

Application No: 13/2135N

Location: LAND AT GRESTD GREEN, GRESTD GREEN ROAD, SHAVINGTON-CUM-GRESTD, CREWE

Proposal: FULL PLANNING APPLICATION FOR THE DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF A RESIDENTIAL DEVELOPMENT WITH ASSOCIATED ACCESS AND LANDSCAPING ARRANGEMENTS AT LAND AT GRESTD GREEN, CREWE

Applicant: Martin Parry, BELLWAY HOMES

Expiry Date: 20-Aug-2013

SUMMARY RECOMMENDATION

1. REFUSE

MAIN ISSUES

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

REASON FOR REFERRAL

This application is referred to the Strategic Planning Board as it relates to a departure to the Local Plan.

1. DESCRIPTION OF SITE AND CONTEXT

The application site is located to the west of Gresty Green Road and to the north of Gresty Lane within the open countryside as defined by the Borough of Crewe and Nantwich Replacement Local Plan 2011.

The site includes Gresty Green Farm which comprises a traditional farmhouse and a range of modern and traditional farm buildings. The majority of the site is a relatively flat field which is bound by traditional hedgerows and a number of large trees.

To the north of the site is a railway line with a depot beyond. To the opposite side of Gresty Green Road is a mix of residential properties which vary in height from single-storey to two-storey. To the east of the site are storage buildings which are occupied by Crewe Cold Stores.

2. DETAILS OF PROPOSAL

This is a full planning application for the erection of 51 dwellings. Access to the site would be taken from Gresty Green Road. The development would consist of 38 four bedroom dwellings, 11 three bedroom dwellings and 2 two bedroom dwellings. All of the properties on the site would be two-storeys in height. Public Open Space would be provided in three separate parcels, the largest would be located alongside the railway with two smaller parcels located onto the frontage with Gresty Lane.

3. RELEVANT HISTORY

11/2212N - Demolition of buildings. Residential development with associated access & landscaping – Refused 3rd October 2012 for the following reason:

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

This application is currently subject to an appeal.

4. POLICIES

National Planning Policy

National Planning Policy Framework

Local Plan policy

BE.1 – Amenity

BE.2 – Design Standards

BE.3 – Access and Parking

BE.4 – Drainage, Utilities and Resources

BE.5 – Infrastructure

BE.6 – Development on Potentially Contaminated Land
NE.2 – Open Countryside
NE.5 – Nature Conservation and Habitats
NE.9 – Protected Species
NE.17 – Pollution Control
NE.20 – Flood Prevention
RES.7 – Affordable Housing
RES.3 – Housing Densities
RT.3 – Provision of Recreational Open Space and Children's Playspace in New Housing Developments

Other Considerations

'Planning for Growth'

'Presumption in Favour of Economic Development'

Draft National Planning Policy Framework

The EC Habitats Directive 1992

Conservation of Habitats & Species Regulations 2010

Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System

Interim Planning Statement Affordable Housing

Interim Planning Statement Release of Housing Land

Cheshire East Development Strategy

Cheshire East SHLAA

5. CONSULTATIONS (External to Planning)

Environment Agency: No comments received but as part of the last application they stated that:

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

- The development hereby permitted shall not be commenced until such times as a scheme for the provision and implementation of a surface water regulation system has been submitted to, and approved in writing by, the local planning authority.

-The development hereby permitted shall not be commenced until such time as a scheme for the management of overland flow from surcharging of the on-site surface water drainage system has been submitted to, and approved in writing by, the Local Planning Authority.

United Utilities: No comments received but as part of the last application they stated that they had no objection

Network Rail: The proposed development could impact upon Network Rail sites in the area:

- Potential noise from the existing rail works within the vicinity of the site
- Smell and fumes from railway infrastructure
- Any necessary attenuation must be provided
- A significant bund will be required on the site
- Existing light pollution from the surrounding land uses
- Potential highway safety issues
- Security risk for the existing railway infrastructure

Strategic Highways Manager: The specific highway issue of this development relates to the traffic impact on the local highway network at Nantwich Road/South Street junction and even though this development will produce a small impact there is still some increase and therefore it is right that contribution is secured from the development.

