

Strategic Planning Board

Agenda

Date: Wednesday, 30th January, 2013
Time: 10.30 am
Venue: Council Chamber, Municipal Buildings, Earle Street, Crewe
CW1 2BJ

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

Please note that members of the public are requested to check the Council's website the week the Planning/Board meeting is due to take place as Officers produce updates for some or all of the applications prior to the commencement of the meeting and after the agenda has been published.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. **Apologies for Absence**

To receive any apologies for absence.

2. **Declarations of Interest/Pre Determination**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests and for Members to declare if they have a pre-determination in respect of any item on the agenda.

3. **Minutes of the Previous Meeting** (Pages 1 - 8)

To approve the minutes as a correct record.

4. **Public Speaking**

Please Contact: Sarah Baxter on 01270 686462
E-Mail: sarah.baxter@cheshireeast.gov.uk with any apologies or request for further information
Speakingatplanning@cheshireeast.gov.uk to arrange to speak at the meeting

A total period of 5 minutes is allocated for each of the planning applications for the Ward Councillors who are not members of the Strategic Planning Board.

A period of 3 minutes is allocated for each of the planning applications for the following individual/groups:

- Members who are not members of the Strategic Planning Board and are not the Ward Member
- The relevant Town/Parish Council
- Local Representative Groups/Civic Society
- Objectors
- Supporters
- Applicants

5. **12/3114N-Outline Application for Residential Development of up to 400 Dwellings, Local Centre of up to 700 sqm (with 400 sqm being a single convenience store), Open Space, Access Roads, Cycleways, Footpaths, Structural Landscaping, and Associated Engineering Works, Land South of Newcastle Road, Shavington & Wybunbury, Cheshire for Mactaggart & Mickel Homes Ltd (Pages 9 - 74)**

To consider the above application.

- a) **Update in relation to application 2/3114N-Outline Application for Residential Development of up to 400 Dwellings, Local Centre of up to 700 sqm (with 400 sqm being a single convenience store), Open Space, Access Roads, Cycleways, Footpaths, Structural Landscaping, and Associated Engineering Works, Land South of Newcastle Road, Shavington & Wybunbury, Cheshire for Mactaggart & Mickel Homes Ltd (Pages 75 - 88)**

6. **Outline Application for the Erection of 650 Dwellings, a Public House, a Local Shop and Associated Infrastructure and Open Space Provision Together with the Demolition of the Former Cross Keys Public House (Pages 89 - 104)**

To consider the above report.

7. **12/3905C-Outline application for up to 34 dwellings, including the creation of means of access to Hassall Road, Alsager, Land adjacent to Heath End Farm, Hassall Road, Alsager for Frank Evason & Mr Allan Key (Pages 105 - 128)**

To consider the above application.

8. **Proposed alteration to the minutes for application 12/3564N, Land off Vicarage Road, Haslington, CW1 5RR (Pages 129 - 134)**

To consider the above report.

9. **Report to amend the resolution on the reserved matters application ref; 12/2217C pursuant to Outline planning permission 11/1682C proposing full details for the appearance, landscaping, layout and scale for a residential development comprising 224 dwellings, internal access road, open space and landscaping on the Former Fisons site, Marsh Lane, Holmes Chapel (Pages 135 - 138)**

To consider the above report.

11. **Exclusion of the Press and Public**

To consider passing a resolution under Section 100(A)(4) of the Local Government Act 1972 to exclude the public and press from the meeting for the following item(s) of business on the grounds that it involves the likely disclosure of exempt information in accordance with paragraph 5, pursuant to part 1 of Schedule 12 (A) of the Act.

PART 2 - MATTERS TO BE CONSIDERED WITHOUT THE PRESS AND PUBLIC PRESENT

12. **Land Off Queens Drive, Nantwich (Pages 139 - 144)**

To consider the above report.

The Chairman has agreed that this can be added as an item of urgent business as the Board need to be aware of Counsels advice given the timescales prescribed by the Planning Inspectorate for the submission of evidence in respect of the forthcoming appeal.

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Strategic Planning Board**
held on Wednesday, 9th January, 2013 at The Capesthorne Room - Town
Hall, Macclesfield SK10 1EA

PRESENT

Councillor H Davenport (Chairman)
Councillor D Hough (Vice-Chairman)

Councillors D Brown, J Hammond, P Hoyland, P Mason, B Murphy,
C G Thorley, G M Walton, S Wilkinson, J Wray and D Newton

OFFICERS IN ATTENDANCE

Miss S Bishop (Planning Assistant), Ms S Dillon (Senior Lawyer), Mr A Fisher (Strategic Planning and Housing Manager), Mr B Haywood (Principal Planning Officer), Mr S Irvine (Development Management and Building Control Manager), Mr N Jones (Principal Development Officer), Mr R Law (Principal Planning Officer) and Mrs E Tutton (Principal Planning Officer)

117 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs R Bailey and Mrs J Jackson.

118 DECLARATIONS OF INTEREST/PRE DETERMINATION

In the interest of openness in respect of application 12/4067M, Councillor B Murphy declared that he lived close to the application site, but was not affected visually by the application.

During consideration of the same application, in the interest of openness, Councillor H Davenport declared he was a Member of Disley Parish Council, however he had taken no part in any discussions relating to the application.

Prior to consideration of application 12/3536C, Councillor J Wray declared a non-pecuniary interest by virtue of the fact that he knew the agent speaking on the application, as a result he left the meeting prior to consideration of the application.

During consideration of the same application, in the interest of openness, Councillor D Brown declared that he was a Member of Congleton Town Council, however he had not taken part in any discussions relating to the application.

119 MINUTES OF THE PREVIOUS MEETINGS

RESOLVED

That the minutes of the meetings held on 5 December 2012 and 6 December 2012 be approved as a correct record and signed by the Chairman.

120 **PUBLIC SPEAKING**

Consideration was given to the public speaking procedure.

RESOLVED

That the public speaking procedure be noted.

121 **12/4067M - JACKSONS EDGE SERVICE RESERVOIR, JACKSONS EDGE ROAD, DISLEY: REPLACEMENT SERVICE RESERVOIR AND VALVE HOUSE BUILDING, TOGETHER WITH A TEMPORARY MATERIAL STORAGE AREA AND A TEMPORARY CONTRACTOR'S PARKING AREA FOR UNITED UTILITIES**

Consideration was given to the above application.

(Paul Kuiper, an objector and Jason Boyd, the agent for the applicant attended the meeting and spoke in respect of the application.

RESOLVED

That the application be deferred to a future meeting of the Board in order to consider further detailed information in relation to the option concerning the use of the quarry as a possible storage site.

(This decision was contrary to the Officers recommendation of approval).

122 **12/3240W - DANES MOSS LANDFILL SITE, CONGLETON ROAD, GAWSWORTH, MACCLESFIELD, CHESHIRE, SK11 9QP: VARIATION OF CONDITION 47 ON APPROVAL 09/0761W - EXTENSION TO TIME FOR MR M HAYES, 3C WASTE LTD**

Consideration was given to the above application.

(Jack Tregoning, representing the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That for the reasons set out in the report to Board, the application be approved subject to:-

- (1) a deed of variation to the existing Section 106 Planning Obligation to secure the long term management of the adjacent Danes Moss Site of Special Scientific Interest and Danes Moss Landfill Site;
- (2) Planning permission should be granted subject to conditions covering in particular:-
 - All the conditions attached to permission 09/0761W unless amended by those below
 - Extension of time to 31st December 2014 with full restoration of the site within 12 months or no later than 31st December 2015
 - Continued maintenance of a Bird Management Plan

123 **12/2217C - FORMER FISIONS SITE, LONDON ROAD, HOLMES CHAPEL, CW4 8BE: RESERVED MATTERS APPLICATION PURSUANT TO OUTLINE PLANNING PERMISSION 11/1682C PROPOSING FULL DETAILS FOR THE APPEARANCE, LANDSCAPING, LAYOUT AND SCALE FOR A RESIDENTIAL DEVELOPMENT COMPRISING 224 DWELLINGS, INTERNAL ACCESS ROAD, OPEN SPACE AND LANDSCAPING ON THE FORMER FISIONS SITE, MARSH LANE, HOLMES CHAPEL FOR BELLWAY HOMES LIMITED & J S BLOOR (WILMSLOW) LIMITED**

Consideration was given to the above application.

(Mr Conor Vallely, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That for the reasons in report and in the update report to Board the application be approved subject to a further s106 Agreement, supplemental to the s106 Agreement which accompanied the outline permission. This supplemental agreement shall secure the following:

1. In respect of affordable housing
 - (a) 30% provision / 67 dwellings comprising
 - (b) the 57 x 3-bed houses and 10 x 2-bed houses shown on BHWL125/05
 - (c) split by tenure 65:35 i.e. 44 social/affordable rent and 23 shared ownership
 - (d) to be completed and transferred to a Registered Provider before more than 50% of the open market dwellings are occupied (within each phase if the development is to be constructed in more than one phase)
 - (e) designed to be visually indistinguishable from open market dwellings of similar size within the site and constructed in

accordance with the standards proposed to be adopted by the Homes and Communities Agency and achieve at least Code for Sustainable Homes Level 3

- (f) at a price discounted from open market value which will enable the Registered Provider to charge a target/affordable rent for the rented dwellings and to sell/lease the intermediate dwellings as shared ownership
- (g) prioritising the recycling of any affordable subsidy released after exercise of a tenant's right to acquire rented dwellings or staircasing of shared ownership dwellings for the provision of affordable housing within Holmes Chapel then Cheshire East.
- (h) reserving nomination rights and eligibility criteria based on housing need and a prioritised local connection cascade for (i) Holmes Chapel (ii) the Congleton Local Area Partnership wards – Dane Valley, Brereton Rural, Sandbach Town, Sandbach Heath and East, Sandbach Ettiley Heath and Wheelock, Sandbach Elworth, Middlewich, Alsager, Odd Rode, Congleton West and Congleton East (iii) Cheshire East
- (i) allowing mortgagee protection clauses for charges of the Registered Provider and, on standard HCA terms, for mortgagees of shared ownership dwellings allowing, with the prior consent of the Strategic Housing Manager, variation of plots and dwelling-types identified, types of intermediate tenures, alternative HCA products, temporary waiver of eligibility criteria on expiry of reasonable timescales, provided that the overall numbers and tenure splits of the affordable housing are retained.

2. In respect of Public Open Space

- (a) Provision of Amenity Greenspace as shown on planning layout drawing no. BHWL125/01 REV E
- (b) 2x Locally Equipped Areas of Play
- (c) To be completed and made available for public use in perpetuity in accordance with a specification to be approved by the LPA and transferred to a local residents management company prior to the occupation of 50% of the dwellings for each phase at nominal consideration
- (d) in accordance with a management & maintenance plan / schedule to be approved by the LPA before being first brought into use
- (e) maintenance and management plan / schedule shall be in force for the lifetime of the development together with transfer to the local residents management company of any other areas preserved as private open space, managed & maintained subject to M&M plan
- (f) With reference to the play equipment contained within the Landscape Specification (LDS217-LS) LEAP 2 shall include extra DDA inclusive equipment (unless any variation if first agreed

- i. Roleplay – Play Train replace with Inclusive roundabout
- ii. Climbers & Nets – Scramble net replace with Single Mast Activity Net

And subject to the following conditions:-

1. Standard
2. Approval for reserved matters relates only to Plots A & B (residential element of outline approval 11/1682C)
3. Approved Plans / amended plans
4. Notwithstanding detail shown – landscaping scheme to be submitted to show retention/management of area of woodland to south of site, retention of hedgerow along south-eastern boundary and supplementary planting along Marsh Lane frontage
5. Implementation of Landscaping Scheme
6. Retention of trees and hedgerows
7. Submission of Arboricultural Impact Assessment
8. Submission of Arboricultural Method Statement
9. Submission of Comprehensive tree protection measures
10. Materials to be submitted inc hard-landscaping and surfacing
11. Recommendations and mitigation within submitted Protected Species survey to be carried out
12. Breeding birds survey
13. Further contaminated land investigations / mitigation for Plot B (western portion of site)
14. Detailed design and construction drawings for the proposed access junction, related carriageway widening and footway provision and mini roundabout. Delivered prior to first occupation
15. Submission of Environmental Management Plan
16. Submission of existing and proposed levels survey
17. Removal of Permitted Development Rights Classes A-E on selected plots
18. Removal of Permitted Development Rights for openings including obscured glazing requirement on selected plots
19. A scheme for the storage of refuse bins to be submitted
20. No Ash trees to be planted on the mounding close to Marsh Lane
21. No construction parking to take place on Marsh Lane
22. Detailed drawings showing the following alterations to the scheme shall be submitted to and approved by the local planning authority before any work is commenced on site:

A roundabout and spur accessing the site or suitable practical alternative.

This part of the development shall only be completed in accordance with alterations thus approved.

(Prior to consideration of the following application, Councillors C Thorley and J Wray left the meeting and did not return).

124 **12/3536C - LAND EAST OF MEADOW AVENUE, CONGLETON, CHESHIRE, CW12 4BX: OUTLINE APPLICATION WITH ACCESS FOR ERECTION OF UP TO 14 NO. DWELLINGHOUSES WITH ANCILLARY FACILITIES AND ASSOCIATED INFRASTRUCTURE FOR MR ROBERT PEDLEY**

Consideration was given to the above application.

(Councillor D Topping, the Ward Councillor, Town Councillor Paul Bates, representing Congleton Town Council, Mr Light, representing SLATE (Stony Lane Action Team), John Saville Crowther, an objector and Russell Adams, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be refused for the following reasons:-

1. The development would create new residential development in the Open Countryside and is therefore not in compliance with Policies PS8 and H6 of the adopted Congleton Borough Local Plan First Review 2005.
2. The development would have an adverse impact on Badger habitat contrary to the requirements of Policies NR3 and NR5 of the adopted Congleton Borough Local Plan First Review 2005.
3. The development would have an adverse impact on highway safety contrary to the requirements of Policy GR9 of the adopted Congleton Borough Local Plan First Review 2005.

(This decision was contrary to the Officers recommendation of one of approval).

125 **DEED OF VARIATION TO THE SECTION 106 AGREEMENT FOR PLANNING PERMISSION 11/3956C**

(This item was considered after item no.10 which in turn was considered after application 12/3240W).

Consideration was given to the above report.

RESOLVED

That the Board approve a Deed of Variation for the S106 Agreement attached to planning permission 11/3956C to alter the location of the intermediate units on the site as set out in the report.

(The meeting was adjourned for lunch from 12.50pm until 1.30pm).

126 **ERECTION OF UP TO 65NO. DWELLINGS (OUTLINE) AT CREWE ROAD, ALSAGER**

(This item was considered after application 12/3240W. During consideration of this item Councillor B Murphy left the meeting and did not return until the meeting was adjourned for lunch and Councillor D Newton left the meeting and returned during its consideration, however did not take part in the debate or vote on the item).

Consideration was given to the above report.

RESOLVED

Having taken into account an additional consultation response received from the Health and Safety Executive, that the previous resolution in respect of application 12/0893C should still stand, with the addition of the following condition:

- Properties to be of traditional brick construction and no more than 12m in height.

The meeting commenced at 10.30 am and concluded at 4.20 pm

Councillor H Davenport (Chairman)

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Application No: 12/3114N

Location: Land South of Newcastle Road, Shavington & Wybunbury, Cheshire

Proposal: Outline Application for Residential Development of up to 400 Dwellings, Local Centre of up to 700 sqm (with 400 sqm being a single convenience store), Open Space, Access Roads, Cycleways, Footpaths, Structural Landscaping, and Associated Engineering Works

Applicant: Mactaggart & Mickel Homes Ltd

Expiry Date: 14-Nov-2012

SUMMARY RECOMMENDATION

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

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 large scale major development and a departure from the Development Plan.

1. SITE DESCRIPTION

The application site extends to 17.38 ha. The land is in agricultural use with arable use on the western open fields and pasture, including the keeping of horses on the smaller fields,

within the eastern part of the site. The site is surrounded on all sides by residential development including residential estates to the north across Newcastle Road, double-sided ribbon development to the west on Dig Lane, and a mix of double and single-sided ribbon development to the east on Stock Lane. To the north west of the site there is a small modern residential estate at Hunters Field occupying a roughly square area south of Newcastle Road and east of Dig Lane. Adjacent to this and excluded from the site is an area of retained agricultural land and two semi-detached properties which are in separate ownership.

The site straddles the boundary between Shavington-cum-Gresty and Wybunbury Parishes and is relatively level. A water course, the Cheer Brook, runs generally east to west across the site but has been culverted in the past.

The boundaries are very clearly defined and contained by neighbouring residential development with the exception of the small area of retained agricultural land to the north west, and east of the Hunters Field estate. The northern boundary fronts directly on to Newcastle Road which, before the construction of the A500 Shavington Bypass, was the main road between Newcastle and the M6 Motorway in the east and Nantwich in the west. Residential roads of Dig Lane and Stock Lane run respectively to the south-west and south-east of the site to complete the triangular definition of the land, with the site backing on to rear gardens of properties on Dig Lane, Stock Lane and also Hunters Field.

The site is made up of a number of fields of varying size. The larger fields occupy the western, central and southern parts of the site which is predominantly in arable use. The north-eastern part is smaller pasture fields and paddocks defined by hedgerows and fences. There are groups of hedgerow trees on the site and several isolated trees which have been identified and which can be retained.

There are a few buildings on the site which include one residential property and a small number of mainly modern agricultural and equestrian buildings. None of the buildings on the site are Statutorily Listed or on a local list of historically important buildings. The site is neither within nor adjoining a conservation area.

A public right of way footpath runs directly through the site on a north-south axis between Newcastle Road and Stock Lane.

The land immediately surrounding the site generally comprises of residential properties fronting Newcastle Road on its north side, Stock Lane to the south-east and Dig Lane to the south-west. Beyond Stock Lane and Dig Lane lies agricultural land whereas to the north lies the main existing residential area of Shavington.

The B5071 Stock Lane/Crewe Road/Gresty Road and the Newcastle Road form the main traffic routes in the vicinity of the site and provide connections with Crewe and Nantwich town centres. The B5071 provides access to the Strategic Highway Network via the A500 Basford, Hough and Shavington Bypass which connects to Junction 16 of the M6 Motorway and the Stoke-on-Trent/Newcastle conurbation to the east and the A51 connecting to Chester and the A55(T) to the north-west.

The site occupies part of a much broader flat landscape at approximately 60-65 metres above Ordnance Datum (AOD). In all directions the landform is very gently rolling at between 50 and 75 metres AOD and gives the overall impression of being a flat and relatively uniform area. A small number of minor watercourses and brooks (including Cheer Brook and Swill Brook) occur within slight depressions in this broad flat landscape.

The protected Wybunbury Moss nature area lies some 400m to the south of the site within a depression in the landform. This has Special Area of Conservation (SAC) status.

2. DETAILS OF PROPOSAL

The application is for a residential-led mixed use development comprising:

- a maximum of 400 dwellings,
- a local centre
- public open space
- associated infrastructure.

The development will include:

- a mix of open market and affordable dwellings,
- a network of interconnecting streets,
- linear green routes including pedestrian and cycle routes,
- a community hub/local centre, play area and village green on the Newcastle Road frontage,
- a park and nature conservation area in the west of the site.

The north-south footpath is proposed to be diverted through a protected green corridor as part of the scheme while entering and leaving the site on the current definitive map route.

Vehicular access to the site is proposed from two points off Newcastle Road. There will be additional pedestrian and cycle links including the existing public footpath across the site between Newcastle Road and Stock Lane, and other connections on to Newcastle Road. Details of the internal road layout and pedestrian and cycleway network will be addressed at reserved matters stage.

A mix of dwelling sizes, types and tenures will be provided including up to 30% affordable housing.

Lower densities are proposed on the western, southern and eastern edges of the development where the site adjoins existing rear garden boundaries. The core of the site and the Newcastle Road frontage areas and land around the community hub/local centre are proposed to be built to a higher density. The overall average density to deliver 400 dwellings is 31.7 dwellings per hectare on 12.6 net residential ha, excluding all areas of open space. The exact mix of densities and dwelling types can be determined at the reserved matters stage.

The dwellings will vary very slightly in height, with the significant majority (90%) of the new homes being 2 storey properties which are characteristic of the area. Taller buildings will be introduced at appropriate parts of the site

A mixed use community hub/local centre will be provided. This is proposed to be located to the east of the principal (eastern) site access on the Newcastle Road frontage. The community hub/local centre of 0.51 ha is proposed to adjoin a new play area and village green. It is intended to be complementary to the existing services in Shavington and this is reflected in the size of the proposal which is up to a maximum of 700sqm square metres. The envisaged uses include a neighbourhood foodstore of 400sqm and three smaller 100sqm units. There may also be residential development within the mixed use centre for example on upper floors or in freestanding units as part of a perimeter block design as part of the creation of attractive street frontages.

The proposals include a range of green spaces creating a green infrastructure network throughout the site. The green spaces are proposed to perform a range of functions ranging from formal recreation and play provision through informal recreation and amenity space to areas to be managed for their sustainable urban drainage and biodiversity roles. In total, the proposals provide a combined area of 3.97 ha of green space, providing a comprehensive landscape infrastructure across the site with areas of open space, tree and hedgerow planting and new habitat. The total usable area of open space proposed outside SUDS areas is 1.62ha The proposal includes an additional 0.25ha kickabout area within the large western SUDS area bringing the usable recreational area to 1.80ha and a further area of 2.17ha of open space is proposed on the site in the form of structural landscaping, additional SUDS and footpath corridors, making up the 3.97 ha total.

2. RELEVANT PLANNING HISTORY

There are no relevant previous planning applications relating to this site.

3. PLANNING POLICIES

Regional Spatial Strategy

Policy DP 1 Spatial Principles

Policy DP 2 Promote Sustainable Communities

Policy DP 4 Make the Best Use of Existing Resources and Infrastructure

Policy DP 5 Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility

Policy DP 7 Promote Environmental Quality

Policy DP 9 Reduce Emissions and Adapt to Climate Change

Policy RDF 1 Spatial Priorities

Policy RDF 2 Rural Areas

Policy L 1 Health, Sport, Recreation, Cultural and Education Services Provision

Policy L 2 Understanding Housing Markets

Policy L 5 Affordable Housing

Policy RT 2 Managing Travel Demand

Policy RT 3 Public Transport Framework

Policy RT 4 Management of the Highway Network

Policy RT 9 Walking and Cycling
Policy EM 15 A Framework For Sustainable Energy In The North West
Policy EM 16 Energy Conservation & Efficiency
Policy EM 17 Renewable Energy
Policy MCR 4 South Cheshire

Policies in the Local Plan

NE.2 (Open countryside)
NE.5 (Nature Conservation and Habitats)
NE.9: (Protected Species)
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)
RES.5 (Housing In The Open Countryside)
RT.6 (Recreational Uses on the Open Countryside)
TRAN.3 (Pedestrians)
TRAN.5 (Cycling)

National Policy

National Planning Policy Framework

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

4. OBSERVATIONS OF CONSULTEES

Environment Agency

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

Flood Risk

- The site is shown on Flood Maps as being within Flood Zone 1, which is low probability of river/tidal flooding.
- The submitted FRA explains that the discharge of surface water from the proposed development is to be restricted to 89.3 litres/second, which is acceptable in principle. Attenuation will be required for discharges above this rate up to the 1 in 100 years design event, which is to include allowances for climate change. The submitted

Illustrative Masterplan indicates that this attenuation can be provided within areas of Public Open Space on the site.

- The proposed development will only meet the requirements of the National Planning Policy Framework (NPPF) if the following measures, are implemented and secured by way of a planning condition on any planning permission.
 - a scheme to manage the risk of flooding from overland flow of surface water,
 - The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) from RPS, ref. AAC4908 Issue 3 dated 25/06/2012 and the following mitigation measures detailed within the FRA:
 1. *Limiting the surface water run-off generated by the proposed development, so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.*
 2. *Finished floor levels are set no lower than, the relevant 1 in 100 years plus climate change plus 600mm freeboard level.*

Ecology

- Development that encroaches on watercourses and ponds has a potentially severe impact on their ecological value. Land alongside watercourses and ponds is particularly valuable for wildlife and it is essential this is protected.
- Pleased to see that the 'Illustrative Masterplan 500_004' indicates that the applicant intends to leave a buffer zone around the watercourses and ponds on site and that they intend to position the green open areas next to the watercourses and ponds.
- Request planning condition is included on any approval to ensure a scheme is agreed to protect the watercourses and ponds on site and to provide a 5 metre wide undeveloped buffer zone around them measured from top of bank, top of bank is defined as the point at which the bank meets normal land levels.
- The undeveloped buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping; and could form a vital part of green infrastructure provision. The schemes shall include:
 - *plans showing the extent and layout of the undeveloped buffer zone.*
 - *details of any proposed planting scheme (for example, native species).*
 - *details demonstrating how the undeveloped buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan.*
- The proposed river channel and corridor shall be constructed in accordance with a scheme to include the following features:
 - *Detailed designs of new watercourse corridor within the site, which is fully integrated as part of overall scheme design, in such a way as to positively contribute to the nature conservation, landscape and amenity value of the site*
 - *Plans showing the extent and lay out of the undeveloped buffer zone between the new development and the stream.*
 - *This undeveloped buffer zone should be a minimum of 5 meters wide measured from bank top. Bank top is defined as the point at which the bank meets normal land levels. This zone should be without structure and domestic gardens*
 - *Details of planting schemes (for example native species)*

- *Details demonstrating how the buffer zone will be protected during development and managed/maintained over the long term. The Environmental Statement contains a management plan for the woodland areas, ideally there should also be a management plan for the watercourse and these two areas should be tied together.*
- The opening up of sections of the culverted watercourse is welcomed, as this will provide increased flood protection from the watercourse. The Lead Local Flood Authority, Cheshire East Council, will be able to confirm whether their consent is required for this under the Land Drainage Act 1991.
- The de-culverted watercourse should be integrated into the overall development by where possible positioning houses so that they are front facing to the view the new landscape asset. This will integrate the river into the development better. It will also reduce house owners from tipping garden waste and encroaching into the riparian corridor which would cause long term damage.
- Engineered river channels are one of the most severe examples of the destruction of ecologically valuable habitat. Culverts cause the loss of and adversely affect natural morphology, fisheries and wildlife habitat including substrate and they can create barriers to fish passage through increased water velocities, shallow depths and eroded culvert entrances. Watercourses are valuable features of the landscape for people and wildlife. They provide vital water resources and recreational assets for people and support a diversity of wildlife. We seek to restore and enhance watercourses to a more natural channel wherever possible.
- The NorthWest river basin management plan requires the restoration and enhancement of water bodies to promote recovery of water bodies. Watercourse restoration will promote the recovery of the waterbody, currently the catchment has been classified as having moderate ecological potential, however it needs to reach good ecological status by 2027.
- The Illustrative Masterplan 500_004 shows dashed blue lines but it does not indicate what these are in the key. These dashed blue lines look to be culverting of a watercourse.
- The Agency are generally opposed to culverting because it involves the destruction of river and bank side habitat and the interruption of a wildlife corridor, acting as barrier to the movement of wildlife including fish. Article 10 of the Habitats Directive states that wildlife corridor networks should be protected from development, and, where possible, strengthened by or integrated within it. The National Planning Policy Framework (NPPF) paragraph 109 recognises that the planning system should aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible.
- The Ecological Appraisal report (August 2012) includes records of water vole within 1 km of the proposed site. We also hold records of water vole on Cheer Brook downstream of the site, the non main watercourses on the proposed site are part of this watercourse and so could contain water vole. However the Ecological Appraisal report does not contain any assessment of the suitability of the habitat for water vole or any water vole surveys. If there is no disturbance to the watercourse and pond banks within the conditioned 5 metre undeveloped buffer zone then a water vole survey is not required. However if the applicant does intend to disturb the banks e.g. culverting, then a water vole survey maybe required.
- The water vole (*Arvicola amphibius*) is fully protected under Section 9 of the Wildlife &

Countryside Act, 1981 (Variation of Schedule 5, Order 2008).

Contaminated Land

- Based on the information provided it is concluded that the risks to controlled waters are low and therefore we have no requirements for further works at this time. However, if unsuspected contamination is encountered during the development we must be contacted to agree appropriate measures.

United Utilities

No objection to the proposal provided that the site is drained on a total separate system in full accordance with the FRA submitted.

Environmental Health

- The hours of demolition / construction of 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
- In addition to the above, the applicant shall submit a method statement. The piling work shall be undertaken in accordance with the approved method statement. The method statement shall include the following details: details of the method of piling, duration of the pile driving operations (expected starting date and completion date), prior notification to the occupiers of potentially affected properties and details of the responsible person (e.g. site manager / office) who could be contacted in the event of complaint
- Prior to its installation details of the location, height, design, and luminance of any proposed lighting shall be submitted and approved. The details shall ensure the lighting is designed to minimise the potential loss of amenity caused by light spillage onto adjoining properties. The lighting shall thereafter be installed and operated in accordance with the approved details.
- The applicant is proposing a mixed use local centre on part of the site, and as such, noise levels from any services plant shall be designed to be 10dB below the existing background noise level at the nearest residential property.
- The applicant has submitted an acoustic report with the application. The report recommends that mitigation is implemented to ensure that occupants of the properties are not adversely affected by road traffic noise from Newcastle Road.
- 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 a detailed scheme of noise mitigation prior to the development commencing.
- 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.

- The agreed scheme shall be implemented, and maintained throughout the use of the development.
- The applicant submitted an air quality impact assessment with the application. The report stated that the predicted impacts on pollutant concentrations as a result of the development were not predicted to be significant at any location in the immediate area surrounding the site. This is accepted. The assessment at this time, did not however consider the traffic and emission impact of the development on the Nantwich Road Air Quality Management Area (AQMA), due to being well removed from the area.
- It has become apparent from reviewing traffic data that there could be a reasonable impact on Nantwich Road, including the area of the AQMA. Traffic modelled evening peaks in 2015 and 2030 have predicted an increase in delay of up to 20% on Nantwich Road which could lead to increases in idling vehicles and emissions in the AQMA. The AQ assessment needs to take this into consideration and provide mitigation against any such increases.
- In addition, the travel plan should consider low carbon infrastructure such as the provision of infrastructure designed to support low carbon (and low pollution) vehicles.
- There is a potential for dust generated during the construction phase of the development to have an impact in the area. As such I would recommend that a condition be attached to the application to ensure there is no adverse impact by virtue of dust generation during the construction phases of the development.
- With regards to the Travel Plan associated with the development, it is recommended that low carbon infrastructure is also considered.
- The Contaminated Land team has no objection to the above application subject to the following comments with regard to contaminated land:
 - The application area has a history of agricultural and potentially infilled pond use and therefore the land may be contaminated.
 - 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 for contaminated land for the site. Comments were provided on this report and these are required to be addressed.
 - As such, and in accordance with the NPPF, this section recommends that the standard conditions should planning permission be granted.

