

Application No: 13/2874N

Location: LAND BOUNDED BY GRETTY LANE, ROPE LANE, CREWE ROAD AND A500,GRETTY, CREWE

Proposal: Outline planning application for residential development (up to 880 units), retirement/care village (Use class C1, C2, C3), local centre (Use classes A1-A5; D1-D2; B1), community building, primary school, public open space, allotments, structural landscaping, access arrangements and demolition of existing structures.

Applicant: Himor Group Limited

Expiry Date: 11-Oct-2013

SUMMARY RECOMMENDATION

- **“Minded to” REFUSE**

MAIN ISSUES

- **Principle of Development**
- **Sustainability**
- **Loss of Agricultural Land**
- **Green Gap**
- **Contaminated land**
- **Air Quality**
- **Noise Impact**
- **Drainage and Flooding**
- **Urban design**
- **Open space**
- **Rights of Way**
- **Amenity**
- **Landscape Impact**
- **Trees and Hedgerows**
- **Ecology**
- **Affordable Housing**
- **Education**
- **Highway Safety and Traffic Generation.**

REFERRAL

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

This application was submitted on 12th July 2013 and the 13 week target date for determination was 11th October 2013. However the applicants have appealed against non-determination of the application. In such cases the matter is taken out of the hands of the Local Planning Authority and the determination is made by the Secretary of State.

Therefore the purpose of this report is merely to seek the committee's resolution as to what its decision would have been had it been able to determine the application, and this will form part of the Authority's Statement of Case on the appeal. It is generally accepted that failure to do this, with the case for the Authority relying on officer level views, will result in less weight being given to the Authority's case, and there may be possible costs implications.

1. SITE DESCRIPTION

The site is located on the southern edge of the Crewe urban area, within the administrative boundary of Cheshire East Council. It is located approximately 2.4km from Crewe Town Centre and 4.85km from Nantwich. The site extends to approximately 43.44 hectares

The site is bounded by Rope Lane to the west, the A500 to the south, Crewe Road to the east and Gresty Lane to the north. The site comprises of open land that is generally level. The Swill Brook bisects the Site north-south on the western side of the site.

The site is currently open countryside in agricultural use. A number of agricultural buildings lie within the red line boundary at Brook Farm, immediately to the east of the Swill Brook and are accessed via Gresty Lane.

The immediate surrounds of the site are occupied by a mix of uses. Gresty Lane bounds the site to the north, which runs parallel to the South and Central Wales and Borders railway line. Beyond the railway line lies a residential area of Crewe and The Berkeley Primary School.

Access across the railway is provided from Rope Lane via a bridge at the north west corner of the site. To the north east corner of the site are 15 residential properties and Taylor's Choice Garden Centre.

Open fields bound the site to the east, beyond which are a number of residential properties and the Cheshire Cheese Public House on Crewe Road.

To the south east of the site is the Alexandra Soccer Centre, a sports facility located on the former Crewe Alexandra training ground.

To the north east of the site is an area of land adjacent to Crewe Road which is not included within the application boundary. This is in use as open agricultural land, bounded by a number of existing dwellings, small scale industrial units including a roofers yard and Taylor's Choice Garden Centre.

The southern boundary of the site comprises of open fields and the A500 dual carriageway. Shavington village is located further to the south, beyond the A500 and further designated Green Gap. The village is accessed via Rope Lane and Crewe Road.

Rope Lane and Green Farm bound the site to the west. Shavington High School and Leisure Centre are situated to the west of Rope Lane.

2. DETAILS OF PROPOSAL

This application seeks outline planning application for residential development (up to 880 units), retirement / care village (use class C1, C2, C3), local centre (use classes A1 - A5; D1-D2; B1), community building, primary school, public open space, allotments, structural landscaping, access arrangements and demolition of existing structures. All matters other than access are reserved for subsequent applications.

3. RELEVANT PLANNING HISTORY

None

4. 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.
Pre-submission Core Strategy / Submission version Cheshire East Local Plan
Core Strategy Submission Draft

4. OBSERVATIONS OF CONSULTEES

United Utilities

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

- Multiple sewers cross this site and UU will not permit building over it. UU will require an access strip width of six metres, three metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for maintenance or replacement.
- Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems.
- No development approved by this permission shall commence until a scheme for the disposal of foul and surface waters for the entire site has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, surface water must drain separate from the foul and no surface water will be permitted to discharge in to the sewerage systems. The development shall be completed, maintained and managed in accordance with the approved details.

Environment Agency

No objection subject to the following conditions

- Submission of a scheme demonstrating that finished floor levels of all proposed buildings are to be set at a minimum of either;
 - the 1 in 100 year flood level including an allowance for climate change and 600 mm freeboard to account for uncertainty; or
 - the 1 in 100 year flood level including an allowance for climate change and 30% blockage of the railway line culvert

Whichever is the greater, based upon the flood level at the corresponding cross section (as detailed in Table 6.9 and 6.10 of the FRA prepared by Enzygo dated July 2013, ref: SHF.1026.001.R.001.A), has been submitted to and approved in writing by the local planning authority.

- A plan should be submitted, which illustrates the recommended finished floor levels and the modelled cross section flood levels from which these have been derived.
- Submission of a scheme demonstrating no alteration of existing ground levels within the 1 in 100 year flood outline,
- Submission of a scheme to limit the surface water runoff generated by the proposed development,
- The discharge of surface water from the proposed development is to mimic that which discharges from the existing site. Infiltration tests should be undertaken in order to confirm whether this would be a suitable method for the disposal of surface water from the site post development. If surface water is to discharge to watercourse and a single rate of discharge is proposed, this is to be the mean annual runoff (Qbar) from the existing undeveloped greenfield site. For discharges above the allowable rate, attenuation will be required for up to the 1% annual probability event, including

allowances for climate change.

- The discharge of surface water should, wherever practicable, be by Sustainable Drainage Systems (SuDS). SuDS, in the form of grassy swales, detention ponds, soakaways, permeable paving etc., can help to remove the harmful contaminants found in surface water and can help to reduce the discharge rate.
- Submission of a scheme to manage the risk of flooding from overland flow of surface water,
- The site layout is to be designed to contain any such flooding within the site, to ensure that existing and new buildings are not affected.
- No development shall take place until a scheme for the provision and management of an 8 metre wide buffer zone alongside Swill Brook and a 5 meter wide buffer zone alongside the in-named tributary of Valley Brook and the ponds, shall be submitted to and agreed in writing by the local planning authority. This buffer zone should be measured from bank top, bank top is defined as the point where the bank meets normal land level. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority.
- The undeveloped buffer zone scheme shall be free from built development including lighting, domestic gardens, fencing, footpaths, formal landscaping etc; and could form a vital part of green infrastructure provision. The schemes shall include:
 - *plans showing the extent and layout of the buffer zone. This should include cross sections clearly showing the water, buffer zone and development.*
 - *details of any proposed planting scheme (for example, native species).*
 - *details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan.*

Would also like to make the following comments/advice:

1. It is acknowledged that proposals are to locate all built development outside the 1 in 100 year plus climate change flood extent including a 30% blockage. However, without a plan overlaying this flood outline on the masterplan (as requested in our letter dated 21 August 2013) it is difficult to assess whether this has been achieved.
2. Table 6.9 and Table 6.10 indicate that flood levels on Swill Brook range between 49.17- 48.63 m AOD adjacent to the site (between sections 0.590 and 0.090). On the drain in the east, flood levels are between 53.44 - 49.43 m AOD (between sections 0.710 and 0.190). These levels exceed the flood contours of 49.00 m AOD and 53.00 m AOD for Swill Brook and the drain as stipulated within the FRA and therefore forms the basis of our previous comments.
3. The 1 in 100 year flood level including an allowance for climate change and 600mm freeboard is greater than the 1 in 100 year flood level including a 30% blockage at the majority of the sections along both watercourses with the exception of 0.300 to 0.080 on Swill Brook.
4. The Sustainable Urban Drainage Plan provided in Appendix 2 of the FRA illustrates the type and location of possible surface water attenuation facilities. However, there is no evidence provided to demonstrate that these have been appropriately sized to accommodate the anticipated storage volumes calculated within the FRA.
5. Wells Green Brook is designated a 'main river'. Under the terms of the Water

Resources Act 1991 and the Land Drainage Byelaws, our prior written consent is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of a designated 'main river'.

