

Application No: 13/4675N

Location: 414, NEWCASTLE ROAD, HOUGH, CW2 5JF

Proposal: Outline application for proposed development of 47 houses of mixed type to include 30% affordable (Resubmission of 13/3018N)

Applicant: David Wootton

Expiry Date: 07-Feb-2014

SUMMARY RECOMMENDATION

Approve subject to S106 Agreement and conditions

MAIN ISSUES

Impact of the development on:-

Principal of the Development

Location of the Site

Landscape

Affordable Housing

Highway Implications

Amenity

Trees and Hedgerows

Design

Ecology

Public Open Space

Education

Flood Risk and Drainage

REASON FOR REFERRAL

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

The application also received a call-in request from Cllr Brickhill on the following grounds:

- 1. There are already several thousand houses being applied for or approved in Shavington to more than double the population*
- 2. Highways grounds as entry/exit is on a main road just by a garage with backland nursery and a blind bend*
- 3. Overcrowding of housing onto the site*
- 4. Out of keeping with the housing and density opposite*

5. Unsustainable on the grounds of already overloaded infrastructure. Power cuts, low water pressure, congestion on the roads and in doctors surgeries, sewage overflowing into Main road.

1. DESCRIPTION OF SITE AND CONTEXT

The site of the proposed development extends to 1.17 ha and is located to the south of Newcastle Road. The site is rectangular in shape and within the open countryside as defined by the Crewe and Nantwich Replacement Local Plan.

To the north of the site is residential development which fronts Newcastle Road. To the east of the site are an existing petrol station and a group of commercial units. To the south of the site is open countryside and to the west of the site is residential development which fronts Stocks Lane.

The land is currently in agricultural use and is bound by hedgerow and trees. The site includes an existing dwelling and group of barns. The land levels on the site are generally flat.

1. DETAILS OF PROPOSAL

This is an outline application for a residential development of up to 47 dwellings.

All matters are reserved, but an indicative plan shows an indicative access point to the centre of the site.

2. RELEVANT HISTORY

13/3018N - Outline application for up to thirty nine houses of mixed type to include 30% affordable – Withdrawn 1st October 2013

3. POLICIES

National Policy

National Planning Policy Framework

Local Plan policy

NE.2 (Open countryside)

NE.5 (Nature Conservation and Habitats)

NE.9: (Protected Species)

NE.20 (Flood Prevention)

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)

RES.7 (Affordable Housing)

RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)

TRAN.3 (Pedestrians)

TRAN.5 (Cycling)

Other Considerations

The EC Habitats Directive 1992

Conservation of Habitats & Species Regulations 2010

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

Interim Planning Statement Affordable Housing

Interim Planning Statement Release of Housing Land

Cheshire East Development Strategy

Cheshire East SHLAA

4. CONSULTATIONS (External to Planning)

United Utilities: No objection providing 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

Strategic Highways Manager: This application is a resubmission of a previous application for residential development although the number of units proposed has increased from 39 to 47.

The position of the access has also been relocated away from the nearby petrol filling station. The design of the access has not changed and technically is suitable to serve a development consisting of 47 units. There are no issues with visibility as the Newcastle Road is straight along the site frontage.

Although the number of units has increased by 8 from the previous application the traffic generation from the development remains a minor impact and is not sufficient to warrant a severe impact on traffic grounds.

There are concerns regarding the indicative layout of the site as it does not accord with a Manual for Streets design. As this is an outline application then this issue regarding the design can be dealt with at reserved matters

There is a requirement for a footway to be provided along the whole site frontage and the existing road signage needs to be increased in height, these works need to be conditioned to be delivered prior to occupation of the site.

There are no highway objections subject to securing the works to the frontage of the development.

Environmental Health: Conditions suggested in relation to noise mitigation, hours of works, dust control, travel plan and contaminated land. Informative suggested in relation to contaminated land.

Environment Agency: Having reviewed the revised FRA the EA are now able to remove the previous objection subject to the imposition of a condition in relation to surface water management.

PROW: The proposed site plan indicates a pedestrian access onto Newcastle Road from the north-western end of the development site. It could be anticipated that demand for this route would

arise from cyclists in addition to pedestrians, and therefore the route should be design and constructed for both types of user. The plan also indicates a pedestrian crossing at this location. Cyclist facilities at the Newcastle Road/Crewe Road junction should also be assessed and improved as necessary to facilitate cyclist's journeys from the proposed development site to the employment and facilities of Shavington and Crewe.

The developer should be tasked to provide new residents with information about local routes for both leisure and travel purposes.

Public Open Space: A commuted sum payment of £25,000 for off-site provision should be secured. Specifically, to make improvements to the existing equipped children's play area at Wessex Close, Shavington.

Natural England: Statutory Sites – No objection. Natural England advises that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which West Midlands Mosses SAC, Midland Meres & Mosses Phase 1 Ramsar has been classified.

