

Application No: 11/2212N

Location: LAND AT GRESTY GREEN, GRESTY GREEN ROAD, SHAVINGTON
CUM GRESTY, CREWE

Proposal: Demolition of Buildings. Residential Development with Associated Access
& Landscaping

Applicant: Bellway Homes Ltd

Expiry Date: 13-Sep-2011

CHESHIRE EAST COUNCIL

STRATEGIC PLANNING BOARD

Date of meeting: 3rd October 2012

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

Title: Proposed Alterations to the Section 106 Heads of Terms for
planning application 11/2212N (Land at Gresty Green,
Gresty Green Road) due to viability issues

1.0 Purpose of Report

1.2 This report has been presented to Strategic Planning Board because the original application was approved by the Board on 19th October 2011 subject to the completion of a S106 Agreement.

2.0 Decision Required

2.1 To consider the amendments to the S106 Heads of Terms and the viability arguments raised by the applicant.

2.2 A determination of the planning application is required. If the amendments of the S106 Heads of Terms are acceptable then the S106 Agreement will be worded to reflect the amendment. If the amendment is not acceptable, the planning application should be refused.

3.0 Background

- 3.1 The application site is located to the west of Gresty Green Road and to the north of Gresty Lane within the Open Countryside as defined by the Borough of Crewe and Nantwich Replacement Local Plan 2011.
- 3.2 The site includes Gresty Green Farm which comprises a traditional farmhouse and a range of modern and traditional farm buildings. The majority of the site is a relatively flat field which is bound by traditional hedgerows and a number of large trees. To the north of the site is a railway line with a depot beyond. To the opposite side of Gresty Green Road is a mix of residential properties which vary in height from single-storey to two-storey. To the east of the site are storage buildings which are occupied by Crewe Cold Stores.
- 3.3 The application is a full planning application for the erection of 51 dwellings. Access to the site would be taken from Gresty Green Road. The development would consist of 28 four bedroom dwellings, 15 three bedroom dwellings and 8 two bedroom dwellings. All of the properties on the site would be two-storeys in height. Public Open Space would be provided in three separate parcels, the largest would be located alongside the railway with two smaller parcels located onto the frontage with Gresty Lane.
- 3.4 The committee report for this application is attached to this report.

4 Previous Planning Report and Additional Information

- 4.1 Members may recall that on 19th October 2011, the Strategic Planning Board resolved to grant planning permission for a residential development for the erection of 51 dwellings.
- 4.2 The resolution to approve was subject to completion of Section 106 Agreement with the Heads of Terms as follows:

- 1. Provision of 18 affordable housing units – 12 to be provided as social rent with 6 as intermediate tenure*
- 2. Provision of education contribution of £86,268*
- 3. The provision of a LEAP and Public Open Space to be maintained by a private management company in perpetuity*
- 4. A commuted payment of £51,000 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)*

- 4.3 The applicant has produced a viability report in support of this application and this has been provided by DTZ. This report identifies that the site is subject to a range of abnormal costs as follows:

- Drainage £250,557
- Noise £8,282
- Ecology £11,000
- Services £161,520
- External Works £361,269

- Foundation Abnormal Costs £130,200
- **Sub Total £922,828**

- 4.4 The applicant has then prepared a financial viability appraisal at 16% of Gross Development Value (GDV). This is consistent with the Strategic Housing Market Assessment for Cheshire East.
- 4.5 In this case the viability report identifies that the site has been valued at £425,000 and that the resolution to grant planning permission subject to a S106 would give a 20% uplift bringing the value of the site closer to £540,000. The report states that this is *'the figure the land owner would expect to receive for the purchase of the site'*.
- 4.6 The site is currently owned in a single ownership and the viability report identifies that *'the total sum for the overall site to be paid equates to £540,000 which devalues to £112,700 per acre'*.
- 4.7 In order to pay this sum for the land the developer is arguing that they are only able to offer 10% affordable housing (all shared ownership) with no contributions for local education provision or towards highway improvements.
- 4.8 With this in mind the viability report shows that with 10% affordable housing the site has a GDV of £8,452,066 with construction, developer profit (16%) and other costs at £6,976,094. The abnormal costs of £922,828 would then be added to result in a net land value of £553,144.
- 4.9 The applicant has also referred to a number of other sites within Cheshire East where a reduced level of affordable housing has been accepted. These sites and the level of affordable housing provision are as follows:
- Canal Fields, Sandbach – 10% affordable housing plus a financial contribution of £206,440
 - Albion Chemicals, Booth Lane, Sandbach – 8% affordable housing plus other contributions of circa £740,000
 - Old Mill Road, Sandbach – 7% affordable housing
 - Bath Vale Works, Congleton – 5% affordable housing
 - Land to the North and South of Maw Green Road, Coppenhall - 10% affordable housing
 - Land off Sheppenhall Lane, Aston – 11% affordable housing

5 Officer Comment

- 5.1 Since the application was originally considered by the Strategic Planning Board. The National Planning Policy Framework (NPPF) has superseded the previous national planning policy.
- 5.2 As a site within the open countryside the site is subject to Policy NE.2 (Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan 2011. The development is subject to paragraph 47 of the NPPF and the requirement to maintain a 5 year rolling supply of housing plus a 5% buffer. In this case Cheshire East

has a housing land supply of 3.75 years when the 5% buffer is added. The NPPF clearly states at paragraph 49 that:

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

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

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

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

- 5.4 In this case the departure from the local plan and the decision to recommend approval was only based upon the provision of 18 affordable housing units and contributions towards local education provision and the local highway network. Without the inclusion of the affordable housing and the contributions the benefits of the development would be significantly diluted.

