

Application No: 12/3564N

Location: LAND OFF, VICARAGE ROAD, HASLINGTON, CW1 5RR

Proposal: Outline Planning Application for up to 44 residential dwellings, open space and access off Vicarage Road, Haslington.

Applicant: Carl Davey, Muller Property Group

Expiry Date: 17-Dec-2012

### **SUMMARY RECOMMENDATION**

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

- 1. Provision of 30% affordable housing units – 65% to be provided as social rent/affordable rent with 35% intermediate tenure**
- 2. The provision of Public Open Space to be maintained by a private management company**
- 3. A commuted payment of £75,924 towards primary school education**
- 4. A commuted payment of £35,000 towards the upgrade of Haslington Skate Park**

### **MAIN ISSUES**

**Impact of the development on:-**

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

### **REASON FOR REFERRAL**

This application is referred to the Strategic Planning Board as it relates to a departure to the Borough of Crewe and Nantwich Replacement Local Plan.

## **1. DESCRIPTION OF SITE AND CONTEXT**

The application site is located to the east of Vicarage Road within the open countryside as defined by the Borough of Crewe and Nantwich Replacement Local Plan.

The site is undeveloped land which is bound by native hedgerows and trees and appears to be used for the keeping of horses.

To the south and east of the site are residential properties of varying sizes and styles which front onto Crewe Road, Cartwright Road and Vicarage Road. The land level drops to the north towards Fowle Brook which runs along the northern boundary of the site. A small portion of the site along the northern boundary as defined as an area of flood risk.

## **2. DETAILS OF PROPOSAL**

This is an outline planning application for 44 dwellings (25 dwellings per hectare). Access is to be determined at this stage with all other matters reserved.

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

The development would consist of 2 to 4 bedroom units.

## **3. RELEVANT HISTORY**

The site has no relevant planning history

## **4. POLICIES**

### **National Policy**

National Planning Policy Framework

### **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.12 – Agricultural Land Quality

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

**Other Considerations**

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

**5. CONSULTATIONS (External to Planning)**

**Environment Agency:** The development will only be acceptable if the following conditions are imposed:

- Existing and proposed ground levels should be provided and approved by the LPA
- The submission of a scheme to limit surface water run-off
- The submission of a scheme to manage the risk of flooding from overland flow
- The submission of a scheme for a undeveloped buffer (minimum of 8 metres) along Fowle Brook

**United Utilities:** No comments received at the time of writing this report

**Strategic Highways Manager:** The planning application is outline and therefore there are no comments regarding the internal road arrangements of the site. The point of access is taken from the end of Vicarage Road.

The development of 44 residential units in highway terms is considered relatively minor and the traffic impact associated with the scheme is not considered to cause any congestion problems on the local road network.

There is no highway standard contravention that could be used to warrant refusal of the application due to the width of Vicarage Road. There is a problem with on-street parking that effectively reduces the width of carriageway to the site, affecting the free flow of traffic. Therefore the strategic highways manager would suggest that some parking for residents be made available within the site close to the current end of Vicarage Road.

Subject to this parking provision, I would not wish to raise highway objections to the application.

**Environmental Health:** Conditions suggested in relation to hours of construction, piling works, air quality and contaminated land.

**Public Open Space:** A commuted sum payment of £35,000 for the extension of the existing skatepark on Haslington Playing Fields on Maw Lane will be required.

**Education:** A development of 44 dwellings will generate 7 primary aged pupils and 6 secondary aged pupils.

Primary Schools: The Council is forecasting a shortfall of places within the schools within the catchment area. Therefore a contribution of  $7 \times 11,919 \times 0.91 = £75,924$

Secondary Schools: There is sufficient capacity in the local secondary schools to accommodate the pupils generated.

**PROW:** Proposed developments may present an opportunity to improve walking and cycling facilities in the area for both travel and leisure purposes. The aim to improve such facilities is stated within the policies of the Cheshire East Rights of Way Improvement Plan (ROWIP) 2011-2026 and Cheshire East Local Transport Plan (LTP) 2011-2026.