The application is in close proximity to the Wybunbury Moss SSSI Site of Special Scientific Interest (SSSI). However, given the nature and scale of this proposal, Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which this site has been notified. Natural England advise that this SSSI does not represent a constraint in determining this application.

It is noted that a survey for European Protected Species has been undertaken in support of this proposal. Natural England does not object to the proposed development. On the basis of the information available the Natural England advice is that the proposed development would be unlikely to affect bats and GCN.

We have not assessed the survey for badgers, barn owls and breeding birds², water voles, white-clawed crayfish or widespread reptiles. These are all species protected by domestic legislation and you should use our protected species standing advice to assess the adequacy of any surveys, the impacts that may results and the appropriateness of any mitigation measures.

For all other advice protected species refer to the Natural England standing advice.

Education: A development of 47 dwellings will generate 8 primary and 6 secondary.

A developer contribution of £86,770 is required towards accommodating the primary pupils generated by this development.

5. VIEWS OF THE PARISH COUNCIL

Shavington Parish Council: Object to the application on the following grounds:

- The land at present forms part of the open countryside to the south of Newcastle Road.
- There are just 5 residential properties on the South Side of the Newcastle Road between Pit Lane and Stock Lane with quite substantial open spaces between them; this could not be accurately described as ribbon development.

- The proposal could also not be accurately described as ribbon development as there is a service road which feeds to double development behind the first row of the proposals at the front. The second and third row of the proposed development faces onto open countryside.
- The access to the petrol filling station and other retail and business activities is just before the proposed entrance for the development. The Parish Council has grave concerns over highway safety as there have been numerous accidents and near misses involving vehicles leaving the petrol station. There is a bend in the road as you approach the petrol station from the direction of Hough village and a further 80 vehicles accessing and egressing the proposed site at this location will only exacerbate the hazards. The previous proposal to construct a Tesco convenience store at the petrol filling station site was refused, at least in part on the grounds of traffic concerns and pedestrian safety.
- The Parish Council understands that the recently approved development at the Triangle site already adequately fills the quota for affordable housing in the immediate vicinity. This understanding is also reinforced by the recent refusal of a similar application for residential development at Hough – the Pit Lane/Newcastle Road application was refused since the quota for affordable housing in the area had been met both by the Triangle site and other affordable housing proposed in Shavington.
- The plan of the proposed development shows two open access points to the fields beyond and this gives the impression that the development will be capable of being extended further into fields behind, and into more open country side.
- The current PPG for development on this land indicates that it could be used for infill with a maximum of three properties only.
- The highway proposals submitted as part of the application are over-engineered and give an inaccurate picture of the effect of this development on the Newcastle Road.
- Surface water from the development will put extra pressure on the highway drain which will already be under significant additional pressure from the additional 300 properties to be built at the Triangle site.
- Residents crossing over the Newcastle Road on foot or by bicycle could only safely do so at the Goodall's Corner traffic lights. These do have central reservations but these are for the lights only and not designed for pedestrian use.
- The only Primary and Secondary Schools in foot fall distance are in Shavington so children would need to cross the very busy Newcastle Road.
- In the SHLAA this area is classified as a 'Blue' site and only sites identified as 'Pink' are designated for development under the current strategic plan.

Wybunbury Parish Council: Object on the following grounds:

- Currently there are 3 major development sites totalling in excess of 1000 new dwellings that have already been approved or are in the latter stages of approval within the Shavington parish.
- There are 5 Residential properties on the south side of Newcastle Rd from Pit lane to Stock Lane, with quite substantial open spaces between them. All but two of the above properties are pre 1900. These new houses would not be in keeping with the area.
- This application is not for ribbon development as there is a service road which feeds to double development behind the first row of development at the front. The second & third row of development faces onto open country side and are not developed land in any shape or form.
- The plan of the proposed development shows two open access points to the fields beyond giving the impression that the development will be extended further into the fields behind this development again into open country side.

