

Application No: 11/1879N

Location: LAND NORTH OF PARKERS ROAD, LEIGHTON

Proposal: A Hybrid Planning Application Seeking Residential Development for up to 400 New Dwellings with Open Space; Comprising a Full Planning Application for Phase A of 131 Dwellings and Phase B which Seeks Outline Planning Permission for up to 269 Dwellings with Access and Associated Infrastructure. In Respect of the Outline Element (Phase B), Only Access is Sought for Approval and All Other Matters are Reserved for Determination at a Later Date

Applicant: Bloor Homes and Linden Homes

Expiry Date: 12-Sep-2011

11-1879n -REVISED REPORT OCT 2013

SUMMARY RECOMMENDATION

APPROVE subject to Section 106 Agreement and conditions

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,
Design
Amenity
Open Space
Drainage And Flooding,
Sustainability
Education**

REFERRAL

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

Members may recall that in October 2011, Strategic Planning Board resolved to grant planning permission for a “hybrid” application (i.e. part outline and part full planning permission) for residential development on this site. Full planning permission was sought for 131 dwellings in Phase A to the south of the site close to Parkers Road and outline planning permission was sought for up to an additional 269 dwellings of the remainder of the site (Phase B). In total, planning permission for a maximum of 400 dwellings was applied for.

The resolution to approve was subject to completion of Section 106 Agreement making a number of provisions, including:

1. *Provision of education contribution of £398,990*
2. *Provision of £300,000 towards highway improvements to the Remer Street corridor and the provision of a drop-off lay-by at Leighton Primary School*
3. *Provision of public open space including amenity greenspace and an equipped children's play area conforming to NEAP Standard, to include:*
 - a. *A minimum of 8 pieces of equipment,*
 - b. *1.4 metre high bowtop railing surround with two pedestrian access gates and a double leaf vehicular access gate.*
 - c. *Railings to be painted green and pedestrian gates to be yellow.*
 - d. *Equipment to be predominantly metal, inclusive, and conforming to BS EN 1176.*
 - e. *Equipment to have wetpour safer surfacing underneath it, conforming to BS EN 1177.*
 - f. *Surfacing between the wetpour to be tarmacadam with precast concrete edging surround.*
 - g. *Access paths to gates to be tarmacadam*
4. *Provision for future management of children's play areas and amenity greenspace to include transfer to and future maintenance by a private management company.*
5. *Provision of 35% of the 400 units proposed across the whole site as affordable housing in perpetuity. Provision within Phase A shall be 26 units comprising 11 x 2 beds, 14 x 3 beds and 1 x 4 bed, with the remainder to be provided in Phase B The tenure split within Phase A to be on a 65% social rent, 35% intermediate tenure basis. The mix of house types and tenure for within Phase B (to include key worker housing) to be agreed as part of subsequent reserved matters applications.*
6. *Travel Plan Monitoring Fee £5000*
7. *Contribution of £25,000 for the provision of Green Infrastructure within Crewe and the environs of the site.*

The developer is seeking to amend this wording to make provision for:

- 1 Reducing the overall amount of affordable housing to 10%;
- 2 Amending the tenure split of the affordable housing to 25% Rented & 75% Intermediate

In addition, it seeks to make the following amendments to conditions:

- Amending the Code for Sustainable Homes provision to mandatory requirements of

Level 3 from Level 4

- Deleting Condition 34, removing the requirement to deliver 10% renewable energy provision;

Furthermore, given the length of time which has passed since the application was original considered by Strategic Planning Board and the changes which have taken place in terms of national, regional and local planning policy in the intervening period it is considered to be prudent to consider the application in its entirety afresh.

In all other respects the scheme is identical to that originally presented to and approved by the Strategic Planning Board at its meeting in October 2011.

1. SITE DESCRIPTION

The site comprises 15.1ha of agricultural land (plus highway land – Parker’s Road) located on the north western edge of Crewe. The site is defined by Parkers Road to the south, Moss Lane to the east existing development to the west and a public footpath along part of its northern boundary. It is bisected by a network of existing hedgerows, some of which contain trees. In addition, there are a small number of free standing trees within fields.

Existing residential development lies to the east, south and south west of the site. Leighton Hospital lies to the west of the site. The wider site context includes Crewe Town Centre and railway station to the south west, Bentley Cars to the south on Pyms Lane and the village of Bradfield Green to the North West.

1. DETAILS OF PROPOSAL

The proposal is a “hybrid” application (i.e. part outline and part full planning permission). Full planning permission is sought for 131 dwellings in Phase A to the south of the site close to Parkers Road and outline planning permission is sought for up to an additional 269 dwellings of the remainder of the site (Phase B). In total planning permission for a maximum of 400 dwellings is being applied for.

2. RELEVANT PLANNING HISTORY

There are no relevant previous planning applications relating to this site.

3. PLANNING POLICIES

Policies in the Local Plan

NE.2 (Open countryside)
NE.5 (Nature Conservation and Habitats)
NE.9: (Protected Species)
NE.20 (Flood Prevention)
NE.21 (Land Fill Sites)
BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)
RES.5 (Housing In The Open Countryside)
RT.6 (Recreational Uses on the Open Countryside)
TRAN.3 (Pedestrians)
TRAN.5 (Cycling)

National Policy

National Planning Policy Framework

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)
Draft Development Strategy
Strategic Housing Land Availability Assessment (SHLAA)
North West Sustainability Checklist
Article 12 (1) of the EC Habitats Directive
The Conservation of Habitats and Species Regulations 2010.

4. OBSERVATIONS OF CONSULTEES

Leighton Hospital

- Mid Cheshire Hospitals Foundation trust (MCHFT) wishes to make representations to the Council and make them aware of concerns that the immediate infrastructure is not suitable to support further planned development.
- MCHFT have their Leighton Hospital campus off Smithy Lane Leighton, immediately adjacent to the planned Parkers Road development.
- There are already traffic delays at certain times of the day to the Smith Lane / flowers Lane, Bradfield Road / Minshull New Road mini roundabout junctions. The poor sight lines from Smithy Lane causes traffic to back up along Smithy Lane past the hospital entrances. This means that blue light vehicles attempting to access and egress the hospital site frequently cause vehicles to have to mount the pavement. The fact that there is only a pavement on one side of the road is additionally problematic.
- The Leighton hospital site also houses Crewe West Ned Police Station.
- Delays occur at the mini roundabout due to the increased traffic leaving Bentley Motors and gaining easier access across the mini roundabout due to there being far better sight lines from Minshull New Road, giving priority to these vehicles. This causes a delay for Smithy Lane traffic.
- At the opposite end of Smithy Lane delays also occur when attempting to join Middlewich Road due to the restricted junction width at this end of Smithy Lane (i.e. no right turning lane). In short traffic congestion occurs at both ends of smithy Lane and would be worsened by the development without mitigation measures being introduced.
- MCHFT would thus appeal to the Council to not make the current situation worse as a result of the Parkers Road development. It could ultimately result in a life or death issue

- MCHFT does however, see a need for up to 25 one or two bedroom key worker housing units and as the largest rural employer in the area, can thus see a need for key worker housing. However they cannot see a need for such a high percentage of affordable housing in the more rural setting of Leighton. They would therefore appeal to the Council to consider a higher compliment of affordable housing in its more urban sites such as the Coppenhall development. Thus a reduction in affordable housing at the parkers Road site should allow additional revenue to be invested in highways infrastructure including pedestrian pavements and cycle lanes.
- MCHFT believe that the Traffic Impact Assessment as undertaken is not sufficiently developed and should
 - o Be undertaken at peak travel time (i.e. when Bentley Motors staff change shift – early evening)
 - o Take the Councils Committee Development s(i.e. Coppenhall housing) into condieration
 - o Include a long term traffic projection past 2016
- MCHFT would like to see
 - o Road junction improvements to both ends of Smithy Lane so as to ease the impact of the additional Nantwich traffic
 - o The realignment of the mini roundabout give that the land adjacent will be owned by the applicant
 - o A second vehicular existing onto Flowers Lane so that the Middlewich Bound traffic could bypass the mini roundabout
 - o Additional pedestrian pavements and cycle lane linking the housing development to Leighton Hospital and Bentley Motors (as the two largest employers in the area) thus encouraging walking as an alternative means of transport
- Finally as part of the major development on the land adjacent to the hospital MCHFT would wish to see it include widening and straightening of Smithy Lane, bus lay-bys at either side adjacent to the main entrance and a pedestrian crossing point, the latter items being to encourage both staff and visitors to travel by public transport.

Leighton Hospital – 14th June 2011

The Chief Executive of Mid Cheshire Hospitals NHS Foundation Trust submitted the following comments: “Mid Cheshire Hospital’s NHS Foundation Trust would support in principle, the provision of low-cost affordable key-worker housing as part of the above development. The Trust’s residential feasibility study has identified that it is not cost-effective for it to provide 1 and 2 bedroom units (for the current market rent of £500pcm). In this respect, the Trust does not currently have a sustainable solution for its married persons accommodation. MCHFT would in the future therefore intend to dispose of up to 25 married person’s accommodation unit as part of any future strategy.

It would therefore assist the Trust if the private sector could meet the anticipated short fall and re-provide 25 married persons units immediately adjacent to our Leighton Site.”

Leighton Hospital – 17th October 2011

The hospital trust have seen the latest plans for the junction improvements, either end of Smithy Lane. These should go some way to mitigate the additional traffic burden arising. The

trust believe that it is probably the best they can hope for - at this first stage of the wider development of Leighton West.

The trust also understand that continuous pavements will now be provided (around Manor Lodge et al) back to Parkers Road. This is an added bonus.

If the developer's Traffic Impact Assessment is also now robust, then the hospital cannot add any more comment.

It obviously represents a major step forward from the developers initial proposals.

South Cheshire Chamber - 19th August 2011

The Chief Executive of the South Cheshire Chamber submitted the following comments:

"...I am pleased to confirm that the Chamber of Commerce supports your proposed housing development at Parkers Road subject to the inclusion of the various highway improvements that you outlined and in particular those relating to improved access to Leighton Hospital.

The Chamber considers that the development addresses the needs identified in the 'All Change for Crewe' strategy for the long term economic regeneration of the area and also welcomes both the short and long term economic benefits that will arise from the development."

Sustrans

If this land use is approved by the Council's planning committee comments are as follows:

- a) The site will be a generator of significant additional traffic on roads such as Bradfield Road which already carry substantial flows of vehicles
- a) The site lies within 1/2 km of the unfinished Leighton greenway, which leads to Crewe town centre, (current end point Frank Bott Avenue) and 1km of Leighton Hospital.
- b) Would like to see the developer make a contribution to the walking/cycling network beyond the site to encourage more sustainable modes of travel. Examples are: an off highway 3 metre footway/cycle track from the site to the existing facilities at Parkers Road/Bradfield Road junction.
- c) Conversion of the south footway on Bradfield Road between the toucan crossing at the Merlin to the Smithy Lane/Bradfield Road roundabout to a 3 metre shared footway/cycleway.
- d) There should be several access points, for pedestrians and cyclists only, onto Parkers Road/Moss Lane away from motor traffic.
- e) The site layout should restrict vehicle speeds to less than 20 mph.
- f) Would like to see Moss Lane closed to through traffic to stop it becoming in short-cut when all other roads are congested.

- g) Smaller properties/apartments should include storage areas for residents' buggies/bicycles.

Archaeology

- The Planning Statement and Design and Access Statement submitted in support of the application note that a programme of archaeological assessment and evaluation has been undertaken with regard to these proposals. This work consisted of an initial desk-based assessment, which was prepared by Wessex Archaeology, and a subsequent geophysical survey of part of the site, which was carried out by Archaeo Physica. This process did not identify any major archaeological constraints and, across the bulk of the area affected by these proposals, it is advised that no further archaeological mitigation will be required. The one exception to this advice concerns a restricted area at the eastern limits of the application area and the boundary between Phases A and B of the development (c SJ6922 5820), immediately adjacent to Moss Road. Here desk-based work has identified the site of a building depicted on early 19th-century mapping and it is advised that the site of the building should be subject to an archaeological strip and record exercise, followed by the production of a report. The work may be secured by condition.

Environment Agency

No objection in principle to the proposed development but requests that any approval includes the following planning conditions.

- The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) May 2011/817B/Lees Roxburgh Consulting Engineers and the following mitigation measures detailed within the FRA:
 - Limiting the surface water run-off generated by the development to a maximum discharge rate off the site to a maximum of 88 litres/second (calculated to be the existing greenfield run-off rate for the area of the site).
 - Provide acceptable means of on-site surface water attenuation to cater for the 100-year critical rainfall event - plus allowances to deal with the impact of climate change.
 - Raise floor levels of buildings a minimum of 150mm above surrounding ground levels.
- The development hereby permitted shall not be commenced until such time as a detail design for a surface water regulation scheme has been submitted to, and approved in writing by, the Local Planning Authority.
- The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

United Utilities

No objection to the proposal provided that the following conditions are met: -

- This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway/watercourse/surface water sewer and may require the consent of the Environment Agency. If surface water is allowed to be discharged to the public surface water sewerage system United Utilities will require the flow to be attenuated to a maximum discharge rate determined by United Utilities.
- Currently, United Utilities policy is not to adopt SUDS (Sustainable Urban Drainage System) structures. This stance has been taken as SUDS structures, typically ponds, do not align with United Utilities asset base and would represent a substantial maintenance liability. United Utilities will only consider the adoption of surface water sewers draining to a balancing pond (as opposed to any other SUDS structure), providing the following conditions are met: -
 - a) The Local Authority takes responsibility for the maintenance of the pond
 - a) The freehold of the land on which the pond lies is transferred to the Local Authority
 - b) That measures have been taken to prevent flooding of properties
 - c) That a legal agreement is in place between all parties.
- A water supply can be made available to the proposed development.
- Water pressure in this area is regulated to around 20metres head. This should be taken into account when designing the internal plumbing.
- A separate metered supply to each unit will be required
- United Utilities encourages the use of water efficient designs and development wherever this is possible. Including utilising drought resistant varieties of trees, plants and grasses when landscaping and installing water efficient appliances such as dishwashers, washing machines.

