

Application No: 22/1412N

Location: Land Off, SYDNEY ROAD, CREWE

Proposal: Full application for the erection of affordable housing together with access, landscaping and public open space including a tree lined walkway and other associated works.

Applicant: Anwyl Partnerships Ltd

Expiry Date: 01-Sep-2023

SUMMARY

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

The site is an essentially land-locked site and no longer forms part of the functional open countryside as it is contained by existing residential development, the railway line and Sydney Road Bridge, and also future development which has been approved beyond the railway line to the east.

The development would provide significant social benefits in terms of affordable housing through the provision of a 100% affordable housing scheme. It would also provide economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses.

The development of is of an acceptable layout and design which accords with the principles of the Cheshire East Design Guide. It would not have a harmful impact on the local highway network or highway safety and would not adversely affect the amenities of nearby properties or highway safety. In addition, there are no objections to the development in relation to air quality, noise, ground conditions, ecology, trees, landscape or drainage /flood risk.

Therefore, it is considered that although the application is a departure to the Development Plan, other material considerations as set out above, are acceptable and outweigh the identified policy conflict and therefore the proposal is recommended for approval subject to a legal agreement and conditions set out below.

SUMMARY RECOMMENDATION

Approval subject to completion of S106 Agreement and conditions

PROPOSAL

The application seeks full planning permission for a scheme of 45 affordable dwellings.

The proposed development will comprise of 3 bungalows, 16 one-bed apartments, 14 two-bed dwellings, and 12 three-bedroom dwellings. All dwellings will be transferred to a Registered Provider for future management.

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

Revised plans and additional information have been received during the application process in response to issues raised by the Council. This has been predominantly in relation to ecology, drainage, public open space/playscape and for compliance with national space and accessibility standards.

This application seeks to address the reasons for the refusal of a previous application (18//5510N) for an affordable housing scheme on this site. In particular, the proposals include an increase in the number of smaller units and bungalows across the site suitable for older people and young families. The revised design approach also provides an area of public open space including a play area running centrally through the site and which is visible from the site entrance.

SITE DESCRIPTION

The site (1.03Ha) is located on the north-eastern edge of Crewe and lies within Open Countryside as identified by the Development Plan. It is a triangular parcel of land comprising a single field on the northern side of Sydney Road. The site was formerly pasture land, but is no longer in agricultural use nor is it accessible to the public.

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

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

An existing access point serving the site is located between Nos.72 and 74 Sydney Road.

RELEVANT HISTORY

18/5510N - Development of 40 affordable dwellings, the creation of a new vehicle and pedestrian access from Sydney Road, internal shared surface roads, car parking, landscaping and public open space. Refused on 04-Oct-2019 for the following reasons:

- 1. It is considered that the harm to the Open Countryside is not outweighed by the benefits of the proposed development, given its poor layout and design resulting in the lack of*

satisfactory opportunities for children's play. The development is therefore deemed to be contrary to Policies PG6 (Open Countryside), SE1 (Design), SC3 (Health and Wellbeing), SD1 (Sustainable Development in Cheshire East), and SD2 (Sustainable Development Principles) of the Cheshire East Local Plan Strategy, and saved Policy RT3 of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

17/0560N - Full planning permission for the proposed development of 40 affordable dwellings, comprising of 17 two-bed and 23 three-bed dwellings, the creation of a new vehicle and pedestrian access from Sydney Road, internal shared surface roads, car parking, landscaping and public open space. Refused 1st December 2017

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

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

POLICY

Cheshire East Local Plan Strategy (CELPS)

PG2 – Settlement Hierarchy
PG6 - Open Countryside
PG7 – Spatial Distribution of Development
SC4 – Residential Mix
SC5 – Affordable Homes
SC6 - Rural Exceptions Housing for Local Needs
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE3 – Biodiversity and Geodiversity
SE5 – Trees, Hedgerows and Woodland
SE 1 - Design
SE 2 - Efficient Use of Land
SE 3 - Biodiversity and geodiversity
SE 4 - The Landscape
SE 5 - Trees, Hedgerows and Woodland
SE 6 – Green Infrastructure
SE9 - Energy Efficient Development
SE12 - Pollution, Land contamination and land instability
SE13 - Flood risk and water management
CO1 - Sustainable Travel and Transport
CO4 - Travel plans and transport assessments
IN1 - Infrastructure
IN2 - Developer Contributions

Site Allocations and Development Policies Document (SADPD)

PG9 Settlement Boundaries
GEN 1 Design principles
ENV 1 Ecological network
ENV 2 Ecological implementation

ENV 3 Landscape character
ENV 5 Landscaping
ENV 6 Trees, hedgerows, and woodland implementation
ENV 7 Climate Change
ENV 12 Air quality
ENV 15 New development and existing uses
ENV 16 Surface water management and flood risk
HOU 1 Housing mix
HOU 8 Space, accessibility and wheelchair housing standards
HOU12 Amenity
HOU 13 Residential standards
HOU 12 Housing Density
HOU 14 Housing Delivery
INF 1 Cycleways, bridleways and footpaths
INF 3 Highways safety and access
INF 9 Utilities
REC 3 Green space implementation

Other Material Considerations

National Planning Policy Framework (2021)
National Planning Practice Guidance
Cheshire East Design Guide

CONSULTATIONS

Housing - No objection. The application is for 100% affordable rented accommodation which will cater for the present need in Crewe.

Environmental Health - No objection subject to conditions regarding the implementation of the Noise Mitigation Scheme, charging for electric vehicles, travel information pack, installation of ultra-low emission boilers and remediation of contamination. Informatives relating to hours of construction and dust management are recommended.

Highways Officer - No objection subject to a condition requiring a Construction Management Plan.

Education - No objection subject to an education contribution of £54,231.

NHS - No objection subject to contribution of £38,578 towards improvement of local medical centres.

Greenspaces / Leisure Officer - No objection subject to conditions.

United Utilities - No objection subject to a condition requiring drainage to be being carried out in accordance with the principles set out in the submitted Surface Water Drainage Design.

Flood Risk - No objection subject to a condition requiring the approval of the detailed design and associated management and maintenance plan of surface water drainage for the site

Network Rail - No objection subject to conditions and standard informatives regarding construction work and development adjacent to the railway.

HS2 Ltd - No objection. The site does not fall within land safeguarded for Phase 2b of HS2. However, for the purposes of awareness a standard informative is recommended advising that the application site is located in close proximity to land that may be required to construct and/or operate Phase 2b.