- 5.5 In this case there is a need for affordable housing in Shavington and the Strategic Housing Market Assessment 2010 (SHMA) shows that for the sub-area of Wybunbury & Shavington, there is a requirement for 155 new affordable homes between 2009/10 – 2013/14, this equates to 31 new affordable units per year, made up of a need for 5 x 1 bed units, 10 x 2 bed units, 4 x 3 bed units, 7 x 4/5 bed units and 4 x 1/2 bed older persons units. So far no affordable units have been provided in this sub-area.

- 5.6 The NPPF identifies that planning should deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, and local planning authorities should amongst other things:

‘where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution can be robustly justified’

- 5.7 The IPP on Affordable Housing does identify that since the economic downturn in 2008 brownfield sites do have viability issues and that a lower provision of affordable housing subject to viability assessment, may be acceptable. In this case the site is a greenfield site and was recommended for approval as an exception site with the full package of affordable housing and contributions. There is a clear difference between this site and the brownfield sites which have viability issues. If the development of this site cannot come forward with the required affordable housing and contributions then it is not considered to be viable and should not be approved as a departure. The

development is therefore considered to be unacceptable and the recommendation should be changed to refusal.

- 5.8 The abnormal costs in this case could not have come as a surprise and the majority have been known as part of the planning application process nor are they considered to be unusual for a development site.
- 5.9 The applicant is correct that a lower provision of affordable housing has been provided on other sites within Cheshire East. However, none of these are considered to be comparable to this application. The sites at Old Mill Road, Albion Chemicals, Canal Fields and Bath Vale Works are all brownfield sites. The acceptance of lower levels of affordable housing was seen as acceptable in order for the regeneration benefits of these sites to be realised. The site at Sheppenhall Lane, Aston is enabling development for Combermere Abbey whilst as part of the consideration of the Maw Green site greater weight was given to the level of highways contribution over affordable housing and the benefits of this were considered to be substantial.

6 Conclusion

- 6.1 On the basis of the above, the proposed amendment to the heads of terms is not considered to be acceptable and the application should be refused.

7 Recommendation

- 7.1 That the Board resolve to refuse planning application 11/2212N for the following reason:

The proposed development would not provide the required level of affordable housing or make any contributions to local education provision or highways infrastructure. The proposal would therefore not create a sustainable, inclusive, mixed and balanced community. The benefits of allowing this development would be limited and would be outweighed by the significant and demonstrable adverse impact. Therefore the proposal is not considered to be an acceptable form of development as a departure from the development plan and would be contrary to the Interim Planning Policy on Affordable Housing and Policies RES.7 (Affordable Housing), BE.3 (Access and Parking) and BE.5 (Infrastructure) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the National Planning Policy Framework.

8 Financial Implications

- 8.1 The financial contributions are that the required contributions for education infrastructure/highways infrastructure would not be provided to support this development.

9 Legal Implications

- 9.1 There are no legal implications

10 Risk Assessment

10.1 There are no risks associated with this decision.

11 Reasons for Recommendation

11.1 To application would be contrary to the Interim Planning Policy on Affordable Housing and Policies RES.7 (Affordable Housing), BE.3 (Access and Parking) and BE.5 (Infrastructure) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the National Planning Policy Framework.

For further information:

Portfolio Holder: Councillor Rachel Bailey
Officer: Daniel Evans – Principal Planning Officer
Tel No: 01270 537013
Email: daniel.evans@cheshireeast.gov.uk

Background Documents:

- *Application 11/2212N*

Planning Reference No:	11/2212N
Application Address:	Land at Gresty Green Farm, Gresty Green Road, Shavington, Crewe
Proposal:	Demolition of buildings, residential development with associated access and landscaping
Applicant:	Bellway Homes Ltd
Application Type:	Full Planning
Grid Reference:	370520 353422
Ward:	Shavington
Earliest Determination Date:	27 th July 2011
Expiry Dated:	13 th September 2011
Date of Officer's Site Visit:	22 nd July 2011
Date Report Prepared:	9 th September 2011
Constraints:	Open Countryside

SUMMARY RECOMMENDATION

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

- 1. Provision of 18 affordable housing units – 12 to be provided as social rent with 6 as intermediate tenure**
- 2. Provision of education contribution of £86,268**
- 3. The provision of a LEAP and Public Open Space to be maintained by a private management company**
- 4. A commuted payment of £51,000 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)**

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 was deferred from the Strategic Planning Board meeting on 28th September 2011 for the following reasons;

- For clarification about the specific impact of the proposal on the strategic highways network in Crewe.
- For information about the availability of developable land in the Crewe area, the number of units that could be developed and its implications for the Council's 5-year housing land supply.
- To further consider the adequacy of the applicant's highways contribution in addressing the impact of new housing on the local and strategic road network

1. DESCRIPTION OF SITE AND CONTEXT

The application site is located to the west of Gresty Green Road and to the north of Gresty Lane within the open Countryside as defined by the Borough of Crewe and Nantwich Replacement Local Plan 2011. The site includes Gresty green Farm which comprises a traditional farmhouse and a range of modern and traditional farm buildings. The majority of the site is a relatively flat field which is bound by traditional hedgerows and a number of large trees. To the north of the site is a railway line with a depot beyond. To the opposite side of Gresty Green Road is a mix of residential properties which vary in height from single-storey to two-storey. To the east of the site are storage buildings which are occupied by Crewe Cold Stores.