- According to the SHLAA this site is marked blue and only sites identified in Pink are designated for development under the strategic plan
- The current PPG for development on this land says it would be in fill with a maximum of three properties only.
- The site as proposed is totally over engineered. The previous application was for 44 dwellings and it was difficult to see how that would work. 47 dwellings is a totally inappropriate number. They are cramped together in an overly dense manner
- The proposed design provides no turning circle for utility or emergency vehicles
- There is no green space and no children's playing facilities.
- The local primary school is over-subscribed and some Shavington families currently have to send their children to other schools in surrounding villages. The potential approval of this application would add further to the shortfall in capacity.
- There are similar problems with the local Doctor's surgery and dental facilities.
- The local road infrastructure is under significant pressure and this will be exacerbated by the Shavington Triangle development. There are already significant travel delays between Shavington and Crewe during peak hours in this area, due to the bottle neck along Gresty Road and South Street. This proposed development would add significantly to the congestion.
- There is a petrol station & retail/leisure development access point next to the proposed entrance to the development. This is a dangerous access point and there have been several accidents involving vehicles leaving the petrol station in the past. Visibility is poor due to the bend in the road as vehicles approach the petrol station from the direction of Hough village. Vehicles leaving the proposed development could potentially be masked by vehicles leaving the petrol station, as cars enter & exit the petrol station by either entrance.
- The various developments on the site of the Petrol station have had to go to appeal on access grounds, safety, air pollution & screening was a condition imposed due to the open country side on the south side of the developments.
- Pedestrian access at the traffic lights in close proximity is unsafe
- The only school at Primary stage in foot fall distance is Shavington, so children would need to cross a very busy road. The same would apply to older children attending Shavington High School.
- The air quality consultant supplied by the applicant has recommended refusal based on air quality.
- The highway proposals submitted as part of the application are over engineered & give a misleading picture of the effect of this development on the Newcastle Rd.
- The property runoff water will be disposed via each property soak away or to a water course, and will go through the same infrastructure as the triangle development. It will put unacceptable levels of pressure on the ground water levels.
- The hedgerows, trees and grassland on the site have significant wildlife value. The ecology report on application L2/3LL4N for the Shavington Triangle which is less than a few hundred yards away identified two badger setts on the site, both of which will be destroyed by that approved development. The argument was put forward by that developer that the badgers would migrate to surrounding sites, of which this is the nearest.

Hough and Chorlton Parish Council: Object on the following grounds:

- Currently there are 3 major development sites totalling in excess of 1000 new dwellings that have already been approved or are in the latter stages of approval within the Shavington parish.

- There are 5 Residential properties on the south side of Newcastle Rd from Pit lane to Stock Lane, with quite substantial open spaces between them. All but two of the above properties are pre 1900. These new houses would not be in keeping with the area.
- This application is not for ribbon development as there is a service road which feeds to double development behind the first row of development at the front. The second & third row of development faces onto open country side and are not developed land in any shape or form.
- The plan of the proposed development shows two open access points to the fields beyond giving the impression that the development will be extended further into the fields behind this development again into open country side.
- According to the SHLAA this site is marked blue and only sites identified in Pink are designated for development under the strategic plan
- The current PPG for development on this land says it would be in fill with a maximum of three properties only.
- The site as proposed is totally over engineered. The previous application was for 44 dwellings and it was difficult to see how that would work. 47 dwellings is a totally inappropriate number. They are cramped together in an overly dense manner
- The proposed design provides no turning circle for utility or emergency vehicles
- There is no green space and no children's playing facilities.
- The local primary school is over-subscribed and some Shavington families currently have to send their children to other schools in surrounding villages. The potential approval of this application would add further to the shortfall in capacity.
- There are similar problems with the local Doctor's surgery and dental facilities.
- The local road infrastructure is under significant pressure and this will be exacerbated by the Shavington Triangle development. There are already significant travel delays between Shavington and Crewe during peak hours in this area, due to the bottle neck along Gresty Road and South Street. This proposed development would add significantly to the congestion.
- There is a petrol station & retail/leisure development access point next to the proposed entrance to the development. This is a dangerous access point and there have been several accidents involving vehicles leaving the petrol station in the past. Visibility is poor due to the bend in the road as vehicles approach the petrol station from the direction of Hough village. Vehicles leaving the proposed development could potentially be masked by vehicles leaving the petrol station, as cars enter & exit the petrol station by either entrance.
- The various developments on the site of the Petrol station have had to go to appeal on access grounds, safety, air pollution & screening was a condition imposed due to the open country side on the south side of the developments.
- Pedestrian access at the traffic lights in close proximity is unsafe
- The only school at Primary stage in foot fall distance is Shavington, so children would need to cross a very busy road. The same would apply to older children attending Shavington High School.
- The air quality consultant supplied by the applicant has recommended refusal based on air quality.
- The highway proposals submitted as part of the application are over engineered & give a misleading picture of the effect of this development on the Newcastle Rd.
- The property runoff water will be disposed via each property soak away or to a water course, and will go through the same infrastructure as the triangle development. It will put unacceptable levels of pressure on the ground water levels.
- The hedgerows, trees and grassland on the site have significant wildlife value. The ecology report on application L2/3LL4N for the Shavington Triangle which is less than a few hundred yards away identified two badger setts on the site, both of which will be destroyed by

that approved development. The argument was put forward by that developer that the badgers would migrate to surrounding sites, of which this is the nearest.