Cheshire Brine Subsidence Compensation Board - No objection subject to an informative being attached in relation to the foundation design of the proposed development.

Cadent – No objection subject to informatives safeguarding gas apparatus within site. (comments to 18/5510N)

VIEWS OF THE TOWN COUNCIL

Crewe Town Council Object;

- Inadequate and substandard living accommodation contrary to Nationally Described Space Standards (NDSS).
- Development should provide appropriate on site required children's play area as no local provision in safe or reasonable distance.
- No details of waste storage
- Lack of cycle storage for residential units
- Lack of sustainable energy production and residential units should include roof-mounted photo solar voltaic panels
- Lack of electric vehicle charging points
- Treatment of boundaries should detail for wildlife permeability
- All boundary hedging should be retained
- Requirement for biodiversity gain.
- Lack of on- site wildlife habitat, bird and bat boxes
- Treatment of the Eastern boundary should include for acoustic/sound proofing to reduce potential railway noise affecting residents of the development.

OTHER REPRESENTATIONS

Representations have been received from the residents of 14 neighbouring properties raising the following points:

- Reasons for the refusal of the previous applications have not been addressed
- Amended plans have not addressed previous concerns with no reduction in the number of properties or improvements to the access
- Overdevelopment of the site. Number of properties should be reduced.
- Inappropriate site and no need for development
- Cumulative effects of development in the immediate area

- Increased pressure on community facilities and infrastructure including GP practices schools, dentists and hospitals
- CEC Children's Services have incorrectly calculated education contribution on the basis of a development of 26 dwellings. This financial contribution should be increased to reflect the proposed development of 45 dwellings
- Intrusion into the open Countryside with loss of green space and existing views
- Precedent for further development on open land to north-east
- Development out of character.
- Units do not meet technical Housing Standards
- Children's play area not provided on site and poor provision of public open space within the development. A S106 contribution could be sought to improve a nearby park
- Highway safety risks for children crossing Sydney Road to access play facilities on Lime Tree Avenue
- Proposed access serving the site is very narrow and of inadequate width.
- Adverse impact on highway safety due to inadequate highway visibility along Sydney Road and proximity to Sydney Road Bridge
- Increase traffic congestion on Sydney Road. This is a busy road especially at peak periods and will also be used by HS2 construction traffic
- Increased traffic flows and speed across reopened Sydney Road Bridge will exacerbate problems of joining the flow of traffic on to this busy stretch of road and a dangerous place for pedestrians to cross
- Additional traffic will hinder emergency vehicles using Sydney Road as a main access route to Leighton Hospital
- Highway safety issues from pavements not provided in front of all dwellings
- Inadequate car parking provision
- Public transport provision in locality is poor with no direct bus services
- Provision of an additional Bus Stop/Shelter/Raised Kerb required opposite the new estate entrance
- Loss of open aspect and green space to rear
- Reduction in quality of life
- Overlooking and loss of privacy
- Provision of appropriate boundary treatment required
- Loss of light and overshadowing from positioning of unattractive gable end adjacent to northern site boundary with No.54 Sydney Road
- View of pumping Station sited within north east corner of the site from 54 Sydney Road
- Unfavourable ground conditions due to brine subsidence;
- Land subject to contamination
- Increased heavy railway traffic has caused vibration and subsidence
- Will exacerbate drainage and flooding problems
- Surface water drainage will be directed into the brook that runs alongside properties on the Meadow View Estate which is already at capacity
- Developer does not have permission to cross third party land to discharge surface water into Brook
- Pumping Station Easement extends into garden area of No.54 Sydney Road
- View from No.54 of Pumping Station sited within north east corner of the site
- Increased noise from traffic using site access and impact from headlights of vehicles facing towards windows of adjacent properties

- Noise and disturbance resulting from use of car parking spaces located adjacent to northern boundary with No.54 Sydney Road
- Adverse impact on air quality in locality from increased vehicle emissions
- Adverse impact of construction work
- Inconvenience and disruption from previous and existing building work on the locality
- The removal of trees during the Sydney Road Bridge works has taken away a large section of the acoustic barrier. New barrier planting will take many years to establish.
- Damage to existing oak trees adjacent to the site boundary with No.54 from excavation of foundations for the pumping station
- Access needed to maintain boundary hedges and trees
- Retention of trees that form a line along the Northern boundary of the development with No.54 Sydney Road. Potential for root damage due to future construction of structures/outbuildings within rear gardens with resulting risk of damage to new houses from falling tree given their height and proximity.
- Loss of wildlife habitat and adverse impact on nesting birds
- Health, noise and safety issues due to proximity of site to railway line and electricity pylon
- Potential odours emanating from Maw Green landfill site
- No secure cycle storage has been provided for each dwelling
- No details of refuse storage provided
- Green energy equipment has not been provided such as car charging points or solar panels on roofs or air source heat pumps
- Inadequate neighbour consultation
- Site would be better used as a Community Park
- Reduction of property values

APPRAISAL

Principle of development

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

The proposed development although affordable, has not been put forward as a Rural Exception Site and therefore would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside. As a result, it constitutes a “departure” from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined “in accordance with the plan unless material considerations indicate otherwise”.

Policy SC6 (Rural Exceptions Housing for Local Needs) of the CELPS only applies to developments which adjoin a Local Service Centre or Other Settlement and are for small

schemes (10 dwellings or fewer). As a result the proposed development does not comply with this Policy.

Importantly the delivery of the site for residential development will also contribute towards the Council's housing land supply, provide 100% affordable housing, and thereby assist in meeting the development requirements of Crewe and the wider Borough.

The issue in question is whether there are other material considerations associated with this proposal, including the significant benefits from the provision of affordable housing, which are a sufficient to outweigh the policy objection.

Impact on the Open Countryside

Whilst the site lies within the open countryside as designated by policy PG 6 of the Cheshire East Local Plan, it is effectively contained by existing residential development and the west coast main line with very limited views into the site from public vantage points. In addition, land beyond the railway to the east is allocated for residential development and as a result this small parcel of land will become entirely isolated from the surrounding countryside. Therefore, although the site itself would remain open, its surroundings would not.

Given the site will no longer forms part of the functional open countryside due to the residential development around the site, and the railway line to the east of the site, it is considered that the development would not cause significant harm to the open countryside.

