

Application No: 13/2055N

Location: 138, SYDNEY ROAD AND LAND TO THE NORTH EAST OF SYDNEY ROAD, CREWE, CW1 5NF

Proposal: Outline application for up to 240 residential dwellings, open space and new access off Sydney Road

Applicant: Muller Property Group

Expiry Date: 12-Aug-2013

SUMMARY RECOMMENDATION

- **APPROVE subject to Section 106 Agreement and Conditions**

MAIN ISSUES

Principle of Development.

Sustainability

Green Gap

Landscape Impact

Trees and Forestry

Loss of Agricultural Land

Contaminated Land

Air Quality

Noise and Vibration

Drainage and Flooding

Layout and Design

Open space

Amenity

Ecology

Education

Affordable Housing

Highway Safety and Traffic Generation

REFERRAL

The application has been referred to Strategic Planning Board because it is a largescale major development and a departure from the Development Plan.

1. SITE DESCRIPTION

The Application site measures approximately 9.25ha and adjoins the north eastern edge of Crewe, within the suburb of Sydney. The site is located to the north of Sydney Road and is approximately 1.5km from Crewe Town Centre. It is bounded by residential development to the south, open countryside to the north and east and the Crewe to Manchester railway line runs along the whole length of the western boundary. Thorny Fields Farm bounds the south east corner of the site.

The site itself is an area of undeveloped land comprising open fields currently set to pasture.

2. DETAILS OF PROPOSAL

This is an outline planning application for the erection of up to 240no. dwellings, open space and new access off Sydney Road. Approval is sought for the access arrangements at the outline stage with appearance, landscaping layout and scale reserved for a subsequent application.

3. RELEVANT PLANNING HISTORY

There are no relevant previous decisions

4. PLANNING POLICIES

National Planning Policy Framework

Local Plan Policy

NE.2 (Open countryside)
NE4 (Green Gap)
NE.5 (Nature Conservation and Habitats)
NE.9: (Protected Species)
NE17 (Pollution Control)
NE.20 (Flood Prevention)
NE.21 (Land Fill Sites)
BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
BE5, (Infrastructure)
BE6, (Development on Potentially Contaminated Land)
RES.5 (Housing In The Open Countryside)
RT.6 (Recreational Uses on the Open Countryside)
TRAN.3 (Pedestrians)
TRAN.5 (Cycling)

Other Material Policy Considerations

Interim Planning Policy: Release of Housing Land (Feb 2011)

Interim Planning Statement: Affordable Housing (Feb 2011)

Strategic Market Housing Assessment (SHMA)

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

North West Sustainability Checklist

SHLAA

Draft Development Strategy

Core Strategy Pre-submission Document.

4. OBSERVATIONS OF CONSULTEES

Archaeology

- Application is supported by an archaeological desk-based assessment prepared by Northamptonshire Archaeology.
- The report has considered all the readily-available sources of information, including data held in the Cheshire Historic Environment Record, historic mapping, and aerial photographic evidence. It concludes that the area is likely to have been farmland since initial woodland clearance and that there is little potential for the presence of settlement remains. This is not, however, to say that the area is without interest but this is largely focussed on the present field boundaries, many of which are depicted on the Tithe Map Of 1840 and, during work carried out by the Historic Landscape Characterisation Project, were identified as *Ancient Fieldscapes* suggesting an origin prior to 1600. Evidence of earlier cultivation, in the form of ridge and furrow, survived in many of these fields until recently but has been much reduced by recent agricultural activity.
- The indicative master plan submitted in support of the application indicates that many of these boundaries will be preserved within the proposed development. This is to be welcomed and I advise that elsewhere on the site, where other historic boundaries are to be removed, a limited programme of targeted trenching should be carried out. This should involve the cutting of sections across the boundaries by machine and the recording of formal sections. Such work will allow any banks and ditches associated with the boundaries to be characterised in more detail and dating evidence gathered. This work may be secured by condition.

Environment Agency

No objection subject to the following conditions:

- Submission, approval and implementation of a scheme to limit the surface water runoff generated by the proposed development
- Submission, approval and implementation of a scheme to manage the risk of flooding from overland flow of surface water,
- Submission, approval and implementation of a scheme to to dispose of foul drainage

Cheshire Fire

- Access and facilities for the fire service should be in accordance with the building regulations
- Applicant should submit to the Fire Authority details of the water main installations so that fire hydrant requirements can be assessed
- Recommend consideration of a fire risk assessment
- Request that consideration is given to secure refuse storage area
- Recommend fitting of domestic sprinklers

United Utilities

- No comments received at the time of report preparation

Amenity Greenspace

- The proposal should provide an equipped children's play area. and a Multi Use Games Area
- Detailed specifications have been provided by Green Spaces.

Highways

The Strategic Highways Manager has assessed this application and offers the following comments:

- An outline planning application has been submitted for 240 residential dwellings with access to be provided from Sydney Road, Crewe.
- As this is an outline application all matters are reserved except for access and no comments regarding potential internal layout is applicable. Dealing with the submitted access matters first, the proposed site access is taken off Sydney Road and has been designed with a 5.5m carriageway and two 2.0m footways on both sides of the access, this access design is suitable to serve some 300 residential units. The visibility provided is 2.4m x 43m in both directions and this is consistent with the visibility standards for a 30mph speed limit contained within Manual for Streets. Therefore, in terms of the submitted access design the Strategic Highways Manager would raise no issues.
- Turning to the traffic impact of the development, as acknowledged in the Transport Assessment there are existing infrastructure congestion problems on the Sydney Road Corridor and the ones that will be directly affected by this development proposal is Sydney Road bridge and the Crewe Green roundabout which operate above capacity levels. In addition to the existing congestion there are a number of committed developments that will add significant traffic to these junctions in the future although there are planning obligations agreed that will contribute to funding improvements.
- In terms of consistency, CEC would accept a financial contribution towards improvements at either of these junctions as it has with the other committed schemes. However, the Council is aware that only 5 contributions can be secured towards each

item of infrastructure and given that it needs eventually to fully fund the infrastructure the level of contribution secured is important.

- The financial contribution that has been submitted is £380,000, if accepted this would leave an unacceptable risk that the improvements at either Sydney Road or Crewe Green Roundabout would not be fully funded and the Strategic Highways Manager would have to reject this proposal. However, it has been indicated that the contributions can be improved by reductions in affordable housing, clearly from a highway point of view it would be preferred if £2,227,000 is provided with 10% affordable housing although if £1,196,000 with 20% affordable housing was secured then the Strategic Highways Manager would not object to the application.
- Therefore, on the basis of the actual submission in regard to the financial contribution towards highway improvements the Strategic Highways Manager would be objecting to the application. However, should the contributions increase by subsequent reductions in affordable housing, then this would provide an adequate contribution in respect of fully funding infrastructure improvements and this is considered acceptable. In respect of other matters such as access the Strategic Highways Manager has no objections.

Environmental Health

In the event of approval recommend the following conditions:

- Piling operations shall be restricted to: Monday – Friday 09:00 – 17:30 hrs Saturday 09:00 – 13:00 hrs Sunday and Public Holidays Nil
- Submission, approval and implementation of piling method statement
- Submission, approval and implementation of a detailed scheme of glazing and ventilation mitigation measures, together with any mitigation measures required for garden areas or outdoor living areas, at the Reserved Matters application stage.
- Construction works taking place during the development (and associated deliveries to the site) restricted to: Monday – Friday 08:00 to 18:00 hrs Saturday 09:00 to 14:00 hrs Sundays and Public Holidays Nil
- Submission, approval and implementation of residential Travel Plan
- Individual Travel Plans shall be developed for all commercial occupants
- Electric Car Charging Points shall be provided
- Submission, approval and implementation of Environmental Management Plan to include dust control measures.
- Submission and approval of a Phase II investigation including a thorough gas risk assessment
- If the Phase II investigations indicate that remediation is necessary, then a Remediation Statement shall be submitted, approved and implemented
- If remediation is required, a Site Completion Report detailing the conclusions and actions taken at each stage of the works, including validation works, shall be submitted and approved

Network Rail

- The council and developer are to be advised that bridge CMP1 Br 4 Maw Lane located to the North of the site is currently subjected to bridge strikes any proposed increase in

road traffic as a result of this development may impact on the number and nature of future strikes.

- If it is confirmed that site traffic and/or residential traffic will use this route then the developer should fund improvements to bridge strike mitigation measures and possibly consider the provision of Collision Protection Beams.
- It is also noted that a culvert passes beneath the railway at our ref CMP1 159m 792yds (eastings 371732 / N 356861) and therefore continued access to inlet and outlet areas for future maintenance/inspection/renewal should also be safeguarded within the proposal. The developer should ensure that water from the proposal does not run off into the culvert.
- Recommend standard conditions and informative to protect the railway during the construction phase.