6. OTHER REPRESENTATIONS

Letters of objection have been received from 25 local households raising the following points:

Principal of development

- There is no need for more housing
- There are too many housing developments proposed in Shavington
- No need for additional housing in Hough
- Loss of village identity
- There are a numerous dwellings for sale in Shavington
- Plenty of safer alternatives to build housing
- Unsustainable location
- No need for affordable housing
- Edward Timpson is opposed to applications of this kind
- Loss of the buildings on this site
- No RSL for the affordable dwellings
- No need for affordable housing in Hough
- The proposed HS2 route runs through the area
- No facilities in Hough
- Lack of jobs in the area
- The site is not a preferred site within the SHLAA
- The development is not infill
- The Triangle will meet the needs of Shavington
- Loss of open countryside
- Contrary to Local Plan Policy NE.2

Highways

- Increased traffic within the village
- Newcastle Road already suffers from congestion
- Increased traffic when heading into Crewe along Gresty Road
- Pedestrian safety
- Highway safety
- People cannot get out of their drives
- The proposed access is dangerous
- An additional access onto Crewe Road
- No suitable public transport
- Safety problems crossing Newcastle Road
- Proximity to the access for the existing petrol station
- Lack of public transport
- Proximity to the Esso garage
- Proximity to the existing cross roads
- The access is at an accident black-spot
- Overdevelopment of the site
- Speeding vehicles in the vicinity of the site
- Parking/delivery issues for the proposed dwellings

Green Issues

- Impact upon hedgerows
- Impact upon Badgers
- No breeding bird survey
- The site is subject to flooding
- Impact upon protected species
- Loss of agricultural land
- Loss of wildlife
- Impact upon Barn Owls
- Loss of hedgerow
- Impact upon Wybunbury Moss

Infrastructure

- Local schools are already full
- The Doctors surgery is full
- Lack of infrastructure
- The site floods
- Lack of services in Shavington
- Loss of power

Amenity Issues

- Increased pollution
- Impact upon air quality
- Loss of outlook
- Noise and disruption
- Too close to the existing petrol station
- Loss of privacy

Other issues

- Increased flood risk
- The Environment Agency previously objected to this application
- Inappropriate design

The full content of the objections is available to view on the Councils Website.

7. APPLICANT'S SUPPORTING INFORMATION

To support this application the application includes the following documents:

- Design and Access Statement (Produced by Oligra Town Planning)
- Planning Statement (Produced by Oligra Town Planning)
- Acoustic Report (Produced by Cheshire Environmental Associates)
- Transport Statement (Produced by Bob Hindhaugh Associates)
- Flood Risk Assessment (Produced by Bob Hindhaugh Associates)
- Bat and Great Crested Newt Survey (Produced by EVR Ecology)
- Phase I Land Contamination Report (Produced by Peak Associates)
- Arboricultural Impact Assessment (Produced by Buckland Tree Care)
- Agricultural Land Classification Report (Produced by Solum Environmental)

These documents are available to view on the application file.

9. OFFICER APPRAISAL

Main Issues

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

Principle of Development

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

The proposed development would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside. As a result, it constitutes a "departure" from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined "*in accordance with the plan unless material considerations indicate otherwise*".

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

In addressing this, members should be mindful of the key principles of the National Planning Policy Framework

This highlights that the principal objective of the planning system is to contribute to sustainable development. As the Planning Minister states in his preamble:

"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."

There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and

an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

These roles should not be undertaken in isolation, because they are mutually dependent.

Housing Land Supply

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

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

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

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

The figures contained within the Regional Spatial Strategy proposed a dwelling requirement of 20,700 dwellings for Cheshire East as a whole, for the period 2003 to 2021, which equates to an average annual housing figure of 1,150 dwellings per annum. In February 2011, a full meeting of the Council resolved to maintain this housing requirement until such time that the new Local Plan was approved. . In October 2013 the Cabinet Member agreed the Cheshire East Local Plan Pre-Submission Core Strategy for consultation and gave approval for it to be used as a material consideration for Development Management purposes with immediate effect. This proposes a dwelling requirement of 27,000 dwellings for Cheshire East, for the period 2010 to 2030, an annual average of 1350 homes per year. This figure represents not only the objectively assessed need for housing based on the latest household projections but also a policy “boost” to allow for an enhanced level of economic development once the downturn recedes.

However the most up to date position on the Councils 5-year housing land supply figure is following the recent appeal decisions. As part of the consideration of the Congleton Road and

Sandbach Road North decisions, the Inspector found that the housing land supply over 5 years is 5750 dwellings. It is necessary to add to this figure the existing backlog 1750 dwellings and a 20% buffer for a record of persistent under delivery which gives a total requirement of 9000 dwellings over 5 years or 1800 per annum. This calculation took account of the High Court judgement in the Hunston Properties case (subsequently reinforced at the Court of Appeal). For whilst the RSS has clearly been revoked, it remains the only examined housing figure for the current period and itself represented a step change in housing growth when it was adopted (reversing the previous policy of restraint). Accordingly the three Appeal decisions published on 18 October 2013 all use the RSS base.

In terms of the existing supply the Inspector found that there is currently:

'a demonstrable supply, taking the generous approach to Council estimates, which is likely to be in the region of 7000 to 7500 dwellings at most' (Sandbach Road North Appeal)

This demonstrable supply therefore equates to a figure of 4.0 to 4.2 years.

The NPPF clearly states at paragraph 49 that:

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

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

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

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

As it has been found that Cheshire East cannot demonstrate a five year supply of housing land, the provisions of paragraphs 49 and 14 apply in this case. It is therefore necessary to carry out a balancing exercise in this case to assess whether the harm 'significantly and demonstrably' outweighs its benefits.