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

Housing

Affordable housing

Affordable Housing Policy SC 5 (Affordable Homes) in the Cheshire East Local Plan Strategy (CELPS) sets out the thresholds for affordable housing in the borough. In residential developments, affordable housing will be provided as follows: -

- i. In developments of 15 or more dwellings (or 0.4 hectares) in the Principal Towns and Key Service Centres at least 30% of all units are to be affordable;
- ii. In developments of 11 or more dwellings (or have a maximum combined gross floorspace of more than 1,000 sqm) in Local Service Centres and all other locations at least 30% of all units are to be affordable;
- iii. In future, where Cheshire East Council evidence, such as housing needs studies or housing market assessments, indicate a change in the borough's housing need the above thresholds and percentage requirements may be varied

The CELPS states in the justification text of Policy SC5 (paragraph 12.44) that the Housing Development Study shows that there is the objectively assessed need for affordable housing

for a minimum of 7,100 dwellings over the plan period, which equates to an average of 355 dwellings per year across the borough. This figure should be taken as a minimum.

The proposed scheme of 45 affordable dwellings will clearly assist in addressing the Council's commitment to providing sustainable affordable housing in Cheshire East and is therefore supported.

Therefore this 100% affordable rented housing scheme makes a significant contribution to the community in its own right and therefore ensures the proposal is socially very sustainable.

Cheshire Homechoice

The current Cheshire Homechoice waiting list where those registered their first choice to be Crewe, shows a total of 2705. This can be broken down as below;

First Choice	How many bedrooms do you require?						Grand Total
	1	2	3	4	5	5+	
Crewe	1303	721	438	139	104		2705

The Councils Housing officer advises that there is a strong need for 1-, 2-, and 3 bedroom dwellings as well as a need for affordable rented accommodation in the area of Crewe. The Housing Officer considers that the proposed mix of 1-, 2-, and 3-bedroom dwellings would be acceptable for this site. In particular, the inclusion of 1-bedroom bungalows is welcomed.

The Housing Officer adds that Cheshire Homechoice have been consulted and raise no concerns as regards the application and proposed tenure of 100% affordable rent.

Housing Mix

CELPs Policy SC4 'Residential Mix' advises that new residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities.

The Site Allocations and Development Policies Document Policy HOU1 'Housing Mix' advises that housing developments should deliver a range and mix of house types, sizes and tenures, which are spread throughout the site and that reflect and respond to identified housing needs and demands. SADPD Policy HOU 1 'Housing Mix' includes in the supporting text, table 8.1 which is considered a 'starting point' for the consideration of housing mix on major schemes at full/reserved matters stage. The policy then goes on to include several relevant factors that the applicant should consider in determining an appropriate housing mix and type on the site.

The mix proposed would not be provided as per table 8.1 of the supporting text of policy HOU 1. However, the policy text makes it clear that this is to be used as a starting point for analysis

and negotiation. The aim of this policy is to provide a mix of housing tenure and bedroom units to suit the needs of all and not to be dominated by larger 4 plus bedroom properties. In this case, the mix appears to be consistent with that aim in providing 1-3 bed affordable properties.

The proposals will deliver 100% affordable housing. The scheme includes a variety of house types and sizes, which will cater to first time buyers, single occupancy, couples, families, and older persons. The provision of housing suitable for older persons is a notable aspect of the revised proposals for the site.

	14 No.	2B House	31%
	12 No.	3B Semi Deatched House	27%
	16 No.	1B Walk Up	36%
	3 No.	1B Bungalow	7%

The provision of 1-bedroom bungalows and 16no. walk-up apartments (of which 8no. will be on ground-floor) have been incorporated into the proposals to meet housing needs for older persons supported by the Council’s Housing Officer. In addition the provision of 1-bed dwellings including bungalows with single level access will help ensure the development caters for the longer term needs of older residents who are wishing to downsize.

The proposed housing mix therefore provides a variety of accommodation for different household types and accords with policy SC4 of the CELPS and Policy HOU 1 of the SADPD

Point 3 of policy SC5 (affordable homes) notes that “the affordable homes provided must be of a tenure, size and type to help meet identified housing needs and contribute to the creation of mixed, balanced and inclusive communities where people can live independently longer”. Paragraph 12.48 of the supporting text of Policy SC5 (affordable homes) confirms that the Council would currently expect a ratio of 65/35 between social rented and intermediate affordable housing. On this basis, 30 units should be provided as affordable/social rent and 15 units as intermediate tenure.

However, the applicant has suggested that the scheme would entirely comprise of affordable rented units. As stated above the Housing Officer has raised no objection to the provision of 100% affordable rented dwellings on this site, which in this case would represent an acceptable variance to Council’s normally preferred tenure split of 65% rented and 35% Intermediate.

Nationally Described Space Standards (NDSS)

In terms of dwelling sizes, Policy HOU8 of the SADPD requires that new housing developments comply with the Nationally Described Space Standards (NDSS).

During the course of the application, house types have been adjusted to ensure that all of the proposed dwellings are NDSS compliant In accordance with Policy HOU8. This has included the provision of bedrooms within roof spaces served by dormer windows and rooflights for the 3-bed semi-detached house types. The applicant has provided the following tables to show the current position in terms of the house types and NDSS compliance:

AREAS SCHEUDLE:

House Type	Actual Size		NDSS	
	GIFA (m ²)	Built-in Storage (m ²)	GIFA (m ²)	Built-in Storage (m ²)
1B1P Walk-Up GF	43	1.0	39	1.0
1B2P Walk-Up FF	51	1.5	50	1.5
1B2P Bungalow	53	1.5	50	1.5
2B3P House	70	2.1	70	2.0
3B5P House	99	3.5	99	2.5

BEDROOM AREAS SCHEDULE:

House Type	Actual Size				NDSS			
	Single		Double		Single		Double	
	Area	Width	Area	Width	Area	Width	Area	Width
1B1P Walk-Up GF End Unit								
Bedroom 1	12.4	2.85	-	-	7.5	2.15	11.5	2.75
1B2P Walk-Up GF Mid Unit								
Bedroom 1	9.6	2.85	-	-	7.5	2.15	11.5	2.75
1B2P Walk-Up FF								
Bedroom 1	-	-	13.6	2.85	7.5	2.15	11.5	2.75
1B2P Bungalow								
Bedroom 1	-	-	15.6	3.0	7.5	2.15	11.5	2.75
2B3P House								
Bedroom 1	-	-	10	2.2	7.5	2.15	11.5	2.75
Bedroom 2	12.2	3.2	-	-	7.5	2.15	11.5	2.55
3B5P House								
Bedroom 1	10	2.54			7.5	2.15	11.5	2.75
Bedroom 2			17.2	3.07	7.5	2.15	11.5	2.55
Bedroom 3			11.9	3.50	7.5	2.15	11.5	2.55

Space, accessibility and wheelchair housing standards

Policy HOU 8 of the SADPD states that;

1. In order to meet the needs of the borough's residents and to deliver dwellings that are capable of meeting people's changing circumstances over their lifetime, the following accessibility and wheelchair standards will be applied.

i. For major developments:

- a. at least 30% of dwellings in housing developments should comply with requirement M4 (2) Category 2 of the Building Regulations regarding accessible and adaptable dwellings; and
- b. at least 6% of dwellings in housing developments should comply with requirement M4 (3)(2)(a) Category 3 of the Building Regulations regarding wheelchair adaptable dwellings.

