

Application No: 12/3300N

Location: Land North of, WESTON LANE, SHAVINGTON

Proposal: Erection of 57 dwellings, landscaping including the creation of a new corridor, new access and associated infrastructure

Applicant: David Wilson Homes (North West)

Expiry Date: 10-Dec-2012

#### **SUMMARY RECOMMENDATION**

- **REFUSE**

#### **MAIN ISSUES**

**Planning Policy And Housing Land Supply**  
**Affordable Housing,**  
**Highway Safety And Traffic Generation.**  
**Contaminated Land**  
**Air Quality**  
**Noise Impact**  
**Landscape Impact**  
**Hedge and Tree Matters**  
**Ecology,**  
**Impact on built heritage**  
**Design**  
**Amenity**  
**Open Space**  
**Drainage And Flooding,**  
**Sustainability**  
**Education**

#### **REFERRAL**

The application has been referred to Strategic Planning Board because it is a large scale major development and a departure from the Development Plan.

## **1. SITE DESCRIPTION**

The site is set back from Weston Lane on the north side and extends to an area of approximately 2.31 hectares. It is located to the north of Weston Lane, and to its west by Park Estate and North Way, an area of late 20th century residential development which backs onto the site. To the north of the site, the land is predominately a rural agricultural landscape consisting of green fields, with the exception of the A500 dual carriageway situated nearby. To the south of the site is a row of 20th century houses facing Weston Lane. This forms part of the larger housing estate to the west.

To the east of the site (although separated by a belt of mature trees) is Shavington Hall, a Grade II Listed property.

The site comprises primarily of flat, undulating ungrazed grassland which is bounded by high density trees along the eastern boundary to Weston Lane and by low density shrubbery and trees along the north and northwest boundary. The residential properties are separated from the site by fencing and low density sporadic hedging. The site is predominately level across its entirety. However, there is a slight rise towards the east and Shavington Hall.

The existing access to the site is a single track access road which currently provides access to the adjacent Shavington Hall and residential properties. The access road is bounded by high density trees on both sides and provides a sheltered and scenic approach to the site.

## **2. DETAILS OF PROPOSAL**

The application is seeking full planning permission for 57 new residential properties, of which 17 will be affordable houses. A 'newt corridor' will be formed around the northern and eastern boundaries maintaining an undisturbed corridor beside the northern field boundary and existing trees along the eastern boundary. An area of public open space will be provided beside the corridor near to eastern boundary.

House types will be a mixture of sizes and types. Off-street parking will be provided to all homes mainly in private drive and garage arrangements,, with private courtyard parking for a few properties.

Access will be taken directly off Weston Lane which also serves as the existing access to the neighbouring properties at the rear of Shavington Hall (the Hall having a separate private drive further east). Improvements will be made to the Weston Lane entrance to widen the width of the opening, reconstructing the walls and entrance gate piers around the new entrance. Access to the existing properties will be taken at point further into the site onto their existing alignment.

## **3. RELEVANT PLANNING HISTORY**

No relevant planning history

## **4. PLANNING POLICIES**

National Planning Policy Framework

### **Local Plan Policy**

PS8 Open Countryside  
GR1 New Development  
GR2 Design  
GR3 Residential Development  
GR5 Landscaping  
GR6 Amenity and Health  
GR9 Accessibility, servicing and provision of parking  
GR14 Cycling Measures  
GR15 Pedestrian Measures  
GR17 Car parking  
GR18 Traffic Generation  
GR21 Flood Prevention  
GR 22 Open Space Provision  
NR1 Trees and Woodland  
NR2 Statutory Sites (Wildlife and Nature Conservation)  
NR3 Habitats  
NR5 Habitats  
H2 Provision of New Housing Development  
H6 Residential Development in the Open countryside  
H13 Affordable Housing and Low Cost Housing

### **Regional Spatial Strategy**

DP4 Make best use of resources and infrastructure  
DP5 Managing travel demand  
DP7 Promote environmental quality  
DP9 Reduce emissions and adapt to climate change  
RDF1 Spatial Priorities  
L4 Regional Housing Provision  
EM1 Integrated Enhancement and Protection of the Region's Environmental Assets  
EM3 Green Infrastructure  
EM18 Decentralised Energy Supply  
MCR3 Southern Part of the Manchester City Region

### **Other Material Policy Considerations**

Interim Planning Policy: Release of Housing Land (Feb 2011)  
Interim Planning Statement: Affordable Housing (Feb 2011)  
Strategic Market Housing Assessment (SHMA)  
Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994  
North West Sustainability Checklist  
SHLAA

## 4. OBSERVATIONS OF CONSULTTEES

### Archaeology

- Note that the site lies immediately to the west of Shavington Hall, a late 19<sup>th</sup>-century Grade II Listed Building surrounded by the remnants of a formal garden (CHER 4195). The present hall was not, however, the first to be constructed on the site as there was definitely a building here in the earlier 19<sup>th</sup> century, as depicted on the 1840 Tithe Map. Shared Services Archaeology have previously been contacted by local residents with regard to other developments who have argued that the hall was the site of the main manor of Shavington. Shared Services Archaeology are not entirely convinced by this, however, as Shavington House, c 500m to the west was formerly surrounded by a moat and looks like a more convincing candidate. Nevertheless, the tithe map suggests that the site of the hall is of some interest and I note that some of the buildings depicted on the early mapping will be affected by the proposed development. These are located at SJ 7086 5229, at the point where the revised access track to the hall leaves the new estate access on the planning layout document.
- Shared Services Archaeology do not think that any of the above is sufficient to generate an objection to the development or to justify any further pre-determination work. They do advise, however, that if planning permission is granted, the sensitive area referenced above should be subject to a programme of archaeological mitigation to uncover and record any traces of the buildings depicted on the early mapping. A report on this work, which should represent a rapid and inexpensive exercise, will also need to be produced. The above programme of mitigation may be secured by condition.
- The use of such a condition is in line with the guidance set out in Paragraph 141, Section 12 (Conserving and Enhancing the Historic Environment) of the new National Planning Policy Framework. The Cheshire Archaeology Planning Advisory Service does not carry out archaeological work and the applicants will need to appoint an archaeological contractor to undertake the archaeological watching brief.

### Environment Agency

- No objection subject to the following planning conditions being attached to any planning approval as set out below.
- The proposed development will only meet the requirements of the National Planning Policy Framework (NPPF) if the following measure(s) as detailed in the Flood Risk Assessment submitted with this application are implemented and secured by way of a planning condition on any planning permission.
  - Planning permission shall only be carried out in accordance with the approved Flood Risk Assessment
  - Submission / approval and implementation of detail design for a surface water regulation scheme
- Make the applicant aware that there are records of great crested newt (*Triturus cristatus*) in the area and the ponds adjacent to the site.

## **United Utilities**

- No comments received at the time of report preparation.

## **Natural England**

- No comments received at the time of report preparation.

## **Amenity Greenspace**

- Request £25k for off site provision is for improvements to the Wessex Close (not Weston Close) children's play area in Shavington to make up for shortfall in on-site provision.

## **Highways**

I raise no objection on Highways and Transportation grounds to the proposal to erect 57 dwellings on land at Shavington Hall, lying to the north of Weston Lane, Shavington, subject to the delivery of local improvements to the pedestrian environment that would serve to improve the connectivity of the site to local service provision lying to the west within Shavington.

Weston Lane runs in an east west direction between Shavington to the west and Basford and Weston to the east, serving a number of residential properties. It is lightly trafficked with peak hourly flows of circa 300 vehicles (two-way), and recorded vehicle speeds within the prescribed speed limit of 30mph (based on Cheshire East Data collected for the Crewe Green Link road). A 7.5 tonne weight limit is in force on Weston Lane from the junction of Crewe Road for its entire length.

The highway corridor is relatively narrow on the section of Weston Lane to the immediate west of the site, with carriageway widths varying between circa 4.9m and 5.5m. A continuous footway is provided alongside the eastbound carriageway between the proposed site and Shavington village; however, under existing conditions, it is considered to be of sub-standard width on sections of frontage property to the immediate west.

The proposed development would generate an additional demand of 34 two-way trips in the morning peak, and 37 two-way trips in the evening peak. This represents an additional demand of circa one vehicle every 100 seconds (two-way) within the peak periods.

The proposed access arrangement (Dwg: N22155-001 RevA) to the development is considered to be acceptable, in accordance with prescribed standards for a minor access road (<100 dwellings). The proposed access representation meets the visibility standards prescribed within Table 7.1 of Manual for Streets (2.4 x43m) for a road of this nature.

The proposed site is located within 1km of local service provision within Shavington, including retail provision and Shavington Primary School. As part of a wider review of the proposal, dialogue has been undertaken with Transport Policy officers within Cheshire East Council, as a means to ascertain the overall suitability of local walking routes with regard to access to

local education provision. As such, Weston Lane is classified as an 'available walking route to school', in accordance with Cheshire East Council's Walking Routes to School Policy and Road Safety GB Guidelines. Notwithstanding this, it is considered that improvements could be made to improve its attractiveness as a walking route of choice.

Dialogue has been undertaken with the applicant's transport consultant throughout this process, as a means to identify measures to improve the quality of local pedestrian routes. The following proposal has been submitted for consideration:

- Provision of localised amendments to the highway corridor on the residential frontage to the immediate west of the proposed development, as a means to improve the existing footway provision at specific pinch points, and provide a minimum width of 1 metre on this section. This measure would necessitate a marginal reduction in the available carriageway width on Weston Lane; however, it would remain in excess of suggested minimum widths for a route of this nature within Manual for Streets (4.8m) as identified within Table 7.1, and the existing minimum width of the highway. This is considered to be acceptable in view of the existing weight limit on Weston Lane, and the nature of vehicles using the route.

In addition, the applicant has offered to provide a controlled pedestrian crossing on Crewe Road, to facilitate movement on the pedestrian desire line between properties lying to the east of Crewe Road and Shavington Primary School. This measure has been identified following consultation with the local parish council, and is considered to be of potential benefit to the local pedestrian environment, and assist in facilitating safe travel on foot to the local primary school. The provision of a crossing is not considered to be necessary to mitigate the impact of the development; it cannot therefore be identified as a planning condition, as it would not comply with the regulations identified within the Community Infrastructure Levy (CIL).

### Suggested Conditions

**Condition 1:-** Prior to first occupation the developer will provide and install the necessary agreed footway improvements to 'the road' as agreed with the Highway Authority. This will include for alterations to highway drainage and will form part of the off-site highway works and will be informed by the topographical survey of the related lengths of public highway, as detailed within Drawing: N22155-P002 RevA.

**Condition 2:-** Prior to first development the developer will provide a detailed suite of plans for all off-site highway works to the satisfaction of the LPA, including the provision of an appropriate Stage 1/2 Road Safety Audit.