A proposal has been logged under the Council's statutory Rights of Way Improvement Plan (ref. W42) to install a footway alongside Maw Green between its junction with Clay Lane and the skateboard facility some 180m to the north. At present there is no footway nor defined verge facility for pedestrians to access the facility. This facility is not listed in the Local Amenities Audit of the application yet would fall within a 2km isochrone from the proposed development site. Consideration should be given to contributions being made available for this off-site improvement.

## **6. VIEWS OF THE PARISH COUNCIL**

Haslington Parish Council objects to the proposed development for the following reasons:

### Land use

- Contrary to policies NE.2 and RES.5 of Crewe & Nantwich Local Plan, building outside the defined settlement boundary of Haslington and in the open countryside.
- Haslington Parish Council has always tried to maintain the distinction between the developed area within the established settlement boundary and the open countryside. It is considered a high priority by residents to maintain the distinct characteristics of the individual settlements within the parish of Haslington.
- The Cheshire East Council 2012 SHLAA report considers that the site is "not suitable" for development and "not currently developable"
- The Local Plan Inspector did not consider the site suitable for inclusion in the Crewe and Nantwich Local Plan.
- Health service and school provision is at capacity in Haslington, the village can not support more residents with the existing provision.

### Amenity

- Loss of amenity to existing residents of Vicarage Road and Cartwright Road.

### Highways

- Consider there are highway safety issues with access to the site via Vicarage Road and Cartwright Road contrary to policy BE.1 Amenity
- Specifically under policy BE.1 "should ensure that does not generate such levels of traffic that the development would prejudice safe movement of traffic on surrounding roads, or have an adverse impact on neighbouring uses".
- Access to the site is proposed via Vicarage Road, which is very narrow and together with Cartwright Road is congested with parked cars and vans since very few of the existing properties have off road parking available - many are former council houses dating from a period before car ownership was common. Although the revised development plans provide 8 spaces for residents and visitors to Vicarage Road, the problem for residents of Cartwright Road without off road parking has not been addressed.

### Green issues

- Potential short and long term damage to the Oak tree at the proposed entrance to the site.
- The report from the applicants Arboricultural specialists highlights the Oak tree as a prime specimen, class A1.
- The tree is in the ownership of a neighbouring property, not the developers.
- The report does recommend a construction exclusion zone around the tree, but also recommends a "non dig" construction method of providing the proposed parking area under the Oak tree. The report does not specify how to construct the main development roadway under the tree branches and over its roots without causing damage.

### Other

- Children are currently able to play in the street within earshot of parents; the proposed replacement public open space is next to a stream and away from the direct supervision of parents.
- The Parish Council also query a number of statements made in the supporting documentation.

## **7. OTHER REPRESENTATIONS**

Letters of objection have been received from 137 local households raising the following points:

### Principal of development

If the development is allowed it will set a precedent and there will be further planning applications

The erosion of the gap between Haslington and Winterley

Housing has previously been refused on this site

There is no need for more housing as planning permission has been granted for 164 dwellings at Maw Green

The proposal is a step towards joining Haslington and Winterley

The proposal will set a precedent for similar applications

The affordable housing would not be integrated into the site

The SHLAA has suggested that there is no requirement for housing in Haslington

There are existing sites with planning permission for development which have yet to be developed

### Highway implications

Cartwright Road and Vicarage Road are too narrow

Existing on-street parking restricts access

Additional traffic congestion

Access for construction vehicles is not possible

Pedestrian safety

Highway safety

Existing congestion in the area when children are dropped off at the local school

There is existing traffic congestion

#### Green issues

Damage to the Oak tree at the entrance to the site

The tree should be subject to a TPO

Impact upon Owls, Bats

There are Badgers on the site

The loss of wildlife

The Oak tree should be retained

The loss of hedgerow and trees

#### Infrastructure

Lack of capacity at the local primary school

More strain on doctors surgeries, dentists and Leighton Hospital

The drainage system is overloaded and cannot cope

The level of affordable housing would be minimal and there would be little benefit