Amenity Greenspace

No objection subject to:

- A private management company to be set up by the developer to maintain the open spaces within the development.
- The development to incorporate an equipped children's play area conforming to NEAP Standard. This means that there need to be a minimum of 8 pieces of equipment, plus 1.4 metre high bowtop railing surround with two pedestrian access gates and a double leaf vehicular access gate. Railings to be painted green; pedestrian gates to be yellow.
- The equipment must be predominantly metal, inclusive, and conform to BS EN 1176. Equipment to have wetpour safer surfacing underneath it, conforming to BS EN 1177. The surfacing between the wetpour to be tarmacadam with pre-cast concrete edging surround.
- Access paths to gates to be tarmacadam.

Amenity Greenspace – 17th October 2011

- With regards to the open space play area, the Greenspaces Officer would wish to see equipment that caters for the needs of older children in the area, and which provides significant play value. For longevity, the Greenspaces Officer would wish that the equipment is primarily constructed of steel, rather than wood.
- Grass earthwork mounds are extremely difficult to establish and maintain. They featured on some of the Playbuilder year 1 sites in Cheshire East, and have since had to be removed.

Natural England

- It is noted that the development is proposed on existing agricultural land. The owner of this land will need to liaise with Natural England over the loss of land included in an Entry Level Stewardship agreement. The agreement holder will need to liaise with Natural England on how loss of this land to development might affect the agreement and payments received. However, this is a matter between Natural England and the agreement holder, and would not preclude the planning application being considered, given that the land does not have any statutory nature conservation designation.
- The wording in this *Summary of Construction Mitigation Measures* table suggests that these procedures and mitigation strategies are optional with the word 'should' used throughout. Natural England would recommend that the wording is rephrased to indicate commitment of these procedures and mitigation.
- It is noted that the photomontages provided do not provide a realistic visualisation of the proposed development in terms of landscape and visual impacts. Whilst Natural England acknowledge that this is an outline application but Natural England would expect to see realistic photomontages in the next phases of development which take into account the facade, mass and materials to be utilised in the proposed development (including the photovoltaic panels).
- Whilst Natural England support the use of renewable energy and in principle Natural England do not have major concerns about the use of photovoltaic panels on the properties proposed for Phase A, it will be necessary for these panels to be assessed for impacts on the Landscape Character and Visual Amenity of the area in which it is proposed. Thus far, there is no reference made to the photovoltaic panels in the Landscape and Visual chapter. This will need to be rectified in subsequent submission so that the effects of this development can be accurately assessed.
- Natural England note that an arboricultural survey has been undertaken on the trees within the site boundary and have highlighted a number of trees that require felling. A number of these trees have also been highlighted for their potential to support owls and bats. The Authority would need to be satisfied that if bat and owl roost are present that Natural England would be in a position to approve any licence required for the destruction of a roost. It is understood that bat surveys are underway to determine the presence of a roost. The authority would be advised to wait for the results of these surveys before determination.
- Should the surveys result in no roost, Natural England would still expect to see measures put in place to ensure that the trees are 'soft' felled and left in situ for a period of 48 hours before removal and that the Authority impose conditions that reflect the mitigation measures. As a couple of trees have the potential to have substantial

cavities and good potential to offer roosting opportunities, Natural England would recommend that these sections of trees are attached to any remaining trees thus minimising the loss of potential bat habitat. Any smaller branches and trunks could be used as suitable hibernacula and habitats in the ecological mitigation area.

- It is stated that there is no opportunity on the existing development footprint for breeding (i.e. ponds) and that there is a network of ponds that surround the site, which do support breeding newts. Natural England support the inclusion of the habitat area to the north east of the development but would recommend that this area incorporates a water body suitable to support and enhance the overall population of newts. Natural England would look favourably upon this inclusion.
- Natural England support zero carbon methodologies for housing and there is an opportunity for the development to also include biodiversity enhancements within the fabric of the dwellings that still allow for zero carbon construction. Dr Carol Williams has produced a book (Biodiversity for Low and Zero Carbon Buildings: A Technical Guide for New Build) that provides information on how to introduce low and zero carbon biodiversity into new builds. Natural England recommends that this book is utilised to help in the development of this project.
- Natural England support the proposals for mitigation (which should include the recommendations stated above). The Authority should ensure that all the mitigation measures are captured in sufficiently robust conditions should they be minded to grant planning permission. Natural England would recommend that consideration be given to the landscaping scheme and the potential for introducing night scented shrubs/ flowers that will attract insects and thus increase the food resource for bats.
- It is not clear what mechanism will be in place to ensure the success of the planting (particularly oak trees). It is acknowledged that this species will take a number of years for them to reach maturity and as such how will the success of this planting be monitored and rectified in the case of failure to survive. Natural England would recommend that an agreement (through a section 106 potentially) is considered between the applicant and the Authority.
- As previously stated above all dead trees for felling should be undertaken carefully and any sections that have the potential to offer roosting opportunities should be erected on any remaining trees within the development site.
- Natural England support the inclusion of refugia in the proposed mitigation habitat but would also welcome the inclusion of a water body. This will help to enhance the overall population and habitats available.
- Post monitoring of the habitat will be required as part of the EPS licence but Natural England would also recommend that post monitoring surveys are undertaken that include for the other species that have been mitigated for so that any alterations/ changes can be implemented to support the mitigation strategy and longevity of the biodiversity enhancements.
- Natural England support the inclusion of bird nesting boxes.
- Natural England do not agree with the residual effect of negligible for trees especially as a number of oak trees will be lost as a result of the development. The oak trees will take a number of years to mature (as acknowledged) and therefore the adverse effects are likely to remain for a number of years post construction.
- Whilst Natural England would not expect to see every dwelling cater for all species of bats there is a potential to provide roosting opportunities in 1 or more of the dwellings for brown longed-eared bats. Natural England would recommend that this is investigated further.

- Natural England support the inclusion of the Travel Plan and would recommend that this commitment forms part of an appropriate condition of any planning approval.
- It is acknowledged that sustainability has been considered in this application. Natural England supports the incorporation of sustainable design solutions.
- Natural England is satisfied with the contents of the Environmental Statement, but wish the above comments (above) to be given due consideration during the development of future stages within the planning process.

Natural England – 27th September 2011

Natural England provided the following further comments in response to additional information being submitted.

“In Section 1 (Introduction) and Section 9 (Ecology and Nature Conservation) it is stated that a number of additional surveys have been undertaken in respect of bats and whilst we do not necessarily disagree with the overall conclusions, the survey information does not appear to have been submitted or included in the Environmental Statement Addendum. We would expect the Authority to ensure that they obtain these surveys (assessment of trees and bat activity surveys) and are satisfied that they reflect the conclusions and recommendation.”

The Applicants submitted this information as part of the Environmental Statement Addendum.

“With respect to great-crested newts, we are satisfied that our comments have been taken into account with regard to additional newt mitigation enhancements. Any trapping of newts from the development footprint will require a licence from Natural England and therefore it is for the authority to establish whether the proposed development is likely to offend against Article 12(1) of the Habitats Directive. If this is the case then the planning authority should consider whether the proposal would be likely to be granted a licence.

Natural England is unable to provide advice on individual cases until licence applications are received since these applications generally involve a much greater level of detail than is provided on planning applications. We have however produced guidance on the highlevel principles we apply when considering licence applications. It should also be noted that the advice given at this stage by Natural England is not a guarantee that we will be able to issue a licence, since this will depend on the specific detail of the scheme submitted to us as part of the licence application.”

Environmental Health

No objection to the application subject to the following comments

- This site is located on areas of ground which have the potential to create gas.
- The application is for new residential properties which are a sensitive end use and could be affected by any contamination present.
- As such, and in accordance with PPS23, recommend conditions requiring a phase II investigation and remediation should planning permission be granted.

- Due to the size of the development, recommend an Air Quality Impact Assessment prior to the development commencing.
- Due to the close proximity of busy roads, recommend a noise assessment survey to be undertaken prior to the development commencing.
- The hours of construction (and associated deliveries to the site) of the development shall be restricted to 08:00 to 18:00 hours on Monday to Friday, 09:00 to 14:00 hours on Saturday, with no work at any other time including Sundays and Public Holidays. To protect the amenities of nearby residents and the occupiers of nearby property.
- Where piling of foundations is necessary this is to be undertaken between 9am – 5pm Monday to Friday and no works of this nature to be undertaken on Saturday, Sunday or Bank Holidays.
- Any external lighting of the proposed site should be submitted to and approved by the borough council before being installed, due to the close proximity of local residents.

Environmental Health – 17th October 2011

- The information supplied in Appendix 13.1 of the Environment Statement is not a noise assessment but a prediction in the increase of traffic noise. Therefore our comments still stand as we need to know the current noise levels generated from traffic noise so we can determine what level of protection, if any, is required in the proposed development.

Highways

- To summarise the application, the proposal is for a residential development of 400 units with two points of access: one from Parkers Road and one from Flowers Lane.
- The first junction is from Parkers Road and will provide a properly designed priority junction which will incorporate a ghost island right turn lane with a pedestrian refuge.
- In addition this junction will incorporate a right turn lane improvement for the diagonally opposed junction into Beconsall Drive which will improve traffic management between the two junctions.
- Also on this frontage, the developer will be providing a PUFFIN crossing on the notional pedestrian desire line to the local facilities, school and shop.
- The second junction onto Flowers Lane will again be a simple priority junction and this will be supplemented by an extension to the street lighting on Flowers Lane which will effectively extend the 30 mph speed limit for the full frontage of the site.
- This has multiple advantages.
- The junction will be well lit and the approach speed to the new roundabout design will be reduced.

- In addition the treatment of Flowers Lane will see significant footway improvements on both sides of the road together with the provision of a zebra crossing between the new access and the roundabout which will improve pedestrian safety.
- Bradfield Road/Parkers Road traffic signal junction: The provision of an improvement in the signal controller with the introduction of MOVA software which will improve traffic management and make the signals responsive to traffic load on the separate arms of the junction and allow more efficient queue reduction at times of peak flow.
- Bradfield Road/Flowers Lane/Smithy Lane roundabout: A new roundabout is proposed at this location to improve the capacity allowing the development traffic to be accommodated whilst offering some overall betterment to the general junction capacity. It is a non-standard roundabout design but is acceptable in terms of design and safety.
- This improvement will be made within land owned by the applicant and land which falls within the public highway.
- Flowers Lane/A530 traffic signals: A minor improvement to the signal junction has been proposed by the developer and this is now agreed by the Highway Authority.
- Smithy Lane/A530 junction: The proposal at this junction is for the provision of traffic signals to replace the existing priority junction with a ghost island right turn lane. The Highways Development Management Team consider this to be an effective proposal and the space available at the junction will accommodate an effective signal design.
- The design of this junction is agreed by the Highway Authority
- Financial Note: These highway improvement proposals have been broadly costed and the value of the works will be in the region of one million pounds.
- Contribution to the wider highway network: In addition the developer is also offering financial contribution to the wider highway network and has provisionally offered a sum of £300,000 towards the Remer Street corridor upon which this development proposal is shown to have an impact.
- The Transport Assessment offers a detailed analysis of the modal choice and sustainable links which will serve this site.
- It does show that the site has reasonable connectivity across the town of Crewe despite its location on the north west side of the Crewe area.
- There have been some lengthy discussions between the developer and the Highways Development Management team regarding the accessibility of the site and the improvements being offered.
- Improvements take the form of improved footpath links local to the site and some cycleway provision.

- The provision of the PUFFIN and zebra crossings also aid connectivity.
- Moss Lane: It is important at this point to inform members about the issues surrounding Moss Lane and the local concern about traffic impact from this development. Clearly Moss Lane is a narrow country lane which should not be burdened with additional through traffic from a new development. The development guards against this through the provision of two points of access which can be utilised from anywhere within the site. This means that if generated traffic is to travel in the direction of Middlewich or Winsford, it will use the Flowers Lane access and will not need to use Moss Lane which would be a longer and slower route.
- If generated traffic is to travel in the direction of Crewe or Warrington it will use the Parkers Road access and will not need to use Moss Lane which would be a longer and slower route.
- The Strategic Highways Manager is confident that there will not be a problem with traffic from the development using Moss Lane.
- This site is proposed for phased development of the residential units and significant negotiations have taken place regarding the internal layout.
- It is important that the site is brought forward with a design which is driven by the guidance within the Manual for Streets document issued by the Department for Transport.
- This document leads on guidance for quality development and the need to ensure residential developments provide a sense of place through quality design which will provide good social infrastructure.
- Amongst these design initiatives, the detail of highway design within residential development has changed to provide more innovative layout which supports the quality design whilst providing highway layout which supports traffic needs in a more controlled environment.
- The design being offered for this site is innovative and will provide a design of good quality and one which the Strategic Highways Manager supports.
- The development impact has been assessed and there are mitigation measures being provided on the road network that will satisfactorily cater for the development traffic and also there is a financial contribution provided towards the wider strategic highway improvements that will need to come forward in due course.
- The Strategic Highways Manager does not object to the planning application subject to the applicant entering into a S106 Agreement for the sum of £300,000 towards highway improvements on the strategic road network.
- The applicant will need to enter into a S278 Agreement with the Highway Authority to provide the junction improvements identified in this report

Highways – 17th October 2011

- Highways have investigated the design of the new roundabout in safety terms and although it is a non-standard roundabout they are now content with the design and capacity of the new roundabout.
- All of the improvements can now be delivered through the S278's the only S106 contributions are the £300,000 and the travel plan

Education

- By applying the pupil yield of 0.162 this development will generate 65 primary school places and CEC pupil projections have 28 surplus places in the "local schools" (i.e. schools within a 2 mile walking distance).
- Therefore a contribution has been sought for the additional 37 pupils which cannot be physically accommodated.
- This equates to a payment of £398,990.

5. VIEWS OF THE PARISH / TOWN COUNCIL

1. The infrastructure is inadequate to cope with these additional dwellings.
1. The highways will also be inadequate to cope with the additional traffic generated by 400 homes.
2. Flooding: The issue of drainage and flooding is an on-going problem in the parish, so much so that "Drainage" is a standing item on the Parish Council agendas; this development will exacerbate the problem.
3. Finally, if the Strategic Planning Board is minded to approve the application, the Parish Council would urge that landscaping measures are introduced which are compatible with the street scene on Moss Lane at Leighton.