Education

- A development of 400 dwellings will generate 65 primary aged pupils and 52 secondary aged pupils.
- Taking into account primary schools within 2 miles of the development and secondary schools within 3 miles of the development and includes information on numbers on roll, capacities and forecasts, cumulatively the primary schools are forecast to be oversubscribed by 2013. In light of this a contribution of $65 \times 11919 \times 0.91 = \text{£}705,009$ is required
- There is sufficient places available within the local secondary schools to accommodate the pupils generated by this development

Public Rights of Way Team

- Object to this development proposal.
- The development is to affect Public Footpath No. 11 Shavington-cum-Gresty and Public Footpath No. 21 Wybunbury, as recorded on the Definitive Map of Public Rights of Way
- The Illustrative Masterplan shows that it is proposed to divert the affected rights of way. As part of the route appears to be shown on what would become the adopted highway, this will in effect be a part diversion and part extinguishment of these footpaths. DOE Circular 2/1993 Annex D states that the use of estate roads should be avoided wherever possible and preference given to the use of made up estate paths through landscaped or open space areas away from vehicular traffic.
- It is noted that the majority of the proposed diversion does go through the green areas of the development but there are sections shown on the estate roads; this is likely to attract objections to a diversion order.
- The developer has not yet applied for a permanent diversion of the route under the TCPA 90, this must be done as part of the planning application.
- The PROW unit may consider withdrawing their objection once this application for a diversion is made and they have assessed the suitability of the new route.
- Meanwhile the developer should not interfere with the public right of way in any way
- Standard advisory notes should be added to the planning consent relating to the maintenance and protection of the right of way during the construction phase.

Countryside Access Team

- The proposed development would affect a Public Right of Way known as Public Footpath No. 11 in Shavington-cum-Gresty and No. 21 in Wybunbury, as noted in the application. The application details proposals to divert the public footpath and upgrade its width, surface and signage to provide a 'joint pedestrian/cycleway'.
- The principal of this upgrade is welcomed, in order to increase the permeability of the site and accessibility of services for pedestrians and cyclists. The detailed specification of width, surface materials, barriers and signage will need to be agreed with the Public Rights of Way department. A commitment to a management agreement will be required to maintain the condition of this asset.
- The legal status of the joint pedestrian/cycleway will require agreement also, be that a Public Footpath with permissive cycle access, a Public Bridleway or a Cycle Track. It should be noted that the diversion of the public footpath will require the confirmation of a diversion order under s 257 of the Town and Country Planning Act 1990. There is no provision to upgrade the status of a public right of way through such an order, with an upgrade requiring a separate legal process.
- The proposed diversion of the public footpath, as shown in the Illustrative Masterplan, aligns part of the diverted route within the green infrastructure of the development. This is supported and would go some way to reinstating the current footpath provision which forms a popular local walking route. However, it should be noted that the proposed diversion of the public footpath would, in effect, involve the diversion of part of the public footpath and the extinguishment of two other sections of the public footpath as these sections are proposed to run along roads, presumed to be adopted public highways.

- Any closure of the public footpath during construction will require a Temporary Traffic Regulation Order from the Public Rights of Way team, with a suitable alternative path to be provided, if feasible.
- The improved crossing facility for pedestrians on Newcastle Road is supported. However, consideration should be given to this facility being made available to cyclists in addition, so as to continue the cycling facilities to be provided within the site across the road. The provision of a toucan crossing at this location would extend the linkages across the road which could otherwise act as a barrier to cycling.
- The cycling isochrones map contained in the application documents, indicate that the services and employment options of Nantwich is within an anticipated cycling distance of the development site. There are cycling facilities between Nantwich and Blakelow, but at present no cycling facilities between Blakelow and the development site. Likewise, the services and employment options of Crewe are within the anticipated cycling isochrones, yet at present there is no continuous cycling facility between the development site and the town. Suggestions have been identified through the Council's statutory Rights of Way Improvement Plan to create these routes. Consideration should be given to the assessment and development of these facilities in order to truly link the development site to services and to encourage cycling as a mode of transport to reach those services.
- The inclusion of walking and cycling options within the Travel Plan Home Welcome Packs is supported.

Archaeologist

- Application is supported by an archaeological desk-based assessment,
- This study identifies some potential for Roman remains, largely on the basis of the discovery of three lead salt pans from the land to the north east, around the Swill brook, which are likely to indicate the presence of a Roman salt making site, perhaps similar to that excavated in Nantwich in 2001.
- A pre-determination geophysical survey would be an appropriate way to identify any areas within the application area requiring further archaeological mitigation. This advice is reflected in Paragraph 4.42 of the Planning Statement where it is stated that a geophysical survey will be undertaken in readiness for the determination of the application.
- The report has not been submitted but the consultant advises that there have been access difficulties on some of the land but that he has told the surveyors to do the areas that can be covered at present.
- The results are awaited and it is hoped that this should allow the identification of any areas requiring further investigation, with this work secured by condition.

Natural England

- This application is in close proximity to the Wybunbury Moss Site of Special Scientific Interest (SSSI) /Special Area of Conservation (SAC). However, given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be an adverse effect on this site as a result of the proposal being carried out in strict accordance with the details of the application as submitted.

- Natural England therefore advise that this SSSI does not represent a constraint in determining this application. This proposal does not appear to affect any other statutorily protected sites or landscapes, or have significant impacts on the conservation of soils, nor is the proposal EIA development.
- It appears that Natural England has also been consulted on this proposal to offer advice on the impact on a protected species. Natural England refer to their adopted national standing advice for protected species. Natural England have not assessed the survey for badgers, barn owls and breeding birds, water voles, widespread reptiles or white-clawed crayfish. Natural England is broadly satisfied that the mitigation proposals, if implemented, are sufficient to avoid adverse impacts on the local population of Bats and Great Crested Newts and therefore avoid affecting favourable conservation status. It is for the local planning authority to establish whether the proposed development is likely to offend against Article 12(1) of the Habitats Directive. If this is the case then the planning authority should consider whether the proposal would be likely to be granted a licence

Cheshire Fire and Rescue

- Access and facilities for the fire service should be in accordance with the guidance given in Document B of the Building Regulations 2000
- The applicant is advised to submit details of the water main installations in order that the fire hydrant requirements can be assessed.
- Arson is an increasingly significant factor in fires and construction sites are a major target. Would advise at this stage consideration is given to development of a fire risk assessment
- Would advise consideration be given to the design of the refuse storage areas to ensure it is safe and secure. If this cannot be achieved means for securing wheelie bins against the building should be provided.
- If planning approval is granted, the applicant should be advised that means of escape should be provided in accordance with current Building Regulations.
- Recommend fitting domestic sprinklers to reduce the impact of fire on people, property and environment and to avoid impact on business continuity.

Greenspaces

- No comments received at the time of report preparation

Highways

The Proposal

Mactaggart & Mickel have submitted an application for a residential development on an existing agricultural site in the south of Shavington. The application is for up to 400 dwellings as well as a local centre including a 400m² convenience store.

The site forms a triangle bound by Newcastle Road to the north, Stock Lane to the east and Dig Lane to the west. There are existing residential properties backing onto the proposed site along both Stock Lane and Dig Lane.

Accesses are proposed from Newcastle Road. Two of these will be priority T-junctions providing vehicular and pedestrian access, as well as a separate pedestrian access close a proposed puffin crossing of Newcastle Road. An emergency vehicle access is also proposed onto Stock Lane, which will double as a pedestrian access to maintain the existing public right of way which passes through the site.

The speed limit on Newcastle Road past the site between the junctions of Stock Lane and Dig Lane is proposed to be reduced from 40mph to 30mph.

The internal site layout is shown in the Masterplan and the TA states that it will be designed in accordance with the DfT's Manual for Streets. A small car park will be provided in the local centre.

Key issues

In the vicinity of the site the pedestrian provision is currently poor with no footway on the south side of Newcastle Road or crossing facilities provided. Newcastle Road is currently subject to a 40mph speed limit on the section past the site where the proposed vehicular accesses are to be located.

With regards to the traffic capacity of the network in the vicinity of the site there are two areas of concern. The corridor towards Crewe along Gresty Road is an existing capacity concern, particularly the junctions to the north of the corridor with Nantwich Road. Traffic Master delay data (below) shows the issues in both the morning and evening peak periods. Also, in the vicinity of the Nantwich Road/South Street junction at the northern end of the Gresty Road corridor there are a high number of accidents over recent years.



Morning Peak



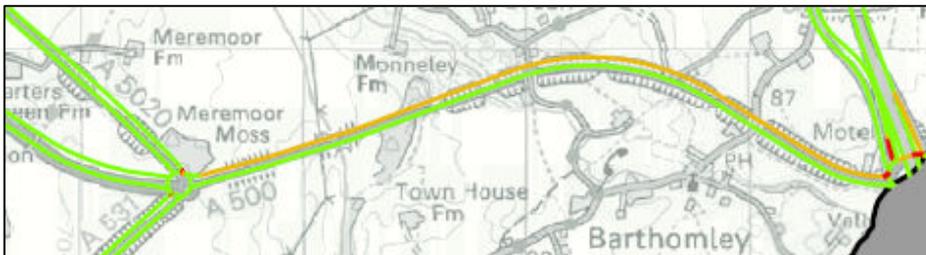
Evening Peak

The other corridor of concern is the A500 towards the M6 Junction 16. During the peak periods queuing occurs eastbound on this link towards the M6. This queuing can extend back

from Junction 16 through the roundabout junction of the A500/A5020/A531. The Traffic Master data below shows the extents of delays on this section of the network.



Morning Peak



Evening Peak

Site Assessment

Local road network

In considering the access proposals, the design conforms to current highway standards and is of sufficient width to serve 400 units. Adequate visibility would be available in both directions from the access points, as part of the site proposals it is proposed to reduce the speed limit on the section of Newcastle Road between Stock Lane and Dig Lane past the site to 30mph. A 2m footway is also proposed along the southern edge of Newcastle Road past the site as well as improved bus stops in this area.

A Puffin crossing is proposed on Newcastle Road which will allow crossing in the vicinity of the existing footpath through to Cameron Avenue. There is also a proposed uncontrolled crossing of Newcastle Road closer to the junction with Stock Lane.

The distribution of traffic at the site accesses shows all left turners using the western access and right turners using the eastern access. This is unlikely as any pass-by/diverted trips to the local centre would use the western access, as would residents in the western half of the site, whilst those living in the eastern half would use that access. However, given the results of the operational assessments it is not thought the change in distribution would cause either junction to exceed its capacity.

The percentage increase in trips on Main Road is in excess of 100% in some peak periods, however this is partly due to the quiet nature of the existing road. Main Road is a residential road with significant amounts of on-street parking on in certain locations. In these locations this could lead to congestion, severance and loss of amenity through this residential area.

No account of trips generated by the local centre (shop/health centre/pre-school) has been included in the assessment. It is likely that this will generate some diverted and/or pass-by trips which will impact on the operation of the site access junctions. Again, however there would appear to be sufficient capacity in the junction arrangements proposed to accommodate these additional movements. It is also not clear what the local centre will consist of and what volume of parking is proposed, the TA states a “small car park” will be provided. More information is required and parking will have to be agreed based on CEC’s emerging parking standards as a reserved matter

The proposed parking for housing appears acceptable.

The majority of residents will have to travel away from Shavington for work, leisure and entertainment. The existing public transport services are poor off peak / evening and as a result the developer has proposed to subsidise some improvement to the existing services. The developer has proposed a contribution of up to £215,000 towards this enhancement.

Strategic road network.

The Crewe SATURN model has been used to assess the impact of the development traffic and inform the flows required for the junction assessments. Due to the nature of the SATURN model there is an element of rerouting of traffic onto routes which may be considered unsuitable.

All committed and planned development within the area are included in the traffic model and the traffic included in the assessments,

It is expected that trips generated will be distributed across four key corridors:

- Newcastle Road to the Nantwich Bypass
- Rope Lane towards Crewe
- Crewe Road/Gresty Road to Crewe
- Newcastle Road or Crewe Road on to the A500 towards the M6

On these corridors there are a number of junctions that already suffer a significant amount of congestion throughout the day and particularly in peak periods. Of particular concern are the following junctions:

- A500/B5071 Roundabout
- Nantwich Road/South Street/Gresty Road
- Peacock Roundabout
- Alvaston Roundabout

Given the location of the development in relation to the strategic highway network, with good links to the M6, it could be expected to see commuters attracted to the development. As a result it is felt that there could be a larger proportion of traffic using the A500 route towards the M6, rather than the distribution used which reflects existing traffic patterns. This would affect the existing congestion issues on this link.

Also, with the expected distribution of traffic towards Crewe and the M6 the impact of the development traffic at the A500/B5071 Roundabout and Nantwich Road/South Street/Mill Street junction is expected to slightly worsen the existing capacity issues.

The developer’s modelling of the Nantwich Road/South Street/Gresty Road junction shows that the junction will operate within capacity in 2015 and 2030 both with and without the development in place. However, this junction currently operates over capacity in the peak periods and other busy times during the day (see Traffic Master data above). The traffic distribution shows an increase in traffic at this junction and also potential rat-running on the nearby residential streets to avoid the congestion which already occurs. As a result the operation of the Nantwich Road/South Street/Mill Street junction and Nantwich Road corridor in this area is an area of potential harm arising from the development.

An improvement scheme has been identified by the council at this junction which would cater for the additional traffic that this application would generate at this junction along with improving traffic flow along Nantwich Road. Developer contributions of approximately £290,000 have so far been secured towards this improvement though this currently leaves an estimated shortfall of £230,000.

Congestion on Nantwich Road/Gresty Road corridor would be further exacerbated without the delivery of Crewe Green Link Road. However, this is a committed scheme with planning permission – and being funded from central Government and the council.

The applicant has proposed a financial contribution of £75,000 towards either the planned Nantwich Road/South Street/Mill Street junction improvement or the construction of the Crewe Green Link based on the proportionate impact of the proposals relative to overall flows. However, from our assessments this improvement is necessary to mitigate the impact of the development and that this contribution falls short of the current funding gap.

Finally, based on the premise that the Council’s priorities for infrastructure (in this location) overall may be greater in respect of strategic transport infrastructure than full delivery of affordable housing at the local policy rate the applicant has proposed various levels of affordable housing which would allow for enhanced contributions towards strategic highway improvements in the area:

% Affordable Housing	Enhanced Strategic Transport Contribution
25	£400,000
20	£800,000
15	£1,200,000

If members were minded to accept an enhanced contribution towards the strategic transport networks that part of this would need to be earmarked to close any funding gap to enable the delivery of the South Street / Gresty Road junction improvement.

Conclusion

In the area local to the site around Shavington the network is expected to be able to cater for the expected increase in vehicle trips in terms of junction capacity, although on some local links an increase on the existing traffic levels is anticipated – though from a low base.

The improvements to Newcastle Road are likely to assist with the incorporation of the proposed development into the existing village, and mitigate the potential severance between the development and the rest of Shavington village. The proposed enhancements to the local bus services would be welcomed to serve any development and are considered to be sufficient to address any accessibility concerns of the proposal.

The cumulative impact of other committed sites has been effectively considered in the transport assessment and has been reflected in determining whether the mitigation from the proposed development is sufficient.

There are capacity concerns regarding some of the strategic junctions which traffic is likely to be routed through from the development. Particular concerns are the A500 corridor towards the M6, A500/B5071 Roundabout and South Street/Gresty Road junction, especially without the guaranteed delivery Crewe Green Link Road. The developer has proposed a financial contribution of £75,000 to address the impact of this derived from the proportionate impact of this development against existing and committed developments. It is noted that this is, on its own, insufficient to provide for the implementation of this scheme.

Consideration has to be given to whether the severity of the impact would warrant a refusal of the application. On balance, highways would have no objection subject to the full shortfall of funding (£230,000) being met from this development. If the proposed enhancement to funding strategic transport impacts is endorsed then the monies over and above what is required to deliver the junction improvement will be available to contribute towards the Crewe Green Link Road or the A500 link to the M6.

5. VIEWS OF THE PARISH / TOWN COUNCIL

Hough & Chorlton Parish Council

Strongly held view that this application has no valid grounds for approval and that the application should be refused for the following reasons:

1. Local Housing Needs

There is concrete evidence, including the recent Housing Needs Survey undertaken by Hough & Chorlton Parish Council that there is no foreseeable need for further housing development, in this area within the next ten years, which would justify building on this rural land.

This is green gap land and should only be developed where there is a proven local need. The most recent approvals for planning in Stapeley, Bridgemere, Reaseheath and Shavington more than meet local needs and so there is no case to approve further development.

This area is rural, not a “commuter settlement of modern housing estates” as is implied in this planning application. Moreover it is surprising to us to find it listed as a potential site in the Crewe Local Plan consultation exercise. We had been reliably informed by our local Councillor that this area comes under the jurisdiction of Nantwich and take great exception to the concept expressed in the local Crewe plan that this area would be seen as an ‘attractive’ gateway to Crewe. There is no obvious link to Crewe and to lose green belt land for this

purpose, goes against all of the Council's implied attitudes to using green belt land as a last resort.

2. Environment

There is clear evidence that if the development of this site goes ahead, it would result in significant loss of wildlife, including areas of habitat prioritised within the England Biodiversity Action Plan and that the ecological value of areas like the Wybunbury Moss, a site of SSI would be greatly diminished and potentially damaged once they were surrounded by houses.

The construction project alone would destroy the vital micro-habitat for wildlife and there is a significant danger that this disruption would drive away many protected and rare species.

On this basis alone, planning permission should not be granted.

3. Infrastructure

Our understanding is that PPPS 1 (Sustainable Development) seeks to create a sustainable, mixed community with good access to jobs and key services for all members of the community. It would appear that none of these factors has been incorporated into the rationale or supporting material for this application.

The site is prime Green Gap farmland. This proposal is a physical and visual intrusion into the open countryside, which is detrimental to the visual amenity of the villages surrounding it.

Furthermore, local schools are overcrowded already and public transport access is poor. We are about to lose the subsidy for the bus service to connect this area to Nantwich.

The sewers in this area are already notoriously over used and have constant problems of flooding.

Taking into account the amount of surface water generated from the proposed development and the current surrounding watercourses, this may cause flooding issues in the area. This drainage issue does also question the likelihood of potential damage to the Wybunbury Moss, as the water draining away could "starve" the Moss of its natural supply.

As such, the application fails to meet the infrastructure and sustainability criteria on any dimension.

4. Road Safety

The area is not served at all well by public transport, making it impractical for school or employment use. More houses will therefore mean more traffic, which is contrary to many of the planning guidelines for the development of Green Gap land. Existing pedestrian paths and cycle ways are well used for leisure, but will not in any way serve commuter purposes. Residents will have to rely on private cars and this will add significantly to the issues of road safety.

Our recent implementation of a SID in Hough village has identified road safety issues on the Newcastle Road and this application will exacerbate those and the traffic issues throughout Hough and Shavington.

5. Impact on and Contravention of existing planning policies.

It should also be noted that there are currently a number of current planning policies, white papers and government reviews taking place, which are very relevant to this proposed development and would further support refusing this application

6. Specific Proposals

We are disturbed to read that the developer is proposing to build structures with a maximum height of 10m around the perimeter of the site. A significant majority of the homes on Stock Lane and a majority on Dig Lane are single storey and this will have a significant adverse impact on these existing homes.

In summary, we believe there are no grounds to approve this application. On the contrary, the evidence is clear that it should not be approved and we strongly urge Cheshire East Council to refuse it

Wybunbury Parish Council

Listed below are the Parish Council Objections.

- It was refused inclusion in the 80's local plan by Michael Heseltine the then Secretary of State as it was outside the Crewe development area, being on the wrong side of the Newcastle Rd.
- It was again refused by the inspector for the Local Plan which is just coming to an end, on the grounds that it was good quality agricultural land & there was adequate land available within the Crewe town boundary with Brownfield land awaiting use.
- The Brownfield land is still not used up, there is an adequate amount to accommodate development within the old Crewe & Nantwich boundary without the use of good agricultural land.
- The facts stated in 3 are currently correct as per the document "Unleashing the Potential of Cheshire & Warrington", the RSS which was examined in public is still current. This is still a document that has not been revoked or superseded as Grant Shapps was challenged in the high court & had to let the current document stand until it was replaced. Therefore it must be considered when this application is looked at for approval.
- The RSS says that good agricultural land should not be considered if there are other sites that can be considered which comply with the criteria set out in the document.
- The RSS states that for the period 2003-2021, housing provision in the old C & N area should be 8,100 housing units with an average number of units per year of 450 with 60% of those built on Brownfield sites not Agricultural land.
- The infrastructure to sustain this development will put excessive pressure on the current, gas, electric, water, sewage system & the surface water disposal especially if some of the other proposed developments in Shavington are also approved in the next 12 months.
- To emphasize the surface water problem in December 2011 following a heavy rain storm the section of Dig lane by the sewage pumping station flooded to a depth of some 4 to 6 inches in water.
- On investigation by CEC highways division it was found that the ditch behind the pumping station required cleaning out. After some negotiation with the reluctant land owner the ditch was cleared but at the same time it was found that the ditch then feeds

into a piped section of small diameter so another future blockage is likely. We therefore dispute the developer's comments that the area intended to collect excessive surface water will be adequate to deal with any heavy rainfall within the new development; also if the outfall from the water collecting area is not adequate then the adjoining existing properties in Dig lane would be flooded.

- The pumping station in Dig lane has problems when there are periods of heavy rain as it also has to deal with surface water from a section of the B5071 which is pumped up from holding tanks in Moss lane along with the surrounding properties' sewage.
- The sewage system & pumping station were installed in the early 60s & designed to cope with the then demand. Some of the more recent approvals in the area have had to provide their own sewage treatment systems.
- The developer talks about the number of affordable properties that they will build along with enhancements to local facilities. These we would assume be under a 106 agreement or a CIL, but with this only being an outline application & with government proposals to reduce the number of affordable houses & the CIL contributions to local projects that developers need to build into their applications or can be approved as part of an application, their proposals look very optimistic at least & could be misleading to those looking at the application.
- The applicant talks about improvements to public transport. Who is going to fund it? CEC does not have the funds, or is it the developer & for how long or is their hope that the current operator will up his current service (no hard evidence to support it)
- The developer talks of shops & community facilities, there are adequate shops within easy walking range of the proposed development, the question is will the new shops effect the existing shop trade or will they never get built, but be replaced by even more houses
- The properties to be built are to house people who are going to work locally. Where when there are no new jobs on the scale to accommodate the people from this development, Will it be that, like other new estates in the old Crewe & Nantwich area they will mostly be dormitory houses for people who commute to either Manchester, Stoke or Birmingham?
- The land to be used is of good agricultural value & has been used continuously up to the present for producing mostly arable crops, with the remainder for grazing.
- Contrary to comment the land is not surrounded on all sides by houses only two sides have ribbon development & the third (Shavington) side has an open boundary to the Newcastle Rd except for a pair of cottages in the middle.
- Wybunbury Parish Council stated in its submission to the local plan Phase I that the parish only required a maximum of 30 properties over the next 20 years & these should be affordable or in-fill properties mainly within the village area itself. There should be no more large developments within the parish as stated in the parish plan for Wybunbury which was compiled by the parish plan group & confirmed by a recent housing needs survey compiled on behalf of CEC as part of their housing need demand survey for the borough.
- The land is also colonized by badgers & great crested newts & the mitigation measures proposed by the applicant would reduce the area where they could live & in the end lead to the eradication of this type of wildlife from their current habitat area.
- The loss to the local community of the views over open countryside & the walks over the fields towards Wybunbury will impact on the health & wellbeing of the local community as well as the residents surrounding the fields when there are adequate

Brownfield sites in Crewe without the use of this land, it is only developer lead not for the benefit of the community as the developer tries to contend.

- The contractor's aims became quite evident when they objected to a recent application in Shavington as they must have feared that if it was approved it could effect their application with regard to housing numbers in the area.
- This development is another intrusion into the open countryside & will be followed by the infilling of all the open land in Shavington.
- The Parish Council supports the views of the Triangle Group & residents surrounding the development as well as residents of the Parish of Wybunbury, Hough & Shavington & request that this application is refused outline planning permission.
- An Emergency access on to Stock Lane has now been added to the previous plans shown by the developer. How is to be controlled as an emergency access or will it become a rat-run or short cut onto the estate, this access is after a bad bend in Stock lane were the traffic Max speed is 40 mph.
- This development would split the Parish of Wybunbury into two separate communities which is not good for Neighborhood cohesion or Community involvement when the government policy is Community cohesion & good Neighborhoods.
- The majority of this site lies within the Parish of Wybunbury not in the Parish of Shavington. Wybunbury lies within the Nantwich LAP area, so any large development should be considered in conjunction with the Nantwich local plan not the Crewe vision plan as Nantwich Town is nearer than Crewe Town. The parish of Wybunbury has always been associated with Nantwich Town rather than Crewe Town. So this application should be considered along with plans for development in or around Nantwich.

6. OTHER REPRESENTATIONS

Local Residents Representations

Letters have been received making the following points:

Principle of development

Greenfield

- There are areas of Crewe with part developments, most notably near Morrison's, where work has been suspended 'mid build'. There is no necessity to build on 'Greenfield sites'
- There are plenty of Brownfield sites available to meet local housing requirements of Cheshire East without the need to build on Greenfield sites such as the Triangle.
- Loss of green space – the area is a Greenfield site. There are Brownfield sites within Crewe and Nantwich which should be developed in advance of any Greenfield site being lost
- This is green gap land and should only be developed where there is a proven local need.
- It is important to remember that it is more difficult to reinstate green field / agricultural land once used for building than it is to use the existing 'brown field sites' (unused shopping centres, public houses etc) for development of housing.

- Planning Application based on strong association with Shavington and Crewe, probably to facilitate and justify the development of 'green-field' land (which this is) instead of utilising other more suitable and locally available 'brown field' land.
- My understanding is that the land in question has been designated as 'green-field' agricultural land and as such forms part of the green belt areas deliberately maintained in this area to prevent the excessive urban sprawl of Crewe from spoiling the Cheshire countryside
- proposed site is designated as 'green-field' agricultural land
- There should be a continued commitment to more town housing, utilising suitable derelict or previously developed (Brownfield) land and buildings.
- The development is being put forward as urban under the Crewe plan, 75% of the land is Greenfield located in the rural village of Wybunbury Nantwich and should be under the Nantwich plan and should be dealt under rural planning guidelines. Development of the "Triangle" would be a contravention of CE current policy
- November 2010 SHLAA states that already 'in planning' and on Brownfield sites there were approx. 12,500 units available. Add to this 3000 empty homes in Cheshire East and the government requirement can be achieved without the need to build on Greenfield land.
- The planned 400 houses on the Shavington Triangle is but the tip of the iceberg of on-going designated-greenfield site destruction throughout the Crewe and Nantwich area.
- The majority of land is active agricultural land. Its maize crop is an active contributor to the UK food chain and I believe this should be preserved.
- Under the NPPF 2012 (page 18, para 77) The Triangle is eligible for Local Green Space designation and as such this application should be considered as inappropriate in this context.
- The land in question is prime agricultural land which is also covered within CEC's planning policy as not developable.
- In 1998 and the agricultural land quality was stated to be Grade 2. Such sites should not be lost to development
- The field has been assigned agricultural grade 2 and 3a by MAF and DEFRA on over 76% of its entirety
- The land is primarily grade 2 and 3a which means that *this proposed development contravenes the Crewe & Nantwich Replacement Plan 2011* which states that;
- *this application clearly contravenes the NPPF (Page 26 paras 111 and 112*
- Under the NPPF 2012 (page 18, para 77) The Triangle is therefore eligible for Local Green Space designation
- Development of the "Triangle" would be a contravention of Cheshire East current policy. As stated in Cheshire East documents linked to the "Triangle", "there would have to be a change of policy to approve the planning on this proposed development (Brownfield first then mixed sites.
- Within the saved Borough of Crewe & Nantwich Replacement Local Plan 2011 this site is designated as Open Countryside under PolicyNE.2.
- Should not be giving up arable land lightly in view of the world shortages of food production
- Farming land needed for food production to achieve self sufficiency and to reduce greenhouse gases

Character

- Wybunbury has been a small, rural area with historical and traditional roots and a proportion of the village and its quiet, peaceful nature is now to be affected in a negative way
- Why not expand the large towns rather than destroying the small rural villages that are part of the English tradition
- The preservation of the quality of life of the existing residents is a fundamental prerequisite of all the officers and employees of Cheshire East.
- We need to see the countryside as countryside and not as available space to dump unwanted housing.
- The whole site is separated from Shavington Village by the Newcastle Road which has historically provided a robust '*physical barrier*' identifying and separating two very distinct communities.
- Wybunbury (including the Triangle) reflects the village's medieval historical roots and its agricultural economy.
- This will permanently alter the unique characteristics of Wybunbury,
- Impact on existing Landscape and Built Character of area – the development will result in a change of landscape character from existing open arable fields with internal and boundary mature hedgerows, ponds, ditches and associated hedgerow trees to a largely built form.
- The size and scale of the development would have a significant effect on the size of the current villages of Shavington and Wybunbury and would merge the boundaries of the two areas.
- The land is open countryside which serves as a valuable buffer between Shavington and Wybunbury.
- Shavington is a succinct community with a quite different identity and separate from Crewe. This would double the size of the village substantially altering its character for ever.
- the effect of the development on the character of the neighbourhood

Need

- do not understand why there need to be more houses built when there are currently plans for building in the very close vicinity of Stapeley and many more in the Shavington area
- Is there any evidence that people would buy and that the demand is there?
- The five year target for housing in Cheshire East is 5750 new homes. In November 2010 there was potential for 8050 new homes on 'Brownfield' sites.
- There is concrete evidence that there is no foreseeable need for further housing development, in this area within the next ten years,
- There are houses in this area from small to large, whoever wants to live here, they can already...
- More homes and people will enrich our community.
- The number of houses on sale in the area around Crewe would suggest there is no shortage.
- There are currently more than 4,000 residential properties for sale within a 5 mile radius of Crewe, many of which have been on the market for some considerable time.