Public Rights of Way

- The proposal is adjacent to public footpath Crewe No. 4 as recorded on the Definitive Map.
- Recommend that the standard advisory notes should be added to the planning consent.
- The Transport Assessment states that Crewe Footpath No. 4 “will be safeguarded (and if possible enhanced) as part of the development of the scheme”. We would welcome the opportunity to discuss the enhancement of the Footpath.
- The application form states the intention that a “pedestrian link will be provided onto the Public Right of Way.....that runs along the boundary of the site”. This link would be sensible in order to offer potential options for access to the countryside and circular walks for prospective residents. The status, maintenance and specification of this linking footpath would require agreement with the Council.
- The Design and Access statement states that “the existing Public Right of Way has been incorporated into the proposed development and is shown on the indicative masterplan”. No other Public Right of Way, other than Crewe Footpath No. 4 adjacent to the site, is recorded in this location.
- The Transport Assessment states that “one of the main benefits of the location of the site is its proximity to the continuous off-road foot and cycle path (Footpath 36) alongside the Crewe to Manchester railway line...” It goes on to say that this Footpath is “realistically usable by cyclists”. Cyclists do not currently have a right to cycle along the Public Footpath, on which the right of access is on foot only. An aspiration has been logged under the Council’s statutory Rights of Way Improvement Plan for the upgrade of Public Footpath No. 36 to cycle track status so the route can be promoted for cycling in addition to walking. The proposal is supported by a number of local user groups including Sustrans and the Crewe Local Area Partnership. The proposal involves a legal order process and minor surface, signage and barrier works to bring the route up to a standard suitable for cycling. Contributions towards this aim should be sought from the developer in recognition of the route being a key trajectory for prospective residents of the proposed development and in anticipation of the increased usage arising as a result of the development.

Education

- This development will generate 43 primary aged children and 31 secondary aged pupils.
- The primary schools considered for capacity are forecast to be oversubscribed therefore a contribution of $43 \times 11919 \times 0.91 = £466,390$ will be required to accommodate primary aged children. This contribution will need to be paid on occupation.
- The secondary schools are showing signs of having reduced surplus places for the period of the forecasts, with the situation indicating that there are currently some 346 places across the schools with this falling to 164 in the forecasts by 2019. There are a number of developments in Crewe which affect the same high schools and which have either planning permissions or a resolution to approve (Parkers Road, Coppenhall East, Maw Green, etc) which are anticipated to generate 166 primary aged children. Therefore the sum of $31 \times 17959 \times 0.91 = £506,623$ towards secondary accommodation. Phased payments can be agreed for this contribution.

Sustrans

- Would like to see the development contribute significantly to the improvement of the pedestrian/cycle network in the vicinity of the site. Possible measures are:
 - A safe crossing of Sydney Road in the vicinity of the railway bridge
 - Improvements at the railway bridge
 - Conversion of the footpath on the E side of the Manchester railway to footway/cycle track
 - Creating a footway/cycle track between Sydney Road bridge and Lime Tree Avenue
 - A direct pedestrian/cycle only exit from the estate into Maw Green Road
 - Closure of Maw Green Road to through traffic
- The design of the estate should restrict vehicle speeds to less than 20mph
- The design of any smaller properties should include storage areas for residents' bikes/buggies
- Would like to see travel planning with targets and monitoring set up for the site.

5. VIEWS OF THE PARISH / TOWN COUNCIL

Matters of concern to be advised to CE Borough council:

- (a) The current application has no details of house design and the impact these houses might have on the views of the limited number of surrounding properties.
- (b) Transport links are mentioned and there is recognition that there will be an increased number of vehicle trips. 143 in the morning and 160 in the evening.
- (c) This increase in traffic means there must be improvements to the railway bridge on Sydney Road. The developer is willing to contribute to this but will fund it by building less affordable housing.

- (d) There will also have to be changes to the Crewe Green roundabout. Again the developer is willing to contribute to these changes.
- (e) There is provision for bus access to the site. The report recognises that many people living there will want to access Crewe Station which it suggests is within walking distance.
- (f) There is no mention in the report of the impact of the planned housing on the infrastructure of the area.
- (g) The 46 people who replied to the consultation pointed out the traffic problems and the risk of flooding.
- (h) There will be undesirable encroachment into the green gap.
- (i) There will be a negative impact on infrastructure in particular the Sydney Road Bridge.
- (j) There will be a negative impact on local schools and doctors surgeries due to increased demand.

6. OTHER REPRESENTATIONS

Objections have been received making the following points

Policy and Principles

- Contrary to local, strategic, regional and national planning policies
- Intrusion into the open countryside
- Defined as Green Gap
- Conflicts with SHLAA
- Contrary to Crewe and Nantwich Replacement Local Plan 2011 which states no loss of Green Gap land except for necessary development which cannot be located elsewhere
- Contrary to development strategy which identifies 8 alternative sites in Crewe for residential development – Town Centre, West Street, Basford East, Basford West, Leighton West, The Triangle, East Shavington, Crewe Rail Exchange
- Coppenhall East Extension, South West Crewe, Gresty Lane and Sydney Road were rejected
- There are also lots of empty houses around that people cannot afford to buy without any more left standing, a prime example is the apartments by Morrisons just off West Street why do we need more to spoil the surrounding landscape and nature.
- The alleged housing shortage could be accommodated by encouraging occupation of the hundreds of new builds currently lying empty in the local vicinity.
- May be the first part of a larger development, and the next stage of development could be even more detrimental to both the community and the new estate residents.
- Should be refused for the reasons stated when declining planning application number 12/4494N at the Hunters Lodge Hotel, that being " *The proposal is located within the Open Countryside and Green Gap and would result in erosion of the physical gaps between built up areas, and given that there are other alternatives sites, which could be used to meet the Council's housing land supply requirements, the proposal is considered to be contrary to Policies NE2 and NE.4 of the Borough of Crewe and*

Nantwich Replacement Local Plan, the National Planning Policy Framework and the emerging Development Strategy."

- This is not an area approved for housing in the Councils own plans
- Brown belt land should be used before green belt is considered. The council has a duty to the residents to make sure that all other avenues have been used up before green belt land is used.
- Council should down this application in favour of their own suggested sites in "All change for Crewe"

Infrastructure

- Development would bring Crewe town to its knees because of the poor infrastructure.
- A & E at Leighton hospital cannot cope with the amount of people now & it is hard enough to get a doctor's appointment without adding to the list of patients

Amenity

- Additionally the substantial number of proposed dwellings at the rear of existing property would bring about a significant amount of noise pollution into what is currently a tranquil rural environment.
- As this proposal would back onto existing houses/gardens residents would like to make sure that the particular houses in question are not the affordable houses or the town houses as this would de-value their existing property and cause concerns for the future.

Highway Safety

- Pedestrians (especially with young children) have difficulty crossing Sydney Road
- Crossing can only be achieved by timing it in between the changing of traffic lights
- The proposed extra road off Sydney Road and to remove the traffic lights following bridge improvements will jeopardise safety
- At Peak times traffic queue at the Crewe Green roundabout. The proposed plan, along with other housing developments in the area will only compound the issue despite proposals to contribute to highway improvements
- Muller stated on their website that they will provide £2m for improvements to the Sydney Road Bridge and Crewe Green, secured from the delivery of the full scheme. This is taken to mean the end of a phase 2 (which involves land which has not been purchased)
- Does this mean the £2m would never be paid?
- The bridge improvements will only be commenced after the development has been commenced or completed congestion has been made worse
- The bridge works should be done before housing development takes place.
- 2 years of disruption plus 2 or 3 years of bridge work will cause unacceptable disruption.
- Vehicular access at 138 Sydney Road seems viable at the moment but if the bridge is made into two way access, it would be dangerous.
- Also danger at Kids Planet nursery and also at 138 Sydney Road for vehicles entering and leaving the junctions being so close to emerging traffic from the bridge

- It already takes 10 minutes or more to get out of drives in Sydney Road
- The traffic has trebled over recent years
- Lorries shake houses on Sydney Road
- Sydney Bridge had a pavement put in because someone was killed trying to go over it, adding more cars to this road is an accident waiting to happen
- Most houses have on average 2 cars. The present road system will not cope with the potential of an extra 500 vehicle journeys twice a day.
- Where Sydney Rd joins the roundabout for Crewe, Sandbach & Haslington (A534 A5020 & B5077). The traffic hold ups are excessive and are particularly bad in the morning for traffic coming from Sandbach. Sydney Rd is a major sign posted route to the Hospital.
- On the approach to the roundabout the development would create longer delays and longer tail backs at peak hours
- The main Sydney Road is already extremely busy, being the main thoroughfare from the M6 to Leighton Hospital.
- The nearby traffic lights at the end of Hungerford Road and Crewe Green roundabout are already very congested for about two hours both in the morning and late afternoon. It can take up to half an hour to get through.
- Planning permission has already been granted for housing at Maw Green which will add to the already congested roads in and around the Sydney area.
- The traffic leading up to the bridge from the proposed entrance to the site is always at a standstill
- The majority of traffic does not observe speed limits
- Additional congestion particularly at the railway bridge could lead to accidents.
- The general state of Sydney road is awful now, so adding more traffic will just create even more wear to an already crumbling highway.
- Maw Green Lane which bounds the North of the proposed development also has a narrow bridge which effectively limits traffic to single file and would struggle to cope with an extra 240 residences.
- Herbert Street is horrendous to get out of at peak times as it is without adding more traffic on Sydney Road.
- Exits from a housing complex so near to the bridge would just grid lock the road.
- If the bridge was made two-way without lights it would certainly ease the situation. A report also recommends ways of encouraging people to leave their cars at home. It states that it is only 2 km to the town centre is optimistic, it may be possible from Sydney Rd to the Junction shopping centre but not for residents at the furthest side of the estate. The proposal that people may also use bicycles is also wishful thinking due to the poor condition of the roads, and the lack of awareness of motorists.
- Crewe Green Roundabout has now been made worse by the reduction in lanes and having the traffic for 2 A roads squashed into 1 lane and a single lane for a B road. Surely 2 lanes for the A road with one being shared by the B road to Haslington would have made more sense.