6. The EA have discretionary powers within the above Act, to carry out works to a designated 'main river' for which access is required to and along the banks of the watercourse. The proposed layout should ensure that access is provided to the watercourse. Consent under the Byelaws for any proposals within the 8 metres wide strip that would affect access, is unlikely to be granted.
7. The drain located in the east of the site is an ordinary watercourse. The Lead Local Flood Authority (Cheshire East Council) should confirm that any proposed works to or adjacent to this watercourse are acceptable.
8. Any crossing of Swill Brook of the un-named tributary of Valley Brook should be kept to an absolute minimum in number. The crossing should also be kept as short as possible. From the Illustrative Masterplan the applicant indicates that there will be four crossings, this seems to be an excessive number. Engineered river channels are one of the most severe examples of the destruction of ecologically valuable habitat.
9. According to the ecological surveys great crested newt (*Triturus cristatus*) were found on site. The great crested newt and its habitat (aquatic and terrestrial) are afforded full protection by the Wildlife and Countryside Act, 1981 (Section 9, Schedule 5), and are listed on Annex II and Annex IV of the Habitats Directive. Under this legislation, it is an offence to damage or destroy a breeding site or resting place of a great crested newt, or to disturb a great crested newt while it is occupying a structure or place. Natural England are the lead for great crested newts and we recommend that they are consulted regarding this application.
10. This development provides an ideal opportunity for a Sustainable Drainage System (SuDS). SuDS protect local freshwater resources, such as Swill Brook, from the effects of pollutants and enhance biodiversity within developments. They include a range of options, such as retention ponds, swales and porous pavement. The developer should assess the feasibility of incorporating SuDS within this housing scheme.
11. Water vole (*Arvicola amphibius*) survey were undertaken by the applicant but no evidence of this species was found. We would like to make the applicant aware that there are records of water vole (*Arvicola amphibius*) in the general area. The water vole is fully protected under Section 9 of the Wildlife & Countryside Act, 1981 (Variation of Schedule 5, Order 2008). Under this legislation it is an offence to intentionally or recklessly damage, destroy or obstruct access to any structure or place used by a water vole for shelter or protection; to intentionally or recklessly disturb water voles whilst occupying a structure or place used for that purpose; and to intentionally kill, injure or take water voles.

Environmental Health

No objection subject to the following conditions:

- Submission of an Environmental Management Plan to address the environmental impact in respect of air quality and noise on existing residents during the demolition and construction phase. In particular the plan shall show mitigation measures in respect of;

- Noise and disturbance during the construction phase including piling techniques, vibration and noise limits, monitoring methodology, screening, a detailed specification of plant and equipment to be used and construction traffic routes;
 - Waste Management: There shall be no burning of materials on site during demolition / construction
 - Dust generation caused by construction activities and proposed mitigation methodology.
- Construction works taking place during the development (and associated deliveries to the site) are restricted to: Monday – Friday 08:00 to 18:00 hrs, Saturday 09:00 to 14:00 hrs Sundays and Public Holidays Nil
 - Details of the location, height, design, and luminance of any proposed lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall ensure the lighting is designed to minimise the potential loss of amenity caused by light spillage onto adjoining properties. The lighting shall thereafter be installed and operated in accordance with the approved details.
 - Submission of details of acoustic mitigation with reserved matters. Any mitigation shown as part of future reports must achieve the internal noise levels defined within the “good” standard within BS8233:1999. The scheme must also include provisions for ventilation that will not compromise the acoustic performance of any proposals whilst meeting building regulation requirements.
 - Provision of bin storage,
 - Submission of a residential Travel Plan shall be agreed by the LPA. The plan shall outline measures, targets and appropriate reporting mechanisms aimed at encouraging and incentivising Low Carbon Travel and Infrastructure options. The plan shall be monitored and enforced throughout the life of the development.
 - Submission of individual Travel Plans shall be developed for all commercial occupants with the aim of promoting alternative / low carbon transport options for staff and patrons.
 - Electric car charging points shall be provided on car parking spaces within the residential and commercial areas. These shall be maintained throughout the use of the development.
 - Funding should be provided to mitigate the predicted increases in pollution within the AQMA and elsewhere in the area.
 - Submission of an asbestos survey which should be undertaken prior to the demolition of any buildings on site.
 - A Phase II contaminated land investigation shall be carried out and the results submitted to, and approved in writing by, the Local Planning Authority (LPA).

- If the Phase II investigations indicate that remediation is necessary, then a Remediation Statement shall be submitted to, and approved in writing by, the LPA. The remediation scheme in the approved Remediation Statement shall then be carried out.
- If remediation is required, a Site Completion Report detailing the conclusions and actions taken at each stage of the works, including validation works, shall be submitted to, and approved in writing by, the LPA prior to the first use or occupation of any part of the development.

Education

- With regards to the Gresty Oaks application the service would be seeking that a fully serviced site be retained large enough to accommodate a 2 Form Entry Primary School and build cost provided to construct a new 1 form entry primary school.
- However, the service may relinquish the site in future and spend the contribution on existing education facilities within a 2 mile radius of the site in the event that it sees fit and is able to accommodate the new pupils.

Greenspaces

Please find below what Greenspaces would like to see on the open space associated with this development:

- Provision of an allotment site with 35 plots, with a metered water supply serving 7 standpipes, with tarmac road plus 2.8 metre high palisade fence surround.
- Provision of an equipped children's play area. The equipped play area needs to cater for both young and older children - 6 pieces of equipment for young, plus 6 pieces for older children. A cantilever swing with basket seat plus ground-flush roundabout and wide slide would also be required as part of this, as these are very popular, and cater for less able-bodied children. All equipment needs to be predominantly of metal construction, as opposed to wood and plastic.
- All equipment must have wetpour safer surfacing underneath it, to comply with the critical fall height of the equipment. The surfacing between the wetpour needs to be bitmac, with some ground graphics. The play area needs to be surrounded with 16mm diameter bowtop railings, 1.4m high hot dip galvanised, and polyester powder coated in green. Two self-closing pedestrian access gates need to be provided (these need to be a different colour to the railings). A double-leaf vehicular access gate also needs to be provided with lockable drop-bolts. Bins, bicycle parking and appropriate signage should also be provided.
- Provision of a floodlit Multi Use Games Area
- Provision of an outdoor gym facility (similar to that in Queens Park, Crewe) with 12 pieces of equipment and bitmac surfacing and no nearer than 25m to the equipped children's play area;

- Provision of an area of community woodland, using regionally native species (but not Ash).
- A private management company would be required to manage the greenspace on the site.

Natural England

Statutory nature conservation sites

- Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

Bats

- From the information available, Natural England:
 - Considers that there are suitable habitats on, or in the vicinity of the application site for bats
 - Confirms that a detailed bat survey has been carried out at the right time of year using recognised techniques
 - Advises that from the information provided, it is unclear how bats are using the site for foraging and commuting
- Advise that further clarification on the presence of bats and any potential impacts this application may have upon them, is required in accordance with the Bat mitigation guidelines. Specifically, recommend the following information is provided before determination of the application:
- An annotated plan showing the route of the transect surveys undertaken
- Details of the time, location and number of passes recorded for each species during the transect surveys
- Details of the measures that will be implemented to ensure that the indirect effects of this proposal upon bats (for example through loss of foraging and commuting routes) will be maintained during and post construction
- In the absence of the above information, Natural England is unable to advise the Council of the implications of this proposal for bats.

Great crested newts

- On the basis of the information available, advice is that the proposed development is likely to affect great crested newts through disturbance of a European protected species and the damage or destruction of a breeding site or resting place.
- Satisfied however that the proposed mitigation is broadly in accordance with the requirements of the Great crested newt mitigation guidelines and should maintain the population identified in the survey report.
- Recommend that the a condition to secure the following should be appended to any consent:
 - Prior to the commencement of any works which may affect great crested newts and or their habitat, a detailed mitigation and monitoring strategy should be submitted to, and approved in writing by the local planning authority. All works

should then proceed in accordance with the approved strategy with any amendments agreed in writing.

Other matters

- Recommend consultation with Council in-house or retained ecologist on the implications of this application for protected species and other nature conservation interests
- NE have not assessed the survey for badgers, barn owls and breeding birds¹, water voles, or widespread reptiles.
- This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes.
- This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature.

Public Rights of Way

- The development does not appear to affect a public right of way.

5. VIEWS OF THE PARISH / TOWN COUNCIL

Crewe Town Council

Crewe Town Council appreciates that the principles on which the development is based are sound and have a history of producing lasting and family friendly housing.

The Council further appreciates that the development is in keeping with the site and shows a good use of the features of the site.

However, Crewe Town Council **object** to the development for the following reasons:-

- The site currently sits in the “green gap” between Crewe and Shavington
- The impact of the increase in traffic on what are narrow and already dangerous roads
- The problems of accessing nearby towns because of the nature of the routes to Crewe and Nantwich from the development
- The short term nature of any jobs created.

Willaston Parish Council

Objects to the above planning application on the following grounds :-

1. The site lies within the Green Gap as defined in Policy NE.4 of the saved Borough of Crewe & Nantwich Replacement Local Plan 2011 and also within the Strategic Open

Gap as defined in Policy CS5 of the emerging Cheshire East Local Plan. The application is, therefore, in contravention of both the existing saved local planning policy and the emerging Cheshire East Council planning policy and should be refused on those grounds alone.