2. DETAILS OF PROPOSAL

This is a full planning application for the erection of 51 dwellings. Access to the site would be taken from Gresty Green Road. The development would consist of 28 four bedroom dwellings, 15 three bedroom dwellings and 8 two bedroom dwellings. All of the properties on the site would be two-storeys in height. Public Open Space would be provided in three separate parcels, the largest would be located alongside the railway with two smaller parcels located onto the frontage with Gresty Lane.

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.17 – Pollution Control
- NE.20 – Flood Prevention

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: The Environment Agency originally objected to the application but following the receipt of additional information they have made the following comments: The Environment Agency is now able to remove the objection to the development. The Environment Agency would however maintain that the development proposal has missed the opportunity to "open up" and restore the watercourse, and therefore all the associated benefits that have been highlighted in previous correspondence will not be achieved as part of the development proposals. The EA would recommend that the following planning conditions be imposed on any planning permissions to ensure that the requirements of the approved Flood Risk Assessment (FRA) (Lees Roxburgh Consulting Engineers, 4897/R1, June 2011 & supporting supplementary information) are carried forward to the detailed design stages of the project;
- 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.

United Utilities: No objection

Network Rail: The proposed development is next to Network Rail land and infrastructure and therefore the development has the potential to impact negatively upon operational railway land. Therefore Network Rail would very strongly recommend that;

-The land is subject to a conveyance and as such there is a requirement relating to the application to Network Rail for development consent.

- The potential for any noise/ vibration impacts caused by the proximity between the proposed development and any existing railway must be assessed in the context of PPG24 and the local planning authority should use conditions as necessary. The current level of usage may be subject to change at any time without prior notification including increased frequency of trains, night time train running and heavy freight trains.

- All roads, paths or ways providing access to any part of the railway undertaker's land both temporary and permanent, shall be kept open at all times during and after the development.

- The developer/applicant must ensure that their proposal both during construction and after completion of works on site does not encroach onto Network Rail land, it must not affect the safety, operation or integrity of the railway and its infrastructure.

- Any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures.

- Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains except by agreement with Network Rail.

- All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the boundary with Network Rail.

- Fully detailed plans of the development within 10 metres of Network Rail's boundary, including cross-sections where alterations to the existing ground levels are proposed, should be submitted to the Network Rail Asset Protection Engineer before development commences.

- The Developer must provide at their expense a suitable trespass proof palisade fence (of at least 1.8m in height) adjacent to Network Rail's boundary and make provision for its future maintenance and renewal without encroachment upon Network Rail land.

- The applicant must ensure that the construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land, and therefore all/any building should be situated at least 2 metres from Network Rail's boundary.

- Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains.

- Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary as the species will contribute to leaf fall which will have a detrimental effect on the safety and operation of the railway.

Strategic Highways Manager: The highways authority has been liaising with the developer over proposed alterations to the junctions Gresty Green Road with Gresty Lane, and Green Lane with Crewe Road. The preferred option is for the existing priority to remain the same, and include alterations to accommodate the largest of delivery vehicles accessing this area and the provision of a footpath link into Crewe Road. This work should be carried out under a section 278 agreement and no work shall commence on site until a plan has been agreed by the LPA and HA. Furthermore, a developer contribution of £2500 per plot will be required towards improving the surrounding highways infrastructure in accordance with the results of the transport assessment model carried out by MVA on behalf of CEC during 2011, and should be paid on commencement of development.

Environmental Health: No objection but suggest conditions in relation to air quality, contaminated land, noise mitigation measures and external lighting.

Education: Given that this is a development for 51 new dwellings it will generate 8 new primary school places and 7 new secondary places. There is very little capacity in the local primary schools (i.e. primary schools within a 2 mile walking distance of the site) at present and due to be less than 1% spare capacity by 2015. In light of this the Council will require a developer's contribution of £86,268 towards work on the local schools. No requirement will be needed for secondary school provision.

Public Open Space: The general layout of the open space is acceptable. A 5 piece LEAP will be required, this means that there needs to be a minimum of 5 pieces of equipment, plus 1.4 metre high bow top railing surround with two pedestrian access gates and a double leaf vehicular access gate. Railings shall be painted green; pedestrian gates to be yellow. The equipment must be predominantly metal, inclusive, and conform to BS EN 1176. The equipment shall have wetpour safer surfacing underneath it, conforming to BS EN 1177. The surfacing between the wetpour shall be tarmac with pre-cast concrete edging surround, the access paths to gates to be tarmac.