Flood Risk & Subsidence

- The area is susceptible to localised flooding, especially to the north of the site
- This is supported by the Phase 1 Desk Study and along with the high risk of natural ground subsidence the area should be avoided for development.

- By building these houses, the surrounding property in the area will be adversely affected by subsidence of land.
- Maw Green bridge area is also subject to flooding during the winter so severe that it closes the road for days at a time. Any further runoff from the development of adjacent fields would no doubt make this worse and could endanger local properties

Ecology

- The trees have been assessed in the application documents as having high potential to support bat roosts.
- Residents report seeing bats in the area
- Any development might compromise the safety of bats in the area
- If existing ponds are retained, will existing wildlife still thrive.
- If ponds are retained and will the safety of young children be secured.
- Residents confirm the presence of bats in the area which, along with other wildlife, would be negatively impacted by this development.

Section 106

- Policy requirement is a minimum of 30% affordable housing
- This equates to 62 of the 240 houses, rather than the 10% (24 houses) that are proposed
- This however, seems to have come part of a bargaining toll for the applicant as detailed in section 7.70 of the Planning Supporting and Sustainability Statement
 - 30% affordable = £0 towards contribution towards Sydney Road Bridge
 - 20% affordable = £1,196,000 contribution towards Sydney Road Bridge
 - 10% affordable = £2,227,000 contribution towards Sydney Road Bridge
- Object to this for 2 reasons
 - Applicant has highlighted the 10% / £2m to the public through clever marketing and has hidden the required 30% by the Council and bargaining within the “small print” of large documents
 - The affordable housing and bridge work are 2 separate subjects and should be kept so. If the Council request 30% affordable houses so be it but also the bridge and roundabout work only become more of a priority because of the proposed development.

Lack of detail

- Plans are only indicative and it is not possible to comment on the following potential issues
 - Lack of pepper-potting of affordable housing across the development
 - Adequacy of parking
 - Disabled persons access
 - Layout and density of buildings
 - Loss of daylight or sunlight
 - Design, visual appearance, and materials
 - Overshadowing / loss of outlook
 - Overlooking loss of privacy

- Noise and disturbance
- Light pollution.

7. APPLICANT'S SUPPORTING INFORMATION:

- Acoustic Report
- Air Quality Assessment
- Framework Travel Plan
- Design and Access Statement
- Heritage Assessment
- Habitats Survey
- Housing Market Assessment
- Statement of Community Involvement
- Arboricultural Impact Assessment
- Agricultural Land Classification
- Trees Bat Roost Potential
- Phase 1 Desk Top Study Contaminated Land
- Landscape and Visual Impact Assessment
- Flood Risk Assessment
- Transport Assessment
- Supporting and Sustainability Statement

8. OFFICER APPRAISAL

Main Issues

Given that the application is submitted in outline, the main issues in the consideration of this application are the suitability of the site, for residential development having regard to matters of planning policy and housing land supply, affordable housing, highway safety and traffic generation, contaminated land, air quality, noise impact, landscape impact, hedge and tree matters, ecology, amenity, open space, drainage and flooding, sustainability and education.

Principle of Development

The site lies in the Open Countryside, as designated in the Borough of Crewe and Nantwich Replacement Local Plan 2011, where policies NE.2 and RES.5 state that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Residential development will be restricted to agricultural workers dwellings, affordable housing and limited infilling within built up frontages.

The proposed development 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*".

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 concerns.

Members should note that on 23rd March 2011 the Minister for Decentralisation Greg Clark published a statement entitled 'Planning for Growth'. On 15th June 2011 this was supplemented by a statement highlighting a 'presumption in favour of sustainable development' which has now been published in the National Planning Policy Framework (NPPF) in March 2012.

Collectively these statements and the National Planning Policy Framework mark a shift in emphasis of the planning system towards a more positive approach to development. As the minister says:

"The Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy".

Housing Land Supply

The National Planning Policy Framework (NPPF) states at paragraph 47 that there is a 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.

However the most up to date position on the Councils 5-year housing land supply figure is following the recent appeal decisions. As part of the consideration of the Congleton Road and Sandbach Road North decisions, the Inspector found that the housing land supply over 5 years is 5750 dwellings. It is necessary to add to this figure the existing backlog 1750 dwellings and a 20% buffer for a record of persistent under delivery which gives a total requirement of 9000 dwellings over 5 years or 1800 per annum.

In terms of the existing supply the Inspector found that there is currently:

‘a demonstrable supply, taking the generous approach to Council estimates, which is likely to be in the region of 7000 to 7500 dwellings at most’ (Sandbach Road North Appeal)

This demonstrable supply therefore equates to a figure of 4.0 to 4.2 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.”*

As it has been found that Cheshire East cannot demonstrate a five year supply of housing land, the provisions of paragraphs 49 and 14 apply in this case. It is therefore necessary to carry out a balancing exercise in this case to assess whether the harm ‘significantly and demonstrably’ outweighs its benefits.

Emerging Policy

The site is identified as “Site CS 5: Sydney Road, Crewe” in the Council’s recently published Core Strategy Pre-submission Document as presenting the opportunity for a high quality sustainable residential development. The emerging plan envisages:

The development of Sydney Road over the Core Strategy period will be achieved through:

1. *The delivery of 250 new homes;*
2. *The incorporation of Green Infrastructure including:*
 - i. *Allotments;*
 - ii. *Equipped Children's Play Area/Multi-Use Games Area;*
 - iii. *Community Woodland;*
 - iv. *Outdoor Gym; and*
 - v. *Formal Sports Pitches*

Site Specific Principles of Development:

- a. *Development should incorporate Green Infrastructure and reflect 'The Green Infrastructure Action Plan for Crewe' (TEP, 2012) including tree planting; the creation of tree lined boulevards with the provision of greenspaces within new developments. This should include the creation of green spaces, including those linking green infrastructure, with safe and secure pedestrian and cycle routes that should be integrated into any development proposal;*
- b. *Contributions towards highway improvements at Crewe Green Roundabout, Maw Green Junction and Sydney Road Bridge;*
- c. *The improvement of existing and provision of new pedestrian and cycle links to link new and existing residential areas, employment areas, shops, schools and health facilities;*
- d. *The inclusion of appropriate planting and buffering along the northern and western boundaries of the site, to provide a clear edge to the development and reduce the visual impact of the development of this site on the adjacent proposed new Green Belt area of search. Such buffering and planting to also ensure that noise and disturbance, from the West Coast Mainline which runs along the western boundary of the site, is reduced to a level to be agreed at a future date;*
- e. *The Core Strategy site is expected to provide affordable housing in line with the policy requirements set out in Policy SC5 (Affordable Homes);*
- f. *Provision of habitat for protected species, if required;*
- g. *Fowle Brook runs through the site and into Sandbach Flashes SSSI. Any discharge, foul drainage and / or run-off from the site must not lead to a deterioration in water quality entering the SSSI;*
- h. *The development will be expected to provide contributions to education provision; and*
- i. *A desk based archaeological assessment is required for the site, with appropriate mitigation being carried out, if required.*

The justification for the allocation is provided at paragraph 15.83 – 15.89 of the emerging plan. It states:

- *Green Infrastructure provision underpins future development in Crewe, ensuring that it is a pleasant place to live and work. Any proposals should take into account the Green Infrastructure Action Plan for Crewe.*
- *The provision of new Green Infrastructure and the improvement of existing Green Infrastructure are of paramount importance. This will assist in improving the health and*

wellbeing of residents, as well as enhancing the environment of the town and reflects the findings of the Green Infrastructure

- *Action Plan for Crewe (TEP, 2012) and will also help deliver the aspirations of 'All Change for Crewe: High Growth City'.*
- *Mechanisms must be put in place, to ensure that water from the development, flowing into Fowle Brook, does not have an adverse impact on the Sandbach Flashes SSSI.*
- *Adjacent land lies within the proposed new Green Belt Area of Search. It is important that any visual impact of development on the proposed new Green Belt Area of Search is minimised by appropriate landscaping and the retention of existing trees and hedgerows.*
- *It is important that the site contributes to highway improvements at Sydney Road Bridge, Maw Green Junction and Crewe Green Roundabout, to ensure highway safety.*
- *Habitat for protected species, if required, will be provided.*
- *It is important that buffering planting, along the western boundary of the site, with the West Coast Mainline is provided in such a way that noise and disturbance are mitigated to an acceptable level.*

Countryside Policies

As well as assessing housing supply, the decisions at Sandbach Road North and Congleton Road Sandbach are also significant for clarifying the status and intent of settlement zone line and countryside policies.

Some have sought to argue that as settlement boundaries effectively contain the built area of a town or village – and so define the area in which development is usually concentrated – that accordingly they should be viewed as housing supply policies. This subsequently could mean that those policies, along with normal countryside policies, should be considered “out of date” if there is no five year supply of housing land. This view is derived from paragraph 49 of the framework which states that:

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

There are appeal decisions that appear to support this perspective, although those in Cheshire East have generally taken a different approach.