- There is certainly no demand for additional housing within the village of Shavington
- The number of dwellings specified in the proposal is far too many and is out of keeping with a “village” environment.
- A recent survey by Wyburnbury Parish council identified no requirement for anything other than minimal new housing

Other Points

- Further affordable housing should be built in the existing towns, not in between them as the plan seems to be..
- there is no demonstrated requirement for additional housing on this scale, affordable or otherwise, in this area.
- Current economic climate does not seem to support the development of housing
- development, it is neither wanted nor needed and is deemed be of no benefit to local residents;
- I challenge the numbers used by Cheshire East for the five year supply of housing it is not correctly calculated. On my calculations there are already enough approved plots to meet the five year total plus a considerable buffer
- One of the key principles of Planning Policy Statement 9 states “The aim of planning decisions should be to prevent harm to biodiversity and geological conservation interests”. Any development of this site would be in contravention of that key principle.
- PPS 1 (Sustainable Development) seeks to create a sustainable, mixed community with good access to jobs and key services for all members of the community. None of these factors has been incorporated into the rationale or supporting material for this application.
- The land is outside the settlement zone line on the last local plan
- It does not comply with the Interim planning policy as it is well away from the Crewe boundary
- it is not compliant with the council's Interim Planning Policy for the Release of Housing Land (IPP), nor the draft revised IPP;
- Should be dealt with under rural planning guidelines not urban.
- This site is enclosed on all sides with housing and is an excellent proposal.
- impacting on the tourism offer that links it to Nantwich’s ‘Hidden Gems’ visitor economy along the A51
- there is a definitive PROW footpath that runs through the site whose character would be lost
- it is an area of recreation, community engagement rich wildlife, tranquility and of particular “local significance” to all who live next to it or access it via the PROW.
- in the context of transport congestion. Basford West and Basford East already have employment land permissions which are due to commence imminently
- Change of Use - the development will result in a direct change of use from open countryside to built form.
- It would be nice to think that Cheshire East Council cares about its residents.
- decisions being made by a council too far away and not residing in the area concerned.
- Why should Cheshire East approve this application when it is so far away from existing places of employment
- Where will all these extra people work? Are they all to commute out of the area?

- The site is so remote from local facilities and workplaces that any new residents would be forced to use their cars for all commuting.
- It would deter people from using local facilities
- the selection of this site is obviously due solely to a shape on a map.
- The application's only contribution to community is yet another retail outlet.
- There would be a significant increase in noise and light pollution in the area.
- This area is rural, not a "commuter settlement of modern housing estates" as is implied in this planning application.
- The proposed Steel Works and associated heavy traffic would have adverse effect on rural area
- it is not just a case of 'not in my back yard' but a case of standing up for local people's opinions, rights and quality of life.
- Over 800 local people responded by letter to Cheshire East Council objecting to this development when it was first proposed. This, with the letters received now must surely cause the council to consider the viability of this proposal.
- would result in a two third increase in the population of the village which would be totally unsustainable!
- Recent sub-divided developments in East Cheshire have been very unsatisfactory and we do not want similar disaster in this area.
- This proposal is purely a speculative application from a developer who has no interest in actually developing this site themselves.
- The recent public exhibition at St. Mark's church hall in Shavington, made a proposal for a housing estate of several hundred houses on what would be called "Shavington East". If the Shavington Triangle were to go ahead, there would be virtually no case to prevent this other development.

Highways

- how are the village roads going to cope with such traffic
- It is estimated that the development could mean nearly 1000 extra cars using roads that could not cater with that amount at peak times.
- Development will add a predicted 950 cars,
- the village lanes accommodate local horse riders daily and the traffic has to move slowly to allow for safety on the roads.
- The Shavington bypass was constructed to alleviate traffic problems on Newcastle Road. It has helped a great deal but the road still has busy periods. A large increase in traffic from so many new homes would have an adverse effect
- The increase in the number of homes in Wybunbury from 620 to 1,181 will result in 950 additional private cars using local roads. Current traffic volumes already exceed Department for Transport guidelines for urban roads
- Any further increase to the volume of traffic will lead to more congestion on urban roads which are already in need of repair and updating
- The traffic projections submitted to support the application would seem to be inaccurate and misleading suggesting that current and proposed traffic levels are acceptable
- Will result in car accidents, congested roads and possible fatalities
- The building of houses on this land would lead to increased car use, congestion and pollution on roads which are already very busy and dangerous

- This will increase congestion at 9.00 and 3pm
- There is barely any car parking next to Wybunbury School so the cars will have to block the narrow roads as parents wait for their children
- There will be a flood of cars into the small village at 9.00am and 3pm, where there are narrow roads and there is barely any car parking near to Wybunbury Delves Primary School at the moment
- At the top of Dig Lane the footpath ends and children will not be able to walk to Wybunbury school from the new estate.
- There are long queues on all routes into Crewe and to the M6 on weekday mornings, which would be significantly added to by the development of this site
- The estimates given for peak time commuting seem unrealistically low, and no account is taken of other essential journeys, to schools and shops for example
- The development of this site would add an additional 1,000 vehicles to our already congested roads and the infrequent bus service means that public transport is not a realistic alternative..
- Existing pedestrian paths and cycle ways are well used for leisure, but will not in any way serve commuter purposes. Residents will have to rely on private cars and this will add significantly to the issues of road safety..
- Current traffic volumes already exceed Department for Transport guidelines. Existing routes into Crewe town centre, railway station and M6 are frequently congested.
- Any increase in traffic will result in local roads; Wybunbury, Shavington, Hough, Blakelow and Walgherton etc. being used as 'rat-runs'.
- Dig Lane which is narrow in parts and Stock Lane already used as rat-runs
- The most direct access to the Shavington by- pass from this development would be seen to be through Shavington either via Goodalls Corner on to Crewe Road or via 'the Elephant triangle' to Main Road, Rope Lane and Chestnut Avenue. These routes are already busy and use would also increase as they are routes to and from the primary and secondary schools etc
- Although the plans always indicate that traffic would not increase greatly as they include footpaths and cycle paths to encourage walking and cycling to work and school etc this is usually a 'myth' as the current ethos is to use cars for safety, speed and ease of travel especially with families.
- Pavements – many of these are not only narrow but are in poor condition and are also used by people walking with 'buggy's' dogs, wheel chair users etc
- Traffic calming measures – these could contribute to further danger on a busy road where speeding tends to be a problem
- On the subject of traffic calming I cannot see this being an option as Newcastle Road is used as a relief road when the bypass is closed when an incident occurs on the A500, which it has been on several occasions.
- A recent traffic survey by local residents has shown levels on Newcastle Road, Stock Lane, Dig Lane , together with Crewe Road and Rope Lane are already at high levels with serious traffic queues and delays.
- The congestion at the Nantwich road crossing is already significant and can only be exacerbated by such a development.
- Main Road Shavington would be a natural outlet for traffic from the development... adding to the already hazardous situation in the centre of the village
- Main Road/Rope Lane are busy enough already without extra vehicles using them.

- At peak times there are queues of traffic from the Newcastle Road on to the Cheerbrook roundabout, and lengthy queues back from the Sainsburys roundabout, often all the way back to the junction with the A534 and beyond. On the return journey in the evening there are often very lengthy traffic queues on the A530 up to the Sainsburys roundabout,
- many drivers already using Colleys Lane and Wistaston Green Road as rat runs to try to avoid the queues.
- queues of traffic stretching back down Gresty Road, sometimes as far back as the junction with Gresty Lane
- The alternative route into Crewe is through Weston and past Crewe Hall, but the traffic along that route often tails back all the way through Weston village.
- Any traffic heading to Crewe would have to go through Shavington either via Crewe Road or Main Road and/or the Greenfields Estate
- limited parking in these villages and often the roads are used for parking with the amount of dwellings proposed this can only get worse and possibly lead to more accidents
- Existing pedestrian paths and cycle ways are well used for leisure, but will not in any way serve commuter purposes.
- The character of the public footpath would be lost as it would not be across open countryside.
- To plan only two access/exit roads from the site onto Newcastle Road is ill thought out
- Newcastle Rd might have the capacity to take the traffic from the proposed development but because the site is on the south side of the village, not near the bypass, all traffic to crewe and the M6 will travel through the village
- The main road through the village is already congested with double parking which makes the centre of the village already very difficult to navigate

Transport

- There is not enough use of sustainable transport.
- The buses do not run often enough to allow for commuters and it is too far from the train stations to be able to walk.
- The infrequent bus service availability (hourly and two-hourly) will not encourage new residents to use public transport.
- The applicants plans for cycle and pedestrian footpaths will not serve any useful purposes in providing commuter travel to local workplaces, shops, schools and services.
- local school bus to Nantwich which already operates at full capacity often leaving standing room only
- The current public transport services are insufficient to meet the future demand if this proposal were to go ahead.

Infrastructure (Education / Health / Electricity)

- Class sizes are already high and a limit of 30 is needed to ensure that the children's needs are met.
- Is there a plan to build a new school, shops to allow for this influx of people

- Is there a plan to build a new school with sufficient parking for staff and parents on the new development?(Currently no parking is identified)
- Wybunbury infant/junior school is oversubscribed.
- The schools in the area already have a large number of children not gaining the places they want, this will only get worse
- Wybunbury has a small rural village school – this would be threatened if proposed development goes ahead
- local schools are overcrowded already and public transport access is poor.
- The local doctors surgery and schools have room to take more patients and children
- Medical care is already a real issue in the area, having to wait days for a doctors appointment
- Added pressure on emergency services
- There would be a requirement for additional healthcare facilities, schools and retail units. There is mention within the proposal of a 'single convenience store'
- this would put a considerable strain on existing infrastructure. It is estimated that additional effluent could amount to 45,000 tonnes per year.
- The existing infrastructure is struggling to cope with current usage, increasing the number of houses in the area risks overloading it further
- The sewers in this area are already notoriously over used and have constant problems of flooding
- In addition, local water supply pipes are inadequate for this size of development. Electricity supply around most of the surrounding area is by overhead line. Any development on the land would require significant investment in infrastructure.
- Gas and telephone services would come under pressure
- Additional shops on the development would only decrease the use of the existing shops further by dividing the custom and could therefore contribute to the closure leading to further decline of the village rather than enhancing it.
- Within the development the requirement to include space activities would require planned parking spaces.
- The area is already very well served with shops and services. The Co-operative, Nisa and the service station qll sell groceries. There is a Post Office, an Off-Licence, several pubs and farm shops. More shops are not needed.
- with some students coming into the village from elsewhere (Wistaston, Willaston, etc); local shopping is very limited and means that new householders on the site proposed will have to travel to Crewe, to Nantwich or to the Potteries for their shopping,

Drainage Flooding

- what measures would be put in place to protect local properties land from flooding
- if new houses and roads are constructed that will take away natural drainage.
- if built on and could move the flood water to areas that are not currently affected or able to cope with it
- The Environment Agency has already stated concern over potential flood risk in the area
- any development on this site would seriously increase the risk of flooding to our property and surrounding areas..
- I am extremely concerned that any development on this site would seriously increase the risk of flooding to my property and surrounding areas.

- Flooding is a major issue in Dig Lane – United utilities having been called out recently
- the surface water drainage from the field east of the site via a pond and culvert actually increases the proximity of the site drainage to just 180 metres from The Moss.
- We know the “triangle” field floods regularly in periods of wet weather, where will all the contaminated water run to?

Ecology

- Bats nest in trees on the site and if driven out may never return
- There are birds of prey that nest on the site
- Residents have found newts and seen Great Crested newts
- Badgers, foxes, hedgehogs, bats, frogs, toads, newts and numerous species of butterfly are also present on the site.
- Wildlife cannot be restricted to one small area; clearly they are living across the fields and will be destroyed when the new development begins.
- what will happen to open ditches which homes wildlife which surround existing properties
- Close by is Wybunbury Moss, a Site of Special Scientific Interest and a unique example of schwingmoor, of international importance subject to policy NE6
- Site of Special Scientific Interest, risks being adversely affected by the management of 730 tonnes of rainwater (per inch) falling onto hard ground and draining into local water courses
- Development of this site would result in significant loss of wildlife, including areas of habitat prioritised within the England Biodiversity Action Plan and that the ecological value of areas like Wynbury Moss, a site of SSI would be greatly diminished and potentially damaged
- Whilst the Applicant has attempted to show that this has been considered and there is no problem, the fact that until recently the Applicant was unaware of the nature/existence of Wybunbury Moss leads us to question his research and conclusion.
- Site provides an oasis for wildlife and a much needed area of green.
- Countryside protection policies would also be overruled if the new development was to go ahead as there is not enough use of sustainable transport
- This drainage issue does also question the likelihood of potential damage to the Wybunbury Moss, as the water draining away could “starve” the Moss of its natural supply.
- This triangle of land provides an important wildlife habitat and 56 species of birds have been recorded on the site in British Trust for Ornithology surveys, of which nine are on the Birds of Conservation Concern 3 (BoCC3) Red List having suffered a decline of more than 50% in the breeding population over the last 25 years. Several of these have actually bred on the site this year, and a further 14 on the Amber List.
- disruption would drive away many species, including some protected species which may never return
- many of the butterflies, moths and small mammals would disappear as their larvae are destroyed by the construction of houses.
- Development would be detrimental to wildlife

- The aim of planning decisions should be to prevent harm to biodiversity and geological conservation interest. Any development of this site would be in contravention of that key principal.
- Numerous species of birds visit my garden including pheasant, fieldfare, great spotted woodpecker and jay etc. Buzzards circle above and bats fly around in the evenings.

Trees / Hedges

- ingress into the natural landscape and loss of green belt, trees and hedgerows needed to ensure suitable nesting and feeding sites are available to numerous birds and mammals.
- The 'triangle' is a green haven, surrounded by ribbon developments. Large native trees, mature hedgerows and grassland provide a rich wildlife habitat. whose usefulness would be minimal if surrounded by housing.
- Within the site there are a significant number of large native trees, several very mature hedgerows and areas of grassland which provide a rich wildlife habitat for badgers, foxes, hedgehogs, bats, frogs, toads and great crested newts and numerous species of butterflies.. Loss of habitat means loss of wildlife
- We have contacted Natural England and we believe the hedgerow to the south of Huntersfield meets the criteria of 'ancient monument' in terms of its size and age. Your report states quite clearly that trees and existing hedgerows will be preserved and the privacy of the residents will be affected by its removal
- The proposal is misleading as it shows a mature hedgerow screening the development adjacent to Huntersfield, when in fact the hedgerow will be removed by the development.
- Trees play an essential role in the reduction of air pollution and carbon emissions and cutting down trees and paving over large areas can only cause negative effects on air quality

Amenity (Overlooking / overshadowing / construction noise)

- This proposal is a physical and visual intrusion into the open countryside, which is detrimental to the visual amenity of the villages surrounding it.
- Properties would be overlooked with loss of privacy and visual amenity. and loss of light or over-shadowing by taller buildings.
- There is a need to retain open space within the built environment.
- Visual Impact of Development - the site is surrounded on all 4 sides by residential dwellings which afford open expansive views toward and beyond the site. Currently from our properties in Huntersfield there are open views across the fields towards St Chad's Church Tower in Wybunbury. If the proposed development were to be approved this valued view would be lost.
- Resident of Cameron Avenue which faces the proposed development and strongly object to any development on this land. Any development at all will increase volume of people walking through the avenue from the development and will impinge on privacy within the avenue
- will have an adverse effect on the residential amenity of neighbours on Stock Lane, Dig Lane and Newcastle Road, by reason of increased noise and disturbance, loss of privacy, and overlooking of existing properties;

- the visual impact of the development detrimental
- the loss of amenity to local residents for walking;
- the loss of existing views from neighbouring properties would adversely affect the residential amenity of neighbouring owners;
- At the moment we have open aspect to the back and are not overlooked. We have been living at this address (Stock Lane) for 22 years. This planning Application will greatly impact on our privacy and lifestyle.
- The application also states some 10% of the homes would be three story town houses with a height of 13 metres, I see how these have ruined Nantwich and don't think there is any place for these in a rural village.
- Concerned that shops will attract traffic and noise from youngsters outside property
- the sheer size of the land concerned would effectively create a new village in itself and I am concerned that we would lose our ties to the Wybunbury Village community that we are proudly a part of.

Other matters

- Residents will have to sell their property (if it even sells!).
- They chose to move to a small, rural village which the Council now choose to overcrowd and turn into yet another 'mini town'.
- Residents paid for a Nantwich postcode, yet all of a sudden this is a Crewe extension area! How is this possible when the postcode states and costs a lot more!
- Sadly, rather than people moving to the area, they are instead leaving. concerned that the Scheme has got this Far, despite reassurances from Cheshire East, that there would be consultation with affected parties first
- Boundary between Shavington and Wybunbury, separate historical villages and they will in effect be merged into one mass of modern housing.
- Wybunbury has been a small, rural area with historical and traditional roots and a proportion of the village and its quiet, peaceful nature may now be affected in a negative way
- local house prices are affected due to overlooking a building site for several years.
- The Developers proposal states that the proposed development would be beneficial to both new and existing residence. There IS nothing beneficial about this proposed development.
- Building on this land would decrease the individual identities of the villages of Wybunbury and Shavington.
- This area is rural and not a 'commuter settlement of modern housing estates' as is implied in this planning application.
- We believe the Strip of land behind Huntersfield is common land and should only be used for grazing purpose only. It could be offered as local allotments
- The proposed dwellings are not of a design which is in keeping with the scale, character, or appearance of the area which is that of a rural village.
- why are we spreading out the village 'heart' centre?
- Rather than a community hub building perhaps the developers would consider including much needed 'sheltered type accommodation' for older residents so they can continue to live in Shavington.
- Have all other proposed development sites in Cheshire East been fully compared and evaluated on grounds of landscape sensitivity

- the lovely outlook my house has enjoyed for over 100 years would be destroyed completely and become just like any other housing estate in the UK.
- This development would destroy the enjoyment my family and I feel when walking or driving in this area, and simply leave it feeling like yet another over developed area of Cheshire.
- I live in Cameron Avenue which is across the road from the proposed development and I strongly object to any development on this land. There is an "entry" at the top of Cameron Avenue from Newcastle Road and any development at all will increase the volume of people walking through the Avenue and will impinge on privacy. I also feel that this will de-value the houses in the cul-de-sac.
- the residents would have to endure living next to a building site, which I was told by the developers would be ongoing for ten years.
- Cameron Avenue, a quite cul de sac will become a runway for hundreds of people to use as a thoroughfare with noise litter etc

McDire and Co on behalf of Taylor Wimpey

A letter has been received which concludes as follows:

- *We support the principle of residential development on greenfield land on the edge of Shavington and outside Green Gap. National Planning Policy points to a presumption in favour of development in such circumstances, particularly where East Cheshire Council does not have a 5-year supply of housing land plus at least 5%. However we do not consider that the Triangle site is the right site for new housing development in Shavington. We consider the Triangle site to be less sustainable compared with the East Shavington site which, for reasons outlined above, firmly indicate that East Shavington is sustainable by comparison. Our Master Plan proposals show that East Shavington will also deliver an equal, if not better, level of community uses such as footpaths, cycle ways, open space in a more central location in the village with more direct access to a greater number of village residents than the Triangle.*
- *As you know, proposals for the East Shavington site have been developed by the landowners and Taylor Wimpey in recent years in parallel with Shavington Triangle. We have always preferred to follow Local Plan procedures and timetables over recent years and have done that, but the application for Shavington Triangle site, which runs counter to the Local Plan programme, has altered the situation. Whether we continue to follow the Local Plan or submit a planning application it will always be our clients' intention to work closely with the authorities concerned and the local community*

Harris Lamb

A letter has been received from Harris Lamb which can be summarised as follows:

- We have had regard to the submitted material and in particular the supporting planning statement. Our client's principal concern about this case is that it relates to the release of a quantum of housing land which is inappropriate for the size of the settlement in the context of the overall settlement hierarchy for Cheshire East. This would create an unsustainable pattern of development, causing significant and demonstrable harm. In terms of the development, the site is not allocated for development and is outside of a settlement boundary. Therefore, its release would be contrary to the objectives of both the adopted RSS and the Local Plan

- The situation in Cheshire East is that the Councils proposals for its new Development Plan are at a relatively early stage. In this context the RSS is still of relevance as is the adopted Local Plan. Although the emerging plan and be afforded relatively little weight at this stage it is instructive to see how the Council is proposing to structure its strategic settlement hierarchy in this plan and the proposed in this regard have been available for some time
- It is noted that in the emerging document that Shavington can be regarded as one of the larger villages in Cheshire East. However, this means that it is in the third tier in the settlement hierarchy with the principal towns being Crewe, Macclesfield and the key service centres being represented by the market towns.
- Local service centres are expected to accommodate only modest growth in order to meet local needs

7. APPLICANT'S SUPPORTING INFORMATION:

- Travel Plan
- Transport Assessment
- Planning Statement
- Statement of Community Involvement
- Site Waste management Plan
- Services Enquiries
- School Roll
- Landscape and Visual Assessment
- Land Contamination Assessment
- Flood Risk Assessment
- Ecological Appraisal
- Desk based Archaeological Assessment
- Design and Access Statement
- Bird Survey
- Arboriculture Assessment
- Air Quality Assessment
- Agricultural land Assessment
- Acoustic 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.

Adopted Local Plan

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 these 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.

National Planning Policy Framework

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”.

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; and 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.

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.

It is considered that the most up-to-date information about housing land supply in Cheshire East is contained within the Strategic Housing Land Availability Assessment (SHLAA) which was adopted in March 2012.

The SHLAA has put forward a figure of 3.94 years housing land supply.

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

Accordingly once the 5% buffer as required by the NPPF is added, the Borough has an identified deliverable housing supply of 3.75 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.”*

The National Planning Policy Framework is therefore, a considerable material consideration which, given the lack of a Borough-wide 5 year housing land supply, contains a strong presumption in favour of the development.

Emerging Policy

The forthcoming Cheshire East Local Plan will set new housing numbers for the area and identify sufficient land and areas of growth to meet that requirement up to 2030. The Draft Development Strategy has been published for consultation at the start of 2013. However, in order that housing land supply is improved in the meantime, an Interim Planning Policy on the Release of Housing Land has been agreed by the Council. This policy allows for the release of appropriate greenfield sites for new housing development on the edge of the principal town of Crewe and as part of mixed development in town centres and in regeneration areas, to support the provision of employment, town centres and community uses.

It is acknowledged that this site does not comply with the requirements of the Interim Planning Policy. However, in respect of the Appeal at the Elworth Hall Farm site, the Inspector concluded that:

“The various LDF options for the spatial distribution of growth do not exclude housing away from Crewe – indeed in each case Crewe would take only about 37% of all growth. I appreciate that various other policy documents issued by the Council support the promotion of Crewe. However, to my mind the way in which the IPP exclusively focuses development in the town (with the exception of town centre schemes and regeneration areas) does not reflect the spatial vision in either RSS or the emerging LDF. This means I can afford it only limited weight.”

Conversely the Inspector attached considerable weight to the fact that the site had been identified in the SHLAA as deliverable (i.e. ‘available’, ‘suitable’ and ‘achievable’). He considered that:

“The SHLAA had been prepared under a robust methodology and should be afforded significant weight. Based on the evidence before me, it appears to have been compiled in accordance with nationally recognised good practice and has been accepted by the Council presumably after proper consideration and with due regard to the direction of its policy. Consequently I have no basis to put aside its overall finding that this is a suitable site for housing.”

The SHLAA 2011 identifies the current application site, as suitable - with policy change, available, achievable and developable. The SHLAA states that the site is sustainable, and this will be considered further below.

The site is identified in the Draft Development Strategy as a preferred option. The strategy envisages:

- *Provision of 300 new homes (at approximately 20-25 dwellings per hectare);*
- *Including 'housing to meet local needs', in line with Policy SC4 in the Emerging Policy Principles document;*
- *Small scale retail development in the region of 600-700sqm, for local needs;*

- *Provision of:*
 - *Community facility;*
 - *Take away / restaurant;*
 - *Incorporation of Green Infrastructure;*
 - *Provision of appropriate Open Space including:*
 - *Village Green;*
 - *Multi Use Games Area;*
 - *Equipped children's play area;*
 - *Outdoor gym; and*
 - *Allotments;*
 - *Community woodland*
- *Improvements to existing and the provision of new pedestrian and cycle links to connect the site to existing and proposed residential areas, employment areas, shops, schools and health facilities;*
- *Consideration of any impact on the Wybunbury Moss Special Area of Conservation (SAC) and RAMSAR site and implementation of any mitigation measures; and*
- *On site provision, or where appropriate, relevant contributions towards transport and highways, education, health, Green Infrastructure, open space and community facilities*

Loachbrook Farm Appeal

The Crewe Town Strategy considered a number of development options around the town and these were subject to consultation that closed on 1 October. The results of that consultation have been used to inform the Council's recently published draft Development Strategy and its sister document the Policy Principles, which were considered at a meeting of the Board on 6 December. The recommendation within those documents is that the application site is allocated to help to meet the strategic housing needs of Crewe.

Members should also be aware of the recent appeal decision at Loachbrook Farm Congleton. In this case, the inspector gave significant weight to the lack of a 5-year housing land supply and approved the development for up to 200 dwellings. In the Inspectors view, the site which is within the open countryside and a departure from the Local Plan, would harm the character and appearance of the countryside and would result in the loss of the best and most versatile agricultural land. However, the Inspector found that these issues were outweighed by the need to secure a 5-year supply of deliverable housing land that would also contribute to providing affordable and low cost housing.

In terms of prematurity the Inspector found that it would not be premature or prejudice the development of other sites. However, the Council is now challenging this decision via the high court and a decision on the case is still awaited. Equally a decision is awaited on the Abbeyfields application in Sandbach which also raise vital issues of prematurity.

Hind Heath Road Appeal

Notwithstanding the above, it should also be noted that, in the case of Hind Heath Road, the Secretary of State considered that the lack of 5 year land supply means that the relevant

policies for the supply of housing should not be considered up to date and that the presumption in favour of sustainable development is engaged.

The Secretary of State considered that, on balance, the proposal represented sustainable development, although there are factors weighing against the proposal. There were also factors weighing in favour, such as the significant shortfall in housing land supply and affordable housing, which the appeal proposal will help to rectify, resulting in economic and social benefits. He accepted that there would be environmental dis-benefits, including the loss of countryside, and conflict with specific development plan policies, but he agreed with the Inspector that the proposed development would be consistent with the spatial objectives of the development plan and that the significant need for housing outweighed the disadvantages of the scheme. In conclusion, he did not consider that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits in this case. In reaching his decision he has taken into account the concerns regarding prematurity and impact on the emerging Core Strategy and Sandbach Town Strategy.

Relationship of This Application to Recent Appeals

In this case a clear distinction can be drawn between those appeal proposals and the present application. Those applications relate to sites which are not allocated within the draft Development Strategy. The same cannot be said of the current proposal which is proposed as an allocation.

Conclusion

From the above, it can be concluded that:

- The NPPF is clear that, where a Council does not have a five year housing land supply, its housing supply relevant policies cannot be considered up to date. Where policies are out of date planning permission should be granted 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 Council does not have a five year supply of housing. As such the presumption in favour of sustainable development should apply.
- This applies on a Borough-wide basis.
- The site does not comply with the Interim Planning Policy. However, previous Inspectors have afforded this document very little weight.
- Inspectors have attached considerable weight to the SHLAA, in which the site is considered to be sustainable available, suitable and achievable

- The site is identified as a preferred site for development within the draft Development Strategy.
- Inspectors and the Secretary of State have viewed favourably small scale additions to the urban area which have limited impact
- Even in the case major urban extensions which form a much larger incursion of built development into the surrounding open countryside, such as Loachbrook Farm (although this decision is currently subject to challenge) and Hind Heath Road, the Secretary of State has found that any adverse effects are outweighed by the need to secure a 5-year supply of deliverable housing land that would also contribute to providing affordable and low cost housing. In terms of prematurity, the Secretary of State found that development of the sites would not be premature or prejudice the development of other sites.

In the light of these decisions and the primacy of the NPPF in the light of the lack of a 5 year housing land supply, it is considered that a refusal of planning permission for this site on the housing land supply grounds would not be sustainable.

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

The 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	Land opp. Rose Cottages, Somerford
Open Space:	Amenity Open Space (500m)	0m
	Children's Play Space (500m)	0m
	Outdoor Sports Facility (500m)	0m
Local Amenities:	Convenience Store (500m)	0m
	Supermarket* (1000m)	3760m
	Post box (500m)	817m
	Playground / amenity area (500m)	0m
	Post office (1000m)	817m
	Bank or cash machine (1000m)	597m
	Pharmacy (1000m)	2023m
	Primary school (1000m)	1563m
	Secondary School* (1000m)	1639m
	Medical Centre (1000m)	2023m
	Leisure facilities (leisure centre or library) (1000m)	1639m
	Local meeting place / community centre (1000m)	955m
	Public house (1000m)	700m
	Public park or village green (larger, publicly accessible open space) (1000m)	1696m
	Child care facility (nursery or creche) (1000m)	1563m
Transport Facilities:	Bus stop (500m)	355m
	Railway station (2000m where geographically possible)	5538m
	Public Right of Way (500m)	18m
	Any transport node (300m in town centre / 400m in urban area)	18m
<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).

On the basis of the above assessment the proposal does not appear to be sustainable. However, at an Appeal in Clitheroe, an Inspector stated that:

“accessibility is but one element of sustainable development; it is not synonymous with it. There are many other components of sustainability other than accessibility. The concept includes such matters as meeting housing needs in general and affordable housing in particular; ensuring community cohesion; economic development; ensuring adequate provision of local health facilities and providing access for recreation in the countryside”.

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 supporting documentation submitted with the application does not provide any detailed information on sustainable design. This is not surprising as this is an outline application, with a masterplan that seeks to establish only broad development and design principles. However, it is suggested that a sustainable design strategy/plan be required (by condition). This should set out the approach to delivering sustainable design objectives including:

- passive environmental opportunities,
- performance of fabric and reduction in carbon production and water consumption,
- the use of renewable/low carbon energy,
- the scheme’s design response to climate change adaptation
- other soft environmental measures.

The requirements of the RSS policy and a detailed scheme can therefore be secured as part of the reserved matters 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.

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.

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, in terms of its location, and accessibility the development is relatively unsustainable. However, 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.

Overall, the current lack of a five year housing land supply, the fact that this site is located predominately within the infill boundary line, and the economic growth benefits are considered, on balance, to outweigh the limited conflicted with local plan policy in terms of the scale of development, and the lack of sustainability in locational terms, the adverse impacts of which are not considered to be significant or demonstrable.