6. VIEWS OF THE PARISH COUNCIL

Object to the application on the following grounds;

- The application is premature because houses will not be needed until the Basford East employment sites are completed
- Access will be dangerous until the Basford East Spine Road is completed and removes traffic from Crewe Road
- The local Crewe and Nantwich plan is still in force and this site is outside the settlement boundary shown on it
- A new Parish Plan for Shavington-cum-Gresty is currently underway and this proposed development should await its findings
- The access roads are dangerous and inadequate - Gresty Lane is already a dangerous rat-run with a fatal accident only recently
- Gresty Green Lane 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 without any further traffic movements
- The proposed modification to the junction would make things worse and not improve the situation
- There have been three fatal accidents in the vicinity

- The site is green field farmland, originally green-gap itself and now adjacent to the green gap. It divides Crewe from Shavington
- There are protected bats on the site and the remedial measures are considered inadequate. The proposed seating area would become a magnet for rowdy undesirables
- The building of the houses will kill or remove all bats contrary to the law which is in place to protect them - there would also be no food supply for the bats once the houses were built
- The local infrastructure is inadequate to cope with additional house building
- There are insufficient places at local primary schools: Pebble Brook and Shavington Primary Schools
- There is already a significant drop in electricity supply voltage at peak times
- The existing drains are already unable to take heavy rainwater now
- Crewe Road extremely busy and overloaded with traffic, particularly at peak hours
- Mains water pressure in the drops dramatically at peak times already
- The doctors surgery is at capacity, and there are no local dentists - the waiting time at Leighton hospital has increased considerably already
- The development is outside the settlement boundary
- The boundary is currently defined by the local plan which has not yet been replaced and which was confirmed on appeal by an Inspector
- The Council's current policy is for development IN villages and NOT at the edge of Crewe
- The Council's current policy is for the villages to be separated from Crewe not joined up with Crewe by new housing sites
- The site is subject to flooding
- 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 would severely disturb new householders
- The site is adjacent to the Morning Foods factory with odours and noise which would reduce the amenity of new houses
- Loss of Amenity to Others - the development will cause loss of amenity particularly to the homes on Gresty Green Road
- Additional pressure on the infrastructure will cause loss of amenity to all local residents
- The increased development in Shavington parish will substantially change the locality and destroy its suburban village ethos

7. OTHER REPRESENTATIONS

Letters of objection have been received from the occupants of 241 properties, raising the following points;

Principal of the development

Loss of Greenfield land

The settlements of Crewe and Shavington should be kept separate

A number of vacant units in the area

Overdevelopment of the site

Loss of village identity

No requirement for additional housing around Crewe

The development is outside the Settlement Boundary
Loss of Green Gap land
The proposal does not meet Local Plan Policy
The Local Plan Inspector concluded that housing was unacceptable on this site
The development would increase pressures on the operation of local businesses
There is sufficient Brownfield land within Crewe
The application is premature
Excess housing in Crewe

Highways

Increased traffic congestion
Parking problems
Highway safety
Conflict with large vehicles serving local businesses
The roads in the area are of a poor quality
Access to the A500/M6 is poor
Public transport in the area is inadequate
The proposed access is dangerous
The roads surrounding the site are an existing rat run

Amenity issues

Visual impact
Noise from the railway line would have a detrimental impact upon the occupants of the future dwellings
Noise and light pollution from the nearby railway depot
Noise and smell from Mornflakes depot

Infrastructure

Existing schools are full
Problems with electricity supply
Inadequate drainage/
Inadequate sewage infrastructure
Health centre and local dentists are full
Increase in waiting times at Leighton Hospital
Impact upon Broadband

Ecology

Impact upon protected species
Loss of habitat
Bats roost on the site
The bat mitigation measures are inadequate and will attract ant-social behaviour
Loss of hedgerow
The impact upon Badgers
The impact upon Great Crested Newts
Loss of birds

Other issues

Timing of the application
Location of the Committee meeting

No jobs to serve the occupants of these dwellings
Proximity of the proposed housing to an existing mobile phone mast
Lack of consultation
No demand for new houses
The proposal does not include any community facilities
Inaccuracies in the supporting documentation
Increased flooding from the site
Noise/traffic and amenity issues caused by the construction of the dwellings
Lack of consultation in relation to the Interim Planning Policy
Impact upon property value

Letters of objection have also been received from 2 local companies (Morning Foods Ltd and Direct Rail Services) raising the following points of objection;

- Not consulted about the Interim Planning Policy
- Morning Foods is a major employer in the Borough and has a number of extant planning permissions for the expansion of the Gresty Road Mill
- Residential development to the south of Morning Foods would constrain future expansion of the mill, which is laid out with the site emitting noise to the south
- At the Local Plan Inquiry this site was discounted for housing by the Planning Inspector
- The site is isolated from Crewe due to its position on the opposite side of the railway line
- Noise generated from Morning Foods, the railway line and the other surrounding employment units would impact upon the amenities of the future occupiers of the proposed dwellings
- Support is given to local residents who are opposing the scheme
- The site is not allocated as part of the current local plan

A letter of representation has been received from Richborough Estates (the applicants for the Hind Heath Road site, Sandbach). This raises the following points;

- The appeal decisions at Hind Heath Road and Elworth Hall Farm gave little weight to the Interim Planning Policy Statement on the Release of Housing Land
- The site is adjacent to the railway line and not the Crewe Settlement Boundary and therefore the development does not comply with the IPP

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 employment sites are completed
- Access will be dangerous until the Basford East 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.
- A new local parish plan is under way and this development should await its findings.