The recent appeal decisions consider this matter in some detail. It was noted by the Inspector that the settlement zone lines serve a variety of purposes – and take account of land allocated for development up to a particular point (in this case 2011). However, the Inspector considered that settlement zones lines were not driven by the need to identify land for development, but rather are based on the objective of protecting countryside once development land is identified. Consequently, he concluded that the related policy (Policy PS4 of the Congleton Local Plan) was “not sufficient directly related to housing land supply

that it can be considered time expired for that purpose.” Instead the Policy is *“primarily aimed at countryside & green belt protection”*. These objectives are largely in conformity with the NPPF and attract *“significant weight”*. In both appeals conflict with countryside policies were acknowledged.

This means that these policies remain important in the planning balance – but are not necessarily determinative. The two decisions pinpoint that much depends on the nature and character of the site and the individual circumstances pertaining to the application. At Congleton Road, the Inspector considered that the objective to boost significantly the supply of housing outweighed the “relatively moderate” landscape harm. In contrast, at Sandbach Road North the provision of housing was viewed as an “important and substantial” material consideration, but there would also be serious harm resulting from the impact on the character and appearance of the countryside. On this occasion that identified harm, combined with the significant weight attributed to countryside policies, outweighed the benefits in terms of housing supply.

In reaching this conclusion, the Inspector memorably noted that:

“the lack of a 5 year supply of housing land does not provide an automatic ‘green light’ to planning permission”.

Therefore, countryside policies in existing local plans can be considered as consistent with NPPF and are not housing land supply policies – and thus not of date, even if a 5 year supply is not in evidence. They accordingly need to be played into the planning balance when decisions are made. Where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply.

Conclusion

The site is subject to Policy NE.2 (Open Countryside) where there is 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.

Cheshire East has a housing land supply figure of in the region of 4.0 to 4.2 years. Only limited weight can be applied to the emerging Local Plan. As the Council cannot demonstrate a 5 year housing land 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 as part of the planning balance.

Deliverability

According to the emerging plan, indicative site delivery is 175 homes expected during the early part of the plan period 2015-2020, and 75 homes expected during the middle part of the plan period 2020-2025.

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”

Accessibility is a key factor of sustainability that can be measured. One 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 can be used by both developers and architects to review good practice and demonstrate the sustainability performance of their proposed developments. Planners can also use it to assess a planning application and, through forward planning, compare the sustainability of different development site options.

The criteria contained within the North West Sustainability Checklist are also being used during the Sustainability Appraisal of the Cheshire East Local Plan. With respect to accessibility, the toolkit advises on the desired distances to local facilities 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.

According to the developer’s submissions:

“our accessibility assessment confirms that Sydney Road meets most of the NWDA / Council’s recommended accessibility standards and all of the local services and facilities listed in the NWDA accessibility standards and draft policy CS9 are available in Crewe. Most of the Council’s preferred sites do not meet all, or most of the recommended accessibility standards and there are some sites that meet less than half. The application site only fails on 3 out of the 20 assessment criteria because the nearest convenience store, supermarket and children’s’ playground just fall outside of the Council’s maximum accessibility standards. Local convenience store and supermarkets are available within walking distance of the application site (2km). In respect of a children’s playground, this can be provided on site. The accessibility score achieved by the application site is significantly higher than other sites recently

approved by CEC and most of the Council's strategic allocations. Thus we conclude that Sydney Road is located in a highly sustainable location."

Officers have carried out their own accessibility assessment using the North West Sustainability Checklist methodology as set out below.

Category	Facility	Sydney Road
Open Space:	Amenity Open Space (500m)	295m
	Children's Play Space (500m)	953m
	Outdoor Sports Facility (500m)	723m
Local Amenities:	Convenience Store (500m)	1050m
	Supermarket* (1000m)	2018m
	Post box (500m)	1596m
	Playground / amenity area (500m)	953m
	Post office (1000m)	1596m
	Bank or cash machine (1000m)	1639m
	Pharmacy (1000m)	1694m
	Primary school (1000m)	1400m
	Secondary School* (1000m)	1409m
	Medical Centre (1000m)	1694m
	Leisure facilities (leisure centre or library) (1000m)	1409m
	Local meeting place / community centre (1000m)	2217m
	Public house (1000m)	623m
	Public park or village green (larger, publicly accessible open space) (1000m)	953m
	Child care facility (nursery or creche) (1000m)	427m
Transport Facilities:	Bus stop (500m)	581m
	Railway station (2000m where geographically possible)	2501m
	Public Right of Way (500m)	87m
	Any transport node (300m in town centre / 400m in urban area)	87m
Disclaimers:		
<i>The accessibility of the site other than where stated, is based on current conditions, any on-site provision of services/facilities or alterations to service/facility provision resulting from the development have not been taken into account.</i>		
<i>* Additional parameter to the North West Sustainability Checklist</i>		
<i>Measurements are taken from the centre of the site</i>		

Rating	Description
	Meets minimum standard
	Fails to meet minimum standard (Less than 60% failure for amenities with a specified maximum distance of 300m, 400m or 500m and 50% failure for amenities with a maximum distance of 1000m or 2000m).
	Significant failure to meet minimum standard (Greater than 60% failure for amenities with a specified maximum distance of 300m, 400m or 500m and 50% failure for amenities with a maximum distance of 1000m or 2000m).

Contrary to the developer's assertions, it is considered that the proposal does not meet the minimum standards of accessibility in respect of 16 of the facilities listed, of which 10 are significant failures. The site only meets the required distances against 6 criteria in North West Sustainability checklist. However, these facilities are within the town, albeit only just outside minimum distance and Crewe is a principal town in Core Strategy where can be expected development on the periphery. Development on the edge of a town will always be further from facilities in town centre than existing dwellings but, if there are insufficient development sites in the Town Centre to meet the 5 year supply, it must be accepted that development in slightly less sustainable locations on the periphery must occur.

Similar distances exist between the town centre and the existing approved sites and proposed local plan allocations at Coppenhall, Leighton and Maw Green, and although two of these sites would probably be large enough have own facilities, not all the requirements of the checklist would be met on site.

Accessibility is only one aspect and sustainability and the NPPF defines sustainable development with reference to a number of social, economic and environmental factors. These include the need to provide people with places to live and, on this basis, it is not considered that the Council would not be successful in defending a reason for refusal on the grounds of lack of sustainability. Furthermore, it is possible to improve the non-car mode accessibility through suitable Section 106 contributions towards the upgrading of footpath 36 to a cycle route (discussed in more detail below).

Previous Inspectors have also determined that accessibility is but one element of sustainable development and it is not synonymous with it. There are many other components of sustainability other than accessibility. These include, meeting general and affordable housing need, reducing energy consumption through sustainable design, and assisting economic growth and development.

No detail has been provided within the Design and Access Statement, and other supporting documentation with regard to sustainable design principles and there appears to be very little commitment to them in respect of the scheme.

No consideration appears to have been given to passive environmental design, setting standards for performance in terms of building fabric, water use performance of spaces, climate change adaptation, sustainable urban drainage and other elements of sustainable design relating to waste and recycling, sustainable procurement and waste reduction etc. However, this is an outline application and it is acknowledged that a detailed scheme to achieve this could be secured through the use of conditions.

With regard to the issue of economic development, an important material consideration is the Written Ministerial Statement: Planning for Growth (23 March 2011) issued by the Minister of State for Decentralisation (Mr. Greg Clark). It states that "Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', *except where this would compromise the key sustainable development principles set out in national planning policy.*"

The Statement goes on to say “*when deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development.*” They should:

- consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession;
- take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing;
- consider the range of likely economic, environmental and social benefits of proposals;
- ensure that they do not impose unnecessary burdens on development.

Similarly, the NPPF makes it clear that

“the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.”

According to paragraphs 19 to 21,

“Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century. Investment in business should not be overburdened by the combined requirements of planning policy expectations.”

In summary, whilst the site does not comply with all of the standards advised by the NWDA toolkit, as stated previously, these are just guidelines and are not part of the development plan. Owing to its position on the edge of Crewe, there are some amenities that are not within the ideal standards set within the toolkit and will not be as close to the development as existing dwellings which are more centrally positioned. Indeed this is not untypical for suburban dwellings. However, all of the services and amenities listed are accommodated within Crewe and are accessible to the proposed development on foot, by bus or bike and therefore it is considered that this small scale site is sustainable.

Furthermore, previous Inspectors have determined that accessibility is but one element of sustainable development and it is not synonymous with it. There are many other components of sustainability other than accessibility. These include, meeting general and affordable housing need, reducing energy consumption through sustainable design, and assisting economic growth and development, which this proposal will help to do. Therefore, on this basis, it is not considered that the Council would not be successful in defending a reason for refusal on the grounds of lack of sustainability.

Green Gap

As well as lying within the Open Countryside, the application site is also within the Green Gap. Therefore, as well as being contrary to Policy NE.2, it is also contrary to Policy NE.4 of the Local

Plan which states that 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;
- adversely affect the visual character of the landscape.

In allowing a recent Appeal relating to a site at Rope Lane, which was also located within the Green Gap the Inspector determined that Policy NE.4 is not a freestanding policy; its genus is in Policy NE.2 and if Policy NE.2 is accepted as being out-of-date, then it must follow that Policy NE.4 must also be considered out-of-date for the purposes of applying Framework policy.