Loss of Agricultural Land

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

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

The applicant has submitted an agricultural land classification study which concludes that:

- *The agricultural land on the site comprises a mixture of mainly grades 2 and 3a with smaller areas of grade 3b land.*
- *Whilst the agricultural land on this site does comprise a proportion of grades 2 and 3a "best and most versatile" land as defined in the NPPF, the loss such land on this site and the importance to be attached to it should be viewed within the context of the following key considerations:*
 - *the quality of the land on this site is typical of much of the land to the south of Crewe and of land that has been developed for housing and other development uses within the vicinity of the site, where the quality of the land has not been considered to be an overriding consideration within the planning balance in terms of its agricultural productivity, only 10 ha (58%) of the site is currently being used for agricultural production. This represents less than 0.007% of the total County agricultural area*
 - *the area does not comprise a local or regionally important specialist agricultural unit and the loss of this small area of productive land from a single larger farm holding would not affect the continued operation of this enterprise*
 - *the likely agricultural productive use of the site is limited by the presence of housing development all around it, the location of a well used footpath located centrally north of south across it, and the location of the farming enterprise associated with this land being located several miles from the site. The setting*

of the site and public access arrangements make it unlikely that the intensive agricultural land uses associated with the definition of grade 2 land would be likely to be established here and therefore that a cropping regime more typical of the grade 3a land definition would be likely to continue within the productive areas of the site

- *the proposals include the retention of areas which can continue to be used for community based agricultural production, including allotments 0.17 ha and community orchards 0.4 ha.*

The applicant has also argued that, as set out in the accompanying Agricultural Resources Report, the limited elements of best and most versatile agricultural land within the site are constrained by its land-locked nature, separation from the main farm unit and the urban fringe location. The evidence from DEFRA demonstrates there is a very high level of best and most versatile agricultural land in south Cheshire in less constrained conditions which will remain unaffected by the development. No precedent will be set for development on other areas of countryside around Shavington and Wybunbury beyond the containing framework provided by Dig Lane and Stock Lane.

They consider that only limited weight should be attached to Policy NE.12 given the shortfall in the housing land supply and the implications of the NPPF which state that, in such circumstances, relevant policies should be considered as out of date.

Previous Inspectors have taken a similar approach to this issue at Appeal and determined that the need for housing land supply outweighs the loss of agricultural land. A such officers agree with the applicant's argument in this area.

Provision of Local Centre

The proposal includes provision of a local centre comprising a total of 700sqm square metres of retail floorspace made up of a neighbourhood foodstore of 400sqm and three smaller 100sqm units.

The site lies outside the town centres of Crewe and Nantwich, as defined in the Local Plan, where Policy S.10 states that major retail developments will be permitted only if all of a number of criteria are met. According to the supporting text major proposals for the purposes of this policy will be regarded as those with a gross floorspace of over 2500 sq. m.

Similarly, the NPPF states that local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. However, it goes on to state that local planning authorities should only require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq m).

The Local Plan policies have been saved. As a result, it is concluded that the proposal is in accordance with the up-to-date development plan. The total floorspace within proposed local centre would remain under the 2,500sq.m. Therefore, under the provisions of both the Local Plan Policy and the NPPF, it is not necessary for the developer to demonstrate that there is a proven need for the development; a sequential approach to site identification has been

followed; or that the proposal, either by itself or together with other shopping proposals or developments, will not harm the vitality or viability of another shopping centre. Furthermore, the proposed local centre would improve considerably the sustainability credentials of the site. The revised proposal is therefore acceptable in terms of retail impact.

Affordable Housing

The site is located in both the Shavington and Wybubury Parishes. The Councils Interim Planning Statement for Affordable Housing states that the Council will seek affordable housing on all sites with 15 units or more, and the general minimum proportion of affordable housing for any site will be 30% of the total units. However it also states that for rural settlements with a population of less than 3,000 that the Council will negotiate for an appropriate element of affordable housing on all sites of more than 3 dwellings or larger than 0.4ha in size, and that the minimum proportion will generally be 30%.

The Strategic Housing Market Assessment 2010 shows that for the sub-area of Wybunbury & Shavington, there is a requirement for 31 new affordable homes each year between 2009/10 – 2013/14. This is made up of an annual requirement for 5 x 1 bed, 10 x 2 bed, 4 x 3 bed and 7 x 4/5 bed dwellings. There is also a need for 4 x 1/2 bed older person's accommodation.

In addition to the information taken from the SHMA 2010, Cheshire Homechoice, which is used as the choice based lettings method of allocating social rented accommodation across Cheshire East, indicates that there are currently 102 applicants on the housing register who have selected either Shavington or Wybunbury as their first choice. The number of bedrooms these applicants require are 28 x 1 bed, 44 x 2 beds, 20 x 3 beds and 5 x 4 beds (5 applicants haven't indicated the number of bedrooms they need)/ 25% of the applicants who need a 1 bed and 16% of applicants who need a 2 bed have state they would accept a flat.

To date, there has been no delivery of the affordable housing required between 2009/10 – 2013/14 in the Wybunbury and Shavington sub-area. Therefore, as there is affordable housing need in Wybunbury and Shavington, there is a requirement that 30% of the total units at this site are affordable, which equates to up to 120 dwellings. The Affordable Housing IPS also states that the tenure mix split the Council would expect is 65% rented affordable units (either social rented dwellings let at target rents of affordable rented dwellings let at no more than 80% of market rents) 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.

Although this is an outline application and the type and tenure of the affordable housing has not yet been submitted Housing Officers suggest that the mix of affordable housing units be based on the housing need information taken from the SHMA 2010 and the housing register should be 25% x 1 bed, 40% x 2 bed, 20% x 3 bed and 15% x 4 beds.

As this is an outline application Housing Officers can only comment on the information provided, which is that the planning statement states that 30% affordable housing will be provided. Of the affordable element, 65% would be provided as rent (social or affordable) and 35% as intermediate tenure. If the application is approved therefore, the affordable housing requirements for this site are as follows:

- 30% of the dwellings should be affordable, this equates to up to 120 dwellings.
- The tenure split of the affordable housing required is 65% rented, 35% intermediate tenure, which equates to 78 dwellings provided as either social or affordable rent and 42 dwellings provided as intermediate tenure.
- The mix of affordable homes should ideally be 25% x 1 bed, 40% x 2 bed, 20% x 3 bed and 15% x 4 beds.
- Affordable Homes should be pepper-potted (in clusters is acceptable)
- The affordable homes should be built to the standards adopted by the HCA at the time of development and achieve at least CFSH L3
- The affordable homes should be provided no later than occupation of 50% of the market dwellings unless the development is phased, in which case 80% of the market dwellings can be occupied.

These requirements could 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 site offers the opportunity for sustainable travel to a range of different facilities and land uses. The site connects with the existing network of pedestrian footways that operates within the Shavington area, offering the opportunity for potential residents to undertake journeys to a number of different facilities / land uses and to public transport stops on foot. Cycle facilities are provided within the Shavington and Wybunbury area which, when combined with the existing road network, facilitate cycle trips to and from the site. The site is situated within a reasonable walking distance of bus stops located on Newcastle Road, Stock Lane and Greenfields Avenue which are served by bus routes providing access to locations such as Crewe and Nantwich.*
- *The development proposals include measures to improve sustainable transport link within the area. A joint pedestrian / cycleway will be provided through the site which will link onto footways running along Newcastle Road and Stock Lane. Facilities including a Puffin crossing, an uncontrolled crossing with central refuge and a footway running along the southern side of Newcastle Road will be provided as part of the proposals. The speed limit along Newcastle Road will be reduced from 40mph to 30mph to reduce traffic speeds along the road and to create a safer environment for all road users. The proposals also involve the improvement of waiting facilities at 2 bus stops situated on Newcastle Road and the provision of funds to enable evening bus services between Newcastle Road, Nantwich and Crewe to be operated.*
- *A total of 28 injury accidents have been recorded within on the local highway network over the latest 5 year period. Analysis of the accident locations and causes does not indicate that there are any significant clusters or common causes to suggest any significant road safety concerns. Considering the levels of vehicular trip generation estimated to result from the development proposals, it is concluded that the proposed development is not likely to significantly increase accident rates on the highway network and therefore no road safety improvements, in addition to the proposals along Newcastle Road, are proposed as part of the development.*
- *The operation of the existing highway network has been assessed based on surveyed traffic flows and a SATURN model using two future assessment year scenarios. The*

SATURN modelling report concludes that the development proposals will result in a generally minimal impact on the highway network. Following detailed assessment of junction capacity levels on the 'local' and 'strategic' networks the conclusion that the proposed development will have a minimal impact on the operation of the highway network is maintained. The provision of mitigation schemes to enhance highway capacity levels in the area are therefore not considered to be warranted.

- *It is therefore considered that, in transportation terms, there are no overriding or sustainable reasons why the development proposals should not be approved.*

Through the application and recent discussions the applicant has agreed to:

- Underwrite the cost of introducing evening bus services between Crewe and Nantwich via Shavington (effectively extending the existing day time service) up to a maximum cost of £215,000.
- Contribute £85,000 towards upgrading existing bus stops on Newcastle Road and other improvements and crossing facilities at Newcastle Road to encourage and promote sustainable travel.
- Contribute £75,000 towards either a planned improvement of the northern end of the Gresty Road corridor into Crewe and / or the construction of the Crewe Green Link based on the proportionate impact of the proposals relative to overall flows.

In addition, based on the premise that the Council's priorities for infrastructure overall may be greater in respect of strategic transport infrastructure than full delivery of affordable housing at the local policy road, the applicant invites the Council to consider the following options in respect of affordable housing provision and enhanced financial contributions towards strategic highway improvements in the area.

Affordable Housing %	Enhanced Strategic Transport Contribution
25	£400,000
20	£800,000
15	£1,200,000

This approach has been considered to be appropriate in the case of other large scale proposals and the developer expresses a preference for this approach on the basis of third option which would result in an overall strategic transport contribution of £1,275,000 in the context of 15% affordable housing.

The Strategic Highways Manager has raised no objection to this proposal and it is considered that this will provide an acceptable compromise between the provision of affordable housing necessary to create of a mixed and balanced community and the mitigation of highway impacts.

Contaminated land

The developer has submitted a Phase 1 desk study for contaminated land, the findings of which concludes that

- *The site currently consists almost solely of Greenfield. A farm house and associated barn are located towards the eastern end of the site. A third farm building is identified towards the northern boundary of the site adjacent to Newcastle Road*
- *The site is situated within an area dominated by residential properties*
- *The site is underlain by superficial deposits comprising Glaciofluvial Deposits which are classified as a Secondary A Aquifer over low permeability Glacial Till. The underlying bedrock comprises the Wych Mudstone Member which is described a structureless red brown mudstone and is classified as a Secondary B Aquifer. The low permeability clay is likely to provide significant protection to the underlying Secondary B Aquifer*
- *Several small streams and ponds are situated on site and in the immediate vicinity. The streams drain towards the west and enter the River Weaver approximately 2km to the west of the site. These surface water courses represent moderately sensitive receptors.*
- *A detail historical maps review indicates that the site and surroundings remained largely undeveloped with the exception of residential properties. No medium to high risk land uses have been identified on the site or in the immediate vicinity. No potentially significant contamination sources were identified on site or in the immediate vicinity during the site visit.*
- *Based on the findings of the report the risk associated with soil and groundwater contamination to human health and controlled waters receptors is considered to be low.*
- *No site investigation or further environmental risk assessments are considered to be necessary prior to redevelopment.*

The report has been examined by the Councils Environmental Health officers, who have accepted its conclusions and raised no objection subject to the imposition of conditions requiring an updated contaminated land Phase I report to assess the actual/potential contamination risks at the site to be submitted. Should the updated Phase I report recommend that a Phase II investigation is required, to be carried out and the results submitted to, and approved in writing by, the LPA. Should the Phase II investigations indicate that remediation is necessary, a Remediation Statement to be submitted. The remedial scheme in the approved Remediation Statement must then be carried out and a Site Completion Report detailing the conclusions and actions taken at each stage of the works, including validation works, shall be submitted prior to the first use or occupation of any part of the development.

Air Quality

The developer has submitted an Air Quality Impact Assessment which concludes as follows:

- *The assessment has considered nuisance dust effects during the construction phase and the air quality effects due to the operation of the proposed development. In addition, the suitability of the proposed development site for its intended use in the context of air quality has also been considered.*
- *A risk assessment of construction-related effects has been undertaken using the GLA Best Practice guidance. The assessment of air pollution during the construction phase suggests that the impacts are likely to be in the high risk category, without mitigation. Impacts during the construction of the proposed development, such as*

dust generation and plant vehicle emissions, are predicted to be of short duration and only relevant during the construction phase. Implementation of mitigation measures set out in the London Best Practice Guide for high risk sites should reduce the impact of construction activities to medium, or even low.

- *Detailed atmospheric dispersion modelling has been undertaken for the first year in which the development is expected to be fully operational, 2017. Pollutant concentrations are expected to be below the relevant objectives at the façades of existing and proposed receptors. Changes in pollutant concentrations associated with the operation of the Proposed Development at existing receptors are not expected to be significant. Using professional judgement, the overall significance of effects is considered to be 'negligible'*
- *The Proposed Development does not conflict with measures set out in CEC's Air Quality Action Plan. There are no constraints to the development in the context of air quality.*

The Environmental Health officer has examined the report and accepted the majority of the conclusions, subject to conditions relating to the submission of a scheme to minimise dust emissions during construction.

However, Environmental Health also comment that the assessment, did not consider the traffic and emission impact of the development on the Nantwich Road Air Quality Management Area (AQMA). It has become apparent from reviewing traffic data that there could be an impact on Nantwich Road, including the area of the AQMA. Traffic modelled evening peaks in 2015 and 2030 have predicted an increase in delay of up to 20% on Nantwich Road which could lead to increases in idling vehicles and emissions in the AQMA. The AQ assessment needs to take this into consideration and provide mitigation against any such increases. This can be secured by condition. In addition, the submission of a travel plan to encourage low carbon infrastructure such as the provision of infrastructure and sustainable travel to reduce the Air Quality impact should also be the subject of a condition. Subject to the imposition of the above conditions, it is not considered that a refusal on air quality grounds could be sustained.

Noise Impact

The developer has submitted with the application an Acoustic Report. The report states that:

- *Prevailing noise levels at a proposed development site have been recorded, and an assessment of the site made in relation to BS 8233:1999.*
- *A noise model has been created to predict the impact of existing road traffic on the site.*
- *The site is subject to varying levels of environmental noise, predominantly attributable to road traffic on Newcastle Road.*
- *Due to this, noise impact, specific glazing and ventilation will be required in order to provide attenuation capable of enabling the criteria to be achieved.*
- *It is considered that suitable internal noise levels within habitable rooms could be achieved by specifying appropriate glazing and ventilation systems.*
- *If installed correctly, to the above specification, and in accordance with manufacturers' recommendations, such glazing and ventilation can enable the required internal acoustic environment to be achieved within the proposed development.*

- *Noise levels across the vast majority of the site are very low during daytime. Properties located near to the Newcastle Road are subject to a higher level of noise exposure.*
- *Noise levels over the majority of the site are very low during the night-time, with those properties adjacent to the Newcastle Road subject to slightly higher levels.*
- *This site is generally subject to very low levels of noise impact, and therefore considered ideal for residential occupation.*

The report has been examined by the Councils Environmental Health officers. They have accepted its conclusions and raised no objection subject to the imposition of conditions requiring full details of proposed mitigation measures to be submitted, approved and implemented. As a result, it is not considered that a refusal on noise grounds could be sustained.

Drainage and Flooding

The applicant has submitted with the application, a detailed Flood Risk Assessment (FRA). The findings of the report can be summarised as follows:

- *The proposed residential development on Land South of Newcastle Road, Shavington and Wybunbury has been assessed with regards to flood risk.*
- *Hydraulic modelling has indicated the flood plain resulting from the 1 in 100 year + cc and 1 in 1000 year rainfall events.*
- *It has been illustrated that the development will not increase flood risk elsewhere.*
- *The measures proposed to deal with the effects and risks are appropriate.*
- *The exception test is not required for this assessment as the majority of the development site is located within Flood Zone 1. A small area adjacent to the water course is located within Flood Zone 2, and the development has a vulnerability classification of "more vulnerable". Areas within Flood Zone 3 are not proposed for development.*
- *Other origins of flooding have also been assessed and it has been found that there will be no increase in risk of flooding from land, groundwater or sewers as a result of this development.*
- *There are no anticipated negative impacts associated with the proposed development. Positive social, economic and environmental impacts will result from the proposed development provided mitigation measures outlined in Section 5 are adhered to.*
- *The Environment Agency have provided approval in principle to this report.*
- *The proposed on site drainage system will be suitable to attenuate flows up to and including the 1 in 100 year + 30% rainfall event.*
- *Space has been created within the development concept to provide areas for the storage and treatment of surface water.*
- *The discharge rates through the existing outfall culvert will not be increased by the proposals.*
- *The onsite sewers will be offered to United Utilities for adoption under a Section 104 agreement.*

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 applicant has submitted a comprehensive Design and Access Statement, the content of which is largely supported in design terms. The comprehensive nature of the statement from a design perspective should also be noted. This will form a sound basis upon which to further manage design quality, should the scheme be considered acceptable.

Whilst sample layouts are provided to test certain parts of the site (a sample from each character area), it would have been preferable to see a testing layout for the whole site to better examine the potential of the framework to accommodate the upper number proposed in the application. With this in mind, the Council's Design Officer has concerns that when it comes to the Reserved Matters stage the 400 unit maximum figure could lead to a more cramped scheme than is suggested by the information in the D & A statement, or may impinge upon strategic design objectives set out in the statement. It is therefore suggested that a reduction in the maximum number should be considered to ensure that the character of the development is in tune with its surroundings (a reduction in the region of 10% is considered appropriate). This could be secured by condition.

The Newcastle Road frontage currently has an open character and is opposed by lower density housing with reasonable sized frontages. The Design and Access information identifies this area as part of "character area 2", which is higher density (33-45 dph) but notes that the Newcastle Road frontage would be 20-32dph. The Council's Design Officer has commented that he understands the urban design rationale for a higher density centre but the fringes should reflect the relationship and character of nearby housing and of the local environment. Therefore, it is suggested that the front block onto Newcastle Lane be re-defined as character area 1 with the associated density parameters for that block reduced. This would contribute toward the suggested reduction in numbers discussed above and the detail could be agreed at the Reserved Matters stage. Around the shared boundaries with existing properties it is suggested that further greening take place to help soften the relationship. This could be achieved through the Reserved Matters layout and the landscaping conditions.

In terms of design quality, it is suggested that a condition be attached to refer back to the detail in this Design and Access Statement and that it also require further design information to be provided as part of the Reserved Matters.

Built heritage

There are no designated heritage assets in proximity to the site. A couple of more historic, former farm properties on Newcastle Road and off Stock Lane may be deemed of some local interest. In proximity to these it is suggested that enhanced landscape be secured around the boundary to further soften the relationship. This could be secured at the Reserved Matters stage as part of the detailed landscape scheme

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. A minimum private amenity space of 50sq.m is usually considered to be appropriate for new family housing.

The layout and design of the site are reserved matters and it is considered that the dwellings could be accommodated on the site, whilst maintaining these minimum distances between existing and proposed dwellings, particularly in light of the suggested reduction in numbers referred to above. It is also considered that the same standards can be achieved between proposed dwellings within the new estate and adequate amenity space could be provided for each new dwelling.

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.

Countryside and Landscape Impact

The Council's Landscape Officer has considered the application and commented that the site landscape is dominated by a mix of farmland fields of varying sizes and its landscape character is strongly influenced by the surrounding settlement edge uses and activities. The site is enclosed on all sides by existing residential development, apart from the northern boundary along Newcastle Road, which has an open, partly hedged boundary, with residential development along the northern side of Newcastle Road – overlooking the proposed development site. The site is strongly influenced by the existing settlement edges around the boundary and the Landscape Officer would agree that visually the site is very well self contained with a ZVI (Zone of Visual Influence) that is limited to the existing surrounding residential properties, the public footpath and Newcastle road to the north.

There are no landscape designations on the application site and the Landscape and Visual analysis correctly identifies that within the Cheshire Landscape Character Assessment the site is located within the boundary of an area of Urban landscape type, this is surrounded by the wider 'Lower Farms and Woods' Landscape, specifically Character Area 7 Barthomley Character Area. Although the site displays some of the characteristics of the Barthomley Character Area and would presumably historically have been part of that character area, the site has been physically isolated from the wider landscape type because of the development of housing around the whole of the perimeter of the site, along Newcastle Road, Stock Lane and Dig Lane.

The existing remaining hedgerows and field boundaries are in variable extent and condition. The Landscape Officer would agree with the assessment's view that the existing landscape is in a poor to reasonable condition, with noticeably poor hedgerow condition, gaps in hedgerows, particularly along the Newcastle Road boundary and also a number of post and wire boundaries within the site. The landscape condition and landscape sensitivity of the site have both been assessed as Low / Medium. It is considered that the site has the landscape capacity to accommodate future residential development, providing that this is well planned and takes due account of the existing landscape characteristics and features of the site.

This is an outline application and although a Concept Plan (RPS Drg No. 500_004) has been included, the Landscape Officer is of the opinion that in the development of a site Masterplan, the key objectives of the Landscape Framework proposals as identified (5.4), should be addressed, namely:

- Respect existing landscape and townscape characteristics of the site (principally the mature trees and some hedgerows) ;
- Conserve and enhance the vast majority of the existing mature trees and any notable hedgerows as an integral and structuring part of the Landscape Framework;
- Minimise any potential adverse landscape or visual effects through the application of best practice design principles and careful attention to design through all stages of the development process – particularly, attention to design and specification of landscape boundary treatments to the existing surrounding properties;
- Create a high quality and robust new Landscape Framework, including public open space, new trees, structure planting, hedgerows and other mixed habitats and open spaces;
- Adopt an appropriate landscape management and maintenance regime to ensure the successful establishment and continued thriving of the existing and new planting and landscape areas.
- Retention of the north-south pedestrian link across the site and extension of this wherever possible to increase the connectivity throughout the site. New footways and/ or cycleway provision throughout the proposed development

This could be dealt with at the reserved matters phased and secured through appropriate conditions.

Forestry

The application is supported by an Arboricultural Assessment (fpcr Environment and Design Limited on behalf of Mactaggart and Mickel dated August 2012 Rev A) which provides a tree survey and assessment of existing trees based on their current condition and which may be affected by the development proposals.

The trees within the site are currently not protected by a Tree Preservation Order and the site is not located within a designated Conservation Area.

The report identifies a total of 53 individual trees and fifteen groups of trees within the site which have been categorised in accordance with the current British Standard BS5837:2012 Trees in Relation to Design, Demolition and Construction - Recommendations. The categories identify:

- 7 'A' (High Value) category individual Oak trees;
- 20 'B' category individual Oak, Sycamore, Alder Scots Pine, Ash and Willow;
- 24 'c' category (low value) trees
- 2 'U' category trees (a Pear and a Beech) which are deemed unsuitable by virtue of their condition.

Of the 15 groups of trees, 4 groups have been categorised a category 'B' (moderate) and 11 as category 'C' (low value) trees.

The submitted illustrative masterplan appears to show most of the A and B category trees shown for retention within open/amenity space, with the internal road layout also respecting retained trees, although it is difficult to assess whether the layout entirely respects the requirements of BS5837:2012 and the root protection areas (RPAs) of retained trees due to the scale of the drawing. It is anticipated that, in this regard, some modifications may well be required to the road layout at the more detailed application stage.

Areas shown for residential amenity on the illustrative master plan also interface with existing trees shown for retention. Again the requirements of BS5837:2012 needs to be satisfied at the detailed application stage in terms of root protection areas and provision for adequate private amenity space between retained trees and proposed buildings.

One category C Oak (T10) within the central south western section of the site has been identified for removal and is described as storm damaged with a woodpecker hole. In this regard the Landscape Officer raises no principle objections to its removal.

The Landscape Officer comments that he is mindful that this application is an outline application of up to 400 dwellings and, in this regard, it is not altogether clear whether the maximum number of dwellings quoted would be achievable on the site taking into account the constraints. However, the proposed reduction in numbers would assist with this issue. Clearly there are trees within the site that have been identified as high and moderate value in terms of their contribution to the wider amenity of the area, and the retention of these trees should be considered in terms of the overall design and landscaping of the development. Where it is deemed expedient, consideration shall therefore be given to protecting those trees identified as contributing to the amenity of the area. This is a matter which would need to be addressed at reserved matters stage and through appropriate tree protection conditions.

Hedgerows

Where proposed development is likely to result in the loss of existing agricultural hedgerows which are more than 30 years old, it is considered that they should be assessed against the criteria in the Hedgerow Regulations 1997 in order to ascertain if they qualify as 'Important'. Should any hedgerows be found to be 'Important' under any of the criteria in the Regulations, this would be a significant material consideration in the determination of the application. The criteria cover the ecological, historical and archaeological significance of the hedgerow.

Policy NE5 of the Crewe and Nantwich Local Plan states, inter alia, that the local planning authority will protect, conserve and enhance the natural conservation resource proposals for development will only be permitted where natural features such as hedgerows, are, wherever possible, integrated into landscaping schemes on development sites. Hedgerows are also a habitat subject of a Biodiversity Action Plan.

Two hedgerows on site (H4 and H5) have been identified as 'Important' under the ecological criteria of the Hedgerow Regulations. Whilst, some of the hedgerows on site including the two important hedgerows can be retained as part of the indicative master plan, the proposed development will result in the significant loss of hedgerow.

The Tree Report does not refer to the hedgerows located within the site; some reference is made to hedgerows within the Landscape and Visual Appraisal supporting document, but

principally deals with them in term of landscape importance. No reference is made the hedgerows in terms of historical and archaeological importance and therefore the Landscape Officer has stated that further clarification should be sought from the applicant on this matter. This has been brought to the applicant's attention and the additional information has been requested. A further update on this matter will be provided for Members prior to their meeting.

Education

The Council's Education Officer has examined the application and concluded that a development of 400 dwellings will generate 65 primary aged pupils and 52 secondary aged pupils.

Taking into account primary schools within 2 miles of the development and secondary schools within 3 miles of the development and information on numbers on roll, capacities and forecasts, cumulatively the primary schools are forecast to be oversubscribed by 2013. In light of this a contribution of $65 \times 11919 \times 0.91 = \text{£}705,009$ is required. This can be secured through the Section 106 Agreement. However as this is based on 400 dwellings, and it is proposed to reduce the numbers accommodated on site and the application is submitted in outline, the Section 106 will need to make provision for a formula approach to the calculation of the final contribution to a maximum provision of $\text{£}705,009$.

The secondary schools have sufficient places to accommodate this development.

Open space

Policy RT.3 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 6,000sqm of shared recreational open space and 8,000sqm of shared children's play space which is a total of 14,000sqm of open space.

In addition, the proposal should provide an equipped children's play area. The equipped play area needs to cater for both young and older children - 6 pieces of equipment for young, plus 6 pieces for older children. The proposal states that a Neighbourhood Equipped Area for Play (NEAP), with 12 pieces of equipment will be provided. It does not however provide details of exactly what is proposed. However, this can be secured through the Section 106 Agreement.

A Multi Use Games Area (MUGA) is also proposed. Again, the detailed specification should be incorporated into the Section 106 Agreement.

An outdoor gym is also proposed, with 16 activities. However further detail has not been provided. Again, a detailed specification, with regard to exactly what is proposed, should be a requirement of the Section 106 Agreement.

An area of allotments, with 20 plots is also proposed. They would need to be surrounded by 2.4m high metal palisade fencing painted green. Further information, with regard to exactly what is proposed, should be provided as part of the Reserved Matters and secured through the Section 106 Agreement.

Two areas of community woodland are also proposed. They should be comprised of regionally native species and perhaps could assist with the drainage issues for the site. The applicants confirm that the future management of the greenspace on the site will be carried out by a private management company. This will also be built into the Section 106.

Ecology

Article 12 (1) of the EC Habitats Directive requires Member states to take requisite measures to establish a system of strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites and resting places. Art. 16 of the Directive provides that if there is no satisfactory alternative and the derogation is not detrimental to the maintenance of the populations of the species at a favourable conservation status in their natural range, then Member States may derogate "*in the interests of public health and public safety or for other imperative reasons of overriding public interest, including those of a social and economic nature and beneficial consequences of primary importance for the environment*" among other reasons.

The Directive is then implemented in England and Wales The Conservation of Habitats and Species Regulations 2010. ("the Regulations"). The Regulations set up a licensing regime dealing with the requirements for derogation under Art. 16 and this function is carried out by Natural England.

The Regulations provide that the Local Planning Authority must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of their functions.

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected by the proposed development, the planning authority must have regard to the requirements for derogation referred to in Article 16 and the fact that Natural England will have a role in ensuring that the requirements for derogation set out in the Directive are met.

If it appears to the planning authority that circumstances exist which make it very likely that the requirements for derogation will not be met then the planning authority will need to consider whether, taking the development plan and all other material considerations into account, planning permission should be refused. Conversely, if it seems from the information that the requirements are likely to be met, then there would be no impediment to planning permission in this regard. If it is unclear whether the requirements will be met or not, a balanced view taking into account the particular circumstances of the application should be taken and the guidance in the NPPF.

In line with guidance in the NPPF, appropriate mitigation and enhancement should be secured if planning permission is granted. The application is supported by an ecological assessment undertaken by a suitable qualified and experienced ecologist. The Council's Ecologist has examined the submitted information and commented as follows.

Bats

The site supports habitats that are being utilised by bats for foraging and commuting, however the potential habitat present is relatively limited and the usage of the site by bats is accordingly low.

A number of trees on site have been identified as having potential to support roosting bats. However, no evidence of roosting bats within these was recorded during the survey and it appears from the submitted master plan that it will be feasible to retain these trees within areas of open space/semi natural habitat.

No bat survey has been undertaken of 90 Stocks Lane. The submitted master plan appears to indicate this property will be removed as part of the proposed development. The Council's Ecologist advises that this property must be subject to a detailed bat survey and the results of the survey together with any mitigation required submitted prior to the determination of the application.

Badgers

An active badger sett has been recorded on site. The sett has been classified as being a subsidiary sett although no information has been provided to support this assessment. The proposed master plan appears to show an area of high to medium density housing proposed for the area currently occupied by the badger sett. The proposed development therefore appears likely to result in the loss of both the sett and a substantial area of foraging habitat.

At present the Council's Ecologist advises that the Council has insufficient information to confidently assess the potential impacts of the proposed development upon badgers and to be satisfied that the potential impacts of the development on badgers will be satisfactorily addressed. He advises that the applicant must submit a detailed badger survey report, impact assessment and mitigation proposals prior to the determination of the application.