**Condition 3:-** Prior to first development the developer will provide a detailed suite of construction specification plans for all adoptable highway infrastructure within the site to the satisfaction of the LPA

**Informative:-** Prior to first development the developer will enter into and sign a Section 278 agreement under the Highways Act 1980 with regard to all: 'offsite highway works' listed in

the above conditions. The detailed suite of plans conditioned at 3 above will serve the Section 278 process.

**Informative:-** Prior to first occupation the developer will enter into and sign a Section 38 agreement under the Highways Act 1980 and the detailed suite of plans conditioned at 3 above will serve the Section 38 process in agreement with Highway Authority engineers.

## **Environmental Health**

No objection subject to the following conditions.

- In order to ensure that future occupants of the development do not suffer a substantial loss of amenity due to noise, submission of an acoustic assessment report in relation to road traffic noise from the A500.
- Any mitigation shown as part of the report must achieve the internal noise levels defined within the “good” standard within BS8233:1999.
- The scheme must also include provisions for ventilation that will not compromise the acoustic performance of any proposals whilst meeting building regulation requirements.
- The hours of construction of the development (and associated deliveries to the site) shall be restricted to: Monday – Friday 08:00 to 18:00 hrs; Saturday 09:00 to 14:00 hrs; Sundays and Public Holidays Nil
- All Piling operations shall be undertaken using best practicable means to reduce the impact of noise and vibration on neighbouring sensitive properties. All piling operations shall be restricted to: Monday – Friday 09:00 – 17:30 hrs; Saturday 09:00 – 13:00 hrs; Sunday and Public Holidays Nil
- Submission of a piling method statement, to include the following details:
  - Details of the method of piling
  - Duration of the pile driving operations (expected starting date and completion date)
  - Prior notification to the occupiers of potentially affected properties
  - Details of the responsible person (e.g. site manager / office) who could be contacted in the event of complaint
- Submission of details of external lighting
- Submission of a scheme to minimise dust emissions arising from construction activities on the site
- The application is for new residential properties which are a sensitive end use and could be affected by any contamination present.
- A further assessment into ground gases shall be carried out and the results submitted to, and approved in writing by, the Local Planning Authority (LPA).
- If the results of this further assessment indicate that remediation is necessary, then a Remediation Statement shall be submitted approved and carried out.
- If remediation is required, a Site Completion Report detailing the conclusions and actions taken at each stage of the works, including validation works, shall be submitted

## **Education**

- A development of 57 dwellings will generate 9 primary aged children and 7 secondary age children.

- Primary Schools :-The primary schools are forecast to be oversubscribed from 2014 in light of this a contribution of  $9 \times 11919 \times 0.91 = £97,617$  would be required to accommodate the pupils which are generated.
- Secondary Schools :- There is sufficient capacity within the local secondary schools to accommodate the pupils generated.

## **5. VIEWS OF THE PARISH / TOWN COUNCIL**

### **Weston and Basford**

This application is located within Shavington Parish and is in close proximity to the boundary of Weston & Basford Parish. The proposal would feed out on to Weston Lane, the main feeder road through Basford.

The Council strongly objects to this proposal on the following grounds:

- A. The application lies within the Green Gap as defined in the Borough of Crewe & Nantwich Replacement Local Plan 2011. The development of this site would result in the first stages of the erosion of the open area which separates the settlements of Basford and Shavington at this point. My Council strongly holds the view that it is essential to retain the intrinsic character and prevent the coalescence of the villages which form a collar around the southern and eastern boundaries of the urban core of Crewe
- B. The site feeds directly out on to Weston Lane where we are already experiencing considerable traffic problems. This is a very narrow and tortuous road with few footpaths and links Shavington with Weston. It forms a rat run particularly at peak times with traffic trying to avoid the already overloaded primary road network. Weston & Basford operate a speedwatch scheme along Weston Lane and a bid is currently in the Minor Highways programme for the investigation of traffic management measures to try to alleviate some of the problems along the whole length of this road. My Council considers that the addition of 57 residential units will only exacerbate an already fraught situation.
- C. It is also considered that the proposal would be likely to be prejudicial to the setting of Shavington Hall which is understood to be a listed building.

The Council urges the Local Planning Authority to refuse this application which to say the least is totally premature pending the outcome of the forthcoming Local Plan.

### **Shavington-cum-Gresty Parish Council**

#### **1.0 INTRODUCTION**

- 1.1 This Planning Statement comprises an objection from Shavington-cum-Gresty Parish Council to a planning application submitted by David Wilson Homes for the erection of 57 dwellings on land to the north of Weston Lane, Shavington.
- 1.2 It is submitted alongside and in total support of the many other objections submitted by local residents of Shavington to the same planning application.



## 2.0 ISSUES

- 2.1 The proposed development is contrary to policy NE2 in that the site is located within the green gap – the Parish Council is opposed to any erosion of the green gap between Shavington and any other surrounding settlement.
- 2.2 In respect to sustainability the Parish Council has severe doubts as to the validity of the claim that the development could actually be sustainable.
- 2.3 Weston Lane is a narrow carriageway and used extensively as a rat run between Shavington to Weston and beyond. The proposed access road is in a location with limited visibility, and footpaths are either very narrow or non-existent.
- 2.4 Pressure on the existing infrastructure would be significant from an additional 57 dwellings – quite apart from the huge increase in the daily traffic movements along Weston Lane extra pressure would be placed on other utility supplies such as gas, electricity, water and drainage.
- 2.5 The proposed development is at odds with the National Planning Policy Framework and the Cheshire East Interim Planning Policy, and is premature given the consultation process currently being carried out by Cheshire East Council as part of the work to inform the Local Development Framework.

## 3.0 EXISTING PLANNING POLICY

### Adopted Local Plan

- 3.1 The site lies within an area of open countryside and policy NE2 applies as set out below.  
Policy NE.2: OPEN COUNTRYSIDE  
ALL LAND OUTSIDE THE SETTLEMENT BOUNDARIES DEFINED ON THE PROPOSALS MAP (SEE ALSO POLICIES RES.5 AND RES.6) WILL BE TREATED AS OPEN COUNTRYSIDE.  
WITHIN OPEN COUNTRYSIDE ONLY DEVELOPMENT WHICH IS ESSENTIAL FOR THE PURPOSES OF AGRICULTURE, FORESTRY, OUTDOOR RECREATION, ESSENTIAL WORKS UNDERTAKEN BY PUBLIC SERVICE AUTHORITIES OR STATUTORY UNDERTAKERS, OR FOR OTHER USES APPROPRIATE TO A RURAL AREA WILL BE PERMITTED.  
AN EXCEPTION MAY BE MADE WHERE THERE IS THE OPPORTUNITY FOR THE INFILLING OF A SMALL GAP WITH ONE OR TWO DWELLINGS IN AN OTHERWISE BUILT UP FRONTAGE.
- 3.2 Quite clearly the proposal for residential development does not comprises one of the uses set out in the policy which will be permitted nor is it a use which is appropriate to a rural area. Further it does not comprise a small gap in an otherwise built-up frontage. The proposal is contrary to policy NE2 of the Local Plan. The release of this site would represent an ad hoc expansion into Open Countryside.

### The Interim Planning Policy (IPP)

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

*“To manage the release of additional land for residential development through the consideration of planning applications to maintain a five years supply as an interim measure pending the adoption of the Local Development Framework Core Strategy. The policy has been developed in a manner so that it would not prejudice the consideration of alternative options for the development strategy of the Local Development Framework.”*

- 3.4 Cheshire East Council has recently published the Crewe Town Strategy for consultation as part of the LDF and this considers how the challenges facing towns and villages are to be addressed. It is inappropriate to consider the release of a significant housing site in Shavington at this time as this would clearly prejudice the consideration of alternative options for the development strategy of the LDF.
- 3.5 This is contrary to The Interim Planning Policy and as such this site should be rejected by the Council.
- 3.6 The release of this site would undermine the policies of the current Local Plan and pave the way for more challenges to its credibility. This would lead to an approach whereby planning permissions were helping to influence, drive and determine the strategy of the forthcoming LDF as it progresses towards the adoption of the Core Strategy. It would undermine public confidence in the LDF process and make a sham out of the public participation and consultation on which Cheshire East Council is placing so much emphasis.
- 3.7 The purpose of the Green Gap designation is to preserve that separate physical identity.
- 3.8 It is accepted that additional housing sites will be required over the LDF plan period. However sites of this scale should be considered through the LDF process.
- 3.9 The “call for sites” through the evidence gathering process of the SHLAA has resulted in the identification of sites in the Shavington area of over 2,000 dwellings which are the subject of planning applications submitted, being progressed or the subject of preliminary discussions with Cheshire East and Shavington Parish Council.
- 3.10 The plethora of such sites makes it essential for Cheshire East to resist the release of the application site and ensure that the consideration of such sites is undertaken through the LDF process and through consultation on the Crewe Town Strategy document.
- 3.11 On the proposals map of the local plan, the site is located outside the settlement boundary of Shavington. The site lies in open countryside and therefore policy NE2 is relevant.

#### 4.0 CONCLUSION

- 4.1 The proposed development is in conflict with the Countryside Protection policies NE2 Open Countryside of the Crewe and Nantwich Replacement Local Plan which comprises the current statutory Development Plan for the area in which the application site is located.
- 4.2 The site’s release for development will make it more difficult to resist the release of other sites beyond the edge of the village of Shavington.
- 4.3 Planning legislation requires that planning applications are to be determined in accordance with the Development Plan unless material considerations dictate otherwise. It is not considered that such material considerations exist in this case.
- 4.4 Shavington-cum-Gresty Parish Council urges Cheshire East Council to refuse this planning application No 12/3300/N.

- 4.5 In addition it urges the Council to progress rapidly the LDF process and to remove the uncertainty and inconsistency which exists in the determination of planning applications for housing in the Crewe area. The Parish Council also wishes to actively engage in continued discussions with Cheshire East Council over the future planning policies for the Shavington area.

## **6. OTHER REPRESENTATIONS**

### **Representations From Local Residents**

#### **Principle of Development and housing Need**

- The NPPF states that planning decisions must “be genuinely plan-led”. No local plans support development on this land.
- Proposed buildings are not of a nature identified in recent Cheshire East reports – the area needs bungalows and not houses.
- The proposed design of buildings is inappropriate for the area. Three storey houses and four-house terraces would be totally uncharacteristic.
- The type of houses (3 storied) would affect the privacy of the existing properties which back onto the site.
- The proposed fencing around the site is inadequate and will allow existing properties to be overlooked.
- Any development south of the A500 will erode the essence of village life.
- The character of Shavington village will be destroyed
- There is already an excess of unoccupied family homes.
- The development would destroy the semi-rural local character of Park Estate and Weston Lane.
- The village is a good size already and does not need another large scale development.
- Un-finished town houses in Crewe should be completed before building on attractive fields.
- There are properties for sale in the village without the need for new properties.
- Many residents who are affected by this development were not notified by Cheshire East Council.

