

## Strategic Planning Board

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**Date:** Wednesday, 20th February, 2013  
**Time:** 10.30 am  
**Venue:** Council Chamber, Municipal Buildings, Earle Street,  
Crewe CW1 2BJ

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10. **12/4494N-Outline planning approval for up to 44 No. dwellings, vehicular access, associated garaging, car parking and landscaping. (All matters reserved except access), Hunters Lodge Hotel, Sydney Road, Crewe for Seddon Homes Ltd (Pages 1 - 34)**

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Application No: 12/4494N

Location: HUNTERS LODGE HOTEL, SYDNEY ROAD, CREWE, CW1 5LU

Proposal: Outline planning approval for up to 44 No. dwellings, vehicular access, associated garaging, car parking and landscaping. (All matters reserved except access)

Applicant: SEDDON HOMES LTD

Expiry Date: 22-Feb-2013

#### **SUMMARY RECOMMENDATION**

- **REFUSE**

#### **MAIN ISSUES**

**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,  
Design  
Amenity  
Open Space  
Drainage And Flooding,  
Sustainability  
Education**

#### **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 2.00 ha (4.94 acres). It is bounded to the north by a drain/pond and established field boundary with a number of mature trees. To the east of the

site is the retained vendor's land with open countryside beyond. The southern boundary is formed by the existing hotel complex with associated land retained for expansion of the hotel. The western boundary is formed by the rear garden boundaries of the dwellings on Bentley Drive and the frontage to Sydney Road. The site is currently accessed via the field gate adjacent to the hotel.

The site has a gentle gradient and generally slopes down to the north west corner.

## **2. DETAILS OF PROPOSAL**

This is an Outline Planning Application for the erection of up to 44 no. dwellings, vehicular access, associated garaging, car parking and landscaping.

## **3. RELEVANT PLANNING HISTORY**

APP/F4410/A/12/2169858 Outline application for residential and commercial/ employment development (B1, B2 & B8) on and east of Hatfield Lane, Armthorpe, Doncaster. – Appeal Dismissed 6<sup>th</sup> December 2012

## **4. PLANNING POLICIES**

National Planning Policy Framework

### **Local Plan Policy**

PS8 Open Countryside  
GR1 New Development  
GR2 Design  
GR3 Residential Development  
GR5 Landscaping  
GR6 Amenity and Health  
GR9 Accessibility, servicing and provision of parking  
GR14 Cycling Measures  
GR15 Pedestrian Measures  
GR17 Car parking  
GR18 Traffic Generation  
GR21 Flood Prevention  
GR 22 Open Space Provision  
NR1 Trees and Woodland  
NR2 Statutory Sites (Wildlife and Nature Conservation)  
NR3 Habitats  
NR5 Habitats  
H2 Provision of New Housing Development  
H6 Residential Development in the Open countryside  
H13 Affordable Housing and Low Cost Housing

### **Regional Spatial Strategy**

DP4 Make best use of resources and infrastructure  
DP5 Managing travel demand  
DP7 Promote environmental quality  
DP9 Reduce emissions and adapt to climate change  
RDF1 Spatial Priorities  
L4 Regional Housing Provision  
EM1 Integrated Enhancement and Protection of the Region's Environmental Assets  
EM3 Green Infrastructure  
EM18 Decentralised Energy Supply  
MCR3 Southern Part of the Manchester City Region

### **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

## **4. OBSERVATIONS OF CONSULTEES**

### **Archaeology**

There are no features currently recorded on the Cheshire Historic Environment Record from within the application area and it must be admitted that the generally low-lying nature of the site makes it unlikely that it would have been attractive for permanent settlement. It is noted, however, that the application is supported by a detailed flood-risk assessment of the site, which has been prepared by ARJ Associates Ltd. Section 2.4 of this report includes a description of various drainage features which have been identified in or around the present stream and, based on the descriptions and photographs in the report, some of these are likely to be of archaeological interest. These include Structure D (timbers and stone blocks), Structure C (former weir), and Structure E (sluice associated with former mill leat). It is also noted that the development proposals will include new culverts, possible realignment of the brook, and various other drainage improvement works. It is likely, therefore, that potentially significant archaeological remains will be disturbed by the proposed development.

This potential, however, is not sufficient to justify an objection to the development on archaeological grounds or to generate a recommendation for further predetermination work. The Archaeologist does advise, however, that it would be reasonable to secure a targeted programme of archaeological mitigation in the event that planning permission is granted. In view of the lack of any extant desk-based assessment, this work should take the form of an initial phase of map-based and documentary work in order to define those parts of the site requiring archaeological mitigation more closely. Targeted fieldwork should then be undertaken on features and areas of interest that will be affected by the development. A

report on the work will need to be produced and the mitigation may be secured by the condition.

The use of such a condition is in line with the guidance set out in Paragraph 141, Section 12 (*Conserving and Enhancing the Historic Environment*) of the new *National Planning Policy Framework*. The Cheshire Archaeology Planning Advisory Service does not carry out commercial fieldwork and the applicant will need to appoint an archaeological contractor to organise the archaeological mitigation. I will be able to supply further details and a list of archaeological contractors who work in the area on request.

### **Environment Agency**

No objection in principle to the proposed development but would like to make the following comments.

- The discharge of surface water from the proposed development is to mimic that which discharges from the existing site. The submitted Flood Risk Assessment (FRA), demonstrates that the water company have confirmed a maximum surface water discharge rate of 5 litres/second/hectare, into an existing public sewer. This is acceptable in principle.
- For discharges above the allowable rate, attenuation will be required for up to the 1% annual probability event, including allowances for climate change.
- The discharge of surface water should, wherever practicable, be by Sustainable Drainage Systems (SuDS). SuDS, in the form of grassy swales, detention ponds, soakaways, permeable paving etc., can help to remove the harmful contaminants found in surface water and can help to reduce the discharge rate. As such we request that the following planning conditions are attached to any planning approval as set out below.
  - Submission of a scheme to limit the surface water run-off generated by the proposed development,
  - Submission of a scheme to manage the risk of flooding from overland flow of surface water,
  - During times of severe rainfall overland flow of surface water could cause a flooding problem. The site layout is to be designed to contain any such flooding within the site, to ensure that existing and new buildings are not affected.

### **United Utilities**

No objection to the proposal provided that the following conditions are met: -

- This site must be drained on a total separate system. Surface water flows generated from this site should discharge to soakaway and or watercourse with the prior consent of the Local Authority.
- If surface water is allowed to be discharged to the public surface water sewerage system we will require the flow to be limited to a maximum discharge rate of 13.5 l/s as determined by United Utilities.

### **Natural England**

No comments received at the time of report preparation.

