

Application No: 11/3171N

Location: LAND AT GRESTDY GREEN ROAD AND CREWE ROAD, SHAVINGTON
CUM GRESTDY, CREWE

Proposal: Development of 165 Houses, Access, Landscaping and Parking

Applicant: Bloor Homes North West

Expiry Date: 22-Nov-2011

SUMMARY RECOMMENDATION

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

- 1. Provision of 57 affordable housing units – 65% to be provided as social rent with 35% as intermediate tenure**
- 2. The provision of a LEAP and Public Open Space to be maintained by a private management company**
- 3. A commuted payment of £495,000 towards highway improvements (to be put towards the construction of the Crewe Green Link Road or capacity improvements at the junction of Gresty Road and South Street with Nantwich Road)**
- 4. A commuted payment of £2,000 towards Barn Owl conservation work**

MAIN ISSUES

Impact of the development on:-
Planning Policy and Housing Land Supply
Affordable Housing,
Highway Safety and Traffic Generation
Landscape Impact
Hedgerow and Tree Matters
Ecology
Design
Amenity
Open Space
Drainage and Flooding
Sustainability
Education

REASON FOR REFERRAL

This application is referred to the Strategic Planning Board as it relates to a development of more than 10 dwellings.

1. DESCRIPTION OF SITE AND CONTEXT

The application site is located to the north and west of Crewe Road and to the east of Gresty Green Road within the open Countryside as defined by the Borough of Crewe and Nantwich Replacement Local Plan 2011. To the north of the site is Gresty Brook and a railway line with the Mornflakes Mill located beyond. To the south and east of the site are residential properties of varying sizes and styles which front onto Crewe Road and Gresty Green Road. The application site itself is currently in agricultural use and includes a number of hedgerows and trees.

2. DETAILS OF PROPOSAL

This is a full planning application for the erection of 165 dwellings. The access point to serve the site would be taken off Crewe Road to the west. The site would include the provision of 35% affordable housing, 0.76 hectares of public open space which will encompass a Local Equipped Play Area (LEAP) and 0.6 hectares of informal open space which run along the northern boundary of the site. The development would consist of 3 two bedroom bungalows, 24 two bedroom mews/semi detached dwellings, 33 three bedroom mews/semi detached dwellings, 55 three bedroom detached dwellings and 50 four bedroom detached dwellings. Apart from the three bungalows all of the properties would be two stories in height.

3. RELEVANT HISTORY

The site has no relevant planning history

4. POLICIES

Local Plan policy

BE.1 – Amenity

BE.2 – Design Standards

BE.3 – Access and Parking

BE.4 – Drainage, Utilities and Resources

BE.5 – Infrastructure

BE.6 – Development on Potentially Contaminated Land

NE.2 – Open Countryside

NE.5 – Nature Conservation and Habitats

NE.9 – Protected Species

NE.10 – New Woodland planting and Landscaping

NE.17 – Pollution Control

RES.7 – Affordable Housing

RES.3 – Housing Densities

RT.3 – Provision of Recreational Open Space and Children's Playspace in New Housing Developments

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

National Planning Policy

PPS1 – Delivering Sustainable Development

PPS7 – Sustainable Development in Rural Areas

PPS9 – Biodiversity and Geological Conservation

PPS23 – Planning and Pollution Control

PPG24 – Planning and Noise

PPS25 – Development and Flood Risk

Other Considerations

‘Planning for Growth’

‘Presumption in Favour of Economic Development’

Draft National Planning Policy Framework

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

5. CONSULTATIONS (External to Planning)

Environment Agency: Originally objected as the Flood Risk Assessment had not considered the risks and associated impacts of culvert failure/blockage at the application site. However following the receipt of additional information the EA are able to withdraw their objection subject to an appropriate flood risk mitigation being provided prior to the commencement of development. The following conditions are suggested;

- The development hereby permitted shall not be commenced until such times as a scheme for the provision and implementation of a surface water regulation system has been submitted to, and approved in writing by, the Local Planning Authority.
- The development hereby permitted shall not be commenced until such time as a scheme for the management of overland flow from surcharging of the on-site surface water drainage system has been submitted to, and approved in writing by, the Local Planning Authority.
- The development hereby permitted shall not be commenced until such time as a scheme to ensure no raising of ground levels within the 1 in 100 year fluvial floodplain has been submitted to, and approved in writing by, the Local Authority.

United Utilities: No comments received

Strategic Highways Manager: With regard to the traffic impact of the development, a traditional peak hour assessment has been undertaken with the development flows associated with the 165 dwellings predicted to be 97 trips in and out in the morning peak hour and 103 trips in and out in the evening. These trips have then be added the existing background traffic flows with the addition of the Basford development, to arrive at the development flows to be tested on the network.

The applicant has assessed a series of junctions on the highway network with the development traffic added both at opening year 2012 and at a future year of 2017. The applicant has provided capacity assessments at all of the junctions assessed and concluded that there will be no material traffic issues associated with this application. However, it is the Highway Authorities view that it accepts that there is no capacity constraints at junctions tested with the exception of the Nantwich Road/South Street junction that already has considerable traffic congestion and where long vehicle queues are formed and an improvement to this junction is necessary if this application is approved.

As part of the strategic assessment of Crewe infrastructure, the Highway Authority consultants have developed a scheme to improve this junction and will improve the operation of the junction not only to accommodate this development but for all existing road users. It is likely that funding for this improvement will have to come forward through developer contributions as no funding is available from the Highway Authority for this scheme.

The main access to the site will be a priority junction off Crewe Road that is currently a 40 mph speed limit although the applicant has undertaken speed surveys that indicate that 85%ile speeds are below the speed limit at 35mph and has based the visibility provision on this speed. Although the Highway Authority accepts the visibility provision based upon this assumption, traffic speeds will be much reduced at the access point in the future when Crewe Road is closed just beyond the access as part of the new infrastructure associated with Basford west development. It is not considered that the site is highly accessible to non-car modes with an hourly bus service on Crewe Road although the site is located on the north side of Crewe Road that takes advantage of the improved cycle and footway links to the town centre secured as part of the Basford development. Although the site accessibility is not ideal, it is located within government distance guidelines to gain access to bus services, pedestrian and cycle routes.

In summary, the main concern of the Highway Authority relates to the traffic impact of the development especially as there has been approval for residential development nearby at Gresty Green Lane and although the site to south of Crewe Road has been rejected, this site may still come forward in the future. It is therefore vital that improvements to Nantwich Road/South Street/Mill Road junction are secured and to provide a consistent view the Highway Authority would ask for a financial contribution of £3,000 per unit as part of this application. It would be the preferable if the improvements to the road network were provided prior to occupation of the dwellings although if this is not possible a limit on the number of dwellings to be constructed in advance of the road improvements should be considered.

Subject to a S106 agreement to secure the financial contribution no highway objections are raised to the application.

The following condition should be attached to any approval;

- The approved access shall not be brought into use until visibility of 2.4m x 70m in both directions with no obstruction above 1.0m in height.

Environmental Health: No objection but suggests conditions in relation to noise mitigation, hours of construction, dust management plan and contaminated land.

Education: Due to changes to the numbers on roll and projected figures there will be no requirement for a contribution as part of this application.

Public Open Space: The LEAP needs to be wider than shown on the layout plan, and have two metal seats and two metal bins with lockable metal liners. Equipment to be inclusive, conform to BS EN 1176, and constructed predominantly of metal (no wood or plastic). Safer surfacing to be wetpour, conforming to BS EN 1177. The play area to be surrounded by 1.4 metre high, 16mm diameter steel bowtop railings, hot dip galvanised and polyester powder coated in green. Two single leaf self-closing pedestrian access gates in yellow, plus one double leaf vehicular access gate in green to be provided within the railings. A private management company to be responsible for the maintenance of the play area/open spaces.

