

Application No: 13/3058N

Location: LAND TO REAR OF, 11, EASTERN ROAD, WILLASTON, CW5 7HT

Proposal: Residential Development of 40 houses

Applicant: Richard Lee, Richard Lee Ltd

Expiry Date: 31-Oct-2013

SUMMARY RECOMMENDATION

REFUSE

MAIN ISSUES:

- Principle of the development
- Housing land supply
- The acceptability of the Access
- The acceptability of the design
- Impact on adjoining residential amenities
- The impact upon ecology
- The provision of open space
- Provision of affordable housing
- Impact upon education
- The impact upon the Public Right of Way
- The impact upon the landscape considerations
- The impact upon hedgerows and trees
- The impact upon the railway

REASON FOR REFERRAL

This application is referred to the Southern Planning Committee as it involves a residential development of more than 10 dwellings.

DESCRIPTION OF SITE AND CONTEXT

The site is located between the settlements of Crewe and Nantwich. It measures approx 1.67 hectares and comprises of the residential curtilage of 11 Eastern Road and pony fields to the rear of residential properties fronting Eastern Road on the south eastern edge of Willaston.

The main body of the site is roughly triangular in shape and is generally low lying, rough grazing land, subdivided into three fields with boundaries delineated by hedgerows and

fencing. The existing vehicular access to the main body of the site is currently via a field access off Eastern Road to the west of No.57.

The site is bounded to the south and west by the rear gardens of residential properties fronting onto Eastern Road. The northern boundary is marked by the Crewe to Nantwich rail line. The eastern boundary is delineated by an established hedgerow buffer with open fields beyond. The house within the site's Eastern Road frontage (No.11) comprises a two storey detached house and extensive curtilage containing numerous outbuildings. The application site lies within the Green Gap.

DETAILS OF PROPOSAL

Outline Planning Permission is sought for the erection of 40 new dwellings. Approval is also sought for Access with matters of Appearance, Landscaping, Layout and Scale reserved for subsequent approval.

As such, the application seeks permission for the principle of the erection of 40 dwellings on this site and the acceptability of the proposed access only.

The original submission was for 45 units. This was reduced following negotiations with the applicant.

RELEVANT HISTORY

7/13384 – Extension to dwelling (11 Eastern Road) – Approved 18th August 1986

7/07269 – Two detached houses (Rear of 45/55 Eastern Road) – Refused 30th October 1980

POLICIES

National Policy

National Planning Policy Framework (NPPF)

Local Plan Policy

NE.2 (Open Countryside)

NE.4 (Green Gap)

NE.5 (Nature Conservation & Habitats)

NE.9 (Protected Species)

NE.12 (Agricultural Land Quality)

NE.20 (Flood Prevention)

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage)

BE.5 (Infrastructure)

BE.6 (Development on potentially contaminated land)

RES.3 (Housing densities)

RES.5 (Housing in the Open Countryside)

TRAN.1 (Public Transport)

TRAN.5 (Provision for cyclists)

TRAN.9 (Car Parking Standards)

RT.3 (Provision of recreational open space and children's play space in new housing developments)

Other Material Planning Considerations

Interim Planning Statement: Affordable Housing

Strategic Market Housing Assessment (SHMA)

Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994

CONSULTATIONS (External to Planning)

Strategic Highways Manager – No objections, subject to a condition regarding; the prior submission of a suite of detailed design plans for the development highway proposals which will inform the S38 Agreement.

A condition advising that the applicant should enter into a Section 38 Agreement under the Highways Act 1980, prior to commencement of development with regards to the adoption of the highways within the development.

A financial contribution for £83,000 to the IDP Scheme of Improvement for the Peacock Roundabout against a ceiling of 50 units to be secured via a Section 106 Agreement. This sum shall be provided upon occupation of the 10th dwelling within the site.

Environmental Health – No objections, subject to the addition of the following conditions; Prior submission of a construction phase Environmental Management Plan (to include mitigation measures with regards to noise, waste and dust), hours of operation, the prior submission of a noise mitigation scheme, prior submission of lighting details, the developer shall provide Electric Vehicle infrastructure into at least 10% of parking spaces proposed, the prior submission of a scheme to minimise dust emissions from demolition/construction and a contaminated land informative.

United Utilities – No objections, subject to a condition requesting that the site must be drained on a separate system with only foul drainage connected to the foul sewer and that the surface water should discharge to the soakaway/watercourse/surface water sewer. Furthermore, it is advised that a separate metered supply must be provided for each unit.

Environment Agency - No objections, subject to a number of conditions including: The prior submission of a detailed surface water drainage scheme and the prior submission of a scheme to manage the risk of flooding from overland flow of surface water.

Network Rail – No objections, subject to a condition that prior to commencement of development the developer should submit a traffic management plan for construction works to be approved by the LPA and Network Rail.