2. The approval of the Shavington triangle development (360 houses) and the Rope Lane development (80 houses), in addition to the preferred site at Shavington East in the emerging Cheshire East Local Plan, already provides for more than enough additional housing in the Shavington area to meet local needs.
3. The development of the three sites referred to above will already place great strain on the local infrastructure without the addition of a further 880 houses.

Shavington cum Gresty Parish Council and Rope Parish Council

1.0 INTRODUCTION

- 1.1 This Planning Statement comprises an objection both from Shavington cum Gresty Parish Council and Rope Parish Council to an outline planning application submitted by Himor Group Limited (ref: 13/2874/) for residential development (up to 880 units) Retirement/Care Village (Use Class C1, C2,C3) Local Centre (Use Class A1-A5, D1-D2,B1), Community Building, Primary School, Public Open Space, Allotments, Structural Landscaping Access arrangements and demolition of existing structures.
- 1.2 The site comprises land bounded by Gresty Lane, Rope Lane, Crewe Road, and the A500, Gresty, Crewe.
- 1.3 Permission is sought for access with layout, scale, appearance and landscaping reserved for subsequent approval.
- 1.4 The Statement is submitted alongside and to support the many other objections submitted by local residents of Shavington and Rope to the same planning application.

2.0 THE CURRENT SITE

- 2.1 This is a large greenfield site comprising some 43.44 hectares and according to the submitted Planning Statement is to accommodate up to 880 dwellings and other uses.
- 2.2 Its release for housing will have a major impact on the character of the area.
- 2.3 Details of pre-application discussions are described on the planning application forms. It is significant that these confirm that only Planning and Highways advice was given on the Master Plan. In fact letters from Cheshire East to the applicant indicate that the Council had major reservations concerning the proposal.
- 2.4 This is very different to the details of the pre-application advice recorded in respect of the planning application ref: 13/2069/N, Land East of Crewe Road, Shavington which are as follows:

"In a letter dated 10.11 12:-"Consequently the Council acknowledge that planning permission should be granted for the development unless any adverse impacts of doing so will significantly and demonstrably outweigh the benefits"

and:-" It is therefore my informal view that at the present time an application for the site would be supported in principle"

2.5 It is material that no such assurance has been given by the same planning officer in respect of any support in principle for the Gresty Oaks application.

3.0 EXISTING PLANNING POLICY

3.1 The site lies outside the settlement boundary of both Crewe and Shavington as shown on the Urban Areas Inset Plan of the Crewe and Nantwich Replacement Local Plan 2011. (CNRLP) This is the current Statutory Development Plan for the area. The site is currently not within an area considered appropriate for new housing development.

3.2 It lies within an area of open countryside and policy NE2 applies.

3.3 Quite clearly the proposal for residential development does not comprise one of the uses set out in the policy which will be permitted nor is it a use which is appropriate to a rural area. Further it does not comprise a small gap in an otherwise built-up frontage. The proposal is therefore contrary to policy NE2 of the Local Plan. The release of this site would represent an ad hoc expansion into Open Countryside.

3.4 The site shown in red on the application plans comprises a significant part of an area designated as Green Gap in the CNRLP; policy NE4 applies to this area.

3.5 The proposed site lies within the Shavington/Weston/Crewe gap. This proposal comprises both a change of use and if granted permission will involve the construction of new buildings.

3.6 It will not only certainly result in the erosion of the physical gap between Shavington and Crewe but also the disappearance of significant part of the Gap, bringing the village and town much closer together and make it much more difficult to resist pressure for development in other parts of the Green Gap.

3.7 Moreover it will adversely affect the visual character of the open area of the Green Gap which provides an open visual green space between the village and the town.

3.8 It has not been demonstrated that there are no suitable alternative locations for this development.

3.9 Therefore this proposal is in conflict with policy NE4 of the Local Plan.

4.0 APPLICANT'S PLANNING STATEMENT

A response is made to the different sections:

Introduction

4.1 The following statements are claimed in support of the application: *“The site lies adjacent to the existing urban boundary of Crewe and is therefore well related to the town, with the town centre and railway station in close proximity...”*

4.2 It is clear that the site is beyond and separated from the existing town boundary by the railway line.

Responding to a pressing need to deliver new housing within Cheshire East at a time when there is a significant shortfall in identified, deliverable sites, the proposals include for up to 880 new homes.

4.3 There is no shortfall in housing supply as CEC confirms a 7.15 years of supply.

Gresty Oaks will be a sustainable urban extension to Crewe. It will appear as such and function as such. It will be well related and well integrated to the town by means of physical and visual connection.

4.4 There is a strong visual and physical separation from the town as the site exhibits a different character to the land north of the railway line.

It will maintain separation and distinction from Shavington village to the south: an expansion of the town not the village, entirely consistent with the existing (Crewe and Nantwich Local Plan) and emerging (Cheshire East Draft Development Strategy) settlement hierarchies.

4.5 The loss of a significant part of the Green Gap will bring built development much closer to Shavington and will undermine the purpose of the policy and contribute to the merging of communities.

The proposals are in certain respects in conflict with local policy, but the emerging Core Strategy is to be afforded very limited weight and the adopted Local Plan is out-of-date. In this policy vacuum, reference is to be had particularly to the presumption in favour of sustainable development laid down in the NPPF, and a judgement made in accordance with that presumption, as to the balance of benefit and harm. This balance clearly weighs in favour of the proposals and planning permission should therefore be granted.”

4.6 The proposals are certainly in conflict with the CNLP which is not out of date, are in conflict with the NPPF and this outweighs any benefits which flow from the development.

Site Context

4.7 The site itself is in fact located beyond the well-defined southern boundary of Crewe. The boundary of the urban area in this location is a strong, highly recognisable and very visual physical boundary in the form of the railway line and the C class road.

4.8 It provides a sharp contrast and divide between the urban area to the north and land designated as open countryside to the south.

4.9 It is claimed that:

“The urban development of Crewe over time has left a gap to the south of the urban area to the A500 providing a location for development which forms a logical extension to the settlement boundary.”

4.10 On the contrary, in fact the application site itself performs a specific and special planning function as a Green Gap the purpose of which is make sure that Crewe does not expand southwards towards Shavington and to prevent the erosion of the physical gap which is designed to protect the separate identities of the two settlements. There has been a deliberate policy of the Local Planning Authority to control development in this way.

4.11 The gap has not been left to accommodate development at some future indeterminate date.

4.12 It is clear that there is no relevant planning history which gives any support to this proposal.

Planning Policy

4.13 It is recognised that:

“In accordance with the Planning and Compulsory Purchase Act 2004 the policies within the ..CNRLP ..Plan were saved for a period of 3 years from the date of adoption. In 2008, the saved plan was reviewed, with a number of policies deleted. The saved policies will remain extant until future development plan documents for the new unitary authority supersede them.”

4.14 It is clear that these policies remain up to date and are strong material considerations in the determination of this application.

4.15 A planning inspector in deciding a recent appeal for Wain homes at Rope Lane, Shavington confirmed that where a 5 year housing supply did not exist as confirmed by CEC at that time, then policies such as NE2 and NE4 which sort to control the location of housing were out of date and little or no weight could be attached to them in the determination of such a planning application.

4.16 By contrast the situation is somewhat different now as CEC confirm they do have a 5 year housing supply, some 7.15 years, and therefore policies NE2 and NE4 carry significant weight in the determination of applications. They are not out of date.

4.17 Also of significance is the Emerging Local Plan. CEC has decided that some weight should be given to this Local Plan has it has approved it for Development Management purposes.

- 4.18 Policy CS5 Strategic Open Gaps – this policy designation seeks to maintain the definition of existing communities.
The area between, Crewe, Shavington, Weston, Willaston and Rope will be defined as a Strategic Open Gap. New development will not be permitted in these areas and exceptions to this policy will only be considered where it can be demonstrated that no suitable alternative location is available.
- 4.19 The current planning application site falls within this Strategic Gap.
- 4.20 Furthermore despite representations to the Local Plan supporting the release of this land for housing on a number of occasions by Himor to CEC, the application site has not been allocated for development.
- 4.21 It is clear that the CEC wishes to retain the identity of the separate communities of Crewe and Shavington. The release of this land for housing would leave only a small gap remaining between Crewe and Shavington. This would face strong pressure for development and it would be but a short time before Crewe and Shavington coalesce as one large sprawling urban mass.
- 4.22 This site is so large that granting it permission would certainly prejudice the Council's ability to make decisions to plan properly for the future of the Cheshire East area through the Local Plan process
- 4.23 This is not in the best interest of sound planning for the area.
- 4.24 Shavington is to be defined as Local Service Centre (LSC) in the Development Strategy. After Crewe and Macclesfield and the Key Service Centres, it is a third tier location for new development.
- 4.25 In such settlements, new development is required to meet local needs. Modest growth for Shavington is specified and the document goes on to confirm specifically that within LSC s small scale development to meet localised needs will be supported.
- 4.26 It is inconceivable to understand how a development which comprises up to 880 dwellings constitutes small scale.
- 4.27 Policy CS 8 requires development to prioritise investment and growth within the Principal towns and Key Service Centres. Shavington is not one of these centres.