### **Amenity Greenspace**

- This offers a possible solution to a problem existing children's play area just 160m west from the proposed development, off Lansdowne Road. There is currently insufficient equipment, and that equipment and safer surfacing that is there does not comply with European Standards. Greenspaces have been trying for many years to source funding for its improvement, without success. The MP has received requests for its improvement in recent years.
- It is recommended that there is a requirement for a contribution of £50,000 to the Council for the replacement/extension of this existing play area, to make up for any shortfall of open space within the development itself.

### **Highways**

No comments received at the time of report preparation.

### **Environmental Health**

No objection subject to the following conditions.

- The hours of noise generative\* demolition / construction works taking place during the development (and associated deliveries to the site) shall be restricted to: Monday – Friday 08:00 to 18:00 hrs Saturday 09:00 to 14:00 hrs Sundays and Public Holidays Nil
- All Piling operations shall be undertaken using best practicable means to reduce the impact of noise and vibration on neighbouring sensitive properties. All 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 of a piling method statement to include the following details:
  - Details of the method of piling
  - Days / hours of work
  - Duration of the pile driving operations (expected starting date and completion date)
  - Prior notification to the occupiers of potentially affected properties
  - Details of the responsible person (e.g. site manager / office) who could be contacted in the event of complaint
- There is insufficient information contained within the application to determine whether there will be a loss of amenity to the residents caused by entertainment noise from the Hunters Lodge. In order to ensure that future occupants of the development do not suffer a substantial loss of amenity due to noise, the applicant is required to submit an acoustic assessment report detailing any mitigation measures required in the proposed properties. Any mitigation shown as part of the report must achieve the internal noise levels defined within the "good" standard within BS8233:1999. The scheme must also include provisions for ventilation that will not compromise the acoustic performance of any proposals whilst meeting building regulation requirements.
- No development shall take place until a scheme to minimise dust emissions arising from construction activities on the site has been submitted to and approved in writing

by the Local Planning Authority. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development. The construction phase shall be implemented in accordance with the approved scheme, with the approved dust suppression measures being maintained in a fully functional condition for the duration of the construction phase.

- This site is within 250m of a known landfill site or area of ground that 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 has submitted a Phase I Preliminary Risk Assessment for contaminated land. The report is reasonable and recommends a Phase II site investigation be undertaken. As such, and in accordance with the NPPF, standard contaminated land conditions, reasons and notes be attached should planning permission be granted.

### **Public Rights of Way**

- Proposed developments may present an opportunity to improve walking and cycling facilities in the area for both travel and leisure purposes. The aim to improve such facilities is stated within the policies of the Cheshire East Rights of Way Improvement Plan (ROWIP) 2011-2026 and Cheshire East Local Transport Plan (LTP) 2011-2026
- The Transport Statement states that “Within the Institution of Highways and Transportation (IHT) document, entitled “Guidelines for Providing for Journeys on Foot”, a distance of 800 metres is identified as the preferred maximum distance for town centres, whilst a distance of 2 kilometres is defined as a preferred maximum for commuting.” It should be noted that the town centre and main employment areas of the town are beyond the 2km isochrone and therefore cyclist access to, from and within the site will be an important element of the proposed development.
- The Transport Statement also states that “A distance of 5 kilometres is generally accepted as a distance where cycling has the potential to replace short car journeys. This distance equates to a journey of around 25 minutes based on a leisurely cycle speed of 12 kilometres per hour and would encompass the whole of Nantwich, Crewe and Alsager”. No plan depicting a 5km isochrone is included within the application documents. Such a plan would demonstrate most of Crewe being within a 5km cycle journey, but most likely exclude Nantwich and Alsager.
- A proposal has been logged under the Council’s statutory Rights of Way Improvement Plan (Ref. T37) to upgrade the public footpaths which run between Hungerford Road and Sydney Road, and between Hungerford Road and Coleridge Way so that cyclists can use them in addition to pedestrians. For cyclists travelling between the town centre and the proposed development site, these will be key routes. Proposals are being drawn up for this upgrade towards which contributions from the developer would be sought.
- The developer should be required to provide travel planning information to prospective residents of the development, including information on pedestrian and cyclist routes and advice. In addition, the detailed design of the site should accommodate pedestrian and cyclist movements and cycle storage facilities.
- The block plan contained within the application documents suggests a potential leisure access to the countryside to the east of the site. Whilst there are public rights of way in the vicinity of the site, there are no public access connections from the site to these routes. If the developer has intentions to develop such access, the public rights of way team would request to be informed of the proposals.



## Education

- A development of 44 dwellings is anticipated to generate 7 Primary aged pupils and 6 Secondary aged pupils.
- Net capacities and the Councils latest pupil forecasts for the primary schools within a 2 mile radius and the secondary schools within a 3 mile radius of this site indicate the following:
  - Cumulatively the primary schools within 2 miles of this site are forecast to be oversubscribed by 2013 and therefore unable to accommodate the pupils generated by this development. On the basis below a contribution sought would be towards primary education.  $7 \times 11919 \times 0.91 = £75,924$  towards primary provision.
  - There is sufficient space to accommodate the pupils generated by this development.

## 5. VIEWS OF THE PARISH / TOWN COUNCIL

Haslington Parish Council object most strongly to the proposed development as it intrudes into the Green Gap between the Crewe and Haslington communities and contravenes adopted planning policy NE4. Although the site was proposed within the draft Crewe Town Strategy consultation document as part of location L2, it met with substantial objection and opposition during the consultation process as indicated by the responses from the general public and at the stakeholder workshops. There is already more than sufficient local undeveloped land outside the Green Gap area with planning approval, such as sites at Maw Lane and Cross Keys, that can meet local demand for affordable housing. The Green Gap is an essential feature of our environment and should not be sacrificed when other sites outside the Green Gap await development.

## 6. OTHER REPRESENTATIONS

### Planning Policy

- There is plenty of brown land which should be developed instead of destroying green gap land, wildlife and countryside.
- There are 125 brownfield sites in Crewe that already have obtained planning permission that would accommodate 650 to 700 new houses. Some of these town sites have been available for over 45 years. To date no new housing projects have been started.
- The proposal would be contrary to the NPPF
- The Planning proposal is not identified in the interim planning documents.
- This site is NOT included in the current interim planning policy for Cheshire East.
- The site is located in the 'Green Gap' area as shown on local parish maps.
- The site is 'Yellow Band' designated by the Brine Board.