6. OTHER REPRESENTATIONS

Letters of objection have been received from 1 Barrows Close 1 Fox Covert Way 1, 15, Burton Grove 1, 6, 14, 15, Parkfield 1, 7 Tollemache Drive, 4, 9, 10 Bleasdale Road, 10 Rydal Mount 10 Verdin Court 103 Kestrel Drive 8, 9, 20, 23, 33, 35, 47, 52, 56, 57, 58, 60, 66, 69, 72, 74, 77, 81, 85, 86, 108 Beconsall Drive 6, 11, 12 19, 52, 53 Farmleigh Drive 2, 3, 11, 15 Moss fields 11, 15, 35, 37, 49 Thornfields 6, 27, 30, 33, 34, 39, 52, 61, 64, 111, 115, 117 Lamborn Drive, 5, 12, 39 Elmstead Crescent, 7, 13 Lyceum Way, 14 Burton Grove, 16 Melrose Drive 16 Mills Way, 2, 17 20, 22, 28, 29, 48, 49, 68, 70, 72, 74 , 76 Beltony Drive, 2 Fox Covert Way, 2 Simpson Court, 2, 6 Thorpe Close, 21 Ardleigh Close, 4, 5, 6, 9, 22, 27, 29, 30, 33, 36, 74 Thorntree Drive 28 Parkers Road 28 84, Verdin Court, 4, 98, Beconsall Close, 8, 9, 41 Lambourne Drive, 46 James Atkinson Way, 5 Barrows Close, 63 Lime Tree Avenue, 7 Lyceum Close, 74 Merlin Way, 8, 9, Magecroft, 8 Parkfield, 9 Englefield Close, 9 Lawford Close, 97 Millstone Lane making the following points:-

Principle of Development

- Houses are not needed and there is no demand
- There are many unfinished developments in Crewe already- in particular the prominent location neighbouring Morrison's Supermarket.
- You cannot justify leaving that site unfinished and an obvious eye-sore to all Crewe residents and visitors to the town
- Is the due to a poor planning decision being made previously? If so it should serve as a warning to the Planning Officers investigating the above mentioned application. Maybe the Councils resources would be best used in forcing this company to complete this eyesore before approving planning applications elsewhere.
- Other areas that have been left unfinished and should be completed prior to any other building areas.
 1. Underwood Court apartments which have been closed down.
 1. Replacement of houses or apartments which were knocked down several years
 2. The proposed development local to the Cross Keys local to the end of North Street.
- Would it not make sense to complete one development before starting another?
- Maybe that option isn't as financially rewarding, and what does the Council propose to do with the anticipated profits of the proposed Bloor Homes site off Parkers Road?
- Unfinished developments are proof that there is no demand for new homes in Crewe
- The site may also not be completed leaving an eyesore
- There are many vacant properties and houses for sale which are failing to sell. The market would not accommodate a further 400 homes.
- The area has already experienced over development in the past.
- There are a large number of brownfield sites in Crewe which are in need of development.
- This is over development for the area and the taking of a green field site and is contrary to the Crewe and Nantwich Local Plan.
- The local landscape is being eaten away by developers exploiting every single piece on land they can their hands on. If this was Willaston, Shavington or Wistason, there would be an outcry. The area should be left as it is.
- This proposal will also completely obliterate the current residents open space. Families & children enjoy free time here and the general country side feel to the area will be lost. Dog walkers will have no option but to revert to the streets and the routes to more than one school will become a precarious one. What kind of community will this create?
- The long period of development associated with this project and the governments own decision to stop development plans where they were not considered necessary should be taken into account
- It is ridiculous to think that all housing demand for the whole of Cheshire East will be met by putting the houses all in one town, which seems to be Cheshire East's plan. I would argue that the NIMBYs (Not In My Back Yard) at Cheshire East Council have introduced this policy to keep development away Congleton and Macclesfield and such places. It is interesting to note that Congleton's MP made a comment in response to the policy - 'Release of housing land is an issue of concern to all communities in the Congleton constituency. Residents object strongly to the release of Green Belt for

housing purposes' - Fiona Bruce. There was no response listed from Crewe and Nantwich MP.

- There is no proven need for extra houses in the North West anyway. A recent report from Institute for Public Policy Research says ' The North West of England is the only region where supply could meet demand, with 40,000 extra homes compared to the number of households, due to the high rate of unoccupied premises at present'.
- Crewe is the area of the borough that least needs 'affordable homes', which seems to how these developments are justified. The house prices in Crewe are the cheapest within Cheshire East.
- Some of the terraced streets in Crewe are already starting to look run-down and since the recession some properties are boarded up. Building on Green Field sites on the edge of town will only force down prices in Crewe further and lead to further decay of the properties in the town centre.
- The people of Crewe will have to suffer increased congestion, degradation of property prices, increased pressure on public services such as schools, doctors, etc., so that building companies can do easy building on flat green fields to make huge profits. All this because Cheshire East can't be bothered to put together a properly thought-out plan, or are too afraid of litigation if they fail to release enough housing. Five years on Crewe will be more sprawling and have problems more associated with larger cities, without any of the benefits of a large city. Either that or these new developments will end up the way of the ghost estates of Ireland.
- We feel that all these should be completed as it would give a lot of additional properties for habitation before you propose to build on the Green Area for planning application ref; 11/1879N.

Highways

- The proposed access road on to the estate is almost opposite to the present access into Beconsall Drive and at the present time it is very difficult to access Parkers Road especially in the morning.
- Risk to lives as access to Leighton hospital is congested
- The local infrastructure already struggles to cope with existing levels of usage. There is severe congestion
- Many local roads are very dangerous and poorly maintained.
- The Council is already failing to maintain the existing road structures to a safe and satisfactory level, the extra traffic generated by further housing development will exacerbate the problem.
- Residents do not think an in depth survey of the traffic movements has been done especially taking into consideration the effects that another large scheme in the area is planned.
- Not only are improvements required to the immediate infrastructure there is a need also for road and safety aspects at Barrows Green and Minshull New Rd roundabout and the current proposals do nothing to alleviate this.
- The matter of an access road has not been sufficiently detailed. It gives no detailed location. It only states North of Parkers Road. Where exactly is the access road going to be? Moss Lane is unable to sustain the amount of traffic exiting from 400 houses. Bradfield Road is West of Parkers Road as are all other roads leading to the main Middlewich – Nantwich Road.

- The period of time that the cars are "nose to tail" on Middlewich Road and the surrounding lanes is constantly increasing!
- The priority should be to redevelop and improve what we already have to enable us to cater for our existing population and not to bring more chaos.
- Parkers Road is heavily congested to the lights every weekday morning. Middlewich Road is backed up regularly in both directions and Smithy Lane is blocked every morning and night, which impedes the hospital. This is already a problem that needs solving, not compounding.
- It appears by noted current practice that Cheshire East only adopts housing estates once the maximum time period to do so has passed, and does not properly correspond to complaints regarding sewerage issues and street lighting. This practice would entail and frustrate owners of the proposed 400+ houses.
- Some residents have already had a ten year battle to have their street adopted, this is despite of (or, as the case may be, in spite of) constant complaints of drainage issues and unconnected street lighting.
- How are the hospital emergency vehicles supposed to cope with even more traffic on an already overloaded infrastructure? The period of time that the cars are "nose to tail" on Middlewich road and the surrounding lanes is constantly increasing! To compound matters the roads are in an absolutely disgusting condition.
- The infrastructure in the area is already congested with Hospital traffic and Bentley Motors employees. 400 houses will bring some additional 600 cars and the area will not cope and lives will be put at risk
- Crewe is a railway town and had lots of rail lines running through it, with bridges over at various points. This means that whatever planners try to do with the roads, there is always congestion. It's getting worse and will be worse still with thousands of extra cars which arrive with the extra homes. It takes residents longer to get from Leighton to Weston Road than it does from Nantwich to Hanley! Cheshire East planners and decision makers have obviously never had to travel around Crewe.

Design & Visual Impact

- The impact on the environment and the general landscaping will ruin the area and the tranquil setting.
- Residents have moved to the area for it's rural location, and for the country lanes surrounding, that are a precious place to walk and cycle.
- Also, green spaces lead to increased quality of life, which has quantified economic benefits
- The development will become the slums of the future, due to the developer trying to maximise the number of units through minimising the living area.

Ecology

- There will be a negative effect on local wildlife due to the destruction of large areas of green.
- The developments are on precious green spaces and there has already been massive habitat destruction in Crewe in recent years, leading to very visible wildlife deaths.
- Natural ecosystems provide the air we breathe, the soil we grow our food on and the water we drink;
- There are great crested newts in the area

Infrastructure

- Does Cheshire East already plan to grant Planning Permission for not only 2,281 houses, but also all land necessary for increasing the infrastructure and if so, how and when will those plans be put to public consultation?
- Impact upon medical services in the area, are not limited to the hospital, and include GP's, health centres, midwives, health visitors, dentists, and other council services. Local services are already at stretching point and additional demand will not ease the situation.
- Whilst the report created by Bloor Homes states Doctors and Dentists are currently taking on NHS patients, residents fail to see this actually happening in the area, with many local residents already having to travel out of the area for some services.
- It is already difficult to get doctors appointments; with another 16,000 people coming in to the area it will put more strain on the system.
- Impact upon education. Local schools are already at capacity and adding additional places will only impact upon the ability to provide quality schooling. Residents fail to see how the Bloor Homes report can suggest that for 400 homes less than 150 children will arrive in the area.
- Whilst these figures are based upon some 'research' by Bloor, they do have a 'crystal ball' and cannot guarantee this statement. When the figure exceeds 150 and the situation within local schools becomes untenable, where will Bloor Homes be then, certainly not taking any responsibility or offering to build more schools?
- Further enquiries regarding future school population numbers need to be made in depth which residents do not believe has been done.
- An E. V. A. should be done and the results fully published and made available and guarantees made that all the infrastructure and benefits are in place before the estate is built.
- This year, even without the proposed houses, residents have found that local children have found it difficult to secure places on the school rolls.
- There is a lack of local amenities, lack of local shops and already low water pressure;
- The developers have promised to deliver another childrens play area. What the area needs is a doctors, pharmacy, development of an existing or addition of a new school, a restructuring of the current road system, redevelopment of the town centre. These are the kind of things the area needs, not more housing bringing more cars and people to our already overcrowded roads.
- Both Mablins Lane and Leighton Primary Schools are full to capacity and are already having to use small porta-cabins to accommodate the extra places that were required for the new estates built in the last 10 years.
- Waste collection services are overrun and there are no plans to re-instate weekly collections. What impact will the thousand or so people have on the immediate environment?
- Bloor Homes have offered no incentive to the Local Residents (eg junction improvements, zebra crossings etc,) if this is the case, why is this application even being considered?

Lack of Jobs

- Employment in the area is very hard pressed - bringing more people into the town will not help the current residents to find employment; It will make the task even harder.
- Locate new housing development where there is work available. People who do purchase houses on the site will be travelling out of the area using fuel and putting further strain on the planets resources.
- It is a fact that large companies like Bombardier may be in decline and could well close especially since the recent disappointing news

Amenity of existing properties

- During the development, which is due to last at least 5 years, the dust, noise and general disruption will be of great disturbance and of detrimental impact to the health and well being of residents, along with the long term damage of extra congestion.
- There would be dust, mud on wet days along with noise
- The increased volume of traffic & road noise would be considerable, with at least 400-800 vehicles leaving and arriving several times daily, plus service vehicles, deliveries and visitors. The increasing road noise is already a problem and we are unable to leave windows open and at times it is impossible to relax in the garden.
- Would block view of countryside
- Residents bought houses with back gardens backing onto Parkers Road with an outlook across agricultural land which is mainly grassland used for the production of hay etc. A year or so ago a Communications Mast was erected which looks a eyesore but they live with it. Then an application is submitted for Planning permission for a residential Development for up to 400 houses!
- The whole area especially Beconsall Drive area will be surrounded by houses, and will no longer be living on the outskirts of a pleasant rural area but will be in the centre of a ever increasing housing estate.

Flooding

- Drainage and flooding issues. The proposed site and surrounding fields are renowned for their poor drainage, and the area is regularly flooded, often spilling out onto the local highways. This area is not able to deal with additional homes and is likely to increase flooding risk for future generations.
- The proposed site suffers from poor drainage and this is likely to worsen with additional concrete/tarmac coverage.
- How will adequate drainage be provided on a field that constantly floods and has done-witnessed by residents for over thirty years?
- Why has a proposed planning application been submitted for approval on what is quite obviously a flood plain?

Other matters

- Local people do not want this development
- Proposal will devalue the local area in relation to social as well as economic viability.
- Residents remember the last homes being built off Parkers Road where they had to put up with workmens caravans and portaloos during which time one resident contracted hepatitis which they still believe was down to the drainage work being carried out.

7. APPLICANT'S SUPPORTING INFORMATION:

- **Arboricultural Impact Assessment**
- **Consultation Statement**
- **Draft Section 106 Heads of Terms**
- **Environmental Statement**
- **Open Spaces Assessment**
- **Planning Statement**
- **Sustainable Energy Statement**
- **Transport Assessment**
- **Utilities Assessment**
- **Affordable Housing Statement**
- **Design and Access Statement**
- **Flood Risk Assessment**
- **Landscape Statement**
- **Travel Plan Framework**
- **Viability Report**

8. OFFICER APPRAISAL

Main Issues

Given that it is submitted as a hybrid, the main issues in the consideration of this application are the suitability of the whole site, in principle, for residential development having regard to matters of 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, amenity, open space, drainage and flooding, sustainability and education. In addition, the acceptability of the detailed design of the southern part of the site in respect of the access, layout, appearance, scale and landscaping must also be considered.

Principle of Development.

Housing Land Supply -The 2013 SHLAA

On 1 March 2013 the Council published a revised SHLAA with base date of 31 March 2012. This demonstrated a 5 year deliverable supply of housing based on identified land with potential for 9771 homes set against a housing requirement of 6835.5 homes.

The housing requirement figure was derived from the emerging Cheshire East Local Plan. Given that the SHLAA included emerging sites from this document it was considered consistent to use the housing figures associated with it. The basic requirement was 6,050 homes 2013 – 2018, with an allowance of 460 for backlog since 2010 and a 5 % buffer making up the remainder of the housing target.

