved without delay.

The benefits in this case are:

- The development would provide benefits in terms of much needed affordable housing provision and would help in the Council's delivery of 5 year housing land supply.
- The development would provide significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses.
- The design of the proposed development has been improved to adopt some key urban design principles.
- The proposal will not have an adverse landscape impact.

The development would have a neutral impact upon the following subject to mitigation:

- The impact upon protected species/ecology is considered to be neutral subject to the imposition of conditions to secure mitigation.
- There is not considered to be any significant drainage implications raised by this development
- The impact upon trees is considered to be neutral as this can be addressed through mitigation.
- The impact upon the residential amenity/noise/air quality/landscape and contaminated land could be mitigated through the imposition of planning conditions.
- Highway impact would be broadly neutral due to the scale of the development.

The adverse impacts of the development would be:

- The loss of open countryside
- The impact upon education infrastructure as this cannot be mitigated through the provision of an education contribution for the reasons set out by the viability statement.
- A financial contribution cannot be made to mitigate the impact arising from equipped children's play space/POS not being provided within the scheme for the reasons set out in the viability report.
- Loss of a small parcel of agricultural land albeit a small and constrained site

The scheme is therefore recommended for approval.

## **RECOMMENDATION**

Approve subject to the following conditions:

1. Commencement of development (3 years)
2. Development in accordance with approved plans,
3. Materials
4. Surfacing materials
5. Delivery of affordable housing
6. Levels
7. Nesting bird survey to be submitted
8. Provision of features for breeding birds
9. Method statement of Reptile Reasonable Avoidance Measures
10. Hedgehog mitigation

11. Details of external lighting
12. Submission of landscape scheme
13. Implementation of landscaping
14. Development in accordance with Flood Risk Assessment
15. Details of surface water drainage scheme
16. Contamination - Phase II investigation to be submitted
17. Contamination - Importation of soil
18. Remediation of unexpected contamination
19. Tree Retention
20. Tree Protection
21. Updated Arboricultural Method Statement
22. Boundary treatment
23. Dust Management
24. Noise mitigation scheme
25. Provision of pedestrian refuge on Sydney Road
26. Details of Construction Management Plan
27. Electric vehicle charging points to be provided for dwellings
28. Residents Travel Information Pack to be submitted
29. Cycle storage details
30. Bin Storage details

**In order to give proper effect to the Board`s/Committee`s intentions and without changing the substance of the decision, authority is delegated to the Head of Planning (Regulation), 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.**