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 was originally green gap until Gerry Mandering removed it
- It is immediately adjacent to a green gap

- It does help divide Crewe from Shavington

There are protected bats on the site

- The remedial measures are inadequate. The seating area will become a magnet for rowdy undesirables
- 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 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 200 FTE. Objections from nearby residents could reduce or impede output and destroy jobs.

Loss of Amenity to Others

- The development will cause loss of amenity particularly to the homes on Gresty Green road
- 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;

- Supporting Planning Statement
- Design and Access Statement
- Vibration Impact Assessment
- Bat and Bird Survey
- Environmental Noise Study
- Transport Assessment
- Phase 1 Habitat Survey
- Statement of Community Involvement

- Site Investigation Report
- Flood Risk Assessment
- Energy and Climate Change Strategy Report
- Arboricultural Report

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 exceptional circumstances 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, published following the revocation of the RSS 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. This reflects the position of Crewe as a priority for Development and Regeneration within the adopted Sustainable Community Strategy for the Borough entitled "Ambition for All". 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 and 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 its clear that brownfield sites alone cannot meet the future housing needs of Crewe, never mind the Borough as a whole.

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 developer proposes 51 units and has confirmed that in accordance with the Policy stated above, there will be a provision of 18 of the units to be provided as affordable housing. Of the 18 units 12 would be provided as social rent with 6 as intermediate tenure. The affordable units that would be provided are ten 3 bed Chatsworth house type and eight 2 bed Studley house type.

The design of new housing developments ensures that affordable homes are integrated with open-market homes to promote social inclusion and are not segregated in discrete or peripheral areas. The external design, comprising elevation, detail and materials, is compatible with open market homes on the development in question thus achieving full visual integration.

The affordable housing provision on this proposed development is therefore considered to be acceptable.

Highways Implications

The proposed layout is in the form of a cul-de-sac with a footpath link connecting the site to Gresty Lane. In terms of the access to the site this would have a visibility splay of 2.4m x 25m which accords with Manual for Streets and is considered to be acceptable.

The original scheme included the redesign of the junction of Gresty Green Road/Gresty Lane/Crewe Road. However following the completion of a safety audit it was considered that this junction design was not acceptable. Therefore the preferred option is for the existing priority to remain the same, and include alterations to accommodate the largest of delivery vehicles accessing Gresty Lane and the provision of a footpath link into Crewe Road. Amended plans have been submitted which show the amended junction design and the Strategic Highways Manager has now confirmed that this junction design is acceptable, providing that a refuge island is constructed on the Gresty Green Lane junction with Crewe Road (this is to aid pedestrian movements and to prevent oncoming vehicles turning right into Gresty Lane from crossing the centre line). A right turn lane should also be provided on Crewe Road. These amendments are relatively minor and will be secured through the use of an amending planning condition.

In terms of increased traffic movements from the site the Transport Assessment states that TRICS data has been used to determine the likely level of vehicular trips from the site. This shows that there will be approximately 50 vehicle movements from the site (in and out) per hour between the peak hours of 07:45 to 08:45 and 16:45 and 17:45.

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

- Priority junction of Gresty Lane/Gresty Green Road
- Priority junction of Crewe Road/Gresty Lane
- Signalised junction of Crewe Road/Link road to A500/Works
- Priority junction of Crewe Road/Gresty Road/South Street/Catherine Street
- Signalised junction of Nantwich Road/Mill Street/South Street
- Signalised junction of Nantwich Road/Gresty Road/Pedley Street

The TA states that the Gresty Lane/Gresty Green Road junction, the Crewe Road/Gresty Lane junction and the Crewe Road/Gresty Road/South Street/Catherine Street all operate well within capacity in both 2011 and 2016 with base flows plus the proposed development trips.

Due to the close proximity of the Nantwich Road/Gresty Road/Pedley Street junction and the Nantwich Road/Mill Street/South Street junction, these have been assessed as a linked pair of junctions and a like for like comparison of the base flows and base flows with development has been undertaken. The submitted TA shows that the proposed development would have little or no impact upon these junctions. In the AM there would be no more than 2 additional vehicles queuing on just 2 arms of the junction (there is a total of 7 arms) with a smaller impact in the afternoon.

Finally the junction of Crewe Road/Link Road to the A500/works has been shown to work within capacity in 2011 and 2016 with base flows and development flows.

Given the level of predicted vehicle movements from the site and the low level impact upon the surrounding junctions it is clear that the development would not have a detrimental impact upon

the wider highway network. The conclusion in the TA that this development would have 'little or no impact on the surrounding network from a vehicular point of view' is therefore accepted.

In terms of the wider impact and the cumulative impact with the adjacent developments (Bloor Homes and Taylor Wimpey) the TA states that a larger scheme will have a material effect on the Nantwich Road signal junctions which 'may require mitigation'. This mitigation has been identified as the construction of the Crewe Green Link Road or put toward capacity improvements at the junction of Gresty Road and South Street with Nantwich Road.

Therefore it is necessary to secure a contribution from this development to the identified mitigation. A £500 contribution per dwelling was originally offered and at the last SPB meeting members requested that this figure was re-assessed. Following negotiations, the applicant has now offered a figure of £1,000 per plot (a total of £51,000). 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.