Determining compliance with the accessibility and wheelchair adaptable standards is the role of Building Control. At the planning stage, the Council needs reassurance that the applicant is aware of the standards and committed to meeting them at the Building Control stage.

Amended drawings have been submitted to demonstrate that 14no. of the two-bed houses achieve M4(2) compliance and meet the 30% requirement. Furthermore, the layout of the 3no. proposed bungalows has also been amended to achieve M4(3) compliance, therefore, meeting the 6% requirement of Policy HOU8.

Accessibility and wheelchair standards are applied through the Building Regulations but at this stage the requirements of Policy HOU8 have been met.

Planning conditions are recommended to be attached to ensure the standards of 30% Accessible Dwellings M4(2) and 6% Wheelchair Adaptable Dwellings M4 (3)(2)(a) are achieved within the development.

Locational Sustainability

Both policies SD1 and SD2 of the CELPS refer to supporting development in sustainable locations. Within the justification text of Policy SD2 is a sustainable development location checklist.

The application site is located on the edge of Crewe, which is a main service centre. The site is close to a variety of amenities and services, with public transport available along Sydney Road. The proposed site is close (approximately 0.2km) to bus stops for the No.8 service with regular buses to Crewe Town Centre which lies approximately 1.5 miles to the south west.

In particular, the scheme is located within an established residential area and there are a range of local facilities including a variety of local shops, Monks Copenhall Primary School, William Stanier Secondary School and sports and recreational facilities at Cumberland Arena all in reasonably close proximity.

The site location therefore performs well against the desired distances to local facilities which developments should aspire to achieve as set out within the toolkit of the checklist. The site is therefore considered to be locationally sustainable.

NHS Health

The NHS Cheshire and Merseyside Integrated Care Board have sought a S106 contribution to provide funding for the Primary Care Network's that cover the area of Crewe. This will support the development of Eagle Bridge Health and Wellbeing Centre, Rope Green Medical Centre, Grosvenor Medical Centre and Hungerford Rias Surgery, and their future ability to meet the needs of residents of the proposed scheme and continue to provide the expected levels of primary care services in Crewe.

Based on this 45-home affordable housing scheme, a contribution of £38,578 is requested. A S106 agreement will secure this contribution.

Education

Following consultation with Children's Services, a financial contribution is required as the proposed development of 26 house (excluding 19 one-bed units) is expected to generate:

5 - Primary children (26 x 0.19)

4 -- Secondary children (26 x 0.15)

The Education Officer considers that the development is expected to impact on primary and secondary school places in the locality. Contributions which have been negotiated on other developments are factored into the forecasts both in terms of the increased pupil numbers and the increased capacity at primary and secondary schools in the area because of agreed financial contributions. The analysis undertaken has identified that a shortfall of primary school places (5) would remain.

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

$5 \times £11,919.00 \times 0.91 = £ 54,231$ (Primary)

Total education contribution: £54,231

Without a secured contribution of £54,231 Children's Services would raise an objection to this application. A S106 agreement will secure this contribution.

Open Space Provision

Policy SE6 of the CELPS sets out the open space requirements for housing development which are (per dwelling) and is quantified as follows;

Children's Play Space - 20 sq.m per family dwelling

Amenity Green Space - 20 sq.m per family dwelling

A designated area of public open space (approx.1000 sq. m) is proposed within the scheme for amenity green space (20sq m per family dwelling) but given the constraints of this small site it is not of sufficient size to satisfactorily accommodate a fully equipped children's play area. However, further to discussions with the Councils Leisure Officer, amended plans have been submitted proposing the provision of a Local Area for Play (LAP) within the POS to include accessible / inclusive equipment. The Leisure Officer considers this provision acceptable and recommends that a condition be imposed requiring full details of the design and specification of the LAP.

The Council's Leisure Officer recognises that although the proposals do not fully meet Policy requirements, an open space at the heart of the development is provided to enable the community to socialise and make their own. The space importantly enjoys natural surveillance from nearby properties and gives a good visual amenity upon entering the site. It is considered that to further enhance the public decorative seating or art/carving could be provided although this would need to be considered carefully with regards to location and proximity to dwellings. As pathways weave throughout the space it is recommended a resin bound material is used creating a permeable but accessible space for all.

In addition, the Leisure Officer points out that a pedestrian crossing facilities are now in place on Sydney Road improving the access to nearby the Lime Avenue play facilities located in Lime Tree Park off Greendale Avenue to the south of Sydney Road.

Outdoor Sport

In terms of outdoor sports facilities Policies SE6, SC1 and SC2 states that major residential developments contribute, through land assembly and/or financial contributions, to new or improved sports facilities where development will increase demand and/or there is a recognised shortage in the locality that would be exacerbated by the increase in demand arising from the development.

The proposal will increase demand on existing facilities and as such a financial contribution towards off site provision will be required. The financial contribution is required at a rate of £1,000 per family (2+bed) dwelling and £500 per 2+ bed apartment. The funds would be used in line with the Council's adopted Playing Pitch Strategy or the emerging supplementary planning document.

It is therefore considered that although the proposed provision of open space does not fully meet CELPS Policy SE6, it is nevertheless proportionate to the size of this development to meet the needs of residents.

The Council's Leisure Officer raises no objections to the overall provision of public open space and also the provision of Children's play (LAP) proposed within the scheme. This is subject to conditions being attached requiring details and specification of the LAP, the approval fully detailed landscaping plans along with a long term management and maintenance plan for the POS.

Design/Layout

The importance of securing high quality design is specified within the NPPF and Policies SE1, SD1 and SD2 of the CELPS, GEN1 of the SADPD and the Cheshire East Design Guide. Development proposals should consider the wider character of a place in addition to that of the site and its immediate context, to ensure that it reinforces the area in which it is located.