Water Vole

No survey for water voles or an assessment of the value of the habitat for water voles appears to have been undertaken. The Council's Ecologist advises that at present the Council has insufficient information to assess the potential impacts of the proposed development upon this protected species. He recommends that the applicant submits the results of a water vole survey and any mitigation/compensation proposals required to the LPA prior to the determination of this application.

Common Toad

Common toad is a biodiversity action plan priority species and hence a material consideration. This species has been recorded as breeding at one of the ponds at this site. Whilst the breeding pond will be retained the proposed development will result in the loss of a significant area of terrestrial habitat associated with the breeding pond.

Breeding Birds

The proposed development site has the potential to support breeding birds including a number of Biodiversity Action Plan priority species which are a material consideration for

planning. A number of species have been recorded during the surveys undertaken during the surveys to inform the ecological assessment and in addition anecdotal records for the presence of a number of other additional species including lapwing have also been identified. Whilst the proposed open spaces areas will provide habitats for some of the bird species present on site there will be a loss of habitat for some species such as lapwing which are associated with more open habitats.

If planning consent is granted, it is recommended that conditions should be attached to require a survey for breeding birds to be undertaken prior to any work taking place in nesting season. It should also require the submission and of details of features for breeding birds including swifts, house sparrow and starling to be incorporated within the development.

Barn owls

The submitted ecological assessment states that an owl pellet was recorded near to one of the small buildings on site. However, no information has been provided as to which species of owl the pellet relates. Barn owls are known to be active in this general locality. If barn owls are present on the proposed development site this would have implications for the determination of this application. It is recommended by the Council's Ecologist that clarification be sought from the applicant's consultant as to which species of owl is thought to have been present on this site.

Ponds

Ponds are a local Biodiversity Priority habitat and hence a material consideration. There are four ponds on this site that the submitted ecological assessment states will be retained and enhanced as part of the proposed development.

The retention of these ponds is welcomed. However to ensure the ponds retain their nature conservation value, the ponds should not be utilised as part of any sustainable urban drainage scheme for the site and the ponds should also not be linked by flowing water.

It is recommend that any outline planning permission granted should include a condition requiring any reserved matters application to be supported by detailed proposals for the retention and enhancement of the on-site ponds.

Wybunbury Moss

The proposed development is located 400m to the north of Wybunbury Moss (National Nature Reserve, Special Area of Conservation, RAMSAR). The submitted ecological assessment includes a scoping assessment which concludes that there are unlikely to be any adverse impacts on the moss as a result of the proposed development.

Natural England have been consulted on this application and their views obtained on the potential impacts of the proposed development upon Wybunbury Moss. They have concluded that there would not be any significant adverse impact in this case. However, local residents have submitted additional information in respect of the impact on the Moss and this has now been submitted to Natural England for comment. A further update on this matter will be provided to Members prior to their meeting.

Conclusion

There are a number of outstanding matters in respect of the submitted ecological information. The applicant has been made aware of this situation and the information was still awaited at the time of report preparation, a further update on this matter will be provided to Members prior to their meeting.

The proposed development site has some broad nature conservation value which may be lost as a result of the proposed development. It is recommended that the residual adverse impacts associated with the scheme which includes the loss of hedgerows, semi-improved grassland, common toad terrestrial habitat, breeding bird and potential barn owl foraging habitat, associated with this development be off-set by means of a commuted sum secured by means of a section 106 agreement. The commuted sum could be used to deliver habitat creations within the Meres and Mosses Natural Improvement Area (NIA) which is located to the immediately to the south of the proposed development site. A sum of £50,000 is considered to be appropriate.

Impact on Public Right of Way

The public rights of way team have objected on the grounds that the submitted masterplan shows diversion of the public right of way across the site, and no diversion application has submitted. Furthermore, they are concerned that whilst part of the proposed route is through greenspace, part is along a road, which would be discouraged.

However it should be noted that the application is submitted in outline and the masterplan is only indicative. It is considered that the exact route of the footpath could be agreed at reserved matters and that appropriate conditions could be attached to ensure that the path runs through greenspace and is fronted by houses rather than running between back gardens or in alleyways, which would discourage natural surveillance and footpath use.

The Countryside Access Team, have acknowledged that the application represents an opportunity to upgrade the route to make it more accessible to all users including cyclists. The precise detail of the route, specification and surfacing can be agreed at reserved matters, and provision can be made for its maintenance via the management company that would be set up through the terms of the Section 106 Agreement.

Archaeology

The archaeologist has commented that the archaeological report submitted with the application was missing a geophysical survey data for part of the site and that this was awaited. No further comment has been provided to indicate that this has been received. It is therefore considered to be appropriate to secure this, and any necessary mitigation which may be required as a result of its findings, via condition.

9. CONCLUSIONS

It is acknowledged that the Council does not currently have a five-year housing land supply and that, accordingly, housing supply policies are not considered up to date. In the light of the

advice contained in the newly adopted National Planning Policy Framework, where the development plan is “*absent, silent or relevant policies are out of date*” planning permission should be granted unless

“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”

Or

“specific policies in this Framework indicate development should be restricted.”

The development plan is not absent or silent with regard to this application. However, in the absence of a five year supply housing land supply, policies are not considered up to date. Other policies however are considered to be in line with NPPF advice.

The boost to housing supply is considered to an important benefit – and this application achieves this in the context of a site, which although not aligned with the adopted Interim Planning Policy, is in accordance with the draft Development Strategy.

Following conclusion of the on-going negotiation of a suitable Section 106 package, the proposed development would provide adequate public open space and monies towards highway improvements and the future provision of primary and secondary school education.

It is acknowledged that in order to achieve this, the affordable housing provision on site may need to be reduced. However, as some affordable housing would be provided, albeit at a lower percentage, this is still considered to go some way towards providing a sustainable, mixed and balanced community. Moreover, it is considered that the benefits in terms of highway improvements outweigh the disbenefits of not providing the normal required percentage of affordable housing and that this is a material consideration which should be given significant weight.

The proposal is considered to be acceptable, subject to appropriate conditions, in terms of its impact upon residential amenity, contaminated land, air quality, noise impact, layout and design, built heritage, forestry, 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 sustainable.

Whilst the proposal will result in the loss of some of the best and most versatile agricultural land, in accordance with recent Appeal decisions on the matter, it is considered that the benefits of the delivering the site for much needed housing would outweigh this loss.

On the negative side, the housing will be built on open countryside contrary to the provisions of Policy NE2 of the Local Plan, although the proposal will not have a significant impact on the landscape character of the area.

With regard to the impact on hedgerows, 2 hedgerows have been identified as being important when assessed against the ecological criteria under the Hedgerow Regulations. However these can be retained as part of the indicative master plan. At the time of report preparation information was still awaited with the regard to assessment under the archaeological and historical criteria of the Regulations.

With regard to ecology, there are a number of elements of survey work outstanding and a further consultation response was awaited from Natural England in terms of the impact on Wybunbury Moss.

Overall, it is considered that the adverse impacts of the development – in terms of conflict with the development plan on Countryside and affordable housing issues are outweighed by the benefits of the proposal in terms of residential provision.

Given the scale and location of the development, its relationship to the urban area and its proximity to other services, subject to the necessary outstanding information being submitted, and no objections being raised by the relevant consultees, it is not considered that these adverse impacts significantly and demonstrably outweigh the benefits – and so accordingly the application is recommended for approval, subject to a Section 106 Agreement and appropriate conditions.

10. RECOMMENDATION

APPROVE subject to:

- **No objection from Natural England**
- **Receipt of outstanding hedgerow information and no objection from Landscape Officer**
- **Receipt of outstanding ecological information and no objection from the ecologist**

a Section 106 Legal Agreement to Secure:

- **15 % of the dwellings to be affordable.**
- **The tenure split of the affordable housing required is 65% social or affordable rent, 35% intermediate tenure.**
- **The mix of affordable homes to be 25% x 1 bed, 40% x 2 bed, 20% x 3 bed and 15% x 4 beds.**
- **Affordable Homes should be pepper-potted (in clusters is acceptable)**
- **The affordable homes to be provided no later than occupation of 50% of the market dwellings unless the development is phased, in which case 80% of the market dwellings can be occupied.**
- **Underwrite the cost of introducing evening bus services between Crewe and Nantwich via Shavington (effectively extending the existing day time service) up to a maximum cost of £215,000.**
- **Contribute £85,000 towards upgrading existing bus stops on Newcastle Road and other improvements and crossing facilities at Newcastle Road**

- Contribute £75,000 towards either a planned improvement of the northern end of the Gresty Road corridor into Crewe and /or the construction of the Crewe Green Link.
- Enhanced Strategic Transport Contribution of £1,200,000
- Education contribution to a maximum of £705,009 calculated on a formula approach based on the number of dwellings.
- Provision of a NEAP with 12 pieces of equipment – specification to be submitted and agreed and in accordance with that set out in the Greenspaces Officer consultation response.
- Provision of a MUGA – specification to be submitted and agreed and in accordance with that set out in the Greenspaces Officer consultation response.
- Provision of an outdoor gym with 16 activities – specification to be submitted and agreed and in accordance with that set out in the Greenspaces Officer consultation response.
- Provision of allotments with 20 plots– specification to be submitted and agreed and in accordance with that set out in the Greenspaces Officer consultation response.
- Provision of community woodland
- 10 year management plan for open space
- Provision of a management company to maintain all on site open space.
- Commuted sum of £50,000 to be used to deliver habitat creation within the Meres and Mosses Natural Improvement Area
- Provision and implementation of Travel Plan

And the following conditions

1. Standard Outline
2. Submission of reserved matters
3. Plans
4. No approval for indicative layout
5. Submission / approval and implementation of a scheme to manage the risk of flooding from overland flow of surface water,
6. The development shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) from RPS, ref. AAC4908 Issue 3 dated 25/06/2012 and the following mitigation measures detailed within the FRA:
 1. *Limiting the surface water run-off generated by the proposed development, so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.*
 2. *Finished floor levels are set no lower than, the relevant 1 in 100 years plus climate change plus 600mm freeboard level.*
7. Submission / approval and implementation of a scheme is agreed to protect the watercourses and ponds on site and to provide a 5 metre wide undeveloped buffer zone around them measured from top of bank. The undeveloped buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping/. The schemes shall include:

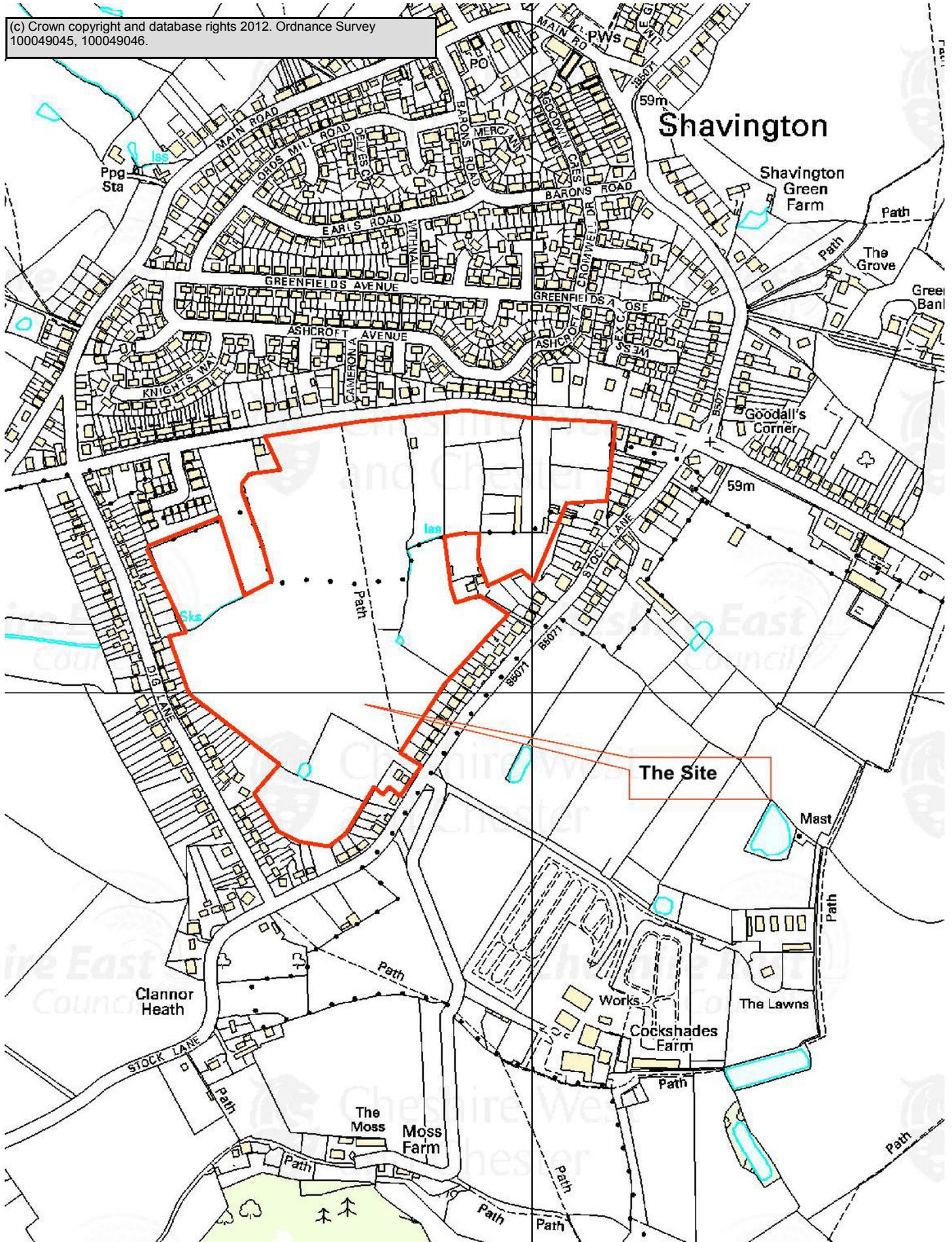
- plans showing the extent and layout of the undeveloped buffer zone.
 - details of any proposed planting scheme (for example, native species).
 - details demonstrating how the undeveloped buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan.
8. The proposed river channel and corridor shall be constructed in accordance with a scheme to include the following features:
- Detailed designs of new watercourse corridor within the site, which is fully integrated as part of overall scheme design, in such a way as to positively contribute to the nature conservation, landscape and amenity value of the site
 - Plans showing the extent and layout of the undeveloped buffer zone between the new development and the stream.
 - This undeveloped buffer zone shall be a minimum of 5 metres wide measured from bank top. This zone shall be without structure and domestic gardens
 - Details of planting schemes
 - Details demonstrating how the buffer zone will be protected during development and managed/maintained over the long term.
9. Reserved matters to make provision for houses to face waterfronts and footpaths
10. The site shall be drained on a total separate system, with only foul drainage connected into the public foul sewerage system. Surface water should discharge to soakaway and or watercourse. No surface water will be allowed to discharge in to the public sewerage system.
11. Submission / approval and implementation of details of Sustainable Drainage Systems (SuDS).
12. The hours of demolition / construction of 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
13. 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
14. Submission approval and implementation of a piling method statement.
15. Submission approval and implementation of details of location, height, design, and luminance of any proposed lighting
16. Noise levels from any services plant shall be designed to be 10dB below the existing background noise level at the nearest residential property

17. Submission approval and implementation of noise mitigation measures for properties adversely affected by road traffic noise from Newcastle Road to provide for
 - the internal noise levels defined within the “good” standard within BS8233:1999.
 - provisions for ventilation that will not compromise the acoustic performance of any proposals whilst meeting building regulation requirements.
18. Submission of revised Air Quality assessment to take into consideration Nantiwch Road and mitigation against any impact.
19. Submission / approval and implementation of dust mitigation during development.
20. Submission of updated archaeological report
21. At least 10% of predicted energy requirements from decentralised and renewable or low-carbon sources, unless it can be demonstrated that this is not feasible or viable.
22. Provision of sustainable design strategy / plan
23. Submission of construction details for access / roads
24. Provision of access / roads
25. Provision of parking
26. Submission of updated contaminated land report.
27. Development to be in accordance with principles set out in Design and Access Statement
28. Submission of Statement Design principles to take into account, the Master Plan, the Parameters Plan and Phasing Plan and to include the principles for:
 - determining the design, form, heights and general arrangement of external architectural features of buildings including the roofs, chimneys, porches and fenestration;
 - determining the hierarchy for roads and public spaces;
 - determining the colour, texture and quality of external materials and facings for the walls and roofing of buildings and structures;
 - the design of the public realm to include the colour, texture and quality of surfacing of footpaths, cycleways, streets, parking areas, courtyards and other shared surfaces;
 - the design and layout of street furniture and level of external illumination;
 - the laying out of the green infrastructure including the access, location and general arrangements of the multi use games area, the children’s play areas and allotments;
 - sustainable design including the incorporation of decentralised and renewable or low carbon energy resources as an integral part of the development
 - ensuring that there is appropriate access to buildings and public spaces for the disabled and physically impaired.
29. Maximum number of units to be 360
30. Submission / approval and implementation of boundary treatment
31. Submission / approval and implementation of materials

- 32. Submission / approval of landscaping**
- 33. Implementation of landscaping**
- 34. Important hedgerows and trees to be retained and to be incorporated within reserved matters layout**
- 35. Submission of tree and hedgerow protection measures**
- 36. Implementation of tree and hedgerow protection measures**
- 37. Replacement hedge planting**
- 38. Reserved Matters to include details of bin storage.**
- 39. Breeding Bird Survey for works in nesting season**
- 40. Provision of bird boxes**
- 41. Retention and enhancement of the on-site ponds.**
- 42. Submission / approval and implementation of Construction management plan**

In the event of any changes being needed to the wording of the committee's decision (such as to delete, vary or addition conditions / informatives / planning obligations or reasons for approval / refusal) prior to the decision being issued, the Development Management and Building Control 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.

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Application No: 12/3114N

Location: Land South of Newcastle Road, Shavington & Wybunbury, Cheshire

Proposal: Outline Application for Residential Development of up to 400 Dwellings, Local Centre of up to 700 sqm (with 400 sqm being a single convenience store), Open Space, Access Roads, Cycleways, footpaths, Structural Landscaping, and Associated Engineering Works

Applicant: Mactaggart & Mickel Homes Ltd

Expiry Date: 14-Nov-2012

ERRATUM

The accessibility table included in the “sustainability” section of the report refers to ‘Land At Rose Cottages, Somerford’. It should read “Land South of Newcastle Road”.

ADDENDUM– 23rd JANUARY 2013

The following additional representations have been received.

Shavington-cum-Gresty Parish Council Comments

1.0 INTRODUCTION

1.1 This Planning Statement comprises an objection from Shavington cum Gresty Parish Council to an outline planning application submitted by Mactaggart and Mickel for residential and associated development on land south of Newcastle Road, west of Stock Lane and east of Dig Lane, Shavington/Wybunbury. All matters are reserved for subsequent approval. The site has been known as Shavington Triangle.

1.2 It is submitted alongside and to support the many other objections submitted by local residents of Shavington and Wybunbury to the same planning application.

2.0 THE CURRENT SITE

2.1 This is a large greenfield site comprising some 17.38 hectares and according to the submitted Planning Statement is to accommodate up to 400 dwellings plus a single convenience store, open space, access roads, cycleways, footpaths, structural landscaping and associated engineering works.

2.2 Its release for housing will have a major impact on the character of the area.

3.0 EXISTING PLANNING POLICY

- 3.1 The site lies outside the settlement boundary of both Crewe and Shavington as shown on the Urban Areas Inset Plan of the Crewe and Nantwich Replacement Local Plan 2011. (CNRLP) This is the current Statutory Development Plan for the area. The site is currently not within an area considered appropriate for new housing development.
- 3.2 It lies within an area of open countryside and policy NE2 applies as set out below.

Policy NE.2: OPEN COUNTRYSIDE

ALL LAND OUTSIDE THE SETTLEMENT BOUNDARIES DEFINED ON THE PROPOSALS MAP (SEE ALSO POLICIES RES.5 AND RES.6) WILL BE TREATED AS OPEN COUNTRYSIDE.

WITHIN OPEN COUNTRYSIDE 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.

AN EXCEPTION MAY BE MADE WHERE THERE IS THE OPPORTUNITY FOR THE INFILLING OF A SMALL GAP WITH ONE OR TWO DWELLINGS IN AN OTHERWISE BUILT UP FRONTAGE.

- 3.3 Quite clearly the proposal for residential development does not comprises one of the uses set out in the policy which will be permitted nor is it a use which is appropriate to a rural area. Further it does not comprise a small gap in an otherwise built-up frontage. The proposal is contrary to policy NE2 of the Local Plan. The release of this site would represent an ad hoc expansion into Open Countryside.

The Interim Planning Policy (IPP)

- 3.4 This document was adopted by Cheshire East Council on 24th February 2011. Its purpose is

“To manage the release of additional land for residential development through the consideration of planning applications to maintain a five years supply as an interim measure pending the adoption of the Local Development Framework Core Strategy.

The policy has been developed in a manner so that it would not prejudice the consideration of alternative options for the development strategy of the Local Development Framework.”

- 3.5 Cheshire East Council has recently published the Crewe Town Strategy for consultation as part of the LDF and this considers how the challenges facing towns and villages are to be addressed. It is inappropriate to consider the

release of a significant housing site in Shavington/Wynbunbury Parish such as this now as this **would clearly prejudice the consideration of alternative options for the development strategy of the LDF.**

- 3.6 This is contrary to The Interim Planning Policy and as such this site should be rejected by the Council.
- 3.7 The release of this site would undermine the policies of the current Local Plan and pave the way for more challenges to its credibility. This would lead to an approach whereby planning permissions were helping to influence, drive and determine the strategy of the forthcoming LDF as it progresses towards the adoption of the Core Strategy. It would undermine public confidence in the LDF process and make a sham out of the public participation and consultation on which Cheshire East Council is placing so much emphasis.

Interim Planning Policy 1: Release of Housing Land

- 3.8 The text below is an extract from this document.

“3.2 Crewe is a principal town and will continue to be a focus for future housing development in the Borough as envisaged in the Crewe Vision. Although the overall amount and direction for growth has yet to be determined, it is considered that there is scope for sufficient housing development to be brought forward adjacent to the Local Plan settlement boundary of Crewe (not including the village of Shavington) to meet the short term need for housing land in the Borough in a way that would not prejudice the preparation of the Local Development Framework.

- 3.9 This site is located within Shavington cum Gresty and Wybunbury parishes and it is not located “adjacent to the Local Plan settlement boundary of Crewe”. This boundary is well defined by the railway line some distance to the north and of Shavington. As Shavington is **not** included within the area where there is considered to be land for housing development to meet the short term need for housing land in the Borough, there is an objection in principle to the release of housing at this time through this planning application.
- 3.10 Giving planning permission to this site in advance of establishing the appropriate level of future housing provision across Cheshire East would undermine the credibility of the LDF process. It would also mean that it would make it more difficult for committed brownfield sites in the area to be developed.
- 3.11 The Parish Council still remains to be convinced that there are not more brownfield sites in the urban areas of Cheshire East which can improve the Council’s 5 year supply of housing land. It urges the Borough Council to look more imaginatively at the opportunities offered by old employment sites.

The Revised Interim Planning Policy: Release of Housing Land (IPP2)

- 3.12 The Cheshire East Council confirms that

“This draft Revised Interim Planning Policy for the Release of Housing Land has been prepared to take into account changes in circumstances since the original Policy was adopted and to ensure that new housing development takes place in locations where the Council and the local community considers appropriate.”

3.13 This is Cheshire East Council’s response to the continuing challenge it faces in maintaining a 5 year supply of housing land.

3.14 So that there can be no doubt as the status of the CNRLP in respect of the determination of planning applications, the document also confirms that:

“Until the Local Plan is adopted, the Development Plan policies for Cheshire East relevant to the consideration of proposals for residential development are the saved policies of the Crewe and Nantwich, Congleton and Macclesfield Local Plans. The revised timetable for the Local Plan indicates a date for adoption of the Core Strategy in late 2013 and Site Allocations in late 2014.”

3.15 Despite the adoption of the IPP 1 In February 2011, the Council has still found the maintaining of a 5 year supply very challenging and has consequently sought to produce IPP 2 to address housing supply issues.

“Its purpose is to manage the release of additional land for residential development through the consideration of planning applications to maintain a 5 year supply of housing land in a manner that will not prejudice the consideration of alternative options for the development strategy of the Cheshire East Local Plan Core Strategy. The policy will only apply at such times that the Council is unable to demonstrate a 5 year supply of housing land and until such time as the Local Plan Core Strategy is adopted.”

3.16 The revised IPP 2 which now is also important to the determination of planning applications.

3.17 IPP1 has been successful in delivering more housing land:

“The Interim Planning Policy has been operating successfully since its adoption and has led to an increase in the supply of housing as expected. Developers have submitted planning applications on a number of sites adjacent to the settlement boundary of Crewe. Some of these planning applications have already been considered and approved by the Council, resulting in the approval of about 1,150 additional homes. In addition planning applications have been submitted for mixed use developments in Alsager and Macclesfield, although as yet undetermined”

- 3.18 The Council continues to recognise that Crewe will continue to play a strategic role in the delivery of new housing in Cheshire East:

“The development of Crewe remains fundamental to the development strategy for the Borough and the draft Revised Interim Planning Policy will therefore continue to facilitate the release of a limited number of housing sites on the edge of Crewe outside the Green Gap.”

- 3.19 The important phrase in the context of this application is “on the edge of Crewe.”

- 3.20 However, the Council recognises that it still faces a challenge in ensuring the availability of a 5 year supply of housing land:

“It is also clear that without a 5 year supply the Council remains vulnerable on appeal to speculative planning applications on sites where the Council would not necessarily wish to see development take place. It is therefore proposed that the main thrust of the Interim Planning Policy remains unchanged but that additional provisions are included in relation to allocated employment areas and in respect of housing development in other towns in the Borough.

Firstly, it is proposed that in the Crewe area the policy is amended to allow for housing development to take place on parts of allocated employment areas.

In respect of housing development on the periphery of other towns, there is a risk that allowing the release of major non Green Belt housing sites on the edge of towns other than Crewe would pre-empt decisions on the future development strategy for the Borough, which should be taken as part of the Local Plan process. The Council is currently engaged with local communities in preparing town strategies for our larger towns, which will be used to contribute to the forthcoming Core Strategy and Site Allocations documents.

- 3.21 The Council is also proposing to amend its Interim housing policy by relaxing restrictions on developments in respect of small sites:

It is proposed therefore to broaden the policy to allow for modest housing developments on sustainable sites on the edges of towns other than Crewe. To avoid prejudice to the Development Plan process or undue harm to the countryside and settings of towns, the following key principles will be incorporated into the revised policy:

Developments should be small scale
Developments should not prejudice key strategic decisions about the growth of a town. Sites should not be within the Green Belt or the Green Gap
Impact on the countryside should be minimised.
Locations should be sustainable.

It is proposed that the revised policy should be used in the consideration of planning applications with immediate effect and will be

considered to be a material consideration, although it is recognised that it will not carry full weight until is adopted by the Council following consultation.

3.22 It is clear that neither of these changes to policy give the green light to the release of the application site for residential development as it is not an employment site in the Crewe area nor does it comprise small scale development on the edge of a town. It is located beyond the village of Shavington in open countryside.

3.23 So to examine how the application site stands up against the relevant requirements of the new revised IPP 2:

- **It is not adjacent to the settlement boundary of Crewe**
- **It is not well related to the built framework of the settlement;**
- **It does not uniquely deliver development that improves the supply, choice and quality of housing in Crewe. This could apply to any large housing site**
- **It does not support the delivery of the Council's overall vision and objectives for Crewe as it is not in Crewe or on a site well, related to the built framework of the town**
- **It is not adjacent to any of the identified towns or 9 service centres.**

3.24 The Borough Council is clear in respect of its focus on Crewe as a strategic location for future development and equally clear as to how it views Shavington and by implication how it should determine this application as not in accordance with policy.

“Crewe is a principal town and will continue to be a focus for future housing development in the Borough as envisaged in the All Change for Crewe programme. Although the overall amount and direction for growth has yet to be determined, it is considered that there is scope for sufficient housing development to be brought forward adjacent to the Local Plan settlement boundary of Crewe (not including the village of Shavington) to meet the short term need for housing land in the Borough in a way that would not prejudice the preparation of the Local Plan.”

4.0 APPLICANT' PLANNING STATEMENT

SITE AND SURROUNDING AREA

4.1 The assertion that the site is located within the framework of Shavington is not accepted nor that it functions as a suburb of Crewe. Shavington is physically separate from Crewe and in planning policy terms divorced from the town by a

swathe of agricultural land within a Green Gap designation. The village has its own separate identity and its residents view the village as a separate community distinct from the town of Crewe.

- 4.2 The purpose of the Green Gap designation is to preserve that separate physical identity.
- 4.3 The application site itself comprises a significant area of agricultural land beyond the bulk of Shavington village which lies to the north. The existing development along Dig lane and Stock Lane are only ribbons of development. The site is open for much of its length along Newcastle road.
- 4.4 It is considered that the site itself is more similar in character with the larger area of agricultural land in open countryside to the south west and south east.
- 4.5 It is acknowledged that the site lies outside the development boundary of Shavington and this is agreed but the site itself is an open area with the undeveloped frontage facing Newcastle Road which itself provides views from a public vantage point into the site.
- 4.6 IPP2 confirms that Crewe is a principal town and a focus for new development. There is no mention of a “**wider Crewe area**”. The IPP is very clear as to potential suitable locations for new housing development. These should be at the edge of the town boundary and well related to that physical boundary. This application site is not such a location as it is some distance beyond the boundary of Crewe and even outside the Shavington development boundary as accepted by the applicant.

NATIONAL PLANNING POLICY

- 4.7 Contrary to the applicant's view the adverse impacts of the proposed development **would** significantly and demonstrably outweigh the benefits of the development.
- 4.8 Such a decision would mean that other sites beyond the Shavington development boundary would be vulnerable from the pressure of new development and it would considerably undermine the CNRLP and IPPs 1 and 2.
- 4.9 The development of such sites not protected by the Green Gap policy would be very difficult to resist and the combined effect of such a release of land would be to prejudice future decisions which should be taken through the LDF about the locations of future development.
- 4.10 This would lead to considerable expansion of Shavington village which is positively excluded from new development by the IIP.
- 4.11 The [strategic ambition to concentrate growth around Crewe](#) does not envisage the release of sites such as the application site.