The identified supply of 9,771 homes was derived from a combination of sites with planning permission, sites under construction, sites awaiting planning obligations, strategic sites in the merging Local Plan and large & small sites without planning permission.

Since March, the publication of fresh ONS household projections and a series of appeal decisions placed the reliance on emerging housing figures in doubt, even though they are higher than previous development plan targets. Accordingly, in recent months the Council has relied on a housing requirement of 6,776 homes, based on the basic housing provision figure of 5,750 homes over five years set out in the North West Regional Spatial Strategy. It is this figure that has been used in a series of appeals through the summer of 2013.

Both the SHLAA and the updated figure relied on the residual or “Liverpool” method of factoring in the backlog of housing not built during the recession. This has previously been the standard means of accounting for variations in supply – and seeks to spread any shortfall over the remainder of the relevant plan period. This is on the basis that housing requirements in Local Plans are established over many years (usually 15-20) rather than being annualised targets. At the time the SHLAA was published this method was supported by the Home Builder’s Federation.

In addition, the housing requirement also took account of the standard 5% buffer to allow for choice and competition in the housing market. The NPPF advises that where there is “a record of persistent under delivery of housing” a greater 20% buffer should be applied, in order that to provide a realistic prospect of achieving the planned supply. The Framework does not elaborate further on the definition of persistent under delivery – and appeal decisions take a different view on the subject. The Planning Advisory Service guidance of July 2013 suggested a whole economic cycle of at least ten years should be considered; other decisions take a shorter period of time. The Council’s approach has been to take a longer view of delivery – and also to assess delivery against the development target as a whole rather than taking a year on year view (as the RSS does not have annual targets). On this basis, a 5% buffer was applied in the SHLAA

Appeal Decisions October 2013

Following the publication of the SHLAA a series of planning appeal inquiries were held through the summer of 2013, alongside a long running planning appeal remitted to the Secretary of State.

On 18 October two appeal decisions were issued (at Congleton Road, Sandbach and Sandbach Road North, Alsager) along with the Secretary of State’s decision at Abbeyfields in Sandbach. The Secretary of State and the Inspector both found that the Council could not demonstrate a five year supply of deliverable housing land. Both Sandbach appeals were allowed, but the Alsager appeal was dismissed on grounds of impact on the countryside

The Secretary of State’s letter is based on written representations rather than evidence presented at an Inquiry. It seeks to address broad principles in terms of housing supply rather than detailed figures. The Secretary of State concluded that the 5 year housing requirement was “between 7,366 to 9,070 dwellings”

The Secretary of State considered that there was “justifiable doubt” about the assumed build rates on sites. He also highlighted the high proportion of supply that related to strategic sites in the emerging plan, where delivery appeared less assured – and the correspondingly modest proportion of sites with planning permission. Concern is also expressed over the involvement of the Housing Market Partnership which further undermined confidence in the SHLAA. In conclusion, the view was taken that the Council had:

“not demonstrated a 5 year supply of deliverable housing sites against even the most favourable assessment of the 5 year housing requirement.”

The Inspector in the Congleton Road and Sandbach Road North cases heard detailed evidence at Inquiry – and accordingly provided more specific analysis of the sites and housing numbers. He took the view that it would not be appropriate to take too relaxed a view on catching up the backlog and so preferred the Sedgefield methodology to Liverpool. He also looked at the preceding five years (2008-2013) where it had been acknowledged that annual average figures had not been met. Notwithstanding oversupply in earlier years, this run of half a decade was tantamount in his eyes to persistent under delivery – and so considered a 20% buffer should be applied. This raises the housing requirement by well over 2,000 units to around 9,000 homes.

At the same time, the Inspector also had misgivings over the delivery and yield predicted from certain sites – most notably those in the Development Strategy. Whilst acknowledging that delivery would take place, a variety of factors lead to the conclusion that the Council’s assumed yield within the five years was too optimistic. When similar concerns over other sites was factored in, he down graded the likely deliverable supply by around 1500-2000 units – to around 7,000 - 7,500 homes.

Accordingly, he concluded that the Council could not demonstrate a five year supply of deliverable homes against a requirement of some 9,000 units.

Consequences

The Appeal decisions raise a number of issues – most notably over the calculation of the housing requirement. Without a clear target, the Council cannot be sure of meeting the housing requirement. In this case both decisions highlight different perspectives on the calculation of the backlog and the buffer.

Both the Inspector and the Secretary of State adopt the “Sedgefield” methodology for tackling backlog – namely to include the whole of the backlog within the five year requirement. This is considered to better match the NPPF aspiration to “significantly boost housing supply”. It is entirely admirable to seek to recover housing supply as quickly as possible – but we would question whether it is realistic to think that the impacts of the worst recession for many years can genuinely be caught up in just five years. It is somewhat ironic that, when the Council has been criticised for a “rose tinted” view in its approach to supply, an even greater optimism is now considered *de rigeur* in the setting of housing targets. Furthermore, although the Sedgefield methods ensures that a wider range of sites are made available more quickly, it does not result in anymore houses being built than the Liverpool method.

Nevertheless, these decisions follow the pattern of many recent decisions – and indeed the recent NPPG also supports the Sedgefield methodology. Accordingly, this has increasingly become the new orthodoxy and the Council must take account of this trend.

With regard to the buffer the picture is less clear cut – the Secretary of State appearing to concede that a 5% buffer might be appropriate as a minimum. The Inspector's reasoning relies heavily on assessing completions against the annualised average in any individual year – as opposed to the delivery against the Development Plan target. This difference of view underlines the need for clear guidance as to the parameters of persistent under delivery.

In considering the supply of housing, both decisions recognise that sites in the draft Local Plan can properly contribute to housing supply – but that their emerging status lends doubt to delivery and yield in some cases. This is an important principle as many have argued that no or little reliance should be placed on such sites

In considering the anticipated yield from sites, this is an area which is invariably subject to debate and conjecture. However, both decisions suggest that the Council has over estimated the likely contribution that strategic sites are likely to make in the next five years. This underlines the need for solid evidence to underpin whatever estimate is applied on likely completions in future years.

The consequence of these views of the calculation of the housing requirement is to expand the housing requirement considerably – either to the 9000 homes advocated by the Inspector or to the range of 7,366 – 9,070 promoted by the Secretary of State. When this elevation is combined with the tempering of the supply deliverable sites, the consequence is to undermine the Council's ability to demonstrate a five year supply. It is interesting to note that the Inspector found that the Council's original target of 6,776 homes had been met – and also that the Secretary of State's minimum requirement sits within the range of supply endorsed by the Inspector. This is especially so as at first glance the Inspector appears to have misapplied the Council's supply figures – using a base of 9,000 homes rather than the figure of 9,399 quoted at the inquiry.

However, none of that diminishes the overall conclusion - that either a five year supply cannot be demonstrated or that the evidence for doing so is inconclusive.

Accordingly unless or until these decisions are challenged or a new SHLAA prepared, the Council is unable to conclusively demonstrate a five year supply of deliverable housing land. Accordingly Policies for the Supply of housing will not be considered up to date (see further below) and enhanced weight should be given to the provision of housing in decision making.

Countryside Policies

As well as assessing housing supply, the decisions at Sandbach Road North and Congleton Road Sandbach are also significant for clarifying the status and intent of settlement zone line and countryside policies.

Some have sought to argue that as settlement boundaries effectively contain the built area of a town or village – and so define the area in which development is usually concentrated –

that accordingly they should be viewed as housing supply policies. This subsequently could mean that those policies, along with normal countryside policies, should be considered “out of date” if there is no five year supply of housing land. This view is derived from paragraph 49 of the framework which states that:

“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”.

There are appeal decisions that appear to support this perspective, although those in Cheshire East have generally taken a different approach.

The recent appeal decisions consider this matter in some detail. It was noted by the Inspector that the settlement zone lines serve a variety of purposes – and take account of land allocated for development up to a particular point (in this case 2011). However, the Inspector considered that settlement zones lines were not driven by the need to identify land for development, but rather are based on the objective of protecting countryside once development land is identified. Consequently, he concluded that the related policy (Policy PS4 of the Congleton Local Plan) was *“not sufficient directly related to housing land supply that it can be considered time expired for that purpose.”* Instead the Policy is *“primarily aimed at countryside & green belt protection”*. These objectives are largely in conformity with the NPPF and attract *“significant weight”*. In both appeals conflict with countryside policies were acknowledged.

This means that these policies remain important in the planning balance – but are not necessarily determinative. The two decisions pinpoint that much depends on the nature and character of the site and the individual circumstances pertaining to the application. At Congleton Road, the Inspector considered that the objective to boost significantly the supply of housing outweighed the “relatively moderate” landscape harm. In contrast, at Sandbach Road North the provision of housing was viewed as an “important and substantial” material consideration, but there would also be serious harm resulting from the impact on the character and appearance of the countryside. On this occasion that identified harm, combined with the significant weight attributed to countryside policies, outweighed the benefits in terms of housing supply.

In reaching this conclusion, the Inspector memorably noted that:

“the lack of a 5 year supply of housing land does not provide an automatic ‘green light’ to planning permission”.

Therefore, countryside policies in existing local plans can be considered as consistent with NPPF and are not housing land supply policies – and thus not of date, even if a 5 year supply is not in evidence. They accordingly need to be played into the planning balance when decisions are made. Where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply.

Emerging Policy

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

The proposal does comply with the Interim Policy as it is located on the edge of Crewe. In addition, the proposal supports wider policy objectives, such as achieving sustainable development, in close proximity to the more major town centres and sources of employment and supporting urban regeneration, in the parts of the Borough where it is most needed.

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

The interim policy also states that the development must be well related to the existing fabric of the settlement. These matters will be discussed in greater detail below.

A further requirement of the interim policy is that the site is capable of being fully developed within five years of the granting of outline planning permission. In this case the applicant has confirmed that because 2 separate house builders will be involved in bringing the site forward, it will be delivered within 5 years.

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

'All Change for Crewe' is the route map for charting the town's development over the next two decades. The strategy intends that by 2030, Crewe will be a nationally significant economic centre with a total population in excess of 100,000 people (currently it has about 83,000), one of the leading centres for advanced, engineering and manufacturing in England and recognised as a sought-after place in the South Cheshire Belt for people to live, work, put down roots, and develop their talents. In order to achieve these objectives, significant additional housing will be required. This proposal will go some way towards supporting the delivery of the Council's overall vision and objectives for Crewe. It therefore meets all of the requirements of the Interim Planning Policy on the release of housing sites, with the exception of 35% affordable housing (discussed in more detail below).

It is acknowledged however, in respect of the Appeal at the Elworth Hall Farm site, the Inspector concluded that:

"The various LDF options for the spatial distribution of growth do not exclude housing away from Crewe – indeed in each case Crewe would take only about 37% of all growth. I appreciate that various other policy documents issued by the Council support the

promotion of Crewe. However, to my mind the way in which the IPP exclusively focuses development in the town (with the exception of town centre schemes and regeneration areas) does not reflect the spatial vision in either RSS or the emerging LDF. This means I can afford it only limited weight."

Conversely the Inspector attached considerable weight to the fact that the site had been identified in the SHLAA as deliverable (i.e. 'available', 'suitable' and 'achievable'). He considered that:

"The SHLAA had been prepared under a robust methodology and should be afforded significant weight. Based on the evidence before me, it appears to have been compiled in accordance with nationally recognised good practice and has been accepted by the Council presumably after proper consideration and with due regard to the direction of its policy. Consequently I have no basis to put aside its overall finding that this is a suitable site for housing."

The SHLAA identifies the current application site, as suitable - with policy change, available, achievable, developable and therefore deliverable and it is anticipated that it will bring forward 131 homes in the period 2010 - 2015 and 269 units between 2015 - 2020. It therefore forms an important part of the identified 5 year housing land supply.

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. 1985 representations were received to the Crewe Town Strategy.

The Strategy states at paragraph 7.12 *"within Crewe, at the end of the 2010/11 monitoring period, there were commitments for 887 dwellings; in addition the Strategic Housing Land Availability Assessment identified the potential for around 500 additional dwellings to be built within the town. Since that date, planning permissions have also been granted for 400 dwellings on Parkers Road; 650 dwellings at Coppenhall East and 51 dwellings at Gresty Green Road."*

Paragraph 7.13 goes on to say that *"taking all of the commitments into account, there would be a need to find sites for around 3,300 dwellings. It is likely that these sites would be located on the edge of the town and that they would be developed as either housing sites or mixed use sites, including abundant green spaces, employment, local centres and new Primary Schools."*

The results of that consultation were considered at a meeting of the Strategic Planning Board on the 6th December 2012. The resolution at that meeting is that the future housing needs of Crewe should met 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) and at 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) now the subject of consultation. The site is one of the sites identified in the Draft Development Strategy as a commitment. At Parkers Road, the strategy envisages:

- Phased delivery of around 400 new homes (at an average of 30 dwellings per hectare);
- Including 'housing to meet local needs', in line with Policy SC4 in the Emerging Policy Principles document;
- Incorporation of Green Infrastructure including open space, to include an equipped children's play area;
- Provision on site or appropriate contributions towards Green Infrastructure, education, health, open space and community facilities; and
- Provision of contribution towards highway improvements to the Remer Street corridor.

The application is therefore in accordance with the principles of the Draft Development Strategy and the Crewe Town Strategy. The NPPF consistently underlines the importance of plan-led development. It also establishes as a key planning principle, the fact that local people should be empowered to shape their surroundings.

Affordable Housing

In considering the issue of affordable housing it is necessary to refer to the latest Ministerial Guidance on unlocking stalled housing schemes, including the specific legislative provisions which have been enacted to support developers in this endeavour. The relevant policy framework was set out concisely in the Applicant's supporting letter dated 24th May 2013 as follows:

The planning policy context at national level provides clear guidance which supports the revisions which this submission requests. The National Planning Policy Framework (NPPF) calls on Local Planning Authorities to “boost significantly the supply of housing in their areas” (paragraph 47). The objective is to deliver a wide choice of high quality homes, including affordable housing, and Local Planning Authorities are encouraged to set policies designed to meet this need, preferably on site. The NPPF makes clear however that “such policies should be sufficiently flexible to take account of changes in market conditions over time.” (Paragraph 50, last bullet point).