- As reported in the national press of 28 December 2012 the government has loosened its housing targets by more than 270,000. Therefore, we urge the Council to make the above proposed development of 44 houses be part of this reduction.
- The proposed development is not within the emerging local plan and is not included in the current Cheshire East Housing allocation.
- Housing developments off Sydney Road have already been obtained against the wishes of hundreds of local residents

### **Amenity**

- Significant overlooking and loss of privacy including garden, patio, bedrooms, kitchen and French windows.
- Massive impact on quality of life.
- Proposed properties would be elevated land
- Daylight reduction.
- Over domination of development.
- Gardens run adjacent to back fences.
- Loss of outlook
- Noise and disturbance
- Social recreation and general garden noise.
- The street lighting will add to light pollution and would be invasive on privacy.
- The proposed new access road would run very close to the boundary fence with back gardens of 12, 14, & 15 and along the side of my front and back garden 11 Bentley Drive. It would also run very close to right hand corner of back gardens therefore affecting two sides of some properties, resulting in street lights, increased noise and carbon from cars and drainage problems.
- Noise and disruption that will take place when the houses are erected
- Loss of views to the rear of houses
- Increase in noise due to the cars passing from Sydney road to the estate

### **Tree Preservation**

- Three (3) oak trees on the proposed development have already been cut down in readiness for the proposed development.

### **Highway Safety & Traffic Issues**

- The local infrastructure cannot support the increase in traffic,
- The increase in traffic generation relating to the over one hundred (100) new cars and the safe access to Sydney Road will contribute to significant traffics jams during peak travel times.
- There are bottlenecks at peak times at Crewe Green roundabout and Sydney Road bridge.
- Sydney Road is an emergency route for Leighton Hospital.
- The Planning Process should consider the number of localised vehicle movements on Sydney Road and in particular: potentially detrimental impact on a failing road surface caused by the additional traffic localised and

- Sydney Bridge slows the traffic down due to only being wide enough for one lane of traffic and the traffic lights in place. How many more vehicles will the bridge be able to take before needing major repairs. The closing of this bridge will bring the roads in the local area to a stand still!
- Sydney Road Bridge will not support this increase in traffic flow as recent surveys have already highlighted.
- Sydney Bridge that acts as a traffic calmer at the moment slows the traffic down,
- The route for the Hospital or town shopping from this area would have no choice but to travel down Hungerford Road or Macon Way which both already are gridlocked.
- Crewe Green roundabout is backing up traffic at peak times, up Sydney Road causing this area to become grid-locked at strategic times.
- Hungerford Road, the main road to the station, the Sandbach bypass and Crewe Road out of Haslington are also affected.
- There are already difficulties for Ambulance vehicles, to and from Leighton Hospital.
- All this additional traffic will be expected to enter Sydney Road directly adjacent and parallel to, the Hunters Lodge Entrance / Exit, which already generates substantial traffic particularly in the mornings.
- The Transport Statement for this development contains a fictitious bus timetable. It overlays the current 14 and 15 routes when in reality the 15 runs when the 14 doesn't. It should say that the area is served by a maximum of 2 buses per hour (not the 4 quoted). From January 2013 both routes will be amended and be merged with the 8. This information has already been posted on the Cheshire East Council website.
- Sydney Road is the main access road in and out of Bentley Drive. This is already at capacity for flowing traffic. It is very often blocked and it's difficult to safely exit left or right, at peak times every day of the week.
- Crewe Retail Park is already causing problems on the local roads. This contributes to the blocking of Macon Way, Hungerford Road and Sydney Road.
- Cumulative impact with other developments at Coppenhall East, Maw Green and Leighton
- Concern for the safety for local residents that have to use the local roads which are already at capacity.
- Croft Transport Solutions statement (draft) dated 25 October 2012, ref TSO319.1, item 5.1.2 (The traffic impact of the proposed development is considered to have a minimal impact on the junctions in the area):
  - This report is based on a model and does not reflect the actual conditions on the ground
  - The following attachments are missing from the Croft Traffic, (Plan 1 Site location, Plan2, proposed site layout, Plan 4, proposed pedestrian Catchment, Appendices 1 TRICS Output for Proposed Residential development is missing from this report).
- Independent environmental and transport statements should be commissioned by the Council and planning authorities.

### **Drainage / Flooding**

- All the natural drainage from the surrounding fields all drain into a pond on Post Office Sports Club property. It is then supposed to drain away via drains (which are blocked).

If these houses are to be built, then there is a good chance that the Bowling Green could be affected by the high rise in the water table.

- The documentation makes reference to a culvert to the north of the development site. This culvert was developed to attenuate run off water arising from the Bentley Drive development.
- It is a matter of record that rainfall characteristics have changed in recent years. Current trends often result in surface water flows that exceed the culvert's design capacity resulting in localised flooding around the pond to the east that affects the Bowling Club.
- Moreover, the increased water levels may have contributed to a partial collapse of the culvert bank in the vicinity of 5 Bentley Drive.
- Furthermore, the culvert discharges via a drainage pipe that runs under adjacent gardens in the direction of Sydney Road. Irrespective of the point of discharge into the Sydney Road network increased surface water loadings should be factored into the network capacity calculations (see below).
- To avoid exacerbating known conditions the development plan should include a dedicated Surface Water disposal network and not rely on existing measures.
- The Bentley Drive Foul Water network drawings included in the documentation provided are incorrect. Further to the Surface Water comment (above) there have been instances of Foul Water drain blockages in the vicinity of the Bentley Drive / Sydney Road intersection.
- To eliminate any risk of future blockages as a consequence of the pumped discharge flow upstream of the Bentley Drive / Sydney Road connection taking priority, a full survey of the local network downstream of the proposed network connection should be conducted and all necessary measures required to prevent either poor flow or blockages implemented.
- Foundations of the properties on Bentley Drive have had at least 9 metres of piling due to the unstable ground. Therefore, the proposed development is undoubtedly also on unstable and water-logged land and will have an effect on the drainage and water table, increasing the possibility on flooding to certain properties on Bentley Drive.

## **Infrastructure**

- The following housing developments in Crewe have already obtained planning permission: Cross Key – 650 houses; Maw Green – 170 houses; Leighton – 400 houses local infrastructure will not accommodate any further building development.
- Has the local exchange sufficient capacity to accommodate the telecommunications and broad band internet demand introduced as a consequence of the development without detriment to existing user services.
- The application should be refused unless and until all matters above and those of other parties affected by the development (including the North West Ambulance Service and Leighton Hospital) have been satisfactorily addressed.
- The local authority is already struggling for capacity of school places available in Crewe, Haslington and Sandbach. With the shortage of spare places available and local Primary and Secondary schools already being full, how and where are additional children are going to be educated.
- It may seem on desk studies that all would and should run fine, but increased residential capacity in the area will only compound the pressure on class sizes in

schools, increase pressure on hospitals and other local services.