Greenspace (Cheshire East Council) – *'The existing play area (Parish owned) is 240 metres from the site, and is in a good condition. However, I am aware that local youngsters*

have approached the Parish Council requesting a skate park on the site of the existing play area, and the PC are happy for this to happen...'

As such, a sum of approximately £60,000 is sought to fund a facility that is wanted in the local area.

Education (Cheshire East Council) – Advise that Primary Schools within a 2 mile radius and secondary schools within 3 miles have been considered for capacity. It is advised that there are sufficient places available in the secondary schools, but the primary schools are forecast to be cumulatively oversubscribed. Therefore, a contribution will be required for every primary aged pupil's which equates to the sum of £86,770.

Housing (Cheshire East Council) – Advise that the 2010 SHMA shows a need in the sub area of Crewe of 256 new affordable homes per year. To date there has been no delivery of affordable housing between 2009/10 – 2013/14 in Willaston and the SHMA sub-area of Crewe has not seen the required number of affordable homes delivered. Therefore as there is affordable housing need in Willaston and the SHMA sub-area of Crewe there is a requirement that 30% of the total units at this site are affordable. The 15 units proposed by the applicant would meet this 30% requirement.

It is advised that should the application be approved, the type of dwelling to be provided as affordable housing should be secured at this stage as the 2010 SHMA is nearing the end of the period it is valid for.

'My preference is for the affordable housing to be secured via s106 agreement with a requirement that an affordable housing scheme which meets the requirements of the Interim Planning Statement: Affordable Housing is submitted with the reserved matters application, the main affordable housing provisions the s106 needs to secure are –

- 30% of the total dwellings to be provided as affordable housing*
- 65% of the affordable dwellings to be affordable or social rented, 35% to be intermediate*
- The affordable dwellings to be pepper-potted across the site*
- Affordable homes to meet CFSH Level 3 and to be built in accordance with the Homes & Communities Agency Design & Quality Standards.*
- The affordable dwellings to be provided no later than occupation of 50% of the open market dwellings.'*

Public Rights of Way (Cheshire East Council) – *'The proposed site plan indicates a pedestrian 'footpath link' access onto Eastern Road from the eastern end of the development site. It could be anticipated, given the location of the site in relation to Shavington High School/Leisure Centre and Crewe town centre, that demand for this route would arise from cyclists in addition to pedestrians, and therefore the route should be designed and constructed for both types of user, should the development go ahead. The legal status and future maintenance of this link would require agreement with the Council.*

The developer should be tasked to provide new residents with information about local routes for both leisure and travel purposes.'

Sustrans – Would like to see the proposed 'footpath link' shown to Eastern Road be a shared footway / cycleway. Have concerns regarding the cumulative traffic impact, the design of the

estate should restrict vehicle speeds to 20mph, the design of the smaller units should include storage for buggies and bikes, would like to see a travel plan for the site.

VIEWS OF THE PARISH COUNCIL:

Rope Parish Council – Object to the proposal on the following grounds:

- Site lies within the Green Gap

Willaston Parish Council - Object to the proposal on the following grounds:

- Site lies within the Green Gap – Contrary to the Local Plan
- Impact upon the visual character
- Not a sustainable site
- Contrary to Willaston SPD
- Highway safety – Traffic, parking, safety
- Local Primary school oversubscribed
- Design – Loss of local character
- Amenity – Loss of privacy
- Drainage
- Flooding
- Secondary schools not within safe walking distance
- Closest medical centre not within safe walking distance
- Lack of infrastructure
- Noise and vibration concerns
- Inaccuracies within submitted reports

OTHER REPRESENTATIONS:

52 letters of objection have been received. The main areas of objection relate to;

- Site lies within the Green Gap
- Highway safety – Traffic volume, parking, pedestrian safety, knock-on impact at level crossing, width of road
- Local schools already oversubscribed
- Pressure of local doctors & hospital
- Drainage
- Flooding
- Loss of wildlife / habitat
- Design – Amount of development
- Amenity – Noise, privacy, air pollution
- Local services not within safe walking distance - Secondary schools & medical centre
- Lack of infrastructure e.g. footpaths
- Inaccuracies within submitted reports
- Habitat survey too old

SUPPORTING INFORMATION:

Statement of consultation
Design and Access Statement
Planning Statement
Ecology note
Updated Tree Survey
Topographical Survey
Landscape and Visual Impact Appraisal
Transport Statement
Roost Assessment
Flood Risk Assessment
Extended Phase 1 Habitat Survey
Geo-Environmental Assessment
Phase 1 Desk Study
Noise & vibration survey
Addendum to noise assessment
Revised indicative layout
Hedgerow information
Reptile Survey
Grasslands information
Agricultural Land Classification

OFFICER APPRAISAL

Principle of Development

Green Gap

Policy NE.4 of the Local Plan states that there are 4 areas in the former Crewe and Nantwich Borough which are designated as Green Gap. One of which is the Willaston/Rope Green Gap which the development site almost exclusively lies within.