Natural England: No comments received

Public Rights of Way: The development is adjacent to public footpath Shavington cum Gresty No. 13 as recorded on the Definitive Map it appears unlikely that the proposal would affect the public right of way. An informative should be attached to the decision notice.

6. VIEWS OF THE PARISH COUNCIL

Object to the application on the following grounds;

- This is a large Greenfield site comprising some 13.5 acres and is to accommodate 165 dwellings. Its release for housing will have a major impact on the character of the area.
- It 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 and is not adjacent to the settlement boundary of Crewe. The site is currently not within an area considered appropriate for new housing development.
- It is clear that as Cheshire East Council is still considering the response from the Place Shaping Consultation regarding the LDF and 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 Parish such as this now as this would clearly prejudice the consideration of alternative options for the development strategy of the LDF. This is contrary to The Interim Housing Policy and as such this site should be rejected by the Council.
- 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 when it was but a short way through the process 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.
- The release of this site would represent an ad hoc expansion into open countryside contrary to the Crewe and Nantwich ADOPTED Local Plan

- The Interim Planning Policy in respect of release of land states: *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."*
- This site is located within Shavington-cum-Gresty parish and there is a definite change in character when passing under the railway bridge and beyond the industrial development into open countryside in agricultural use. The character of the land is one that more relates to and should be seen in the context of the land to the south around Shavington. As Shavington is not included within the area where there is considered to be scope for sufficient 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.
- The Parish Council understands that this site had previously been proposed as a housing allocation but was subsequently removed in 2003 by a Planning Inspector.
- The applicant acknowledges that the site is "south of Crewe" and "will be integrated into the established settlement of Gresty." It is not considered that for planning purposes that there is an established settlement of Gresty so how can the site be "well contained within the settlement of Gresty."
- The development of the site would represent a significant intrusion into open countryside and there is no requirement at this time to consider sites
- It is clear that there have been pre-application discussions with Cheshire East on the details of the proposal but no indication that the release of the site is acceptable in principle.
- It is the scale and the location of this development in the open countryside beyond Crewe Settlement boundary which will predetermine matters of the scale and location of the housing requirement in the future Core Strategy.
- The Parish Council considers that the proposed access to the site is in an inappropriate and dangerous location and would be interested to hear the views of the Highways Department on this issue.
- There are also significant concerns over pedestrian safety along Crewe Road where footway provision is limited.
- It is considered that the release of such a sizeable site would undermine wider policy objectives.
- The applicant claims that "the scheme would allow the site to provide a sympathetic transition between the hard urban fringe of Crewe and the openness of the Green Gap to the south west and Shavington village beyond." This view is not accepted as Crewe has a very hard urban edge with the railway line at this point and the site itself represents an immediate and dramatic change in character from this hard urban edge into open countryside.
- It is not considered that the release of this land at this time can be justified on the basis of the future development of Basford West. Discussions of this nature are a matter for the LDF process.
- Whilst there may be a need for more housing in the Crewe area, the amount, distribution and location in Cheshire East has yet to be determined through the Local Plan process.
- The railway line actually creates a strong visual and physical boundary separating the town from the site and clearly defines the southern limit of Crewe town. This was recognised too by a previous inspector in opposing the allocation of the site for housing because it would extend the built up area of Crewe south of the railway line.
- The applicant refers to the acknowledgement by a Cheshire East officer in a proof of evidence at a public inquiry relating to appeal APP/R0660/A/10/2141564 that the council is relying upon

this site to come forward to meet its housing requirement. The officer's proof actually records the amount of housing which would be delivered and records that there have been pre-application discussions. This is simply recognition that the site has been included in the SHLAA and its current status. It cannot and does not give any certainty that planning permission will be forthcoming. The proof also recognises that with 750 dwellings coming forward within the town centre/ regeneration areas and 1,000 on the northern edge of Crewe, a total of 1750 will be realised, an excess of a 5 year supply. Therefore there is no need to rely on this site to meet the 5 year requirement.

7. OTHER REPRESENTATIONS

Letters of objection have been received from the occupants of 259 properties, raising the following points;

Principal of the development

- The site is outside the Settlement Boundary
- The site is a Greenfield site
- The development will jeopardise Basford West Employment site
- The site used to be Green Gap
- There is adequate Brownfield land in Crewe
- The employment land should be developed before the housing sites
- There are unfinished housing sites available in Crewe
- Many empty dwellings in Crewe
- Loss of village identity
- The impact upon the character and appearance of the area
- High unemployment in Crewe
- Urban sprawl will destroy Shavington
- Lack of investment in Crewe
- There are other more suitable sites
- The site is not accessible by foot
- There is no need for more housing
- The town centre needs development before new houses are built
- The last Local Plan Inquiry rejected housing on this site
- Poor design of the proposed dwellings
- The contributions offered by the developer are inadequate
- The new homes bonus will make the Local Authority biased towards development
- New developments appear to be concentrated on Crewe and Nantwich and not in areas to the north of the Borough

Highways

- Increased traffic
- Highway safety along Crewe Road
- The site is located on a blind bend
- Bus services from the site are inadequate
- The site is unsustainable and the occupants of the development will rely on the car
- Existing traffic congestion in the area
- Inadequate public transport
- Lack of parking on the site
- The existing road network is in a poor state of repair

Green issues

- Impact upon trees
- Impact upon protected species
- Pollution
- The loss of wildlife habitat
- The impact upon protected species; bats, Great Crested Newts and Barn Owls

Amenity

- Impact upon the future occupiers from railway
- Noise impact from the nearby railway
- Impact from the Mornflakes Mill
- Loss of amenity to local residents within the vicinity of the site
- Light pollution and smell from the surrounding land uses
- Lack of screening to neighbouring p-properties

Infrastructure

- Impact upon local schools
- Impact upon local health services
- Impact upon gas, electricity, water and sewer systems
- Long waiting lists at Leighton Hospital

Other issues

- Loss of agricultural land
- The site suffers flooding
- There are no details of how the Japanese Knotweed will be managed on the site
- A decision should not be made until the Parish Plan is in place
- The affordable housing may not be secured due clauses within the S106 Agreement
- Lack of public consultation
- Council Tax payments should be reduced if this development is allowed

Letters of objection have been received from Morning Foods raising the following points of objection;

- The proposed development would be sited in the middle of an industrial area and would be surrounded by Morning Foods, the railway and Basford West
- There is severe congestion on Crewe Road during peak hours
- The proposed housing will increase traffic congestion
- Morning Foods is currently in discussion with Basford West and any traffic between the two sites would impact upon residents
- The application should be left as mitigation
- There are existing extant permissions on the Gresty Road site and Morning Foods is looking to expand the existing site
- The noise generating activities are orientated along the southern boundary towards the application site
- The noise assessment carried out by the applicant does not take into account work that has been approved under applications P06/0777 and P06/1325. Furthermore the grain intake was only operating at 64% of normal capacity.
- At the Local Plan Inquiry the Inspector considered that noise was an important consideration counting against the development of the site.

- In the past few years Morning Foods has suffered severe difficulties with electricity supply outages. This development would lead to an increased demand for electricity supply
- Morning Foods have commissioned their own noise assessment and this concludes that;
 - The residents of the proposed dwellings will complain about low frequency tonal noise from the factory fans. The methods to mitigate the noise would have no effect whatsoever on the tonal sound as the fans are well above the proposed barrier
 - If planning permission is granted it is probable that Morning Foods would be put to considerable expense to resolve noise complaints from future residents
 - The site falls into Category C of PPG24 which means that planning permission should not be granted. It may be possible to reduce noise from the rail activities but the control measures would have no effect on the tonal noise from factory fans.