#### **Highways**

- Access to site is on a bend making egress and ingress difficult and potentially dangerous. Upon entering the site it would be difficult to see approaching traffic and upon exiting the site there is little time to see traffic approaching from the east.
- Weston Lane is heavily used and already too busy for the nature of the blind bends and absence of footpaths. It is poorly lit at night.
- Pavement in only a short section and is very narrow.
- Weston Lane is used by great number of pedestrians often taking children to school often having to walk on the road.
- The Transport Statement also documents that 'a footway is provided along Weston Lane which links to bus stops available on Crewe Road and Weston Lane'. It fails to point out how dangerous these routes are to the bus stops as a result of narrow and sometimes non-existent footpaths. The National Planning Policy Framework states that planning decisions should be used to 'actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant development on locations which are or can be made sustainable'.
- The applicants did not take into account the very considerable pedestrian traffic in their assessment.
- There is no room to widen the footpath without making the road narrower.
- Weston Lane already used as a 'rat-run' and it is hazardous to pull out of Park Estate.
- Additional cyclists and walkers from the proposed development would pose a danger
- Heavy duty vehicles would make the roads dangerous during the construction period.
- Some local residents feel that it will be difficult to get out of their drives.
- The development will not encourage an investment in public transport and the new residents will simply add more cars to the overcrowded local roads.
- Extra traffic will be generated by families with children commuting to schools outside the area as the local school is already full.
- There are no traffic calming measures on Weston Lane and vehicles frequently exceed the 30 mph speed limit.
- In one part of Weston Lane it is not possible for two vehicles to pass without one of them having to stop.
- The figures shown on the developer's Transport Statement are very selective of only two 1 hour periods. Using the developer's own Trip Rate calculator would mean a figure of 313 additional vehicles daily.

- Would the weight restriction in Weston Lane have to be removed to cater for the construction vehicles?
- Sight lines to enable safe access to the development would require using land that is outside the developer's control and would lead to removal of more trees and hedges.

### **Infrastructure**

- Houses will be built on boggy land and water table issues would cause concern.
- Extra strain will be placed on oversubscribed schools and doctor's surgery.
- It will impose an extra strain on infrastructure, particularly the water supply and already inadequate sewerage system.
- There are not enough parking spaces for all these extra cars in town.

### **Heritage**

- The application seeks to downplay the importance of the Grade II listed building and will have an adverse effect upon the Hall and surrounding landscape, seeking to destroy the rear Listed entrance and gateposts.
- If application succeeds Shavington Hall, a grade II listed building will no longer enjoy the independent position it presently holds and would be surrounded by houses with little architectural merit.
- The distinct barrier between Shavington Hall and the rest of the village would be destroyed.
- The application seeks to use the conversion of the outbuildings of the Hall as a reason to suggest that the Hall and its Listing have been downgraded but the outbuildings have been converted with the importance of the Hall and its setting in mind at all times.
- Shavington-cum-Gresty is presently the subject of a parish-plan exercise which is shortly due to publish. At the same time local-strategy consultations have recently concluded for towns in East Cheshire including that for Crewe. In the Crewe plan, Shavington features significantly and is the subject of a number of development "challenges". The proposals for this and all other developments are, therefore, pre-emptive, in view of the fact that a public enquiry is likely to finalize a local plan for Crewe and its surroundings, including the provision of sites for housing.
- The gates to the site are Grade II listed and should be protected as they were damaged the last time that developers made application and were never properly repaired. Repair of the gates should be insisted upon before planning permission is given.

- Proposed look of site entrance will change the character of the driveway.
- The land is of historical interest being mentioned as a small farm in the Domesday Book.

### **Green Gap**

- The development would be in a currently designated Green Gap which is there to separate Shavington from joining with Basford, Hough and Weston.
- Erosion of the Green Gap will lead to the merging of Shavington and Crewe.
- What is the point of defining Green Gap land if, at the first opportunity that consideration is swept aside in favour of further expansive development.
- Brown field sites should be used first.
- This land should continue to be used for agriculture as such land may well be required for food production in the future.

### **Ecology**

- The area supports a population of Great Crested Newts which the developer has tried to mitigate with the use of a corridor. No evidence that newts will navigate around this new obstacle course.
- Removal of protected trees and hedges will have adverse effect on the beauty of the area and will remove habitat for wildlife. How many people can afford to wait 50 years for the trees which the developer proposes to plant to reach maturity and attain the attraction and amenity we currently enjoy?
- The area is a haven for wildlife including bats, newts, foxes, owls, sparrow-hawks toads and pheasants.
- The assessment process in respect of the CGN was severely limited both by access and surveying methods.
- There would be noise and dust pollution over the 3 years period that it is estimated to complete the development.

### **Flooding**

- Our property on the boundary of this land has been subject to flooding over the last few years following the building of the Shavington By-pass and overdevelopment is likely to cause problems for both old and new properties.
- The road outside the proposed entrance to the site floods each time there is heavy rain causing motorists to swerve over the opposite side of the road.

## Other

- Where will all these new residents do their shopping? There are no employment prospects in Crewe so where will they work?
- Elderly residents are stressed and worried by the proposal.
- We do not believe that this proposal satisfies the conditions of NE5 (nature conservation and habitat), NE9 (protected species) and NE12 (agricultural land quality).
- The development would breach policies NE4 and NE2
- It will adversely affect the value of existing properties.
- The site is outside the settlement boundary.
- It will adversely affect properties in Park Estate, Northway and Weston Lane due to the close proximity of the new houses.
- This development will affect my enjoyment of the open countryside which was why I moved into the area.
- Proposed houses do not make use of renewable energies or technologies.

## **Letter received from Edward Timpson M.P.**

*I wish to register the concerns of my constituents and their objection to the planning application 12/3300N which relates to building of 57 houses off Weston Lane in Shavington.*

*I have been contacted by and spoken to a significant number of local residents in large part living in close proximity to the proposed development and they have expressed the following concerns as strong reasons to refuse the application.*

*I can do no better than echo one of my constituents who has contacted me and is amongst the many who has published comments on the Cheshire East Planning website. He has summed up the views put forward by many.*

*“The development will result in significant harm to the rural character of the village and the surrounding landscape. The benefits of delivering housing will not be outweighed by the harm caused to the character of the village and to the surrounding landscape. E cannot see how this proposal could be considered “sustainable development” as set out in the National Planning Policy Framework and is contrary to policies in the Crewe and Nantwich Local Plan and the emerging draft Cheshire East Local plan. All consultation carried out by the local authority shows that the Green Gap is considered of great importance to local people. T provides an important physical barrier between villages and towns and helps maintain strong community identities.*

*It has not been demonstrated that the additional traffic from the proposed development can be accommodated safely and satisfactorily within the existing highway network. Nor has it been demonstrated that satisfactory arrangements will be put in place to safely accommodate the additional traffic generated by the development. No provision has been made for access to public transport services and other alternative means of transport to the car. As such, the proposals would result in the development having a severely detrimental impact upon the safe and efficient operation of the surrounding highway network. The proposal is therefore contrary to the provisions of the National Planning Policy Framework and the Crewe and Nantwich Local Plan. The entrance to the proposed development site is located on a tight bend on a narrow country road. From the entrance to the proposed development site the footway is very narrow and not wide enough for a pushchair or wheelchair. The National Planning Policy Framework clearly states that planning decisions should be used to “actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable” – as the site cannot be walked or cycled to safely and there is no safe access to public transport (which is, in any case, limited) the proposal cannot be considered a sustainable development*

*The application proposals would cause significant harm to wildlife and nature and would therefore have a negative impact on nature conservation. As a result, the proposals would fail to satisfy the requirements of both the Conservation of Habitats and Species Regulations 2012 and the National Planning Policy Framework. Nor would they accord with the provisions of the Framework and Policies contained within the Crewe and Nantwich Local plan and the emerging draft Cheshire East Local Plan. The site provides habitat for several protected species including barn owls, bats, badgers and great crested newts. The provision of newt corridor is acknowledged but this would not rectify the harm the development would cause to the newt population – their breeding ground is in the ponds surrounding the site but they spend much of their lives on the ground; the site, particularly the vole holes, provides the habitat they need to survive. Barn owls nest in the trees surrounding the site and hunt over the site on an almost daily basis. Bats also hunt and roost on the site. The destruction of this important habitat and the disruption caused by the construction of the proposed development would have a devastating impact on the population levels of these protected species.*

*The application would have a significant detrimental impact on the setting of Shavington Hall, a listed building. The proposals would significantly alter the historic entrance to the hall. The use of the hall has inevitably changed over time and the outbuildings have been converted but everything is still in keeping with the history and traditional setting of the hall. The proposals would change this forever. The benefits of delivering what is relatively little housing would not outweigh the detrimental impact on the hall and its setting. This would be contrary to the principals of sustainable development as set out in the National Planning Framework, particularly the requirement to “conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations”.*

*The application would result in the felling of several trees along the driveway to Shavington Hall. These trees are subject to tree preservation orders. It is therefore already recognised that these trees provide significant local benefit and amenity. Their position also marks the line of the drive to Shavington hall, again adding to their amenity value. It also appears from the plan submitted that it is proposed to have some protected trees in private gardens; this is*



*not considered best practice and can lead to pressure for removal and inappropriate pruning, which is of particular concern given the orientation of the site.*

*The impact on local infrastructure does not appear to have been adequately addressed in the application. The local primary school is oversubscribed already, which would mean that children living on the site would have to travel by car to go to school (even if they get into Shavington primary they wouldn't be able to walk to school because there is no pavement). The Doctor's surgery is also full. The impact on the local sewerage system also does not appear to have been fully considered. As housing on this site has not been planned for locally it cannot be considered as sustainable development. The benefits of delivering housing will not be outweighed by the additional pressure it will cause on the local infrastructure and amenities. Given the size of the development it is unlikely that any of these factors could be mitigated by planning obligations."*

*I would urge the Strategic Planning Committee to listen to the views of local residents and reject this planning application.*

#### **Letter received from Councillor David Brickhill**

*I formally object to the application by Wilson Homes for 57 houses on land north of Weston Lane near Shavington Hall and require to speak at any committee hearing as the ward councillor, please. Shavington is a separate village and stands alone from Crewe. It has a village character and this part of the area is rural.*