Policy NE.4 of the Local Plan advises that within these areas, which are also subject to Policy NE.2 (Open Countryside), approval will not be given for the construction of new buildings or the change of use of existing buildings or land which would;

- Result in erosion of the physical gaps between built up areas; or
- Adversely affect the visual character of the landscape.

It is advised that exceptions to this policy will only be considered where it can be demonstrated that no suitable alternative location is available.

In response to this policy, because the development would extend between the built form between Willaston and Rope, it is considered that it would represent the erosion of the physical gap between the built up areas. Furthermore, it would detrimentally affect the visual landscape of the area which is currently characterised by open paddock.

As such, it is considered that the development would be contrary to Policy NE.4 of the Local Plan.

Open Countryside

As advised, because the site lies within the Green Gap, it is also subject to Policy NE.2. Policy NE.2 advises that development will only be permitted if it falls within one of a number of categories including:

- Agriculture
- Forestry
- Outdoor recreation
- Essential works undertaken by public service authorities or statutory undertakers
- Other uses appropriate to a rural area
- Infilling of a small gap in an otherwise built up frontage.

As the proposed development is for the erection of 40 new dwellings in the Green Gap, it is subject to Policy RES.5.

Policy RES.5 considers housing in the Open Countryside. It is advised that in the Open Countryside, new dwellings will be restricted to those that;

- A) Meet the criteria for infilling contained in Policy NE.2; or
- B) Are required for a person engaged full time in agriculture or forestry.

As the proposed development does not meet the criteria for infilling contained in Policy NE.2 and is not required for a person engaged full time in agriculture, it is considered that the proposal would also be contrary to Policies NE.2 and RES.5 of the Local Plan.

Housing land supply

Whilst PPS3 'Housing' has been abolished under the new planning reforms, the National Planning Policy Framework (NPPF) reiterates at paragraph 47 the requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

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

The NPPF states that, Local Planning Authorities should have a clear understanding of housing needs in their area. This should take account of various factors including:

- housing need and demand,
- latest published household projections,
- evidence of the availability of suitable housing land,
- the Government's overall ambitions for affordability.

The figures contained within the Regional Spatial Strategy proposed a dwelling requirement of 20,700 dwellings for Cheshire East as a whole, for the period 2003 to 2021, which equates to an average annual housing figure of 1,150 dwellings per annum. In February 2011 a full meeting of the Council resolved to maintain this housing requirement until such time that the new Local Plan was approved. In December 2012, the Cabinet agreed the Cheshire East Local Plan Development Strategy for consultation and gave approval for it to be used as a material consideration for Development Management purposes with immediate effect. This proposes a dwelling requirement of 27,000 dwellings for Cheshire East, for the period 2010 to 2030, following a phased approach, increasing from 1,150 dwellings each year to 1,500 dwellings.

It is considered that the most up-to-date information about housing land supply in Cheshire East is contained within the emerging Strategic Housing Land Availability Assessment (SHLAA) February 2013. The SHLAA has put forward a figure of 7.15 years housing land supply. This document was considered by the Strategic Planning Board on 8th February and the Portfolio Holder on 11th February 2013.

Policy change is constantly occurring with new advice, evidence and case law emerging all the time. However, the Council has a duty to consider applications on the basis of the information that is pertinent at any given time. Consequently, it is recommended that the application be considered in the context of the 2013 SHLAA.

Paragraph 47 of the NPPF requires that there is a five year supply of housing plus a buffer of 5% to improve choice and competition. The NPPF advocates a greater 20% buffer where there is a persistent record of under delivery of housing. However, for the reasons set out in the report which was considered and approved by Strategic Planning Board at its meeting on 30th May 2012, these circumstances do not apply to Cheshire East. Accordingly, once the 5% buffer is added, the 2013 SHLAA shows that the Borough has an identified deliverable housing supply of 7.15 years.

The NPPF clearly states at paragraph 49 that:

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

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

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

- *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.”*

However, Cheshire East can demonstrate a five year supply of housing land and it is considered that Policies NE.2, NE.4 and RES.6, which protect Open Countryside, are not out of date.

Emerging Policy

The current application site was considered within the SHLAA as sustainable with policy change, achievable and developable. However, the site was not deemed to be achievable within the next 5 years. It would be developable between years 6-10.

The NPPF consistently underlines the importance of plan-led development. It also establishes as a key planning principle that local people should be empowered to shape their surroundings. Regrettably the Secretary of State has often chosen to give less weight to these factors within his own guidance – and comparatively more to that of housing supply. These inconsistencies feature within the legal action that the Council is taking elsewhere.

In the recent Secretary of State decision's in Doncaster MBC it was found that a development was to be premature even though the Development Plan was still under preparation. Important to this decision was the finding that a five year supply of housing land was available. There is nothing in national guidance to suggest prematurity and housing supply should be linked in this way, and logic might question how the two are interlinked, but this factor was evidently influential in this case. Given that the Council now has a 5 year supply of housing it is considered that a pre-maturity case can be defended in this case.