Emerging Policy

Clarification has been given on the weight which can be attributed to the emerging Local Plan as part of recent appeal decisions for Abbeyfields, Sandbach and Congleton Road, Sandbach and Sandbach Road North, Alsager. As part of the decision for the Abbeyfields site the SoS stated that:

'As the emerging LP is still at an early stage the Secretary of State accords it limited weight in his decision making'

As part of the appeal decision for Congleton Road, Sandbach and Sandbach Road North, Alsager the Inspector found that:

'There is a draft Local Plan, variously described as the Core Strategy and Development Strategy, which is moving towards a position in which it can be submitted for examination. The Council is seeking to achieve this in late 2013. The current state of the plan is pre submission. It is not disputed that there are many outstanding objections to the plan, and to specific proposals in the plan. Hence it cannot be certain that the submission version of the plan will be published in the timescale anticipated. The plan has already slipped from the intended timetable. In addition there can be no certainty that the plan will be found sound though I do not doubt the Council's intentions to ensure that it is in a form which would be sound, and I acknowledge the work which has gone into the plan over a number of years.

Nonetheless I cannot agree that the draft Local Plan should attract considerable weight as suggested by the Council. There are many Secretary of State and Inspector appeal decisions which regard draft plans at a similar stage as carrying less weight. The Council's own plan has been afforded little weight in the earlier months of 2013, and although the plan has moved on to an extent, it has not moved on substantially. For these various reasons I consider that the draft Local Plan can still attract no more than limited weight in this case'

Since then the Council has published the Pre-Submission Core Strategy which is supported by fuller evidence and takes account of the 16,000 comments made during the two consultations in 2013. Accordingly its weight should correspondingly increase in decision making. Never the less, given the stance taken in the above appeals the emerging Local Plan can only be given moderate weight in the determination of this planning application.

Conclusion

- The site is within the Open Countryside and is subject to Policy NE.2 (Open Countryside) where there is a presumption against new residential development.
- The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies for the supply of housing land are out of date and there is a presumption in favour of development unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
 - specific policies in the Framework indicate development should be restricted.
- Cheshire East has a housing land supply figure of in the region of 4.0 to 4.2 years
- Only moderate weight can be applied to the emerging Local Plan.
- As the Council cannot demonstrate a 5 year housing land and the NPPF carries a presumption in favour of sustainable development. It is therefore necessary to consider whether the proposal is sustainable in all other respects as part of the planning balance.

Location of the site

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

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

- Post office (1000m) – 965m
- Cash Point (1000m) – 150m
- Primary School (1000m) – 1000m
- Local meeting place (1000m) – 800m
- Convenience Store (500m) – 150m
- Bus Stop (500m) – 320m
- Public Right of Way (500m) – 235m

Where the proposal fails to meet the standards, the facilities / amenities in question are still within a reasonable distance of those specified and are therefore accessible to the proposed development. Those amenities are:

- Public House (1000m) – 1100m
- Amenity Open Space (500m) – 800m
- Children’s Play Space (500m) – 800m
- Post Box (500m) – 965m

The following amenities/facilities fail the standard:

- Supermarket (1000m) – 4000m
- Secondary School (1000m) – 1770m
- Medical Centre (1000m) - 2090m
- Pharmacy (1000m) – 2090m
- Child Care Facility (nursery or crèche) (1000m) - 1770m
- Leisure Centre (1000m) – 1770m
- Outdoor Sports Facility (500m) – 1770m

In summary, the site does not comply with all of the standards advised by the NWDA toolkit. However, as stated previously, these are guidelines and are not part of the development plan. Owing to its position on the edge of Shavington, there are some amenities that are not within the ideal standards set within the toolkit and will not be as close to the development as existing dwellings which are more centrally positioned. Nevertheless, this is not untypical for a sustainable village (Shavington is classed as a local service centre in the Cheshire East Local Plan Policy Principles document) and will be the same distances for the residential development on Newcastle Road from the application site. However, all of the services and amenities listed are accommodated within Shavington, Nantwich or Crewe and are accessible to the proposed development via a short bus journey. Accordingly, it is considered that this small scale site is a sustainable site.

Landscape

The site is situated in open countryside outside the settlement boundary line to the south east of Shavington and to the south of Newcastle Road. It has associated policy protection in the relevant Local Plan. There are no landscape designations on the site but a large proportion is currently undeveloped agricultural land. In the Cheshire Landscape Character Assessment it lies within Type 10 Lower Farms and Woods, specifically LFW7 Barthomley. It is a relatively level landscape overlooked to some extent by residential development on Newcastle Road. The roadside hedge restricts views of part of the site from Newcastle Road.

The application is an outline application and the illustrative plan is of a poor quality. It is not possible to offer any assessment of how landscape treatment could enhance the visual amenity of the site if development was permitted and this issue would be dealt with at the Reserved Matters Stage.