A letter of objection has been received from Direct Rail Services raising the following points of objection;

- The interim Planning Policy on the Release of Housing Land states that residential development will only be permitted on sites that are well related to the built framework of the settlement. The natural boundary of the southern urban area of Crewe is the railway line and consequently the subject site is not well related to the built framework of the settlement. This was highlighted previously by the Local Plan inspector.
- The site is not allocated in the Crewe and Nantwich Local Plan 2011 for residential development.
- Protection from noise is an important consideration which is included as a criterion for new development to meet under Local Plan Policy BE.1. The content of the Noise Survey and the limited hours during which it was conducted have been noted. Direct Rail Services carry out 24/7 operations at ad hoc times on the adjacent railway depot using different types of locomotive. Noise levels vary with locomotive type and the type of activity being undertaken. It does not appear that the full extent of noise impact on the proposed development site has been identified. Direct Rail Services would be willing upon prior arrangement to run different locomotive types in order to clarify the situation. It is noted that the Environmental Health team have raised similar concerns.
- It is noted within the Noise Report that noise levels increased to 69 dB as a result of an idling freight train. This therefore puts Location 4 into a Noise Exposure Category of D where planning permission should normally be refused. This is particularly relevant given that the full extent of railway noise has not been identified.
- The head shunt that is used by all rail vehicles entering and exiting the depot is a few metres from the north east boundary of the subjects. The ORR yearbook indicates that the level of rail freight activity in the UK fell by 12.1% between 2006-07 and 2010-11. There is every reason to expect a recovery in activity levels as the overall economic situation improves. A location such as the application site in close proximity to sidings can anticipate increased rail activity in the future and an increase in the frequency of higher noise levels.
- It is noted from the Flood Risk Assessment prepared by Lees Roxburgh Limited that it is intended to connect the residential site surface water drainage system direct into Gresty Brook. The water course and adjacent land at this location is in the ownership of Network Rail and is included within a long term lease to Direct Rail Services. No approach has been made to Direct Rail Services in respect of this proposal and consent to the development has not been given.

A letter of objection has been received from the South Cheshire Chamber raising the following points;

- The South Cheshire Chamber support the objections made by Morning Foods and T W Frizell Ltd
- The Chamber fully supports the 'All Change for Crewe' project and is concerned that the approval of any new housing sites must be appropriate to the achievement of economic growth
- Housing on this site is inappropriate and will compromise the future development of Basford West
- The Strategic Planning Board should defer any decision until such time as a newly created All Change for Crewe Partnership Board has endorsed the overall strategic plan for the future economic growth of the area.
- Lack of consultation with the Chamber of Commerce

A letter of representation has been received from Spawforths on behalf of the owners of the Basford West site (Goodman). This letter makes the following points;

- Basford West along with Basford East have been identified as sub regional employment priorities for which Development Briefs were adopted by Crewe and Nantwich Borough Council in April 2004. The Basford West site was formerly open agricultural land however this now has the benefit of an outline planning permission for warehousing and distribution (B8), manufacturing (B2) and light industrial/office (B1) development, construction of access roads, footpaths and rail infrastructure, import of soil materials, heavy goods vehicle and car parking and landscaping/habitat mitigation which was granted on 13 May 2008.
- Reserved matters for the enabling works was approved on 28 July 2011 following a resolution by the Members of Cheshire East Council Strategic Planning Board on 20 January 2010 which set out proposals for the enabling works required to deliver the scheme. These include the construction of the new access/spine road and infrastructure, drainage works, re-modelling of ground levels formation of ponds and landscape planting. Similarly, the reserved matters application for the first built Unit comprising of 38,122 sq m of warehouse/distribution space, 1951 sq m office space along with an 525 sq m operations office (total floor area of 40,598 sq m) was approved on 2 August 2011 following the resolution to be approve by the Members of Cheshire East Council Strategic Planning Board on 20 January 2010.
- Work has now been progressed with the discharge of numerous planning conditions and Section 106 obligations in addition to the demolition of Springbank Farm, the erection of the sub-station, bat barn and the implementation of significant ecological mitigation measures on site. Goodman is therefore fully committed to the development of this site.
- As such, given the above, Goodman are committed to the `employment led `development of the Basford West and are therefore are keen to ensure that there are no issues that could affect the delivery of employment development at the site which is to include warehousing and logistics, general manufacturing and offices. This is imperative in achieving the objectives of both the Core Strategy and the Crewe Vision known as "All Change Crewe", which seek to achieve significant economic growth and the creation of sustainable communities in Crewe.
- Goodman are supportive of the application proposals and consider that opportunities to consolidate the current residential areas with further residential `infill` development around Gresty Road can deliver residential development as well as sustainable community benefits. Cheshire East through various documents and publications such as All Change Crewe and sub-regional strategy 'Unleashing the Potential' identify Crewe as the "biggest spatial priority" (paragraph 1.16) in the Core Strategy Issues and Options Consultation document. Furthermore, 37% of the proposed growth within all three growth strategies detailed in this document are to take place within Crewe. Consequently, Goodman considers that the application proposals provide the opportunity to assist in the delivery of housing in the short term in relation to achieving housing delivery requirements.

- However, concern has been raised in relation to the traffic impact of the proposed development in relation to the committed schemes at Basford West, the new roundabout and new spine road. We consider that this issue should be assessed in further detail as highway capacity is of significant concern to Goodman who as you will appreciate must safeguard their position in relation to the delivery of employment development. In addition, the proposed new link road connecting from the A500 towards Crewe Town Centre through the Basford West site nor the new roundabout junction are shown on the site layout plans or included in the Design and Access Statement which is contrary to the submitted Transportation Assessment which states that the Basford West scheme has been taken into account as a committed development.
- As such, it is requested that the application proposals take into account the committed scheme at Basford West and ensure that suitable mitigation measures in relation to highway impact are proposed and included in the scheme proposals. This will ensure that there is no detrimental impact upon the delivery of employment led development at the Basford West site.

A letter of objection has been received from Edward Timpson MP raising the following points;

- This application would take the number of new dwellings in the area to over 200
- Morning Foods feel that they are being steadily surrounded by housing and this could be one too far and threatens the very existence of the plant which employs nearly 300 local people
- Morning Foods is a market leader and it would be a huge blow to Crewe to lose such an important part of the town
- Support is given to the residents and businesses which object to this application

A letter of objection has been received from Cllr Brickhill raising the following points of objection;

The application is premature because:-

- Houses will not be needed until the Basford East/West employment sites are completed
- Access will be dangerous until the Basford WEST Spine Road is completed and removes traffic from Crewe Rd
- The local Crewe and Nantwich plan is still in force and this site is outside the settlement boundary shown on it.
- The cabinet and council passed a motion on 13th October 2011 to say these plans should be protected
- A new local parish plan is under way and this development should await its findings.
- A recent refusal by the Inspector of an appeal against housing in Sandbach upheld these views
- Council has referred a motion to rescind its Feb 24 Decision of an illegal interim planning policy to the strategic planning committee.

The access roads are dangerous and inadequate:-

- Gresty Lane is already a dangerous rat run with one decapitation accident recently
- Gresty Green is a narrow cul-de-sac unsuited to traffic. It is not a through road.
- The junction with Crewe Road at the Cheshire Cheese is dangerous enough already
- The proposed modification to the junction will make things worse
- There have been three fatal accidents in the vicinity

The site is green field farmland:-

- It is immediately adjacent to a green gap and it should therefore be green gap because de facto it is.
- It does divide Crewe from Shavington

There are protected bats on the site:-

- The remedial measures are inadequate.
- The building of the houses will kill or remove all bats contrary to the law to protect them.