However, the 5 year supply is a minimum provision and not a maximum and, given that there remains presumption in favour of sustainable development which according to the NPPF "*should be seen as a golden thread running through both plan-making and decision-taking*", it is still necessary to consider whether the proposal would constitute sustainable development and whether there would be any significant adverse impacts arising from the proposal.

Conclusion

- The site is located within the Green Gap under Policy NE.4 and subsequently the Open Countryside under Policy NE.2. Policy NE.2 has a presumption against new residential development.
- The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development 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.
- The 2013 SHLAA shows that the Borough has an identified deliverable housing supply of 7.15 years and therefore the presumption in favour of the proposal does not apply.
- The proposal does not accord with the emerging Development Strategy. Previous appeal decisions have given credence to such prematurity arguments where authorities can demonstrate a five year supply of housing land.
- However, the 5 year supply is a minimum requirement and the NPPF carries a presumption in favour of sustainable development. It is therefore necessary to consider whether the proposal is sustainable in all other respects.

Location of the site

The SHLAA advises that there is a bus route on Eastern Road but does not specifically detail if the site is considered to be sustainable. To aid this assessment, there is a toolkit which was developed by the former North West Development Agency. With respect to accessibility, the toolkit advises on the desired distances to local amenities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

The accessibility of the site shows that following facilities meet the minimum standard:

- Post box (500m) – 170m
- Amenity Open Space (500m) – 305m
- Children’s Play Space (500m) – 305m
- Convenience Store (500m) – 297m
- Primary School (1000m) – 820m
- Outdoor Sports Facility (500m) – 250m
- Local meeting place (1000m) – 125m
- Public House (1000m) – 240m
- Child Care Facility (nursery or crèche) (1000m) - 825m
- Bus Stop (500m) – 379m
- Public Right of Way (500m) – 217m

Where the proposal fails to meet the standards, the facilities / amenities in question are still within a reasonable distance of those specified and are therefore accessible to the proposed development. Those amenities are:

- Secondary School (1000m) – 1200m
- Medical Centre (1000m) – 1340m
- Pharmacy (1000m) – 1340m
- Leisure Facilities (Leisure Centre or Library) (1000m) – 1200m
- Bank or cash machine (1000m) – 1448m
- Post Office (1000m) – 1448m

The following amenities/facilities fail the standard:

- Supermarket (1000m) – 3701m
- Railway station (2000m where geographically possible) – 4506m
- Any transport node – 4023m

In summary, the site does not comply with all of the standards advised by the NWDA toolkit. However, as stated previously, these are guidelines and are not part of the development plan. Owing to its position on the edge of Willaston, within the recommended standards for the majority of the amenities listed, it is considered that this site is a sustainable site.

Access

Eastern Road is subject to a 30 mph speed limit and is fronted by residential development. There is on street parking along this section. Further to the east of its junction with Green Lane, Eastern Road becomes rural in character and does not have any footways. It is also derestricted.

The indicative layout plan shows that the proposed dwellings would be served by a new access point that would be created on the land currently occupied by No.11 Eastern Road, Willaston.

It is advised within paragraph 3.5 of the submitted Transport Statement that *'This site access provides visibility splays that have an 'x' (minor arm set back distance) of 2.4m and a 'y' (major road visibility) distance of 31m in both directions.'*

In relation to parking, it is advised within paragraph 3.11 of the transport statement that *'...as the application is for outline permission, the level of parking has not been developed in detail. However, parking will be provided in accordance with CEC's standards which require family houses to provide two spaces per dwelling.'*

The Council's Strategic Highways Manager has advised that traffic generation from the development would be low and will have a limited impact on the local highway infrastructure. However, despite this, it is advised that there are many evolving development proposals in the area of Crewe and the Strategic Highways Manager *'...recognises that the cumulative impact on the strategic highways network demands a contribution from development towards costed schemes in the Infrastructure Delivery Plan which are CIL compliant.'*

It is advised that in this instance, the improvement scheme for the Peacock Roundabout is the nearest strategic junction which will take traffic from this development and it is considered that *'...a funding contribution of £83,000 against a likely ceiling of 50 units on this site is reasonable and matches pro-rata local contributions recently agreed.'*

As such, subject to this contribution being agreed by legal agreement, in addition to a condition seeking the prior submission of detailed drawings of the proposed road improvements, it is considered that the proposed development would adhere with Policy GR9 of the Local Plan.

Design

Policy GR2 (Design) of the Local Plan states that the proposal should be sympathetic to the character, appearance and form of the site and the surrounding area in terms of: The height, scale, form and grouping of the building, choice of materials and external design features.

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

"Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people

and places and the integration of new development into the natural, built and historic environment.”