## Ecology

- To the rear of the Post Office Club is a wood where the owners encourage wild life and any more building around this area would be detrimental to the work that they are trying to do and to the wild life
- The wild life that live in the field where the houses are going to be built will lose their habitat. Most of these animals are under protection orders
- Bats have been seen in the location of the proposed development site and light and noise pollution emanating from the dwellings may detrimentally affect the nesting locations of an established colony.
- Surveys should be conducted and all reasonable measures implemented to protect the Bat and other wildlife habitats adjacent to the development.
- The environmental report, commissioned on behalf of the developer, is at best flawed. An independently commissioned report would reach a different conclusion.
- The developer may have had an environmental report commissioned but this does not appear to be the area residents know
- The site supports the habits of badgers, herens, nesting birds, foxes, bats, woodpeckers, coots, pheasants, owls and a suspected breeding ground for the protected great crested newt.
- The small beck running to the side of the development, has an equal array of diverse wild life.
- This area of land is one of the few unspoiled areas of Crewe, all the more remarkable, as it is still within the CW1 postcode.
- Losing this beautiful area would be a loss to local wildlife, the environment of Crewe, as well as to the many local residents who enjoy it.
- Not enough consideration has been given to the environmental impact of this development: there is lots of wildlife in the immediate area,
- This development would mean the end of frogs spawning in ponds, squirrels running along fences and pipstrelle bats flying around during the summer months.
- This area of land must be one of the last remaining unspoiled areas of Crewe and losing it would be a travesty for residents.
- One of the few remaining local beauty spots in Crewe will be destroyed to the detriment of the environment, local wildlife, and the residents.

## Air Quality

- The increase in traffic generation with regards to Cheshire East Local Plan of an estimated 8330 new homes and the addition of approximately 16000 new cars will significantly increase the carbon dioxide emissions.
- Neighbours already have to live alongside Sydney Road and a further busy road will increase the carbon dioxide emissions that already pollute the air quality in the local community.
- There are constant and frequent traffic jams on Sydney Road leading up to Crewe Green roundabout. Access is severely restricted to Sydney Road from Bentley Drive.
- Commuter traffic from the following, University Campus (1000 cars), Bentley (500 cars), train station (500 cars), hospital and ambulances also contribute to Sydney Road

traffic jams

- The above contributes to an increase in Carbon Monoxide omissions. The Air Quality Updating and Screening Assessment for Cheshire East Council shows that road traffic air quality management areas designated in 2006, 2008, 2009 and 2011 remain in force as nitrogen dioxide concentrates are currently above the national objective.
- There are presently 10 carbon monoxide hot spots in Crewe that exceed the national requirements.
- There are 2300 new houses at Cross Keys, Maw Green and Leighton, plus public transport which will add to air pollution.

#### **Other Matters**

- The planned new housing developments are not sustainable because of their carbon footprints.
- There will be damage to houses from wagons during the building work
- How long will the project go on for?
- Will surveys be done on neighbouring houses prior to building, during and on completion for movement and cracks due to heavy traffic/wagons?
- As all the property has been informed in the Bentley Drive area why has not the Post Office Club as a neighbour has not been informed?
- The application itself has been submitted at a time strategically designed to minimize the possibility of opposition
- The notification letter of the 7/12/12 which actually arrived on 12/12/12 left very little time to study the proposals before the closing date of objections on 2/1/13. This time frame has to favour the developers.
- The vendor is fast tracking and trying to get this application through with least resistance.
- If this development went ahead property would be devalued, residents have worked hard to get to where they are today.
- Will residents be compensated for loss of value?
- Proper procedures have not been adhered to and the reports published seem to favour the applicant with little regard to the local residents.

#### **7. APPLICANT'S SUPPORTING INFORMATION:**

- Climate Change Statement
- Design and Access Statement
- Contaminated Land Desk Study
- Ecological Appraisal
- Flood Risk Assessment
- Land Quality Statement
- Planning and Affordable Housing Statement
- Transport Statement
- Tree Survey Report

#### **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.**

### ***Policy Position***

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 objection.

Members should note that on 23<sup>rd</sup> March 2011 the Minister for Decentralisation Greg Clark published a statement entitled ‘Planning for Growth’. On 15<sup>th</sup> 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**

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

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

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

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

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

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

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

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



The NPPF clearly states at paragraph 49 that:

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

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

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

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
- *specific policies in the Framework indicate development should be restricted.”*

However, given that Cheshire East can now demonstrate a five year supply of housing land, it is not considered that Policy NE.2 which protects Open Countryside is not out of date and the provisions of paragraphs 49 and 14 do not apply in this case.

### ***Emerging Policy***

The Crewe Town Strategy considered a number of development options around the town and these were subject to consultation that closed on the 1st October 2012. The results of that consultation was considered at a meeting of the Strategic Planning Board on the 6th December 2012. 1985 representations were received to the Crewe Town Strategy. This site was considered as site L2 in the Crewe Town Strategy. 95% of the 1985 representations responded to the question whether they agreed or disagreed with site L2 as a potential area of future development and of those 96% disagreed with site L2 being a potential area of future development. The recommendation at that meeting is that the future housing needs of Crewe are met by the following sites – Crewe Town Centre (200 dwellings), West Street / Dunwoody Way (up to 700 dwellings), Basford East (1,000 dwellings), Basford West (300 dwellings) and Leighton West (750 dwellings). Sites are also proposed at settlements surrounding Crewe including Shavington Triangle (300 dwellings) and Shavington East (300 dwellings phased post 2020). There are also proposals for new settlements at Crewe Hall / Stowford (1,000 dwellings – with potential additional development after the plan period) and at Barthomley (1,000 dwellings– with potential additional development after the plan period).

These sites have now been carried forward into the Draft Local Plan (development strategy), now the subject of consultation. The NPPF consistently underlines the importance of plan – led development. It also establishes as a key planning principle that local people should be empowered to shape their surroundings. Regrettably the Secretary of State has often chosen to give less weight to these factors within his own guidance – and comparatively more to that of housing supply. These inconsistencies feature within the legal action that the Council is taking elsewhere.

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

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

### **Conclusion**

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

### **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. According to the Applicant's submissions:

*“The site has good public transport links and is well located close to Crewe town centre. This means a reduced reliance on the car as a means of transport thereby reducing pollution and emissions. The site has good access to local amenities further reducing the reliance on cars. It will also include provisions to make cycling and walking a realistic alternative to the use of the car for short journeys. The recent improvements in internet connections with faster broadband now allow residents to potentially use part of the dwelling as a home office. This allows residents the option of working from home, which in turn reduces potential travel journeys and is therefore more sustainable.”*

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

The Checklist 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 North West Sustainability Checklist is supported by Policy DP9: Reduce Emissions and Adapt to Climate Change of the Regional Spatial Strategy for the North West, which states that:

*“Applicants and local planning authorities should ensure that all developments meet at least the minimum standards set out in the North West Sustainability Checklist for Developments (33), and should apply ‘good’ or ‘best practice’ standards wherever practicable”.*

The Regional Spatial Strategy for the North West currently remains part of the Development Plan for Cheshire East.