- There will be no food supply for the bats when the houses are built.

The local Infrastructure is inadequate:-

- There are insufficient places at local primary schools Pebble Brook and Shavington.
- There is already a big drop in electricity supply voltage at peak times
- The drains are unable to take heavy rainwater now
- Crewe road is badly overloaded at peak times now
- Water pressure in the mains drops badly at peak times already
- The doctors surgery is full and there are no local dentists
- The waiting time at Leighton hospital has increased considerably already

The development is well outside the settlement boundary:-

- The boundary is currently defined by the local plan which has not yet been replaced
- The boundary was confirmed on appeal by an Inspector.
- Current policy is for development IN villages NOT at the edge of Crewe
- Current policy is for the villages to be separated from Crewe not joined up with Crewe by new housing.

The site floods

- The Gresty brook takes all surplus surface water from the surrounding area and it already floods the site
- This development and the approved Basford West Industrial site will reduce the grass soakaway areas
- There will therefore be even more surface water and this site will flood badly and often

Noise and smell:-

- The site is adjacent to a busy railway and the noise level will severely disturb new householders
- The site is adjacent to Morning Foods factory with bad odours and noise which will reduce the amenity of new houses
- Morning Foods employs 350 FTE. Objections from nearby residents could reduce or impede output and destroy jobs.
- The site is adjacent to a very noisy railway heavy engineering site working 24/7

Loss of Amenity to Others:-

- The development will cause loss of amenity particularly to the homes on Crewe road either side of the public house
- Additional pressure on the infrastructure will cause loss of amenity to all local residents.
- The increased development in Shavington will substantially change the locality and destroy its suburban village ethos

8. APPLICANT'S SUPPORTING INFORMATION

To support this application the application includes the following documents;

- Planning Statement
- Design and Access Statement
- Transport Assessment
- Extended Phase 1 Habitat Survey
- Bat Survey
- Water Vole and Otter Survey
- Landscape Character Assessment
- Tree Survey
- Air Quality Assessment
- Flood Risk Assessment
- Geophysical Survey

- Noise Assessment
- Statement of Community Involvement
- Sustainability Assessment
- Ground conditions desk top study
- Site waste plan

These documents are available to view on the application file.

9. OFFICER APPRAISAL

Principal of Development

The site lies in the Open Countryside as designated in the Borough of Crewe and Nantwich Replacement Local Plan 2011, where policy NE.2 states 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.

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

The issue in question is whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy objection.

PPS3 states that, in determining housing provision, local planning authorities should take account of various factors including housing need and demand, latest published household projections, evidence of the availability of suitable housing land, and the Government's overall ambitions for affordability. PPS3 advises that where a LPA cannot demonstrate a five year supply of available and deliverable housing land it should consider favourably suitable planning applications for housing

Government Guidance, notes that LPA's will still need to justify their housing supply policies in line with PPS3 and that evidence which informed the preparation of the revoked Regional Strategies may also be a material consideration.

The Council intends to rely upon the figures contained within the RSS until such time as the LDF Core Strategy has been adopted. The RSS proposes a dwelling requirement of 20,700 dwellings for Cheshire East for the period 2003 to 2021, which equates to an average annual housing figure of 1,150 dwellings per annum. The Council's Cabinet has decided that the Council will continue to use the RSS housing requirement figure for a minimum of 1,150 net additional dwellings to be delivered annually, pending the adoption of the LDF Core Strategy.

In terms of housing land supply this issue has been dealt with at the recent public inquiries at Abbeyfields, Hind Heath Road and Elworth Hall Farm in Sandbach. At these appeals the Councils

has conceded that the housing land supply situation is now worse than initially thought and that the current supply stands at 3.65 years.

Members may recall that at the meeting of the Strategic Planning Board on 6th October 2010 a report was considered relating to Issues and Options for the Local Development Framework Core Strategy, which outlined 3 options for apportioning growth across Cheshire East. Although each of the options is different, the common theme between them is an emphasis on growth in Crewe. Therefore, whilst the options are under consideration, and there is uncertainty as to which option will be taken forward, it is appropriate that any Greenfield development required to make up a shortfall in housing land supply should be directed to Crewe. PPS1 2005 in *The Planning System: General Principles* at para. 14, states that “*Emerging policies in the form of draft policy statements and guidance can be regarded as material considerations, depending on the context. Their existence may indicate that a relevant policy is under review, and the circumstances which led to that review may be need to be taken into account.*”

In order to address the lack of a 5 year housing land supply, the Interim Planning Policy on the Release of Housing Land has been produced. This policy will allow the release of appropriate Greenfield sites for new housing development on the edge of the principal town of Crewe and encourages the redevelopment for mixed uses, including housing, of PDL within settlements.

Furthermore, Paragraph 69 of PPS 3 states that in determining planning applications, local planning authorities should have regard to a number of criteria, including, inter alia, “*ensuring the proposed development is in line with planning for housing objectives reflecting the need and demand for housing in, and the spatial vision for, the area an does not undermine wider policy objectives e.g. addressing housing market renewal issues.*”

Paragraph 72 of PPS.3, states that LPA’s should not refuse applications solely on the grounds of prematurity. However, PPS1 also deals with the question of prematurity to an emergent plan, and advises that in some circumstances, it may be justifiable to refuse planning permission on grounds of prematurity where a Development Plan Document (DPD) is being prepared or is under review, but it has not yet been adopted.

The proposal does reflect the spatial vision for the area both in terms of the Interim Policy and the emerging Core Strategy as it located on the edge of Crewe. In addition, the proposal supports wider policy objectives, such as achieving sustainable development, in close proximity to the more major town centre’s and sources of employment and supporting urban regeneration, in the parts of the Borough where it is most needed.

As well as being adjacent to the settlement boundary of Crewe, the interim policy requires that the site is, is not within the Green Gap; is not within an allocated employment area and is not within an area safeguarded for the operational needs of Leighton Hospital. It is considered that the application site meets all of these requirements.

The interim policy also states that the development must be well related to the existing fabric of the settlement. In response to this it is considered that the development is well related to its context in terms of highway access, green infrastructure, landscape considerations and the pattern of streets and spaces. These matters will be discussed in greater detail below.

A further requirement of the interim policy is that the site is capable of being fully developed within five years. In this case the scheme could be achieved within 5 years.

The proposal will certainly increase the supply of housing in Crewe and, as will be discussed in more detail below, it will also improve the, choice and quality of housing in the town through the provision of a range of house types and tenures, including affordable housing, and through sustainable development.

'All Change for Crewe' is the route map for charting the town's development over the next two decades. The strategy intends that by 2030, Crewe will be a nationally significant economic centre with a total population in excess of 100,000 people (currently it has about 83,000), one of the leading centre's for advanced, engineering and manufacturing in England and recognized as a sought-after place in the South Cheshire Belt for people to live, work, put down roots, and develop their talents. In order to achieve these objectives, significant additional housing will be required. This proposal will go some way towards supporting the delivery of the Council's overall vision and objectives for Crewe. It therefore meets all of the requirements of the Interim Planning Policy on the release of housing sites.

A further 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, 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.

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. Provided, therefore, that the proposal does not compromise the key sustainable development principles, it is in accordance with government policy and therefore should be supported in principle.