CEC have designed an improvement scheme at this junction and the applicant has offered to provide a £51,000 contribution towards these measures. The junction changes required at Gresty Lane/Gresty Green Lane are required to be fully funded by the developer and will be secured by a S278 Agreement. Subject to the financial contribution being secured there are no highway objections raised.

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

Education: Applying the current pupil yields then a development of 51 dwellings will generate 9 primary and 7 secondary pupils.

Primary - The primary schools are forecast to be oversubscribed and therefore a contribution of £97,617 will be required.

Secondary – The local schools are forecast to have sufficient places available to accommodate the pupils generated.

Natural England: The proposal is unlikely to affect any statutorily protected sites or landscapes. A bat migration condition should be attached to any planning permission.

Public Open Space: No comments received but as part of the last application they stated that:

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

6. VIEWS OF THE PARISH COUNCIL

Object to the application on the following grounds;

- The application is premature because houses will not be needed until the Basford East employment sites are completed
- Access will be dangerous until the Basford East Spine Road is completed and removes traffic from Crewe Road
- The local Crewe and Nantwich plan is still in force and this site is outside the settlement boundary shown on it
- A new Parish Plan for Shavington-cum-Gresty is currently underway and this proposed development should await its findings
- The access roads are dangerous and inadequate - Gresty Lane is already a dangerous rat-run with a fatal accident only recently
- Gresty Green Lane is a narrow cul-de-sac unsuited to traffic. It is not a through road
- The junction with Crewe Road at the Cheshire Cheese is dangerous enough already without any further traffic movement
- The proposed modification to the junction would make things worse and not improve the situation
- There have been three fatal accidents in the vicinity
- The site is green field farmland, originally green-gap itself and now adjacent to the green gap. It divides Crewe from Shavington
- There are protected bats on the site and the remedial measures are considered inadequate. The proposed seating area would become a magnet for rowdy undesirables
- The building of the houses will kill or remove all bats contrary to the law which is in place to protect them - there would also be no food supply for the bats once the houses were built
- The local infrastructure is inadequate to cope with additional house building
- There are insufficient places at local primary schools: Pebble Brook and Shavington Primary Schools
- There is already a significant drop in electricity supply voltage at peak times
- The existing drains are already unable to take heavy rainwater now
- Crewe Road extremely busy and overloaded with traffic, particularly at peak hours
- Mains water pressure in the drops dramatically at peak times already
- The doctors surgery is at capacity, and there are no local dentists - the waiting time at Leighton hospital has increased considerably already
- The development is outside the settlement boundary
- The boundary is currently defined by the local plan which has not yet been replaced and which was confirmed on appeal by an Inspector
- The Council's current policy is for development IN villages and NOT at the edge of Crewe
- The Council's current policy is for the villages to be separated from Crewe not joined up with Crewe by new housing sites
- The site is subject to flooding
- The Gresty brook takes all surplus surface water from the surrounding area and it already floods the site
- This development and the approved Basford West Industrial site will reduce the grass soakaway areas
- here will therefore be even more surface water and this site will flood badly and often
- Noise and Smell - the site is adjacent to a busy railway and the noise level would severely disturb new householders
- The site is adjacent to the Morning Foods factory with odours and noise which would reduce the amenity of new houses
- Loss of Amenity to Others - the development will cause loss of amenity particularly to the homes on Gresty Green Road

- Additional pressure on the infrastructure will cause loss of amenity to all local residents
- The increased development in Shavington parish will substantially change the locality and destroy its suburban village ethos

7. OTHER REPRESENTATIONS

Letters of objection have been received from the occupants of 4 properties, raising the following points;

Principal of the development

Loss of Greenfield land

The settlements of Crewe and Shavington should be kept separate

Increased number of homes in the Shavington area

Loss of open countryside

Loss of Green Belt

Excess housing in Crewe

Highways

Increased traffic congestion

Parking problems

Highway safety

The roads in the area are of a poor quality

Infrastructure

Existing schools are full

Health centre and local dentists are full

Ecology

Impact upon protected species

Loss of habitat

Impact upon wildlife

Other issues

No demand for new houses

The location of the site is not sustainable

Lack of a Flood Risk Assessment

Increased flooding from the site

Lack of employment in Crewe

A letter of support has been received from the Head Teacher at Shavington High School.