The following objectives which would help to reduce the landscape impact could be secured at the reserved matters stage should the application be approved:

- Respect existing landscape and characteristics of the site (principally any significant trees and hedgerows);
- Conserve and enhance existing trees worthy of retention and any notable hedgerows as an integral and structuring part of a Landscape Framework;
- Minimise any potential adverse landscape or visual effects through the application of best practice design principles and careful attention to design through all stages of the development process.

Affordable Housing

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

The SHMA Update 2013 identified a requirement for 270 new affordable homes between 2013/14 – 2017/18 in the Wybunbury & Shavington sub-area, which is made up of a requirement for 8 x 1 bed, 20 x 2 bed, 7 x 3 bed, 12 x 4+ bed and 1 x 1 bed older persons dwelling & 7 x 2+ older persons dwellings.

There are currently 53 applicants on the housing register with Cheshire Homechoice (which is the choice based lettings system for allocation social & affordable rented housing in Cheshire East) who have selected Shavington as their first choice, these applicants require 23 x 1 bed, 17 x 2 bed, 9 x 3 bed & 3 x 4 bed properties (1 applicant hasn't set the number of bedrooms they require).

If this application is approved there is an affordable housing requirement of 30% of the total dwellings with 65% provided as affordable or social rented dwellings and 35% as intermediate tenure dwellings. Based on the proposal for up to 47 dwellings this equates to a requirement for 14 affordable dwellings, with 9 provided as social or affordable rent and 5 provided as intermediate tenure.

The applicant has offered 30% of the total dwellings as affordable and providing an indicative mix of affordable units as just 3 bed houses. However this does not reflect the type of affordable property there is the highest need for in the Wybunbury & Shavington sub-area which is 2 bed properties. As the submitted plan is indicative the type of property to be provided as affordable housing could be agreed when any reserved matters application is submitted if this outline is approved.

The affordable housing should also be provided no later than occupation of 50% of the open market dwellings

Highways Implications

The application is in outline form and the access would be determined at the Reserved Matters stage. In this case the site has a long frontage to Newcastle Road (which has a 40mph speed limit) which is relatively straight along the front of the site with a wide grass verge. In addition vehicle speeds are likely to be relatively slow as they approach the signal junction with Stock Lane/Crewe Road. As a result it is considered that an adequate single access point could be achieved with the required visibility splays as part of the Reserved Matters Application.

In terms of the highway impact of development the NPPF states that:

‘Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe’

In this case the predicted traffic generation from this development is 33 trips in the morning peak hour and 36 vehicles in the evening peak hour. Of these it is predicted that 30 vehicles would turn left and use the signalled junction at Newcastle Road/Crewe Road/Stock Lane. This number of vehicles is very minor during the peak hour and the impact of the development cannot be classed as severe.

The highways impact of the development is therefore considered to be acceptable and an acceptable access could be secured at the Reserved Matters stage. Conditions would be attached to any permission relating to the provision of a footway and a scheme for replacement signage.

Amenity

In terms of the surrounding residential properties, the main properties affected are those which front onto Newcastle Road to the north of the site and the property known as 396 Crewe Road to the west.

An indicative layout plan has been provided in support of this application and this shows that from the front elevation of the proposed dwellings to the front elevation of the existing dwellings which front onto Newcastle Road there would be a separation distance of approximately 30 metres. This distance exceeds the separation distance of 21 metres between principle elevation as set out in the SPD on Development on Backland and Gardens. The impact upon the properties which front Newcastle Road is therefore considered to be acceptable.

To the west of the site is a detached dwelling known as 396 Crewe Road. The indicative layout shows that the nearest dwelling on the application site would have a side elevation facing 396

Crewe Road with a separation distance of approximately 8 metres. This relationship between side elevations is considered to be acceptable.

Due to the separation distances involved, no other residential properties would be affected.

In terms of the amenities of the future occupiers there is the potential for noise from Newcastle Road, the petrol station and the children play world. The report suggests that's the use of glazing measures, acoustic fencing and ventilation. This is accepted by the Councils Environmental Health Officer who has raised no objection to the development subject to the imposition of a condition.

The Environmental Health Officer has requested conditions in relation to contaminated land, hours of construction, waste provision, travel plans and air quality. These conditions will be attached to the planning permission.

Trees and Hedgerows

Trees

The application is supported by an arboricultural impact assessment which covers 59 Individual trees and 8 lengths of hedge. Eight of the tree are Grade A (High quality and value) and 14 are Grade B (Moderate quality and value) and the report indicates there is current and future value to trees on site. The view is expressed: *'There is a large area suitable for development, if the design of the development respects RPA's and shade areas of the existing BS5837:2012 Category A and B trees (as described in the tree schedule and plans accompanying this report), the development will benefit from the existence of the trees and they may be utilized as screening'*

In this case some of the Grade A trees are ornamental trees and relatively young. As a result it is considered that some losses would be acceptable and the trees do not have or warrant TPO protection. The application is in outline form with all matters reserved. It is considered that a development of up to 47 dwellings (at 40 dwellings per hectare) could be accommodated on the site. Further details about tree retention on the site would be secured as part of the reserved matters application.