Principle of Development

- 4.28 As the CEC does have a 5 year supply and in its emerging Local Plan has made sufficient provision to meet its housing requirements through its policy approach, the granting of planning permissions, commitments and the allocated sites, there is no necessity to compromise the future of land in a Green Gap which does have a specific important planning function.
- 4.29 The Green Gap designation has been re-appraised by the Council and has been confirmed in the form of a Strategic Green Gap, designation in the Emerging Local

Plan because it fulfils a strategic planning function of maintaining the separate definition and identities of individual communities and to support the long term planning objective of preventing the merging of Crewe with surrounding villages.

4.30 This site is not required to meet CEC housing requirements, and as accepted by the applicant it is outside “*established urban boundaries*” ie that of Crewe.

4.31 It is claimed that this development within the parishes of Rope and Shavington will somehow help to preserve the separate identity of Shavington and that this development will not affect or be seen as part of Shavington:

“Development in Shavington of any notable scale, as proposed in the emerging Core Strategy, is contrary to the Council’s own recognition of its place in the settlement hierarchy. It is a separate settlement from Crewe and should be treated as such. Its limited scale and limited facilities confirm it should sustain no more than limited growth associated with its own needs.”

4.32 This is an erroneous view which if permitted will destroy the separate identity of Shavington and leading to the merging of the village with Crewe.

4.33 This proposal represents a major and harmful intrusion into and a major erosion of the Green Gap such that it will no longer function as intended and not serve as major tool to control the location of new development. As recognised by the Council there is already significant development pressure on this area, hence the need for “*a stricter level of development management to ensure continuing separation of the settlements.*”

4.34 With regard to the Wain Homes Rope Lane appeal and the Inspector’s views, the Council were aware of the contents of the decision notice prior to publication of the Local Plan document and were also aware of the arguments being promoted by Himor concerning this site and their views on how the Green Gap would be maintained by careful design. The Council were obviously not convinced by the Himor approach and still went ahead to establish the principle of the Strategic Green Gap. In addition it is considered that Inspector strayed into areas of policy more appropriately considered through the Local Plan process ie future long term development boundaries.

4.35 Quite clearly it is the Council’s view that long term defensible boundaries are best achieved by retaining the area of the application site in Open Countryside as part of a Strategic Green Gap.

4.36 The applicant’s view of the impact of the development on the area is described below:

“There will be a localised loss of openness, but the physical and perceived separation between the two settlements will largely be maintained. This will be partly through extent and design – limiting the development along the A500 boundary, configuring Green Infrastructure and ensuring the landscape is fully integrated and an open and naturalistic boundary maintained. There will remain only two roads connecting the settlements and the substantial landscaping along the A500 will if anything be reinforced. The visual analysis has demonstrated that separation is readily achieved.

The development of the site does not represent a material threat to the principle of maintaining separation between settlements, and whilst localised loss of openness is inevitable, the harm is limited.”

- 4.37 This is justified on the basis that *against this harm, one has to balance the pressing need to secure additional housing supply.*
- 4.38 It is considered that the development of this site, some 44 ha, will lead to a major and significant loss of openness and only very limited physical separation will remain between Crewe and Shavington which will be difficult to protect in the long term. Developing a major part of the Green Gap would have major implications for the long term survival and integrity of the rest of the Green Gap. It would not *largely be maintained*. This would significantly weaken the policy and water down its effectiveness and compromise its planning function.
- 4.39 In addition there will major harm to an interest of acknowledged importance and major element of long term planning policy- retaining the separateness and separate identity of Crewe and Shavington. No amount of careful design will overcome the adverse impact of this proposal on the character of the area.
- 4.40 Since the Council has confirmed that it has a 5 year housing supply, there is no need for this site to add to that supply.

5.0 ECOLOGY

- 5.1 The Ecological Appraisal confirms the presence of bats, barn owls, great crested newts and brown hares.
- 5.2 The Parish Councils call upon Cheshire East to ensure that sufficient mitigation measures are in place to ensure that protection is given to such species and that habitat is not irretrievably lost that cannot be replaced or compensated for through the provision of new habitat.

6.0 LANDSCAPE AND VISUAL APPRAISAL

- 6.1 The applicant claims that:

“The Site lies just outside of the settlement boundary for Crewe to the south in an area currently identified in Open Countryside and the Green Gap in the Crewe and Nantwich Local Plan.”

- 6.2 It is clear that the site lies beyond the well -defined southern boundary of Crewe Town as shown on the Urban Areas Inset Plan of the CNRLP.
- 6.3 The site is sharply separated from the housing to the north by a strong physical barrier the railway line and it is clear that this separation provides a clear distinction between the built up area to the north of the railway line and the large swathe of open countryside to the south.

- 6.4 Assessing the character of the site's landscape when viewed from Gresty Lane it can be concluded that it is a rural farm landscape. Gresty Lane is bounded by good tree and hedge row cover and this reduces the impact of the railway and the housing to the north. There is little awareness of the presence of a major urban area to the north.
- 6.5 Viewing the site from a higher level on the Rope side of the bridge over the A500 shows the wide swathe of agricultural land which comprises the site and the good presence of mature tree and hedgerow cover.
- 6.6 There is little impact of urban features and only the infrastructure of the railway is seen some distance away to the east but this does not cause the site to be viewed as having urban influences.
- 6.7 The development will result in a high magnitude of change to the rural character of the landscape which is very sensitive to change because of the lack of built features in the landscape apart from developments associated with agriculture.

7.0 HIGHWAYS AND TRANSPORTATION

7.1 CEC is asked to consider the following concerns:

- The proposed traffic signals on Rope Lane will be very close to the existing set by the bridge which may cause problems including that of queuing traffic.
- Two sets of traffic lights followed by 3 speed cushions could make Rope Lane a very slow route to use.
- The new road layout on Crewe Road will delay traffic from the A500 or Shavington going towards the Town Centre as it will have to turn right.

8.0 CONCLUSION

- 8.1 The application site is clearly outside and beyond the current clearly visible, well defined local plan settlement boundaries of Crewe and Shavington. It lies within an area which is not considered appropriate for development in the CNRLP.
- 8.2 The proposed development is in conflict with the Countryside Protection policies NE2 Open Countryside and NE 4 Green Gaps of the CNRLP which comprises the current statutory Development Plan for the area in which the application site is located.
- 8.3 The release of this site would represent an unplanned, ad hoc and unnecessary major intrusion into the open countryside beyond the confines of Shavington village and south of Crewe.
- 8.4 Cheshire East has confirmed that there is a 5 year supply of housing land available in Cheshire East ie some 7.15 years. Policies NE2 and NE4 of the CNRLP which aim to control the location and distribution of new development therefore are not out of date and significant weight can be attached to them in the determination of this application.

There is therefore no conflict with the NPPF in this respect and there is no requirement to release this land for housing.

- 8.5 The development of this site would severely compromise a long term element of local planning policy, the Green Gap, which is well supported and has worked successfully, namely the importance of retaining the separate definition and identities of Crewe and Shavington. The proposal would also be contrary to policy CS5, Strategic Open Gaps in the new Local Plan.
- 8.6 There would be significant harm to the character of the area which no amount of screening/landscape mitigation or careful design can overcome.
- 8.7 Weight can be attached to the emerging local plan because it has been approved by the Council for Development Management purposes . In addition there is significant support for the concept of a Strategic Green Gap in the emerging Local Plan. Granting planning permission for this site would conflict with the overall Strategy and the detailed policy proposed for Shavington village.
- 8.9 Contrary to the applicant's view the adverse impacts of the proposed development **would** significantly and demonstrably outweigh the benefits of the development. As such the proposal would be contrary to the NPPF.
- 8.10 Despite the applicant's contention it is not possible to mitigate the significant impact of this proposal because of the major and significant conflict with existing and emerging planning policies. There is therefore a strong objection in principle to this development.
- 8.11 The release of such site will make it much more difficult to ensure the regeneration of Crewe and make brown field sites less attractive for housing development and investment by developers because of the availability of easier green field sites.
- 8.12 Shavington cum Gresty Parish Council and Rope Parish Council urge Cheshire East Council to refuse this planning application No 13/2874N.