The Council's Design Officer has undertaken an assessment of the proposals against the objectives out by the Cheshire East Design Guide SPD.

Design – Assessment

Connectivity

The site is essentially a tightly constrained back-land site to the rear of existing houses on Sydney Road in Crewe, with an existing access located between nos.72 and 74. This is the only way to access the site as alternative connections are not possible to the east due to railway line and existing homes. The access road is suitably wide and well-designed, and the Design Officer raises no concerns with regard to external connectivity.

Layout

The Council's Design adviser considers that the layout is simple yet effective for what is a small and constrained site. The three proposed bungalows are well located adjacent to the access of the site, with the corner-turning house on plot 45 providing enclosure to the gateway and additional surveillance. Upon entering the site, the focus is on the tree-lined open space to the centre of the walk-up apartment blocks as illustrated in the Design and Access Statement

Scale and Massing

The proposals mainly comprise 2-storey blocks of a domestic scale but with 3no. bungalows adjacent to the site entrance. This is considered wholly appropriate in this location.

Street Hierarchy

This is a small scheme with a suitably simple hierarchy of streets comprising the main primary access route with some short 'lanes' and shared drives. The design of the streets is considered appropriate.

A clear street hierarchy is defined for this small scheme which conforms to the principles of the Design Guide. and provides good accessibility throughout the site. Care has been taken to avoid over-engineered roadways. This ensures that vehicle speeds are reduced, enabling streets with the scheme to also function for pedestrians and cyclists as well as having the potential to be used as social spaces

Parking

Parking is provided at an appropriate level and is provided predominantly to the front of homes. This is therefore easily accessible and well overlooked. Parking courts are suitably small and

close to the homes that they serve. Whilst an over reliance on frontage bays can cause cars to dominate the street scene, there is a use of landscape that reduces this here, and overall, and the proposed approach to parking is considered acceptable.

Public and Private Space

The Design Officer advises that adequate POS is provided, (approx.1000 sq. m) which is designed attractively and ensures that existing trees/hedges will be incorporated. The location of this POS at the heart of the layout means that this acts as a real focal point within the whole development. Amended plans include the provision of a small equipped play area ensuring opportunities for children's play will be maximised and its design/specification will be secured through a planning condition.

Semi-private spaces to the fronts are clearly overlooked, surrounded by planting and would feel as if they were 'owned' by the property they relate to. Private gardens are of reasonable size and all rear gardens are accessible without going through homes meaning that there is adequate space for refuse and recycling provision as well as cycle storage. Conditions are recommended to requiring further details of cycle and bin storage arrangements, particularly for the apartments.

Character

The local area is characterised by 1960s -1980s semi-detached and detached housing. The site is also contained and consequently not prominent from public vantage points other than from the vehicular access into the site. A local character area study and the DAS signposts where the key design decisions have been taken from. The Design Officer concludes that the net result is a simple and uncluttered architecture utilising a palette of suitable local materials. This is in line with the guidance set out in the Cheshire East Borough Design Guide.

Summary

This application provides a good mix of 100% affordable homes from apartments to bungalows. Following a series of iterations and amendments through previous planning applications the design has been refined and is considered to be acceptable.

Design Conclusion

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

It is considered that an acceptable design/layout has been achieved and includes a well-designed area of public open space to meet the needs of residents. It is considered that the proposed development accords with the principles of the Cheshire East Design Guide and Policy SE.1 of the Adopted Local Plan Strategy

Amenity

SADPD Policy HOU 12 (Amenity) that new development should not be permitted if it is deemed to cause unacceptable harm upon neighbouring amenity such as form overlooking, visual intrusion or noise and disturbance. In addition, Policy HOU13 of the SADPD identifies the following separation distances;

- 21 metres for typical rear separation distance (24m plus 2.5m per additional storey)
- 18 metres for typical frontage separation distance (20m for three-storey buildings)
- 14 metres for a habitable room facing a non-habitable room (the addition of 2.5m per additional storey).

The closest existing properties to the application site are those of Sydney Road backing on the western boundary and No.54 Sydney Road adjoining the northern site boundary.

Care has been taken to ensure that the layout of the proposed development does not create issues with overlooking, loss of privacy or loss of light to existing properties (Nos 54A to 86 Sydney Road) to the west due to the juxtaposition of the proposed dwellings and the provision of adequate separation distances in accordance with Policy HOU13.

A rooflight serving a bedroom is included within the rear roof slopes of plots 42- 45 which back onto existing properties of Sydney Road (Nos 74 & 76). However, these rooflights are positioned at sufficient height from floor level to prevent unacceptable overlooking of adjacent properties. In addition the submitted site sections demonstrate that the lower levels of the site, coupled with distance (23.2m) between principal windows and the proposed rooflights, will satisfactorily minimise overlooking of Nos 74 and 76 Sydney Road .

Whilst the gable end of detached house at No. 54 Sydney Road is sited adjacent to the northern site boundary, it contains no principal windows. As a result, an acceptable relationship will therefore be achieved between No.54 Sydney Road and proposed dwelling (Plots 12 to 19) sited adjacent to the northern site boundary.

The side elevation of plot 11, which contains no windows, is sited adjacent to the northern boundary and in a position forward of the front elevation of No.54. However, a sufficient distance will remain between Plot 11 and principal windows within the front elevation of No.54 to not result in an unacceptable loss of light, outlook or overbearing impact. This will also be the case should the extensions and alterations to No.54 approved under 22/0043N be implemented.

However, to safeguard the amenities of existing properties adjoining the site, it is recommended that a conditions be imposed removing Permitted Development Right's from the scheme to enable control of future extensions, roof additions (e.g. dormers) and provision of outbuildings.

Although concerns have been raised as regards the vehicular use of the proposed site access, it is not considered that the low traffic movements generated by this development will give rise to unacceptable noise, disturbance or amenity issues to existing dwellings. Concerns have also been raised regarding the siting of a small residential parking court located close to the northern boundary with No.54 Sydney Road. However, given its small size and low levels of vehicular movements, parking areas of this kind would not typically result in an adverse impact

on residential amenity in terms of unacceptable noise and disturbance. It would also be screened from No.54 by existing vegetation alongside the site boundary.

Policy HOU13 of the SADPD states that proposals for housing development should 'include an appropriate quantity and quality of outdoor private amenity space, having regard to the type and size of the proposed development'. Although some of the proposed gardens are a little small in size, notwithstanding this, it is deemed that they are sufficient in order for the future occupiers to enjoy normal activities e.g. sitting out, hanging washing, BBQs etc. Furthermore, an area of shared public green space is provided within the development. A planning condition is recommended to ensure the provision of satisfactory boundary treatment with adjoining properties.