8. APPLICANT'S SUPPORTING INFORMATION

To support this application the application includes the following documents;

- Supporting Planning Statement
- Design and Access Statement
- Noise Report
- Bat and Bird Survey
- Transport Assessment

- Phase 1 Habitat Survey
- SHLAA Review
- Flood Risk Assessment
- Additional Ecology Reports
- Arboricultural Report
- Financial Viability Appraisal

These documents are available to view on the application file.

9. OFFICER APPRAISAL

Principal of Development

The site lies in the Open Countryside as designated in the Borough of Crewe and Nantwich Replacement Local Plan 2011, where 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 23rd March 2011, the Minister for Decentralisation, Greg Clark published a statement entitled ‘Planning for Growth’. On 15th 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

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

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

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

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

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

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 30th 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 current application site was not considered as part of the Development Strategy.

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.

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 and 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.

Viability

In support of this application the applicant has produced a financial viability appraisal to demonstrate that the site can provide a reduced level of affordable housing. This has been updated following the refusal of application 11/2212N to take into account the revised scheme and a modest uplift in anticipated sales values.

The viability report identifies that there are a number of abnormal costs associated with this development relating to:

- Drainage
- Noise attenuation
- Ecology
- Highways
- Retaining walls
- Demolition and remediation
- Capping layer
- Abnormal foundations
- Gas membranes in part

It is not considered that some of the items listed above are abnormal costs and no further information is given.

The existing property and land is valued at £420,000 according to a valuation provided by Frank Marshall LLP.

The viability report states that with the removal of costs relating to planning gain, the value from a fettered development value position is £740,000 with an unfettered residual development valuation of £1,005,000.

The difference between the existing use value (£420,000) and the unfettered value (£1,005,000) is £850,000. In line with an appeal decision on a brownfield site at Shinfield, Reading the applicants have taken 50% of this uplift (£292,500) to assess the informed landowners expectation of value in line with the Shinfield appeal decision at £710,000 (£420,000 + £292,500 = £712,500, say £710,000).

The viability report states that when this is compared with the residual land value of £740,000, which is based on assumed planning permission for the proposed 51 unit scheme including five affordable houses and £137,770 of Section 106 contributions, it can be seen that the residual amount available for additional affordable housing/Section 106 contributions/further planning gain is £30,000.

The applicant's viability report therefore concludes that the provision of five affordable houses and Section 106 contributions of £137,770 produces a small surplus, showing that the scheme is almost at the limit of viability but this is only due to the fact that the developer is prepared to decrease their standard profit requirement from 20% to 16%.

Affordable Housing

The Strategic Housing Market Assessment 2010 identified a requirement for 31 new affordable homes each year between 2009/10 – 2013/14 in the Wybunbury & Shavington sub-area, which is the area this site is located in, the type of affordable housing required each year is 5 x 1 beds, 10 x 2 beds, 4 x 3 beds, 7 x 4/5 beds and 4 x 1/2 bed older persons accommodation.

There are currently 93 applicants on the housing register with Cheshire Homechoice, who have selected Shavington as their first choice. These applicants require 30 x 1 bed, 36 x 2 bed, 18 x 3 bed & 6 x 4 bed, a further 3 applicants haven't specified how many bedrooms they need. (Cheshire Homechoice is the choice based lettings system used for allocating rented affordable housing across Cheshire East)

There has been no delivery of the affordable housing required in the Wybunbury & Shavington sub-area to date, there is however anticipated delivery of up to 69 affordable homes following planning approval for the Stapeley Water Gardens, Stapeley site and the Planning Inspectorate's decision on Rope Lane, Shavington. The majority of these affordable homes (44) are at the Stapeley Water Gardens which is in Wybunbury, only 25 affordable homes have been secured in Shavington and it is unclear when these will come forward. There is also anticipated delivery of 120 affordable homes at the 'Shavington Triangle' site although it would seem none of these will be delivered in the 5 year period of the current SHMA which ends in 2014.