6. OTHER REPRESENTATIONS

In excess of 200 letters of objection have been received raising the following concerns:

- Proposals are premature in advance of emerging Local Plan; and therefore conflicts with approach of NPPF;
- Site is not identified as a strategic site in emerging Local Plan; and scheme conflicts with policies of the Development Plan which has a general presumption against the development.
- Proposals will impact on the delivery of housing at Basford East;
- Scale and density of housing (and resultant population) is unsustainable;
- Inadequate provision for affordable housing for all age groups;
- There are sufficient housing commitments in the pipeline or sufficient provision in existing housing stock;

- The proposed scheme is not needed, would not be affordable to local people and would be detrimental to current house prices;
- Scheme conflicts with the parish plan;
- Would erode the physical gap between Crewe and surrounding villages, exacerbating urban sprawl of Crewe and would conflict with Green Gap policy NE.4 in Local Plan.
- Cumulatively with the other recently approved development would have adverse impact on visual character of the green gap;
- Cumulative impact of this scheme alongside other recent permitted housing scheme will mean Shavington and other villages will lose their rural identity and character as they become suburbs of Crewe;
- Development should be located sequentially with brownfield land within settlement boundary of Crewe given priority over this Greenfield site;
- Conflicts with Policy CS3 and CS5 of the draft Cheshire East Local Plan and there are better located, more sustainable sites available for housing development;
- Scheme will result in significant intensification of the built up areas surrounding the villages to serve the scheme;
- Scheme will significantly increase vehicle numbers which will have an adverse impact on traffic flow, congestion, junction performance and highway safety, particularly at peak hour times or in times of adverse weather;
- Highway infrastructure is inadequate, roads including the bridge are too narrow, unsuitable and are in poor condition thus unsuitable to deal with cumulative levels of traffic generated by the housing schemes; and already pose highway safety concerns which will be exacerbated by the scheme;
- Loss of parking
- Local roads are used as rat runs;
- Design of site entrances pose safety concerns due to location of the bridge and speed of the road;
- Highway concerns for vulnerable users;
- Concern over the scope of the highways surveys undertaken;
- Cumulative adverse impacts of recent housing schemes and this development on local amenities, infrastructure and services, particularly roads, medical, police and schools which are already at capacity. Concern that infrastructure secured as part of the proposal will not be delivered in time to address the impacts created;
- Visual impacts and affect on visual character of the landscape and the village;
- Adverse impacts of the scheme particularly arising from traffic movements on air quality and associated health and well-being, noise, reduction in quality of life and light pollution;
- Loss of trees, vegetation and potential impacts arising from this on local wildlife and protected species;
- Flood risk assessment is flawed as it should reflect the cumulative impacts of other committed developments in Crewe
- Increased risk of flooding and drainage arising from cumulative housing schemes, insufficient information on drainage arrangements and potential for contamination of watercourse;
- Loss of good quality agricultural land and impacts on food production;
- Query the viability of the mix of uses on the site and the need for such a large scheme in this location;

- Question whether such a scale of development is justified and can be supported by the local economy, or would result in significant increase in unsustainable commuting to employment.
- Potential for scheme to increase number of people commuting elsewhere;
- Risk of anti-social behaviour;
- Increase in density of population
- Architectural form and design is not characteristic of the local area
- Developers are landbanking;
- Concern over the scale of plans submitted, their availability, whether they give fair representation of the proposals and whether the council have sufficient information to determine the application.

One letter of support has also been received.

7. APPLICANT'S SUPPORTING INFORMATION:

- Design and Access Statement
- Planning Statement
- Environmental Impact Assessment

8. 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 principle of development, sustainability, loss of agricultural land, affordable housing, contaminated land, air quality, noise impact, drainage and flooding, design issues, open space, rights of way, amenity, landscape impact, trees and forestry, ecology, education, highway safety and traffic generation.

Principle of Development

Housing Land Supply

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

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

The NPPF 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.”*

A number of recent appeal decisions have concluded that the Council has not conclusively demonstrated a five year supply of deliverable housing land, founded on information with a base date of 31 March 2012 selectively updated to 31 March 2013. However, the Council has recently published a 5 Year Supply Position Statement which seeks to bring evidence up to date to 31 December 2013. The approach taken to the Statement has been informed by policy requirements and by consultation with the Housing Market Partnership.

The Borough’s five year housing land requirement is 8,311. This is calculated using the ‘Sedgefield’ method of apportioning the past shortfall in housing supply across the first five years. It includes a 5% buffer, which is considered appropriate in light of the Borough’s past housing delivery performance and the historic imposition of a moratorium.

A standard formula of build rates and lead-in times has been applied to most housing sites, unless more detailed site-specific information is available. Those considered deliverable within the five year supply have been ‘sense-checked’ and assumptions altered to reflect the circumstances of the particular site. The Criticisms made of the yields from certain sites in the recent appeals, particularly those in the merging Local Plan, have also been taken on board.

Sources of supply include sites under construction; sites with full and outline planning permission; sites awaiting Section 106 Agreements; selected Strategic Sites which are included in the emerging Local Plan; sites in adopted Local Plans; and small sites. This approach accords with the *National Planning Policy Framework*, existing guidance and the emerging *National Planning Policy Guidance*.

A discount has been applied to small sites, and a windfall allowance included reflecting the applications which will come forward for delivery of small sites in years four and five.

A number of sites without planning permission have been identified and could contribute to the supply if required. However, these sites are not relied upon for the five year supply at present.

The current deliverable supply of housing is assessed as being some 9,757 homes. With a total annual requirement of 1,662 based on the 'Sedgefield' methodology and a 5% 'buffer', the *Five Year Housing Land Supply Position Statement* demonstrates that the Council has a 5.87 year housing land supply. If a 20% 'buffer' is applied, this reduces to 5.14 years supply.

In the light of the above the Council can demonstrate that the objective of the framework to significantly boost the supply of housing is currently being met and accordingly there is no justification for a departure from Local Plan policies and policies within the Framework relating to housing land supply, settlement zone lines and open countryside in this area.

Additionally, the adverse impacts in terms of conflict of this proposal with the emerging draft strategy of releasing this site for housing development would, in the planning balance, outweigh the benefits of the proposal in terms of housing land supply, since the site is not relied upon with the emerging Core Strategy or the Assessed Housing land supply.

Therefore, the site is not required for the 5 year housing land supply plus buffer.

Open Countryside Policy

As well as assessing housing supply, the recent Appeal decisions at Sandbach Road North Congleton Road Sandbach, the Moorings Congleton and Crewe Road, Gresty Green 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. Therefore, the proposal remains contrary to Open Countryside policy regardless of the 5 year housing land supply position in evidence at any particular time.

Green Gap

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

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

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

However, given that the Council now has a 5 year supply of housing land, it is no longer considered that Policy NE.2 is out of date. Furthermore, as detailed, above, more recent Appeal decisions in Cheshire East have indicated that even in a scenario where no five year housing land supply exists Open Countryside policy remains up-to-date and consistent with the Framework and must be taken into account in the “planning balance”. Therefore, following the Rope Lane Inspector’s logic, Policy NE.4 must also still stand.

This proposed development when taken cumulatively with the Rope Lane site which has been allowed at Appeal will completely eradicate the physical gap between Shavington and Crewe

and the proposal would therefore clearly be contrary to Policy NE.4. The impact on the landscape is discussed in greater detail below.

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

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.

Category	Facility	GRESTY OAKS
Open Space:	Amenity Open Space (500m)	1,127m
	Children’s Play Space (500m)	1,667m
	Outdoor Sports Facility (500m)	239m
Local Amenities:	Convenience Store (500m)	1,556m
	Supermarket* (1000m)	2,496m

	Post box (500m)	1,542m
	Playground / amenity area (500m)	1,667m
	Post office (1000m)	1,542m
	Bank or cash machine (1000m)	1,278m
	Pharmacy (1000m)	723m
	Primary school (1000m)	1,821m
	Secondary School* (1000m)	800m
	Medical Centre (1000m)	723m
	Leisure facilities (leisure centre or library) (1000m)	805m
	Local meeting place / community centre (1000m)	1,696m
	Public house (1000m)	829m
	Public park or village green (larger, publicly accessible open space) (1000m)	1,127m
	Child care facility (nursery or creche) (1000m)	1,821m
Transport Facilities:	Bus stop (500m)	533m
	Railway station (2000m where geographically possible)	3,026m
	Public Right of Way (500m)	759m
	Any transport node (300m in town centre / 400m in urban area)	533m
<i>Disclaimers:</i>		
<i>The accessibility of the site other than where stated, is based on current conditions, any on-site provision of services/facilities or alterations to service/facility provision resulting from the development have not been taken into account.</i>		
<i>* Additional parameter to the North West Sustainability Checklist</i>		
<i>Measurements are taken from the centre of the site</i>		

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

The site fails against 14 criteria in North West Sustainability checklist, 11 of which are 'significant' failures. These facilities are available within Crewe, which is a principal centre in

the emerging Core Strategy. Furthermore, the proposal includes a local centre (use classes A1 - A5; D1-D2; B1), community building, primary school, public open space, allotments and therefore many of the facilities listed in the checklist could be provided on site. Thus it is not considered that a refusal on locational sustainability could be sustained in this case.