Therefore, in summary, it is acknowledged that the Council does not currently have a five year housing land supply and that, accordingly, in the light of the advice contained in PPS3 it should consider favourably suitable planning applications for housing. The current proposal is considered to be "suitable" as it is located on the periphery of Crewe, and would be in accordance with the spatial vision for the area as set out in the emerging core strategy and the supporting evidence base, including the Crewe Vision, and the Council's Interim Policy on the Release of Housing Land which directs the majority of new development towards Crewe. The proposal also accords in principle with all of the criteria for permitting the development of sites on the periphery of Crewe as laid down by the Interim Policy. According to PPS1 these emerging policies are material

considerations and consequently, these arguments are considered to be sufficient to outweigh the general presumption against new residential development within the Open Countryside as set out in the adopted development plan.

Brownfield Land

The Cheshire east annual housing figure of 1150 homes is derived from the previous Regional Spatial Strategy (RSS). The RSS quotes an annual requirement of 450 dwellings for the former Crewe and Nantwich area. This equates to a five year housing land supply requirement of 2500 units. As by far the largest town in the plan area it is to be expected that Crewe and its immediate surroundings would be expected to accommodate the greater part of this growth. Objectors and Members have previously expressed concern about releasing Greenfield land for development, whilst there are undeveloped Brownfield sites remaining. Members have previously received a list of all the Brownfield and mixed Brownfield/Greenfield sites for the Borough from extracted from the Strategic Housing Land Availability Assessment (SHLAA). This shows that there are 125 sites in and adjacent to Crewe that are Brownfield (or mixed green / Brownfield) and that are considered to be “deliverable” – these have a capacity to bring forward 666 dwellings in the 1-5 year period.

If only exclusively Brownfield sites are considered then the total is reduced to 121 sites with a capacity for 587 dwellings in the 1-5 year period. By any measure it's clear that Brownfield sites alone cannot meet the future housing needs of Crewe, never mind the Borough as a whole.

Landscape

The Landscape Assessment submitted with the application identifies a number of recommendations, including:

- Retain existing trees and hedgerows where in good condition.
- Enhance planting on southern boundary with adjacent properties.
- Utilise bunding to attenuate noise from the adjacent factory and railway line.
- Accord to the recommendations of the Ecological Report

The Planning Statement also indicates (3.3) that ‘The proposals offer the opportunity to provide sustainable market and affordable housing in close proximity to local services and employment opportunities whilst enhancing the ecological value of the site through careful management of existing hedge-lines and trees and the addition of strategic planting to provide a natural habitat to complement the development’. It was not considered that the proposed development met these recommendations and a number of alterations have been secured as part of this application.

Following negotiations with the applicants agent the layout plan shows increased planting along the northern boundary of the of the site together with a scheme of planting onto the bund. This will improve the mitigation of the scheme along the Gresty Brook corridor and from the development to the north.

The proposals for open space running through the central part of the site have been improved with additional new woodland and shrub planting. This would then form a link between the wildlife corridor along the northern boundary and to the area to the south of Crewe Road.

The hedgerow to the eastern boundary of the site along the Crewe Road frontage would be replanted and this is considered to be acceptable from a landscape viewpoint.

Affordable Housing

As the site is located outside of the settlement boundary of Crewe the developer will be required to deliver a high quality, well designed development with a minimum of 35% of the housing being affordable in accordance with the Interim Planning Statement on Affordable Housing and the Interim Affordable Housing Policy. This percentage relates to provision of both social rented and/or intermediate housing as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

The Affordable Housing Interim Planning Statement also requires that the affordable units should also be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration.

All the Affordable homes should be constructed in accordance with the standards proposed to be adopted by the Homes and Communities Agency. The design and construction of affordable housing should also take into account forthcoming changes to the Building Regulations which will result in higher build standards particularly in respect of ventilation and the conservation of fuel and power.

The applicant has confirmed that there will be a 35% affordable housing provision on the site (57 units). The tenure split would be 65% affordable rent and 35% intermediate tenure in accordance with the Interim Planning Statement on Affordable Housing which is considered to be acceptable.

Highways Implications

The proposed layout is in the form of a cul-de-sac with a single vehicular access point onto Crewe Road, an emergency access point would be provided onto Gresty Green Road. Pedestrian access would be onto Crewe Road to the east and south and Gresty Green Road to the west.

The main access to the site would be a priority junction and Crewe Road has a 40mph speed limit at this point. The applicant has undertaken speed surveys and these indicate that the 85%ile speed limits are below 35mph and the visibility provision of 2.4m by 70m is based on this presumption. This figure is accepted by the Highways Officer and it should also be noted that traffic speeds will be reduced even further at the access point when Crewe Road is closed just beyond the access point as part of the Basford West infrastructure improvements.

In terms of the traffic impact of the development, a traditional peak hour assessment has been undertaken with the flows associated with the development. This is predicted to be 97 trips in and out in the morning peak hour and 103 trips in and out in the evening. These trips have then be added to the existing background traffic flows with the Basford development added, to arrive at the development flows to be tested on the network.

Traffic Surveys have been undertaken in support of this application and focus on the following junctions;

- Roundabout junction A500/B5071 Link Road

- Signalised junction – Crewe Road/B5071
- Priority junction – Crewe Road/Gresty Lane
- Priority junction Crewe Road/Gresty Road/Catherine Street
- Signalised junction – A534 Nantwich Road/South Street/Mill Street
- Signalised junction – Rope Lane/Gresty Lane/Eastern Road

The TA states that all of the above junctions, apart from the priority junction of Crewe Road/Gresty Road/Catherine Street and the signalised junction at the A534 Nantwich Road/South Street/Mill Street, operate within their capacity in the year of opening and the future assessment year with the committed development in place.

In terms of the priority junction of Crewe Road/Gresty Road/Catherine Street the TA shows that this junction will operate within the base scenarios in the year of opening and the future assessment year with the committed development in place with the exception of the Gresty Road North East and Catherine Street arms which slightly exceed capacity with a minimal amount of queuing. In response to this the TA states, that the junction will continue to operate in the same manner with the proposed residential traffic in place with *'an immaterial impact in terms of capacity and only an additional 4 vehicles queuing on Catherine Street and 2 additional vehicles queuing on Gresty Road (N/E)'*.

The main highways impact of the proposed development will be upon the signalised junction of the A534 Nantwich Road/South Street/Mill Street. The TA states that the existing signalised junctions slightly exceed its theoretical capacity in the base scenarios for both opening and future years. According to the TA, the junction *'will continue to operate with a degree of saturation of less than 100% with the proposed residential development traffic on the highway network and will result in a minimal impact in terms of both capacity and vehicle queues'*. The TA also states that the residential development of the size will result in a junction percentage impact of only 1%.

This view is not accepted by the Highways Officer and the Highways Department have carried out some of their own modelling in relation to this junction. The view taken by the highways department is that no further development can take place without improvements to this junction. As a result this proposal will need to make substantial contributions towards these junction improvements. The contribution requested is £3,000 per unit which would give a total of £495,000 for this development.

There are only two ways of improving traffic flows and providing mitigation for the Gresty Green developments in highways terms. These are the improvements to the signalised junction of the A534 Nantwich Road/South Street/Mill Street or the construction of the Crewe Green Link Road. These junction improvements remain the Councils preferred solution, but if for reasons outside of the Council's control it cannot be delivered, the contribution to the Crewe Green Link Road will ensure that the Gresty Green development can in one way or the other provide a degree of mitigation of its impact.

Overall given the scale of the development and its impact, it is considered that this contribution is acceptable and the development would not have a detrimental impact upon the wider highway network subject to the necessary mitigation.

Amenity

In terms of the surrounding residential properties these are mainly to the south and west of the site and front Crewe Road and Gresty Green Road. Adequate separation distances would be provided to these properties. To the single storey properties along Gresty Green Road the proposal involves the construction of bungalows which would help minimise the impact upon residential amenity.