However, this is in conflict with the approach taken by the Inspector in more recent Appeals in Alsager and Sandbach, where, as outline above, it was determined that countryside policies in existing local plans can be considered as consistent with NPPF and are not housing land supply policies – and thus not of date, even if a 5 year supply is not in evidence. They accordingly need to be played into the planning balance when decisions are made. Where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply and that the lack of a 5 year supply does not provide an “automatic ‘green light’ to planning permission.

Therefore, full assessment of the proposal against Policy NE.4 is appropriate. A development of this nature will clearly erode the physical gap between Haslington and Crewe and the proposal would therefore clearly be contrary to Policy NE.4. The impact on the landscape is discussed in greater detail below. Notwithstanding this point, in this particular instance the Green Gap is comparatively wide at this location and it is a relatively small site. It will not result in the gap becoming any narrower than it is at the existing narrowest point between Crewe and Haslington. The proposal will not result in any loss of, or reduction in, the perception of separation, or of a gap, of leaving one settlement and arriving in another when travelling between Crewe and Haslington. It is enclosed by existing housing development, the West Coast Main Line, and Maw Green Road, and therefore is well contained, with “defensible boundaries” and represents a “rounding off” of the existing settlement rather than a visually divorced incursion into the open countryside and green gap.

Policy NE.4 goes on to state that exceptions to this policy will be considered where it can be demonstrated that no suitable alternative location is available. Through the emerging Core Strategy it has been demonstrated that a number of sites on the periphery of Crewe will be required to address the Council’s housing land supply shortfall and this is one of those sites.

Landscape Impact

The application site is located on the northern boundary of Crewe and is currently agricultural land that covers a number of fields, extending to an area of 9.25ha. The application site has a good network of hedgerows and a number of mature and distinctive hedgerow trees. The Crewe to Manchester railway line follows the western boundary of the application site, beyond which is agricultural land. The southern boundary adjoins the rear of dwellings located along Sydney Road. The remainder of the site forms part of the wider agricultural landscape, with Thorny Fields Farm located to the east of the application site and Meadow Croft Cottage to the north.

The baseline information does include reference to the National Character Areas as defined by Natural England in their revised study of the countryside Character Series (1998), where the application area is defined as Character Area 61; Shropshire, Cheshire and Staffordshire Plain. The study also refers to the Cheshire Landscape Assessment 2008, adopted March 2009 which identifies that this site is located in Landscape Type 7: East Lowland Plain; within this character type the application site is located within the Wimboldsley Character Area: ELP5.

The assessment also includes a number of independently identified 'character types' (LCTs), namely LCT1: Settlement, LCT2: Mixed Agricultural Fringe and Horsiculture Farmland, LCT3: Transport Corridors, LCT4: landfill, LCT5: Flat Rural plain. The adopted Cheshire Landscape Character Assessment clearly identifies that the application site is located within the East Lowland Plain Landscape Type, and that within this landscape type it is further characterised as being specifically in the Wimboldsley Character Area (ELP5). This has been identified in the Landscape and Visual Impact Assessment submitted. The character of the Wimboldsley area ELP 5 is fully described in the Cheshire LCA and the application site is typical of and exhibits many of its features and characteristics.

Consequently, there is no justification for identifying what is essentially a land use area assessment as a baseline for a landscape character assessment, when the existing, adopted LCA, which has been undertaken following the Guidelines for Landscape Character Assessment Guidance (GLVIA) for England and Wales and Scotland, published in 2002 by the Countryside Agency and Scottish Natural Heritage, should, and could, have been used. Therefore, the Council's Landscape Officer disagrees with the basis of the landscape character assessment that has been submitted and would also question the accuracy of the landscape assessment submitted.

Although the sensitivity of the visual receptors has been identified, (Table 4.11 identifies types of visual receptors and offers a sensitivity rating, along with a commentary), there is no explanation of the process that has been used and no identification of the criteria or thresholds used in the assessment. Figure 4.18 offers an assessment of the visual effects. The Landscape Officer would question the robustness of the visual assessment and feels that in reality that the proposals may have more significant visual impacts than those indicated.

The application site is located within the area designated as Open Countryside and Green Gap and the Landscape Officer is of the view that the landscape and visual impacts may well be more significant than those indicated in the submitted assessment, and, as the assessment indicates in Para 5.9, '*there will be a direct loss of pastoral landscape to urban development*'. Consequently, it is considered that the proposals will be contrary to both Policy NE2: Open Countryside and also Policy NE.4: Green Gap.

The developer's landscape consultant, Tyler Grange, has provided a written response to these criticisms. Having considered the additional information, the Landscape Officer has commented that, with specific reference to the 'Review upon Cheshire Landscape Character Assessment, Landscape Type 7: east Lowland Plain: ELP5 Wimboldsley Character Area, he is now satisfied with the methodology and would broadly agree with the assessment in terms of the sensitivity of the Character Area, Moderate; magnitude of change, Low (minor) and significance of landscape effect, minor adverse.

However, although Para 1.5 refers to GLVIA (Edition 3), the original LVIA was undertaken with reference to GLVIA (Edition 2), and whilst he agrees with the reference quoted, he would interpret it differently. Consequently, although he is happy for his original comments as set out above to be amended regarding the landscape assessment, his conclusions regarding the visual assessment and policy remain valid.

Trees and Forestry

The application is supported by an Arboricultural Impact Assessment (Ref SRC/03/13) dated 16th March 2013 by Shields Arboricultural Consultancy. The report indicates that the assessment has been carried out in accordance with the recommendations of British Standard BS5837:2012 Trees in Relation to Design, Demolition and Construction. The report has been carried out to assess the environmental and amenity values of all trees on or adjacent to the development area and the arboricultural implications of retaining trees with a satisfactory juxtaposition to the new development.

As this is an outline application all matters are reserved except for access and open space, no comments regarding potential internal layout is applicable.

The proposed point of access immediately off Sydney Road occupies an area currently utilised as domestic dwelling curtilage, and a private driveway. Construction to facilitate the requested access and associated visibility splays to an adoptable standard can be facilitated without having any direct or indirect impact on any high or moderate value trees. This section of Sydney Road is devoid of any meaningful tree cover, with the only consequential contribution to the street scene in arboricultural terms provided by offsite trees to the south of Sydney Road, and those within a private garden to the East.

The proposed development site comprises open pasture land with scattered individual and groups of trees located within existing mature hedgerows. The dominant species is Oak which is a characteristic of the area and typical of the existing land usage and landscape. 56 individual trees 2 groups and 6 hedgerows were recorded as part of the survey. Final potential tree losses should the development proceed can only be determined as part of a reserved matters submission, any comments which relate to this aspect of the submission are only subjective. Given the open aspect of the site it should be possible following current best practice guidance *BS5837:2012 Trees in relation to design, demolition and Construction – Recommendations*, and despite the greater robustness and level of confidence necessary to ensure the technical feasibility of the development in respect of the successful retention of trees. This includes potential areas of Open Space.

The Council's Landscape Officer has examined the application and is comfortable that the outline application as detailed from an arboricultural perspective can proceed without having a disadvantageous impact in terms of trees.

Loss of Agricultural Land

Policy NR8 of the Local Plan states that proposals which involve the use of the best and most versatile agricultural land (grades 1, 2 and 3a based on the Ministry of Agriculture Fisheries and Food land classification) for any form of irreversible development not associated with agriculture will only be permitted where all of a number of criteria are satisfied.

The applicant has submitted an agricultural land classification study prepared by David Hughes Agricultural Consultants which concludes that the application site comprises predominantly Grade 3b agricultural land with some areas falling within Grade 4 due to excessive water logging. It is therefore considered that the proposal complies with the requirements of this policy without the need for assessment against the criteria. Therefore, the site is also appropriate for development in line with the sequential approach to the development of agricultural land as set out in the NPPF.

Contaminated Land

The site is located within 250m of the landfill site at Maw Green, which has the potential to create gas. The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. The applicant submitted a Phase I Preliminary Risk Assessment with the application. However it was evident that the application area is larger than the area considered within the report, and in particular there was a former landfill approximately 40m from the application boundary which had not been appropriately considered within the report.

Given the close proximity of the landfill to the proposed development and the fact the landfill contains putrescible waste, Environmental Health would expect some form of gas risk assessment to be undertaken and presented with the application to demonstrate that the site is suitable for its proposed use.

Therefore, it was considered that insufficient information had been submitted with the application relating to the nearby landfill in order to assess adequately the impact of the proposed development having regard to Paragraph 121 of the NPPF.

This was brought to the attention of the developer and additional information and a further assessment with regard to the nearby Maw Green landfill site, was submitted in response.

The update to the Phase I investigation identifies no further on site sources of contamination, and the desk-based gas risk assessment appears to be reasonable based on existing knowledge of the nearby landfill site.

As such, the Environmental Health raises no objection to this application. However, In line with the conclusions of the assessment, they will require a site investigation and full gas risk assessment to be undertaken in line with best practice guidance, prior to submission of any Reserved Matters application. This can be secured by condition.

Air Quality

The transport assessment for this proposal assumes that that development related traffic would travel through Hungerford Road to reach the town centre. Hungerford Road is a continuation of Earle Street to the town centre. Earle Street has been identified as an Air Quality Management Area (AQMA) by Cheshire East Council. However, the air quality assessment originally submitted with the application only considered sensitive receptors on Sydney Road. Due to the limited scope of the modelling area, there were also no monitoring locations considered for verification purposes. Therefore Environmental Health could not

make a definitive judgement on the air quality impacts of this proposal based on the information provided.