*The site is outside the perimeter of the village on a green field site designated green gap between Shavington and Basford. It partially closes the gap separating the two communities with adverse effect to both.*

*Thus it contravenes policies N2 and N4 of the existing local plan and should be refused on these grounds alone.*

*However there are additional reasons for my objection:-*

*Highway safety. The site entrance is on a bend on a very narrow lane with little or no footpath and where two heavy goods cannot pass each other. It is a much used rat-run to M6 and elsewhere and the usual route into Crewe for Basford residents. It cannot and should not be subject to additional traffic.*

*Infrastructure:- The area suffers badly from poor infrastructure with lack of primary school places and doctor's appointments. Drains are at full stretch with sewage often overflowing in a nearby road. There is a large pond in the road by the site entrance in heavy rain causing vehicles to swerve. The voltage on the electricity falls with frequent power cuts. Water pressure is often reduced to a trickle. Additional houses will only make a very bad situation much worse. The applicant is not proposing any improvements.*

*There is no evidence of need in the light of the 1250 house applications in train for the Basford Industrial zones. These zones have already been approved in outline.*

*I am not satisfied that the protected bat, newt and owl population have been given proper alternative habitats. Ample evidence of their presence on and adjoining this site exists.*

*So this application should be refused.*

*I would be grateful if you would include this objection verbatim in the report to the committee.*

## **7. APPLICANT'S SUPPORTING INFORMATION:**

- Site Investigation
- Flood Risk Assessment
- Arboricultural Impact Assessment
- Community Involvement Statement
- Heritage Assessment
- Great Crested New Mitigation Strategy
- Design and Access Statement
- Agricultural Land Classification
- Noise Impact Assessment
- Habitat Survey
- Planning Statement
- Landscape and Visual Impact Assessment
- Transport Statement

## **8. OFFICER APPRAISAL**

### **Main Issues**

The main issues in the consideration of this application are the suitability of the site for residential development having regard to matters of planning policy and housing land supply as well as matters of affordable housing, highway safety and traffic generation, contaminated land, air quality, noise impact, landscape impact, hedge and tree matters, ecology, amenity, open space, drainage and flooding, sustainability and education.

### **Principle of Development**

#### ***Policy Position***

The site lies in the Open Countryside as designated in the Borough of Crewe and Nantwich Replacement Local Plan 2011, where policies NE.2 and RES.5 state that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Residential development will be restricted to agricultural workers dwellings, affordable housing and limited infilling within built up frontages.

The proposed development would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside. As a result, it constitutes a "departure" from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act

2004 which states that planning applications and appeals must be determined “*in accordance with the plan unless material considerations indicate otherwise*”.

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

Members should note that on 23<sup>rd</sup> March 2011, the Minister for Decentralisation Greg Clark published a statement entitled ‘Planning for Growth’. On 15<sup>th</sup> June 2011, this was supplemented by a statement highlighting a ‘presumption in favour of sustainable development’ which has now been published in the National Planning Policy Framework (NPPF) in March 2012.

Collectively these statements and the National Planning Policy Framework mark a shift in emphasis of the planning system towards a more positive approach to development. As the minister says:

*“The Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy”.*

### **Housing Land Supply**

Whilst PPS3 ‘Housing’ has been abolished under the new planning reforms, the National Planning Policy Framework (NPPF) reiterates at paragraph 47 the 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. In December 2012, the Cabinet agreed the Cheshire East Local

Plan Development Strategy for consultation and gave approval for it to be used as a material consideration for Development Management purposes with immediate effect. This proposes a dwelling requirement of 27,000 dwellings for Cheshire East, for the period 2010 to 2030, following a phased approach, increasing from 1,150 dwellings each year to 1,500 dwellings.

It is considered that the most up-to-date information about housing land supply in Cheshire East is contained within the emerging Strategic Housing Land Availability Assessment (SHLAA) February 2013. The SHLAA has put forward a figure of 7.15 years housing land supply. This document was considered by the Strategic Planning Board on 8<sup>th</sup> February and the Portfolio Holder on 11<sup>th</sup> February 2013.

Policy change is constantly occurring with new advice, evidence and case law emerging all the time. However, the Council has a duty to consider applications on the basis of the information that is pertinent at any given time. Consequently, it is recommended that the application be considered in the context of the 2013 SHLAA.

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 2013 SHLAA shows that the Borough has an identified deliverable housing supply of 7.15 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.”*

However, given that Cheshire East can now demonstrate a five year supply of housing land, it is not considered that Policy NE.2 which protects Open Countryside is not out of date and the provisions of paragraphs 49 and 14 do not apply in this case.

### ***Emerging Policy***

The Crewe Town Strategy considered a number of development options around the town and these were subject to consultation that closed on the 1st October 2012. The results of that consultation were considered at a meeting of the Strategic Planning Board on the 6th December 2012. 1985 representations were received to the Crewe Town Strategy. This site was considered as site L2 in the Crewe Town Strategy. 95% of the 1985 representations responded to the question whether they agreed or disagreed with site L2 as a potential area of future development and of those 96% disagreed with site L2 being a potential area of future development. The recommendation at that meeting is that the future housing needs of Crewe are met by the following sites: –

- Crewe Town Centre (200 dwellings),
- West Street / Dunwoody Way (up to 700 dwellings),
- Basford East (1,000 dwellings),
- Basford West (300 dwellings)
- Leighton West (750 dwellings)

Sites are also proposed at settlements surrounding Crewe including:

- Shavington Triangle (300 dwellings)
- Shavington East (300 dwellings phased post 2020).

There are also proposals for new settlements at

- Crewe Hall / Stowford (1,000 dwellings – with potential additional development after the plan period)
- Barthomley (1,000 dwellings– with potential additional development after the plan period).

These sites have now been carried forward into the Draft Local Plan (development strategy), and are now the subject of consultation. The NPPF consistently underlines the importance of plan –led development. It also establishes as a key planning principle that local people should be empowered to shape their surroundings. Regrettably the Secretary of State has often chosen to give less weight to these factors within his own guidance – and comparatively more to that of housing supply. These inconsistencies feature within the legal action that the Council is taking elsewhere.

In the recent Secretary of State decision's in Doncaster MBC, it was found that a development was to be premature even though the Development Plan was still under preparation. Important to this decision was the finding that a five year supply of housing land was available. There is nothing in national guidance to suggest prematurity and housing supply should be linked in this way, and logic might question how the two are interlinked, but this factor was evidently influential in this case. Given that the Council now has a 5 year supply of housing, it is considered that a prematurity case can be defended in this case.

However, the 5 year supply is a minimum provision and not a maximum and, given that there remains presumption in favour of sustainable development, which according to the NPPF "*should be seen as a golden thread running through both plan-making and decision-taking*" it is still necessary to consider whether the proposal would constitute sustainable development and whether there would be any significant adverse impacts arising from the proposal.

## **Conclusion**

- The site is within the Open Countryside where, under Policy NE.2, there is a presumption against new residential development.
- The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development 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 2013 SHLAA shows that the Borough has an identified deliverable housing supply of 7.15 years. Therefore the presumption in favour of the proposal does not apply.
- The proposal does not accord with the emerging Development Strategy. Previous appeal decisions have given credence to such prematurity arguments where authorities can demonstrate a five year supply of housing land.
- However, the 5 year supply is a minimum requirement and the NPPF carries a presumption in favour of sustainable development. It is therefore necessary to consider whether the proposal is sustainable in all other respects.

## Sustainability

The National Planning Policy Framework definition of sustainable development is:

*“Sustainable means ensuring that better lives for ourselves don’t mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment”*

Accessibility is a key factor of sustainability that can be measured. According to the Applicant’s submissions:

*The site is accessible via a selection of sustainable modes, as follows:*

- *The site is accessible by the existing public transport network with bus stops served by a number of services located within easy walking distance linking the site to Crewe, Nantwich and Leighton Hospital*
- *Pedestrian infrastructure in the vicinity is limited but a footway is provided along Weston Lane which links the site to the bus stops available on Weston Lane and Crewe road. The site is ideally located for trips by cycle and is within close proximity to the no.70 National Cycle Route.*

*The selection of travel modes available to residents at the development also accords with the guidance set out in the NPPF. Paragraph 29 deals with promoting sustainable transport and set out the importance of reducing the need to travel as well as “giving people a real choice about how they travel”.*

*The NPPF also states, in paragraph 35, that “developments should be located and designed where practical to give priority to pedestrians and cycle movements, and have access to high quality public transport facilities” whilst being cognizant that “different policies and measures will be required in different communities and opportunities to maximize sustainable transport solutions will vary from urban to rural areas.”*

*As such, the proposed application site, located in a rural settlement can be considered as being highly accessible by non car modes.*

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

The Checklist can be used by both developers and architects to review good practice and demonstrate the sustainability performance of their proposed developments. Planners can also use it to assess a planning application and, through forward planning, compare the sustainability of different development site options.

The North West Sustainability Checklist is supported by Policy DP9: Reduce Emissions and Adapt to Climate Change of the Regional Spatial Strategy for the North West, which states that:

*“Applicants and local planning authorities should ensure that all developments meet at least the minimum standards set out in the North West Sustainability Checklist for Developments (33), and should apply ‘good’ or ‘best practice’ standards wherever practicable”.*

The Regional Spatial Strategy for the North West currently remains part of the Development Plan for Cheshire East.

The criteria contained within the North West Sustainability Checklist are also being used during the Sustainability Appraisal of the Cheshire East Local Plan. With respect to accessibility, the toolkit advises on the desired distances to local facilities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions. The results of an accessibility assessment using this methodology are set out below.

Category	Facility	Weston Lane
<b>Open Space:</b>	Amenity Open Space (500m)	0m
	Children’s Play Space (500m)	1609m
	Outdoor Sports Facility (500m)	1931m
<b>Local Amenities:</b>	Convenience Store (500m)	644m
	Supermarket* (1000m)	4345m

	Post box (500m)	1287m
	Playground / amenity area (500m)	1609m
	Post office (1000m)	1287m
	Bank or cash machine (1000m)	644m
	Pharmacy (1000m)	3379m
	Primary school (1000m)	1448m
	Secondary School* (1000m)	1770m
	Medical Centre (1000m)	2092m
	Leisure facilities (leisure centre or library) (1000m)	1931m
	Local meeting place / community centre (1000m)	804m
	Public house (1000m)	1770m
	Public park or village green (larger, publicly accessible open space) (1000m)	5632m
	Child care facility (nursery or creche) (1000m)	4023,
<b>Transport Facilities:</b>	Bus stop (500m)	643m
	Railway station (2000m where geographically possible)	3701m
	Public Right of Way (500m)	644m
	Any transport node (300m in town centre / 400m in urban area)	3701m
<i>Disclaimers:</i>		
<i>The accessibility of the site other than where stated, is based on current conditions, any on-site provision of services/facilities or alterations to service/facility provision resulting from the development have not been taken into account.</i>		
<i>* Additional parameter to the North West Sustainability Checklist</i>		
<i>Measurements are taken from the centre of the site</i>		

Rating	Description
	Meets minimum standard
	Fails to meet minimum standard (Less than 60% failure for amenities with a specified maximum distance of 300m, 400m or 500m and 50% failure for amenities with a maximum distance of 1000m or 2000m).
	Significant failure to meet minimum standard (Greater than 60% failure for amenities with a specified maximum distance of 300m, 400m or 500m and 50% failure for amenities with a maximum distance of 1000m or 2000m).