Furthermore, it is possible to improve the non-car mode accessibility through pedestrian improvements.

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.

In terms of sustainable design, the approach seems unambitious for a scheme of this scale and its labelling as part of a strategic gateway. The onus is on this proposed development to establish strong sustainability credentials, including sustainable design.

Given the timeframe for a site of this size, code 3 is seriously unambitious and it also reads as if the issue of district heating has been largely discounted already. This is a missed opportunity, given anchor loads in the vicinity and a source of heat from an industrial use nearby and the issues of energy price and availability in the future. The question arises, how seriously has the district heating option been considered and how widely has the conversation been held with adjoining land owners/developers, local community facilities (and those who manage them) and the business with the potential source of waste heat.

BREEAM very good is proposed for commercial and non-residential buildings. Again as a groundbreaking scheme, this also seems a little unambitious given likely timescales for implementation

The approach to SUDs and GI should be generally commended as the most positive aspect of the scheme in respect to sustainable design, but, as stressed above, that too could be under threat of watering down, if there is not the mechanism and determination on the part of the applicant to deliver this to build out on site.

The proposed development will bring direct and indirect economic benefits to the area, including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

The NPPF makes it clear that

“the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.”

According to paragraphs 19 to 21,

“Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. To help achieve economic growth, local planning

authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century. Investment in business should not be overburdened by the combined requirements of planning policy expectations.”

In conclusion, the loss of open countryside, when there is no need in order to provide a 5 year housing land supply requirement, is not considered to be sustainable and it is considered that this outweighs any sustainability credentials of the scheme in terms of its location, meeting general and affordable housing need and assisting economic growth and development. The scheme does little in terms reducing energy consumption through sustainable design to redress the planning balance.

Loss of 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 in the Ministry of Agriculture Fisheries and Food classification) will not be permitted unless:

- the need for the development is supported in 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; or
- other sustainability considerations suggest that the use of higher quality agricultural land is preferable to the use of poorer quality agricultural land.

This is supported by the National Planning Policy Framework, which states that:

“where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality”.

A survey has been provided to by the applicant which indicates that 1.6ha of the land is Grade 2, 10.9ha of the land is Grade 3a and 26.2ha is Grade 3b. 1.1ha of the site is non-agricultural land. Therefore approximately 31% of the site is the best and most versatile agricultural land. Previous Appeal decisions make it clear that in situations where authorities have been unable to demonstrate a 5 year supply of housing, the need for housing land outweighs the loss of agricultural land. However, given that Cheshire East has more than a 5 year supply of housing, it is considered that this argument does not apply and that the loss of the agricultural land makes the scheme less sustainable since it results in a loss of open countryside when there is no necessity to do so in housing land supply terms. The proposal is therefore considered to be contrary to policy NE.12 and the provisions of the NPPF in respect of loss of agricultural land.

Contaminated land

The Council’s Environmental Health officers have commented that the application is an outline application for new residential properties which are a sensitive end use and could be affected by any contamination present. The applicant has submitted a Phase I Preliminary Risk Assessment in support of the planning application. The report identified some potential

contaminant linkages which need further assessment. In accordance with the NPPF, it is recommended that conditions are imposed to secure a Phase II investigation and the submission and approval of any necessary mitigation.

Air Quality

An Air Quality Impact Assessment has been undertaken as part of the Environmental Impact Assessment. The report considers whether the development will result in increased exposure to airborne pollutants, particularly as a result of additional traffic movements and changes to local traffic flows.

The Council's Environmental Health Officers have examined the report and commented that the proposed development is considered significant in that it is highly likely to change traffic patterns and congestion in the area.

In particular, the development has the potential to impact upon the Nantwich Road Air Quality Management Area (AQMA) which was declared as a result of breaches of the European Standard for nitrogen dioxide (NO₂). There is also concern that the cumulative impact of several large scale developments around the town will lead to successive increases in pollution levels, and thereby increased exposure. The assessment uses ADMS Roads to model NO₂ and Particulate Matter (PM₁₀) impacts from the predicted additional road traffic associated with this proposal and other permitted developments. The report concludes that people will be exposed to higher levels of pollution as a result of the development, and its associated traffic. This includes assessment of the cumulative impact of developments around the area.

The report highlights there is likely to be increased exposure to airborne pollution at all ten existing and five proposed receptors which were modelled. One of these receptors is within the Nantwich Road AQMA and as such any increase in exposure is considered significant. Of the other existing receptors, seven are predicted to experience a small increase in NO₂ concentrations with all ten existing receptors experiencing imperceptible increases in PM₁₀ concentrations. Any negative impact on air quality should be mitigated against to help safeguard future air quality irrespective of whether it would lead to an exceedence of an air quality objective or the designation of an Air Quality Management Area.

Taking into account the uncertainties associated with air quality modelling and the lack of model verification, the impacts of the development could be significantly worse.

Poor air quality is detrimental to the health and wellbeing of the public and also has a negative impact on the quality of life for sensitive individuals. It is therefore considered that mitigation should be sort from the developers in the form of direct measures to reduce the impact of traffic associated with the development. In addition, there should be a financial contribution to the Air Quality Action Plan for Crewe.

Mitigation to reduce the impact of the traffic pollution can range from hard measures (such as highway alterations, or traffic signalling changes) to softer measures such as the provision of infrastructure designed to support low carbon (and low pollution) vehicles.

Consequently, they recommend conditions requiring the submission, approval and implementation of travel plans and electric car charging points. Environmental Health have also stated that funding should be provided to mitigate the predicted increases in pollution within the AQMA and elsewhere in the area. However, in the absence of a local plan policy to support such contributions, an appropriate formula for calculating them and details of precise projects to show how and where the money would be spent it is not considered that this request would comply with the requirements of the Community Infrastructure Levy (CIL) Regulations which state that contributions must be

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

Environmental Health have also commented that there is potential for dust generated during the development to have an impact in the area, and as such the report outlines suitable mitigation. It is recommended that the developer agree with the LPA an Environmental Management Plan (EMP). The EMP shall identify all potential dust sources and outline suitable mitigation. The plan should be implemented and enforced throughout the construction phase. This can be secured by condition.

Noise Impact

The applicant has submitted a noise assessment report with the application. Environmental Health Officers have commented that the proposal is acceptable, as long as appropriate acoustic design matters are implemented at the reserved matters stage and additional noise assessments are undertaken when further information is known. Any mitigation shown as part of future reports must achieve the internal noise levels defined within the “good” standard within BS8233:1999. The scheme must also include provisions for ventilation that will not compromise the acoustic performance of any proposals whilst meeting building regulation requirements.

In addition, Environmental Health Officers have requested conditions relating to hours of construction and foundation piling, as well as the submission of a piling method statement. Subject to the imposition of these conditions, it is considered that the proposal would comply with Policy BE1 (Amenity) in respect of noise impact.

Drainage and Flooding

The Environmental Impact Assessment has assessed the hydrological characteristics of the Gresty Oaks site and its surroundings, and the impacts of the proposals on hydrology, flood risk and drainage and accompanying mitigation measures. It concludes that:

- *The baseline assessment has identified a small number of potential receptors which may be vulnerable to impacts from the proposed Development. These are classed as having a low sensitivity to environmental impacts.*

- *Even so, proposed mitigation and enhancement measures which have been incorporated within the design to reduce the potential effects on hydrology, flood risk and surface water runoff both to the site and to the surrounding environment. These measures include the following key elements:*
 - *Surface Water Management Strategy*
 - *Construction Environmental Management Plan*
- *It is considered that the proposed mitigation measures will reduce the significance of potential impacts of the proposals on the hydrology of the site to negligible.*
- *It is concluded that the proposed mitigation measures will ensure that the proposed Development will have no significant impacts, on hydrology, flood risk and drainage. A series of comprehensive mitigation measures have been integrated into the design of the Development to ensure that impacts on the hydrological environment are minimised.*
- *Mitigation measures at the site will need to ensure that water quantity and quality is controlled to acceptable levels. Surface water runoff from the site will be discharged, subject to settlement and flow controls.*
- *Surface water runoff will therefore remain unchanged from the existing conditions therefore ensuring that the Development will not increase flood risk and pollution risk elsewhere.*
- *Due to the low surface water runoff rate from the site it is not proposed that formal attenuation measures will be adopted on site.*
- *It is proposed that the detailed design of the final scheme would be agreed with the Environment Agency and LPA prior to works commencing.*

This information has been forwarded to the Environment Agency and United Utilities for consideration and both bodies have raised no objections subject to the imposition of appropriate planning conditions. Therefore, whilst the concerns of local residents are noted, it is not considered that a refusal on flooding or drainage grounds could be sustained.