However, it was acknowledged that this position could be reviewed on submission of further information to include the following:

- Air quality impacts of this proposal and other committed developments included in the transport assessment on the AQMA in Earle Street,
- Verification of the model, including previously considered receptors on Sydney Road,
- Use of 2012 monitored air quality data and consideration of congestion in the AQMA,
- Consideration of air quality mitigation strategies should there be any negative impact in the AQMA.

This was brought to the attention of the developer and additional information has been submitted. Environmental Health have reviewed this further information. The addendum assesses the air quality impacts in the air quality management area in Earle Street as requested. The methodology used is acceptable. The assessment indicates that this proposal could lead to a small increase in nitrogen dioxide concentrations in the area. There were no mitigation measures put forward in the report. However, despite the small increase Environmental Health aim to control the accumulation of negative impacts in AQMAs and safeguard future air pollution in all areas by incorporating mitigation measures for such developments. Therefore, the recommendation is one of approval of planning permission subject to conditions relating to air quality mitigation through the provision of travel plans and electric car charging points and construction dust control via an Environmental Management Plan.

Noise and Vibration

There are two key considerations in respect of noise and vibration. Firstly impact on the proposed development from the adjacent main railway line, and, secondly, the impact of construction on neighbouring residences.

With regard to the former, the applicant has submitted a noise assessment report with the application. The report shows that noise on the site can be mitigated to acceptable levels as detailed in BS8233. As the final layout of the site has not yet been confirmed; a detailed scheme of glazing and ventilation mitigation measures, together with any mitigation measures required for garden areas or outdoor living areas, should be prepared and submitted at the Reserved Matters application stage.

A vibration report is also submitted with the application. The assessment consisted of vibrations measurements on the ground at a site location near to the Crewe to Manchester railway. This could be considered as a worst case location and is closer to the railway than the nearest of the proposed housing. The measured vibration dose values were below those where complaints could be expected according to BS6472:2008. It is possible that some vibration may be noticeable to the more sensitive of occupants and that structures could effectively amplify vibrations and become more noticeable. However, given the relatively low levels measured Environmental Health Officers consider that the vibration levels are acceptable for a residential development.

With regard to construction impacts, Environmental Health have raised no objections, subject to conditions relating to construction hours and the submission of a piling method statement.

Drainage and Flooding

The applicant has submitted with the application, a detailed Flood Risk Assessment (FRA). It concludes that:

- *The site lies 400m to the west of Fowle Brook. Due to the distance and topography between the Fowle Brook and the site, the site is not at risk of flooding from this source*
- *A number of secondary flooding sources have been identified in the level 1 Screening Study which may pose a small risk to the site. These are*
 - *Overland flow flooding*
 - *Flooding from rising / high groundwater*
 - *Flooding from artificial drainage systems -sewers*
- *The secondary flooding source will only inundate the site to a relatively low water depth and water velocity will only last a short period of time, in very extreme cases and will not have an impact on the whole of the proposed development site. These secondary flooring sources will be mitigated by the adoption of a surface water management strategy for the site*
- *The site is located within flood Zone 1 and therefore has a low probability of fluvial flooding with less than 1 in 100 annual probability of river or sea flooding in any year (<0.1%)*
- *The proposed development is classified as more vulnerable. These uses are appropriate within Flood Zone 1 after the completion of a satisfactory FRA*
- *The sequential test will not need to be undertaken as part of this planning application*
- *In addition, the FRA has considered the potential impact of the site on surface water runoff rates and foul drainage of the site.*
- *Based upon the nature of the proposed development there would not be any increase in surface water runoff for all events up to and including the 1 in 100 year (including climate change) event. The site will consist of a mix of hard standing and permeable surfaces.*
- *The surface water runoff from the site will be discharged to the Fowle Brook, at this stage there are two options:*
 - *Via the United Utilities 900mm surface water sewer in the south eastern corner of the site*
 - *Via a new surface water sewer across third party land*
- *The attenuation volume required to contain the 1 in 100 year event (plus 30% for climate change) and release a maximum of the 1 in 2 year Greenfield discharge would be 4.433m³.*
- *Surface water drainage issues could be conditions for consideration within the detailed design of the development.*
- *The overall conclusion of the FRA demonstrates that the proposed development would be operated with minimal risk from flooring, would not increase flood risk elsewhere and is compliant with the requirements of the NPPF*
- *The development should not therefore be precluded from being granted planning permission on the grounds of flood risk.*

United Utilities and the Environment Agency have been consulted on the application. The Environment Agency have raised no objections subject to the imposition of appropriate planning conditions. However, United Utilities comments had not been received at the time of report preparation. A further update on this matter will be provided prior to the Strategic Planning Board meeting.

Layout and Design

The submitted indicative Masterplan (*drawing 646/SYD/001*) illustrates the potential form and layout of the development. It shows a single point of access from Sydney Road, blocks of development arranged around a central area of Public Open space and includes a landscape buffer to the railway line to the west and links to land for potential further phases of development and beyond.

Subject to a suitable detailed layout and design, reflecting Manual for Streets principles, which can be secured at reserved matters stage, it is considered that this cul-de-sac form of development is appropriate and will reflect the character of the existing suburban development to the south and east of the site.

However, no testing layouts have been provided, and therefore, the applicant has not demonstrated that the maximum number of dwellings proposed (240) can be accommodated on the site in addition to public open space requirements, whilst maintaining an adequate standard of residential amenity for existing and proposed occupiers and a layout of sufficiently high quality in urban design terms.

However, there is no requirement to provide this level of information at the outline stage, and it can be addressed as part the reserved matters. However, it may be necessary to reduce the total number of units on the site below 240, in the final layout in order to produce a scheme of suitable quality.

To turn to the elevational detail, the surrounding development comprises predominantly modern bungalows arranged in a ribbon development along Sydney Road. To the south is a large estate accessed via Rochester Crescent and Lansdown Road, which is made up of 1960, 70's and 80's 2 storey detached and semi-detached houses and bungalows. To the east of the site is Mayfair Drive, which comprises 2 and three storey properties built within the last 10 to 15 years. .

According to the Design and Access Statement, properties will be a maximum of 2 storeys in height. The approximate dimensions of the properties are shown on the indicative masterplan. The proposed layout and the type of housing will respect the appearance and character of the surrounding area. Although external appearance and design are also reserved matters, it is considered that an appropriate design can be achieved, which will sit comfortably alongside the mix of existing development within the area.

Open space

Policy RT.3 of the Borough of Crewe and Nantwich Adopted Replacement Local Plan requires that on sites of 20 dwellings or more, a minimum of 15sqm of shared recreational

open space per dwelling is provided and where family dwellings are proposed 20sqm of shared children's play space per dwelling is provided. This equates to a total of 0.84ha of amenity space based on 240 family dwellings.

According to the supporting information, this proposal will provide a large area of public open space, the total area of which will be approximately 2.65ha. This exceeds the open space requirement of Policy RT3 by 1.81ha.

It is therefore recommended that, in the event of approval, any Section 106 Agreement makes provision for a minimum of 8,400sq.m onsite shared recreational open space, to be maintained by a private resident's management company. The Council's Greenspaces Officer has confirmed that the proposal will need to include an equipped children's play area, to cater for the needs of older and younger children and a multi-use games area, in accordance with the detailed specification provided in the consultation response. These requirements can be easily secured through the Section 106 Agreement and through the Reserved Matters application process.

Amenity

It is generally regarded that a distance of 21m between principal windows and 13m between a principal window and a flank elevation are required to maintain an adequate standard of privacy and amenity between residential properties. It is also considered that a minimum private amenity space of 50sq.m for new family housing should be provided.

The layout and design of the site are reserved matters and in the absence of a testing layout, it is difficult to determine whether the proposed number of dwellings could be accommodated on the site, whilst maintaining these minimum distances between existing and proposed dwellings. It is also difficult to establish whether the same standards can be achieved between proposed dwellings within the new estate.

However, it is considered that this issue would need to be addressed in detail as part of the reserved matters application. It may be necessary to reduce the number of dwellings within the scheme at that stage, in order to meet the required amenity standards.

Ecology

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places

(a) in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment, and provided that there is

(b) no satisfactory alternative and

(c) no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK has implemented the Directive in the Conservation (Natural Habitats etc) Regulations 2010 (as amended) which contain two layers of protection (i) a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and (ii) a licensing system administered by Natural England and supported by criminal sanctions.

Local Plan Policy NE.9 states that development will not be permitted which would have an adverse impact upon species specially protected under Schedules 1, 5 or 8 of the wildlife and Countryside Act 1981 (as amended), or their habitats. Where development is permitted that would affect these species, or their places of shelter or breeding, conditions and/or planning obligations will be used to:

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. "This may potentially justify a refusal of planning permission."

The NPPF advises LPAs to conserve and enhance biodiversity: if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) or adequately mitigated, or as a last resort, compensated for, planning permission should be refused.

Natural England's standing advice is that, if a (conditioned) development appears to fail the three tests in the Habitats Directive, then LPAs should consider whether Natural England is likely to grant a licence: if unlikely, then the LPA should refuse permission: if likely, then the LPA can conclude that no impediment to planning permission arises under the Directive and Regulations.