Amenity

The main properties affected by the proposed development are those located on the opposite side of Gresty Green Road. No's 2, 4 & 6 Gresty Green Road are bungalows and are set at a lower level to highway. The proposed development would result in the side elevations of plots 1 and 20 facing these bungalows with a separation distance of approximately 17 metres. This separation is considered to be adequate and there would be no detrimental impact upon these properties.

In terms of Bridge Villa there would be a separation distance of approximately 25 metres to the front elevation of plot 23. Again this separation distance is considered to be acceptable.

It is also necessary to consider the amenities of the future occupiers of the dwellings in terms of noise and vibration from the nearby land uses such as the railway depot, Mornflakes Mill, the railway line and Crewe Coldstores.

In terms of noise the objection from Morning Foods makes reference to the Local Plan Inspectors Report where he states that

"On relation to objections by Mr. Nevitt and Mornflake, concerning the potential sensitivity of future residents to noise generated by the Mornflake Mill which operates 24 hours per day, seven days per week, the Council has commissioned noise impact assessments for both allocations. As a result, it considers that there are no noise constraints to the principle of residential development. However, the reports conclude that allocation RES.2.10 '..is exposed to steady noise from the nearby Mornflake factory and intermittent noise from passing trains', whilst the northern part of allocation RES.2.11 '..is exposed to intermittent noise from passing trains' and the south-western corner '..is exposed to noise from lorry loading operations at Crewe Cold Food Store'. The report on RES.2.1.10 assesses the daytime noise levels as falling within Category B, whilst at night they are in the low end of Category C near to the factory and Category B in other areas. Annex 1 to PPG24 indicates that noise should be taken into account in determining planning applications in Category B areas, whilst in Category C, planning permission should not normally be granted or, if it is, there should be a commensurate level of protection against noise. It seems to

me that, if there are alternative allocations that are not similarly affected, this is a contributory factor suggesting these allocations may not be the most appropriate."

In response to this an updated noise assessment has been submitted by the applicant's agent. This survey identifies that the general noise for this site comprises traffic noise from Crewe Road with occasional short duration noise due to passing trains. The survey also indicates that night time noise is similar to that of the day with low level traffic noise and occasional noise events due to passing trains. The report indicates that Mornflakes Mill and Crewe Coldstores would not raise any significant noise issues.

The site falls with Noise Exposure Category's (NEC) A and B for daytime periods and NEC's A, B and C for night time periods. The areas of the site which include the highest noise readings (NEC category C) do not include proposals to construct any new dwellings.

For development within NEC category B, PPG24 states that '*Noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection against noise*' and within category A PPG24 states that '*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*'.

The submitted noise assessment states that '*noise ingress calculations indicate that compliance with the target internal noise criteria in habitable spaces can be achieved using double glazed units for bedrooms and living spaces together with a combination of standard and acoustically rated passive vents*'. 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.

In terms of vibration from the adjacent railway line the submitted survey indicates that vibration from the railway line would have no impact upon the proposed dwellings during the day or night. This view is accepted by the Environmental Health Officer who has raised no objection the development on these grounds.

Landscape

Although the land to the south is designated as Green Gap, the application site does not have any local or national landscape designation. The roadside hedge provides an attractive feature at the junction of Gresty Lane and Gresty Green Lane. Whilst the hedgerows restrict views to some extent, the site is visible through a fenced boundary when approached from the west along Gresty Lane and from the access to the farm on Gresty Green Lane. Private properties in the immediate locality are located on Gresty Green Lane. Several bungalows are set at a lower level than the road and it is anticipated that the existing roadside hedge currently screens occupier's views into the site. The two storey property Bridge Villa will however, have open views to the site.

Development of the site would completely and irreversibly alter its character and appearance. However there is a strong justification for the loss of a greenfield site and it could be argued that with existing residential in the vicinity, a sympathetically designed residential development on the site would not necessarily be viewed as incongruous in the locality.

Trees and Hedgerows

The application includes a report on arboricultural issues dated June 2011. The report indicates that the proposed development would require the removal of 5 individual trees and one small group of trees all located around the existing farmhouse. The majority of these trees are insignificant although one Copper Beech tree on the boundary with the garden is a mature specimen which provides some visual amenity. On close inspection, the Copper Beech tree has a number of basal and stem cavities and evidence of decay within the main stem. It is considered that the tree has a relatively short safe remaining life expectancy the view that its current condition is such that retention in the context of a proposed residential development would not be sustainable in the longer term is accepted.

Other trees on the site, including several prominent roadside Oak trees, are identified for retention with protection measures. Two mature Ash trees, off site but overhanging the northwest boundary, have been identified as being in poor condition and are recommended for removal.

It was considered that the gardens of plots 42 and 43 would be dominated by a mature Oak tree to the north and it was suggested that greater separation needs to be achieved from the rear elevations of the dwellings to ensure there is sufficient usable private amenity space. Amended plans have now been provided to improve this relationship.

Concern was also raised that the proposed footpath link and access road would be sited immediately adjacent to the roadside Oak trees. Whilst the arboricultural report suggests that areas of hardstanding could be constructed with special construction techniques, even if works are necessary within the tree root protection areas it would be preferable to provide greater separation from the trunks of the trees. The footpath link and access road have been moved away from the Oak trees and this relationship is now considered to be acceptable.

Should the development be deemed acceptable, a comprehensive arboricultural method statement would be necessary to cover tree protection, programme of tree works, and special construction techniques for proposed areas of hard surfacing in tree root protection areas.