The site therefore fails against a significant number of the criteria in North West Sustainability checklist. However, these facilities are within either the village of Shavington or the town of Crewe, albeit only outside minimum distance and Crewe is a principal town in Core Strategy where development can be expected on the periphery. Development on the edge of a town will always be further from facilities in town centre than existing dwellings but, if there are insufficient development sites in the Town Centre to meet the 5 year supply, it must be accepted that development in slightly less sustainable locations on the periphery must occur.

Similar distance exist between the town centre and the existing approved sites and proposed local plan allocations at Rope Lane, the Triangle, Coppenhall, Leighton and Maw Green, and although some of these sites would probably be large enough have their own facilities, not all the requirements of the checklist would be met on site.



Accessibility is only 1 aspect and sustainability and the NPPF defines sustainable development with reference to a number of social, economic and environmental factors. However, these include the need to provide people with places to live and, on this basis, it is considered that the Council would not be successful in defending a reason for refusal on the grounds of lack of sustainability.

Furthermore, highways have commented that it is possible to improve the non-car mode accessibility through suitable Section 106 contributions.

Policy DP9 of the RSS relates to reducing emissions and adapting to climate change. It requires:

- proposals to contribute to reductions in the regions' carbon dioxide emissions from all sources;
- take into account future changes to national targets for carbon dioxide and other greenhouse gas emissions
- to identify, assess and apply measure to ensure effective adaptation to likely environmental social and economic impacts of climate change.

RSS (Policy EM18) policy also necessitates that, in advance of local targets being set, large new developments should secure at least 10% of their predicted energy requirements from decentralised and renewable or low-carbon sources, unless it can be demonstrated that this is not feasible or viable. The developer has indicated that they are committed to ensuring that 10% of the energy requirements of the development will be from decentralised and renewable or low carbon sources and would be willing to accept a condition to this effect.

This is a full application and therefore, aspects of the design relating to climate change and sustainability are for consideration in detail at this stage. The applicant states that:

- *David Wilson Homes strives to constant seek to improve the operating efficiency of the homes and commercial properties which it builds. From trials in 2003, they have incorporated high efficiency condensing boilers as standard and all electrical application only use those with a B rating and above,. All toilets are now fitted with dual flush, which benefits both the customer and the environment.*
- *David Wilson Homes as responsible house builders, works as part of the protective research work in co-operation with the industry, trade organisations and academic institutions and this work is on-going.*

However, there is little meaningful information relating to the performance of the scheme, within the application information. Much more needs to be said and committed to in respect to both climate change mitigation and adaptation as part of a considered environmental design approach to the site. For example, the information provided, does not set out how the developer intends to meet the requirements of the RSS policy. However, a detailed scheme can be secured through the use of conditions and, as a result it is not considered that a refusal on these grounds could be sustained.

## **Ecology**

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:

(a) 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

(b) no satisfactory alternative and

(c) no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK has implemented the Directive in the Conservation (Natural Habitats etc) Regulations 2010 (as amended) which contain two layers of protection (i) a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and (ii) a licensing system administered by Natural England and supported by criminal sanctions.

Local Plan Policy NE.9 states that development will not be permitted which would have an adverse impact upon species specially protected under Schedules 1, 5 or 8 of the wildlife and Countryside Act 1981 (as amended), or their habitats. Where development is permitted that would affect these species, or their places of shelter or breeding, conditions and/or planning obligations will be used to:

- facilitate the survival of individual Members of the species
- Reduce disturbance to a minimum
- Provide adequate alternative habitats to sustain the current levels of population.

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."*

The NPPF advises LPAs to conserve and enhance biodiversity: If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) or adequately mitigated, or as a last resort, compensated for, planning permission should be refused.

Natural England's standing advice is that, if a (conditioned) development appears to fail the three tests in the Habitats Directive, then LPAs should consider whether Natural England is likely to grant a licence: If unlikely, then the LPA should refuse permission: If likely, then the LPA can conclude that no impediment to planning permission arises under the Directive and Regulations.

In this case specific advice has been sought from the Council's Ecologist who has made the following observations:

### **General Habitat Value**

The proposed development site appears to be abandoned agricultural grassland which has some limited botanical diversity. The ecologist advises that the site has some limited nature conservation value in general habitat terms but, notwithstanding the presence of protected species, the site should be considered to be of relatively low nature conservation value in the context of the Borough. The boundary hedgerows and trees are however worthy of retention and incorporation into the proposed development.

### ***Great Crested newts (GCN)***

A full great crested newt survey undertaken in accordance with the Natural England Guidelines has not yet been completed but is currently underway. An initial amphibian survey and desk study of previous records has confirmed breeding by great crested newts at a number of ponds within 250m of the proposed development.

The likely presence of great crested newts on the application site has therefore been established but the size of the populations at the surrounding ponds is not confirmed but is highly likely to be 'medium'.

In the absence of mitigation, the ecologist advises that the proposed development would result in the loss of a moderately sized area of terrestrial great crested newt habitat. The proposed works also have the potential to kill or injure any newts present on site. An increased number of residential properties could also increase the risk of invasive species being introduced to any ponds with public access.

The submitted ecological assessment identifies the level of impact overall as being likely to be Low – medium.

To mitigate and compensate for the adverse impacts of the development the applicant's ecologist initially recommended a novel approach to mitigation which included both retention of habitat on site and a financial contribution amounting to £200,000. This financial contribution was to be used to fund habitat creation works off site.

Whilst this mitigation package was supported by CE officers, Natural England have indicated that such an approach would not be licensable. Consequently, as Natural England have indicated that a license application on this basis would be refused, the Council would also be required to refuse the planning application due to it being likely to fail the Habitat Regulation 'Tests'.

Whilst alternative mitigation proposals have been submitted to the Council, these are only indicative at present and are not supported by a detailed method statement or substantiated by any ecological data.

The Ecologist has therefore advised that at present the Council has insufficient information to be confident that the potential impacts of the proposed development on great crested newts will be satisfactorily addressed.

### ***Badgers***

The submitted phase one habitat survey has identified evidence of badger activity on site including a potential sett. To allow the Council to make an informed assessment of the potential impacts of the development upon badgers, a detailed badger survey is required. This survey does not appear to have been undertaken.

The Ecologist has therefore advised that at present the Council has insufficient information to confidently assess the potential impacts of the proposed development on badgers.

### ***Bats***

The submitted Phase One Habitat survey report states that the trees on site are unlikely to support roosting bats. All of the on-site trees appear to be retained with the exception of those associated with the proposed access. Whilst the Council ecologist did not inspect these trees in detail during his site visit, he can confirm that none had obvious potential to support roosting bats.

The submitted phase one habitat survey identifies the application site as providing 'medium' foraging potential for bats and recommends that a bat activity survey is undertaken to determine the level of bat foraging activity associated with the site. No such survey has been submitted in support of the application.

### ***Hedgerows***

Hedgerows are a BAP priority habitat and hence a material consideration. The hedgerows on site appear to be retained but are likely to be adversely affected by the proposed 1.8m screen fence which is proposed for the site boundary.

The Council ecologist recommends that additional new hedgerows are provided around the boundary of the site in accordance with the GCN mitigation strategy.

### ***Breeding Birds***

The site subject to this application is unlikely to support breeding birds potentially including the more widespread Biodiversity Action plan species which are a material consideration for planning. However, the ecologist advises that the breeding bird assemblage present at this site is unlikely to be significant.

### ***Summary***

In summary the Ecologist has advised that at present the Council has insufficient information to assess the potential impacts of the proposed development upon protected species.

### ***Green Gap***

As well as lying within the Open Countryside, the application site is also within the Green Gap. Therefore, as well as being contrary to Policy NE.2, it is also contrary to Policy NE.4 of the Local Plan which states that approval will not be given for the construction of new buildings or the change of use of existing buildings or land which would:

- result in erosion of the physical gaps between built up areas;
- adversely affect the visual character of the landscape.

In allowing a recent Appeal relating to a site at Rope Lane, which was also located within the Green Gap the Inspector determined that Policy NE.4 is not a freestanding policy; its genus is in Policy NE.2 and if Policy NE.2 is accepted as being out-of-date, then it must follow that Policy NE.4 must also be considered out-of-date for the purposes of applying Framework policy.

However, given that the Council now has a 5 year supply of housing land, it is no longer considered that Policy NE.2 is out of date. Therefore, following the Inspector's logic, Policy NE.4 must also still stand.

A development of the scale proposed will clearly erode the physical gap between Shavington and Crewe and the proposal would therefore clearly be contrary to Policy NE.4. The impact on the landscape is discussed in greater detail below.

Policy NE.4 goes on to state that exceptions to this policy will only be considered where it can be demonstrated that no suitable alternative location is available. Through the emerging Development Strategy it has been demonstrated that there are a number of sites on the periphery of Crewe which, although designated as Open Countryside, are not subject to Green Gap policy and can be used to address the Council's housing land supply shortfall and which would not contravene the provisions of Policy NE.4.

## **Landscape Impact**

The application site is located to the east of Shavington and covers an area of approximately 2.31 ha. It is agricultural land that does not appear to have been managed for a period of time. To the north and east, the site boundaries have a good network of hedgerows plus a number of mature and distinctive hedgerow trees. The site is bound to the east by Shavington Hall and its grounds to the east, plus part of the access road, (characterised by stone entrance piers and walls). An avenue of mature trees also form part of the application site; a number of these trees also have TPOs.

To the south and south west of the application site are areas of residential development that mark the existing edge of Shavington. To the north is the route of the A500 and beyond this open countryside which also extends across to the north of the application area, and beyond the A500, towards the edge of Crewe.

The assessment refers to the Cheshire Landscape Assessment 2008, adopted March 2009 which identifies that this site is located in Landscape Type 10: Lower Farms and Woods; within this character type the application site is located within the Barthomley Character Area: LFW7. In addition, the assessment has also included a more specific local site specific character description of the site and surrounding area.