Hedgerows

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 Regulations require assessment on various criteria including ecological and historic value.

The Planning Statement contains a response from Cheshire Shared Services Archives and Local Studies which indicates that a hedgerow on site is important under criterion 5a of the Regulations. The response states there is evidence to suggest that the hedgerow in question, adjoining the ancient road or highway between Nantwich and Newcastle under Lyme, would have formed an integral part of a field system pre-dating the Enclosure Acts.

There is no evidence of a consultation to the Cheshire Archaeologist in relation the historic criteria in the Regulations and no indication that the hedgerow has been assessed under the ecological criteria.

In this case the hedgerow regulations assessment is incomplete but it can be concluded from the response which has been received that the hedgerow would qualify as important under 1 of the criteria. The loss of this hedgerow will be considered as part of the planning balance.

Design

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

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

In this case the density of the site at 40 dwellings per hectare is appropriate and is consistent with that of the surrounding area of Shavington. The development would have a linear form that would respect the existing dwellings which front Newcastle Road.

The indicative layout is poor and it significant improvements would be required as part of the Reserved Matters Stage. The properties would follow the ribbon of development which is located along Newcastle Road and Stock lane. The scheme would allow for dwellings to front onto Newcastle Road which is appropriate and a hedgerow boundary could be provided to Newcastle Road.

To the open countryside to the south, the boundary hedgerow could be provided/retained to act as a green buffer to the open countryside.

Although there are some weaknesses with the indicative design, it is considered that an acceptable scheme could be agreed at the Reserved Matters stage and would comply with Policy BE.2 (Design Standards) and the NPPF.

Ecology

Wybunbury Moss SSSI

The proposed development is located within 1km of Wrenbury Moss which holds a number of statutory nature conservation designations. Natural England have been consulted on this application and have advised that the proposed development is not likely to have an adverse impact upon the features for which the site was designated and they advise that an appropriate assessment under the Habitat Regulations is not required.

A Habitat Regulations Screening Assessment has been undertaken by the Councils Ecologist and this has concluded that the proposed development is not likely to have a significant impact upon Wybunbury Moss and its designation as a SAC and RAMSAR site.

Habitats

Hedgerows

Hedgerows are a UK Biodiversity Action Plan priority habitat and a material consideration. There are currently hedgerows along the northern and southern boundaries. The indicative layout shows that there would be some removal along the northern boundary and replacement planting could be secured to mitigate this loss.

Great Crested Newts and Bats

No evidence of these two protected species was recorded during the submitted survey although it should be noted that a full great crested newt survey has not been undertaken. Natural England has advised in their consultation response that the proposed development is unlikely to affect these two protected species. The Councils Ecologist advises that no further action in respect of these two protected species is required.

Breeding Birds

In order to safeguard breeding birds the Councils Ecologist has suggested the use of conditions relating to the timing of works and bird boxes.

Other Protected Species

Local residents have raised concerns about the impact upon Badgers and Barn Owls. However the submitted protected species report did not record any field signs of these two protected species and states that the site is unsuitable for sett excavation and that the buildings are not particularly suitable for Barn Owls. The Councils Ecologist has no reason to question the conclusion of the submitted surveys so in the absence of any information to the contrary it is not anticipated that the proposed development will have an impact upon these two species.

Public Open Space

Policy RT.3 states that, where a development exceeds 20 dwellings, the Local Planning Authority will seek POS on site. The Policy does also state that where sufficient recreational open space is already available in close proximity, the LPA may require the developer to enhance that Open Space instead.

In terms of children's play space Policy RT.3 states that the local planning authority will accept a contribution towards play equipment if easily accessible from the site.

In this case there is POS and children's play space within the village. This area is easily accessible from the application site and the POS Officer has suggested a contribution of £25,000 towards upgrading this site. The applicant has accepted this contribution and this will be secured as part of a S106 Agreement.

Education

In terms of primary school education, the proposed development would generate 8 new primary places. As there are capacity issues at the local primary schools, the education department has requested a contribution of £86,770. The applicant has agreed to make this contribution and this would be secured via a S106 Agreement.

In terms of secondary education, the proposed development would generate 5 new secondary school places. There has been no request for a secondary school contribution from the education officer as there is capacity at local schools to take the children.

Agricultural Land

Policy NE.12 of the Local Plan states that development on the best and most versatile agricultural land (Grades 1, 2 and 3A) will not be permitted unless:

- The need for the development is supported by the Local Plan;
- It can be demonstrated that the development proposed cannot be accommodated on land of lower agricultural quality, derelict or non-agricultural land;
- Other sustainability considerations suggest that the use of higher quality land is preferable.

The National Planning Policy Framework highlights that the use of such land should be taken into account when determining planning applications. It advises local planning authorities that, 'significant developments' should utilise areas of poorer quality land (grades 3b, 4 & 5) in preference to higher quality land.