The development would increase flooding

Lack of NHS infrastructure

#### Other issues

Impact upon the security of properties that front onto Crewe Road

The Gutterscroft site should be developed first

The impact upon house prices

The site floods

### **8. APPLICANT'S SUPPORTING INFORMATION**

To support this application the application includes the following documents;

- Planning Statement (Produced by Harris Lamb)
- Design and Access Statement (Produced by Barrie Newcombe Associates)
- Transport Assessment (Produced by SCP)
- Landscape and Visual Impact Assessment (Produced by Bright & Associates)
- Arboricultural Survey (Produced by Sheilds Arboricultural Consultancy)
- Water Drainage Assessment (Produced by Enzygo)
- Flood Risk Assessment (Produced by Enzygo)
- Agricultural Land Quality Report (Produced by David Hughes Agricultural Services Ltd)
- Statement of Community Involvement (Produced by Pilgrim PR)
- Facilities Audit (Produced by Muller Property Ltd)
- Extended Phase 1 Habitat Survey (Produced by Sensible Ecology Services Ltd)
- Contaminated Land Survey (Produced by Enzygo)
- Housing Market Assessment (Produced by Arc 4)

These documents are available to view on the application file.

### **9. OFFICER APPRAISAL**

## Principal of Development

The National Planning Policy Framework (NPPF) states at paragraph 47 there is a requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

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

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

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

The figures contained within the Regional Spatial Strategy proposed a dwelling requirement of 20,700 dwellings for Cheshire East as a whole, for the period 2003 to 2021, which equates to an average annual housing figure of 1,150 dwellings per annum. In February 2011 a full meeting of the Council resolved to maintain this housing requirement until such time that the new Local Plan was approved.

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

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

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

The NPPF clearly states at paragraph 49 that:

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

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

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

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

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

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

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

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

From the above, it can be concluded that:

- The Council does not have a five year supply of housing – and the presumption in favour of sustainable development should apply.
- The Cuddington Appeal in Cheshire West and Chester and the Loachbrook Farm Appeal at Congleton plus others else where in the country indicate that significant weight should be applied to housing supply arguments.
- The NPPF is clear that, where a Council does not have a five year housing land supply, its housing supply relevant policies cannot be considered up to date. Where policies are out of date planning permission should be granted unless:

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

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

## **Location of the site**

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

Haslington benefits from good access to a range of open spaces and services. It also has access to public transport and is in close proximity to Crewe. There are only a small number of facilities which significantly fail to meet the minimum distance standards.

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

Bank/Cash Point (1000m) – 575m  
 Public House (1000m) – 548m  
 Bus Stop (500m) – 177m  
 Post Box (500m) – 195m  
 Primary School (1000m) – 480m  
 Amenity Open Space (500m) – Provision would be made on site as part of the development  
 Child Care Facility (nursery or crèche) (1000m) - 611m  
 Public Right of Way (500m) – 500m

The following facilities fail to meet the minimum standard

Convenience Store (500m) – 575m  
 Children’s Play Space (500m) – 619m  
 Outdoor Sports Facility (500m) – 658m (Cricket Club)  
 Pharmacy (1000m) – 1080m  
 Medical Centre (1000m) - 1080m  
 Post office (1000m) – 1200m

Significant Failure to meet the minimum standard

Secondary School (1000m) – 4087m  
 Leisure Facilities (leisure centre or library) (1000m) – 4795m  
 Railway Station (2000m where geographically possible) – 4070m  
 Supermarket (1000m) – 4800m

It is considered that in this case that the site is sustainably located and that the site is acceptable for development.

## **Renewable Energy**

In relation to renewable energy the application is in outline form and the final details for renewable would be determined at the reserved matters stage. A condition will be attached to ensure that the 10% renewable energy provision is achieved in accordance with the RSS Policy EM18.