As part of the application, a Landscape and Visual Assessment has been submitted. This assessment states that it has been developed from a number of sources, including the Guidelines for Landscape and Visual Impact Assessment (2<sup>nd</sup> Edition). This assessment uses the submitted site specific description as the basis for the assessment and identifies the application site as LCT 1, - Shavington Townscape and Nucleated settlement - an area

characterised by a variety of development forms, primarily residential, rather than part of the wider agricultural, rural landscape. Shavington Hall (Listed grade II) and its associated grounds and gardens are also included within this character type.

The Council's Landscape Officer has considered the Assessment and does not consider that the methodology used, nor the site specific character description or visual assessment allows an accurate assessment of the landscape and visual effects that the proposed development would have. He feels that the proposals would have a far more significant landscape and visual impact than the assessment indicates.

In reality the proposed development would result in the area becoming part of the urban part of Shavington. As such, it would no longer have an agricultural character and would no longer be able to maintain its designated function as a Green Gap. The proposed development will clearly erode the physical gaps between the built up areas and fundamentally change the existing agricultural landscape character into an urban character and so in landscape terms is contrary to policy NE4.

The application site is located within the area designated as Green Gap under Policy NE.4 of the Crewe and Nantwich Replacement Local Plan 2011. This policy specifically states that approval will not be given for construction of new buildings or the change of use of existing buildings or land would:

- Result in erosion of the physical gaps between built up areas: or
- Adversely affect the visual character of the landscape.

In addition, the application site is adjacent to Shavington Hall: a Grade II listed building: Part of the access road and mature tree lined avenue also falls within the application site boundary. As part of the proposed development, part of the route would need to be realigned and this would result in the removal of the stone entrance piers and walls as well as a number of mature trees, a number of which have TPO's. The landscape and visual assessment submitted does not adequately assess the impact that the proposed development would have on the area surrounding Shavington Hall and it would be difficult to see how any examination and comparison of the proposed Photoviewpoint 1, with the existing Photoviewpoint 1, could be considered as described, *'Site access off Weston Lane, the overall visual experience and context will remain largely unchanged'* ( 4.28 Visual effects).

The Landscape Officer is of the opinion that the proposed development will also be contrary to Policy BE.9 of the Crewe and Nantwich Replacement Local Plan 2011. This policy specifically states that approval will not be given where a proposal detracts from the character or setting of the building concerned, especially with regard to its surrounding gardens, landscape, street scene or relationship with adjoining buildings and significant views.

## **Layout, Design and Conservation Issues**

### **Context**

Shavington Hall is a grade II listed country house which historically was served by a formal tree lined and landscaped driveway to the west of the hall from Weston Lane. This has evolved into a mature landscape with lakes on the eastern side as part of the Hall grounds

and an avenue of mature trees. The drive also serves some properties in converted barns to the north west of the Hall.

Historically the Hall would have been isolated from the village, but the 20th century saw the village expand toward it, with housing along Weston Lane and the construction of the Park Estate. But, the field that comprises the application site provides some green separation for the Hall from the encroachment by this more recent housing (hence its designation as part of the Green Gap in the Local Plan).

The historic entrance to the hall is defined by curved stone walling topped by iron railings and carved piers, framing the narrow driveway. This creates a distinctive and memorable entrance, although it has been overshadowed in recent times by a new entrance on the eastern side of the Hall's frontage. The historic access still provides the potential for access to the Hall and to the converted buildings to the rear. The condition of this historic entrance has deteriorated but it is still largely intact. The gateway entrance and the tree lined driveway leading from it create a strong sense of arrival to the site and are significant to the Hall and its setting, also helping to define and announce it on Weston Lane.

The proposal is for a development of estate houses on the farmland to the west of the hall. Vehicular access would be gained via the historic entrance and part of the driveway, deviating away from its alignment approx 20-25 metres into the site, leading to loss of several mature trees. The site also includes the land east of the driveway between it and the southernmost pond.

The proposed housing would be focused upon 3 cul-de-sacs situated off this new access, providing a mix of housing with de-formalised street arrangement within the cul-de-sacs themselves but with a formally designed principal street for much of its length. Housing along the eastern, northern and southern edge of the site is of a detached typology with clusters of higher density terraced, grouped and semi detached houses located in the western part of the site. The central cul-de-sac is focused upon an urban square arrangement whilst the other 2 are more conventional turning head designs. Much of the proposed parking is on plot but frontage parking does characterise the higher density parts of the site. A buffer of greenspace runs along the northern and eastern boundaries. Toward the south it captures some of the existing trees alongside the drive, whilst on the northern edge it includes mature trees along the northern field line. The housing designs are standard designs rather than bespoke to the site.

### ***Built Heritage***

There will be no impact upon the fabric of Shavington Hall itself. The proposals will impact significantly upon the gate piers, walling and railings at the historic entrance to Shavington Hall. These elements form part of the historic curtilage of the hall and an important part of its setting.

The supporting information states that the entrance is in poor condition and its significance in terms of the site has been reduced by it no longer being the hall's main entrance. It proposes that the gate posts and wall will be relocated and refurbished, on a revised alignment. It also states the revised entrance will *"allow the viewer to appreciate and interpret the entrance as*

*forming the historic access to a house of some significance” and “the proportionality and arrangement of the walls and gate posts will remain, albeit re-sited”.*

However, the images presented in the Design and Access Statement at page 27 clearly demonstrate the extent of change that would take place to the gateway and the extremely adverse impact this will have, both in terms of historic fabric and setting. This would amount to substantial harm to the setting a designated heritage asset, with little or no public benefit that would outweigh that harm.

The primary orientation of the Hall is to the south, with the historic working area to the rear to the north west. Historically, the Hall developed with access from the south west off Weston Lane (the point where access to the scheme is proposed) and with the main ornamental grounds to the south of the Hall. The access ran alongside ornamental lakes within this area, as it still does to this day.

The ‘polite’ arrangement of the access and drive and its associated gateway structures and trees/landscape play a major part in creating the sense of arrival to the hall, notwithstanding that a newer entrance has been created. Therefore, in terms of historic landscape and setting, the impressions created and how the asset is experienced from this feature are a key element of its setting. The proposals would fundamentally alter such impressions due to the unsympathetic modern estate road design, in place of an historic, tightly defined entrance. This entrance is presently channelled and narrowed by the gateway structures, as views are drawn along the drive by the mature tree lined route. This historic and characterful arrangement would be detrimentally affected by the proposed suburban approach illustrated in the Design and Access Statement.

These concerns have been brought to the attention of the developer, who has responded through the submission of a revised access arrangement which in their view strikes the planning balance to maintain the entrance feature and walls, albeit altered on the eastern side. The developer considers that the tree lined nature of the old access to the hall is not to be a formally planted avenue and that changes have occurred to the access and formation of the new hall access to the east changing the position. It is their case that the impact on the retained trees, loss of three TPO trees for the access, and new planting will not lead to significant visual impact or harm as alleged.

Whilst this plan was considered by officers to be the least harmful of the options tabled by the developer for access modifications, there are still heritage concerns including impact upon the setting of the Listed Hall arising from the reconfiguration of the access and the impact upon the mature trees that hold both heritage and wider amenity value. It is considered that this will still have a significant impact on the sense of arrival and appreciation of the hall, which are important aspects of both the historic and present day setting of the listed building.

Officers remain concerned about the need to modify the existing entrance pillar/walling but note the reduction in impact on this asset in option 2 both in terms of the impact on the entrance pillar wall as a non-designated heritage asset in its own right and the setting of the listed hall.

Paragraph 133 of the NPPF states:



*“Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.”*

Paragraph 135 of the NPPF states:

*The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*

To a lesser extent the development of the land to the west of the Hall will impact upon its setting, partly as a consequence of the nature of the scheme as a relatively high density, suburban scheme. Whilst the landscape on the eastern edge of the site will soften the relationship, the housing will still be visible from the hall. This will lead to less than substantial harm.

### ***Design considerations***

The urban nature of the scheme sits uncomfortably in this historic setting. The density and nature of the housing is considered inappropriate in a location which, in essence, is open countryside. The design solutions within the layout reinforce an urban character with hard spaces such as the urban square. This is typified by the very urban approach to accessing the site.

The scheme utilises standardised design solutions rather than this being a bespoke design for this sensitive site. A lower density scheme, with an informal design philosophy, driven by its relationship to the hall and the rural location, would be far more sympathetic and positive.

In terms of the architecture, the designs are standard off the peg designs rather than architecture tailored to this sensitive site. Given this context, this type of bespoke design philosophy is considered essential if a housing scheme is to successfully integrate with the rural character of the area and relationship to the Hall and its grounds.

The scale of the development is generally 2 storey. This is considered to reflect the low rise character of the Shavington area. This will also help to ensure the primacy of the Hall.

The net effect of the proposal is of an ‘off the peg’ estate type development creating an urban housing character in proximity to the Listed Hall and its grounds and which, in essence, is in open countryside. This is completely at odds with the character of the area.

The landscape design seems to be driven by the ecological needs of the site as opposed to a more rounded view on the creation of quality landscape/public realm, that also responds positively to the landscape environs of the hall that are so important to its setting and sense of place. The loss of trees along the driveway to accommodate the access amplifies how far the scheme is out of sync with its context in design and landscape terms.

Within the layout, the street design is overly formal for the context and scale of scheme, reinforcing the urban characteristics that jar with the rural location and historic setting.

Summing up, the NPPF at Para 64 states: *“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”*. This proposal clearly does not meet this requirement.

The submission of the amendments to the scheme, both in terms of the revisions to the access arrangements and the changes made in order to make provision for the new mitigation area does not adequately address the aspect of the impact of the proposed development on the setting of the hall arising from the relationship of the proposed housing to it and its grounds, (particularly as a consequence of its density and the generic design of the proposal). Although of lesser significance than the impact of the access, it seems at odds with the rural edge context.

Given these issues, it is considered that, the cumulative heritage impact would remain significant and harmful to the setting of the hall as a listed building (despite the amended plans).

From a more general design perspective, there is still concern that the generic character of the scheme is not responding positively to the character of the site as a transition from village to countryside or its location in proximity to a listed building and its grounds. Consequently, it is not taking the opportunities available for improving the character and quality of the area and the way it functions. Therefore, it is not in accordance with paragraph 64 of the NPPF.

## **Conclusions**

This proposal is detrimental in both built heritage and general design terms. When the various impacts are considered cumulatively, it will lead to substantial harm to designated heritage assets without substantial demonstrable public benefit. In design terms the scheme fails to capitalise on the characteristics and qualities of the site derived from its landscape setting, rural location and proximity to nearby heritage assets. As a consequence, the development is not considered to be sustainable within the context of the NPPF and should therefore be refused.

## **Impact upon trees**

### **Direct losses**

The revised proposals will result in the loss of three protected trees (a Lime, Sycamore and Ash) to accommodate the proposed access.