In consideration of amenity for future occupiers of the proposed development, the layout adheres to, or closely adheres with, the recommended separation standards within CEC Design Guide to ensure the future occupiers of the proposed development are not detrimentally impacted in terms of loss of light, or privacy, or an overbearing impact from each other.

It is therefore considered that the amenities of the occupiers existing neighbouring dwellings or future occupants of approved development will not be detrimentally affected in relation to with regard to loss of light, privacy, or an overbearing impact. The proposed development would comply with Policies HOU12 and HOU13 of the SADPD.

Environmental issues associated with this development in terms of railway noise, air quality and contaminated land are addressed below.

Highways

The site is located on a triangular plot of land just north of the bridge and east of Sydney Road in Crewe, and sandwiched in between Sydney Rd and the railway line.

The site is undeveloped with little traffic movement associated with it. There is an existing gated access from the site to the adopted access road from which Sydney Road is accessed from. The proposal is a full application for 45 affordable dwelling units with the existing access retained and upgraded.

Safe and suitable access

The site would provide footways from the site access to the existing footways on Sydney Road assisting in the provision of access to the wider area and to nearby bus stops.

As part of the Sydney Road Bridge widening there have been significant improvements to the pedestrian and cycling infrastructure including an uncontrolled crossing point just north of the bridge (approximately 30m south of the site access), a signalised pedestrian crossing just south of the bridge, and new footway and cycle lanes connecting to the wider area.

A Transport Statement has accompanied the application and the Strategic infrastructure Manager concurs with its findings. The proposal would generate around 25 two-way vehicle trips during the peak hour, and the Highway Officer has advised that this would have negligible impact on the local highway network.

Objections have been raised by neighbouring properties in relation to highway safety given the location of the site access which is close to the re-opened Sydney Road Railway Bridge and reinstatement of two-way traffic flow. However, the Highway Officer has confirmed that visibility of oncoming traffic from the proposed access onto Sydney Road is acceptable and traffic flows will not make it unsafe.

The site access onto the existing access road will also be upgraded to CEC adoptable standards and would have sufficient visibility of oncoming vehicles. The overall road layout of the scheme and the provision of on-site parking are considered acceptable.

The development would provide footways from the site access to the existing footways on Sydney Road assisting in the provision of access to the wider area and to near-by bus stops.

Summary

The Highway Officer has confirmed that a safe and suitable access to the site can be achieved. It is considered that the development would have a minimal impact upon the highway given the modest levels of traffic movements which it would be expected generate.

A condition is recommended requiring the submission and approval of a Construction Management Plan including details of contractor and construction vehicle parking locations, materials loading/unloading locations, and wheel wash facilities.

Ecology

The proposals and the supporting Ecological Appraisal, wildlife surveys and additional information have been assessed by the Council's Ecologist.

Bats

An oak tree on site has been identified as having moderate bat roost potential. This tree is however retained as part of the proposed development. Trees in 'G2' were identified as having low potential, during the initial assessment. An updated assessment has been undertaken and the status of the trees remains unchanged. Trees within G2 are unlikely to support roosting bats.

The submitted Preliminary Ecological Appraisal identifies the application site as having moderate suitability for commuting and foraging bats and recommends that a series of activity surveys are undertaken to establish the importance of the site for bats. In the absence of these surveys, the Council's Ecologist advises that the site is likely to be of local value for bats.

The proposed development has the potential to result in an impact upon bats because of the loss of foraging habitat and impacts associated with the lighting of the scheme. The submitted lighting scheme, however, avoids any significant light spill upon features likely to be used by foraging bats. The proposed lighting of the development is therefore unlikely to result in a significant impact upon bats.

The proposed development retains some mature trees around the boundary of the site but would result in the removal of some trees and scrub. The Council's Ecologist considers that the loss of vegetation from the site would result in a minor adverse impact upon foraging and

commuting bats. However, this would be unlikely to be sufficient to result in an offence. If planning consent is granted it must be ensured that sufficient compensatory habitat is provided in relation to that lost. This can be assessed by means of the biodiversity metric set out below.

Badgers

Based upon the current levels of badger activity on the site, the development is not likely to result in a significant adverse impact upon this species. However, a condition is required to secure the submission of an updated badger survey prior to the commencement of development.

Hedgehog

No evidence of this priority species was recorded during the submitted survey. The submitted report however advises that it may occur on site. To reduce the risk of hedgehogs being harmed during works the submitted report includes recommendations for the implementation of avoidance measures. A condition is recommended to ensure the development is implemented in accordance with the Hedgehog Reasonable Avoidance Measures detailed in the submitted Ecological Appraisal.

Reptiles

Slow worms are known to occur on railway embankments around the Crewe area. The presence of slow worm is sufficient for a site to be selected as a Local Wildlife Site. The submitted preliminary ecological appraisal has identified the habitats on the application site as being suitable for reptiles. A detailed reptile survey has been submitted in support of this application. No evidence of reptiles was recorded, and the Council's Ecologist advises that this species group is unlikely to be present or affected by the proposed development.

Toad

This priority amphibian species was recorded on site during the reptile surveys. Toad presence on the site may be limited to dispersing juvenile animals. The Council's ecologist considers that the proposed development will result in a localised adverse impact on the species as a result of the loss of distant terrestrial habitat and the risk of animals being killed or injured during the construction phase. The risk of Toad being killed during the construction phase can be reduced through the imposition a condition requiring the development to proceed in accordance with the Reasonable Avoidance Measures detailed in the submitted Reptile Report.

Great Crested Newt

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

Nesting Birds

Standard conditions are recommended to safeguard nesting birds

Hedgerows

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

The submitted biodiversity metric also shows that the proposals would result in a gain for hedgerow biodiversity with 240m of new native hedgerow proposed as part of the site landscaping.

Biodiversity Net Gain

In accordance with Local Plan policy SE3(5) all development proposals must seek to lead to an overall enhancement for biodiversity. In order to assess the overall loss/gains of biodiversity an assessment undertaken in accordance with the Defra Biodiversity 'Metric' version 3.1.