Urban design

The Council's Urban Design Officer has examined the scheme and commented that, if this development is to be argued positively in land use terms, particularly in relation to the broader argument of achieving a strategic southern gateway for Crewe, then, as advised at pre-application, the proposal needs to seriously consider and convince on this wider strategic approach on several levels. In short, it needs to pay more than mere lip service to this objective.

Whilst the approach to the urban design structuring of the site has a number of merits, as outlined below, it does feel like the advice provided at pre-application has only partly been acted upon in terms of delivering a joined up approach.

In terms of the design process, the efforts of the developer should be acknowledged and applauded. The voluntary use of design review, via Places Matter, and the use of a Design Code (albeit a strategic level code) should be noted. However, there are issues relating to the content and depth of the Code and how the process to deliver it is proposed to be managed, wherein there are very specific concerns.

Urban design and parameters

It is considered that the urban design is well thought through and rationalised and it has taken account of the feedback from the Places Matter design review and comments made in pre-application. The refinements to the parameters layout, the approach toward structuring of the development and its framework, the deployment of uses and the elements of inbuilt flexibility, if delivered, would create a place that is distinctive but also relevant to its context.

The refinements to the street layout have strengthened the scheme, better reflecting the natural grain of the site and creating the potential for a more legible and distinctive form of development. These characteristics have been informed by evidence derived from character studies of the wider area, site analysis and precedent schemes/areas.

It is understood that highways are likely to seek to create a layout where the principal route through the site is less constrained and more direct. However, solely from an urban design perspective, there is concern that the potential for place making could be undermined by the desire to relieve traffic impact off site.

If this can be achieved without detriment to the urban design qualities of the layout then so be it. However, there is a danger that this will not be designed as a street but more a local distributor road, which could segregate and divide the scheme. The objective for the main street in urban design terms should be integration, which it does successfully in the submitted illustrative masterplan, with its arrangement of key pedestrian spaces along the route where they would have at least equal, if not greater priority. It would not be appropriate to undermine the urban design quality of a substantial new housing development purely to relieve traffic issues elsewhere.

The outline parameters plan is largely supported as a framework for the development. However it is felt that some revisions would help improve the scheme overall:

- Locate the community hall to the north of the street rather than within the allotment area. It would still provide surveillance but would be integral to the block of built development as opposed to intruding into an area of open space. It would also not be presenting its rear in long views from the A500
- The extent of development in the south western corner could be further reduced to create a slightly more generous area of green space. This would create a more or less continuous green buffer alongside the A500 corridor, incorporating school playing fields and allotments as well as areas of fields, trees and hedgerows, rather than some built development.
- The area zoned yellow (the potential care home site) should not be uniform 3 storey and this should be specified on the plan. It is suggested therefore that the 3 storey is only on the Rope Lane frontage portion of the block to define the gateway
- The parameters should indicate the potential for future pedestrian links into the commercial part of the farm site and those pedestrian links beyond the site across Rope Lane and Crewe Road. In terms of strategic connectivity, particularly the pedestrian links to the wider neighbourhood, nothing has been indicated in terms of pedestrian crossings. The secondary school, medical centre and Leisure centre are located opposite the site on Rope Lane. The quality of the pedestrian crossing will be crucial in linking the site to this area and vice versa. Nothing is indicated as to how this

will be achieved. Equally, the strategic linkage of the site to the east is not indicated either. How could this be enhanced as suggested at the pre-application meeting? This should be a key part of the access section of the D & A in terms of principle and in the strategic code document, in terms of crossing improvements for pedestrians/cyclists.

- In terms of the school it would be best if the building was situated in the north western corner of the site as indicated in the parameters density plan (06/03) and parameters scale (06/05). All of the community/commercial buildings should have their approximate locations identified and fixed on the parameters Masterplan, as this is the plan that will be approved and it is appropriate to have these locations set at this stage, to prevent less appropriate spatial design later in the project..
- It is noted on both parameters and illustrative masterplans that hedges and trees in certain locations are indicated mid block. This will lead to them in boundaries between gardens as opposed to in public areas. This can reduce their townscape impact and place them under threat as landscape features longer term. It could also reduce their ecological impact. Also how many trees and how much hedging are/is being removed?
- In terms of the scale and mass parameters plan (06/05), it should be further stressed that the heights set out should not be consistently applied along streets and that this is the maximum scale parameter, and that only a proportion would be to that height determined by place making and townscape objectives (this could be a notation on the key)
- There is some discrepancy between the parameters plans on pages 40-48 in relation to the extent of development parcels and areas of green space, tree and hedge retention etc. There is also some discrepancy between the parameters on page 49 and the illustrative masterplan, for example the extent of green space in the North West corner, in proximity to the pub and its car park. Developers will work to the parameters not the illustrative masterplan, so, it is important that there is consistency between parameters and the illustrative masterplan, to ensure that a scheme similar to that illustrated is going to be deliverable. All of these parameters are to be part of the approval (given that they determine the strategic principles and zoning etc. for the scheme), so they have to be consistent in what they are showing.
- Self build – the concept of self build has been identified in the proposals and this is very positive, both to diversify the tenure/housing opportunity but also to add to the architectural diversity and quality of the scheme. In terms of the number of plots, 10% of the total yield of the scheme is suggested (circa 80-90 units in total). *NB It would be advisable for Highmoor to oversee this part of the development and not leave to the volume house builders.*
- In addition, it is suggested that the commercial/community elements of the scheme should go to design competition to secure a high quality of architectural design. Consideration should be given to extending this concept to parts of the housing development, where they have fundamental influence upon legibility and townscape quality. This would help to deliver a better functioning scheme and one with a stronger sense of place. These locations would need to be identified as part of the strategic coding (figure 07:07 could be further refined to achieve this objective). *NB It would be advisable for the applicant to oversee these areas, or to approach specialist developers, rather than dispose to volume developers*

Landscape/green infrastructure

The overall approach to landscape and green infrastructure should be commended. It is one of the principal strengths of the scheme. However, this too could be strengthened in a couple of areas. Suggested changes/elaborations are:

- In terms of play provision, alongside and as part of, the arts and wildlife trails, informal play opportunity should be embedded.
- The focus on local growing is positive, with the provision of allotments on the southern edge of the development. However, the theme of local growing could be more wide ranging, an integral strand of the sustainable/alternative garden suburb ethos being promoted, with local growing in streets, areas of open space, within gardens and at key community and commercial hubs within landscaping areas.
- Landscape management – more information is needed about the long term management of the various open space typologies and features given their importance to this scheme (this links to the comments made below)

Design Coding

The overarching concern about the code is whether it is sufficiently detailed, albeit it is a strategic level code. It is less detailed than envisaged and its structure is also a little confusing. The code seems to fade away, and in my opinion does not provide sufficiently clear parameters in respect to the content of the character area codes – this will make it difficult to secure good quality coding at the detailed stage. There is also some blurring/confusion between strategic coding elements and character area coding. Most of what is in the code would be considered strategic and therefore there is little in terms of setting out the requirements for the character area codes, whilst the character area principles would have benefitted from more precedent images.

Other specific concerns are:

- With regard to the scale and mass of the commercial and community buildings, it would be desirable to require certain rule sets (where the entrances are and other active frontage, the location of servicing and storage, parking and how to manage its impact, materiality and architectural principles for the buildings themselves). Preferably this would be provided as part of the strategic code but it could be included in the area code for the Rope Lane Gateway.
- There is some discrepancy between the D & A and Codes regarding the use of parking courts. Whilst it is agreed that parking courts need to be carefully considered and designed well, they can help to provide part of a mixed parking solution in a well planned scheme. By discouraging this type of arrangement, this could lead to extensive frontage parking that, if not exceptionally well executed, could severely erode development quality. More detailed principles relating to parking should be set out in the code as a strategic layer of information (this could then be interpreted area by area in the detailed design codes).
- In relation to street design, in the public realm and hard landscape section it states that the Garden Street and lanes will be designed as traditional roads. The impact of these in engineering terms could be mitigated by adopting a design led approach, reducing kerb height, the treatment of verges, materiality for kerbing, creating variation in width, the quality of street furniture and landscaping could all impact positively on how engineered these streets feel and would also help to create a more sinuous transition from conventional street to space or square. This creative approach to the design of

principal streets between feature spaces and linking into lower tier streets, needs to be emphasised to help ensure the scheme is maximum 20mph throughout and appears the least engineered it can be to serve its vehicular as well as public realm function.