The NPPF emphasises the importance of ensuring viability and deliverability; without this plans will simply remain plans and will not secure necessary development on the ground. It advises that “pursuing sustainable development requires careful attention to

viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.” (Paragraph 173).

This paragraph continues by confirming that “to ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal costs of development and mitigation, provide competitive returns to a willing landowner and willing developer to enable the development to be deliverable.” (Paragraph 173).

Subsequent to publication of the NPPF, in September 2012 the Secretary of State for Communities and Local Government made a Ministerial Statement “Housing and Growth” which placed particular emphasis on the need to ensure housing developments are not stalled by unrealistic Section 106 obligations. The Statement said “it is vital that the affordable housing element of Section 106 Agreements negotiated during different economic conditions is not allowed to undermine the viability of sites and prevent any construction of new housing. This results in no development, no regeneration and no community benefits at all when agreements are no longer commercially viable. The Government estimate that up to 75,000 new homes are currently stalled due to site viability. Section 106 is an important tool to provide affordable housing and we welcome the flexible approach that many Councils have already taken to renegotiating these agreements where necessary.”

The Statement gives explicit encouragement to Local Planning Authorities to demonstrate flexibility and a willingness to ensure that proposals are not held up by viability issues. In decisions earlier this year Cheshire East Council have already demonstrated that they embrace this advice in appropriate circumstances.

The Government’s policy advice to Local Planning Authorities has recently been given statutory force through the Growth and Infrastructure Act which received Royal Assent on 25 April 2013. By inserting Section 106 BA into the Planning Act it expressly allows for applications to be made on viability grounds for a reduction in affordable housing requirements to ensure development become economically viable. Whilst this statutory provision relates to pre-existing Section 106 Agreements, it logically follows that draft agreements which have yet to be executed (albeit in this particular case were effectively in an agreed form) should follow precisely the same principles.

In summary National Policy and the recently introduced statutory provisions expressly encourages Local Planning Authorities to approve variations to the terms of Section 106 agreements in order to ensure that development which is otherwise acceptable is not prevented from coming forward.

This provides an important context for the Committee’s deliberation.

The Interim Planning Statement: Affordable Housing (IPS) states that for windfall sites in settlements with populations of 3000 or more the Council will negotiate for the provision of

an appropriate element of the total dwelling provision to be for affordable housing on all sites of 15 dwellings or more or than 0.4 hectare in size.

However, the Interim Planning Policy on the Release of Housing Land (IPP) states that greenfield sites permitted under this policy (which was the prevailing policy at the time of the previous resolution) will be expected to deliver: a minimum of 35% affordable housing in accordance with the Interim Planning Statement on Affordable Housing. According to the latter, the 35% provision should be split on a 65% social rent, 35% intermediate tenure basis.

The site lies partly within the Crewe sub-area and partly within the Minshull Vernon sub-area in the Strategic Housing Market Assessment (SHMA) 2010. The current affordable housing need for the area in Crewe, as identified in the SHMA is for 256 new affordable homes annually. This is made up of 127x 1-beds, 20x 2-beds, 47x 3-beds, 40x 4/5-beds 26 x 1/2 bed older persons units. For the Minshull Vernon sub-area the SHMA 2010 shows there is an annual requirement for 5 new affordable homes per year between 2009/10 – 2013/14. This is made up of a need for 3 x 3 beds and 2 x 1/2 bed older persons units.

In addition to this information taken from the SHMA 2010, Cheshire Homechoice is used as the choice based lettings method of allocating social rented accommodation across Cheshire East. There are currently 1130 for Crewe the majority of which require 1, 2 and 3 bed accommodation, but there are also 54 applicants who require 4 bed or larger accommodation. For Minshull Vernon there are 3 current applicants, who require a 1 bed, 2 bed and 3 bed.

It is expected that the affordable housing to be delivered at this site will primarily serve the need for Crewe but may also assist by serving some of the need for Minshull Vernon.

The proposed layout for Phase A as originally submitted with the application included a schedule of accommodation indicating affordable housing provision of 11 x 2 beds, 14 x 3 beds and 1 x 4 bed, this totals 26 units which equates to only 20% of the 131 units to be developed in Phase A. This would mean a requirement that of the remaining 269 units to be developed in the subsequent phases 114 would need to be affordable in order to meet the IPP requirement of 35% affordable across the whole site.

The reason Bloor Homes gave for the reduced percentage provision of Affordable Housing in Phase A is due to the need to kick-start the development through private market housing provision. Housing would accept the reduced affordable housing provision in Phase A subject to the S106 Legal Agreement ensuring the requirement that 35% of the 400 units proposed across the whole site are delivered as Affordable Housing.

Therefore the proposal as originally submitted was compliant with the IPP in terms of overall provision. The Housing Section were also satisfied with the proposed split of type and tenure of housing, as well as its design and distribution throughout the site, including the provision of a lower percentage of affordable housing in Phase A and a higher percentage in Phase B, which will average out to 35% across the site. Therefore, it was considered that subject to a suitable prior legal agreement to control occupancy of the properties and provision of the social rented affordable units through a Registered Provider who are registered with the

Tenant Services Authority to provide social housing, that the scheme was acceptable in terms of affordable housing provision at the time of the previous resolution.

Section 6 of the Interim Planning Statement (IPS): Affordable Housing relates to Viability of Affordable Housing Provision. Paragraph 6.6 states:

Where it is accepted by the Council that a development is not sufficiently viable to provide the requisite level of affordable housing, and where the development is in all other respects acceptable, it may consider requiring the applicant to enter into a legal agreement which effectively defers developer contributions during the period of development. More detail on this approach is contained in the Home and Communities Agency Good Practice Note on Investment and Planning Obligations (July 2009), however the broad principles are explained below.

As stated above, the NPPF, and paragraph 173 in particular, also stresses the importance of housing delivery and viability as a material planning consideration. Paragraph 173 states:

Since the previous resolution to grant planning permission, the applicant has commissioned consultants DTZ to assess the viability of the proposed scheme. DTZ have provided a viability appraisal (FVA) for the policy compliant scheme which provides 35% affordable housing, however the appraisal excludes the costs relating to the requirement to build new homes to Code level 4 and the tenure split of 75% social rent/25% intermediate. The applicant concludes that the policy compliant scheme is not financially viable.

DTZ have also provided a viability appraisal for the scheme on the basis of:

- a reduction in the level of on-site affordable housing provision to 10%,
- an adjusted tenure split of 25% social rent and 75% intermediate,
- a reduced requirement to build new homes to Code Level 3
- removal of the requirement to provide 10% renewable energy on site.
- the same level of Section 106 contribution as discussed with the Council.

This concludes that the revised scheme, as detailed above, is viable. The applicant's FVA has been independently scrutinised by Gerald Eve, an independent consultant acting on behalf of the Council. On the basis of the FVA as originally submitted Gerald Eve were unable to conclude that the Section 106 contributions represented the maximum the scheme can afford and further viability testing needed be undertaken to establish the appropriate level of contributions. However, Gerald Eve have subsequently been provided with additional information by DTZ in respect of the above-mentioned matters. In summary:

- Detailed comparable evidence has been provided to support the sales values per sq. ft.
- A full breakdown with an RP offer has been provided for the affordable housing values.
- Further cost information in relation to the abnormal costs has been provided.
- Full phasing details has been provided.
- The profit level is a reasonable return for development in the current market.

Gerald Eve have assessed the additional information and have concluded (based on the information provided) that the revised Section 106 and 10% Affordable Housing represent the maximum that the scheme can afford in accordance with the RICS guidance.

The NPPF also stresses the importance of housing delivery. One of the 12 Core Planning Principles at paragraph 17 states that planning should:

proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.

On the basis of Gerald Eve's advice, it is considered that the applicant has demonstrated that the viability issues would delay delivery of the scheme and that this would have a negative impact on housing land supply within Cheshire East.

Whilst the reduction in the overall percentage of affordable housing, is regrettable, it has to be recognised that the Parkers Road scheme forms part of Cheshire East's 5 year Housing Land supply and in order to defend forthcoming Appeals on other sites within the Borough, it is necessary to demonstrate that sites such as this are viable and deliverable.

Members may recall that at its meeting on 22nd August 2012, Strategic Planning Board resolved to approve an application for residential development at the nearby Maw Green site, with an overall affordable housing provision of 10%. This case is not dissimilar.

At its meeting on 5th December 2012, the Board also resolved to make the same amendments in respect of the resolution to approve the scheme at the Coppenhall East site. Again, this case has some similarities with this scheme.

Furthermore, the development site is in a part of Crewe where property prices are relatively low compared to other parts of the town and the Borough as a whole. It is also where there is already an abundance of affordable housing. Consequently, it could be argued that increasing the market housing element would help to provide a mixed community in this part of Crewe. This was the view taken by the Inspector at the Appeal relating to the Bath Vale Works site in Congleton where, due to the Bromley Farm Council Estate near to the site, he agreed to omit the social rented tenure in order to achieve a mixed community.

In summary it is considered, that in the light of the NPPF, the viability and housing delivery case which has been advanced by the developer is an important and material consideration, which would outweigh the policy requirement in respect of affordable housing provision.

However, the IPS states at paragraph 7.7 that, in circumstances where there are reduced affordable housing provision is accepted on viability grounds:

"subject to the developer agreeing to initially provide the proportion (if any) of the affordable housing that the development appraisal indicated was viable, a further payment in lieu of the remaining affordable housing would become

payable if and when there was an increase in the achieved sale values of the dwellings compared to the values assumed in the development appraisal. The calculation of further payments would be at agreed periods during the life of the development. This mechanism would only apply once development had commenced.”

As this is a large development, which is likely to come forward in phases over a development period of 5 – 10 years, it is considered that an overage agreement should be required in case there is an increase in sales values of the dwellings compared to the values assumed by the applicant. Any overage payments should be invested back into affordable housing in Cheshire East. Such clauses have been used on recent permissions issued elsewhere within the Borough, (including Coppenhall East). Therefore, this would seem to be a reasonable request.

With regard to the amendments to the proposed tenure split, the 75/25 split between intermediate and rent, would also reflect the previous decision of the Strategic Planning Board in respect of the Coppenhall East scheme. This would go towards meeting some of the identified affordable housing need for Crewe.

The first phase of c 130 homes has always included 26 affordable units. The developer will maintain this level of provision and so the scheme is "front end loaded" as the effective rate of provision in the first phase will be 20% (26 affordable out of 130). This is considered to be a major benefit of the scheme.

The Affordable Housing Interim Planning Statement also requires that the affordable units should also be tenure blind and pepper potted within the development. The external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration. The location of the affordable units appears to achieve pepper potting, and the design and appearance appear to be similar and therefore the proposal is also acceptable in this regard. The Applicants have clarified that the design and form of the affordable houses are same as the open market houses, the drawings submitted for both the affordable houses and open market houses of the same type are the same.

The developer has also drawn attention to the intention to provide 25 key worker units for Leighton Hospital staff in the second phase. This has been included as a direct result of the consultation with Leighton Hospital. This is also noted and is considered to be a benefit of the scheme. It has been included within the Section 106 provisions.

On the basis of the above, and the advice of Gerald Eve, the proposed amendment to the affordable housing provision from the previous resolution is considered to be acceptable.

Contaminated land

A desk study has been submitted with the application which has identified that the site comprised agricultural fields since the first edition historical map of 1875. The site has remained undeveloped until present. Former ponds were recorded in the western and central portions of the site and were backfilled by 1893 and 1977. Drainage ditches were also present on the site and some appear to have been filled in between 1977 and 1988.

Given the findings of the desk study and nature of the existing use, no source of contamination has been identified. However due to the proposed use it is recommended that further investigation to identify the presence of possible contaminated land and subsequent requirements for remediation or mitigation relating to human health risks.

The Council's Environmental Health officers have examined the report and agreed with its conclusions. They have commented that the site is located on areas of ground which have the potential to create gas. The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. Therefore, they have raised no objection on contaminated land grounds subject to the imposition of an appropriate condition requiring an intrusive investigation to be carried out.

Air Quality

The application has been accompanied by an Air Quality Impact Assessment which utilised 2009 monitoring data and has not highlighted any air quality issues as a result of the development. Therefore the Environmental Health Section has raised no objection subject to an updated assessment being submitted at the reserved matters stage using current data. This can be secured by condition. Environmental Health have also recommended the submission and implementation of a Construction Environmental Management Plan (CEMP) and a Travel Plan to minimise any impact on air quality arising from dust construction and traffic following completion of the development respectively. This can also be secured by condition.

Noise Impact

The developer has submitted what they refer to as a Noise Impact Assessment with the application which states that noise levels have been measured at a number of different locations around the site. Traffic noise levels were found to be relatively modest generally falling into Noise Exposure Category A or B of PPG 24. The highest noise levels (falling onto the boundary of NEC B/C) were measured at locations close to Parker's Road. The proposed layout with the nearest dwellings to Parker's Road facing towards the road is a good design as it means that the rear gardens will be screened effectively from traffic noise by the houses themselves. Where necessary, some acoustic fencing has been recommended. Sound insulation measures have been recommended for habitable rooms of those dwellings in Phase 1 that will be closest to Parker's Road. No special measures are required for any other areas of the site.

Subject to these recommendations being implemented, noise levels in gardens and inside rooms will be within the standards that are recommended in British Standard 8233. Therefore there will be no unacceptable traffic noise impacts on the proposed residential development.

The Environmental Health officer has commented that the information supplied in Appendix 13.1 of the Environment Statement is not a noise assessment but a prediction in the increase of traffic noise. Therefore a full noise impact assessment will need to be secured prior to commencement of development by condition.

Landscape Impact

The Environmental Impact Assessment includes a Landscape and Visual Impact Assessment undertaken using a methodology developed by Capita Symonds and states that it recognises and respects the advice contained within the Guidelines for Landscape and Visual Impact Assessment (2002) (second edition) (GLVIA) published by The Landscape Institute and Institute of Environmental Management and Assessment.