In this case specific advice has been sought from the Council's Ecologist has commented as follows:

Great Crested Newts

Two ponds, one on site and one immediately adjacent to the site have been assessed as being unlikely to support great crested newts. No further action is required in respect of these ponds. The submitted report also makes reference to an ornamental pond in the garden of a property to the south west of the site which was apparently surveyed in 2010. However no details of the location of this pond or the detailed survey have been provided. In addition to the ponds referred to in the report a small pond also appears on the OS plan at SJ72155706 and a further pond just outside the boundary of the site at S71865703. Initially no information was provided as to the potential of these ponds to support great crested newts.

The Council's Ecologist considered that at least an initial assessment should be undertaken to confirm whether these two ponds are extant and whether they have any potential to support breeding great crested newts. If the ponds offered potential breeding habitat for great crested newts a full survey would be required. Further details of the location of the ornamental pond referred were also required.

This was brought to the attention of the developer's ecologist who provided an additional pond assessment. Having considered this information, the Council's Ecologist has advised

that GCN are unlikely to be breeding at these ponds. No further survey effort is therefore required.

Reptiles

The submitted report whilst assessing the potential impacts of the development on reptiles as being low does identify the small paddocks to the northern boundary as having limited potential to support common lizard and slow worm'. The locations of these paddocks has not been included on the submitted habitat plan. However, after discussing this matter with the applicant, the Council's ecologist is satisfied that the potential risk posed to reptiles is low and so advises that no further surveys are required in respect of this species group.

Barn owls

The grassland habitats affected by the proposed development are unlikely to provide significant foraging opportunities for barn owls and therefore this species does not present a constraint on the proposed development.

Hedgerows

Hedgerows are a Biodiversity Action plan priority habitat and hence a material consideration. The existing hedgerows should be retained and enhanced as part of any future detailed layout produced in respect of the site. This could be secured by condition

Breeding Birds

The hedgerows and trees at this site may provide breeding habitat for a number of species of bird including the more widespread Biodiversity Action Plan species. However the site is unlikely to be of particular importance for breeding birds. If planning consent is granted standard conditions would be required to ensure that surveys for breeding birds are carried out prior to any work commencing during nesting season and to secure the provision of features suitable for use by breeding birds in the completed development.

Bats and trees

A number of trees on site have been identified as having high potential to support roosting bats. These trees have been subject to a detailed bat activity survey which did not indicate any evidence of roosting. It seems likely that all of the trees with high potential could be retained as part of the proposed development.

Education

The Council's Education Officer has confirmed that the development will generate 43 primary aged children and 31 secondary aged pupils. This will necessitate a contribution of £466,390 towards primary education and £506,623 towards secondary accommodation. This can be secured through a Section 106 Agreement and therefore the proposal is acceptable in terms of its impact on education provision.

Affordable Housing

The Councils Interim Planning Statement: Affordable Housing (IPS) states in Settlements with a population of 3,000 or more the Council 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. The Affordable Housing IPS states that the tenure mix split the Council would expect is 65% rented affordable units (these can be provided as either social rented dwellings let at target rents or affordable rented dwellings let at no more than 80% of market rent) and 35% intermediate affordable units. The affordable housing tenure split that is required has been established as a result of the findings of the Strategic Housing Market Assessment 2010.

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 3074 applicants on the Council housing register applying for social rented housing who have selected one of the sub-areas of Crewe as their first choice. These applicants require 979 x 1 beds, 1163 x 2 beds, 668 x 3 beds, 93 x 4 beds and 9 x 5 beds (159 applicants haven't specified how many bedrooms they need).

Therefore, as there is affordable housing need in Crewe, there is a requirement for affordable housing to be provided at this site. 30% of the total dwellings on site should be provided as affordable, which equates to up to 72 affordable homes and the tenure split of the affordable dwellings should be 65% social or affordable rent (47 units) and 35% intermediate tenure (25 units). The affordable housing should be provided on site

According to the Planning Statement the applicant is offering 30% affordable housing at this site subject to the Highways contribution, which is discussed in more detail below. A suggested mix of affordable housing dwelling types would include 1 bed flats for rent, and houses and bungalows for rent and intermediate tenures. Housing Officers have welcomed the proposal to provide 1, 2, 3 and 4 bed affordable units. Registered Providers have expressed concerns about 2 bed flats for rent due to welfare reform issues and also intermediate tenure flats have proved unpopular.

The Affordable Housing IPS also states that affordable homes should be constructed in accordance with the standards proposed to be adopted by the Homes and Communities Agency and should achieve at least Level 3 of the Code for Sustainable Homes (2007). The design and construction of affordable housing should also take into account forthcoming changes to the Building Regulations which will result in higher build standards particularly in respect of ventilation and the conservation of fuel and power. It also says that:

“The Council will require any provision of affordable housing and/or any control of occupancy in accordance with this statement to be secured by means of planning obligations pursuant to S106 of the Town and County Planning Act 1990 (as amended)

It also goes on to state

“In all cases where a Registered Social Landlord is to be involved in the provision of any element of affordable housing, then the Council will require that the Agreement contains an obligation that such housing is transferred to and managed by an RSL as set out in the Housing Act 1996.

Finally the Affordable Housing IPS requires that no more than 50% of the open market dwellings are to be occupied unless all the affordable housing has been provided, with the exception that the percentage of open market dwellings that can be occupied can be increased to 80% if the affordable housing has a high degree of pepper-potting and the development is phased.

Given that the proposal is submitted in outline, there is no requirement to provide this level of detail with this application. However, the requirements of the IPS as set out above can be secured at reserved matters stage through the Section 106 Agreement.

Highway Safety and Traffic Generation

A Transport Assessment (TA) has been submitted with the application which concludes, inter alia, that:

- *During pre-application discussions with Cheshire East Council, the Local Highway Authority indicated that the development would be unlikely to be acceptable in planning terms without contributing towards local infrastructure improvements, and the principle of this is accepted by the applicant. The proposed assessment methodology within the report has been discussed and agreed with the Council*
- *To the west of the site Sydney Road bridges over an existing railway line. The bridge is too narrow to allow two-way traffic working, and as such it is signalised and operates on a one-way basis. The signals are recognised as a key constraint on the local highway network and it is expected that, should planning permission be granted, some financial contributions arising from the application proposal would be channelled towards addressing this local highway constraint.*
- *The most recently available five year road safety record of the area has been examined. The record does not point towards any inherent safety defects on the local network, and road safety does not therefore present a material concern in the context of the proposals*
- *Baseline traffic data from 2011 has been obtained from the TA work undertaken for the recently approved Coppenhall East residential scheme and used as the basis for the traffic flow forecasts in this TA.*
- *The proposed development will be accessed via a simple priority controlled junction onto Sydney Road, designed in accordance with the highway design standard in the Manual for Streets, and suitable to potentially facilitate the movements of a bus service in due course. The site accesses will result the demolition of the existing dwelling at number 138 Sydney Road.*

- *There are a number of infrastructure improvement works planned in the area as part of local committed developments that could also benefit prospective residents of the application site. These include some significant financial contributions to help to relieve some of the key constraints on the highway network and an expansion of local pedestrian and public transport facilities. It is expected that the financial contributions rising from the application proposals, per dwelling, will exceed those agreed as part of other nearby resident schemes.*
- *The multi-modal trip generating potential of the development has been estimated using trip rates from the TRICS Database. It is estimated that the development will generate around 143 two-way vehicular trips during the AM peak hour and around 160 two-way vehicular trips during the PM peak hour.*
- *The vehicular trips arising from the scheme have been distributed and assigned within the TA study area on the basis for the turning proportions adopted in the TA for the nearby Maw Green Road development scheme, recently approved by the Council. The traffic flows arising from three committed development in the area have also been taken into account in this TA*
- *The peak hour capacity performance of the proposed site access has been assessed using the PICARDY junction modelling software for a 2030 future assessment year. The results indicate that the proposed site access will operate satisfactorily with the proposed development in place.*

The applicant has agreed to contribute £380,000 towards the infrastructure works to improve Sydney Road Bridge and Crewe Green Roundabout referred to above. The Strategic Highways Manager has confirmed that this would be insufficient to off-set the impact of the development. However, the applicant has invited the Council to consider the following options in respect of affordable housing provision and enhanced financial contributions towards strategic highway improvements in the area, in addition to the £380,000 referred to above.

Affordable Housing %	Additional Strategic Transport Contribution
30	£0
20	£1,196,000
10	£2,227,000

The Strategic Highways Manager has confirmed that subject to the additional contribution of £1,196,000 he would raise no objection to this proposal.

A viability appraisal has been provided to demonstrate why the developer cannot provide the required highways contribution and the policy requirements in terms of affordable housing. Under the provisions of the NPPF economic viability is an important material consideration. Paragraph 173 states:

Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.

It also stresses the importance of housing delivery and viability as a material planning consideration. Paragraph 173 states:

To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable

One of the 12 Core Planning Principles at paragraph 17 states that planning should:

proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.

The Council has appointed independent consultants Gerald Eve to independently scrutinise the viability appraisal that has been submitted. They have advised that in general, the value, cost and timing assumptions provided appear, when considered holistically, to be reasonable.