The proposed development is for 40 new dwellings. This was reduced from 45 dwellings due to concerns about the layout / density of the scheme. Specifically, issues regarding the presence of dwellings at the access point and the dwellings proposed that would back onto the rail line were of a particular concern. By reducing the figure to 40, these properties could theoretically be removed from the layout.

Policy RES.3 refers to housing densities. It advises that new residential development should be built at densities between 30-50 dwellings per hectare. The application site is 1.67 hectares. As such, in this case, the density of the site is appropriate and is consistent with that of the surrounding area of Willaston.

The indicative layout plan shows that the development would be erected in a tilted ‘T-shape’ to the rear of the properties on Eastern Road, following the shape of the proposed new access road. The indicative layout shows that the properties on the site would overlook the highway and parking areas. The properties would respect the pattern of development within the nearby area which includes singular roads to the rear of main roads that provide housing (e.g. Circle Avenue off Eastern Road and Ashlea Drive off Green Lane). To the countryside to the east, a boundary hedgerow could be provided / retained to act as a green buffer to the open countryside.

Although there are some weaknesses with the indicative design, it has demonstrated that an acceptable scheme could be agreed at the Reserved Matters stage and would comply with Policy BE.2 (Design Standards) and the NPPF.

Landscape

Visual

The application site is an irregular shaped area covering two fields, bound to the north by the Crewe-Nantwich rail line and to the south by the rear gardens along Eastern Road. To the east of the site is agricultural land. The site is relatively flat grazing land with both hedgerow and fenced boundaries.

In response to the submitted Landscape and Visual Impact Assessment, it has been concluded that there are no landscape designations affecting the site. Furthermore, the Council’s Principal Landscape Architect has advised that he generally agrees with the 6 ‘key viewpoints’ identified within the study.

However, The Council’s Landscape Architect concludes that since the proposals involve development on agricultural land within the Green Gap, the scheme would be contrary to Policy NE.4 of the Local Plan.

Trees

With regards to Trees and Hedgerows, the Council's Principal Forestry and Arboricultural Officer has advised that the tree survey submitted refers to the old British Standard BS5837:2005 *Trees in Relation to Construction – Recommendations*.

This standard has been superseded by BS5837:2012 *Trees in Relation to Design, Demolition and Construction – Recommendations* which took effect from 30th April 2012. As such, for the purposes of determining tree related issues, the submitted survey was not accepted.

The applicant has now submitted an updated survey and assessed the site using the correct 2012 British Standards.

In response to this updated submission, the Council's Tree Officer has advised that the survey still makes references to the 2005 standards. Notwithstanding this, it is advised that no trees within the site are TPO protected. It is advised that the survey identifies 20 individual trees, 5 groups and 1 hedgerow within the application site. Of the trees surveyed only 5 have been given 'B' Moderate quality which would be considered worthy of retention. The remaining trees are deemed as low 'C'; category trees of limited arboricultural, landscape or cultural values or are in decline.

The Tree Officer has advised that the indicative layout would result in 3 of the 5 'B' category trees being removed. It is advised that given the small number of moderate category trees within the site, *'...it should be possible to ensure their retention within the framework of the development.'*

It is concluded that *'Any reserved matters application must be supported by an Arboricultural Impact Assessment with fully updated Tree Survey, Tree Constraints and Tree Protection Plan in accordance with the revised British Standard BS5837:2012.'*

As a result, subject to conditions, it is considered that the proposed development would adhere with Policy NE.5 of the Local Plan.

Hedgerows

Where it is proposed that hedgerow be removed, it should be assessed against the criteria in the Hedgerow Regulations 1997 in order to ascertain if they qualify as 'Important'. Should any hedgerows be found to be 'important' under and of the criteria in the regulations, this would be a significant material consideration in the determination of the application.

Paragraph 1.1.2 of the submitted Supplementary Ecology note advises that *'The hedges would not be regarded as important under the Hedgerow Regulations 1997 on the basis of their ecological features (woody species and hedge-bank diversity).'*

In response to these comments, the Council's Nature Conservation Officer has advised that the development of this site will be likely to result in a significant loss of hedgerow. As such, if planning consent is granted, a suitable mechanism should be put in place to ensure any finalised landscaping scheme for the site includes suitable replacement hedgerows.

The 'Cheshire Archaeology Planning Advisory Service' have advised that their assessment concludes that these hedgerows may not be 'important'. However, further assessment on the status of the hedgerows against these criteria is required from the Records Office.

The 'Cheshire Archive and Local Studies Service' have advised that the hedges on the site meet the 3 criterion which indicate that there are no protected hedgerows.

As such, it is considered that the proposal adheres with this aspect of Policy NE.5 of the Local Plan.