The main impact will be on the amenities of the future occupiers of the proposed dwellings through noise and odour from the surrounding land uses which includes the Morning Foods Mill and the railway line.

A noise assessment has been submitted by the as part of this application and this identifies that the general noise for this site comprise noise from the Direct Rail Services freight, passing trains, the Mornflake Factory and road traffic on Crewe Road.

PPG24 sets out the Noise Exposure Category's (NEC) for proposed housing sites that will be exposed to noise from road, trains and mixed transport/industrial noise. The Noise Exposure Category's are defined as follows;

Category A - Noise need not be considered as a determining factor in granting planning permission, although the noise level at the high end of the category should not be regarded as a desirable level

Category B - Noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection against noise'

Category C – Planning permission should not normally be granted. Where development is permitted, steps should be taken to ensure a commensurate level of protection against noise

Category D – Planning permission should normally be refused

The site falls with Noise Exposure Category's A, B and C for daytime and night time periods. Although during the night time period an idling train increased noise levels into NEC Category D within location 4 (at the northern boundary of the site opposite the main Mornflake plant).

As part of this application the Noise Report and the suggested mitigation have been subject to much negotiation between the developer and the Environmental Health Officer and further Noise Measurements and a Detailed Noise mitigation Scheme have now been provided.

The additional noise measurements focused on location 4 and again the results take into account an idling train at the railway sidings. The noise levels are generally the same or marginally below those measured within the earlier survey. The updated noise report states that there has been '*no significant change in the ambient noise climate at the site*'.

In order to mitigate the noise from the adjacent land uses a noise mitigation scheme has been produced (this is in accordance with British Standard 8233 which sets out the relevant sound insulation and noise reduction for buildings). The mitigation includes the following;

- An earth bund/fence with a combined height of 7 metres (5 metre earth bund topped with a 2 metre timber acoustic fence) along much of the northern boundary
- The first row of dwellings to the north of the site are orientated with the private rear gardens on the far side of the dwelling and are shielded from the noise sources to the north
- Three specifications for well-sealed thermal double glazing and standard window frame trickle ventilation would be provided and a plan contained within the noise report indicates which properties require which specification.

The suggested mitigation would result in day-time and night-time noise levels inside living rooms and bedrooms not exceeding the recommendations of BS823. This is accepted by the Environmental Health Officer who has raised no objection subject to the noise mitigation measures contained within the noise assessment being conditioned as part of any approval.

The letter of objection and noise report produced on behalf of Morning Foods raise the issue of tonal noise which they state would be more noticeable due to a lower ambient level from train activity. The issue of tonal noise has also been addressed by the applicant's noise report which states that tonal noise is consistent with the tonal noise measurements taken on behalf of Morning Foods and that *'such noise levels are low and equivalent to an A-weighted noise level of below 20dB inside dwellings'*. This is accepted by the Council's Environmental Health Officer and is considered to be acceptable.

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 issue of odour from the Morning Foods Factory has been raised as part of the letters of objection. This issue would be regulated by the Environment Agency, as part of the consultation response no objection has been raised in relation to odour and as a result the impact upon the future occupiers of the dwellings is considered to be acceptable.

Trees and Hedgerows

The Tree Survey and Constraints Plan submitted with the application identify some 30 individual trees and two groups of trees located both within and immediately adjacent to the application site. The survey also makes reference to three hedgerows, two of which are unconnected located centrally within the application site, the third forming the eastern site boundary along Crewe Road.

The Survey identifies eight trees which are worthy of retention, categorised as A or B category as defined by BS5837:2010. Six of these trees are located within the proposed central area of open space and are not affected by the proposed development; the remaining two Oak trees are located towards the southern boundary of the site. Concerns with regard to the position of these Oak trees in terms of the social proximity, relationship to windows and excessive shading of the house and gardens were raised with the applicant. Amended plans have been provided and these show an improved relationship with the Oak trees and the impact upon trees is considered to be acceptable.

The remaining twenty or so individual trees and two groups within and along the boundary of the site have been categorised as 'C category within the submitted Survey. It is agreed that these

trees do not have any outstanding merit and are not considered to contribute significantly to the wider amenity of the area.

The proposed access off Crewe Road and associated footpath and visibility splay to the east of the site will necessitate the removal of a Hawthorn hedge which contributes to the landscape character along this section of Crewe Road. The removal of this hedgerow is unfortunate but is necessary to ensure that the required highway visibility is secured. The benefits of allowing this scheme in relation to the five year housing land supply would outweigh the impact caused by the loss of the hedgerow given that a replacement hedgerow would be secured as part of the proposed development.

Design

The surrounding development comprises a mixture of ages and architectural styles. Notwithstanding this, there is consistency in terms of materials with most walls being finished in simple red brick with some properties incorporating render. The predominant roof forms are gables although some are hipped and most are finished in grey tiles. The surrounding residential development maintains a rural character.

The proposed development would consist of two-storey dwellings and three bungalows which would be arranged around a cul-de-sac arrangement. The provision of two storey development on this site is appropriate and would not appear out of character, whilst the bungalows would be sited to the south-east corner of the site adjacent to the existing single-storey development.

The application site would appear most prominent when viewed from Crewe Road and travelling in and out of Crewe. At this point the existing boundary hedgerow would be removed and replanted to aid driver visibility when leaving the site. At this point a service road would serve the dwellings and they would front onto Crewe Road which is considered to be acceptable.

To the south and west views of the site would be via areas of open space, this would soften the appearance of the development and is considered to be acceptable.

The internal layout of the site has been designed so that properties front onto the highway and that corner properties have dual frontages (although it is considered that plots 37, 48, 72, 94, 96 & 157 would benefit from additional fenestration to the side gables, this will be controlled through the use of a planning condition). The proposed POS would be well overlooked in all instances which would give good natural surveillance to these areas. On the whole car-parking would be provided within the curtilage of the proposed dwellings or within parking courtyards to the rear. The design and layout would not give the impression of any car dominated frontages.

In terms of the detailed design of the dwellings they would have gabled roofs with varying porch details, projecting gables, canopies and design details such as sills, plinth detailing, gable detailing, lintel detailing and quoins. It is considered that the proposed dwelling types are appropriate and would not appear out of character on this site.

The proposed development includes the provision of a bund to the northern boundary and north-east corner. This would be up to 7 metres in height and would be planted with shrubs and trees; this is considered to be acceptable in design terms.

Ecology

The application site includes a number of habitats and has the potential to support a number of protected species. An Ecological Assessment has been produced and in support of this application and the impact of the development upon protected species is considered below;

Great Crested Newts

Great Crested Newts have not been found within the pond on the site and the submitted protected species survey states that given the *'relatively limited/localised GCN shelter opportunities available at the development site it has been concluded unlikely that the development works would result in the injury and/or death of GCN or the disturbance/destruction of their resting places'*. This is accepted by the Councils Ecologist and it is not considered that there will be an impact upon GCN.

Otters

Otters which are a European Protected Species have been identified as being present within Gresty Brook.

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

- in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment

and provided that there is

- no satisfactory alternative and
- no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK implements the Directive in the Conservation of Habitats & Species Regulations 2010 which contain two layers of protection

- a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and
- a licensing system administered by Natural England.

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

PPS9 (2005) advises LPAs to ensure that appropriate weight is attached to protected species "Where granting planning permission would result in significant harm [LPAs] will need to be satisfied that the development cannot reasonably be located on any alternative site that would result in less or no harm. In the absence of such alternatives [LPAs] should ensure that, before

planning permission is granted, adequate mitigation measures are put in place. Where ... significant harm ... cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused.”