- 4.12 It is accepted that additional housing sites will be required over the LDF plan period. However sites of this scale should be considered through the LDF process.
- 4.13 The “call for sites” through the evidence gathering process of the SHLAA has resulted in the identification of sites in the Shavington area of over 2000 dwellings which are the subject of planning applications submitted, being progressed or the subject of preliminary discussions with Cheshire East and Shavington Parish Council.
- 4.14 The plethora of such sites makes it essential for Cheshire East to resist the release of the application site and ensure that the consideration of such sites is undertaken through the LDF process and through consultation on the Crewe Town Strategy document. This is on-going at the moment.

Annex 1: Implementation

- 4.15 Contrary to the applicant’s view, the NPPF clarifies at para.215 and footnote 39 that until March 2013, decision takers may continue to give full weight to relevant policies adopted since 2004 in development plan documents adopted in accordance with the Planning and Compulsory Purchase Act 2004, even if there is a limited degree of conflict with NPPF.
- 4.16 CNRLP 2011 was adopted in February 2005. It is an old style saved plan to which the one year exception does not apply. Therefore in accordance with the same para 215, due weight should be given to relevant policies in the Local Plan according to their degree of consistency with the NPPF.
- 4.17 On the proposals map of the local plan, the site is located outside the settlement boundary of Shavington. The site lies in open countryside and therefore policy NE2 is relevant.

DEVELOPMENT PLAN CONFORMITY

- 4.18 The applicant points to the relevance of the fact that the Shavington/Wybunbury area forms part of the Crewe Town Strategy area as support for planning permission being granted on this land.
- 4.19 It is clearly contradictory to comment that the Cheshire East Local Plan has not been advanced to a policy stage so limited weight can be given to it and the say that the Crewe Town Strategy, only published for consultation, contents can be relied onto support the release of this site. The site cannot be appropriate for release given its scale and conflict with IPPs 1 and 2.
- 4.20 The site is not a [countryside enclave in the settlement boundary of Shavington](#). The site lies outside and beyond the settlement boundary, divorced from the main part of Shavington village.
- 4.21 The applicant notes that:

- The planning application does not comply with policy NE2
- Proposed development that conflicts with an up-to-date Local Plan should be refused unless material considerations indicate otherwise.

- 4.22 The Core Strategy Issues and Options Paper 2010 puts forward three options for growth. However no reliance can be placed on this document since no decision has yet been made as to the level of growth appropriate for Shavington.
- 4.22 Strong objection is made to the applicant's assertion that the application site is in accordance with IPP2.
- 4.23 To meet the criteria in the IPP, the site needs to be well related to the built framework of **Crewe** not Shavington/Wybunbury. It is not. It fails on this first test. In addition, the village has only one settlement boundary and the site is not within it.

KEY MATERIAL PLANNING CONSIDERATIONS

- 4.24 It is accepted that Cheshire East does not have a 5 year supply of housing land, that the housing supply policies of the CNRLP are out of date and that it may be necessary to look at green field land to accommodate additional housing to meet the supply.
- 4.25 However it is considered that the approach taken by Cheshire East to look at sites well related to the edge of the built framework of Crewe, the potential of existing employment sites and smaller developments in or at the edge of other towns is the correct approach. Indeed it may be possible to look at all employment sites in sustainable locations to see if there is scope for releasing part of such sites for housing.
- 4.26 It is not accepted that large scale development on sites in the open countryside divorced from the largest settlements such as Crewe, as in this case, is a sound approach to take.
- 4.27 It is not considered that this site supports the All Change for Crewe Vision.
- 4.28 In respect of the delivery of affordable housing and recreational facilities, these are not unique material considerations which weigh in support of the application as all large sites would be expected to deliver such planning obligations. Many sites would also be able to argue strong sustainability credentials.
- 4.29 The Council has taken steps to increase housing supply through the IIP and is conscious of the need to increase housing land availability through the local plan process. It does not need to rely on the application site to increase housing supply.

4.30 The applicant seems to be making a case for the release of this site as follows:

“There is a strong strategic case for housing growth to be located at Shavington/Wynbunbury in the form of a strategic allocation as part of the Greater Crewe area which accords and responds to the Crewe Vision.”

4.31 The applicant now seems to be putting a case for an allocation through the LDF process.

4.32 This representation is supportive of an approach which looks to identify appropriate levels of growth and locations for new housing through the Local plan process not through the granting of planning permissions in advance of the LDF.

4.33 A response can be made to the applicant’s strong case as follows:

- Crewe is to be a focus for new development but this site is not well related to the built framework of Crewe.
- The LDF will decide the level of growth and planning applications of this scale should not be used to circumvent and prejudice these future decisions.
- No decision has yet been made as to the locations for new development. Whilst Shavington is included in the Crewe Town Strategy document, no agreement has been reached that the village is to be a location for development on the scale proposed by this application.
- The Parish Council is opposed to Shavington being identified for major development in the Cheshire East LDF.
- The consideration of this application is not the opportunity to debate the merits of the appropriate level of development for Shavington or which sites if any should be released for housing.
- The sustainability credentials of the site do not justify planning permission when there are strong policy objections to its release for housing.
- There is not an excellent fit between the application proposals and the spatial vision for the area since this is not determined yet. What is clear is that the proposals are contrary to CNRLP and IPPs 1 and 2.

4.34 The fact that pre-application consultation has been carried with the local community is not considered to be a relevant material consideration as all competent applicants and agents should undertake such an exercise for large scale proposals as set out in the NPPF.

- 4.35 However it is noted that of the 92 responses received to the consultation, 70 were objections and none were received in support of the scheme.

5.0 LANDSCAPE AND VISUAL ASSESSMENT

- 5.1 It is possible to make an assessment of the site's character in the local landscape by a site visit which involves walking the public footpath which crosses and by walking along the roads surrounding the site.
- 5.2 When viewed from Newcastle Road, the site opens up and appears as part of a much larger area of open countryside beyond. This is because the houses on Stock Lane are only seen intermittently and are screened to some extent by existing mature tree cover.
- 5.3 The impression is not one of a site enclosed by existing ribbon development. This impression of a countryside location is further enhanced by the fact that a number of properties on Stock Lane are single storey dwellings. The impression remains that the site is not seen as part of Shavington village.
- 5.4 The site itself comprises a number of separate fields with hedgerows and hedgerow trees and this also helps to combat the appearance of being a site enclosed by built development.
- 5.5 From Stock Lane looking back towards Newcastle Road, the appearance of open countryside ends at Newcastle Road with the bulk of Shavington village beyond.
- 5.6 It is clear that a better impression of the character of the area is gained by site visit rather than merely looking at plans of the site.

6.0 DESIGN AND ACCESS STATEMENT

- 6.1 The section on Site location repeats much of what is contained within the Planning Statement. Suffice to say that the Parish Council does not agree with the description of the site in respect of its location vis a vis Shavington and its inferred relationship with Crewe
- 6.1 It is absolutely clear that the site comprises significant area of land in agricultural use which lies beyond the main part of Shavington Village.
- 6.2 Despite the description in para. 2.6 of a settlement fringe location, the site is clearly not an urban fringe location. It is not a degraded landscape but is in active agricultural use despite the difficulties mentioned in farming the land.

7.0 CONCLUSION

- 7.1 The application site is clearly outside and beyond the current well defined local plan settlement boundaries of Crewe and Shavington. It lies within an area which is not considered appropriate for development in the CNRLP.
- 7.2 The proposed development is in conflict with the Countryside Protection policies NE2 Open Countryside of the CNRLP which comprises the current statutory Development Plan for the area in which the application site is located.
- 7.3 The release of this site would represent an unplanned, ad hoc and unnecessary major intrusion into the open countryside beyond the confines of Shavington village and some distanced from the well-defined edge of the built framework of Crewe; and the Parish Council would question what evidence of need exists for this number of dwellings in this location.
- 7.4 The site's release for development will make it more difficult to resist the release of other sites beyond the edge of the village of Shavington.
- 7.5 The potential release of this site has very important implications for the village of Shavington as a whole. As a result of the SHLAA and the Council's " call for sites," it is one of a number of sites comprising 2000 dwellings currently outside the settlement boundaries of Crewe and Shavington which are in the pipeline for consideration by Cheshire East Council either as pre-application discussions, shortly to be submitted as applications or submitted applications.
- 7.6 The release of such a large site will make a number of other sites vulnerable to developer pressure such that the individual identity of Shavington would be lost and the whole community absorbed within the built framework of Crewe.
- 7.7 IPPs 1 and 2 are in place and 1 has been adopted by Cheshire East for Development Management purposes. This specifically excludes Shavington from its consideration and the requirement to provide sites to meet a 5 year housing supply. The Council has reviewed this document and has widened the criteria for or location of sites which can be considered acceptable to meet the housing supply but the release of this site for housing is still in conflict with IPP 2. Both documents do have weight in the consideration of the planning balance.
- 7.8 Despite the applicant's contention that some weight can be attached to the Draft Crewe Town Strategy, paragraph 7.8 and the statement below the list of sites makes it abundantly clear that these sites are not proposals and not all sites will be required to deliver the vision for the town. Nevertheless this is the appropriate mechanism for considering the appropriate levels of growth and the location of new housing development in the Crewe and Cheshire East area.
- 7.9 Whilst it is conceded that there is not a 5 year supply of housing land available in Cheshire East and some developers consider that policy NE2 is

out of date because Cheshire East is willing to approve housing on some sites with an open countryside designation, development is only acceptable in those areas which comply with IIP1 and 2. This site does not so comply.

- 7.10 Contrary to the applicant's view the adverse impacts of the proposed development **would** significantly and demonstrably outweigh the benefits of the development. Permission on the land would increase the pressure to set aside policy NE 2 on land in a number of locations surrounding Shavington and would undermine the Development Plan. As such the proposal would be contrary to the NPPF. So the lack of a 5 year supply should not be seen as an overriding material consideration such to justify permission.
- 7.11 The release of such site will make it much more difficult to ensure the regeneration of Crewe and make brown field sites less attractive for housing development and investment by developers because of the availability of easier green field sites.
- 7.12 Planning legislation requires that planning applications are to be determined in accordance with the Development Plan unless material considerations dictate otherwise. It is not considered that such material considerations exist in this case.
- 7.13 **Shavington cum Gresty Parish Council urges Cheshire East Council to refuse this planning application No 12/3114/N.**
- 7.14 In addition it urges the Council to progress rapidly the LDF process and to remove the uncertainty and inconsistency which exists in the determination of planning applications for housing in the Crewe area. The Parish Council also wishes to actively engage in continued discussions with Cheshire East Council over the future planning policies for the Shavington area.

G.V.A. Grimley

- On behalf of the HIMOR Group, GVA are instructed to object to the above planning application.
- The proposal entails the substantial expansion of the village of Shavington beyond its existing settlement boundaries, through the development of up to 400 dwellings and 700 sq m of commercial / community space.
- The proposal is predicated on the development serving and meeting the need for development in and around Crewe. The applicant's agents regularly refer in the supporting Planning Statement to the concept of a 'Greater Crewe' and place considerable reliance on the established and emerging emphasis upon Crewe as a focus for growth, as expressed in the Crewe Vision Statement 'All Change for Crewe' and documents of the emerging Local Plan.
- GVA wholly support the established and emerging focus on accommodating a significant proportion of the Borough's future growth in and around Crewe. However, Shavington is a separate, lower order settlement. It does not form

part of, or represent a 'suburb' of Crewe. It does not have the significant infrastructure and facilities associated with the principal urban area and whilst its residents may rely upon and gravitate towards the town of Crewe, this is appropriate given its higher order status and relative proximity.

- Such a relationship is to be expected in a network of settlements where lower order, outlying villages function around a principal town. It does not however, follow that such settlements should accommodate the growth objectives and requirements of that higher order settlement. Rather, they should accommodate their own requirements, commensurate with the status, scale and character of the settlement and the facilities it has to offer, or could provide for. To do otherwise would markedly alter the function and character of such settlements and remove the distinction in hierarchy. This is particularly the case when such growth is unwarranted and the principal town can meet its own growth objectives and requirements by other means.
- This is entirely the situation in respect of Crewe and Shavington. Crewe has significant attributes that provide the opportunity for it to be a key economic driver and growth hub for the Borough. But it also has the ability to accommodate the required growth without reliance on lower order peripheral settlements such as Shavington. Suitable, available and achievable development opportunities exist within and particularly on the edge of the principal urban area, and hence better related to the town of Crewe. The concept of 'Greater Crewe' is not established but is being used by the applicants to justify a scale of development which is disproportionate to the scale of settlement which it will adjoin. Shavington is a separate settlement and the appropriate scale of development should be adjudged in the context of that settlement, not some wider 'Greater Crewe' concept that has no standing and would undermine the distinction in settlement hierarchy and character.
- On a final point, it is understood that the Council's Strategic Planning Board recently resolved to approve the Council's draft Development Strategy (due to be issued for consultation on 15 January 2013) as a material consideration to be used for development management purposes with immediate effect. This document has not yet been published (other than as a paper to the Board), no consultation has taken place on its content, no evidence has been published to support or justify its content and it has in no way been tested through the statutory plan-making process. Accordingly, no weight should be attributed to the document in the determination of this application.

RECOMMENDATION

As per main report

CHESHIRE EAST COUNCIL**STRATEGIC PLANNING BOARD**

Date of meeting: 30 January 2013
Report of: Steve Irvine – Development Management and Building Control Manager
Title: Outline Application for the Erection of 650 Dwellings, a Public House, a Local Shop and Associated Infrastructure and Open Space Provision Together with the Demolition of the Former Cross Keys Public House.

1.0 Purpose of Report

- 1.1 To consider proposed amendments to the resolution passed by Strategic Planning Board in respect of applications 11/1643N.
- 1.2 The report has been presented to Strategic Planning Board because the original application was approved by the Board in October 2011.

2.0 Decision Required

- 2.1 To agree to the amendments to the previous resolutions as stated in this report.
- 2.2 The principle of the residential development has already been established by the previous resolution. Consequently, this report does not provide an opportunity to revisit that issue. This item relates solely to the proposed amendment to the requirements of the Section 106 Agreement.

3.0 Background

- 3.1 The application relates to approximately 24.2 hectares of land, situated to the north of Remer Street, Coppenhall, Crewe. The site is generally flat and currently comprises predominantly undeveloped agricultural land. Field boundaries are marked by hedgerows and hedgerow trees. The Cross Keys public house, which is a locally listed building, is located on the south western corner of the site. A public right of way dissects the central part of the site.
- 3.2 The site is bounded to the south by the residential properties fronting Remer Street and the Monks Coppenhall Primary School and Nursery: to the west is Stoneley Farm and the residential properties fronting Stoneley

Road. To the north and east is more sporadic residential development fronting Stoneley Road and Groby Road, including the Grade II Listed Foden's Farm.

- 3.3 Beyond Remer Street and Stoneley Road to the south and west of the site are the established older residential areas of Crewe, whilst beyond Stoneley Road and Groby Road to the North and East lies primarily agricultural land, including farms known as Groby Farm, Race Farm and Shandon House Farm and the Maw Green Landfill site To the south east lies Maw Green farm
- 3.4 Members may recall that in October 2011, Strategic Planning Board resolved to grant Outline planning permission for up to 650 new homes of various types and sizes including 35% affordable housing spread throughout the site. The Cross Keys public house would be demolished to make way for a new roundabout giving access to the site and improving traffic management at the existing junction. A new public house is proposed along with a local convenience store to replace the existing Cross Keys public house. The development would include substantial areas of new public open space including a new equipped childrens' play area, sports pitch and informal recreational areas. Two habitat areas would be created for Great Crested Newts and Barn Owls that currently inhabit the site.
- 3.5 The resolution to approve was subject to completion of Section 106 Agreement making a number of provisions, including:
- Provision of 35% of the total units as affordable housing in perpetuity, with the mix on Phase 1 being 10% 1 beds, 60% 2 beds and 30% 3 beds, with 40% of these being flats and 60% being houses. The tenure split of the units on all phases to be 65% social rent and 35% intermediate tenure. The mix of house types for phase 2 and subsequent phases to be agreed as part of subsequent reserved matters applications. Social Rented and Shared Ownership dwellings to be transferred to a Registered Provider.
 - Provision of education contribution of £161,752.
 - Provision of highways contribution of £1,183,426 towards Remer Street/ Middlewich Street, Sydney Road Bridge Widening, Crewe Green Roundabout and public transport improvements.
 - Travel Plan contribution of £5000
 - Provision for public open space to serve the whole of the development to be agreed with the Council when details of layout are submitted for approval. This must secure the provision and future management of children's play areas and amenity greenspace. Submitted details must include the location, grading, drainage, layout, landscape, fencing,

seeding and planting of the proposed public open space, transfer to and future maintenance by a private management company.

- 3.6 The developer is seeking to amend this working to make provision for:
- 1 Reducing the overall amount of affordable housing to 10%;
 - 2 Amending the tenure split of the affordable housing to 25% Rented & 75% Intermediate
 - 3 Amending the affordable housing mix on Phase 1 of the development.
 - 4 Amending the Code for Sustainable Homes provision to mandatory requirements of Level 3 (Condition 9) and;
 - 5 Deleting Condition 10, removing the requirement to deliver 10% renewable energy provision;
- 3.7 The resulting improvement to viability will increase the deliverability of the site and allow an additional £500,000 to be released for highways improvements.

4 Developer's Supporting Information

- 4.1 A letter has been submitted in support of the application, which makes the following case for the proposed amendments.

Planning Policy Context

- 4.2 An individual development can be said to be viable if, after taking account of all costs including central and local government policy and regulatory costs and the cost and availability of finance, the scheme provides a competitive return to the developer to ensure that development takes place and generates an acceptable land value to the landowner. If these conditions are not met, a scheme will not be delivered. This is a central thread running through National Planning Policy Framework (the Framework) [¶173] which specifies that when pursuing sustainable development, careful attention should be paid to viability and costs in decision taking. Sites should also be deliverable. 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.
- 4.3 In particular one of the key driving forces on the deliverability of the Coppenhall East scheme is the willingness of the land owner to sell. In Eric Pickles recent proposals for Planning Reform (9 September, 2012) he stated:

"It is vital that the affordable housing element of Section 106 agreements negotiated during different economic conditions is not allowed to undermine the viability of sites and prevent any construction of new houses. This results in no development, no regeneration and no community benefits at all when agreements are no longer economically viable....."

"What looked like a reasonable request three or four years ago may no longer look quite so reasonable today, especially if it stops necessary development happening altogether. ... I am calling on them to review agreements to get development moving again, and quickly".

4.4 Steve Quartermain in his letter to LPAs (March 2011) stated:

"Understanding the impact of planning obligations on the viability of development will be an important consideration when obligations are reviewed, particularly where they were reached in different economic circumstances."

4.5 The Framework [¶50] states that where affordable housing is needed policies should be flexible to take account of changing market conditions over time. Indeed, The Cheshire East Council Revised Interim Planning Statement: Affordable Housing states the viability of schemes will be a material consideration in deciding planning applications. It specifies that Developer's who are suggesting that exceptional financial circumstances exist to the extent that the Council's requirements for affordable housing cannot be achieved, should provide a development appraisal and appropriate supporting evidence.

4.6 In addition, under the CIL Regulations, planning obligations must be:

- 1 Necessary to make the development acceptable in planning terms;
- 2 Directly related to the development; and
- 3 Fairly and reasonably related in scale and kind to the development

Coppenhall East Viability

4.7 On the basis of the approved Section 106 contributions, Section 278 works and planning conditions set out above, the Coppenhall East Site is not viable. A financial appraisal has been provided, which shows that, after finance costs, the scheme makes a loss (-3.39%) As such the development will not come forward. This is therefore contrary to national policy guidance contained in the Framework and other ministerial statements.

- 4.8 Discussions have taken place with Cheshire East Council Asset Management Service who have indicated that within Crewe in the past 6-8 months, land values achieved on residential sites were between £300,000 and £400,000 per acre.
- 4.9 It is considered that these figures represent what a fair and reasonable land value should comprise for Coppenhall East having regard to the sites characteristics and the sites importance to the Crewe housing market. It is also understood that these values align with those agreed within the Coppenhall East area.
- 4.10 The viability appraisals have been prepared in October 2012 by Taylor Wimpey using the latest costs obtained for the development of the site. Taylor Wimpey have also referred to guidance issued on submitting appraisals to Local Planning Authorities with regards to scheme viability. Taylor Wimpey notes that the sales revenue for the open market housing is £162 sq ft, which is line with the sale prices accepted as part of the Maw Green proposals [LPA ref: 12/0831N] . The Affordable Housing prices have been provided by Muir Housing. Therefore, the assumptions used in this appraisal follow what has previously been accepted by CEC.

Level of affordable housing provision

- 4.11 Taylor Wimpey is proposing to reduce the overall affordable housing provision at the site as they are unable to deliver the 35% requirement approved at Committee. However, the reduction in the overall affordable housing provision allows for the inclusion of an additional commuted sum for highways improvements. This scenario was accepted at the Maw Green Site [LPA ref: 12/0831N]

Tenure

- 4.12 The planning resolution for land at Maw Green, Coppenhall [LPA ref: 12/0831N], agreed the affordable housing tenure split 75% intermediate tenure and 25% rented tenure. This tenure split was accepted on the basis that property prices are relatively low in the area compared to other parts of Crewe and there is already an abundance of affordable housing. Additionally, it was considered that increasing the market housing element would help to provide a mixed community in this part of Crewe, having regards to the appeal decision at Bath Vale Works, Congleton.
- 4.13 It is therefore considered that Maw Green decision establishes a precedent for the consideration of the tenure of housing on the Coppenhall site. An affordable housing tenure split of 75% intermediate tenure and 25% rented (social or affordable) tenure is considered to be appropriate

for Coppenhall East.

- 4.14 However, an alternative option could be made for the 10% affordable units to be 100% intermediate tenure, with the provision of no rented properties. This option could provide an additional £150,000 highway commuted sum, should the Members wish to maximise this element of the package.

Revised Housing Mix Phase 1

- 4.15 Taylor Wimpey seeks to amend the mix of affordable units on Phase 1 as follows:

- 1 1 bed flat - 7%
- 2 2 bed house - 40%
- 3 3 bed house - 53%

- 4.16 The reasoning for this split is that market research and discussions with Registered Providers has identified a high demand for houses, with 2 & 3 bed properties of interest to first time buyers and 3 & 4 attracting families. The interest in properties within Crewe is driven by the lower prices when compared to surrounding areas, but also the accessibility offered by Crewe. There is a shortfall in the supply of these property types within Crewe.

- 4.17 In addition, it is proposed that Phase 1 would deliver a minimum of 33 affordable units (50% of the affordable housing offer) to provide the Council with certainty on the creation of mixed and balanced communities, and that Taylor Wimpey were committed to the provision of affordable housing as part of this development. The Section 106 Agreement will therefore be drafted to include this amendment.

Proposed Amendment to Condition 9

- 4.18 Taylor Wimpey requests that Condition 9 is amended to state the delivery of the mandatory requirements of Level 3 of the Code rather than Level 4. It should now therefore state:-

- 4.19 *“A Code for Sustainable Homes (meaning the document issued by the Department for Communities and Local Government dated December 2006), or equivalent sustainability code which may replace the same and be in force at the time, Pre Assessment shall be submitted with each reserved matters application in order to:*

- a) *determine whether it is viable for the dwellings within that phase to meet the mandatory requirements of Level 3 of the Code for Sustainable Homes, or the equivalent sustainability rating that may be in force at that time; and*
- b) *if it is viable, set out how, and to what extent, the mandatory requirements of Level 3 of the Code for Sustainable Homes, or the equivalent sustainability rating that may be in force at that time, will be satisfied through the design and construction of the proposed dwellings within that phase.*

No development on that phase shall commence until the Pre Assessment has been approved, in writing, by the LPA and the development of that phase shall be implemented in full accordance with the measures set out in the approved Pre Assessment”.

Proposed Deletion of Condition 10

- 4.20 The current draft planning condition [# 10] requires the ‘scheme shall make provision for 10% of the predicted energy requirements to be sourced from decentralised and renewable or low carbon sources on the relevant phase of the site unless it can be demonstrated by the applicant and agreed, in writing, by the Local Planning Authority that it is not feasible or viable, having regard to the type of development involved and its design’. As set out above, the scheme is not viable with this requirement. As a consequence, Condition #10 is recommended to be deleted.

Phasing

- 4.21 It is proposed that the phasing of the development should facilitate the temporary retention of the Cross Keys Public House , for a short term use, if a suitable and viable use was identified, although this would not be delivered or run directly by Taylor Wimpey . This would mean that the 1st Phase of the development would be accessed from the Stoneley Road approved junction for the first 150 dwellings to be constructed. It is then envisaged the next phase would be from that the Groby Road access. This would then enable a further 100 units to be constructed.
- 4.22 A new planning condition would be required to cover this matter, especially in relation to the 1st Phase . Taylor Wimpey suggest the following wording:

"The first phase of development for the occupation of 150 dwellings should be accessed from the Stoneley Road Access, in accordance with the approved drawing (Drg No: CH004 03)"

- 4.23 In relation to subsequent phasing, Taylor Wimpey have suggested that this is already adequately covered by the current planning condition 30, albeit with a slight amendment :

" No development of subsequent phases shall commence until a Phasing Plan for the proposed development has been submitted to and approved in writing by the Local Planning Authority which shall include inter alia details of the phasing of the proposed development and the triggers for the construction of: -

- (a) Groby Rd Secondary Site Access;*
- (b) ~~Stoneley Rd Secondary Site Access;~~*
- (c) Remer St / Broad St / North St / Stoneley Rd Roundabout Improvement and site access;*
- (d) Remer St / Groby Rd / Maw Green Rd / Sydney Rd / Elm Drive Roundabout; and,*
- (e) Sydney Road Bridge MOVA.*

The development shall be implemented in complete accordance with the approved details unless otherwise agreed, in writing, by the Local Planning Authority " .

Conclusion

- 4.24 Taylor Wimpey considers that, in the context of the viability of the scheme, the revised offer is fairly and reasonably related in scale and kind to the proposed development. The amendments to the housing mix for Phase 1 are also considered appropriate in accordance with the Framework [§7].
- 4.25 Overall, Taylor Wimpey considers that the Coppenhall East development will facilitate and deliver a number of key benefits:
- i It will make a significant step towards solving the highways problems, which would prevent other applications facing the same problems, as other schemes could more easily fund the remaining shortfall.
 - ii The delivery of housing to meet the Crewe Vision and shortfall in housing land supply.

4.26 It is considered that the benefits of providing an additional highway financial contribution towards Sydney Road Bridge from the development outweigh the negatives of not providing the normal required percentage of affordable housing. The Sydney Road Bridge commuted sum would increase from £643,320 to £1,143,320.

4.27 In conclusion, Taylor Wimpey considers that, in accordance with the Framework, the benefits of the proposals are considered to outweigh any adverse impacts. The proposals will result in significant benefits by:

- increasing housing in Crewe,
- creating substantial private sector investment
- delivering significant highways benefits.

In addition, benefits of ensuring the provision the highway financial improvements from the development outweigh the negatives of not providing the normal required percentage of affordable housing. Indeed this was accepted by the Strategic Planning Board in approving the Maw Green Road, Coppenhall application [LPA ref: 12/0831N].

5 Officer Comment

5.1 Section 6 of the Interim Planning Statement (IPS): Affordable Housing relates to Viability of Affordable Housing Provision. Paragraph 6.6 states:

Where it is accepted by the Council that a development is not sufficiently viable to provide the requisite level of affordable housing, and where the development is in all other respects acceptable, it may consider requiring the applicant to enter into a legal agreement which effectively defers developer contributions during the period of development. More detail on this approach is contained in the Home and Communities Agency Good Practice Note on Investment and Planning Obligations (July 2009), however the broad principles are explained below.

5.2 The NPPF stresses the importance of housing delivery and viability as a material planning 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. 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

5.3 The applicant has provided evidence to demonstrate that the current Section 106 obligations and conditions in respect of renewable energy and Code for Sustainable Homes would render the scheme unviable. The Council's Housing Officer has assessed the Viability Appraisal and commented that the figures and assumptions used within in appear to be realistic.

5.4 The NPPF also stresses the importance of housing delivery. 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.

5.5 The applicant has demonstrated that the viability issues would delay delivery of the scheme and that this would have a negative impact on resolving the problem of housing land supply within Cheshire East.

5.6 Therefore, whilst the reduction in the overall percentage of affordable housing is regrettable, the revised Section 106 package, as proposed by the applicant does, have the benefit of an additional and much needed contribution towards the proposed improvement works at Sydney Road Bridge, which the Strategic Highways Manager has supported.

5.7 Members may recall that at its meeting on 22nd August 2012, Strategic Planning Board resolved to approve an application for residential development at the neighbouring Maw Green site, with an overall affordable housing provision of 10% on the basis that it would enable an greater highways commuted sum to be released from the development. This approach was also considered to have the following additional benefits:

- Unlocking the site which will help improve the housing supply situation.
- Making a significant step forward in solving the Sydney Road highway problems, which prevents other subsequent applications facing the

same problem (as other scheme could more easily make up the remaining shortfall in the funds required to carry out the work).

- Assisting with the achievability of the “Crewe Vision” by taking a significant step towards solving the highway issues in the northern part of Crewe
- Reducing the pressure for the release of sites elsewhere in the Borough which do not accord with the interim policy or the spatial vision for the Borough.
- The reduction of affordable housing on this site increases the likelihood of affordable housing being increased elsewhere, as it frees up highway capacity to enable other developments to come forward.

5.8 These arguments apply equally to the Coppenhall East site. Furthermore, development site is in a part of Crewe where property prices are relatively low compared to other parts of the town and the Borough as a whole. It is also where there is already an abundance of affordable housing, as set out in the Housing Market Assessment which accompanied the application. Consequently, it could be argued that increasing the market housing element would help to provide a mixed community in this part of Crewe. This was the view taken by the Inspector at the Appeal relating to the Bath Vale Works site in Congleton where, due to the Bromley Farm Council Estate near to the site, he agreed to omit the social rented tenure in order to achieve a mixed community.

5.9 In summary it is considered, in the light of the NPPF, that the viability and housing delivery case which has been advanced by the developer is an important and material consideration, which should outweigh the policy requirement in respect of affordable housing provision.

5.10 However, the IPS states at paragraph 7.7 that, in circumstances where are reduced affordable housing provision is accepted on viability grounds:

“subject to the developer agreeing to initially provide the proportion (if any) of the affordable housing that the development appraisal indicated was viable, a further payment in lieu of the remaining affordable housing would become payable if and when there was an increase in the achieved sale values of the dwellings compared to the values assumed in the development appraisal. The calculation of further payments would be at agreed periods during the life of the development. This mechanism would only apply once development had commenced.”