In assessing the loss of these trees, the original Arboricultural Impact Assessment stated that these removals represent the most significant visual impact (para 7.2). The subsequent Addendum (with reference to photographs at Appendix 1) now states that the visual impact of the removal of these trees can be described as minimal.

It is considered that the use of one view point in the photographic evidence to demonstrate the impact of the loss of the trees does not show adequately the loss and context, particularly in terms of the setting to the access and driveway.

Regard should be given to the original report that states that the Lime and Sycamore were given a B1 classification (in accordance with *BS5837:2012 Trees in Relation to Design Demolition and Construction: Recommendations*.) For the purposes of this categorisation these trees are a material constraint and worthy of retention. The Ash (T4) has been graded as a C1 low category tree, although there is no suggestion in the report that this tree is in anyway in an impaired condition that would warrant its inclusion within this particular category.

The magnitude of these losses has to be considered in the context of any temporary or permanent change, taking into account any mitigation measures proposed. In this regard, the addendum report states at 2.0 that *"it would be nonsensical to expect new planting to immediately recreate the extent of canopy cover from the trees removed"*. This statement clearly identifies and demonstrates that there is recognised harm and clearly represents an obvious change to a landscape element that has significance to the setting of the listed building and the access and driveway to the hall.

The Landscape Strategy Plan identifies proposals for replacement planting within the vicinity of the proposed access. Such planting is predominantly on the east side and will therefore not recreate the informal avenue of trees which currently exists. Much of the planting will be located close to existing retained mature trees and will be in competition from shading, water and nutrients availability. The proposed planting is proposed to be 'standard' nursery stock (2.5-3 metres in height). In this respect it is considered that the statement that *"replacement planting, which if properly maintained, can provide canopy closure relatively quickly"* is not a realistic proposition that would ensure appropriate mitigation for the long term loss of trees.

The addendum dismisses the significance of the trees in terms of their contribution to the setting of the listed building. It should be noted that whilst Government advice stresses the importance of trees in terms of the importance visually and appearance, other factors including contribution to the landscape setting and historic associations can legitimately be part of the trees amenity and are legitimate considerations.

A further four low (C2 Category) trees (T11-T14) are proposed for removal. It is accepted that the loss of these particular trees can probably be adequately mitigated as illustrated by planting within the defined POS.

### ***Damage to roots***

British Standard BS5837:2012 requires that structures should be located outside the Root Protection Areas unless there is an overriding justification. It still remains to be demonstrated that there is a technical solution that can maintain the integrity of the rooting and soil environment that would ensure the long term viability of the retained trees. Such solutions are required to be clearly demonstrated at the planning application stage that they are viable and achievable. In this regard the Arboriculturist states that impact on trees can be minimised by raising levels rather than excavating, but has not provided how these levels will be reasonably accommodated across the site without further impact and detriment to trees.

## **Conclusion**

This proposal will result in the direct loss and the threat to the continued well being of trees protected by a Tree Preservation Order. These contribute to the amenity of the area and a designated heritage assets. The scheme fails to demonstrate that there would be adequate mitigation for the loss of trees, how the rooting and soil environment of retained trees can be adequately protected from damage, and that the health, long term viability and safe well being of these trees can be maintained.

## **Economic Growth Implications**

The Written Ministerial Statement: Planning for Growth (23 March 2011) goes on to say *“when deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development.”* They should, inter alia, consider fully the importance of national planning policies aimed at:

- fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession;
- take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing;
- consider the range of likely economic, environmental and social benefits of proposals;
- ensure that they do not impose unnecessary burdens on development.

It is clear that the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to the town including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain. However, this is not considered to outweigh the harm that would be caused in terms of impact on the Open Countryside and the Green Gap.

## **Loss of Agricultural Land**

Policy NR8 of the Local Plan states that proposals which involve the use of the best and most versatile agricultural land (grades 1, 2 and 3a based on the ministry of agriculture fisheries and food land classification) for any form of irreversible development not associated with agriculture will only be permitted where all of a number of criteria are satisfied.

The applicant has submitted an agricultural land classification study prepared by Soil Environment Services Ltd which concludes that the application site is a combination of 0.86ha of Grade 2 and 1.37ha of grade 3b agricultural land. It is therefore predominantly the poorer quality and less versatile grade 3b land. As such, it is considered that the proposal complies with the requirements of this policy without the need for assessment against the criteria. Consequently, the site is appropriate for development, in line with the sequential approach to the development of agricultural land, as set out in the NPPF.

## **Contaminated land**

The Council's Environmental Health officers have commented that the application is an outline application for new residential properties which are a sensitive end use and could be affected by any contamination present.

The applicant has submitted a geo-environmental investigation report with the planning application. Although the site is considered to be suitable for its proposed use with respect to soil contamination, the report recommends further work with respect to risks from ground gases. This can be secured by condition.

Environmental Health have also recommended that this report is passed to the Environment Agency for their comments on the Controlled Waters risk assessment. The Environment Agency has examined the application and raised no objection subject to the imposition of appropriate conditions.

### **Air Quality**

The site is not located within or close to any designated Air Quality Management Areas. Therefore, Environmental Health have raised no objection in principle on Air Quality grounds. However, they have recommended the submission and implementation of mitigation measures to minimise any impact on air quality arising from construction dust. This can also be secured by condition.

### **Noise Impact**

The site is located close to the A500 Shavington bypass. Consequently, there is potential for noise disturbance to the occupants of the proposed dwellings. Therefore, Environmental Health have recommended that no development should commence until an assessment of this potential impact and, if necessary, a scheme for protecting the proposed dwellings from noise has been submitted to and approved by the Local Planning Authority. All works which form part of the scheme shall be completed before any of the dwellings are occupied. This can be easily secured by condition.

### **Drainage and Flooding**

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

- *The flood zone maps show that the site lies within Flood Zone 1, this means the site is at little or no risk of flooding with an estimated annual probability of river flooding of 1 in 1000 years (i.e. a less than 0.1% chance in any given year)*
- *In flood zone 1 all proposed land uses are appropriate as confirmed in tables 2 and 3 of the Technical Guidance to the NPPF*
- *Swill Brook, a tributary of Valley Brook is located approximately 0.3km south of the site.*
- *Ground Investigation work has identified the underlying geology to be interbeds of cohesive clay with shallow groundwater levels. Therefore infiltration drainage would not be viable form of drainage solution for the surface water from the proposed development.*

- *The geological maps show the site has superficial deposits of Lacustrine Deposits in the southwest of the site, with Glacial Till underlying the remainder. With solid geology comprising mudstones, siltstones and the Triassic aged Sidmouth Mudstone Formation. Made Ground was found in only one location on the eastern boundary of the site to a depth of 0.3m. Groundwater was discovered as low as 0.5m below ground level.*
- *It is proposed to drain surface water from the development to Swill Brook to the south of the site across the open arable land on the south of Weston Lane. The flow will be attenuated for all events up to a 1 in 30 year change storm even using oversized pipes beneath the proposed highway. Any additional surface water occurring in a 1 in 100 year storm event will; be retained above ground within the site boundary and the signed 450mm deep depression in the POS area in the north eastern corner of the site,.*
- *Discharge rates from the system will be controlled through the use of a Hydrobrake. The total flow from the site will be limited to the equivalent 1 in 1 year Greenfield raerte for the development of 10.6l/s for all return periods up to and including the 1 in 100 year +30% climate change event.*
- *It is proposed to discharge the foul sewerage from the site to the United Utilities public combined sewer to the south of West Lane. The northern portion of the site which sits at a lower level will drain to a pumping station located to the west of the site with a rising main out falling to the new section of gravity sewer which will serve the southern half of the development. Untied Utilities have confirmed capacity and that the necessary connection can be made.*

Although comments were awaited from United Utilities at the time of report preparation, the Environment Agency have considered the report and raised no objections subject to the imposition of appropriate planning conditions. It is therefore concluded that the proposed development will not adversely affect onsite, neighbouring or downstream developments and their associated residual flood risk.

## **Open space**

Policy RT.3 requires that on sites of 20 dwellings or more, a minimum of 15sqm of shared recreational open space per dwelling is provided and where family dwellings are proposed 20sqm of shared children's play space per dwelling is provided. This equates to 855sqm of shared recreational open space and 1,140sqm of shared children's play space which is a total of 1,995sqm of open space.

The applicant states that a small area of open space will be provided within the site and that a Commuted Sum will be paid to provide additional open space off-site. The amount to be paid and exactly what this is to be for is not made clear.

The findings of the 'Local Service Centres Open Spaces Summary Report', for Shavington should also be noted-

- There is a shortage of outdoor sports facilities of 4ha.
- Residents on the eastern and southern edges of the village are more than 1km or 15-20 minutes walk from local pitch facilities.
- There is a lack of amenity green space, within the village, with only one site – the Vineyard.

- There is a shortage of children's play space of 2.13ha (there are only 2 play areas at Vine Tree Avenue and Wessex Close.)
- There is only one allotment site which is beyond the 15 to 20 minutes walking distance threshold for the majority of residents. Allotments are required in a more accessible location.

The Council's Greenspaces Officer has stated that in this case he would be willing to accept a contribution of £25,000 towards improvements at the Wessex Close play area in lieu of the shortfall in on-site provision. This could be secured through the Section 106 agreement along with a private resident's management company to maintain the on-site provision.

### **Amenity**

It is generally considered that in New Residential Developments, a distance of 21m between principal windows and 13m between a principal window and a flank elevation is required to maintain an adequate standard of privacy and amenity between residential properties.

The submitted layout demonstrates that 54 dwellings could be accommodated on the site, whilst maintaining these minimum distances between existing and proposed dwellings. It also illustrates that the same standards can be achieved between proposed dwellings within the new estate.

A minimum private amenity space of 50sq.m is usually considered to be appropriate for new family housing. The indicative layout indicates that this can also be achieved. It is therefore concluded that the proposed development would be acceptable in amenity terms and would comply with the requirements of Policy BE.1 of the Local Plan.

### **Education**

The Council's Education Officer has examined the application and concluded that a development of 57 dwellings will generate 9 primary aged children and 7 secondary age children. There is sufficient capacity within the local secondary schools to accommodate the pupils generated. However, the primary schools are forecast to be oversubscribed from 2014 and in light of this a contribution of £97,617 would be required to accommodate the pupils which are generated. This can be secured through the Section 106 Agreement.