Loss of Agricultural land

Policy NE.12 of the Local Plan states that development on the best and most versatile agricultural land (grades 1, 2 and 3a in the Ministry of Agriculture Fisheries and Food classification) will not be permitted unless:

- the need for the development is supported in the local plan;
- it can be demonstrated that the development proposed cannot be accommodated on land of lower agricultural quality, derelict or non agricultural land; or
- other sustainability considerations suggest that the use of higher quality agricultural land is preferable to the use of poorer quality agricultural land.

This is supported by the National Planning Policy Framework, which states that:

"where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality".

It is advised within the submitted Agricultural Land Classification (ACL) technical note that *'...the land at Eastern Road is typical of ACL 3b land and below. It is therefore considered that the development of the Eastern Road site will not lead to the loss of "best and most versatile" farmland.'*

As such, it is considered that the proposed development would adhere with Policy NE.12 and the provisions of the NPPF in respect of loss of agricultural land.

Amenity

Policy BE.1 of the Local Plan advises that proposals for new development shall be permitted so long as the development does not prejudice the amenity of future occupiers or the occupiers of adjacent properties by reason of overshadowing, overlooking visual intrusion, noise and disturbance or in any other way.

The proposed dwellings will need to conform to the separation standards detailed within paragraph 3.9 of the The Development on Backland and Gardens SPD. These standards include a 21 metre gap between main windows of directly facing dwellings across both the front and rear gardens and a 13.5 metre gap between the main windows of dwellings directly facing the flank walls of an adjacent dwelling. Paragraph 3.35 of this SPD advises that each garden should have no less than 50 metres squared of private amenity space

In terms of the relationship between the proposed development and existing neighbouring properties, the indicative layout plan shows that the development would be accessed via a sole vehicular access through the plot of land currently occupied by No.11 Eastern Road, a dwelling which would subsequently be demolished.

The number of dwellings has been reduced from 45 to 40 on Officer advice due to the potential amenity and design impacts created by the dwellings proposed at the entrance of the site on Eastern Road, and those dwellings to the rear of the site which would back onto the rail line.

All other neighbouring dwellings would be over the 21 metre separation standard according to the submitted indicative layout plan and as such are deemed to be far enough away not to be impacted with regards to privacy, light or visual intrusion.

In terms of the relationships between the proposed new dwellings themselves, the indicative layout plan shows that the 21 metre gap between principal elevations can be achieved.

It is considered that there is enough space within the site for each of the 40 properties now proposed to have an appropriate sized garden.

Environmental Health have advised that they have no objections to the proposed development subject to a number of conditions. These include the prior submission of a construction phase Environmental Management Plan (to include mitigation measures with regards to noise, waste and dust), hours of operation, the prior submission of a noise mitigation scheme, prior submission of lighting details, the developer shall provide Electric Vehicle infrastructure into at least 10% of parking spaces proposed, the prior submission of a scheme to minimise dust emissions from demolition/construction and a contaminated land informative.

As such, subject to conditions, it is considered that the proposal would be acceptable in terms of amenity and Policies BE.1 and BE.6 of the Local Plan.

Ecology

The application is supported by various ecology reports and assessments including an; Ecology note, roost assessment and a habitat survey.

Habitats

The Council's Nature Conservation Officer originally advised that the submitted Phase I Habitat Survey be updated to include a botanical species list with abundance data for the grassland habitats.

This information was subsequently submitted and, in conjunction with the phase I survey, it is confirmed that the grassland habitats on site are not of suitable quality to be designated as a Local Wildlife Site. However, it is advised that their loss would still result in the loss of some biodiversity value. As such, it is proposed that this loss of biodiversity be off-set by means of a commuted sum which could be used to fund off-site habitat creation/enhancement.

In terms of calculating the appropriate sum, a survey based on the DEFRA report 'Costing potential actions to offset the impact of development on biodiversity – Final Report 3rd March 2011' has been used. This calculation concludes that a sum of £17,795 should be sought to off-set this loss of biodiversity.

As such, subject to this sum being secured by means of a S106 Agreement, it is considered that the impact upon the habitat would be acceptable.

Reptiles

The development site has been identified as potentially supporting common reptile species and the submitted ecological update anticipates that a detailed reptile survey would be required. As such, a detailed reptile survey was requested.

This survey has subsequently been received and the Council's Nature Conservation Officer has advised that the survey was conducted at the optimal time of the year under suitable weather conditions. The survey concluded that no evidence of reptiles were recorded. As such, the Conservation Officer is confident that reptiles are unlikely to be present or affected by the proposed development.

Bats

The initial Phase I survey stated that some tree on the site have potential to support roosting bats. Due to mixed advice within the submission as to which trees would be retained, the Council's Nature Conservation Officer concluded that further clarification as to which trees on site have bat roosting potential and which trees would be felled.

In response, the applicant has provided this information and the Conservation Officer has concluded that based on the submitted indicative plan, it appears feasible for the trees which have potential to support roosting bats to be retained.

As such, the development creates no issues in relation to bats.