5.11 As this is a large development, which is likely to come forward in phases over a development period of 5 – 10 years the Housing Officer is of the view that an overage agreement should be required in case there is an increase in sales values of the dwellings compared to the values assumed

by Taylor Wimpey, with any overage payments to be invested back into affordable housing in Cheshire East. Such clauses have been used on recent permission issued elsewhere within the Borough and whilst it is acknowledged that they were not used on the neighbouring Maw Green site, given the much larger scale of the development, this would seem to be a reasonable request.

- 5.12 With regard to the amendments to the proposed tenure split and phase 1 housing mix, the Council's Housing Officer has commented that he is happy to see 50% of the affordable housing provided in Phase 1, which would equate to 33 dwellings. He is also willing to accept the 75/25 split between intermediate and rent, provided as 2 x 1 bed flats, 13 x 2 bed houses and 18 x 3 bed houses. This would go towards meeting some of the identified affordable housing need for Crewe.
- 5.13 With regard to the proposal to eliminate the social rented housing, in favour of a 100% intermediate tenure scheme, whilst the provision of no rented properties could be deemed acceptable in this part of Crewe, based on the character of the surrounding area, and this option would deliver an additional £150,000 of highway improvements, it could be argued that this option would not help to create a mixed and balanced, community. At 10% overall provision, the number of social rented units would be only 16 dwellings, out of a 650 unit scheme. However, it is an alternative option which Members may wish to consider based on the individual circumstances and merits of this case.
- 5.14 The remaining affordable housing should be provided over the various phases of the development, as these phases are going to be delivered over a 5-10 year period. The Housing Officer would wish to agree the affordable housing dwelling type on each subsequent phase in order for the provision to be appropriate to meet the affordable housing requirements at that time. In line with the IPS: Affordable Housing all the required affordable housing should be provided no later than occupation of 80% of the open market dwellings.
- 5.15 Condition 9 which related to the obligation to assess the feasibility of achieving Code for Sustainable Homes Level 4 across the site, is an aspirational requirement which does not have any support in adopted planning policy. It is referred to in the Council's Interim Policy on the Release of Housing land. However, recent Appeal decisions have determined that this can be afforded only limited weight as a material consideration in decision taking. It is acknowledged that the Code Level 4 requirements would increase the sustainability of the scheme, which must be considered in the light of the presumption in favour of sustainable development under the NPPF. However, this must be balanced against

the advice contained within the NPPF in respect of viability and housing delivery as set out above.

- 5.16 Furthermore, the condition only required a feasibility study into the feasibility and viability of meeting Code Level 4, across the site and therefore, even if the condition were retained, a viability case could be presented to negate the requirement to comply with this condition. It is considered that such a case has already been presented as part of the developer's request to amend the committee's previous resolution in respect of the Section 106 Agreement. Therefore, there is no objection to the removal of this condition.
- 5.17 Similarly Condition 10, which was imposed to comply with the requirements of Policy EM18 of the RSS, required the provision of 10% of predicted energy requirements to be sourced from decentralised and renewable or low carbon sources only if it could be demonstrated that it was "feasible or viable" to do so.
- 5.18 In the absence of any objection from the Strategic Highways Manager, the proposed amendments to phasing are considered to be acceptable in highway safety terms and would enable the retention of the Locally Listed Cross Keys pub in the short term, to enable the potential for a long-term viable use to be investigated.

6 Conclusion

- 6.1 On the basis of the above, the proposed amendment to the wording of the resolution is considered to be acceptable.

7 Recommendation

- 7.1 **That the Board resolve to amend the previous resolution in respect of application 11/1643N to read:**

APPROVE subject to Section 106 Legal Agreement securing:

- **Provision of 10% of the total units as affordable housing in perpetuity, with the mix on Phase 1 being 10% 1 bed flat, 30% 2 bed flat, 30% 2 bed house, 30% 3 bed house. The tenure split of the units on all phases to be 25% social / affordable rent and 75% intermediate tenure. The mix of house types for phase 2 and subsequent phases to be agreed as part of subsequent reserved matters applications. Social Rented and Shared Ownership dwellings to be transferred to a Registered Provider.**
- **Overage clause**
- **Provision of education contribution of £161,752.**

- **Provision of highways contribution of £1,683,426 towards Remer Street / Middlewich Street, Sydney Road Bridge Widening, Crewe Green Roundabout and public transport improvements.**
- **Travel Plan contribution of £5000**
- **Provision for public open space to serve the whole of the development to be agreed with the Council when details of layout are submitted for approval. This must secure the provision and future management of children's play areas and amenity greenspace. Submitted details must include the location, grading, drainage, layout, landscape, fencing, seeding and planting of the proposed public open space, transfer to and future maintenance by a private management company.**

And the following conditions

- 1. Standard Outline**
- 2. Submission of reserved matters**
- 3. Plans**
- 4. Air Quality assessment updates to be submitted with each reserved matters**
- 5. Submission, approval and implementation of Construction Environmental Management Plan (CEMP)**
- 6. Submission, approval and implementation of Travel Plan**
- 7. Submission, approval and implementation of contaminated land preliminary risk assessment (PRA)**
- 8. Submission, approval and implementation of contaminated land site investigation (SI)**
- 9. Code for Sustainable Homes Level 3 assessment with reserved matters**
- 10. Provision of detailed scheme of drainage**
- 11. Reserved matters to make provision for allotment site (30 plots) within the development.**
- 12. Breeding bird survey to be carried out prior to commencement of any works during nesting season**
- 13. Provision of replacement hedgerows**
- 14. Provision of detailed design and layout of the GCN mitigation area**
- 15. retention of visually important trees**
- 16. A scheme for the provision and implementation of a surface water regulation system**
- 17. Management of overland flow**
- 18. Provision and management of habitat creation**
- 19. No discharge to Fowle Brook unless further information is provided to prove that the SSSI will not be adversely affected**
- 20. Retention of important hedges**
- 21. Notwithstanding detail shown – no approval of indicative residential masterplan.**

22. Landscape design principles to be incorporated into final layout
23. Submission of landscape and ecological management plan
24. Submission of Arboricultural Impact Assessment
25. Submission of Arboricultural Method Statement
26. Submission of Comprehensive tree protection measures
27. A scheme for the provision and management of compensatory habitat creation
28. Each reserved matters application for commercial activities to be accompanied by a noise impact assessment
29. Submission of Noise Mitigation Measures with each reserved matters application.
30. Submission of details of detailed lighting plan with each reserved matters application.
31. Submission of details of bin storage with each reserved matters application.
32. The first phase of development for the occupation of 150 dwellings shall be accessed from the Stoneley Road Access, in accordance with the approved drawing (Drg No: CH004 03)”
33. No development of subsequent phases shall commence until a Phasing Plan for the proposed development has been submitted to and approved in writing by the Local Planning Authority which shall include inter alia details of the phasing of the proposed development and the triggers for the construction of: -
 - (a) Groby Rd Secondary Site Access;
 - (b) Remer St / Broad St / North St / Stoneley Rd Roundabout Improvement and site access;
 - (c) Remer St / Groby Rd / Maw Green Rd / Sydney Rd / Elm Drive Roundabout; and,
 - (d) Sydney Road Bridge MOVA.

The development shall be implemented in complete accordance with the approved details unless otherwise agreed, in writing, by the Local Planning Authority .

8 Financial Implications

- 8.1 There are no financial implications.

9 Legal Implications

- 9.1 The Borough Solicitor has been consulted on the proposals and raised no objections

10 Risk Assessment

10.1 There are no risks associated with this decision.

11 Reasons for Recommendation

11.1 To allow negotiations in respect of the Section 106 to progress to signing, to enable the development works to commence in a timely fashion to assist in delivering the 5 year housing land supply for the Borough.

For further information:

Portfolio Holder: Councillor Rachel Bailey
Officer: Ben Haywood – Principal Planning Officer
Tel No: 01270 686761
Email: ben.haywood@cheshireeast.gov.uk

Background Documents:

- *Application 11/1643N.*

Application No: 12/3905C

Location: Land adjacent to Heath End Farm, Hassall Road, Alsager, Cheshire East, ST7 2SL

Proposal: Outline application for up to 34 dwellings, including the creation of means of access to Hassall Road, Alsager

Applicant: Frank Evason & Mr Allan Key

Expiry Date: 10-Dec-2012

SUMMARY RECOMMENDATION

APPROVE subject to conditions and the completion of Section 106 legal agreement to secure the following:-

- 1. Provision of 30% affordable housing units – 65% to be provided as social rent/affordable rent with 35% intermediate tenure**
- 2. The provision of a Public Open Space to be maintained by a private management company**
- 3. A commuted payment of £65,078 towards primary school education**
- 4. A commuted payment of £45,789.83 towards offsite POS and play equipment**

MAIN ISSUES

Impact of the development on:-

Principal of the Development
Planning Policy and Housing Land Supply
Renewable Energy
Landscape
Affordable Housing
Highway Implications
Amenity
Trees and Hedgerows
Design
Ecology
Open Space
Education
Flood Risk and Drainage
Agricultural Land

REASON FOR REFERRAL

This application is referred to the Strategic Planning Board as it relates to a departure to the Congleton Borough Local Plan.

1. DESCRIPTION OF SITE AND CONTEXT

The site of the proposed development extends to 1.42 ha and is located to the north west of Alsager, circa 2km from the town centre. The site is within open countryside. To the south and west is agricultural land. To the south beyond another field is an established children's play area and the former sports grounds of the MMU campus. To the east and north is Hassall Road with 20th century residential development beyond. A public footpath (Alsager No 3) runs to the south of the site.

The land is currently in agricultural use and there are a number of trees and remnant lengths of hedge on the periphery. Some of the trees on the Hassall Road frontage are subject to TPO protection: (The Alsager Urban District Council (Pikemere Road / Hassall Road) TPO 1970).

2. DETAILS OF PROPOSAL

This is an outline planning application for up to 34 dwellings (30.61 dwellings per hectare). Access is to be determined at this stage with all other matters reserved.

The access point to serve the site would be taken off Hassall Road. The site would include the provision of 30% affordable housing and public open space.

The development would consist of a mix of house types with the maximum height being two stories in height.

3. RELEVANT HISTORY

The site has no relevant planning history

4. POLICIES

National Policy

National Planning Policy Framework

Local Plan policy

PS3 – Settlement Hierarchy

PS8 - Open Countryside

GR21- Flood Prevention

GR1- New Development

GR2 – Design

GR3 - Residential Development

GR4 – Landscaping

GR5 – Landscaping

GR9 - Accessibility, servicing and provision of parking

GR14 - Cycling Measures

GR15 - Pedestrian Measures

GR16 - Footpaths Bridleway and Cycleway Networks

GR17 - Car parking
GR18 - Traffic Generation
NR1 - Trees and Woodland
NR3 – Habitats
NR4 - Non-statutory sites
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

DP1 – Spatial Principles
DP2 – Promote Sustainable Communities
DP7 – Promote Environmental Quality
L4 – Regional Housing Provision
L5 – Affordable Housing
RDF1 – Spatial Priorities
EM1 – Integrated Enhancement and Protection of the Regions Environmental Assets
MCR1 – Manchester City Region Priorities
MCR 4 – South Cheshire

Other Considerations

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

5. CONSULTATIONS (External to Planning)

Environment Agency: The Environment Agency has 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. If a single rate of discharge is proposed, this is to be the mean annual run-off (Q_{bar}) from the existing undeveloped greenfield site. The Flood Risk Assessment (FRA) prepared by L K Consult suggests that surface water from the proposed development may discharge to a watercourse located along the western boundary of the site.

Further details will be required at the detailed design stage to confirm that this watercourse is suitable for taking the runoff from the proposed development. The surface water regulation scheme should subsequently ensure that flood risk is not increased elsewhere as a result of the proposed development. If surface water is to discharge to mains sewer, the water company should be contacted for confirmation of the acceptable discharge rate. 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. The following planning conditions should be attached to any approval:

- A scheme to limit the surface water run-off from the site
- A scheme to manage the risk of flooding from overland flow

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

- A public sewer crosses this site and United Utilities will not permit building over it. United Utilities will require an access strip width of 6 metres, 3 metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for maintenance or replacement.
- This site must be drained on a total separate system, with the surface water flows generated from the new development discharging directly to soakaway/watercourse and or to the public surface water sewer at a maximum discharge rate as determined by United Utilities.

Strategic Highways Manager: As this is an outline application, there are no internal design comments made. The proposed access design is acceptable and does provide a satisfactory level of visibility.

The traffic impact that can be expected from the development is low and there is no justification for rejecting the application on traffic impact grounds.

Environmental Health: No objection subject to conditions relating to construction hours, piling hours, dust mitigation, contaminated land and an environmental management plan.

Public Open Space: Following an assessment of the existing provision of amenity space accessible to the proposed development, if the development were to be granted planning permission there would be a surplus in the quantity of provision, having regard to the Council's Open Space Study. Whilst there is no requirement for new open space, a qualitative deficit has been identified at Hassall Road Play Area. Given that an opportunity has been identified for enhancing the existing amenity space to serve the development based on the Council's Guidance Note on its Draft Interim Policy Note on Public Open Space Requirements for New Residential Development, the financial contributions sought from the developer would be:

Enhanced Provision:	£ 4,310.92
Maintenance:	£ 9,649.20

Following an assessment of the existing provision of Children and Young Persons Provision accessible to the proposed development, if the development were to be granted planning permission there would be a deficiency in the quantity of provision, having regard to the local standards set out in the Council's Open Space Study. Whilst there is a requirement for new open space, the existing facilities are substandard in quality including a poor range of facilities for the needs of the local community. An opportunity has been identified for upgrading and enhancing the quality of an existing facility at Hassall Road Play Area. Given that an opportunity has been identified for upgrading the capacity/quality of Children and Young Persons Provision, based on

the Council's Guidance Note on its Draft Interim Policy Note on Public Open Space Requirements for New Residential Development the financial contributions sought from the developer would be:

Enhanced Provision:	£ 7,472.11
Maintenance:	£ 24,357.6

Natural England: This proposal does not appear to affect any statutorily protected sites or landscapes, or have significant impacts on the conservation of soils, nor is the proposal EIA development. In relation to protected species reference should be made to the Natural England Standing Advice.

Public Rights of Way: The application documents note the existence of a Public Right of Way, namely Alsager Footpath No. 3, in the land parcel to the south of the proposed development site.

The application form and planning statement (paragraph 4.4) state that a new Public Right of Way is to be provided through the development. It is assumed that the proposed link from the estate road to the southern boundary is considered to equate to this new Public Right of Way. This link is welcomed. However, it would be suggested that the path not be dedicated as a public right of way, but be maintained as a path for public use within the open space management for the site. A gate is proposed in the layout plan whilst a gap is proposed in the planning statement, where this path reaches the boundary of the development site. The most accessible and least restrictive option should be selected in order to maximize the number of people who can use the path: a gap of at least 1m width would be desirable.

That said, a request to upgrade Public Footpath. No. 3 in Alsager to bridleway status has been registered under the Council's statutory Rights of Way Improvement Plan (ref. 144), so that the route is accessible to horse riders and cyclists in addition to pedestrians. In anticipation of this, the proposed path should be established as a combined cyclist/pedestrian facility.

The Transport Plan states in paragraph 2.10 that the Salt Line is a 27km linear off-road cycle route between Alsager and Sandbach. The Salt Line is in fact 2.5km in length, and offers a connection between these two towns when considered in tandem with the Wheelock Rail Trail which offers an additional 1.5km length. This route will offer residents of the proposed development a direct and traffic-free route to Sandbach and other service and employment locations. Improvements to the accessibility of the Salt Line for cyclists are being proposed at present and contributions towards this work would be sought from the developer to enable the route be more readily included within the transport plan options for residents.

Another path, Public Footpath No. 4 which runs between Hassall Road and Lodge Road, acts as a direct link between the proposed development site and the town centre. A further suggestion registered under the Council's statutory Rights of Way Improvement Plan (re. T76) is to improve the surface condition of this footpath and to consider installing lighting along its length so that the route is suitable for use year round. I have attached a plan for reference.

The developer should be tasked to prepare Travel Plans for residents of the proposed development in order to bring to their attention the walking, cycling and public transport options available to them in gaining access to facilities and employment. In addition, destination signage should be provided to local facilities.

Education: A contribution will be required towards primary provision on the basis of 34 dwellings = 6 primary aged pupils.

$6 \times 11919 \times 0.91 = \text{£}65,078$

Open Space Society: No comments received at the time of writing this report.

6. VIEWS OF THE PARISH COUNCIL

Alsager Town Council: Alsager Town Council strongly objects to this application on the following grounds:

- This is an intrusion into the surrounding countryside and no development should take place on greenfield sites in Alsager before all brownfield sites are exhausted, to ensure that greenfield sites that have access to the countryside are protected and preserved against residential development.
- This site is not contained in the Congleton Borough Local Plan for residential development.
- Serious concern is expressed regarding the access being very close to a Z bend that already takes heavy traffic.
- Further investigation is needed into the Root Protection Areas of the trees along Hassall Road and the impact the proposed development will have, taking into account that half of the roots will already run under Hassall Road.
- There is a high-water table in this area and this field has standing water all year round. The centre of the field is constantly covered with water.
- Further investigation is needed in reference to the standing water on the field and the possible use of this field by amphibians and other wildlife.

7. OTHER REPRESENTATIONS

Letters of objection have been received from 109 local households raising the following points:

Principal of development

- The site is outside the settlement boundary
- The Twyfords and MMU sites will deliver enough housing for Alsager
- The site is not identified for development in the Alsager Town Strategy
- The proposed development is not sustainable
- Loss of Greenfield land
- Impact upon the rural landscape
- There is no need for more housing in Alsager
- The proposal is contrary to the Congleton Local Plan
- There is a lack of employment in Alsager
- The application on the adjacent site has been refused
- The development will stick out like a sore thumb
- The proposal would harm the rural character of the site

- No benefit to the residents of Alsager
- Loss of Green Belt land
- There are numerous properties for sale in Alsager
- The development of this site was discounted as part of the local plan
- Priority should be given to brownfield sites
- The draft Town Strategy has identified that brownfield sites should be developed first
- The development would result in urban sprawl
- Loss of village life

Highways

- The access point is in a dangerous position on a bend in the road
- Increased traffic congestion
- Impact upon highway safety
- Pedestrian safety
- The proposed crossing would be dangerous
- Increased parking on the highway which is already a problem
- Poor public transport
- Increased danger to cyclists and pedestrians

Green Issues

- Loss of green land
- Impact upon wildlife
- Impact upon protected species
- Loss of trees
- Loss of agricultural land
- Impact upon Great Crested Newts
- There would be a high landscape impact as a result of this development
- Increased pollution

Infrastructure

- The site has a high water table and the development will increase flooding
- Increased pressure on local schools
- The local schools are full to capacity
- Doctors and dentists are full
- There is insufficient power with the power line being overloaded
- The sewage system is overstretched
- There is little in terms of leisure facilities

Amenity Issues

- Loss of a view
- Impact upon air quality
- Noise and disruption from construction of the dwellings
- Increased noise caused by vehicular movements from the site
- Impact upon privacy
- Overlooking
- Increased light pollution
- Loss of outlook for surrounding properties

Other issues

- Loss of property value

8. APPLICANT'S SUPPORTING INFORMATION

To support this application the application includes the following documents:

- Design, Access and Planning Statement (Produced by Cunliffe Planning Consultancy)
- Transport and Accessibility Statement (Produced by Richard Nickson Consulting Ltd)
- Extended Phase 1 Habitat Survey & Important Hedgerow Assessment (Produced by Rachel Hacking Ecology)
- Preliminary Tree Survey (Produced by Mulberry)
- Flood Risk Assessment (Produced by LK Consult Ltd)
- Phase 1 Desk Study (Produced by LK Consult Ltd)
- S106 Heads of Terms

These documents are available to view on the application file.

9. OFFICER APPRAISAL

Principal of Development

The National Planning Policy Framework (NPPF) at paragraph 47 requires Local Planning Authorities to maintain a 5 year rolling supply of housing and states that LPA's 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.

It is considered that the most up-to-date information about housing land supply in Cheshire East is contained within the Strategic Housing Land Availability Assessment (SHLAA) which was adopted in March 2012.

The SHLAA has put forward a figure of 3.94 years housing land supply.

Paragraph 47 of the NPPF requires that there is a five year supply of housing plus a buffer of 5% to improve choice and competition. The NPPF advocates a greater 20% buffer where there is a persistent record of under delivery of housing. However for the reasons set out in the report which was considered and approved by Strategic Planning Board at its meeting on 30th May 2012, these circumstances do not apply to Cheshire East. Accordingly once the 5% buffer is added, the Borough has an identified deliverable housing supply of 3.75 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.”*

The forthcoming Cheshire East Local Plan will set new housing numbers for the area and identify sufficient land and areas of growth to meet that requirement up to 2030. The Submission Draft Core Strategy will be published for consultation in the spring of 2013. However, in order that housing land supply is improved in the meantime, an Interim Planning Policy on the Release of Housing Land has been agreed by the Council. This policy allows for the release of appropriate greenfield sites for new housing development on the edge of the principal town of Crewe and as part of mixed development in town centres and in regeneration areas, to support the provision of employment, town centres and community uses.

Although the site is not identified within the Development Strategy, the proposed development is of a small scale and is not considered to be strategic. Therefore this cannot form a reason for refusal.

With respect to the housing supply within Alsager specifically, there has been a low number of completions in the town, totalling only 54 between 1st April 2006 and 31st March 2011 (the last 5 years) which is an average of only 10 per year. There is also a low level of commitments – currently there are full planning permissions for 8 net dwellings. There are outline permissions for 2 net dwellings and on sites under construction there are 2 net dwellings remaining. There is also a number of applications subject to outstanding S106 Agreements (application 12/0893C - Crewe Road Alsager, an outline proposal for 65 dwellings, 11/4109C – Twyford's Bathrooms outline application for up to 335 dwellings and an application for 1 additional dwelling). At the time of writing this report none of these sites has a formal planning permission.

There are several contemporary appeals that also feed into the picture of housing supply in Cheshire East. These appeals include Elworth Hall Farm, Loachbrook Farm, Land off Hind Heath Road, Land off Rope Lane, Land off Warmingham Lane and Abbeyfields. At the time of writing this report decisions have been issued on all over the above sites apart from Abbeyfields (where a decision is expected by 17th January 2013).

Elworth Hall Farm

At Elworth Hall Farm in Sandbach, a proposal for 26 homes was allowed on a small site on the outskirts of the town. In this case the Inspector stated that:

'the proposal would harm the countryside in conflict with the Local Plan. However, the Council did not have a demonstrable 5 year supply of deliverable sites for housing. Given this, I have also concluded that, on the evidence before me, it has not been shown that this would not be a suitable site for new dwellings. In my opinion the weight to be afforded to this material consideration indicates that the proposal should be determined otherwise than in accordance with the development plan'

Land at Rope Lane

This proposal was an outline application for up to 80 dwellings at land off Rope lane. The site is located within the Green Gap and Open Countryside. In this case the Inspector found that there would be limited harm to the character and appearance of the area through the localised loss of openness, and the scheme would not materially affect the degree of separation between Shavington and Crewe. In this case, the Inspector concluded that

'I consider the limited harm to the character and appearance of the area does not significantly and demonstrably outweigh the acknowledged benefits of the proposed development'

Land off Hind Heath Road

This proposal was an outline application for the erection of 269 dwellings. The site is located within the Open Countryside. In this case the SoS found that that the proposal would cause material harm to the countryside protection policies of the local plan. Despite this the SoS considered that the lack of 5 year land supply is a material consideration that reduces the weight that he attaches to development plan policies for the supply of housing.

The SoS then goes onto make reference to the Core Strategy and the Town Strategy that had been undertaken in Sandbach and he states that:

'Secretary of State gives the CS Issues and Options Paper very limited weight as the CS is still at a very early stage of preparation. He notes that since the inquiry, a place shaping consultation has been carried out, but consultation on a draft CS is not expected until spring 2013. The Secretary of State notes that Sandbach is a neighbourhood planning front-runner; that a Sandbach Town Strategy (STS) has been prepared by the community to inform the CS; and that it does not identify the appeal site for development. The Secretary of State considers that although a material consideration, it is an evidence base document and does not have the status of the development plan. It has been prepared in advance of the finalisation of future housing needs for Cheshire East and cannot prejudge the contribution that Sandbach may make

to meeting those needs. For these reasons he considers that it should be given little weight at this stage'

In relation to the size of the site and potential issues of prematurity the SoS states that:

'The Secretary of State considers that the size of development proposed in this case is not so substantial, or the cumulative effect would be so significant, that granting planning permission would prejudice decisions about the scale, location or phasing of land for new development in the CS. The Secretary of State notes from the representations that other sites not yet the subject of planning applications may come forward, but as the district housing requirement has yet to be determined through the CS, he does not consider that there is a strong prematurity argument in this case'

The SoS then goes on to conclude that the development would be consistent with the objectives of the development plan.

Land off Warmingham Lane

This proposal related to an outline application for the erection of up to 194 dwellings. Although this relates to an appeal for non-determination and the principle of development was not disputed in this case the Inspector found that the housing shortfall is *'significant and serious'*. The Inspector then concluded that:

'There would be some adverse impacts, primarily through the loss of open countryside land and on the living conditions of residents opposite the site access, but these would be significantly outweighed by the benefits of the proposal, taken as a whole. In those circumstances, the guidance of the Framework is clear that development should be approved'

Loachbrook Farm

Members should also be aware of the recent appeal decision at Loachbrook Farm Congleton. In this case the inspector gave significant weight to the lack of a 5-year housing land supply and approved the development for up to 200 dwellings. In the Inspector's view, the site was within the open countryside and would not be in accordance with the local plan, the proposal would locally harm the character and appearance of the countryside and would result in the loss of the best and most versatile agricultural land. However, the Inspector found that these issues were outweighed by the need to secure a 5-year supply of deliverable housing land that would also contribute to providing affordable and low cost housing.

In terms of prematurity the Inspector found that it would not be premature or prejudice the development of other sites. The Inspector stated that;

'General Principles also indicates that applications should not be refused on the sole ground of prematurity and, taking account of Government advice, there is little justification for delaying a decision or, as the Council suggest, for considering other sites that the Council contend offer increased levels of sustainability'

The Council has sought leave to Judicially Review the Loachbrook Farm and Hind Heath Road above, and it is unknown at the time of writing this report whether the Legal Challenge will proceed further through the Courts.

From the above, it can be concluded that:

- The Council does not have a five year supply of housing – and the presumption in favour of sustainable development should apply.
- The site is not strategic in size.
- The appeal decisions at Loachbrook Farm, Hind Heath Road, Warmingham Lane, Rope Lane and Elworth Hall Farm indicate that significant weight should be applied to housing supply arguments.
- The NPPF is clear that, where a Council does not have a five year housing land supply, its housing supply relevant policies cannot be considered up to date. Where policies are out of date planning permission should be granted 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.”*

Overall, housing supply is a very important consideration in the determination of this application and must be given considerable weight. The application turns, in officer's opinion on whether there are any significant and demonstrable adverse effects that indicate that the presumption in favour of the development should not apply and this is considered in more detail below.

Location of the site

The site is considered by the SHLAA to be sustainable.

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

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

- Amenity Open Space (500m) – 100m
- Children's Play Space (500m) – 100m
- Bus Stop (500m) – There is a bus stop immediately outside the site
- Primary School (1000m) – 100m
- Leisure Facilities (leisure centre or library) (1000m) – 600m
- Child Care Facility (nursery or crèche) (1000m) - 100m
- Post Box (500m) – 500m
- Community Centre/Meeting Place (1000m) – 900m
- Public Right of Way (500m) – Directly to the south of the site

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

- Post office (1000m) – 1950m
- Pharmacy (1000m) – 1950m
- Medical Centre (1000m) - 2100m
- Railway Station (2000m where geographically possible) – 2250m
- Public House (1000m) – 1300m

In summary, whilst the site does not comply with all of the standards advised by the NWDA toolkit, as stated previously, these are guidelines and are not part of the development plan. Owing to its position on the edge of Alsager, there are some facilities 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.

However, this is not untypical for suburban dwellings and will be the same distances for the residential development on the other side of Hassall Road from the application site. However, all of the services and amenities listed are accommodated within Alsager and are accessible to the proposed development on foot or via a short bus journey, with a bus stop directly outside the site. Accordingly, it is considered that this small scale site is a sustainable one.

Renewable Energy

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.

No information is provided with the application concerning the contribution the development will make to on site renewable or low carbon energy supply. Given the layout proposed and the circumstances of the site, it is considered that it is viable and feasible to meet the requirements of the RSS policy and a detailed scheme should therefore be secured through planning condition.

Landscape

The site is located to the north west of Alsager and is currently grazing land. The northern and eastern boundaries are defined by post and wire fencing, railings, hedge and trees. The southern boundary is defined by a post and wire fence and the western boundary has bracken growth with trees.

There is residential development to the north east and east of Hassall Road and residential properties around the Heath End Farm complex. Beyond Heath End farm to the north, to the west and to the immediate south there is further agricultural land. A public footpath to the south of the site links Hassall Road to Dunnocksfold Road.

The application site is identified as Open Countryside in the Congleton Borough Local Plan. There are no landscape designations on the site and within the Cheshire Landscape Character Assessment the application site is located in the Lower Farms and Woods Landscape type 10, to the edge of the Bartholmley Character Area. The site is agricultural in character. Visually it is well connected to the wider agricultural landscape, rather than to the residential development on the eastern side of Hassall Road.

No assessment of the landscape or visual impacts that may accompany the proposed development have been included with the application.

The development would significantly change the character of the site. However, the key objectives of the Illustrative Masterplan should:

- Respect the existing landscape characteristics of the site (principally the mature trees and hedgerows)
- Conserve and enhance the vast majority of the existing mature trees and any notable hedgerows as an integral and structuring part of the Landscape Framework;
- Minimise any potential adverse landscape or visual effects through the application of best practice design principles and careful attention to design through all stages of the development process – particularly, attention to design and specification of landscape boundary treatments.

These issues can be dealt with at the Reserved Matters stage.

Affordable Housing

The Councils Interim Planning Statement for Affordable Housing states that the Council will seek affordable housing on all sites with 15 units or more, and the general minimum proportion of affordable housing for any site will be 30% of the total units.

The Strategic Housing Market Assessment 2010 shows that for the sub-area of Alsager, there is a requirement for 36 new affordable units per year, made up of a need for 13 x 2 bed units, 12 x 3 bed units, 12 x 4/5 bed units and 10 x 1/2 bed older persons units.

There are currently 130 applicants on our housing register applying for social rented housing who have selected Alsager as their first choice, these applicants require 44 x 1 beds, 43 x 2 beds, 25 x 3 beds and 3 x 4 beds. (14 applicants have not specified how many rooms they need).