The assessment concludes with comments to the effect that the site is visually well contained, has no national landscape designation and the landscape is not considered to be particularly sensitive. The conclusion is made that the proposed development will create a change in the land-use and landscape character of the development site. The nature of this change will however be similar in scale and complimentary in character to that existing elsewhere within the local area and the mitigation measures incorporated into the design will help to assimilate the development into the wider landscape and townscape context.

Whilst it does not identify that initially it would be necessary to remove a significant length of hedgerow on the Parkers Lane frontage, in general the assessment appears to be comprehensive and the Council's Landscape Officer would broadly agree with the methodology and its findings. Whilst the landscape and character of the site would be irreversibly altered, subject to landscape mitigation measures as indicated, in the local context reasonably such change could be deemed acceptable.

Overall the indicative landscape proposals appear reasonable. Taking into account the site location, the Landscape Officer has some concerns about some of the tree species proposed for use on the site, e.g. Dawn Redwood and Plane. However, such details can be agreed as part of detailed landscape proposals. For Phase A, a fully detailed and specified landscape scheme would need to be secured by condition. Boundary treatments will also need to be given careful consideration and boundary treatment conditions should be applied.

With regard to Phase B, the Landscape Officer had expressed concern about the width of the landscape buffer to the northern boundary. The amended plans show that the buffer strip has been widened to 3m along the western half of the northern boundary and 12m on the eastern half of the northern boundary. The west facing section of the 'northern' boundary is now at a width of 8m. The applicant considers that these areas are significant and when roads and front gardens that will front the boundary are taken into account there is a very wide areas of no/low built form to the site edge. In particular, the 12m strip offers much more than simply a grass verge. This provision will support and enhance the existing public footpath (which exits the site from the north-west corner passing through the adjacent land) and will allow for future tree/shrub planting, recreational use and movement through and out of the site. From a landscape, open space, ecological and permeability perspective the developer considers that the layout offers an appropriate and balanced option for the site. The Landscape Officer has commented that there has been a marginal increase in the width of the buffer strip for the north west section of the northern boundary which is welcomed although it should be noted that it would only really accommodate the existing hedge, hedgerow trees and a wide grass verge.

The second access on to Flowers Lane, which is also shown on the amended plans will involve the loss of a hedge and possibly an Ash tree. However, the tree is in decline and a

replacement hedge could be secured by condition. The amended layout also includes a reduction in the POS to the south west and places development in a more prominent position when viewed from Flowers Lane. This lane has a rural aspect and the larger area of POS would have provided a good buffer to the development. However, reduction in this area of public open space provides for a wider strip along the northern boundary than in one block at the western end of the site, and given that the application for Phase B is only in outline, a further buffer strip could be included at the reserved matters stage.

Hedgerow and Tree Matters

The tree survey submitted with the application identified 47 Trees, comprising 38 Oak and 9 Ash. Of these 6 were identified as category R and recommended for removal in the context of the development. Of the remainder, 38 were of high quality (category A), and 18 of moderate quality (Category B) and 7 low quality (category C).

The proposed layout for the land to the south would appear to allow for the retention of existing mature trees and the Landscape Officer is satisfied that with appropriate protection measures this should be achievable.

The proposed new access from Parkers Road would result in the loss of a length of hedgerow which contains a significant number of young trees. The trees were not included in the tree survey. However, mitigating planting could be achieved by using similar size planting stock.

Whilst only indicative, the proposed layout for the land to the north demonstrates that a layout could be achieved which allowed for the retention of existing significant trees.

The specification for tree protection fencing in the tree survey would not be sufficiently robust without additional bracing and in the event that the development is deemed acceptable, comprehensive tree protection conditions will be necessary for both phases of development. These should include arboricultural method statements specific to each phase with details of arboricultural supervision.

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.

The Design and Access Statement (para 5.8.3) indicates that it would be necessary to remove 65 metres of hedgerow in order to accommodate the development. However, the Ecological Assessment cites a much higher figure and it appears that approximately 160 metres would have to be removed on the Parkers Road Frontage alone and potentially two 20 metre sections mid site in Phase B to facilitate access.

Under the Hedgerow Regulations, the lengths of hedgerow proposed for removal are checked against various archaeological, historic and ecological criteria to ascertain if it

qualifies as 'Important'. The site ecological survey (para 9.68) identifies that none of the hedgerows on the site were species rich and none qualifies as important under the ecological criteria in the Hedgerows Regulations 1997.

The Shared Services Archaeologist has confirmed that the hedgerows have been checked against the Cheshire Historic Environment Record under the following criteria as defined in Schedule 1, Part II of the Hedgerow Regulations and that these hedgerows are not covered under the stated criteria. Consequently they are not considered to be of archaeological importance.

To turn to historic importance, an evaluation of the heritage value of hedgerows to be removed from the site has been undertaken in accordance with the requirements of the Hedgerow Regulations 1997.

The hedgerows on the site are associated with agricultural field structure and are not related to any historic parish or township. They incorporate no archaeological features included in the schedule of monuments. The hedgerows are not situated wholly or partly within an archaeological site included in the schedule of monuments and are not associated with any such feature. The hedgerows are not connected to any pre-1600 estate or manor or any such associated buildings.

The hedgerows form part of a field system although the date of the formation of this system is unknown. The earliest document held at the Record Office which indicates the presence of hedgerows at the site is from 1847, which post-dates the Inclosure Act of 1845. Due to the absence of any documentary evidence of the presence of hedgerows prior to 1845, the hedgerows on-site are not classed as important under the 1997 Regulations.

Based on the analysis presented above, the hedgerows present on the site are not classified as 'important' under the criteria specified in the Hedgerow Regulations 1997. Consequently, it is considered that the proposed hedgerow removal is acceptable. However, a hedgerow protection condition will be necessary to ensure that all hedgerows to be retained as part of the development are protected during the course of construction operations.

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 commented that all of the surveys have been undertaken to a high standard by suitably experienced ecological consultants.

Great Crested Newts

Great Crested Newts, a European protected species, have been recorded breeding at a number of ponds in close proximity to the proposed development.

In the absence of mitigation the proposed development would pose a significant risk of killing/injuring any animals on the site and would result in the loss of significant areas of terrestrial habitat and potentially isolate a known breeding pond from the surrounding terrestrial habitat. No breeding ponds will be lost as a result of the proposed development.

To mitigate the risk of great crested newts being directly harmed by the proposed development the applicant is proposing their exclusion from the development footprint

through the implementation of pit fall traps and amphibian exclusion fencing. This approach is in accordance with standard best practice methodologies.

To mitigate and compensate for the loss of terrestrial habitat and isolation of the ponds all immediate terrestrial habitat (within 50m of each pond) will be retained and enhanced, a new pond will be created and a buffer strip of tree planting/vegetation/ open space has been provided along the northern boundary of the site.

However, the proposed mitigation includes limited habitat creation and the strategy relies on newts having access to the open countryside to the north of the proposed newt habitat area. As such its success would be extremely vulnerable to any further development on land to the north of the site. However given that the land to the north does not benefit from any allocation or extant planning permissions for development, the proposal must be assessed on its own individual merits, and as such is considered to be acceptable. It should also be noted that Natural England appears to be supportive of the proposed mitigation and have not objected to the application. To ensure the success of the newt mitigation area the public must be excluded from accessing it and management proposals must be provided to ensure its long term viability. These can be secured by condition.

Bats

Bats are a protected species and a BAP priority species and were recorded foraging around the site. However there was no evidence of roosting bats being present. The proposed new pond and planting to the north of the site will at least partially compensate for any loss of foraging habitat and the Council's Ecologist does not anticipate that the proposed development having a significant impact upon bats.

Breeding Birds

The hedgerows and trees on the proposed development site are likely to support breeding birds including Biodiversity Action Plan Priority species. If planning consent is granted the conditions are required to safeguard breeding birds and to ensure some additional provision is made for roosting bats and birds as part of the development. Specifically, prior to undertaking any works during nesting season, a detailed survey is required to check for nesting birds and a scheme for the incorporation of features suitable for use by roosting bats and breeding birds including house sparrow and swifts, should be submitted, approved and implemented.

Hedgerows

Hedgerows are a local BAP habitat and a material consideration. The proposed development will result in the significant loss of hedgerows. However, this could be partly compensated for through the provision of newly planted native species hedgerows on the northern boundary of the site, which could be secured by condition.

Natural England

The comments in respect of the Natural England consultation are also noted. Natural England and the Council's Ecologist have no objections to the scheme, including the proposed Great Crested Newt Mitigation.

Open space

The proposed layout makes provision for a large central formal open space, incorporating a children's play area within Phase A, and a further area of informal recreation space, adjacent to the Flowers Lane Access, as Part of Phase B. Other peripheral areas of informal open spaces are also proposed. These are in addition to the wildlife mitigation areas referred to above. The Council's Greenspace Officer has examined the proposal and raised no objection to the proposed on-site provision, subject to a private management company being set up by the developer to maintain the open spaces within the development.

He has also requested that the development incorporate an equipped children's play area conforming to NEAP Standard. This means that there need to be a minimum of 8 pieces of equipment, plus 1.4 metre high bowtop railing surround with two pedestrian access gates and a double leaf vehicular access gate. The railings should be painted green and pedestrian gates should be yellow. The equipment must be predominantly metal, inclusive, and conform to BS EN 1176. Equipment should have wetpour safer surfacing underneath it, conforming to BS EN 1177. The surfacing between the wetpour should be tarmac with pre-cast concrete edging surround. Access paths to gates should be tarmac.

In response to these comments, the developer has stated that based upon a scheme of up to 400 new homes, the development must provide at least 1.4ha of open space and children's play space. Policy RT.3 of the Local Plan states this should be a functional area that can be easily maintained, it should be a single area that is open and accessible on foot and where possible it should link to the wider open space provision in the area, and if more than 400m from an equipped area of play the LPA will require a contribution towards play equipment.

The Masterplan identifies an area of 1.89ha for open space and children's play space. This is provided as 0.94ha informal open space, 0.52ha of children's play area in the centre of the Site, with 0.43ha classified as incidental open space. The proposed locations have been identified to provide recreational links to other areas of open space.

The central space was designed to conform to LEAP / Local Landscaped Area for Play standards. There is also an existing children's play area nearby at Moss Lane. The Applicants will provide an equipped children's play area within this Site which goes beyond meet RT.3's requirements. The application more than complies with this policy requirement.

Notwithstanding this NEAPs require a minimum activity zone of 1000m² which includes play equipment and a hard surfaced area of 465m² – e.g. 5-a-side / MUGA. These are generally designed to cater for older children and usually provided in much larger developments.

The equipped play area is one that includes a dry river bed feature, grassed earthwork mounds incorporating wooden and stone feature play equipment. It would be enclosed by railings as requested by the Council. During the community consultation support was given by many residents to this approach to the play area as it provides a contrasting play area

scheme and choice to residents to that which exists on the housing scheme adjoining Moss Lane.

However, the Greenspaces Officer has commented that such “natural” play areas have proved to have limited life spans and have been shown to be hard to maintain and where they have been used previously have had to be removed. Therefore the recommendation in this respect remains unchanged.

Subject to the above requirements, which could be secured through a Section 106 agreement, and in the absence of any objection from the Amenity Greenspaces Section, it is considered that the proposal is considered to be acceptable in terms of open space provision.

Drainage and Flooding

The applicant has submitted with the application, a detailed Flood Risk Assessment, which concludes the site lies in an area of Zone 1 Flood Risk. It has concluded that the risk of flooding to the development arising from external sources can be discounted. United Utilities have confirmed that their public foul system to the east has sufficient spare capacity to serve the proposed development. It is proposed to limit surface water flows from the development effectively to the greenfield run off rate and to connect into the public system to the east also as agreed with United Utilities.

The proposed drainage systems will be designed in accordance with Sewers for Adoption. The systems will be put forward for adoption by United Utilities under a Section 104 Agreement and United Utilities will therefore become responsible for the long term maintenance of the new site drainage system.

Overall the development proposals should seek to contain a 1 in 100 year event plus an allowance for climate change with additional storage to be provided along the ditch corridor at the Moss Lane boundary or alternatively increasing the capacity of the adoptable piped system. Private drainage, i.e. not adoptable, serving houses and individual units within the development will be designed to current building standards. Floor levels will be set a minimum of 150mm above external ground level.

It is concluded that in accordance with the NPPF the development is not at risk of flooding from external sources, will not increase flood risk associated with the development and its environment and is therefore appropriate and will have no adverse impacts.

United Utilities and 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.

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. A 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 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 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	Parkers Road
Open Space:	Amenity Open Space (500m)	0m
	Children's Play Space (500m)	0m
	Outdoor Sports Facility (500m)	0m
Local Amenities:	Convenience Store (500m)	387m
	Supermarket* (1000m)	3017m
	Post box (500m)	972m
	Playground / amenity area (500m)	0m
	Post office (1000m)	2228m
	Bank or cash machine (1000m)	380m
	Pharmacy (1000m)	387m
	Primary school (1000m)	700m
	Secondary School* (1000m)	3223m
	Medical Centre (1000m)	380m
	Leisure facilities (leisure centre or library) (1000m)	2426m
	Local meeting place / community centre (1000m)	4057m
	Public house (1000m)	868m
	Public park or village green (larger, publicly accessible open space) (1000m)	1212m

	Child care facility (nursery or creche) (1000m)	380m
Transport Facilities:	Bus stop (500m)	294m
	Railway station (2000m where geographically possible)	5485m
	Public Right of Way (500m)	292m
	Any transport node (300m in town centre / 400m in urban area)	292m
<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 proposal does not meet the minimum standards of accessibility in respect of 9 of the facilities listed, of which 8 are significant failures. The site meets the required distances against 13 criteria in North West Sustainability checklist. However, these facilities are within the town, albeit only just outside minimum distance. Development on the edge of a town will always be further from facilities in the town centre than existing dwellings. However, 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.

It should also be recognised that similar distances exist between the town centre and the existing approved sites and proposed local plan allocations at Leighton West, Coppenhall, The Triangle, Basford and Maw Green.

A number of facilities in the checklist such as open space will be provided on site. Also there is possibility of and potential for others such as child care facilities, post box or bus stop to also be included within the development.