However, there was a lack of supporting evidence, justification and commentary contained within the appraisal as original submitted, which was not in line with the RICS Guidance and further information was requested to support the following assumptions:

- Developer's Profit on GDV of 21.79%
- Average affordable sales values of £55.75 / Sq. Ft.
- Abnormal development costs (Further background to the requirements/justification together with details of how they have been calculated etc.)

Additional information has been provided in respect of both average sales values and the abnormal development costs and Gerald Eve are now satisfied that these are acceptable and justifiable.

With regard to developer profit, up to 20% is generally considered to be acceptable and therefore 21.79% was still considered to be too high. However, it was acknowledged that no provision had been made for contingencies. On this basis, at the request of Gerald Eve, the developer has amended the appraisal to add a 3% contingency to the construction costs. This resulted in a gross margin of 20.15%

If the gross margin is reduced to a more acceptable, 20% the amount available for planning contributions can be increased by £43,000. As the education and highway contributions are already meeting the requirements of the relevant consultees and are thus policy and CIL Regulations compliant, this could be added to the affordable housing provision, which would increase the provision by 1 three bed roomed house. The affordable contribution would then be a total of 49 homes (20.4% provision).

Alternatively, at present the Section 106 Agreement package makes no provision for the off-site public footpath improvements referred to above, which have been requested by a number of local user groups including Sustrans and the Crewe Local Area Partnership and the Rights of Way Officer. It is therefore recommended that the additional £43,000 is dedicated to off-site public footpath works which will improve the sustainability credentials of the scheme.

It is therefore considered that the applicant has demonstrated that the viability issues would delay delivery of the scheme and that this would have a negative impact on housing land supply within Cheshire East and the delivery of the scheme and the Section 106 package should be reduced accordingly. Furthermore, it is considered that at 20.4% will provide an acceptable compromise between the provision of affordable housing necessary to create of a mixed and balanced community and the required infrastructure to make the development sustainable.

Network Rail have commented that if site traffic and/or residential traffic will use Maw Green Lane then the developer should fund improvements to bridge strike mitigation measures and possibly consider the provision of Collision Protection Beams. However, only one site access point is proposed directly from Sydney Road, and therefore these contributions are not considered to be necessary.

9. CONCLUSIONS

The site is within the Open Countryside where, under Policy NE.2, there is a presumption against new residential development. However, the site is identified within the Pre-Submission Core Strategy plus recent appeal decisions have determined that the Council does not have a 5 year supply of housing land.

These are important material considerations, which, in this case are considered to outweigh the local plan policy presumption against this proposal and therefore the presumption in favour of sustainable development should apply in this case.

The proposal would adversely affect the visual character of the landscape, and would result in erosion of the physical gaps between built up areas, and therefore the proposal is considered to be contrary to Policy NE.4. However, the Green Gap is comparatively wide at this location, and this is a relatively small site. It will not result in the gap becoming any narrower than it is at the existing narrowest point between Crewe and Haslington. The proposal will not result in any loss of, or reduction in, the perception of separation, or of a gap, of leaving one settlement and arriving in another when travelling between Crewe and Haslington. It is enclosed by existing housing development, the West Coast Main Line, and Maw Green Road, and represents a “rounding off” of the existing settlement rather than a visually divorced incursion into the open countryside and green gap.

Policy NE.4 goes on to state that exceptions to this policy will be considered where it can be demonstrated that no suitable alternative location is available. Through the emerging Core Strategy it has been demonstrated that a number of sites on the periphery of Crewe will be required to address the Council’s housing land supply shortfall and this is one of those sites. Therefore taking a balanced assessment of this particular site relative to its surroundings and the emerging strategy it is considered that the harm to Green Gap is outweighed by the housing shortfall.

Whilst the site does not meet all the minimum distances to local amenities and facilities advised in the North West Sustainability toolkit, given that the site is located on the periphery of a key service centre and all such facilities are accessible to the site it is not considered that a refusal on these grounds could be sustained.

Through a suitable Section 106 package, the proposed development could provide adequate public open space, the necessary affordable housing requirements and monies towards the future provision of primary school education and highways improvements. The applicant has indicated that they would only be willing to provide the necessary level of highways infrastructure contribution on the basis of 20% affordable housing provision. However, a detailed viability appraisal has been submitted to justify this position, and as a result of the independent scrutiny of that appraisal it has been possible to increase the Section 106 package by £43,000 or an additional three bedroomed affordable unit to 20.4% overall affordable housing provision.

In this case, that there is no provision within the Section 106 package for enhanced walking and cycling provision, and in view of the fact that, as outlined above, the proposal does not meet all the requirements of the North West Checklist, it is considered to be appropriate to put the additional £43,000 towards off-site footpath improvements which are supported by local groups and the rights of way officer.

The applicant demonstrated that, subject to conditions, the proposal will not have any unacceptable impacts in terms of air quality and that it would not be adversely affected by the nearby Maw Green landfill site. They have also supplied sufficient information to demonstrate that the proposal will not adversely impact on protected species.

The proposal is considered to be acceptable in terms of its impact upon residential amenity, drainage/flooding and it therefore complies with the relevant local plan policy requirements for residential environments

Whilst the proposal will result in the loss of grade 3b and 4 agricultural land, this is not the best and most versatile agricultural land and therefore a refusal on these grounds would not be sustainable in this case.

Therefore, in the light of the adopted development plan policy, and all other material considerations including the emerging Core Strategy, the National Planning Policy Framework, lack of a 5 year housing land supply and previous appeal decisions and having given due regard to all other matters raised, it is considered that the presumption in favour of sustainable development should apply in this case and accordingly it is recommended for approval.

10. RECOMMENDATION

APPROVE subject to a Section 106 Legal Agreement to Secure:

- **£466,390 towards primary education and £506,623 towards secondary education**

- Highways contribution of £1,576,000 for Sydney Road Bridge and/or Crewe Green Roundabout
- £43,000 for off-site public footpath improvements
- Minimum of 8,400sq.m of open space to include:
 - An equipped children's play area to cater for both young and older children - 6 pieces of equipment for young, plus 6 pieces for older children.
 - A Multi Use Games Area
 - Specification for the above to be as set out in the Greenspaces consultation response
- Private Residents Management Company to maintain all open space on site including amenity greenspace, play space, incidental open space, footpaths and cycleways.
- 20% affordable housing (48 units) with a tenure split 65% rented housing and 35% intermediate affordable housing in line with the Council's Interim Planning Policy on Affordable Housing. (The mix of type of affordable dwellings to be 15 x 1 beds, 15, x 2 beds (not flats), 15 x 3 beds and 3 x 4 beds.)
- affordable units to be tenure blind and pepper potted within the development.
- no more than 50% of the open market dwellings are to be occupied unless all the affordable housing has been provided, with the exception that the percentage of open market dwellings that can be occupied can be increased to 80% if the affordable housing has a high degree of pepper-potting and the development is phased
- Housing to be transferred to and managed by a Registered Provider as set out in the defined in the Housing & Regeneration Act 2008

And the following conditions

1. Standard Outline
2. Submission of reserved matters
3. Plans
4. Submission / approval and implementation of archaeological programme
5. Submission, approval and implementation of a scheme to limit the surface water runoff generated by the proposed development
6. Submission, approval and implementation of a scheme to manage the risk of flooding from overland flow of surface water,
7. Submission, approval and implementation of a scheme to to dispose of foul drainage
8. Piling operations shall be restricted to: Monday – Friday 09:00 – 17:30 hrs Saturday 09:00 – 13:00 hrs Sunday and Public Holidays Nil
9. Submission, approval and implementation of piling method statement
10. Submission, approval and implementation of a detailed scheme of glazing and ventilation mitigation measures, together with any

mitigation measures required for garden areas or outdoor living areas, at the Reserved Matters application stage.

11. Construction works taking place during the development (and associated deliveries to the site) restricted to: Monday – Friday 08:00 to 18:00 hrs Saturday 09:00 to 14:00 hrs Sundays and Public Holidays Nil
12. Submission, approval and implementation of residential Travel Plan
13. Electric Car Charging Points shall be provided
14. Submission, approval and implementation of Environmental Management Plan to include dust control measures.
15. Submission and approval of a Phase II investigation including a thorough gas risk assessment.
 - If the Phase II investigations indicate that remediation is necessary, then a Remediation Statement shall be submitted, approved and implemented
 - If remediation is required, a Site Completion Report detailing the conclusions and actions taken at each stage of the works, including validation works, shall be submitted and approved
16. Reserved matters to make provision for protection and enhancement of public footpath 4 across the site. To include house fronting on to right of way.
17. Reserved matters to include a statement of sustainable design principles and features and features.
18. Important Trees / Hedges to be incorporated into reserved matters layout and hedgerows to be enhanced
19. Submission and approval of scheme of tree / hedge protection
20. Implementation of tree / hedge protection
21. Submission, approval and implementation of materials
22. Submission, approval and implementation of boundary treatment.
23. Submission, approval and implementation of features for use by breeding birds
24. No development in bird nesting season without prior survey

In the event of any changes being needed to the wording of the committee's decision (such as to delete, vary or addition conditions / informatics / planning obligations or reasons for approval / refusal) prior to the decision being issued, the Planning and Placemaking Manager, in consultation with the Chair of the Strategic Planning Board is delegated the authority to do so, provided that he does not exceed the substantive nature of the Committee's decision.