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. The results of an accessibility assessment using this methodology are set out below.

Category	Facility	Hunters Lodge
Open Space:	Amenity Open Space (500m)	0m
	Children’s Play Space (500m)	449m
	Outdoor Sports Facility (500m)	498m
Local Amenities:	Convenience Store (500m)	1006m
	Supermarket* (1000m)	2118m

	Post box (500m)	1442m
	Playground / amenity area (500m)	160m
	Post office (1000m)	1422m
	Bank or cash machine (1000m)	961m
	Pharmacy (1000m)	1547m
	Primary school (1000m)	1433m
	Secondary School* (1000m)	2236m
	Medical Centre (1000m)	1547m
	Leisure facilities (leisure centre or library) (1000m)	2039m
	Local meeting place / community centre (1000m)	2261m
	Public house (1000m)	0m
	Public park or village green (larger, publicly accessible open space) (1000m)	1205m
	Child care facility (nursery or creche) (1000m)	991m
<b>Transport Facilities:</b>	Bus stop (500m)	417m
	Railway station (2000m where geographically possible)	2254m
	Public Right of Way (500m)	122m
	Any transport node (300m in town centre / 400m in urban area)	122m
<i>Disclaimers:</i>		
<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).

It is considered that the proposal does not meet the minimum standards of accessibility to the following facilities:

- Post Office
- Pharmacy
- Primary School
- Secondary School
- Medical Centre
- Leisure Facilities
- Local meeting Place
- Public Park

The site therefore fails against 8 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 we can expect 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 distance 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 1 aspect and sustainability and the NPPF defines sustainable development with reference to a number of social, economic and environmental factors. However, 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, highways have commented that it is possible to improve the non-car mode accessibility through suitable Section 106 contributions.

Policy DP9 of the RSS relates to reducing emissions and adapting to climate change. It requires:

- proposals to contribute to reductions in the regions' carbon dioxide emissions from all sources;
- take into account future changes to national targets for carbon dioxide and other greenhouse gas emissions
- to identify, assess and apply measure to ensure effective adaptation to likely environmental social and economic impacts of climate change.

RSS (Policy EM18) policy also necessitates that, in advance of local targets being set, large new developments should secure at least 10% of their predicted energy requirements from decentralised and renewable or low-carbon sources, unless it can be demonstrated that this is not feasible or viable. The developer has indicated that they are committed to ensuring that 10% of the energy requirements of the development will be from decentralised and renewable or low carbon sources and would be willing to accept a condition to this effect.

As all matters are reserved with the exception of access, aspects of the design relating to climate change and sustainability cannot be discussed in detail at this stage. However, the applicant states that:

- *Dwellings will achieve low energy and carbon dioxide emissions in excess of Building Regulations using thermally efficient and airtight construction.*
- *High performance low-e glazing will be provided to reduce heat loss through the glazed areas. The development will optimize day-lighting where possible to reduce reliance on electric lighting and optimize solar gain.*

- *Clothes Lines/Rotary Dryers will be provided as necessary to reduce reliance on electric dryers.*
- *DEFRA energy efficient white goods with an A+ or A rating will be provided where appropriate to reduce energy consumption and running costs.*
- *Energy efficient lighting will be installed. All external space and security lighting will be specified with low energy lamps, daylight controls and designed/positioned to reduce light pollution.*
- *Insulation values are excellent and have low environmental impact both during manufacture and in use. All products will be Global Warming Potential GWP<5.*
- *Consideration of the use of Green Guide “A” Rated materials and procured from sustainable sources along with chain of custody certification where applicable.*
- *Separate and dedicated bins for recycling will be provided to each dwelling in accordance with Cheshire East Council’s waste and recycling strategy.*
- *The use of low water usage appliances within each dwelling will benefit residents by reducing water bills and reducing water demand.*
- *Shower flow rates will be low flow.*
- *Dual WC flush system utilized.*
- *Spray/aerated or flow regulated taps will be installed to reduce water consumption.*
- *Baths will be specified appropriately to reduce water consumption.*
- *Where electrical appliances are specified, such as washing machines or dishwashers these would be high efficiency (A+/A rated) with low water consumption as recommended by the Energy Saving Trust.*

On the basis of the above, it is considered that it is viable and feasible to meet the requirements of the RSS policy and a detailed scheme can be secured as part of the reserved matters through the use of conditions, it is not considered that a refusal on these grounds could be sustained.

### **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, given that the Council now has a 5 year supply of housing land, it is no longer considered that Policy NE.2 is out of date and therefore, following the Inspector’s logic, Policy NE.4 must also still stand.

A development of the scale proposed 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.

Policy NE.4 goes on to state that exceptions to this policy will only be considered where it can be demonstrated that no suitable alternative location is available. Through the emerging Development Strategy it has been demonstrated that there are a number of sites on the periphery of Crewe which, although designated as Open Countryside, are not subject to Green Gap policy and can be used to address the Council's housing land supply shortfall and which would not contravene the provisions of Policy NE.4.

### **Landscape Impact**

The application site is located on the eastern edge of Crewe, to the east of Sydney Road and adjacent to the Hunters Lodge Hotel and forms a parcel of agricultural pasture land, linked to the wider area of agricultural land to the east.

The assessment refers to the national landscape character context and also 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 Landscape and Visual Assessment includes a visual assessment for 12 viewpoints. The Council's Landscape Officer has examined the report and does not agree with the sensitivity of the receptors for a number of these viewpoints and feels that the significance of visual impact may be more significant than the assessment indicates.

Notwithstanding this point, this is an outline application. As such, it is difficult to comment on the illustrative layout in any detail. However, he does not feel that the proposals as shown will have a significantly adverse landscape or visual impact. Consequently, he does not consider that he could recommend refusal on landscape or visual grounds.

Therefore, whilst the proposal would not adversely affect the visual character of the landscape, it would result in erosion of the physical gaps between built up areas. Given that there are other alternative sites which are not subject to Green Gap policy which could be used to meet the Council's housing land supply requirements, the proposal is considered to be contrary to Policy NE.4.

### **Economic Growth Implications**

The Written Ministerial Statement: Planning for Growth (23 March 2011) 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, inter alia, 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.

It is clear that the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to the town including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain. However, this is not considered to outweigh the harm that would be caused in terms of impact on the Open Countryside and the Green Gap.

### **Trees and Forestry**

There is a length of hedgerow and a number of trees on the site. The submission is supported by a Tree Survey Report and a plan showing tree positions, crown spreads and root protection areas. The survey covers one hedgerow, 24 individual trees and two groups of trees. Many of the trees are afforded higher grades A or B.