An assessment has been undertaken of the agricultural land (excluding the dwelling, barns, associated curtilage and the access) and this shows that the site is classified as Grade 2 agricultural land. This issue will form part of the planning balance.

Flood Risk and Drainage

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps. This defines that the land has less than 1 in 1000 annual probability of flooding and all uses of land are appropriate in this location. As the application site is more than 1 hectare, a Flood Risk Assessment (FRA) is required as part of this application.

The submitted FRA identifies that there is no historic or current issues with regard to water level on this site. Any surplus water which flows from the infrastructure from rainwater or run-off from the adjacent hard standing will be discharged via the developments agreed drainage strategy.

Surface water from ancillary areas of the site (roads/footpaths) will be dealt with by soakaways. The areas of car parking will discharge to the approved drainage system via petrol interceptors in accordance with UU standards. Further details of the drainage scheme will be secured at the Reserved Matters stage.

In this case both the Environment Agency and UU have been consulted and raised no objection to this application.

LEVY (CIL) REGULATIONS

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

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

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

As explained within the main report, POS and children's play space is a requirement of the Local Plan Policy RT.3. As no provision would be made on site it is necessary to provide improvements off-site. This contribution is directly related to the development and is fair and reasonable.

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

10. CONCLUSIONS

The site is within the Open Countryside where under Policy NE.2 there is a presumption against new residential development. The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development. Following the recent appeal decisions the Council can no longer demonstrate a 5 year housing land supply it is therefore necessary to consider whether the proposal is sustainable in all other respects as part of the planning balance.

In terms of the flood risk/drainage implications an acceptable solution could be secured at the Reserved Matters stage. The Environment Agency and United Utilities have been consulted and raised no objection to this development.

The application is in outline form and although the layout shown on the indicative plan is not acceptable it is considered that an acceptable design solution can be secured and the development would not have a significant impact upon the landscape.

A safe access could be secured at the Reserved Matters stage and the development would not have a detrimental impact upon highway safety or cause a severe traffic impact.

In terms of Ecology, it is not considered that the development would have a significant impact upon ecology or protected species.

Following the successful negotiation of a suitable Section 106 package, the proposed development would provide an adequate contribution in lieu of open space on site.

The necessary requirement for affordable housing would be provided and would be secured through the use of a planning condition.

The education impact can be mitigated through a contribution which the applicant is willing to make and would be secured via a S106 Agreement.

The proposal is considered to be acceptable in terms of its impact upon residential amenity and it therefore complies with the relevant local plan policy requirements for residential environments

Whilst the site does not meet all the minimum distances to local amenities and facilities advised in the North West Sustainability toolkit, there is not a significant failure to meet these and all such facilities are accessible to the site. The development is therefore deemed to be locationally sustainable.

Given the scale and location of the development, its relationship to the urban area and its proximity to other services, and no objections being raised by the relevant consultees, it is not considered that the adverse impacts *significantly and demonstrably* outweigh the benefits – and so accordingly the application is recommended for approval, subject to a Section 106 Agreement and appropriate conditions.

11. RECOMMENDATIONS

APPROVE subject to completion of Section 106 Legal Agreement to secure the following:-

1. A scheme for the provision of 30% affordable housing (14 units)– 65% to be provided as social rent/affordable rent (9 units) with 35% intermediate tenure (5 units). The scheme shall include:

- The numbers, type, tenure and location on the site of the affordable housing provision
 - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
 - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
 - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
- 2. A contribution of £25,000 for improvements to the existing equipped children's play area at Wessex Close, Shavington.**
- 3. Education contribution £86,770 for primary education**

And the following conditions

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

6. The Reserved Matters applications(s) shall include details of noise mitigation measures
7. Dust Control measures
8. Contaminated land
9. A scheme for surface water management
10. Prior to undertaking any works between 1st March and 31st August in any year, a detailed survey is required to check for nesting birds. A report of the survey and any mitigation measures required to be submitted and agreed by the LPA.
11. Prior to the commencement of development the applicant to submit detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds. Such proposals to be agreed by the LPA. The proposals shall be permanently installed in accordance with approved details.
12. The reserved matters application shall include details of replacement hedgerow planting
13. Reserved Matters application to include an Arboricultural Impact Assessment and Tree Protection Measures
14. Reserved matters application to include details of existing and proposed levels
15. Reserved Matters application to include details of a footway across the front of the site
16. Prior to the commencement of development details of replacement signage to the front of the site to be provided

Informative:

1. The applicant is advised that they have a duty to adhere to the regulations of Part IIA of the Environmental Protection Act 1990, the National Planning Policy Framework 2012 and the current Building Control Regulations with regards to contaminated land. If any unforeseen contamination is encountered during the development, the Local Planning Authority (LPA) should be informed immediately. Any investigation / remedial / protective works carried out in relation to this application shall be carried out to agreed timescales and approved by the LPA in writing. The responsibility to ensure the safe development of land affected by contamination rests primarily with the developer.

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Planning and Place Shaping Manager has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.

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

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