PPS9 encourages the use of planning conditions or obligations where appropriate and again advises [LPAs] to “refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm.”

The converse of this advice is that if issues of detriment to the species, satisfactory alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations.

In terms of the 3 tests, it is considered that:

- There are no satisfactory alternatives as the site would assist in meeting the Councils five year housing supply
- In the absence of any impact from the proposed development it is likely that any contact will be low and will relate mainly to the risk of animals venturing onto the site during the construction phase and the potential disturbance of a potential resting place. Mitigation measures have been included with the otter survey report. The Councils Ecologist has advised that these are proportionate to the scale of the potential impacts and the proposed development is unlikely to affect the favourable conservation status of the species.
- There are imperative social reasons of overriding public interest, as the development would improve the appearance of the site and the development of this site would assist in meeting the five year housing supply.

The otter mitigation measures will be secured through the use of a planning condition.

Bats

The Protected Species Survey found no evidence of roosting bats within the trees on the site.

Barn Owls

The site is described as a type 2 habitat *‘these habitats are sub-optimal to field voles and are of intermediate and often transient value to Barn Owls’*. A Barn Owl survey found no evidence of barn owl activity on the site. However Barn Owls have been recorded within 1km of the site and on an adjacent site.

To offset the loss of this habitat the Councils Ecologist has agreed with the applicant that if planning consent is granted they will provide the sum of £2,000 to the Local Barn Owl Group to assist the group with their conservation work in the district. The payment of this sum should be secured by means of a section 106 agreement attached to any permission granted.

Birds

The proposed development site is likely to support breeding birds including widespread and relatively common BAP species which are a material consideration. As a result if planning

consent is granted for this scheme conditions regarding the timing of works and the provision of suitable features for nesting birds will be attached to the planning permission.

White Clawed Crayfish

White Clawed Crayfish are known to occur in this locality. No specific survey has been undertaken for this species in support of this application. However an 8m buffer zone is proposed between the development and the brook. Provided this is implemented the Councils Ecologist advises that there will be no impact upon this species.

Orchard

A traditional orchard as identified by the national inventory occurs on the site. Orchards are National and Local Biodiversity priority habitat and are therefore a material consideration. The submitted ecological survey recommends the retention and enhancement of the orchard, but the proposals plan appears to show the area of the orchard being proposed for a LEAP, housing and open space. In this case it is considered that the need for housing outweighs the loss of the orchard and that this issue would not warrant the refusal of this planning application.

Public Open Space

As part of this development there would be a requirement of 5,775sq.m of Public Open Space according to Policy RT.3. As part of this development the proposed plan shows that POS would be provided in two areas; the central area would measure 4,572sq.m, and an area to the north-west corner of the site (excluding the bund) would measure 3,035sq.m (total area of 7,608sq.m). As a result the open space requirement of Policy RT.3 has been met. Furthermore the Public Open Space Officer is happy with the layout of the open space.

In terms of children's playspace the Public Open Space Officer has requested the provision of an on-site 5 piece LEAP. The applicant's agent has confirmed that this will be provided and this will be secured through the S106 Agreement.

Sustainability

The Interim Planning Policy on the Release of Housing land requires a high quality development to Code for Sustainable Homes Level 4. In support of this application a Sustainability Statement has been produced and this identifies that this can be achieved through the use of a EUPD compliant boiler and Flue Gas Heat Recovery System to all plots, additional Flow Smart systems are to be installed on the house types with two en-suites or more and Solar Photovoltaics are to be installed on each dwelling.

It is considered that the development meets the requirements of the Interim Planning policy and RSS policy EM18.

Education

As part of the Bellway scheme (11/2212N) the Education Department requested a developer's contribution of £86,268 towards work on the local schools (No requirement will be needed for secondary school provision). However, the Education Department have now received revised

school capacity figures and consider that there is sufficient capacity in local schools to serve this development. As a result no contribution will be required.

Flood Risk and Drainage

The majority of 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. A very small portion of the site to the north-east corner is located within Flood Zones 2. However it should be noted that no properties would be built on this part of the site.

In support of this application a Flood Risk Assessment has been provided. Basford Brook which is a designated main river runs along the northern boundary of the site. It passes under Crewe Road in culvert and is also culverted under the railway line.

In terms of flooding from the adjacent watercourse due to changes in land level the minimum floor levels for the development would be exceed the level required as part of the 1 in 100 year flood risk model.

In terms of surface water, uncontrolled flows will exceed Greenfield run off rates and it is therefore proposed that the development run off rate will be limited to Greenfield run off rates. It is proposed to connect surface water drainage into the adjacent watercourse and to limit this to Greenfield run-off rates 1,300cu.m of storage will be required and this would accommodate storms up to and including the 1 in 100 year plus and allowance of 30% for climate change.

The Environment Agency originally objected to the application as the Flood Risk Assessment failed to consider the risks associated with culvert failure/blockage. Following negotiations the objection made by the Environment Agency has been removed and a number of conditions have been suggested.

Therefore it is considered that the development is acceptable in terms of its drainage/flood risk issues.

Other issues

Japanese Knotweed is located to the north-eastern corner of the site. A condition will be attached to ensure that a method statement regarding the removal of the Japanese Knotweed is approved by the Local Planning Authority.

The letter of objection from Morning Foods makes reference to the Inspectors decision as part of the Local Plan Inquiry. In response this application is subject to updated noise assessments and mitigation, the Councils position in relation to housing land supply has also changed as can be seen above. Therefore it is considered the issues raised in the objection would not warrant the refusal of this application.

In terms of the loss of agricultural; land, the site is not classed as the best and most versatile agricultural land and a refusal on these grounds could not be sustained.

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 provision of a contribution towards the construction of the Crewe Green Link Road or capacity improvements at the junction of Gresty Road/South Street is required to help mitigate against the highways impact of the development. The proposed development cannot proceed without these improvements and the contribution is reasonably related in scale and kind to the development.

The development would result in the loss of Barn Owl habitat, it is therefore necessary to secure a contribution to monitor the local population of Barn Owls in order to determine any future population trends. This is considered to be necessary and fair and reasonable in relation to the development.

As explained within the main report, affordable housing, 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

Therefore, in summary, it is acknowledged that the Council does not currently have a five year housing land supply, which is a requirement of both current advice contained within PPS3 and the recently published Draft National Planning Framework. Accordingly, in the light of the advice contained in PPS3 it should consider favourably suitable planning applications for housing. The current proposal is considered to be "suitable" as it is located on the periphery of Crewe, and is in accordance with the Council's agreed position to manage the supply of housing land as set out in the Interim Policy on the Release of Housing Land, which directs the majority of new development towards Crewe. It is also consistent with the emerging Core Strategy which, although it includes a number of options for growth, directs the majority of new development towards Crewe. Housing development in Crewe is also supported by the Crewe Vision which recognises that population growth is key to economic growth and regeneration of the town itself. According to PPS1 these emerging policies are important material considerations.

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 and that the highway safety and traffic generation issues can be addressed through appropriate developer contributions to off-site highway improvements. Matters of contaminated land, air quality and noise impact can also be adequately addressed through the use of conditions.

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 replacement planting will be secured as part of the planning conditions.

With regard to ecological impacts, the Council's ecologist is satisfied with the proposed mitigation measures for protected species can be achieved. These details will be secured through the use of a planning condition and a contribution towards Barn Owl conservation.

The scheme complies with the relevant local plan policies in terms of amenity and it is considered that the proposal is of an acceptable design.

Policy requirements in respect of public open space provision have been met within the site, and therefore it is not considered to be necessary or reasonable to require further off-site contributions in this respect.