As there is affordable housing need in Alsager, there is a requirement that 30% of the total units at this site are affordable, which equates to 11 dwellings. According to the Planning Statement the applicant is offering 11 dwellings as affordable housing, which meets the requirement for affordable dwellings on this site

The Affordable Housing IPS also states that the tenure mix split the Council would expect is 65% rented units 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 tenure split should therefore be 7 dwellings as rented affordable homes, (which can be provided as either social rent or affordable rent) and 4 provided as intermediate tenure.

Based on the current housing need information, there is a preference for more 2 bed properties as the affordable housing than 3 beds.

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%.

All the 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 Affordable Homes should also be integrated with the open market homes and not be segregated in discrete or peripheral areas.

As this application is an outline application, there are no further details about the affordable housing provision. The applicant will be required to submit details of their proposed affordable housing scheme at the first reserved matter stage and should include details of the affordable housing scheme, including the mix of unit types and how these meet the required tenure split of 65% rented affordable units and 35% intermediate tenure units.

Highways Implications

This is an outline planning application for up to 34 residential units, with access taken off Hassall Road, Alsager. A priority junction is proposed as access to the site. There is a current speed limit of 30mph on Hassall Road and there is also a system of traffic calming in the form of speed cushions installed.

The key highways issues in this case are:

- Determining whether the quantum of development will cause a material impact on the local highway network.
- Suitability of the access design.

Although there are a number of other residential sites that either are planned or have been rejected in the vicinity of the land in this application, there are no current planning permissions that would add significant traffic to the road network. Therefore, this application has to be dealt with on the basis that it would add the traffic generation of 34 units to the road network. The scale of impact of this development would be relatively minor adding some 23- 27 trips in the peak hours to the road network. Given the relatively low traffic flows on Hassall Road this number of trips will not have a material impact in capacity terms upon the road network.

The access is a simple priority junction and does provide visibility in accordance with Manual for Streets. A speed survey has also been undertaken that confirms that average speeds are not excessive. As such the visibility provision of 2.4m x 43m is accepted.

Amenity

In terms of the surrounding residential properties, these are mainly to the north and east of the site. Although the application is outline only, the indicative layout shows that adequate separation distances would be provided to these properties. The proposed dwellings would be of a density that is consistent with the surrounding area and would not be out of character in this area.

In terms of air quality, the Environmental Health Officer has requested a condition regarding a dust management plan to minimise the impact from the development in terms of the site preparation and construction phases.

The Environmental Health Officer has requested a condition in relation to noise during construction, pile driving and contaminated land. These conditions will be attached to the planning permission.

Trees and Hedgerows

Trees

Trees on the Hassall Road frontage are subject to the Congleton Borough Council (Pikemere Road/Hassall Road) TPO 1975.

The submission is supported by a Preliminary Tree Survey Report dated April 2012. The report indicates that the survey has been carried out in accordance with *BS 5837:2005 Trees in relation to construction – Recommendations*.

British Standard 5837 :2005 has been superseded by *BS5837:2012 Trees in relation to design, demolition and Construction – Recommendations*. The current BS places greater robustness and level of confidence necessary to ensure the technical feasibility of the development in respect of the successful retention of trees. To comply with the updated BS, an updated layout plan including RPA's has been provided.

The submitted plans indicate that the proposed development would result in the loss of 3 trees along the north and eastern boundary with 1 tree lost along the western boundary. Of the trees that would be removed, one has major areas of dead wood and is identified for removal with the other tree located onto the frontage graded B/C and the Oak tree to the western boundary grade B.

It is considered that the tree losses as part of this development are acceptable and replacement planting will be secured as prt of the landscaping scheme on this site.

Hedgerows

Where proposed development is likely to result in the loss of existing agricultural hedgerows which are more than 30 years old, it is considered that they should be assessed against the criteria in the Hedgerow Regulations 1997 in order to ascertain if they qualify as 'Important'. Should any hedgerows be found to be 'Important' under any of the criteria in the Regulations, this would be a significant material consideration in the determination of the application. Hedgerows are also a habitat subject of a Biodiversity Action Plan. The Regulations require assessment on various criteria including ecological and historic value.

The roadside hedgerow would be impacted by the development. The submitted Extended Phase 1 Habitat Survey and Important Hedgerow Assessment states that none of the hedgerows satisfy the wildlife and landscape criteria for an Important Hedgerow. In relation to the historic data an extract plan from the 1840 Tithe map shows the existing line of Hassall Road and associated field pattern. This suggests that the hedge boundary is part of an integral field pattern pre-dating the Enclosure Acts, and as a result the hedgerow is classed as an Important hedge.

Policy NR3 (Habitats) of the adopted Congleton Borough Local Plan First Review, states that proposals for development that would result in the loss or damage to important hedgerows will only be allowed if there are overriding reasons for allowing the development, and where the likely effects can be mitigated or the habitat successfully recreated on or adjacent to the site and there are no suitable alternatives. In order to comply with the policy, all of these criteria must be met.

In this case, the extent of the hedgerow loss is considered to be minor and replacement planting could be secured. There are significant benefits of approving this development in terms of the 5-year land supply which would outweigh the harm caused by the loss of the hedgerow. As a result the development is considered to be acceptable.

Landscape

To the south of the application site residential development has been refused by the Strategic Planning Board under planning application 12/1670C for the following reason:

'The proposed development by reason of incursion of built form into the open countryside, would detract from the generally open character of the west side of Hassall Rd. This would be a harmful effect which would fail to take account of the different roles and character of different areas or recognise the intrinsic character and beauty of the countryside and would be contrary to policy within the NPPF and would be an adverse impact which would significantly and demonstrably outweigh the benefits in terms of housing land supply'

In this case the application site shares a closer relationship with the settlement boundary as there is residential development directly to the north at Heath End Farm and fronting on to Pikemere Road where it bends around the northern boundary of the site. It is therefore considered that the development would not represent a significant incursion into the open countryside.

There is no national landscape designation on this site and any harm to the character and appearance of the open countryside would be at a local level. As can be seen in a number of recent appeal decisions (decisions made since the determination of application 12/1670C) the local impact upon the character and appearance of the open countryside does not outweigh the lack of a 5 year housing land supply.

As a result the impact upon the landscape and the character and appearance of the open countryside is considered to be outweighed by the housing need.

Design

The application is outline with details of scale, layout, appearance and landscaping to be determined at a later date. In support of this planning application, a Design and Access Statement has been provided.

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

"Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic

considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”

In this case the density of the site is appropriate and is consistent with that of the surrounding area. The indicative layout shows that the properties on the site would overlook the highway, parking areas and the public open space. The properties located at corner plots have the potential for dual-frontages.

To the west the boundary hedgerow would be retained to act as a green buffer to the open countryside beyond. According to the indicative plan, the open space would be located to the east of the site which would retain the existing green corridor along the Hassall Road frontage which would help maintain the existing setting along Hassall Road.

Although the indicative layout does appear dated with car dominated frontages, it is considered an acceptable detailed design can be secured given the density of development on this site. This will be determined as part of the reserved matters stage.

Ecology

Great Crested Newts

The submitted Phase 1 Habitat Survey states that the nearest pond to the proposed development is located roughly 250m from the proposed development. However a pond appears on the OS plan which is 231m from the boundary of the proposed development. A further assessment has shown that there is no pond in this location.

Consequently, there is not considered to be an impact upon Great Crested Newts.

Bats

The submitted survey report identifies the on-site trees as having potential to support features suitable for roosting bats.

A further survey has been undertaken and this finds that no evidence of bat activity was found in the trees surveyed. This is accepted by the Councils Ecologist and it is not considered that the development would impact upon this protected species.

Birds

The site is likely to support breeding birds, including the more widespread BAP priority species, which are a material consideration for planning. Well designed open space areas and the use of native species in the landscaping scheme would reduce the adverse impacts of the development upon birds. If planning consent is granted, conditions will be required to safeguard breeding birds and ensure some additional provision is made for breeding birds and roosting bats.

Grasslands

Whilst the grassland habitats on site are unlikely to qualify as UK BAP priority habitats, they are more diverse than much of the agricultural grassland resource in Cheshire East. The grassland has also been identified as having potential to provide foraging habitats for barn owls, a species known to occur in Alsager.

The loss of grassland habitats from this site is likely to have an adverse impact on nature conservation interests at the local scale. It is noted that wild flower grassland is proposed for the eastern edge of the site.

A condition requiring any future reserved matters application to be supported by detailed proposals for the establishment and management of this area will be required.

Whilst the proposed wildflower area would have some ecological benefits, it is unlikely to compensate for the loss of barn owl foraging habitat. Therefore, the Council's Ecologist recommends that the loss of grassland foraging habitat associated with this development be 'offset' by means of a modest commuted sum which could be utilised to deliver enhancements for barn owls off-site in partnership with the local barn owl group. However such a contribution would not meet the CIL tests as it is vague with no specific scheme for improvements in this locality. Therefore no contribution can be secured.

Hedgerows

Hedgerows are a Biodiversity Action plan habitat and a material consideration. Species poor hedgerows are located on the eastern and northern boundaries of the proposed development site. It appears likely that these hedgerows will be affected by the proposed development. It is noted that hedgerows are proposed along the western boundary of the site. However to achieve the maximum benefit for biodiversity in accordance with the NPPF, the new hedgerows shall include native species along all of the boundaries of the proposed development and this will be secured at the reserved matters stage.

Public Open Space

This indicative layout shows that an area of POS would be provided along the Hassall Road frontage and this would mainly consist of a wildflower meadow. The level of POS is considered to be acceptable given the comments from the Councils Ecologist and the POS Officer. As a result a total contribution of £13,960.12 will be secured via a S106 Agreement for off-site improvements.

The open space on site would be managed by a management company and this would be secured as part of a S106 Agreement.

In terms of children's playspace, the Public Open Space Officer has also requested improvements to an off-site facility. This would result in a contribution of £31,829.71 which would be secured as part of a S106 Agreement.

Education

In terms of primary schools, there are six which would serve the proposed development (Excalibur, Cranberry, Alsager Highlands, Pikemere, Rode Heath and St Gabriel's) and the proposed development would generate 6 new primary places. As there are capacity issues at

these local schools the education department has requested a contribution of £65,078. The applicant has agreed to make this contribution and this will be secured via a S106 Agreement.

In terms of secondary education, the proposed development would be served by Alsager High School. There are currently 104 surplus spaces and this will rise to 241 surplus spaces in 2018. Therefore, there is no requirement for a secondary school contribution.

Flood Risk and Drainage

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

The ground on the site has been observed as being water logged and as a result of trial pit investigations, the FRA identifies that infiltration methods such as soakaways are unlikely to be feasible. As a result, the FRA identifies that surface water will be discharged into the minor watercourse on the western boundary or into the surface water sewer on Hassall Road.

The foul drainage will discharge into the existing foul sewer located. Due to the topography of the site the site may require to be pumped. The indicative layout shows that a pumping station could be located within the site.

The Environment Agency and United Utilities have been consulted as part of this application and have raised no objection to the proposed development. As a result, the development is considered to be acceptable in terms of its flood risk/drainage implications.

Agricultural Land Quality

It is noted that Policy NR8 (Agricultural Land) of the Congleton Borough Local Plan has not been saved. However, the National Planning Policy Framework highlights that the use of such land should be taken into account when determining planning applications. It advises local planning authorities that, 'significant developments' should utilise areas of poorer quality land (grades 3b, 4 & 5) in preference to higher quality land.

Although a survey of the agricultural land has not been provided the lack of a 5 year housing land supply would outweigh the loss of agricultural land on this site and a reason for refusal could not be sustained on these grounds. This is supported by a recent decision made by the Secretary of State at Bishop's Cleeve, Gloucestershire where two developments (one of up to 450 homes and another of up to 550 dwellings) were approved outside the settlement boundary with one being located on the best and most versatile agricultural land. The recent decision at Loachbrook Farm, Congleton also reinforces this point.

LEVY (CIL) REGULATIONS

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

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

The development would result in increased demand for primary school places in Alsager where there is very limited spare capacity. In order to increase capacity of the school(s) which would support the proposed development, a contribution towards primary school education is required. This is considered to be necessary and fair and reasonable in relation to the development.

As explained within the main report, POS and children's play space is a requirement of the Interim Planning Policy. It is directly related to the development and is fair and reasonable.

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

10. CONCLUSIONS

It is acknowledged that the Council does not currently have a five year housing land supply, which is a requirement of the National Planning Framework. Accordingly, in the light of the advice contained in NPPF, the relevant policies for the supply of housing should not be considered to be up-to-date. Therefore, paragraph 14 of the NPPF states that planning permission should be granted, unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF policies.

The site is located on the edge of the settlement boundary for Alsager and there is a range of facilities available within the town with many within walking distance of the site. The site is therefore considered to sustainably located.

In this case it is not considered that there are any adverse impacts that would significantly and demonstrably outweigh the benefits or there are any policies within the NPPF that indicate that development should be restricted. In this case the site is considered to be in a sustainable location and recent appeal decisions at Loachbrook Farm, Elworth Hall Farm, Hind Heath Road, Rope Lane, and Warmingham Lane also support the principle of housing in this location.

The proposal is also supported in principle by the Government's "Planning for Growth" agenda which states that Local Authorities should adopt a positive approach to new development, particularly where such development would assist economic growth and recovery and in providing a flexible and responsive supply of housing land. This proposal would do both. The Government has made it clear that there is a presumption in favour of new development, except where this would compromise key sustainability principles.

It is considered that the development is acceptable in terms of affordable housing provision.

The issues of highway safety are considered to be acceptable given the scale of the development and the design of the access.

Although there would be some adverse visual impact resulting from the loss of open countryside, it is considered that, due to the topography of the site and the retention of existing trees and hedgerows, this would not be significant relative to other potential housing sites in the Borough. Furthermore, it is considered that the benefits arising from housing land provision would outweigh

the adverse visual impacts in this case. It is considered that through the use of appropriate conditions, significant trees can be incorporated into the development. The hedgerow to be lost is relatively limited in length and it is considered that the requirement for housing outweighs the loss of these small stretches of hedgerow. Furthermore, 12/3905c replacement planting will be secured as part of the reserved matters application(s).

With regard to ecological impacts, the Council's ecologist is satisfied with the proposed mitigation/compensation measures for protected species can be secured.

The scheme complies with the relevant local plan policies in terms of amenity and it is considered that an acceptable design and layout can be secured as part of the reserved matters application.

Policy requirements in respect of public open space provision have been met within the site, with off-site contributions secured in this respect. A contribution has been secured to enhance primary school provision in the area.

The Flood Risk Assessment has not identified any significant on or off site flood risk implications arising from the development proposals that could be regarded as an impediment to the development

It is therefore considered that the proposal would comply with the relevant local plan policies and would not compromise key sustainability principles as set out in national planning policy. Therefore there is a presumption in favour of the development and accordingly it is recommended for approval.

11. RECOMMENDATIONS

APPROVE subject to completion of Section 106 legal agreement to secure the following:-

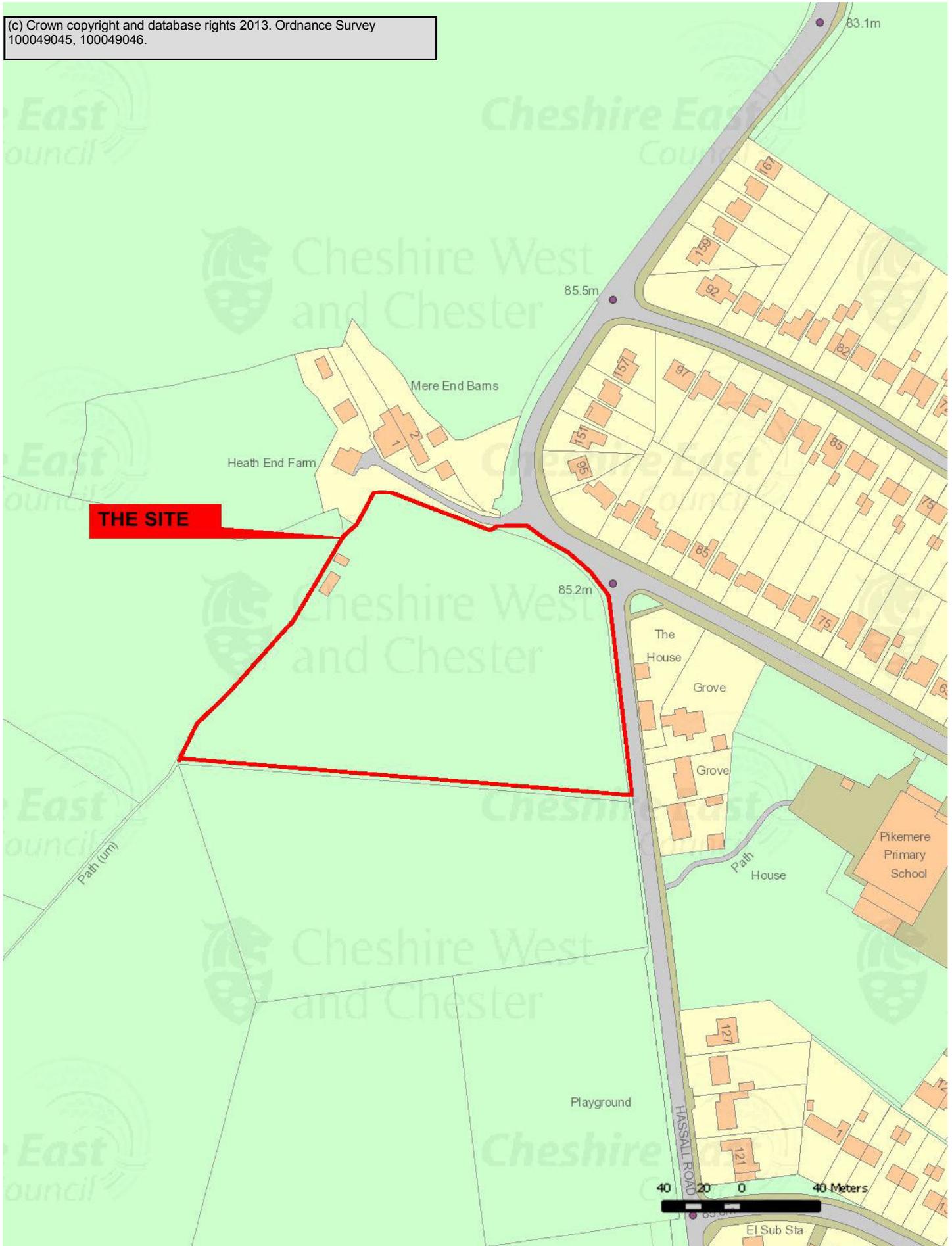
- 1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:**
 - The numbers, type, tenure and location on the site of the affordable housing provision**
 - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing**
 - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved**
 - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and**
 - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.**
- 2. The provision of a Public Open Space to be maintained by a private management company**
- 3. A commuted payment of £65,078 towards primary school education**
- 4. A commuted payment of £45,789.83 towards offsite POS and play equipment**

And the following conditions

1. **Standard Outline**
2. **Submission of Reserved Matters**
3. **Time limit for submission of reserved matters**
4. **Approved Plans**
5. **Hours of construction limited to 08:00 to 18:00 Monday to Friday, 09:00 – 14:00 Saturday and not at all on Sundays**
6. **Pile driving method statement**
7. **The developer shall agree with the LPA an Environmental Management Plan (EMP) with respect to the construction phase of the development. The EMP shall identify all potential dust sources and outline suitable mitigation. The plan shall be implemented and enforced throughout the construction phase.**
8. **Prior to the commencement of development a Phase II Contaminated Land Assessment shall be submitted to the LPA for approval in writing.**
9. **The development hereby permitted shall not be commenced until such time as; a scheme to limit the surface water run-off generated by the proposed development, has been submitted to and approved in writing by the local planning authority.**
10. **The development hereby permitted shall not be commenced until such time as; a scheme to manage the risk of flooding from overland flow of surface water has been submitted to and approved in writing by the local planning authority.**
11. **No development shall take place until a scheme has been submitted to and approved in writing by the local planning authority showing how at least 10% of the predicted energy requirements of the development will be secured from decentralised and renewable or low-carbon sources. The scheme shall be implemented as approved and retained thereafter.**
12. **Tree & Hedgerow Retention**
13. **Tree Protection Measures**
14. **The first reserved matters application to be supported by detailed proposals for the establishment and management of this grassland area will be required.**
15. **Provision of bat and bird boxes**
16. **Works should commence outside the bird breeding season**

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Management and Building Control has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.

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CHESHIRE EAST COUNCIL

STRATEGIC PLANNING BOARD

Date of meeting: 30th January 2012

Report of: Steve Irvine – Development Management and Building Control Manager

Title: Proposed alteration to the minutes for application 12/3564N

Site: Land off Vicarage Road, Haslington, CW1 5RR

1.0 Purpose of Report

- 1.1 This report has been presented to Strategic Planning Board because planning application 12/3564N was discussed by the Board on 14th November 2012. The minutes from this date are as per the officer recommendation and are as follows:

‘That for the reasons set out in the report, the application be APPROVED, subject to the completion of a Section 106 to secure the following:

1. *A scheme for the provision of 30% affordable housing – 65% to be provided as social/affordable rent with 35% intermediate tenure. The scheme shall include:
 - *the numbers, type, tenure and location of the affordable housing provision*
 - *the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing*
 - *the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved*
 - *the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and*
 - *the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.**
2. *The provision of Public Open Space to be maintained by a private management company in perpetuity.*
3. *A commuted payment of £75,924 towards primary school education*
4. *A commuted payment of £35,000 towards the upgrade of Haslington Skate Park’*

- 1.2 The minutes from the meeting of 5th December 2012 alter the recorded minutes of the previous meeting as follows:

'That the minutes of the meeting held on 14 November 2012 be approved as a correct record and signed by the Chairman subject to the declaration made by Councillor J Hammond in relation to application number 12/1157N under Minute No.86 Declarations of Interest/Pre determination being amended to include reference to the fact that whilst he had attended briefings with the applicant, their agents, Officers and other Ward Members regarding the overall Basford East/ Basford West development sites he had given no opinion whatsoever on the merits of this specific application.

In addition there was a further amendment to the fourth bullet point of the Section 106 Agreement under Minute No.90 application number 12/3564N to include the following wording:-

'The Section 106 Agreement a footpath be installed along Maw Lane from its junction with Clay Lane and the Skate Park Facility'.

2.0 Decision Required

- 2.1 The principle of the residential development has already been established by the previous resolution. Consequently, this report does not provide an opportunity to revisit that issue. This item relates solely to the proposed amendment to the requirements of the Section 106 Agreement.
- 2.2 The issue in question is the inclusion of the requirement for the S106 Agreement to include the requirement for a footpath to be installed along Maw Lane from its junction with Clay Lane and the Skate Park Facility.

3.0 Background

- 3.1 The application site is located to the east of Vicarage Road within the open countryside as defined by the Borough of Crewe and Nantwich Replacement Local Plan. The site is undeveloped land which is bound by native hedgerows and trees and appears to be used for the keeping of horses. To the south and east of the site are residential properties of varying sizes and styles which front onto Crewe Road, Cartwright Road and Vicarage Road. The land level drops to the north towards Fowle Brook which runs along the northern boundary of the site. A small portion of the site along the northern boundary as defined as an area of flood risk.

4 Proposed Development

- 4.1 12/3564N is an outline planning application for 44 dwellings (25 dwellings per hectare). Access is to be determined at this stage with all other matters reserved.

- 4.2 The access point to serve the site would be taken off Vicarage Road. The site would include the provision of 30% affordable housing, and 1,800sq.m of public open space. The indicative layout plan shows that the majority of the POS would be located to the north of the site.

5 Officer Comment

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

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

- 5.2 In this case the requirement for the S106 Agreement to include a footpath to be installed along Maw Lane from its junction with Clay Lane and the Skate Park Facility does not meet these tests.

- 5.3 Firstly the proposed contribution of £35,000 would be towards the upgrade of the existing skate park facility. There is an existing skate park in this location which appears to be well used. The proposed contribution would not result in the creation of a new facility just the upgrade of an existing facility. As there is no net increase in facilities it is not considered to be necessary or reasonable for the additional S106 requirement.

- 5.4 The main reason why the footpath installation would not meet the requirements of the CIL Regulations is that it would involve the use of third party land. This is unreasonable as there is no guarantee that the land owner would enter into the S106 Agreement or want the footpath to be delivered. This would in effect prevent the development coming forwards to assist with the Councils 5 year housing land supply. It should also be noted that the requirement of the S106 for the developer to install the footpath would also create a 'ransom strip' that could prevent the site being brought forward viably or within a reasonable time period.

- 5.5 In this case, the development is relatively small and provides contributions including a full provision of affordable housing, public open space provision and financial contributions towards primary school education and the skate park. Further requirements, such as the provision of a footpath on third party land, are likely to affect the viability of the scheme.

- 5.6 There is also support for this view within the NPPF it states that where S106 safeguards are necessary to make a development acceptable in planning terms, it should be *'clearly justified through discussions with the applicant, and the options for keeping such costs to a minimum fully explored, so that development is not inhibited unnecessarily'*.

5.7 The officer recommendation is therefore that the S106 Heads of Terms are altered to delete the requirement for the *'The Section 106 Agreement a footpath be installed along Maw Lane from its junction with Clay Lane and the Skate Park Facility'*.

5.8 However it should also be noted that there is a second alternative option for Members to consider. That would be the removal of the requirement for the £35,000 skate park improvement and the provision of a LEAP on the application site. This would also meet the requirements of Policy RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments) and the heads of terms would need to be altered to ensure that the LEAP is secured and that it is maintained by a private management company as per the Public Open Space.

6 Conclusion

6.1 On the basis of the above, the S106 requirement for a *'footpath be installed along Maw Lane from its junction with Clay Lane and the Skate Park Facility'* should be removed from the Heads of Terms.

7 Recommendation

7.1 That the Board resolve to amend the S106 Heads of Terms to the following:

1. *A scheme for the provision of 30% affordable housing – 65% to be provided as social/affordable rent with 35% intermediate tenure. The scheme shall include:*

- *the numbers, type, tenure and location of the affordable housing provision*

- *the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing*

- *the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved*

- *the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and*

- *the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.*

2. *The provision of Public Open Space to be maintained by a private management company in perpetuity.*

3. *A commuted payment of £75,924 towards primary school education*

4. *A commuted payment of £35,000 towards the upgrade of Haslington Skate Park'*

8 Financial Implications

8.1 There are no financial implications.

9 Legal Implications

- 9.1 The Borough Solicitor has been consulted on the proposals and raised no objections

10 Risk Assessment

- 10.1 There are no risks associated with this decision.

11 Reasons for Recommendation

- 11.1 To allow the variation of the S106 Heads of Terms so that they comply with the CIL Regulations, and to enable the development of this site to be brought forward to assist in delivering the 5 year housing land supply for the Borough.

For further information:

*Portfolio Holder: Councillor Les Gilbert
Officer: Daniel Evans – Principal Planning Officer
Tel No: 01270 686751
Email: daniel.evans@cheshireeast.gov.uk*

Background Documents:

- *Application 12/3564N*

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CHESHIRE EAST COUNCIL

STRATEGIC PLANNING BOARD

Date of meeting: 30th January 2013

Report of: Steve Irvine - Development Management and Building Control Manager

Title: Report to amend the resolution on the reserved matters application ref; 12/2217C pursuant to Outline planning permission 11/1682C proposing full details for the appearance, landscaping, layout and scale for a residential development comprising 224 dwellings, internal access road, open space and landscaping on the Former Fisons site, Marsh Lane, Holmes Chapel

1.0 Purpose of Report

1.1 To seek an amendment to the resolution to exclude the addition of a condition requiring the site to be accessed off the proposed roundabout at the junction where Marsh Lane meets with Manor Lane.

2.0 Decision Required

2.1 Approve the application in accordance with Member's resolution with the exception of condition no. 22.

3.0 Background and Report

3.1 At the last meeting, Members resolved to approve the residential development but on the basis that it would be served by a site access directly off the proposed roundabout. This would be secured by the following condition:

Detailed drawings showing the following alterations to the scheme shall be submitted to and approved by the LPA before any work is commenced on site:

1. A roundabout and spur accessing the site or suitable practical alternative

This part of the development shall only be completed in accordance with alteration thus approved.

3.2 Since the last meeting, the developers have considered the provision of an additional access limb off the proposed roundabout in line with Members request. However, this additional access limb cannot be provided because:

1. It is impractical
2. There are landownership issues
3. It does not comply with the outline consent and is therefore unlawful

3.3 Practicalities – The currently designed roundabout has already been agreed in detail with the Strategic Highways Manager. The provision of a fourth arm would require a much larger roundabout than that designed in order to meet with technical requirements. This would necessitate a total redesign of the layout and would result in the loss of even more dwellings as a larger roundabout and an access limb would eat into the site.

3.4 Landownership – To meet with the technical requirements of a four arm roundabout, third party land outside of the control of the applicant would need to be acquired. This creates a ransom strip and a blockage to the agent developing the site straight away. Without additional land, a four arm roundabout would not fit. This, combined with the impracticalities of providing the larger roundabout would make it difficult to implement the scheme, in accordance with Member's resolutions.

3.5 Unlawful – The means of access to the site was granted at outline stage and therefore access is not for consideration as part of this reserved matters application. The Council cannot therefore subsequently seek to amend something which has already been approved and is outside the scope of this reserved matters application. If they do so, as per the current resolution, then the developer cannot implement the scheme in accordance with the outline approval referenced 11/1682C and the relevant conditions.

3.6 There is no sound basis in highways terms to require the provision of this additional access limb. It is important to note that prior to the last meeting; the applicant had already considered providing an access into the site off the proposed roundabout. However, this had been discounted for the reasons set out above.

3.7 If Members do not wish to remove condition no. 22 from their resolution, the risk is that both the outline and reserved matters approvals would not be capable of being implemented either practically or lawfully.

3.8 The developer has demonstrated a commitment to commence the development as soon as possible and has confirmed that the intention is to complete the residential phases of development (phases A and B) within the next five years.

3.9 The imposition of the access condition would prejudice the delivery of this much needed housing, as well as other associated benefits including local highway and traffic improvements, affordable housing and public open space.

5.0 Recommendation

That the Board resolve that its previous resolution in respect of application 12/2217C should still stand, with the deletion of the following condition:

Detailed drawings showing the following alterations to the scheme shall be submitted to and approved by the LPA before any work is commenced on site:

- 1. A roundabout and spur accessing the site or suitable practical alternative*

This part of the development shall only be completed in accordance with alteration thus approved.

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By virtue of paragraph(s) 5 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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