Hedgerows

Hedgerows are a UK Biodiversity Action Plan priority habitat and the development would likely result in a significant loss of hedgerow. As such, the Council's Nature Conservation Officer has advised that if planning consent is granted, a suitable mechanism should be put in place to ensure that any finalized landscaping scheme for the site includes suitable replacement hedgerows.

Subject to the above conditions, it is considered that the development would adhere with Policy NR2 of the Local Plan.

Open Space

The indicative layout plan shows that a degree of Public Open Space (POS) is proposed within the development itself.

This plan shows that this land would be positioned to the north of the site and forms the boundary with the railway line. It would be triangular in shape.

Policy RT3 of the Local Plan requires new housing development with more than 20 dwellings to provide a minimum of 15 square metres of shared recreational open space per dwelling. Furthermore, it is advised that where the development includes family dwellings, an additional 20 square metres of shared children's play space per family dwelling will be required.

It is advised within paragraph 4.43 of the submitted Planning Statement that the indicative layout plan shows approximately 1,600 square metres of shared recreational space/play space. It is advised that *'It is therefore contended that the proposed development complies with the requirements of this policy.'*

The Council's Greenspaces team have advised that *'The existing play area (Parish owned) is 240 metres from the site, and is in a good condition. However, I am aware that local youngsters have approached the Parish Council requesting a skate park on the site of the existing play area, and the PC are happy for this to happen. If we can get the developer to pay for such a facility....it would deliver what local youngsters want.'*

Given that the indicative layout plan provides sufficient open space for the scheme to adhere with Policy RT3, it is considered that this additional request would be unreasonable.

As such, subject to the amount of POS proposed being supplied at reserved matters stage, it is considered that the proposal would adhere with Policy RT3 of the Local Plan.

Affordable Housing

The Council's Interim Planning Statement: Affordable Housing (IPS) states in Settlements with a population of 3,000 or more that we will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 15 dwellings or more or larger than 0.4 hectares in size. It goes on to state the exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion of affordable housing for any site will normally be 30%, in accordance with the recommendation of the 2010 Strategic Housing Market Assessment.

It is advised within the application form that the development would comprise of 15 affordable units, a figure which would adhere with the 30% standard.

The Council's Housing and Needs Manager has advised that *'The Strategic Housing Market Assessment 2010 shows that for the sub-area of Crewe there is a need for 256 new affordable homes per year, made up of a need for 123 x 1 beds, 20 x 2 beds, 47 x 3 beds, 40 x 4/5 beds and 26 x 1/2 bed older persons units. There are currently 44 active applicants on Cheshire Homechoice who have selected Willaston as their first choice, these applicants require 16 x 1 bed, 14 x 2 bed, 9 x 3 bed and 3 x 4 bedrooms, 2 applicants haven't set how many bedrooms they require.'*

To date there has been no delivery of affordable housing between 2009/10 – 2013/14 in Willaston and the SHMA sub-area of Crewe has not seen the required number of affordable homes delivered. Therefore as there is affordable housing need in Willaston and the SHMA sub-area of Crewe there is a requirement that 30% of the total units at this site are affordable...'

Although this is an outline application, the detail the applicant has provided with regards to the affordable housing offer is limited, essentially just stating there will be provision of affordable housing, however the application form does indicated 15 affordable dwellings will be provided.

If this outline application is approved we would like to agree the type of dwelling to be provided as affordable housing at the reserved matters stage, as the SHMA 2010 is nearing the end of the period it is valid for and an updated SHMA is expected in the near future.

the affordable housing to be secured via s106 agreement with a requirement that an affordable housing scheme which meets the requirements of the Interim Planning Statement: Affordable Housing is submitted with the reserved matters application, the main affordable housing provisions the s106 needs to secure are –

- 30% of the total dwellings to be provided as affordable housing*
- 65% of the affordable dwellings to be affordable or social rented, 35% to be intermediate*
- The affordable dwellings to be pepper-potted across the site*
- Affordable homes to meet CFSH Level 3 and to be built in accordance with the Homes & Communities Agency Design & Quality Standards.*
- The affordable dwellings to be provided no later than occupation of 50% of the open market dwellings.'*

As a result of the above information and comments, subject to the securing of the above via a S106 Agreement, it is considered that the affordable housing provision proposed would be acceptable.

Infrastructure

Policy BE.5 of the Local Plan advises that the Local Planning Authority may impose conditions and/or seek to negotiate with developers to make adequate provision for any access or other infrastructure requirements and/or community facilities, the need for which arises directly as a consequence of that development. It is advised that such provision may include; on site facilities, off site facilities or the payment of a commuted sum.

The Council's Education Officer has advised that '...Primary Schools within a 2 mile radius and secondary schools within 3 miles have been considered for capacity. It is advised that there are sufficient places available in the secondary schools, but the primary schools are forecast to be cumulatively oversubscribed. Therefore, a contribution will be required for every primary aged pupil's which equates to the sum of £86,770.'