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

The information submitted by the developer indicates that it is viable and feasible to meet the requirements of the RSS policy in respect of renewable energy and to achieve Code for Sustainable Homes Level 4 and therefore a detailed scheme can therefore be secured through the use of a planning condition.

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. Provision of 57 affordable housing units – 65% to be provided as social rent with 35% as intermediate tenure**
- 2. The provision of a LEAP and Public Open Space to be maintained by a private management company**

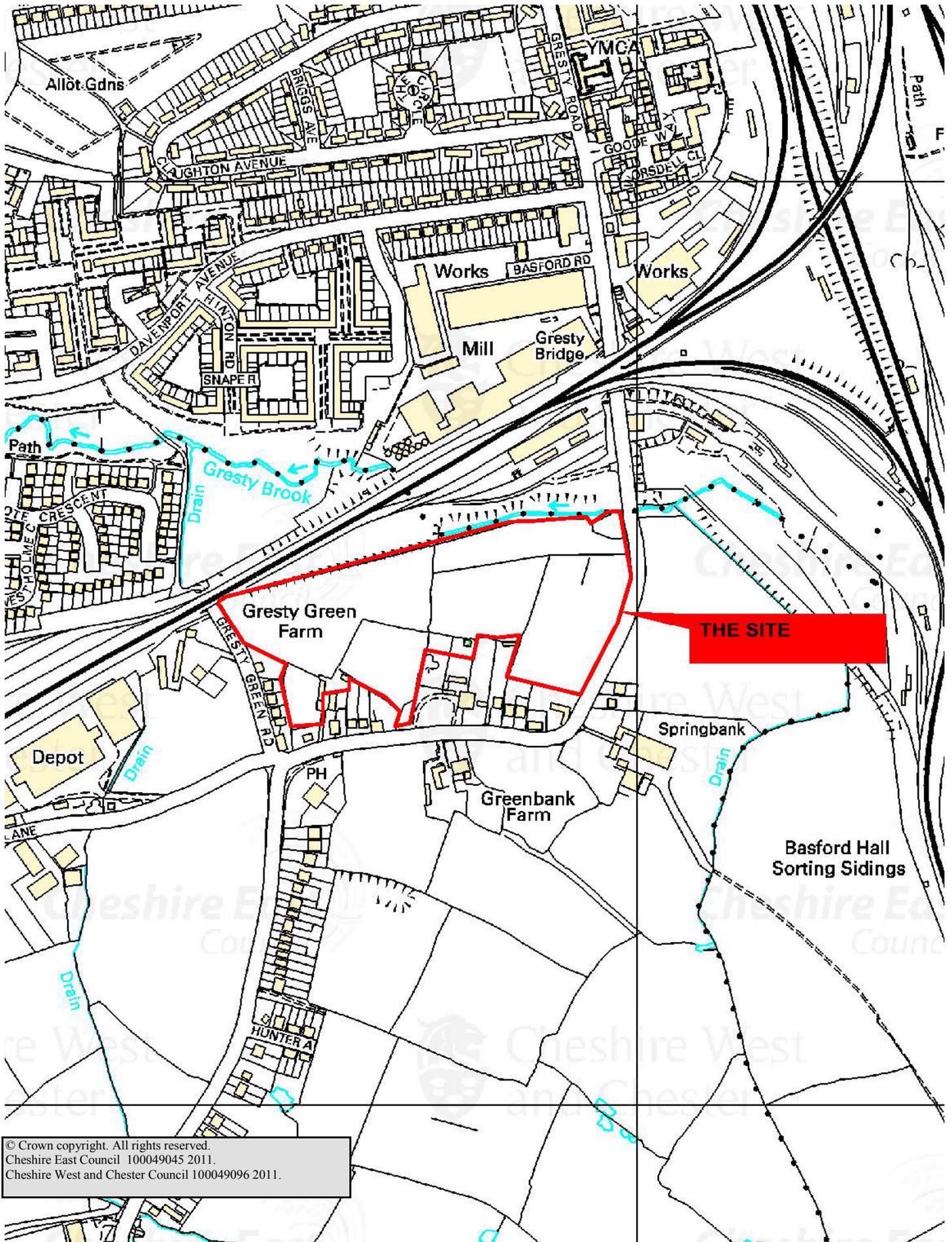
3. A commuted payment of £495,000 towards highway improvements (to be put towards the construction of the Crewe Green Link Road or capacity improvements at the junction of Gresty Road and South Street with Nantwich Road)
4. A commuted payment of £2,000 towards Barn Owl conservation work

And the following conditions

1. Standard time – 3 years
2. Materials to be submitted to the LPA and approved in writing
3. Submission of a landscaping scheme and wildlife management plan to be approved in writing by the LPA (the scheme shall include native species only and the provision of replacement hedgerow planting)
4. Implementation of the approved landscaping scheme and wildlife management plan
5. The submission of a comprehensive arboricultural method statement covering tree/hedgerow protection, programme of tree/hedgerow works, and special construction techniques for proposed areas of hard surfacing in tree/hedgerow root protection areas to be submitted to the LPA and approved in writing
6. No trees/hedgerow to be removed without the prior written consent of the LPA
7. Boundary treatment details to be submitted to the LPA and approved in writing
8. Remove PD Rights for extensions and alterations to the dwellings
9. Prior to any commencement of works between 1st March and 31st August in any year, a detailed survey is required to check for nesting birds.
10. Prior to the commencement of development the applicant to submit detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds including house martin and swift. Such proposals to be agreed by the LPA. The proposals shall be permanently installed in accordance with approved details.
11. The development shall proceed in accordance with the approved Water Vole/Otter mitigation measures
12. The development shall proceed in accordance with the approved plans
13. No development within the 8m buffer with the brook
14. The development hereby permitted shall not be commenced until such times as a scheme for the provision and implementation of a surface water regulation system has been submitted to, and approved in writing by, the local planning authority.
15. The development hereby permitted shall not be commenced until such time as a scheme for the management of overland flow from surcharging of the on-site surface water drainage system has been submitted to, and approved in writing by, the Local Planning Authority.
16. The development hereby permitted shall not be commenced until such time as a scheme to ensure no raising of ground levels within the 1 in 100 year fluvial floodplain has been submitted to, and approved in writing by, the Local Planning Authority.
17. The submission and approval of a Contaminated Land Survey
18. The detailed noise mitigation measures to protect the proposed occupants from both railway noise and industrial noise from Morning Foods Ltd should be installed and completed before any of the dwellings are first occupied
19. Construction hours shall be limited to 08:00 – 18:00 Monday – Friday, Saturday 09:00 – 14:00 with no working on Sundays/Bank Holidays
20. The submission and approval of a Dust Management Plan

- 21. Prior to the commencement of development revised elevations with additional fenestration shall be provided for plots 37, 48, 72, 94, 96 & 157**
- 22. Compliance with the recommendations contained with Energy and Climate Change Strategy Report**
- 23. Details of external lighting to be approved in writing by the LPA**
- 24. A scheme for the removal of Japanese Knotweed shall be submitted to the LPA and approved in writing**
- 25. The approved access shall not be brought into use until visibility of 2.4m x 70m in both directions with no obstruction above 1.0m in height.**
- 26. The bund hereby approved shall be constructed using inert subsoils/clay and shall be capped with at least 150mm of topsoil**
- 27. Any materials which are brought onto the site for the construction of the bund hereby approved shall be used in the construction of the bund immediately and shall not be stored anywhere on the site.**
- 28. Prior to the commencement of development a method statement for the preparation of the land on which the bund will be sited (including stripping and storage of topsoils) shall be submitted to the Local Planning Authority and approved in writing. The development shall be completed in accordance with the approved details.**

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 West and Chester Council 100049096 2011.