Based on the properties that may come forward in the current SHMA period there is a shortfall of at least 86 new affordable homes required in the Wybunbury & Shavington sub-area for the period of 2009/10 – 2013/14, therefore there is a requirement for affordable housing.

The Interim Planning Statement: Affordable Housing states that the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 15 dwellings or more or than 0.4 hectare in size in settlements which have a population of 3,000 or more.

It goes on to state that:

"The exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion of affordable housing for any site will normally be 30%, in accordance with the

recommendation of the 2010 Strategic Housing Market Assessment. This proportion relates to the provision of both social rented and/or intermediate housing, as appropriate”

The Strategic Housing Market Assessment 2010 identified a preferred tenure split of 65% social rent and 35% intermediate tenure across Cheshire East. Based on the proposal for 51 dwellings, the affordable housing requirements as per the Interim Planning Statement: Affordable Housing is the provision of 15 affordable dwellings, with 10 provided as social rent and 5 provided as intermediate tenure.

The applicant has set out that, due to viability issues (see above), they are **offering 10% of the total dwellings as affordable** which equates to 5 dwellings, with the tenure split proposed in the viability assessment being 3 social rented and 2 intermediate dwellings.

The draft layout shows the proposed affordable dwellings being 3 x 3 bed houses & 2 x 2 bed houses but doesn't show which are the rented and which are intermediate. The sizes of the houses are 56m² for the 2 bed and 68m² for the 3 bed.

These are small and the 3 beds just marginally the Housing Quality Indicator minimum size requirement for a 4 bed-space property and could be delivered as 3bed 4person properties. The 2 bed properties do not meet the HQL minimum size requirements for a 2bed 3person property which is 57m². However as they are only just below the size requirement a reason for refusal is not sustainable.

In this case the site is a greenfield site and the full package of affordable housing and contributions is expected. There is a clear difference between this site and the brownfield sites which have viability issues. If the development of this site cannot come forward with the required affordable housing and contributions then it is not considered to be viable and should not be approved.

Since the application was determined the 5 year housing land position has changed as discussed above. Around 2,200 sites were considered as part of the Strategic Housing Land Availability Assessment, of these approximately 1,600 sites are considered potentially suitable for housing and have been assessed as either deliverable or developable during the next 15 years. These sites could potentially provide a total of 49,270 dwellings over the next 15 year, with potential for 9,771 deliverable to come forward within the 1-5 year period. Many of these sites are located on Greenfield site and are likely to provide the full complement of 30% affordable housing. As a result it is not considered acceptable that a small greenfield site, which is not identified as being developable or deliverable within the SHLAA, and cannot deliver the required provision of 30% affordable housing should be brought forward at this point in expense of alternative Greenfield sites that will deliver the requirement and therefore contribute to create sustainable, inclusive and mixed communities.

The lack of affordable housing consequently forms a reason for refusal.

Highways Implications

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

With regard to access to the site, the priority junction with Gresty Green Road is a suitable design and is acceptable. As part of the previous application, there were changes needed to the junction with Gresty Lane and a revised junction layout was agreed. This layout has been included as part of this new submission.

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

The main highway impact concerns regarding this development is at the South Street/Nantwich road junction and this continues to be the case with this submission. The problems with capacity are not in dispute as the applicant has recognised in the submitted transport Assessment that the junction operates over capacity and there are planning applications under consideration and appeals that will effect this junction.

As was the conclusion on the previous application the difficulty for the Highway Authority is proving that the application will have a material impact and that the consequences of the impact is 'severe' as required in the NPPF. It is clear from the percentage impact of the traffic generated by the development, that there is only a very small impact and that it would not produce a severe impact. However it is necessary that a contribution is secured from the development towards the CEC designed scheme of junction improvements and the same level of contribution (£51,000) has been offered as part of this current application.

This was considered to be acceptable as part of the last application and is considered to be acceptable as part of this current application.

Amenity

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

In terms of Bridge Villa, there would be a separation distance of approximately 24 metres to the front elevation of plot 24. Again, this separation distance is considered to be acceptable and would comply with the Councils SPD.