Accessibility is only one aspect of sustainability and the NPPF defines sustainable development with reference to a number of social, economic and environmental factors,

these include the need to provide people with places to live and, on this basis, it is not considered that the Council would be successful in defending a reason for refusal on the grounds of lack of sustainability. Furthermore, it is possible to improve the non-car mode accessibility through suitable Section 106 contributions.

Previous Inspectors have also determined that accessibility is but one element of sustainable development and it is not synonymous with it. There are many other components of sustainability other than accessibility. These include, meeting general and affordable housing need, reducing energy consumption through sustainable design, and assisting economic growth and development.

The Council's IPP, carries a requirement for a high quality development designed to Code for Sustainable Homes Level 4 or higher and Building for Life Silver standard or higher.

According to the design and access statement, originally submitted with the application, the approach to meeting Code for Sustainable Homes Level 4 was principally through improvements to the fabric of the building (e.g. improvements to insulation and air tightness over building regulations and the installation of a low carbon Flowsmart boiler and a solar thermal (hot water) system.

Other measures included reducing water usage internally, attenuating the rate and volume of surface water runoff so it does not exceed the current rate post development and using building materials that have a low environmental impact. These measures, in conjunction with others required to meet code level 4, standards would help to fulfil the developments responsibilities with regard to sustainability and climate change.

RSS (Policy EM18) policy also necessitated 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 could be demonstrated that this is not feasible or viable.

The developer prepared an energy strategy for the proposed development to optimize the energy consumption of the site which considered the following measures:

- Maximising the thermal efficiency of individual buildings through thermal mass and insulation
- Minimising demand for water heating, space heating and cooling, lighting and power in individual dwellings through efficient equipment and controls
- Calculating the residual energy demand for the site
- Maximising the amount of the residual demand which can be provided through on-site generated renewable energy (either collective or on individual dwellings)
- Meeting the remaining demand efficiently, e.g. CHP (non-biomass or waste powered), district heating and cooling, ground source heating and cooling

The development would take into account the following hierarchy for feasible heating systems:

1. Solar Water heating
1. Co-generation, preferably powered by renewable

2. Community Heating
3. Heat pumps
4. Gas condensing boilers and efficient temperature and timer controls

The energy strategy considered appropriate on site renewable energy production including those listed and assessed which was the most feasible for the site. At least 10% of total site energy demand would be produced from an on-site renewable scheme. The energy strategy demonstrated that this target would be met through energy efficiency measures and the installation of 160 kWp photovoltaic panels.

The information submitted by the developer with the original application indicated that it is viable and feasible to meet the requirements of the RSS policy and a detailed scheme was therefore to be secured as part of the reserved matters through the use of conditions.

However, as explained above, the submitted FVA report indicates that it is not financially viable to provide the 10% renewable energy and Code Level 4 within the development and Gerald Eve have independently agreed with this conclusion.

Furthermore, Condition 9 which related to the obligation to assess the feasibility of achieving Code for Sustainable Homes Level 4 across the site, is an aspirational requirement which does not have any support in adopted planning policy. It is referred to in the Council's Interim Policy on the Release of Housing land. However, recent Appeal decisions have determined that this can be afforded only limited weight as a material consideration in decision taking. It is acknowledged that the Code Level 4 requirements would increase the sustainability of the scheme, which must be considered in the light of the presumption in favour of sustainable development under the NPPF. However, this must be balanced against the advice contained within the NPPF in respect of viability and housing delivery as set out above.

Also, the condition only required a feasibility study into the viability of meeting Code Level 4, across the site. Therefore, even if the condition were retained, a viability case could be presented to negate the requirement to comply with this condition. It is considered that such a case has already been presented as part of the developer's request to amend the committee's previous resolution in respect of the Section 106 Agreement. Consequently, there is no objection to the removal of this condition.

Similarly Condition 10, which was imposed to comply with the requirements of Policy EM18 of the RSS, required the provision of 10% of predicted energy requirements to be sourced from decentralised and renewable or low carbon sources only if it could be demonstrated that it was "feasible or viable" to do so. It should also be noted that since the resolution to grant planning permission was passed, the RSS has been revoked. Therefore, Policy EM18 no longer forms part of the development plan.

Design

Phase A of the development has been laid out with 4 blocks of properties along the southern boundary facing on to Parkers Road, and a number of detached dwellings on the eastern boundary orientated towards Moss Lane. This creates an active frontage to both roads, which adds visual interest and improves the security of this area. The main gateway to the

development is from a T-junction access mid-way along the Parkers Road frontage with a main spine road running due north from this junction and bisecting the site. This provides a welcoming and interesting gateway to the development.

Moving through the development the site has been subdivided into a number of blocks of houses by a series of streets and squares, in accordance with current urban design and Manual for Streets thinking. The squares are overlooked by the properties, which ensures natural surveillance and creates a sense of place. It also helps to create a sense of anticipation as the visitor moves through the site from one square to the next and each space is gradually revealed. Amended plans have been secured to include a second access point to Flowers Lane, which as well as providing a better highway access solution, which is discussed in more detail below, also improves pedestrian and cycle permeability of the site. This is particularly important for people travelling to and from the development and other residential areas to the east and south east, towards Leighton Hospital which lies directly to the west. The roads and squares will be lined with trees, which helps to compensate for existing trees that will have to be removed, and will create a more pleasant residential environment. Shared surfaces have been utilised in accordance with Manual for Streets best practice, to slow vehicle speeds, reduce the visual impact of highway over-engineering and to give pedestrians natural priority.

At the heart of the development, as stated above, is a large central formal open space, incorporating a children's play area. This is overlooked by properties, and will benefit from natural surveillance as a result, as well as contributing to a pleasant residential environment.

The indicative layout to Phase B shows a continuation of the main spine road and the remainder of the site divided up into blocks, similar to those within Phase A, by secondary vehicle and pedestrian routes. A further area of open space is shown adjacent to the Flowers Lane access. The amended plans also provide for an increased landscape buffer to the northern boundary of the Phase B site where it adjoins open countryside.

To turn to elevational detail, the surrounding development comprises predominantly modern, suburban, cul-de-sac, development, on the adjacent housing estates to the south and west. To the north and west is open countryside with sporadic traditional vernacular farm buildings, which pre-date the expansion of Crewe. There is consistency in terms of materials with most dwellings being finished in simple red brick, and grey / brown slates / concrete / clay tiles.

The proposed house types have been influenced by the form and mass of surrounding residential properties. The dwellings include traditional features such as, chimneys and stone cills and lintels to windows. The use of half dormers and bay windows to feature house types helps to break up the massing of the buildings and maintain visual interest. The predominant roof forms are gables although some are hipped, which reflects the general mix in the surrounding area. It is therefore considered that the proposed development will sit comfortably alongside the mix of existing development within the area.

Although external appearance and design of Phase B are reserved matters, on the basis of the designs which have been produced for Phase A it is considered that an appropriate design can be achieved for the remainder of the site.

The proposal is therefore considered to be acceptable in design terms and compliant with the requirements of Policy BE2 (design) of the adopted Local Plan.

Amenity

A distance of 21m between principal windows and 13m between a principal window and a flank elevation are generally regarded to be sufficient to maintain an adequate standard of privacy and amenity between residential properties. The layout provided for Phase A demonstrates that distances in excess of 25m will be maintained to the nearest neighbouring dwellings on the opposite side of Parkers Road to the south. A distance of approximately 35m will be maintained between the nearest proposed dwelling and The Gables Nursing Home which is situated to the east of the site. An even greater separation will be achieved between the proposed development and the properties to the east in Thorn Tree Drive and the other dwellings on Bradfield Road and Flowers Lane to the west. Intervening landscaping both existing and proposed will also help to mitigate any adverse effect on amenity of existing dwellings outside the site.

Furthermore bungalows will be provided on the site in Phase B to the rear of the existing properties on Parkers Road. These were included as a direct result of requests from the local community to reduce the impact of the development on existing properties surrounding the site. It is considered that this will help to mitigate any adverse effect on the outlook and amenity afforded to these dwellings

To turn to the amenity standard that would be achieved within the development, in the majority of cases, the recommended minimum separation distances set out above would be achieved. However, there are a number of cases where separation distances between principal windows have been reduced to 18m to the rear of properties and 15m to the front of properties.

In most cases, reduced distances between rear windows only apply where properties are not directly facing and measurements are taken at the closest point. Furthermore, whilst the minimum density standard of 30 dwellings per hectare has been omitted, Government advice in the NPPF indicates that local planning authorities should still have regard to the need to make effective and efficient use of land in the consideration of planning applications. If the minimum standards were to be achieved, it would not be possible to accommodate the number of dwellings which are currently proposed and additional greenfield land would be required in order to meet the housing land supply shortfall which currently exists.

In respect of separation distances to the front of dwellings, modern urban design principles encourage tightly defined streets and spaces, with parking to the rear to avoid car dominated frontages. The reduction of separation distances between front elevations helps to achieve these requirements. Furthermore, those rooms which face on to the highway are always susceptible to some degree of overlooking from the public domain. On this basis, it is considered that, where it is desirable in order to achieve wider urban design objectives, a reduction to 15m between dwellings could be justified.

A private amenity space of c.50-60sq.m is also usually considered to be acceptable for new family housing. The indicative layout indicates that this can be achieved in the majority of

cases. 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

A planning obligation must comply with the following three tests as set out in the Community Infrastructure Regulations 2010:

- necessary to make the development acceptable in planning terms
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

In effect this means that contributions towards new education facilities can only be sought where the education authority is able to demonstrate that new housing development is likely to generate more children than local primary and secondary schools can accommodate, and that the contribution should be proportionate to any shortfall in capacity.

It is accepted and common practice for local authorities to consider capacity at all primary schools within walking distance of an application site. In the case of primary schools, the Department for Education defines walking distance as a two mile radius from a pupil's home address. CEC's education department recently provided data which showed the pupil roll and current capacity at each primary school within this two mile zone. It showed that according to pupil projections there are 28 surplus places in the "local schools".

The proposed development is expected to generate demand for an additional 65 primary school places, based on CEC's own child yield assumptions (0.162 primary school age children per dwelling). This would mean whilst there is some capacity in local primary schools, there would be a shortfall in capacity of 37 places. In accordance with Circular 05/05 it is necessary for the developer to contribute toward the cost of provision for an additional 37 primary school places in order to meet the need for school places in the future.

To calculate the S106 contributions required for 15 additional primary school places, the education department have used the latest DfE building cost multiplier for the period 2008/09. This is £12,257 (Q4 2008) which, when indexed, gives a current multiplier of £11,850. Cheshire East Council's regional weighting factor is 0.91. The proposed contribution has therefore been calculated as follows: $15 \times £11,850 \times 0.91 = £398,990$.

This is a widely accepted method for calculating contributions which we have seen applied by numerous Councils on previous planning applications for housing developments. Furthermore, it is considered that a contribution of £398,990 is fairly and reasonably related in scale and kind to the proposed development, in accordance with the Community Infrastructure Regulations 2010.

Highway Safety and Traffic Generation.

This site has been the subject of extended highway negotiations both at pre-application stage and since it was registered with the Local Planning Authority. A scope was agreed with the developer's highway consultant and a draft Transport Assessment provided shortly

before the application was submitted. Subsequently there have been two revisions to the Transport Assessment as the Strategic Highways Manager has asked for improved analysis and additional information.

Most recently, the developer and their highway consultant negotiated with the Highways Development Management team a significant new package of measures which demonstrated a more thorough approach towards the mitigation of development impact. These proposals have now been the subject of a technical addendum note to the Transport Assessment and were received by the HDM team on 14th September.

Access to the site

The proposed development will have two points of access from the existing highway infrastructure. The first junction is from Parkers Road and will provide a properly designed priority junction which will incorporate a ghost island right turn lane with a pedestrian refuge. In addition this junction will incorporate a right turn lane improvement for the diagonally opposed junction into Beconsall Drive which will improve traffic management between the two junctions. Also on this frontage, the developer will be providing a PUFFIN crossing on the notional pedestrian desire line to the local facilities, school and shop.

The second junction onto Flowers Lane will again be a simple priority junction and this will be supplemented by an extension to the street lighting on Flowers Lane which will effectively extend the 30 mph speed limit for the full frontage of the site. This has multiple advantages. The junction will be well lit and the approach speed to the new roundabout design will be reduced.

In addition the treatment of Flowers Lane will see significant footway improvements on both sides of the road together with the provision of a zebra crossing between the new access and the roundabout which will improve pedestrian safety.

Impact on the Wider Network

The new proposals also offer more significant improvements to the local highway infrastructure and this is seen as a much more positive position by the Strategic Highways Manager. The Transport Assessment has identified an impact at the following junctions and accordingly a number of highway improvements have been negotiated, which would be provided by the developer under a Section 278 Agreement under the Highways Act 1980. These are detailed below.

Bradfield Road/Parkers Road traffic signal junction: The developers propose the provision of an improvement in the signal controller with the introduction of MOVA software which will improve traffic management and make the signals responsive to traffic load on the separate arms of the junction and allow more efficient queue reduction at times of peak flow. The Strategic Highways Manager is satisfied that this is a straightforward improvement that will mitigate any adverse impact at this junction.

Flowers Lane/A530 traffic signals: The proposal by the developer was for an altered design of these traffic signals which when assessed by the Highways Development Management team did not adequately satisfy standards and therefore needed to be revisited

in order to find a solution. This work has now been carried out and the Strategic Highways Manager is satisfied with the design that has been put forward.

Smithy Lane/A530 junction: The proposal at this junction is for the provision of traffic signals to replace the existing priority junction with a ghost island right turn lane. The Highways Development Management Team consider this to be an effective proposal and the space available at the junction will accommodate an effective signal design.

Bradfield Road/Flowers Lane/Smithy Lane roundabout: The developers have proposed an improvement to the size and geometry of the roundabout to improve capacity and mitigate development traffic impact whilst offering some overall betterment to the general junction capacity. This improvement will be made within land owned by the applicant and land which falls within the public highway and as originally proposed, involved the construction of a non-standard roundabout (and was the subject of concern). Highways audited the scheme and provided safety comments on it. An amended design was then submitted but again safety (and potentially capacity) remained compromised. To try and overcome these issues highways have looked at a double-roundabout design with a view to discussing such a proposal with the Applicant and their consultant. Whilst this is a safer design it would not work in capacity terms.