## **Landscape**

The development site is a parcel of agricultural land currently used for horse grazing. There is residential development to the south and west, agricultural land to the north and east and the Fowle Brook runs to the north. The site is bounded by lengths of hedgerow and fencing with a belt of trees along the brook. There are mature trees around the site boundary including a mature Oak tree located on the western boundary with no. 30 Vicarage Road. The site has a slight fall to the north with a notable step down to an area adjacent to the brook.

There are no landscape designations on the site and the Landscape and Visual Impact Appraisal correctly identifies the site as being within the National Character Area No. 61 Shropshire, Cheshire and Staffordshire Plain. It also correctly cites the Barthomley Character Area (LFW7) of the Lower Farms and Woodlands landscape Character Type 10 in the Cheshire Landscape Character Assessment 2008.

Whilst an area of agricultural land would be lost resulting in a change to residential character, the site is reasonably well contained. Provided the boundary vegetation to the north and east can be retained, the wider landscape character would not alter significantly.

The submission includes a consideration of the visual effects of the proposed development from residential properties in the vicinity, and from potential viewpoints on the surrounding road network. The assessment indicates that existing visual amenity will change and the new development will be visible from adjacent properties although no substantive adverse effect has been identified in terms of visual amenity. This assessment is accepted.

## **Affordable Housing**

The site is located in the Haslington and Englesea sub-area for the SHMA 2010, which identified a requirement for 23 new affordable homes per year between 2009/10 – 2013/14 made up of a need for 2 x 1 beds, 7 x 2 beds, 9 x 3 beds, 4 x 4/5 beds and 1 x 1/2 bed older person dwellings.

In addition to this information taken from the SHMA 2010, Cheshire Homechoice is used as the choice based lettings method of allocating social rented accommodation across Cheshire East. There are currently 100 applicants on the housing register on Cheshire Homechoice who have selected Haslington as their first choice, these applicants require 35 x 1 beds, 35 x 2 beds, 19 x 3 beds and 5 x 4/5 beds (6 applicants haven't specified how many beds they require).

The Affordable Housing IPS states that on all sites over 15 units the affordable housing requirement will be 30% of the total units with the tenure split as 65% social rent, 35% intermediate

tenure. This equates to a requirement of 12 affordable units in total on this site, split as 8 for social or affordable rent and 4 for intermediate tenure.

The Affordable Housing IPS also requires that the affordable units should 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 and also that the affordable housing should be provided no later than occupation of 50% of the open market dwellings.

Affordable homes should be constructed in accordance with the standards proposed to be adopted by the Homes and Communities Agency and should achieve at least Level 3 of the Code for Sustainable Homes (2007). The 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.

As this is an outline application the information about the affordable housing offer by the applicant is limited to an offer of 8 social rent and 5 intermediate, this meets the requirement for 30% of the total proposed dwellings to be affordable and the tenure split of 65% of the affordable dwellings being social rented and 35% intermediate tenure.

The Planning Statement indicates that the mix of affordable homes would be 8 x 2 beds and 5 x 3 beds. This mix would meet some of the affordable housing need for Haslington & Englesea and the affordable housing offer would be acceptable to Housing.

The affordable housing offer is considered to be acceptable and the applicant will be required to submit details of their proposed affordable housing scheme at the first reserved matter stage it should include details of the affordable housing scheme, including the type of intermediate tenure to be provided and how the scheme meets the IPS as detailed above.

## **Highways Implications**

The development is accessed from existing residential roads that are relatively narrow; Vicarage Road does have on-street parking that effectively reduces the carriageway width to one lane in places. Whilst Vicarage Road is narrow, the current highway standards as indicated in Manual for Streets do allow for the level of development as proposed to be accessed from a width of highway such as Vicarage Road.

The level of traffic generation from the development in the peak hours has been assessed by the applicant to be some 30 trips per hour. The highways officer considers that this is a slightly conservative estimate but would not exceed 38 trips in an hour. The highway officer states that the highway network in the vicinity of the site does not suffer from capacity problems and can accommodate the proposed development traffic without causing congestion problems. Furthermore, to improve access to the site, the indicative plan submitted with the application shows that a small car parking courtyard would be provided for the existing properties on Vicarage Road and this would help to reduce the amount of on-street parking.