It is also necessary to consider the amenities of the future occupiers of the dwellings in terms of noise and vibration from the nearby land uses such as the railway depot, Mornflakes Mill, the railway line and Crewe Coldstores. However it should be noted that this issue did not form a reason for refusal as part of the last application.

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

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

For development within NEC category B, the former PPG24 stated that *'Noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection against noise'* and within category A PPG24 states that *'Noise need not be considered as a determining factor in granting planning permission, although the noise level at the high end of the category should not be regarded as a desirable level'*.

The submitted noise assessment states that *'it has been determined that acceptable noise levels within all proposed dwellings can be achieved by fitting upgraded windows and acoustically rated ventilation, or a suitable alternative to bedrooms within the most exposed houses facing the adjacent railway line'*. This is accepted by the Environmental Health Officer who has raised no objection subject conditions as part of any approval.

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

Landscape

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

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

Trees and Hedgerows

The application includes a report on arboricultural issues dated April 2013. The report indicates that the proposed development would require the removal of 5 individual trees and one small group of trees all located around the existing farmhouse. The majority of these trees are

insignificant although one Copper Beech tree on the boundary with the garden is a mature specimen which provides some visual amenity. On close inspection, the Copper Beech tree has a number of basal and stem cavities and evidence of decay within the main stem. It is considered that the tree has a relatively short life expectancy and that its current condition is such that retention in the context of a proposed residential development would not be sustainable in the longer term. The loss of this tree was accepted as part of the last planning application on the site.

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

Concern was raised that the proposed footpath link and access road would be sited immediately adjacent to the roadside Oak trees. The footpath link and access road have been moved away from the Oak trees and this relationship is now considered to be acceptable.

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

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

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

The Hedgerow Survey report and plans indicate that the proposed development would require the removal of two sections of roadside hedgerow in order to provide the access and visibility splays and for the highway improvement works at the junction of Gresty Green Road and Gresty Lane. In terms of this loss it is not considered that this is significant in this case.

Design

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

The proposed development would consist of two-storey dwellings which would be arranged around a cul-de-sac arrangement. The provision of two storey development on this site is appropriate and would not appear out of character. The majority of the existing boundary

hedgerow to the site would be retained and it is considered that this would help soften the proposed development in this semi-rural setting.

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

The internal layout of the site has been designed so that properties front onto the highway and that corner properties have dual frontages. The proposed POS would be well overlooked in all instances which would give good natural surveillance to these areas. On the whole car-parking would be provided within the curtilage of the proposed dwellings and its design and layout would not give the impression of any car dominated frontages.

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

Ecology

The updated bat and barn owl report has confirmed that these two species are still present on site but there has been no significant increase in the level of activity.

Bats

Evidence of bat activity in the form of minor roosts of two bat species has been recorded within the barn proposed for demolition. A minor bat roost is also present in a tree scheduled for removal. The roosts are likely to support small numbers of bats and there is no evidence to suggest a significant maternity roost is present. The loss of the buildings on this site in the absence of mitigation is likely to have a low-medium impact upon on bats at the local level and a low impact upon the conservation status of the species as a whole.

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.

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 if the development is allowed the principle of residential development on site is not considered to be acceptable, but if there is a determination that the Council does not have a 5 year housing land supply it is considered that this is in the interests of public health and public safety with no alternative.

The submitted report recommends the installation of a bat loft in the open space area of the site as a means of compensating for the loss of the roost and also recommends the timing and supervision of the works to reduce the risk posed to any bats that may be present when the works are completed. A Natural England license will be required.

It is the view of the Councils Ecologist that if planning consent is granted the proposed mitigation/compensation is acceptable and is likely to maintain the favourable conservation status of the species of bat concerned.

Barn Owls

Barn Owls continue to be active on this site however there is no evidence to suggest that breeding is taking place. The loss of the buildings on this site could have an impact on barn owls particularly if it is being used as a temporary roost/perch by barn owls breeding elsewhere. The applicant has submitted proposals for replacement a barn owl roost to be incorporated into the proposed development. The Councils Ecologist advises that if planning consent is granted the proposed compensation is acceptable and should be secured by means of the above condition.