The highways team have considered another design that involves a non-standard (though larger) type of roundabout and may require more land in the control of the Applicant. The highways engineer has confirmed that this is now acceptable. Leighton Hospital had also initially expressed concerns about the scheme based on the minimal level of highways improvements which were offered when the application was first submitted. However, through negotiation, a comprehensive package of improvements has been secured and Leighton Hospital has confirmed that they are satisfied with the outcome. All of the improvements, with the exception of those on the Remer Street Corridor and the travel plan can now be delivered on land either within highways ownership or that of the applicant. Therefore they can be dealt with through the Section 278 Agreement and have been omitted from the Section 106.

Moss Lane: There is significant local concern about traffic impact from this development on Moss Lane, which is a narrow country lane which should not be burdened with additional through traffic from a new development. The development guards against this through the provision of two points of access which can be utilised from anywhere within the site. This means that if generated traffic is to travel in the direction of Middlewich or Winsford, it will use the Flowers Lane access and will not need to use Moss Lane which would be a longer and slower route. If generated traffic is to travel in the direction of Crewe or Warrington it will use the Parkers Road access and will not need to use Moss Lane which would be a longer and slower route. The Strategic Highways Manager is confident that there will not be a problem with traffic from the development using Moss Lane.

However, Members have previously expressed concerns regarding this road and in accordance with their previous a condition requiring a highway assessment of Moss Lane and if necessary submission of a scheme of measures for improvement and a timetable for their implementation is recommended.

Contribution to the wider highway network: In addition the developer is also offering financial contribution to the wider highway network and has offered a sum of £300,000 towards the Remer Street corridor upon which this development proposal is shown to have an impact.

A request has been received from the local community via the Ward Member to divert an element of this funding towards the construction of a “drop-off” lay-by at Leighton Primary School.

As stated above a planning obligation must comply with the following three tests as set out in the Community Infrastructure Regulations 2010:

- necessary to make the development acceptable in planning terms
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

Leighton Primary School is located approximately, 600m from the Leighton West site and would be one of the principal primary schools that would absorb the additional pupil yield generated by the proposed development. As a result it is likely that the proposed development would exacerbate existing traffic congestion and highway safety problems resulting from parents dropping-off children outside the school gates during morning and afternoon peak periods. The school, local community and Ward Member have identified that the provision of a lay-by would alleviate this problem. It is therefore considered that the works are necessary to make the development acceptable in planning terms and are directly related to the development.

The cost of the works, are likely to be a small percentage of the overall sum which has been secured for highway improvements as part of the development. It is therefore considered that the works are fairly and reasonably related in scale and kind to the development.

It is acknowledged that highways technical feasibility work will also be required and this work was also in hand at the time of report preparation.

It is also acknowledged that the proposed amendment will result in the diversion of part of the agreed £300,000 away from projects within the Remer Street corridor such as improvements to the Sydney Road Bridge. However, given the small sum of money required for the lay-by, relative to the substantial costs and long timescales involved a scheme such as Sydney Road Bridge, it is considered that the proposed amendment will not have a significantly detrimental effect on the overall deliverability of these projects and that any impact is outweighed by the advantages of a visible short term benefit to the local community.

Therefore, is recommended that the Section 106 agreement makes provision for £300,000 towards highway improvements to the Remer Street corridor and the provision of a drop-off lay-by at Leighton Primary School.

For clarification, with regard to the trigger points within the Section 106 Agreement for highways contributions, the developers will make £200K available (of the total of 300K for highway improvements) at request of the Authority to provide the lay-by i.e. it does not have to wait for completion or 5 years. This reflects the existing draft s106 which already includes the provision for £200K to be requested after commencement. However, it is considered that this should be stated explicitly within the Strategic Board resolution.

Accessibility

The Transport Assessment offers a detailed analysis of the modal choice and sustainable links which will serve this site. It does show that the site has reasonable connectivity across the town of Crewe despite its location on the north west side of the Crewe area. There have been some lengthy discussions between the developer and the Highways Development Management team regarding the accessibility of the site and the improvements being offered. Improvements take the form of improved footpath links local to the site and some cycleway provision. The provision of the PUFFIN and zebra crossings also aid connectivity.

It is also recommended that the previously agreed contribution of £25,000 for the provision of Green Infrastructure within Crewe and the environs of the site is included within the Section 106 agreement.

Internal Layout

This site is proposed for phased development of the residential units and significant negotiations have taken place regarding the internal layout. It is important that the site is brought forward with a design which is driven by the guidance within the Manual for Streets document issued by the Department for Transport. This document leads on guidance for quality development and the need to ensure residential developments provide a sense of place through quality design which will provide good social infrastructure. Amongst these design initiatives, the detail of highway design within residential development has changed to provide more innovative layout which supports the quality design whilst providing highway layout which supports traffic needs in a more controlled environment. The design being offered for this site is innovative and will provide a design of good quality and one which the Strategic Highways Manager supports.

Conclusion

The development proposal for this site is considered to have sound potential. The highway improvements and designs for the site are also comprehensive in their intent, and the overall package is an acceptable one. With the exception of the non-standard roundabout (ovalabout) at Minshull New Rd/Smithy La/Flowers La/Bradfield Rd the Strategic Highways Manager is satisfied the proposals can be suitably delivered through a Section 278 agreement, subject to compliance with road safety audits. The financial contributions and provision of the Minshull New Rd/Smithy La/Flowers La/Bradfield Rd can be achieved through the Section 106 Agreement. Therefore, in summary, the Applicant has overcome the transport issues associated with the development proposal.

Community consultation

The Applicant's undertook an extensive pre-application consultation which included the ward Councillor, the Parish Council, local schools, Leighton Hospital and local residents. The application has been informed by feedback from the local community. A total of 122 written responses were received to this pre-application consultation, 40 per cent of which were explicitly supportive or partially supportive.

As a result of local feedback:

- Bungalows have been introduced to the outline phase – a direct result of discussions with neighbours and local residents over need and visual amenity.
- Key worker homes introduced – a direct result of discussions with Leighton Hospital.
- Status of the Flowers Lane access reviewed and vastly improved.
- Planned pedestrian routes to the Hospital and schools to be improved.
- Plans for a new newt habitat and landscaping improved.

The information provided demonstrates that the consultation that has taken place conforms to the procedure set out in the Borough Council's adopted Statement of Community Involvement (SCI).

Other Matters

A supportive response from the Chamber of Commerce has been received and duly noted.

The developer has drawn attention to the promotion of apprenticeship opportunities that will be available during the construction of the development which was put forward by the applicants. The Applicants are happy for the detailed number and agreement to be secured through a planning condition. This has been added to the recommendation.

9. CONCLUSIONS

The site lies in the Open Countryside as designated in the Borough of Crewe and Nantwich Replacement Local Plan 2011, where according to policies NE.2 and RES.5 new residential development is not normally permitted. 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 proposal is supported in principle by the Government's "Planning for Growth" agenda which states that Local Authorities should adopt a positive approach to new development, particularly where such development would assist economic growth and recovery and in providing a flexible and responsive supply of housing land. This proposal would do both. The Government has made it clear that there is a presumption in favour of new development except where this would compromise key sustainability principles.

The site complies with the Interim Planning Policy, although, previous Inspectors have afforded this document very little weight. However, Inspectors have attached considerable weight to the SHLAA, in which the site is considered to be sustainable, available, suitable and achievable and as a result forms part of the Councils identified 5 year supply of housing

land. It is also identified as a commitment in the emerging Development Strategy and the Crewe Town Strategy. These emerging policies are important material considerations which are considered to outweigh the provisions of the adopted Local Plan. The development of the site for the residential use therefore considered to be acceptable in principle.

It is considered that the highway safety and traffic generation issues can be addressed through a number of junction improvements, which would be provided by the developer through a combination of Section 278 and Section 106 Agreements as well as appropriate developer contributions to other off-site highway improvements. Matters of contaminated land, air quality and noise impact can also be adequately addressed through the use of conditions.

Although there would be some adverse visual impact resulting from the loss of open countryside, it is considered that due to the topography of the site, this would not be significant relative to other potential housing sites in the Borough. Furthermore, it is considered that the benefits arising from housing land provision would outweigh the adverse visual impacts in this case. The proposal is acceptable in terms of the proposed landscaping strategy and it is considered that through the use of appropriate conditions significant trees can be incorporated into the development. The hedgerows on site to be removed are not considered to be significant under the criteria set out in the Hedgerow Regulations in respect of archaeological, historic or ecological value.

With regard to ecological impacts, the Council's ecologist and Natural England are satisfied with the proposed mitigation measures and have withdrawn their initial objection to the scheme in respect of the impact on Great Crested Newts. Any adverse impact on Breeding Birds can be mitigated through the use of an appropriate condition relating to the timing of works.

The scheme complies with the relevant local plan policies in terms of amenity, policy requirements in respect of public open space provision have been met within the site, and it is considered that the layout and design respects the character and appearance of the surrounding area.

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

The proposed education contribution has been calculated using a recognised methodology and is considered to be fairly and reasonably related in scale and kind to the proposed development, in accordance with Circular 05/05.

Whilst the site does not meet all the minimum distances to local amenities and facilities advised in the North West Sustainability toolkit, given that the site is located on the periphery of a key service centre and all such facilities are accessible to the site it is not considered that a refusal on these grounds could be sustained. Furthermore, the development will contribute to enhanced walking and cycling provision.

A Financial Viability Appraisal (FVA) has been submitted and independently verified to demonstrate that it is not financially viable to provide the 35% affordable housing required by

the Interim Policy on the Release of Housing Land (IPP) or the 30% affordable housing requirement of the Interim Planning Statement on Affordable Housing (IPS). However, it is viable to provide 10% affordable housing which will contribute towards creating a mixed and balanced community. The FVA also shows that it is no longer financially viable to meet the requirements of the former RSS policy in respect of renewable energy and to achieve Code for Sustainable Homes Level 4 as set down by the IPP.

Whilst this is regrettable, the NPPF makes it clear that viability is an important material consideration and that it is important to ensure that sites are deliverable. This is reinforced by, and should be considered with reference to the Ministerial Guidance and new legislative framework referred to above which is specifically designed to unlock housing sites which are stalled, such as this, so that they can make a proper contribution to housing needs in the Borough.

Furthermore, it should be noted that since the resolution to grant planning permission was passed, the RSS has been revoked and that Appeal decisions received in the intervening period have determined that only limited weight can be given to the provisions of the IPP. Also, the conditions only required the provision of Code Level 4 and 10% renewable energy if it could be demonstrated that it was “feasible or viable” to do so. It is considered that such a case has already been presented through the submission of the FVA.

In summary this proposal is considered to be sustainable development, no harm has been identified to outweigh the benefits of the scheme and, particularly in view of the Council's five year housing land supply position, permission should be granted.

10. RECOMMENDATION

That the application be approved subject to completion of Section 106 legal agreement securing

- 1. Provision of education contribution of £398,990***
- 2. Provision of £300,000 towards highway improvements to the Remer Street corridor and the provision of a drop-off lay-by at Leighton Primary School. (To include the provision for £200K for the layby to be requested after commencement)***
- 3. Provision of public open space including amenity greenspace and an equipped children's play area conforming to NEAP Standard, to include:***
 - a. A minimum of 8 pieces of equipment,***
 - b. 1.4 metre high bowtop railing surround with two pedestrian access gates and a double leaf vehicular access gate.***
 - c. Railings to be painted green and pedestrian gates to be yellow.***
 - d. Equipment to be predominantly metal, inclusive, and conforming to BS EN 1176.***
 - e. Equipment to have wetpour safer surfacing underneath it, conforming to BS EN 1177.***
 - f. Surfacing between the wetpour to be tarmacadam with precast concrete edging surround.***
 - g. Access paths to gates to be tarmacadam***

4. **Provision for future management of children's play areas and amenity greenspace to include transfer to and future maintenance by a private management company.**
5. **Provision of 10% of the 400 units proposed across the whole site as affordable housing in perpetuity. The tenure split to be on a 25% social/affordable rent, 75% intermediate tenure basis. Phase B to include key worker housing to be agreed as part of subsequent reserved matters applications.**
6. **Overage clause**
7. **Travel Plan Monitoring Fee £5000**
8. **Contribution of £25,000 for the provision of Green Infrastructure within Crewe and the environs of the site.**

And subject to the following conditions:-

1. **Standard 3 year time limit (Phase A)**
2. **Standard outline time limit (Phase B)**
3. **Submission of reserved matters (Phase B)**
4. **Plans**
5. **Materials**
6. **Boundary Treatment**
7. **Landscaping submission**
8. **Landscaping implementation**
9. **Breeding bird survey to be carried out prior to commencement of any works during nesting season**
10. **Features for use by birds and bats**
11. **Habitat creation and management plan**
12. **Design of proposed pond**
13. **Design and layout of the proposed newt mitigation area including proposals to ensure no public access.**
14. **Submission of details of bin storage.**
15. **Archaeology investigation / report**
16. **Compliance with flood Risk Assessment**
17. **Restrict surface water run-off**
18. **Surface water attenuation**
19. **Minimum Floor Levels**
20. **Surface Water Regulation Scheme**
21. **Site to be drained on a separate system**
22. **Phase II contaminated land investigation and remediation**
23. **Travel Plan**
24. **Updated Air Quality Impact Assessment**
25. **Limit hours of construction to 08:00 – 1800 Monday to Friday and**
 - a. **0900 – 1400 on Saturday with no working on Sunday or Bank Holiday**
26. **Details of external lighting to be submitted and approved**
27. **Submission of details of phasing / triggers for construction of access and highway improvements. Works to be carried out in accordance with the approved details.**
28. **Provision of Parking**

- 29. Highway Construction details to be submitted**
 - 30. Replacement hedge and tree planting**
 - 31. Tree / hedge protection measures**
 - 32. Implementation of Tree / hedge Protection**
 - 33. Arboricultural Method Statement**
 - 34. Code for Sustainable Homes Level 3**
 - 35. Noise Impact Assessment**
 - 36. Details of proposed apprenticeship scheme**
 - 37. Provision of Bin Stores**
 - 38. Provision of Bungalows in Phase B**
 - 39. A Highway assessment of Moss Lane and if necessary submission of a scheme of measures for improvement and a timetable for their implementation**
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