The site is reasonably accessible to non car modes of transport, as there will be footpath links to the site and there are existing bus services on Crewe Road that are within easily walking distance from the site.

## **Amenity**

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

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

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

## **Trees and Hedgerows**

### Trees

The Trees within and adjacent to the site are currently not protected by a Tree Preservation Order or lie within a Conservation Area.

The Arboricultural Report has identified 22 individual trees, 1 group of trees, 5 hedgerows and 1 area of scrub on and immediately adjacent to the site. The report provides an assessment of their contribution to the amenity of the area and the potential impact of development and with regard to hedgerows, consideration of their importance under the Hedgerow Regulations 1997.

The assessment has identified one tree, a mature Oak (located off site and on third party land) as a Grade A high quality and value category tree and 14 moderate quality and value trees. The remaining 13 trees are of C category (low value) or U category specimens.

The indicative plan shows that all A and B category trees located around the boundary of the site are shown for retention, with low category specimens (mainly fruit trees: remnants of a former orchard) to be removed to accommodate the design of the development.

The focus of the pre application discussions centred on the impact of the proposed access into the site off Vicarage Road and the impact upon the rooting environment of a mature Oak tree located within the front garden of No.30 Vicarage Road. The Arboricultural Impact Assessment has sought to address this by proposing a no dig construction method stating it is reasonable to presume that the tree would tolerate this.

Approaches have been made to the Local Authority from the Local Tree Warden for the Oak tree to be protected by a Tree Preservation Order and it is accepted that the tree presents a significant amenity and landscape component of Vicarage Road. Whilst it may be expedient to protect this tree in terms of its contribution to the amenity of the area, its proximity and relationship to the existing property is not considered to be defensible and as a result the tree is not worthy of a TPO.

BS5837:2012 puts a greater emphasis at the design stage for the protection of the roots and soil structure with a default position that all structures should be outside the root protection area (RPA) of trees unless there is an overriding justification and that it can be demonstrated that the tree(s) can remain viable and that the proposals are technically feasible. The technical design should include information sufficient to provide a high level of confidence, resilience and certainty of outcome (clause 6 of BS5837:2012). In addition soil structure should be preserved at a suitable bulk density for root growth and function and existing rootable soil retained.

There are reservations about the proposed no-dig for the driveway as this will be required to meet highway standard specifications. The access driveway will probably need to be in excess of 450mm deep (including sub base) and would present levels issues at the interface between the existing highway boundary and the entrance into the site. As a result no-dig construction is not considered to be feasible.

In this case, the tree is not subject to or worthy of a TPO and the applicant has a common law right to cut the roots and branches of the tree that cross onto the site without any form of consent. As a result, if planning permission was granted, the applicant could construct the access and the impact upon this tree could not form a reason for refusal.

According to the indicative plan, the proposed car parking would be sited under part of the canopy of the Oak tree. However, there is plenty of space to amend the siting of the car-parking and move it away from the canopy of the tree. Conditions will be attached to secure tree protection measures and to secure a method statement for the construction of the access.

### Hedgerows

The existing boundary hedgerows have been preliminary inspected and the assessment suggests that these do not meet the criteria to be classified as an important hedge under the Hedgerow Regulations. The site layout plan indicates these boundary hedgerows for retention, and as a result the impact upon hedgerows is considered to be acceptable.

### **Design**

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

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

*“Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”*

In this case the density of the site is appropriate and is consistent with that of the surrounding area. The indicative layout shows that the properties on the site would overlook the highway,

communal parking areas and the public open space. The properties located at corner plots have the potential for dual-frontages.

To the east, the boundary hedgerow would be retained to act as a green buffer to the open countryside beyond. According to the indicative plan, the open space would be located to the north of the site which would retain the existing green corridor along Fowle Brook and this is welcomed.