As such, in order to adhere with the potential capacity on local primary schools, should the application be approved, it is recommended that a contribution of £86,770 be provided in order to aid these local schools in being able to deal with this increase.

This would be secured via a S106 Agreement.

The Primary Care Trust (PCT) have been consulted but have not provided any comments on the application which suggests they are satisfied with the proposed development.

Highway infrastructure has been considered under the Access section of this report.

As such, subject to the above being secured via legal agreement, it is considered that the development would adhere with Policy BE.5 of the Local Plan.

Footpaths / Public Right of Way

The proposed development would include a pedestrian footpath link access onto Eastern Road between No.55 and No.57 Eastern Road.

The Council's Public Rights Of Way Officer has advised that *'...It could be anticipated, given the location of the site in relation to Shavington High School/Leisure Centre and Crewe town centre, that demand for this route would arise from cyclists in addition to pedestrians, and therefore the route should be designed and constructed for both types of user, should the development go ahead. The legal status and future maintenance of this link would require agreement with the Council. The developer should be tasked to provide new residents with information about local routes for both leisure and travel purposes.'*

Sustrans also support the need for a cycle links and provisions within and to the scheme.

As such, subject to the above detail being agreed at reserved matters stage, it is considered that the development would adhere with Policy BE.5 of the Local Plan.

Flood Risk and Drainage

The Environment Agency have been consulted on the scheme and have advised that they have *'...no objection in principle...'* subject to 2 conditions.

These include the prior submission of a detailed surface water drainage scheme and the prior submission of a scheme to manage the risk of flooding from overland flood flow of surface water. As such, subject to the implementation of these 2 proposed conditions, it is considered that the proposed development would adhere with Policy NE.20 of the Local Plan.

United Utilities were consulted with regards to drainage. UU have subsequently advised that they have no objections, subject to the site being drained on a separate system with only foul drainage connected to the foul sewer and that the surface water should discharge to the soakaway/watercourse/surface water sewer. Furthermore, it is advised that a separate metered supply must be provided for each unit.

As such, subject to the implementation of these proposals via informatives, it is considered that the proposed development would adhere with Policy BE.4 of the Local Plan.

Network Rail

The site is bound to the north by the Crewe - Nantwich rail line. Network Rail have reviewed the proposal and advised that they have no objections to the development, subject to the following 2 conditions: Prior to commencement of development, the developer should submit a traffic management plan for construction works to be approved by the LPA and Network Rail. As such, subject to these conditions, it is considered that the proposed development would not have a detrimental impact upon the rail line.

Levy (CIL) Regulations

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The development would result in increased demand for primary school places as there is limited spare capacity. In order to increase capacity of the schools which would support the proposed development, a contribution towards primary school education is required. This is considered to be necessary and fair and reasonable in relation to the development. The commuted sum sought is £86,770.

The development would also result in an increase in the volume of local traffic on the Peacock Roundabout and as such, a contribution towards an existing improvement scheme on this junction is required. This is considered to be necessary and fair and reasonable in relation to the development. The commuted sum sought is £83,000.

The proposed scheme would also result in the loss of grassland habitats and a loss in biodiversity. In order to compensate for this loss, a contribution towards an off-site habitat creation is required. This is considered to be necessary and fair and reasonable in relation to the development. The commuted sum sought is £17,795.

The affordable housing element of the development would also be secured via a Section 106 Agreement. This too, is considered to be necessary and fair and reasonable in relation to the development.

On this basis the S106 recommendation is compliant with the CIL Regulations 2010.

CONCLUSIONS

The site is within the Green Gap where under Policy NE.4, within such areas, approval will not be granted for the construction of new buildings where the development would result in the erosion of the physical gap between built up areas or adversely affect the visual character of the landscape.

It is considered that because the development would extend between the built form between Willaston and Rope, it is considered that it would represent the erosion of the physical gap

between the built up areas. Furthermore, it would detrimentally affect the visual landscape of the area which is currently characterised by open paddock.

The proposal is also subject to Policy NE.2 where there is a presumption against new residential development, which would be harmful to its open character and appearance, which in the absence of a need for the development, should be protected for its own sake.

The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development. However, the 2013 SHLAA shows that the Borough has an identified deliverable housing supply of 7.15 years and therefore the presumption in favour of the proposal does not apply.

The proposal does not accord with the emerging Development Strategy. Previous appeal decisions have given credence to such arguments where authorities can demonstrate a five year supply of housing land.

RECOMMENDATION:

REFUSE

- 1. The proposed residential development is unsustainable because it is located within the Green Gap, contrary to Policies NE.4, NE.2 and RES.5 of the Congleton Borough Adopted Local Plan First Review 2005 and the principles of the National Planning Policy Framework which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it and creates harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework. As such the application is also contrary to the emerging Development Strategy. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.**

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