The report indicates that the survey has been carried out in accordance with the recommendations of British Standard BS5837:2012: Trees In Relation to design demolition and construction - Recommendations. BS5837:2012 now places an emphasis on 'evidence based planning' and accords with standard RIBA work stages. The standard now requires higher levels of competency and a more precautionary approach to tree protection.

This means that at the planning permission stage, the following information will have been completed and where appropriate submitted as part of the planning application for validation purposes:

1. Topographical Survey
2. Soil Assessment
3. Tree Survey
4. Tree Categorisation
5. Tree Constraints and Root Protection Areas identified to influence design
6. Arboricultural Impact Assessment including evaluation of tree constraints and a draft tree protection plan (BS5837:2012 para 5.4.3 provides all the details)
7. Issues to be addressed by the Arboricultural Method Statement - these issues will provide certainty of outcome for example details of special engineering within the Root Protection Area to test the feasibility of the detail at planning application stage

The British Standard identifies at para 5.2 *Constraints posed by Trees* that all relevant constraints including Root Protection Areas (RPAs) should be plotted around all trees for retention and shown on the relevant drawings, including proposed site layout plans. Above ground constraints should also be taken into account as part of the layout design

As outlined above, tree positions, crown spreads and root protection areas are shown on a plan attached to the tree report. Block plan 645/SYD/001 illustrates which trees are suggested for retention but is not cross referenced with their root protection areas and respective tree protection details. The two plans, whilst drawn at the same scale do not line



up when compared and there is no arboricultural impact assessment. As a consequence it is not possible to determine the direct or indirect impact of the proposed layout on retained trees.

For an application of this nature and to allow an assessment of the capacity of the site to accommodate the scale of development proposed, a tree constraints plan would normally be required to be shown accurately on the indicative site layout. To accord with the BS guidelines, it an arboricultural impact assessment in respect of the access should also be submitted. As submitted it was considered that an insufficient level of detail had been provided to adequately assess the impact of the proposed development on existing trees and that this should be sought prior to determination.

In response the applicant submitted an Additional Block Plan ref 645/SYD/001 Rev B. Although not supported by an Arboricultural Impact Assessment, this plan shows that the indicative layout could be accommodated without harm to retained trees. The proposal is therefore considered to be acceptable in principle in terms of its impact on retained trees, although in the event of approval comprehensive tree protection conditions are recommended.

### **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 Reading Agricultural Consultants which concludes that the application site is most likely classified as Subgrade 3b and is amongst the lowest quality land available on the fringes of Crewe. 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.

### **Affordable Housing**

The Councils Interim Planning Statement: Affordable Housing requires that in settlements with a population of 3,000 or more, provision of affordable housing will be required on all unidentified 'windfall' sites of 15 dwellings or more or larger or more 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. This proportion relates to the provision of both social rented and/or intermediate housing, as appropriate.

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 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 110

applicants on the housing register applying for social rented housing who have selected the Hungerford Road area in Crewe as their first choice. The needs of these applicants comprise 39 x 1 beds, 39 x 2 beds, 23 x 3 beds and 4 x 4 beds (5 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 on this site. In accordance with policy 30% of the total dwellings on site should be provided as affordable. This equates to up to 13 affordable homes and the tenure split of the affordable dwellings should be 65% social or affordable rent and 35% intermediate tenure.

According to the Planning Statement the applicant is offering 35% affordable housing at this site, and that the tenure split will be determined at a later date dependant on local need. The Interim Planning Policy: Release of Housing Land, states the affordable housing requirement for sites at the edge of Crewe will be 35%. However this is not applicable in this case as the site is located in the Green Gap in the Crewe and Nantwich Local Plan, which is excluded from the provisions of the Interim Planning Policy.

Although the Interim Planning Statement: Affordable Housing requires 30% affordable housing, Housing Officers have confirmed that they are happy to accept the increased 35% provision. The tenure split that is required is 65% social or affordable rent and 35% intermediate tenure.

The Affordable Housing Interim Planning Statement requires that the affordable homes should be provided no later than occupation of 50% of the open market units, unless the development is phased and there is a high degree of pepper-potting in which case the maximum proportion of open market homes that may be provided before the provision of all the affordable units may be increased to 80%.

It is the Council's preference that the affordable housing is secured by way of a S106 agreement, which requires the developer to transfer any rented affordable units to a Housing Association and includes the requirement for the affordable house scheme to be submitted at reserved matters and also includes provisions that require the affordable homes to be let or sold to people who are in housing need and have a local connection. The local connection criteria used in the agreement should match the Councils allocations policy. This is in accordance with the Affordable Housing IPS which states 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 that

*"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"*

## **Contaminated land**

The Council's Environmental Health officers have commented that the application is an outline application for new residential properties which are a sensitive end use and could be affected by any contamination present. As such, a Phase I desk study and walkover survey have been submitted with the application which recommends a Phase II site investigation. In accordance with the NPPF, they, recommend that conditions are imposed to secure a Phase II investigation.

## **Air Quality**

The site is not located within or close to any designated Air Quality Management Areas. Therefore, Environmental Health have raised no objection in principle on Air Quality grounds. However, they have recommended the submission and implementation of mitigation measures to minimise any impact on air quality arising from construction dust. This can also be secured by condition.

## **Noise Impact**

The site is located adjacent to the Hunters Lodge Hotel. Consequently, there is potential for noise disturbance to the occupants of the proposed dwellings resulting from entertainments at the hotel. Therefore, Environmental Health have recommended that no development should commence until an assessment of this potential impact and, if necessary, a scheme for protecting the proposed dwellings from noise has been submitted to and approved by the Local Planning Authority. All works which form part of the scheme shall be completed before any of the dwellings are occupied. This can be easily secured by condition.

## **Drainage and Flooding**

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

- The Crewe and Nantwich Strategic Flood Risk Assessment (SFRA) identifies the Site as lying within Flood Zone 1;
- The site would not therefore be affected by fluvial flooding during a 1 in 100 year storm event;
- Residential development of the type proposed on the site would be considered “*More Vulnerable*” in the Flood Risk Vulnerability Classification, detailed in Table 2 of the Technical Guidance to the National Planning Policy Framework;
- Based on this classification and the site confirmed as being within Flood Zone 1, redevelopment for residential use would be considered sustainable in terms of Flood Risk and in accordance with Table 3 of the Technical Guidance to the National Planning Policy Framework;
- EA Standing Advice and FRA Guidance Note 1 indicate that a site of this nature (Flood Zone 1 and greater than 1 hectare in area) should principally ensure that:

*“Proposals for surface water management that aims to not increase, and where practicable reduce the rate of runoff from the site as a result of the development*

*(in accordance with sustainable drainage principles, and the Local Planning Authority's published SFRA)";*

- A preliminary drainage strategy has been prepared for the site which indicates that it is possible to provide both a feasible FW and SW drainage solution;
- The FW drainage solution for the Site will comprise a pumped solution, with FW discharge outfalling into one of the nearby United Utilities sewers;
- SW run-off from the site will be split – a small area of the site will be directed to an existing pond to the north-west of the site, with discharge limited to existing Greenfield run-off rates, and the remaining majority of the Site will discharge to existing surface water sewers with discharge limited to 5 l/sec/ha;
- The SW drainage solution for the site is most likely to comprise a combination of attenuation and flow control techniques to ensure that SW run-off is managed in a sustainable manner and run-off from the development does not pose a risk to either property or occupants in all storm events up to and including the 1 in 100 year event +30% allowance for Climate Change

The report recommends that:

- Intrusive Ground Investigation / permeability testing is undertaken to confirm or otherwise the suitability of infiltration techniques across the Site;
- Cover levels and invert levels of the existing drainage within Sydney Road would need to be confirmed;
- Further consideration of the proposed drainage strategy at detailed design stage and consultation with the Regulatory and Approving Bodies.