The detailed design will be determined as part of the reserved matters stage and it is considered that the indicative layout demonstrates that an acceptable design solution can be secured.

## **Ecology**

### Bats

Two trees on site have been identified as having moderate potential to support roosting bats. The two trees are the large oak at the site entrance on Vicarage Road and a dead Ash overhanging the brook. From the submitted plan, it appears likely that these two trees can be retained as part of the proposed development. In order to retain the sites potential to support roosting bats, a condition will be attached to ensure that the trees are retained.

### Hedgerows

Hedgerows are a Biodiversity Action Plan (BAP) habitat and hence a material consideration for planning. The submitted phase one habitat survey recorded hedgerows around almost the entirety of the site. The submitted indicative layout plan shows some retention and enhancement of hedgerows but also proposes a significant element of boundary fencing.

To avoid any loss of BAP priority habitat from the site, a condition will be attached to ensure that it is retained.

### Fowle Brook

Fowle Brook is located at the north of the application site and has the potential to provide habitat for protected species and has the potential to function as a wildlife corridor as well as potentially being a habitat of value in its own right.

If outline planning consent is granted, a condition must be attached requiring the provision of an enhanced undeveloped 8m buffer zone from the top of the bank of the brook.

### Breeding Birds

The proposed development site has the potential to support breeding birds including the more widespread Biodiversity Action Plan (BAP) priority species. If planning consent is granted conditions are required to safeguard breeding birds and to ensure additional provision is made for breeding birds and roosting bats.

## **Public Open Space**

The indicative layout shows that the development would provide 1,800sq.m of public open space which would be located to the north of the site. This level of open space is considered to be acceptable and would meet the requirements of Policy RT.3. The open space provision and management would be secured via a S106 Agreement.

In terms of children's play space, the Public Open Space Officer has requested a contribution of £35,000 towards the upgrade of the existing skate park. This facility is over 650m from the site and there is a question over whether this would be truly accessible to the residents on the site. However, in this case the facility is located away from residential properties at the moment and the application site is the located within closest part of the settlement of Haslington. Therefore, it is considered to be reasonable to secure this contribution towards the upgrade of the skate park.

If Members of the Strategic Planning Board would prefer on site provision of children's play space, the provision of an on-site 5 piece LEAP could be provided. This could be secured through the S106 Agreement.

## **Education**

In terms of primary schools, there are five which would serve the proposed development (Brierley, Haslington, The Dingle, Hungerford and Monks Coppenhall). The proposed development would generate 7 new primary places and the current and projected numbers on roll at the five local schools show that there would be 35 unfilled places in 2012, a shortage of 14 places in 2013, a shortage of 50 places in 2014, a shortage of 68 places in 2015, a shortage of 90 places in 2016, and a shortage of 116 places in 2017. As there is a capacity issue at the local primary schools, the education department have requested a contribution of £75,924 towards enhancing the capacity. This has been agreed by the applicant and would form part of the S106 Agreement should this application be approved.

In terms of secondary education, the proposed development would be within the catchment area for the following high schools: Sir William Stanier, Kings Grove, Ruskin, Sandbach High and Sandbach School. The proposed development would generate 6 new secondary school places and the current and projected numbers on roll at the above schools shows that there would be sufficient capacity between 2012 and 2018. This would vary from 477 vacant spaces in 2014 and 260 vacant spaces in 2018. As a result, there is no requirement for a contribution towards secondary education.

## **Flood Risk and Drainage**

The majority of the application site is located within Flood Zone 1 according to the Environment Agency Flood Maps although a small portion of the site along the northern boundary with Fowle Brook is located within Flood Zones 2 and 3.

The submitted Flood Risk assessment (FRA) models the risk of flooding from the site and concludes that the majority of flooding will be contained within the river corridor and in low lying areas adjacent to Fowle Brook. As a result the risk posed to the site of flooding from Fowle Brook is very low.