Public Open Space

As part of this development, there would be a requirement of 1,785sq.m of Public Open Space according to Policy RT.3. As part of this development the proposed plan shows that POS would be provided in three areas; area 1 measuring 1,670sq.m, area 2 at 379sq.m and area 3 at 380sq.m (total area of 2,429sq.m). Although area 3 is not considered to be useable open space the

requirement of Policy RT.3 has been met by areas 1 and 2. Furthermore the Public Open Space Officer is happy with the layout of the open space.

In terms of children's playspace the Public Open Space Officer has requested the provision of an on-site 5 piece LEAP. The applicant's agent has confirmed that this will be provided and amended plans were awaited at the time of writing this report to show the location of this LEAP.

Education

The Education Department have stated that there is very little capacity in the local primary schools (i.e. primary schools within a 2 mile walking distance of the site) and the development would generate 9 primary school pupils. As a result the Education Department have requested a developer's contribution of £97,617 towards work on the local schools (No requirement will be needed for secondary school provision).

This sum would be secured via a S106 Legal Agreement and the applicant has confirmed that this sum is acceptable.

Flood Risk and Drainage

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

In support of this application a letter has been provided to say that the Flood Risk Assessment submitted as part of application 11/2212N still applies to the amended layout. This report identifies that the nearest main river is Basford Brook, which is approximately 150 metres to the north of the site. As such, the risk of flooding associated with this watercourse can be discounted.

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

Although no comments had been received from the Environment Agency at the time of writing this report, as part of the last application the Environment Agency had no objection and suggested two conditions which should be added to any decision notice should the application be approved.

Other issues

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

LEVY (CIL) REGULATIONS

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

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

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

The development would result in increased pressure at the junction of South Street and Nantwich Road which is already operating above capacity. In order to mitigate this impact in accordance with the NPPF a level of contribution has been agreed which would go towards the CEC designed scheme of improvements at this junction to increase capacity. This is necessary to make the development acceptable, directly related to the development and fair and reasonable.

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

10.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 deliverable housing supply of 7.15 years and therefore the automatic presumption in favour of the proposal does not apply. This issue will form a reason for refusal.

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

It is considered that the scheme is of an acceptable design which would respect the character and appearance of the area.

The proposed development would provide a safe access and the development would not have a detrimental impact upon highway safety or cause a severe traffic impact (subject to a highways contribution).

In terms of Ecology, the development would not have a detrimental impact upon the conservation status of protected species.

There would be an adequate level of POS on site together with a LEAP.

The necessary requirement for affordable housing would not be provided and this issue will form a reason for refusal.

The education impact can be mitigated through a contribution.

The proposal is considered to be acceptable in terms of its impact upon residential amenity and 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, there is not a significant failure to meet these and all such facilities are accessible to the site. The development is therefore deemed to be locationally sustainable. This issue did not form a reason for refusal as part of the last application.

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 as a result, the proposal is considered to be unsustainable and contrary to policies NE2 of the local plan and the provisions of the NPPF in this regard.

11. RECOMMENDATIONS

REFUSE:

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policy NE.2 (Open Countryside) and the principles of the National Planning Policy Framework and create harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework. As such the application is also contrary to the emerging Development Strategy. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.**
- 2. The proposed development would not provide the required level of affordable housing. The proposal would therefore not create a sustainable, inclusive, mixed and balanced community. The benefits of allowing this development would be limited and would be outweighed by the significant and demonstrable adverse impact. Therefore the proposal is not considered to be an acceptable form of development as a departure from the development plan and would be contrary to the Interim Planning Policy on Affordable Housing and Policies RES.7 (Affordable Housing), BE.3 (Access and Parking) and BE.5 (Infrastructure) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the National Planning Policy Framework.**

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Planning and Place Shaping Manager has delegated authority to do so in consultation with the Chairman of the

Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.

Should this application be the subject of an appeal, authority be delegated to the Planning and Place Shaping Manager in consultation with the Chairman of the Strategic Planning Board to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