United Utilities and the Environment Agency have considered the report and raised no objections subject to the imposition of appropriate planning conditions. It is therefore concluded that the proposed development will not adversely affect onsite, neighbouring or downstream developments and their associated residual flood risk.

## **Layout and Design**

The submitted indicative Block Plan (*drawing 646/SYD/001*) illustrates the potential form of the development and demonstrates a density providing up to 44 no. dwellings with appropriate allowance for 30% affordable housing provision and associated public open space areas. The Block Plan takes the form of an informal cul-de-sac network with an avenue opportunity to the hotel complex on the southern boundary and frontage opportunity for plots on the eastern boundary to take account of the open views over the adjacent countryside.

The vehicular access to the development is taken off Sydney Road as a new road junction incorporating a revised access to the hotel. The existing hotel access to Sydney Road will therefore be closed. 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 north and west of the site.

To turn to the elevational detail, the surrounding development comprises predominantly 1960's, 70's and 80's bungalows and detached dwellings to the north and west. The Hunters Lodge Hotel itself, which stands to the south of the site, is more vernacular in style. It has been heavily extended with a number of more modern and unsympathetic additions. A large modern, two storey, bedroom accommodation block has been built to the rear. Notwithstanding this, there is consistency in terms of materials with most dwellings being finished in simple red brick, and grey / brown slates / concrete / clay tiles. The predominant roof forms are gables.

According to the Design and Access Statement, the scale of the development would reflect that of neighbouring properties, being predominantly 2 storeys, with some dwellings being 2.5 storeys to add interest to the streetscene. The illustrative streetscene drawing (*drawing 545-SS-01*) demonstrates the likely massing & form of the development with a range of detached, semi-detached and terraced property types. 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 660sqm of shared recreational open space and 880sqm of shared children's play space which is a total of 1,540sqm of open space. The applicant states that the amount of open space to be provided within the site is to be agreed. However, the indicative layout shows approximately 900sqm. This would result in a shortfall of 640sqm in overall provision.

There a need to provide open space within the development, to ensure that the Local Plan Policy is met. This is supported by the fact that the Open Spaces Summary Report for Crewe shows that there is a shortfall of 34ha of children's and teenagers open space. However, it is possible that, as part of the open space provision for the site, a Commuted Sum could be paid, to compensate for the shortfall. It is understood that an existing equipped children's play area, off Lansdowne Road requires improvements,. There is currently insufficient equipment, and that equipment and safer surfacing that is there does not comply with European Standards.

It is therefore recommended that, in the event of approval, any Section 106 Agreement makes provision for 900sqm of onsite shared recreational open space, to be maintained by a private residents management company and a commuted sum of £50,000 to be paid to the Council for the replacement/extension of the existing children's play area 160m west from the proposed development, off Lansdowne Road.

### **Amenity**

It is generally considered that in New Residential Developments, a distance of 21m between principal windows and 13m between a principal window and a flank elevation is required to maintain an adequate standard of privacy and amenity between residential properties.

The layout and design of the site are reserved matters. However, the indicative layout demonstrates that 44 dwellings could be accommodated on the site, whilst maintaining these minimum distances between existing and proposed dwellings. It also illustrates that the same standards can be achieved between proposed dwellings within the new estate.

A minimum private amenity space of 50sq.m is usually considered to be appropriate for new family housing. The indicative layout indicates that this can also be achieved. It is therefore concluded that the proposed development would be acceptable in amenity terms and would comply with the requirements of Policy BE.1 of the Local Plan.

## 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:

- facilitate the survival of individual Members of the species
- Reduce disturbance to a minimum
- Provide adequate alternative habitats to sustain the current levels of population.

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 who has made the following observations:

#### Hedgerows

Hedgerows are a Biodiversity Action Plan priority habitat and hence a material consideration. If outline planning permission is granted it must be ensured that the existing hedgerows on site are retained and enhanced as part of any subsequent detailed site layout.

#### Badgers

No evidence of badgers was recorded on the application site. However, this species is active in the immediate locality. As badgers can excavate new setts within a short timescale, it is recommended that, if outline consent is granted, a condition be attached requiring any reserved matters application is supported by an updated badger survey.

#### Bats

It is unlikely that there is an active bat roost on site. The site, particularly the northern boundary is however used by commuting and foraging bats. The level activity has been assessed as moderate but is not unusually high for a rural site of this nature. To ensure that there is no significant impact on bats resulting from the development, the tree line along the northern boundary of the site should be retained and enhanced by a additional native species planting. Excessive lighting should also be avoided. These matters may be dealt with by means of suitably planning conditions.

#### Breeding birds, bird and bat boxes

If planning consent is granted it is recommended that conditions are attached to safeguard breeding birds and to ensure some additional provision is made for breeding birds and roosting bats.

#### Biodiversity offsetting

The habitats on site are of low value and do not present a significant constraint upon development. However the proposals may still result in an overall loss of biodiversity. It is therefore recommended the applicant undertakes and submits an assessment of the residual ecological impacts of the proposed development using the Defra 'metric'

methodology. This had been requested from the applicant's ecologist at the time of report preparation, and a further update on this matter will be provided to Members in due course.

An assessment of this type would both quantify the residual ecological impacts of the development and calculate in 'units' the level of financial contribution which would be required to 'offset' the impacts of the development to enable the total ecological impacts of the development to be fully addressed in a robust and objective manner. Any commuted sum provided would be used to fund habitat creation/enhancement works locally. The end result of this process is a development proposal that can be confidently assessed as being truly 'sustainable' in terms of ecology. This approach obviously has implications for the determination of the planning application in light of the NPPF.