In terms of surface water drainage the FRA identifies Sustainable Drainage Options (SUDS) will be used and that the detailed design of this would be agreed at the detailed design stage in consultation with the Environment Agency and the Local Planning Authority.

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

### **Agricultural Land Quality**

The presence of best and most versatile land (grades 1, 2 and 3a) should be taken into account alongside other sustainability considerations. In this case, the land has been surveyed and the majority is Grade 2 with the rest Grade 3b and Grade 4.

Policy NE.12 states that development on the best and most versatile agricultural land will not be permitted unless there is need for the development in the local plan, the development cannot be accommodated on land of lower agricultural quality or other sustainability considerations suggest that the use of higher quality agricultural land is preferable to the use of poorer quality land. There is also guidance contained within the NPPF which states at paragraph 112 that:

*'Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality'*

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

### **LEVY (CIL) REGULATIONS**

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

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

The development would result in increased demand for school places at the primary schools within the catchment area which have very limited spare capacity. In order to increase capacity of the schools which would support the proposed development, a contribution towards primary school education is required. This is considered to be necessary and fair and reasonable in relation to the development.

As explained within the main report, affordable housing, POS and children's play space would help to make the development sustainable and is a requirement of the Interim Planning Policy, local plan policies and the NPPF. It is directly related to the development and is fair and reasonable.

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

## **10. CONCLUSIONS**

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

In this case it is not considered that there are any adverse impacts that would significantly and demonstrably outweigh the benefits or there are any policies within the NPPF that indicate that development should be restricted. Recent appeal decisions at Cuddington and at Loachbrook Farm and elsewhere also support the principle of housing in the open countryside.

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

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

The issue of highway safety is considered to be acceptable and the development would provide some parking for existing dwellings located on Vicarage Road. In terms of traffic generation, the scale of the development means that the development would not have a significant impact upon the highway network.

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. The large tree at the entrance of the site would be retained and is not worthy or subject to a TPO and cannot be protected. It is considered that the impact upon trees and hedgerows is acceptable in this instance.

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

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

Policy requirements in respect of public open space provision have been met within the site, and provision for children's play space has been agreed off site with an upgrade to Haslington Skate Park.

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

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

## **11. RECOMMENDATIONS**

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

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

**And the following conditions**

- 1. Standard Outline**
- 2. Submission of Reserved Matters**
- 3. Time limit for submission of reserved matters**
- 4. Approved Plans**
- 5. Hours of construction limited to 08:00 to 18:00 Monday to Friday, 09:00 – 14:00 Saturday and not at all on Sundays**
- 6. Pile driving limited to 08:30 to 17:30 Monday to Friday, 09:00 – 13:00 Saturday and not at all on Sundays**

- 7. No development shall take place until a scheme for the provision and management of an undeveloped buffer zone alongside Fowle Brook shall be submitted to and agreed in writing by the Local Planning Authority.**
- 8. Prior to the commencement of development a Phase II Contaminated Land Assessment shall be submitted to the LPA for approval in writing.**
- 9. The development hereby permitted shall not be commenced until such time as; a scheme to limit the surface water run-off generated by the proposed development, has been submitted to and approved in writing by the local planning authority.**
- 10. The development hereby permitted shall not be commenced until such time as; a scheme to manage the risk of flooding from overland flow of surface water has been submitted to and approved in writing by the local planning authority.**
- 11. No development shall take place until a scheme has been submitted to and approved in writing by the local planning authority showing how at least 10% of the predicted energy requirements of the development will be secured from decentralised and renewable or low-carbon sources. The scheme shall be implemented as approved and retained thereafter.**
- 12. No development shall take place until a scheme to minimise dust emissions arising from construction activities on the site has been submitted to and approved in writing by the Local Planning Authority.**
- 13. Provision of bat and bird boxes**
- 14. Works should commence outside the bird breeding season**
- 15. Tree Protection measures**
- 16. Method statement for the construction of the access**
- 17. Retention of the trees on the site**
- 18. The reserved matters application shall include the provision of a parking area for the existing properties on Vicarage Road**

**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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