The submission includes a report on a Hedgerow Survey dated June 2011. Where proposed development is likely to result in the loss of existing agricultural hedgerows which are more than 30 years old, it is considered that they should be assessed against the criteria in the Hedgerow Regulations 1997 in order to ascertain if they qualify as 'Important'. Should any hedgerows be found to be 'Important' under any of the criteria in the Regulations, this would be a significant material consideration in the determination of the application. Hedgerows are also a habitat subject of a Biodiversity Action Plan.

Whilst the hedgerows do not appear to meet the qualifying ecological criteria in the Regulations, a consultation response from Cheshire Archives and Local Studies indicates there is evidence to suggest that the hedgerows in question form an integral part of a field system predating the Enclosure Acts. In these circumstances the hedgerow will be deemed 'Important' under the Regulations and this is a material consideration.

The Hedgerow Survey report and plans indicate that the proposed development would require the removal of two sections of roadside hedgerow in order to provide the access and visibility splays and for the highway improvement works at the junction of Gresty Green Road and Gresty Lane. In terms of this loss it is considered that there are material house supply considerations which

outweigh the loss of this hedgerow whilst further replacement planting could be provided to mitigate for this loss.

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 which would be arranged around a cul-de-sac arrangement. The provision of two storey development of this site is appropriate and would not appear out of character. The majority of the existing boundary hedgerow to the site would be retained and it is considered that this would help soften the proposed development in this semi-rural setting.

The application site would appear most prominent when viewed from Gresty Road/Crewe Road and travelling in and out of Crewe. At the point closest to this junction the dwellings would be positioned in a crescent form facing out onto a small area of Public Open Space. It is considered that this layout together with the small area of open space would help to create an attractive frontage to the development. To the Gresty Green Road and Gresty Lane frontages the proposed dwellings would mainly face onto the public highway (although it is accepted that some properties are side-on to the road) and it is considered that this relationship is acceptable.

The internal layout of the site has been designed so that properties front onto the highway and that corner properties have dual frontages. 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 and its design and layout would not give the impression of any car dominated frontages. Three of the terraced blocks would have parking to the front/side, however these areas would not be overly prominent and the design of these areas is considered to be acceptable.

In terms of the detailed design of the dwellings they would have gabled roofs with varying porch details, projecting gables, canopies, integral garages and design details such as stone sills, external corncicing, 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.

Ecology

The application site includes a number of habitats and has the potential to support a number of protected species. A Phase 1 Habitat Survey has been carried out as part of this application and this has found that the application site supports Bats and Barn Owls, Birds. A further Bat and Bird Survey has been produced and the results of this survey are discussed below.

Bats

Evidence of bat activity in the form of what is most likely to be 'feeding perches' and minor roost of two relatively common bat species has been recorded within one of the barns on site. In addition a

further roost of a relatively common bat species has been recorded within one of the trees which scheduled for removal.

The usage of the barns and trees by bats is likely limited to small numbers of animals using the roosts for short periods of time during the year. The loss of the roosts at this site as a result of the felling of the trees and demolition of the barns is likely to have a minor impact upon the conservation status of the species concerned.

The proposed mitigation for Bats has reverted to the original proposals for a 'loft' in the open space area and reference to the seating area has been removed. Indicative proposals have been provided and the Councils Ecologist is satisfied that the proposed mitigation is adequate to mitigate for the adverse impact of the development. These details will be secured through the use of a planning condition to secure a detailed drawing of the proposals.

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 existing building which is to be demolished is in a poor state of repair and detracts from the character and appearance of area. Without the development of this site the buildings would fall into further disrepair
- The derogation is not detrimental to the maintenance of Bats as the site supports 'feeding perches' and a minor roost of two relatively common bat species. Appropriate mitigation will be secured as part of the proposed development.
- 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 as discussed in the principal of development section.

Barn Owls

Evidence of roosting by barn owls was recorded during the survey. There is no evidence to suggest barn owls have bred at this site, however it is possible that the species has bred here historically. The loss of a roosting site for barn owls could have an adverse impact particularly if the roost is used by a pair of barn owls roosting nearby.

The proposed mitigation for Barn Owls has reverted to the original proposals for a 'loft' in the open space area and reference to the seating area has been removed. Indicative proposals have been provided and the Councils Ecologist is satisfied that the proposed mitigation is adequate to mitigate for the adverse impact of the development. These details will be secured through the use of a planning condition to secure a detailed drawing of the proposals.

Birds

Evidence of breeding birds has been recorded at this site. It is possible that House Sparrow, a Biodiversity Action Plan priority species, may breed at this site. 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.

Public Open Space

As part of this development there would be a requirement of 1,785sq.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 three areas; area 1 measuring 1,670sq.m, area 2 at 379sq.m and area 3 at 380sq.m (total area of 2,429sq.m). Although area 3 is not considered to be useable open space the requirement of Policy RT.3 has been met by areas 1 and 2. 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 amended plans were awaited at the time of writing this report to show the location of this LEAP.

Sustainability

The proposed development will be designed and constructed as to meet level 4 of the Code for Sustainable Homes; this is in accordance with the Interim Planning Policy on the Release of Housing Land.