The revised metric calculation as submitted shows that the proposed development would result in a 100% net gain for biodiversity. This however is an error as no 'strategic significance' inputs have been entered for the existing habitats on site. The Councils Ecologist has reviewed the metric and recommends that the following revisions be made:

- The proposed scrub should be entered as achieving Moderate condition, as the areas of planting are too small to provide the glades and clearing necessary to achieve Good Condition.
- Existing baseline habitats should have a 'strategic significance' entry of 'Area not in local strategy/no local strategy'.
- The tall Ruderal Vegetation on site has been incorrectly entered as Tall Herb Communities.

The metric has been revised to reflect the above and the metric calculation shows a net loss of -4.61 biodiversity units (59.72%).

The applicant has indicated an intention to instruct a third-party Habitat Provider to deliver sufficient offsite habitat creation at an offsite location.

A Section 106 agreement will be required to secure the following:

- A habitat creation method statement
- 30 year management plan and monitoring strategy
- A Biodiversity Metric calculation to demonstrate that the above
- A location plan confirming the location of the proposed habitat works.

The section 106 would usually be signed by both the developer and the habitat provider.

This planning application provides an opportunity to incorporate features, such as bat and bird boxes and gaps for hedgehogs, to increase the biodiversity value of the final development in accordance with CELPS Policy SE 3.

The Council's Ecologist has advised that an acceptable ecological enhancement strategy has been submitted. A planning condition is recommended to ensure these features are installed on site in accordance with the submitted Ecological Enhancement Strategy. Where features are to be incorporated into a residential property or associated garden these are to be installed prior to the first occupation of that property.

Summary

It is considered that ecological issues can be addressed through suitably worded conditions and the creation of an off-site habitat to deliver Biodiversity Net Gain. Therefore, it is considered that the proposal accords with CELPS Policy SE.3

Landscaping

There are no existing buildings or significant landscape features to retain on site, and no particular or significant wider views to exploit, other than into the development from Sydney Road. However existing trees have been retained where possible, through the provision of public open space adjacent to the eastern boundary of the site.

In response to issues raised by the Council's Landscape Officer, amended plans have been submitted to enhance on site landscaping through;

- The provision of landscaping enhancements including tree planting in rear gardens along the western boundary of the Site to filter views from adjoining properties of Sydney Road.
- Retention of the existing hedgerow at the eastern boundary to the west of the existing pylon
- the Location of the pumping station has been adjusted to enable retention of boundary vegetation

Areas of landscaping and open space within the site will be subject to management arrangements secured under the S106 agreement and need to accord with maintenance details set out within a landscape management plan. A condition is therefore recommended to secure the approval and implementation of a long-term landscape management plan.

The submitted application documents include a landscape masterplan and a more detailed suite of landscape plans which provide acceptable overall landscaping scheme for the site. However, it is considered that insufficient details of the planting specifications for trees, shrubs and hedgerows have been provided. A condition is therefore recommended that notwithstanding the submitted plans, additional details of planting specifications are provided and approved.

The Landscape Officer raises no objection to the application and recommends that conditions are attached requiring the submission of landscape details. implementation of approved landscaping, details of boundary treatments and the submission and approval of a Landscape Management Plan.

Impact on Trees

A supporting Arboricultural Statement has been submitted and assessed by the Council's Tree Officer. This identifies the removal of 3 individual, 3 groups and part of 2 groups of trees all of which have been surveyed as low-quality C Category trees.

Group G4 is however considered to be a lapsed boundary hedgerow. The report describes the section of hedgerow as, *a discontinuous, species poor defunct hedgerow of relatively low quality*, and expresses the view that its unlikely to fulfil the requirements of an 'important

hedgerow' in accordance with the Hedgerow Regulations. Nevertheless, amended plans have secure its retention.

The Tree Officer considers that in terms of retained trees the proposals are acceptable. It is recommended that provision should be made for no dig construction methods, or as a minimum, arboricultural supervision in the RPA of tree T4 (Oak) adjacent to the eastern boundary given the proposed pedestrian pathway and new hard standing.

It is considered that spatial relationships of retained trees with plots to the north and western boundary does present an improved and more sustainable relationship than that formerly accepted in terms of trees with refused application 18/5510N, and demonstrates that retained trees could be protected throughout any construction period.

The Tree Officer therefore raises no objection to the proposals subject to conditions being imposed to ensure the protection and retention of trees during development.

Loss of Agricultural land

Policy SE2 of the Local Plan Strategy sets out that development should safeguard natural resources including high quality agricultural land (grades 1, 2, and 3a), whilst recognising that some reduction of agricultural land is inevitable if new development is to proceed. The National Planning Policy Framework also highlights that the use of such land should be considered when determining planning applications. It advises local planning authorities that, 'significant developments' should utilise areas of poorer quality land (grades 3b, 4 & 5) in preference to higher quality land.

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

Flood Risk

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

The originally proposed drainage arrangements for the site have been revised as the developer cannot access an off-site water course (brook) over third party land to discharge surface water. An updated FRA/drainage strategy and foul sewerage statement have been submitted which proposes that surface water from the site will now be pumped to the United Utilities combined sewer in Sydney Road with the provision of on-site attenuation to ensure flows are limited to greenfield run-off rates.

United Utilities have been re-consulted on the revised drainage arrangement and raise no objections, subject to a condition requiring that site drainage is implemented in accordance with principles set out in the submitted Surface Water Drainage strategy. The LLFA (Flood Risk) have also advised that it has no objection to proposals, but recommend that a condition is

imposed requiring approval of the detailed design and associated management and maintenance plan of the surface water drainage scheme.

Contaminated Land

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

Air Quality

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

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

Noise Impact

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

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

It is further considered that the acoustic report's recommended noise mitigation measures will be sufficient in ensuring that occupants of the properties are not adversely affected by noise from the trains on the West Coast Main Line. This includes the provision of through-frame window mounted trickle ventilators for habitable rooms.

The report recommends that measures are needed to control internal noise levels for identified buildings adjacent to, or near to, the site eastern boundary. It is proposed that a whole house ventilation system is utilised to provide background ventilation and fresh air flow, without the need for opening windows. This provision of background ('trickle') ventilators open in living rooms and bedrooms simply provides residents with an alternative to opening these windows to provide ventilation. All windows will remain opening.

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

Electric Infrastructure - pylon

The National Grid has published guidelines in two documents which are considered most relevant:

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

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

Brine Subsidence

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

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

Economic Benefits

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to the local area including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

Other Matters

The issues raised in representation that are material planning considerations have been considered by the relevant specialist officers of the Council, and in the preceding text.