### **Highway Safety and Traffic Generation**

A Transport Assessment has been submitted with the application which concludes that:

- *The site is accessible by non-car travel modes and will provide a sustainable development.*
- *The site access point on Weston lane will provide a safe point of entry into the site for all road users including pedestrians and cyclists.*
- *The site will enable servicing to take place without causing any detriment to the adjoining highway network.*
- *The proposed parking provision across the site will adequately cater for the needs of the development*

- *The development provides road users with a good range of alternative travel options to the private car thus according with paragraph 32 of the NPPF*
- *The proposal will not have a material impact on the adjoining highway network.*
- *In conclusion, the report demonstrates that against national and local highways design standards there should be not technical objections on highways and transportation grounds relating to the proposal.*

The Strategic Highways Manager has examined the application and raised no objection subject to the provision of improvements to the existing footway along Weston Lane to the west of the site, detailed plans for all off-site highways works and proposed on-site access roads. These could be secured through conditions attached to any approval.

The developer has offered to provide a controlled pedestrian crossing on Crewe Road, to facilitate movement on the pedestrian desire line between properties lying to the east of Crewe Road and Shavington Primary School. This measure has been identified following consultation with the local parish council, and is considered to be of potential benefit to the local pedestrian environment, and assist in facilitating safe travel on foot to the local primary school. The proposed location of the crossing would be approximately 180m to the south of the priority junction with Weston Lane.

Whilst the developer is offering to provide this facility as a good-will gesture to the local community, they do not consider that is necessary in order to make the development acceptable in planning terms. The Strategic Highways Manager has concurred with this view, and therefore to include it as a requirement within the planning conditions or the terms of the Section 106 Agreement would not comply with the requirements of Circular 11/95 "Use of Conditions in Planning Permission" and the CIL Regulations respectively. However, if the developer wishes to provide the crossing, there would be no objection from the Highways Department to its installation.

## **Affordable Housing**

The Council's housing officer has commented that it is unclear whether the affordable housing offer meets the required tenure split of 65% rented affordable housing, 35% intermediate. The Planning Statement suggests the affordable homes will be for first time buyers, indicating that the required tenure split would not be met.

The site is located in Shavington-cum-Gresty which is in the Wybunbury and Shavington sub-area. The SHMA 2010 has identified a requirement for 31 new affordable homes per year between 2009/10 – 2013/14 made up of a need for 5 x 1 beds, 10 x 2 beds, 4 x 3 beds, 7 x 4/5 beds and 4 x 1/2 bed older person dwellings.

In addition to this information, Cheshire Homechoice, which is used as the choice based lettings method of allocating social rented accommodation across Cheshire East, indicates that there are currently 89 applicants on the housing register who have selected Shavington as their first choice. These applicants require 26 x 1 bed, 38 x 2 bed, 16 x 3 bed and 5 x bed properties.

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 17 affordable units in total on this site, split as 11 for social or affordable rent and 6 for intermediate tenure.

The Planning Statement indicates that the applicant is offering provision of 17 affordable dwellings, which meets 30% affordable housing provision required. Whilst the tenure split is unclear, the required mix could be secured through the Section 106 Agreement. The revised layout reduces the total number of homes from 57 to 54 which means that the number of affordable homes reduces from 17 to 16 in line with the 30% policy requirement.

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.

It is the Council's preference that the affordable housing is secured by way of a S106 agreement, which requires the developer to transfer any rented affordable units to a Housing Association and includes the requirement for the affordable house scheme to be submitted at reserved matters and also includes provisions that require the affordable homes to be let or sold to people who are in housing need and have a local connection. The local connection criteria used in the agreement should match the Council's allocations policy. This is in accordance with the Affordable Housing IPS which states that:

*"the Council will require any provision of affordable housing and/or any control of occupancy in accordance with this statement to be secured by means of planning obligations pursuant to S106 of the Town and County Planning Act 1990 (as amended)"*

It also goes on to state that:

*"in all cases where a Registered Social Landlord is to be involved in the provision of any element of affordable housing, then the Council will require that the Agreement contains an obligation that such housing is transferred to and managed by an RSL as set out in the Housing Act 1996"*

It is therefore the preferred option that the developer undertakes to provide any social or affordable rented affordable units through a Registered Provider who are registered with the Tenant Services Authority to provide social housing. This can be secured through the Section 106 agreement.

## **9. CONCLUSIONS**

The site is within the Open Countryside where, under Policy NE.2, there is a presumption against new residential development. The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development. However, the 2013 SHLAA shows that the Borough has an identified a deliverable housing supply of 7.15 years and therefore the automatic presumption in favour of the proposal does not apply.

The proposal does not accord with the emerging Development Strategy. Previous Appeal decisions have given credence to such prematurity arguments where authorities can demonstrate a five year supply of housing land.

The proposal would have a far more significant landscape and visual impact than the applicants Visual Impact Assessment indicates. They would adversely affect the visual character of the landscape and would result in erosion of the physical gaps between built up areas. Given that there are other alternatives sites which are not subject to Green Gap policy which could be used to meet the Council's housing land supply requirements, the proposal is considered to be contrary to Policy NE.4.

Furthermore, the proposed development would also be contrary to Policy BE.9 of the Crewe and Nantwich Replacement Local Plan 2011. This policy specifically states that approval will not be given where a proposal detracts from the character or setting of the building concerned, especially with regard to its surrounding gardens, landscape, street scene or relationship with adjoining buildings and significant views.

This proposal will result in the direct loss and the threat to the continued well being of trees protected by a Tree Preservation Order that contribute to the amenity of the area and a designated heritage assets. The scheme fails to demonstrate that there would be adequate mitigation for the loss of trees, how the rooting and soil environment of retained trees can be adequately protected from damage, and that the health, long term viability and safe well being of these trees can be maintained.

The proposal will also lead to substantial harm to the setting of Shavington Hall as a consequence of the alterations to the gateway and drive, (including changing the dimensions and character of the entrance and driveway, plus loss of important trees.) There is no demonstrable public benefit to outweigh this. The nature and quality of the new housing will adversely impact upon the setting of Shavington Hall, namely views out from the Hall over the site. It is considered that when taken cumulatively, the proposals will lead to substantial harm to the heritage asset, its curtilage and its setting with no demonstrable public benefit. This is contrary to the provisions of the NPPF, rendering the development unsustainable. The quality of the proposal is not sufficiently high in design terms to meet the requirements of the NPPF in respect to delivering sustainable development.

The applicant has also failed to demonstrate that the scheme will not have an adverse impact on Great Crest Newt populations living on or adjacent to the site, which is contrary to both Local Plan policy and the provisions of the NPPF.

In terms of sustainable design, the scheme does not adequately demonstrate its performance in terms of climate change mitigation and adaptation. However, this could be dealt with by condition.

Following the successful negotiation of a suitable Section 106 package, the proposed development would provide adequate public open space, the necessary affordable housing requirements and monies towards the future provision of primary school education.

The proposal is considered to be acceptable in terms of its impact upon residential amenity, highways, drainage/flooding. It therefore complies with the relevant local plan policy requirements for residential environments

Whilst the site does not meet all the minimum distances to local amenities and facilities advised in the North West Sustainability toolkit, all such facilities are accessible to the site, and it is not considered that a refusal on sustainability grounds could be justified.

Whilst the proposal will result in the loss of 0.86ha of Grade 2 agricultural land, the majority of the site (1.37ha) is grade 3b. It is therefore predominantly the poorer quality and less versatile grade 3b land that will be lost and it is considered that the proposal complies with the requirements of this policy without the need for assessment against the criteria. Therefore, the site is also appropriate for development in line with the sequential approach to the development of agricultural land as set out in the NPPF.

However, these are considered to be insufficient to outweigh the harm that would be caused in terms of the impact on the open countryside and the Green Gap, protected trees and the setting of Shavington Hall. As a result, the proposal is considered to be unsustainable and contrary to policies NE2 and NE4 of the local plan and the provisions of the NPPF in this regard.

## **10. RECOMMENDATION**

**REFUSE for the following reasons:**

- 1. The proposal is located within the Open Countryside and Green Gap and would result in erosion of the physical gaps between built up areas. Given that there are other alternative sites which could be used to meet the Council's housing land supply requirements, the proposal is considered to be contrary to Policies NE2 and NE.4 of the Borough of Crewe and Nantwich Replacement Local Plan, the National Planning Policy Framework and the emerging Development Strategy which seek to protect its intrinsic character and beauty.**
- 2. The proposed development would result in the area becoming part of the urban part of Shavington, As such, it would no longer have an agricultural character and would no longer be able to maintain its designated function as a Green Gap. The proposed development will clearly erode the physical gaps between the built up areas and fundamentally change the existing agricultural landscape character into an urban character and so in landscape terms is contrary to policy NE.4 of the Borough of Crewe and Nantwich Replacement Local Plan which seeks to maintain the definition and separation of existing communities and prevent Crewe and Shavington merging into one another.**

3. The proposed development by virtue of its size and siting would result in the direct loss of existing trees which are the subject of the Crewe and Nantwich Borough Council (Weston Lane, Shavington) TPO 1979. The loss of these trees is considered to be unacceptable because of the impact upon the general amenity and character of the area in which the application site is located contrary to Policy NE.5 (Nature Conservation and Habitats) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the provisions of the National Planning Policy Framework.
4. The proposed development by virtue of its size and siting would result in a threat to the continued well being of existing trees which are the subject of the Crewe and Nantwich Borough Council (Weston Lane, Shavington) TPO 1979. The loss of these trees is considered unacceptable because of the impact upon the general amenity and character of the area in which the application site is located contrary to Policy NE.5 (Nature Conservation and Habitats) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the provisions of the National Planning Policy Framework which seeks to conserve and enhance biodiversity and the prevent loss or deterioration of irreplaceable habitats including trees.
5. The alterations to the gateway and drive, including changing the dimensions and character of the entrance and driveway, loss of important trees, the nature and quality of the new housing and relationship of the proposed housing to the Grade II Listed Shavington Hall and its grounds, when taken cumulatively, will lead to substantial harm to the setting of the heritage asset, with no demonstrable public benefit. The quality of the proposal is not sufficiently high in design terms and detracts from the character or setting of the building concerned, especially with regard to its surrounding gardens, landscape, street scene or relationship with adjoining buildings and significant views and fails to take the opportunities available for improving the character and quality of the area and the way in which it functions contrary to Policy BE.9 of the Crewe and Nantwich Replacement Local Plan 2011 and the provisions within the NPPF, rendering the development unsustainable.
6. The application fails to provide sufficient information to quantify and mitigate any impact on species protected under the Wildlife and Countryside Act 1981 and Habitat Regulations in accordance with Policies NE.5 (Nature Conservation and Habitats) and NE.9: Protected Species of the Crewe and Nantwich Replacement Local Plan 2011, Policy DP7 (Promote Environmental Quality) of the North West of England Plan Regional Spatial Strategy to 2021 and the provisions of the National Planning Policy Framework.

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