In terms of renewable/low carbon forms of energy production an Energy and Climate Change Report submitted with the application concludes that energy efficiency measures and an Air Source Heat Pump assisted by Solar thermal on each dwelling will meet the 10% renewable/low carbon energy target. As a result it is considered that the development meets the requirements of the Interim Planning policy and RSS policy EM18.

Education

The Education Department have stated that there is very little capacity in the local primary schools (i.e. primary schools within a 2 mile walking distance of the site) at present and due to be less than 1% spare capacity by 2015. As a result the Education Department have requested a developer's contribution of £86,268 towards work on the local schools (No requirement will be needed for secondary school provision).

Following negotiation with the applicant's agent, the developer has confirmed that they are offering a commuted payment of £86,268 towards local education provision. However they have stated that 'in calculating this contribution, the DFE multiplier used was issued for 2008/09 and based on the build cost index 4th quarter 2008. The indexation for education in the S106 should run therefore from the 4th quarter 2008 and not from the date of the S106 Agreement' this is considered to be acceptable in this instance.

Flood Risk and Drainage

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps. This defines that the land has less than 1 in 1000 annual probability of flooding and all uses of land are appropriate in this location.

In support of this application a Flood Risk Assessment has been provided. This report identifies that the nearest main river is Basford Brook which is approximately 150 metres to the north of the site and the risk of flooding associated with this watercourse can be discounted.

A land drainage system runs along the western boundary of the site and is culverted through the farm area before passing under the railway line. It is proposed that this system will be replaced within the boundaries of the site and shall be diverted along the boundary of the site. It is proposed that flows from the development site will be limited to the existing run off rate for discharge into the watercourse system. Flows in excess of this value will be stored on site to accommodate the 1 in 100 year storm event plus an allowance for climate change.

The Environment Agency originally objected in relation to the diverted culvert which they stated should be opened up as part of the proposed development. Following negotiations between the applicant and the Environment Agency the objection has now been removed and the Environment Agency have suggested two conditions which should be added to any decision notice should the application be approved.

Other issues

A number of objections refer to the Inspectors Report as part of the Local Plan Inquiry into the current Crewe and Nantwich Replacement Local Plan 2011. As part of his report the Inspector stated that

'It is undeniable that the sites are close to the southern edge of Crewe, in a sustainable location with access to good transport links, as suggested by the Council's evidence. However, as I have stated in the context of PC.50, I consider there is a clear and unequivocal distinction between the area north of the railway, and that to the south'

And that housing on this site;

'would, in my view, extend the built-up area of Crewe south of the railway, breaching a firm, established defensible boundary, and creating a substantial enclave of new housing isolated from the town by the barrier formed by the railway'

In response to this point, the development of this site complies with the Interim Planning Policy on the Release of Housing Land. Furthermore the Council does not have a five year housing supply which is an additional material planning consideration which was not considered by the Local Plan Inspector and a consideration that needs to be given significant weight. As a result it is not considered that the contents of the Inspectors Report would prejudice a recommendation into the approval of this planning application.

Concern has been raised regarding the loss of the farmhouse and traditional barns. However none of these structures is listed and although the loss is regrettable it is considered to be acceptable in this case.

The Environmental Health Officer has requested a condition regarding an Air Quality Assessment. However it is not considered that such a condition would be reasonable given the scale of the development and its distance from the Air QUALITY Management Area.

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 Bats and Barn Owls can be achieved. These details will be secured through the use of a planning condition.

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

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.

The proposed education contribution has been calculated using a recognised methodology and is considered to be fairly and reasonably related in scale and kind to the proposed development.

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

11. RECOMMENDATIONS

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

- 1. Provision of 18 affordable housing units – 12 to be provided as social rent with 6 as intermediate tenure**
- 2. Provision of education contribution of £86,268**
- 3. The provision of a LEAP and Public Open Space to be maintained by a private management company**
- 4. A commuted payment of £51,000 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)**

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 to be approved in writing by the LPA (the landscaping scheme shall include native species only and the provision of replacement hedgerow planting)**
- 4. Implementation of the approved landscaping scheme**
- 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 approved dwellings plots 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 32, 33, 34, 35, 36, 37, 38, 39, 42, 43, 44, 48, 49, 50 & 51**
- 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 swallows, house sparrow 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 Bat/Barn Owl mitigation measures which shall be submitted to the LPA for approval in writing**
- 12. The development shall proceed in accordance with the approved plans**

13. 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.

14. 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.

15. Prior to the commencement of development a plan is required for the protection and/or mitigation of damage to populations of white-clawed crayfish and habitat during construction works and once the development is complete. Any change to operational, including management; responsibilities shall be submitted to and approved in writing by the local planning authority.

16. The submission and approval of a Contaminated Land Survey

17. The acoustic mitigation measures as outlined in Section 7.0 Noise Ingress of the Report Environmental Noise Study RO371-REPO1-DRG by Red Acoustics shall be implemented

18. Compliance with the recommendations contained with Energy and Climate Change Strategy Report

19. Details of external lighting to be approved in writing by the LPA

20. Prior to the commencement of development detailed drawings of the junction design of Crewe Road/Gresty Lane/Gresty Green Road to be submitted to the LPA for approval – these details should include the provision of a pedestrianised island and a right turn lane.

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 and Housing is delegated authority to do so, provided that he does not exceed the substantive nature of the Committee's decision.

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