S106 Heads of Terms

Further to the comments above, a s106 agreement will be required to secure:

- 100% affordable rented housing
- Off-site habitat creation
- Open space provision and management
- Education contribution of £54,231
- Healthcare contribution of £38,578
- Recreation and outdoor sport contribution

CIL Regulations

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is 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 provision of affordable housing, off-site ecological mitigation, outdoor sport (financial) mitigation, education (financial) and healthcare (financial) mitigation are all necessary, fair and reasonable to provide a sustainable form of development, to contribute towards sustainable, inclusive and mixed communities and to comply with local and national planning policy.

The development would result in increased demand for primary school places within the catchment area. In order to increase the capacity of the schools which would support the proposed development, a contribution towards primary school education is required based upon the number of 2-bed units applied for (26). This is necessary and fair and reasonable in relation to the development.

To address an overall loss of biodiversity resulting from the development off-site habit creation/enhancement works will need to be secured to deliver biodiversity net gain.

All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of the development. On this basis the S106 recommendation is compliant with the CIL Regulations 2010.

PLANNING BALANCE

The site is within the Open Countryside where, under policy PG6 of the Adopted Local Plan Strategy, there is a presumption against new residential development. The proposed development although affordable, has not been put forward as a Rural Exception Site, and therefore would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside.

However, the site is an essentially land-locked site and no longer forms part of the functional open countryside as it is contained by existing residential development, the railway line and Sydney Road Bridge, and future development which has been approved beyond the railway line to the east.

A significant benefit of the scheme includes the provision of 100% affordable housing in a sustainable location which would go towards meeting an identified local needs including those of the elderly and young families.

The design of the proposed development adopts key urban design principles and accords with the objectives of the CEC Design Guide, achieving an acceptable relationship with the character of the locality including the appropriate provision of POS/playspace.

The development would also have economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses.

The development would have a neutral impact upon the following:

- The impact upon protected species/ecology is considered to be neutral subject to the imposition of conditions and delivery of off-site habitat creation secured through the S106 agreement
- The impact on trees and hedgerows, residential amenity, noise, air quality, landscape and flood risk can be addressed through mitigation secured through conditions.
- Highway impact would be broadly neutral due to the scale of the development.
- The impact on Education, Health services and recreation will be mitigated by financial contributions secured by S106 contributions.

The adverse impacts of the development would be:

- The loss of open countryside and the loss of a small parcel of agricultural land albeit a small, contained and essentially land-locked site.

It is considered on balance that in this case the benefits of the scheme weigh significantly in the planning balance and outweigh the disadvantages of the scheme.

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

The scheme is therefore recommended for approval.

RECOMMENDATION

APPROVE, Subject to conditions and the prior completion of a S106 Agreement to secure the following:

S106	Requirement	Triggers
Affordable Housing	100% provision Tenure- 100% Affordable Rent	Prior to commencement
Biodiversity Net Gain - Off site Ecological Mitigation	Delivery of off- site habitat creation.	Arrangements to be agreed prior to commencement

Open Space	Management Scheme for POS and landscaped areas	Prior to occupation
Recreation & Outdoor Sports Contribution	£1,000 per family (2+bed) dwelling and £500 per 2+ bed apartment.	Prior to commencement
Education	Total education contribution: Primary £54,231 towards mitigation measures to address forecasted shortfall on primary school places.	50% Prior to first occupation 50% at occupation of 25 th dwelling
Healthcare	Total: £38,578 . Towards local healthcare infrastructure/provision	50% Prior to first occupation 50% at occupation of 25 th dwelling

AND subject to the following conditions;

- 1. Commencement of development (3 years)**
- 2. Development in accordance with approved plans**
- 3. Details of materials and finishes**
- 4. Hard Surfacing treatments**
- 5. Details of ground and finished floor levels**
- 6. Submission and approval of full details of the design and associated management and maintenance plan of the surface water drainage scheme**
- 7. Submission of landscaping scheme**
- 8. Implementation of landscaping scheme**
- 9. Details of the design, specification and implementation of play provision**
- 10. Submission of Landscape Management Plan**
- 11. Details of boundary treatment**
- 12. Retention of trees**
- 13. Submission and approval of tree protection measures**
- 14. Detailed levels survey to ensure retention of trees.**
- 15. Details of Services and infrastructure layout to safeguard retained trees**
- 16. “No dig” hard surface construction specification**
- 17. Updated badger survey prior to the commencement of development.**
- 18. Implementation of Hedgehog Reasonable Avoidance Measures detailed in the submitted Ecological Appraisal.**
- 19. Implementation of Reasonable Avoidance Measures detailed in the submitted Reptile Report.**
- 20. Safeguarding of nesting birds**
- 21. Implementation of submitted Ecological enhancement Strategy**

22. Provision of Electric Vehicle infrastructure
23. Provision of Ultra Low Emission Boilers
24. Implementation of noise mitigation measures
25. Submission and approval of Residents' Travel Information Pack
26. Contaminated land - Submission of updated Phase II ground investigation and risk assessment
27. Contaminated land - Verification Report
28. Contaminated land – soil testing
29. Measures to deal with unexpected contamination
30. Submission and approval of Construction Management Plan
31. Development to be implemented in accordance with principles set out in the submitted Surface Water Drainage plan
32. Details of Cycle Storage
33. Details of Bin Storage
34. Implementation of site drainage in accordance with principles set out in the submitted Surface Water Drainage Design
35. Provision of 30% Accessible Dwellings M4(2) within the development
36. Provision of 6% Wheelchair Adaptable Dwellings M4 (3)(2)(a) within the Development
37. Removal of permitted development rights (Part 1 Classes A-E)

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 Planning has delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

In the event of an appeal, agreement is given to enter into a S106 Agreement with the following Heads of Terms;

S106	Requirement	Triggers
Affordable Housing	100% provision Tenure - 100% Affordable Rent.	Prior to commencement
Biodiversity Net Gain - Off site Ecological Mitigation	Delivery of off- site habitat creation.	Arrangements to be agreed prior to commencement
Open Space	Management Scheme for POS and landscaped areas	Prior to occupation

Recreation & Outdoor Sports Contribution	£1,000 per family (2+bed) dwelling and £500 per 2+ bed apartment.	Prior to commencement
Education	Total education contribution: Primary £54,231 towards mitigation measures to address forecasted shortfall on primary school places.	50% Prior to first occupation 50% at occupation of 25 th dwelling
Healthcare	Total: £38,578 . Towards local healthcare infrastructure/provision	50% Prior to first occupation 50% at occupation of 25 th dwelling