### Conditions

If planning consent is granted the following conditions will be required:

- Retention of hedgerows as part of landscaping plan
- Breeding Birds
- Bird and bat boxes
- Updated badger survey
- Lighting details to be agreed with LPA

### **Education**

The Council's Education Officer has examined the application and concluded that any existing capacity within local schools to absorb the predicted pupil yield from the development has already been taken up by previously approved development. The development is expected to generate a requirement for 7 primary school places, and on the basis of the established formula, this equates to a financial requirement of £75,924. This can be secured through the Section 106 Agreement.

### **Highway Safety and Traffic Generation.**

A Transport Assessment has been submitted with the application which concludes that:

- The proposed development will be accessed by a safe, efficient and improved vehicular access arrangement.
- The proposed development complies with local and national planning policy.
- The existing pedestrian infrastructure located in the vicinity of the site will enable safe pedestrian movement between the development site and the wide range of local services located within this area of Crewe and the town centre.
- The site benefits from being located in close proximity to the bus stops located on Sydney Road which provides services that are ideally placed to cater for the needs of the development's residents and visitors.
- The traffic impact of the proposed development is considered to have an minimal impact on the junctions in the area.
- Based on the above it is the conclusion of this Report that there are no material reasons why the proposed development should not be granted planning consent on highways or transportation grounds.



The Strategic Highways Manager was still considering the submitted Transport Assessment at the time of report preparation and a further update on this matter will be provided to Members prior to their meeting.

## **9. CONCLUSIONS**

The site is within the Open Countryside where under Policy NE.2 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. However, the 2013 SHLAA shows that the Borough has an identified deliverable housing supply of 7.15 years and therefore the automatic presumption in favour of the proposal does not apply.

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

Whilst the proposal would not adversely affect the visual character of the landscape, it would result in erosion of the physical gaps between built up areas, and given that there are other alternatives sites, which are not subject to Green Gap policy which could be used to meet the Council's housing land supply requirements, the proposal is considered to be contrary to Policy NE.4.

Comments from the Strategic Highways Manager and the Council's Ecologist were awaited at the time of report preparation and a further update will be provided to Members on these issues prior to their meeting.

Following the successful negotiation of a suitable Section 106 package, the proposed development would provide adequate public open space, the necessary affordable housing requirements and monies towards the future provision of primary school education.

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

Whilst the site does not meet all the minimum distances to local amenities and facilities advised in the North West Sustainability toolkit, there is not a significant failure to meet these and all such facilities are accessible to the site. The development is therefore deemed to be locationally sustainable.

Whilst the proposal will result in the loss of some grade 3b agricultural land, this is not the best and most versatile agricultural land and it is considered that the benefits of the delivering the site for much needed housing would outweigh this loss, given that the site does not offer a significant quality of land.

However, these are considered to be insufficient to outweigh the harm that would be caused in terms of the impact on the open countryside and the Green Gap and as a result the

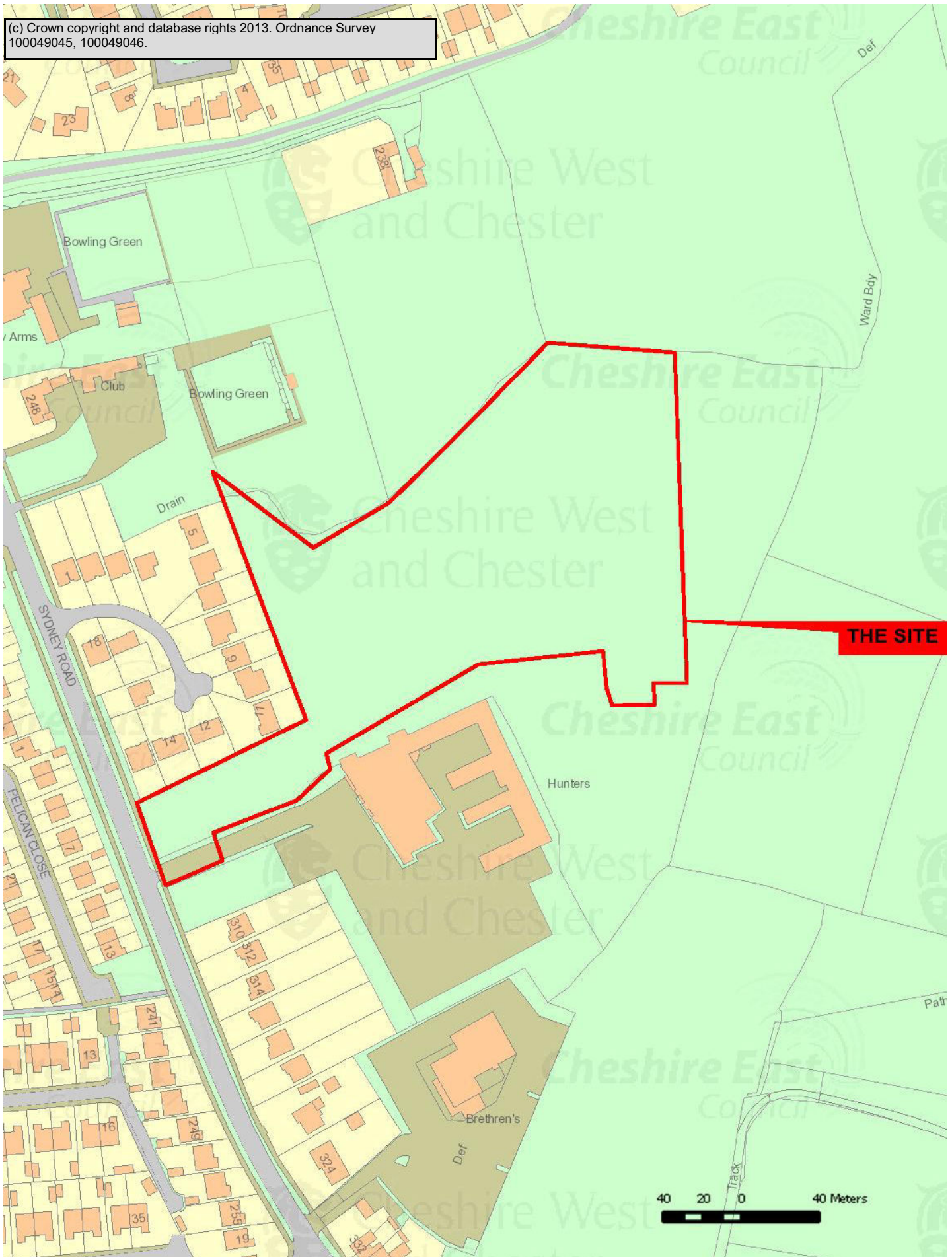
proposal is considered to be unsustainable and contrary to policies NE2 and NE4 of the local plan and the provisions of the NPPF in this regard.

**10. RECOMMENDATION**

**REFUSE for the following reason:**

- 1. 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.**

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