- Principles for the flexible live/work accommodation along the garden Street corridor should be incorporated in the strategic code; including the extent to which this applies (presumably not every unit on this frontage would be developed in this way? Again a percentage may be the way forward)
- Whilst the approach to SUDs and climate change adaptation are acknowledged and supported, little has been said about the passive opportunity in terms of harnessing passive solar gain and sheltering from wind etc. This should also be a strategic part of the coding in terms of establishing passive design principles into buildings.
- The strategic code needs to set principles for the provision of external space and bin storage and collection and the delineation of public and private realm.

Delivering design quality

Given the above and the lack of a clearly expressed structure to manage the design process through to implementation there is concern that much of the promise of this scheme could disappear and will not come to fruition. There is a high probability that it would be substantially watered down by volume developer involvement and will, in all likelihood, become a substantial, fairly standardised housing estate that has the good fortune to be set within a generous green setting. This would certainly not be a sea change for Crewe or indeed the wider Cheshire East area.

One ingredient common to the historic and more recent precedents discussed early in the D & A was that strong leadership and design management underpinned those strategic scale schemes, with a lead developer/organisation setting a high standard for the principles and development objectives, an appointed Masterplanner/design champion overseeing the process and ensuring the quality and vision are maintained throughout the project, and, to an extent, a philanthropic undertone to the project, seeking to deliver a step change in the quality of life being offered for those living and working in the area being created and in the quality of the development itself i.e. a positive and lasting legacy.

A developer putting this type of proactive and comprehensive delivery mechanism in place would be sending out a clear message that they intend to deliver an exemplary and ground breaking scheme, departing from the conventional route.

This type of delivery structure was discussed at pre-application but has not been carried through into the submission and therefore, once the land is sold who will be responsible for maintaining the integrity of the design vision set out in the D & A and for ensuring that strategic elements of the scheme such as public realm, GI and SUDs are co-ordinated and managed? That eventuality further amplifies why a design code is so important for a scheme of this size, particularly if the only means of managing design quality is via the planning process. At present the Code does not adequately provide the tools to achieve this.

Building for Life

The following is the headline assessment of the scheme using BfL 12

1. **Connections** — there are no means of connection indicated or discussed at the emergence of routes onto Rope Lane and Crewe Road. Rope Lane in particular is a community node and requires positive crossings to link the site to existing facilities for pedestrians. To a lesser extent the same can be said for Crewe Road. The utilisation of blue/green infrastructure networks is positive but these are constrained as pedestrian links by the barrier presented by the railway line and the A500. There is no link indicated from the site to Green Farm and the day nursery - **Amber**
- 2 **Facilities and services** – Secondary school, leisure centre, medical centre and nursery already very close by. Proposals for local centre , primary School and community hall/allotments on the western part of the site reinforcing existing facilities. Proposal to create flexible units along Garden Street, to allow other uses and businesses to occupy in the future – **Green**
- 3 **Public transport** – bus stops on both Crewe Road and Rope Lane. Also indication that Garden Street designed to accommodate bus route – **green**
- 4 **Meeting local housing requirements** – mix of house types and sizes with a proportion of affordable. Also flexibility built in to accommodate a care village close to the local centre – **green**
- 5 **Character** – the scheme has been heavily influenced in spatial terms by the site character and by local settlement character. How this will translate is dependent on the quality of the Coding and the delivery mechanism to continue to foster design quality and local distinctiveness – **green** in terms of spatial character but could end up being amber or red when overlaid by building design
- 6 **Working with the site and its context** – the site incorporates much of the green infrastructure and this has helped to shape the spatial arrangement and characteristics of the layout. Mention that the GI/planting aids passive solar gain and reduces climate change impact but there is little evidence of the former. Certain hedges trees within blocks and could end up in private ownership – **green** but could become amber unless carried through and if issues relating to hedgerows are not resolved
- 7 **Creating well defined streets and spaces** – As the masterplan is illustrative it is difficult to assess this criterion, but based on the masterplan, the block and space layout is generally pretty good with spaces of interest and variety, a perimeter block structure and for the most part active frontages and enclosed development blocks. Some streets show expansive forecourts, including part of Garden Street, which could become very car dominant unless handled with great sensitivity – **Green** but could end up as amber and red, depending on how the design is developed into detail
- 8 **Easy to find your way around** – there is a clear hierarchy within the street arrangement, generally enclosed frontages with a hierarchy in terms of building scales, a variety of spaces both hard and green, landmark locations have been incorporated and other way marking is described (such as the arts trail) . The scheme has many ingredients to make it highly legible but this could be undermined depending on detailed interpretation – **green** but could end up as amber
- 9 **Streets for all** – Street design has been developed to create a managed vehicle speed environment and to create areas that have a clear pedestrian priority. This could be undermined by detailed interpretation and design and by aspirations of the highways team to enable this development to relieve traffic issues elsewhere on the network – **green** but could end up as amber/red
- 10 **Car parking** – There is too little information to determine how successful the parking strategy will be in and in areas, the detailed design and interpretation of the masterplan could lead to areas of car dominance in the townscape – parking courts largely discounted

but they could be a device to improve street scenes as part of a balanced parking strategy – **amber**

11 Public and private spaces – The illustrative layout and block structure infers a strong sense of enclosure and most routes are enclosed and surveyed. The D & A and code refers to delineation of boundaries with hedges and railings but that could be more clearly expressed as a key requirement within the strategic level code (i.e. it should be a general rule that there should be a clear delineation of public and private, in most instances by walls, hedges and railings. – **amber** but could be red if typical estate characteristics creep into the detailed design

12 External storage and amenity space – apparently space has been allowed for external bin and storage space in the illustrative layout. The lower density areas are not likely to have problems, however, pockets of higher density such as those properties in proximity to squares may be a little more restricted - **amber**

Open space

Policy RT.3 of the Borough of Crewe and Nantwich Replacement Local Plan requires that on sites of 20 dwellings or more, a minimum of 15sqm of shared recreational open space per dwelling is provided and where family dwellings are proposed 20sqm of shared children's play space per dwelling is provided. This equates to 13,200sqm of shared recreational open space and 17,600sqm of shared children's play space, which is a total of 30,800sqm.

The indicative layout shows 168,000sqm (16.8ha) of open space which would be a combination of recreational open space and children's play space. Therefore the minimum policy requirement has been met and exceeded in this case.

With regard to the exact nature of the provision, the open space would include parks and communal gardens; recreation grounds; watercourse and wildlife corridors; children's play areas and allotments.

The Council's Open Spaces Officer has commented that as part of this development he would like to see a 35 plot allotment site, an equipped children's play area including 6 pieces of equipment for young, plus 6 pieces for older children, a floodlit Multi Use Games Area, an outdoor gym facility, and an area of community woodland. A private management company would be required to manage the greenspace on the site. This could all be secured through the Section 106 Agreement.

Amenity

It is generally regarded that a distance of 21m between principal windows and 13m between a principal window and a flank elevation are required to maintain an adequate standard of privacy and amenity between residential properties. It is also considered that a minimum private amenity space of 50sq.m for new family housing should be provided.

The layout and design of the site are reserved matters and, in the absence of a testing layout, it is difficult to determine whether the proposed number of dwellings could be accommodated on the site, whilst maintaining these minimum distances between existing

and proposed dwellings. It is also difficult to establish whether the same standards can be achieved between proposed dwellings within the new estate.

However, it is considered that this issue would need to be addressed in detail as part of the reserved matters application. It may be necessary to reduce the number of dwellings within the scheme at that stage, in order to meet the required amenity standards.

Landscape Impact

The application site is located along the southern boundary of Crewe and is currently an attractive corridor of agricultural land that covers a number of fields and is an area of countryside that is characterised by its good network of hedgerows and a significant number of mature and distinctive hedgerow trees as well as a block of woodland to the southern boundary of the site. The land slopes from approximately 55m AOD at Rope Lane Bridge, the most south westerly point of the site to approximately 51m AOD at the north eastern corner of the site.

Gresty Lane runs along the northern boundary of the applications site and just to the north of this is the Crewe to Nantwich railway Line. To the north of the railway line is the wider southern urban extent of Crewe, which also extends to the railway sidings associated with the railway line along the north east part of the application site. Rope Lane runs along the western boundary of the application site and along the western side of Rope Lane are the medical centre and further to the south of this is Shavington High School.

Along the southern boundary is the A500 and the Alexandra Soccer centre to the south east of the application site. Crewe Road runs along a north to south alignment to the east of the application site with just one small part of the site boundary running alongside the Crewe Road, just to the north of the Alexandra Soccer Centre. Further to the south of the application site, beyond the A500, and to the south eastern application site is the residential development that marks the existing edge of Shavington.

Methodology

The assessment indicates that it has been carried out according to best current practice, namely The Landscape Institute and Institute of Environmental Management and Assessment Guidelines for Landscape and Visual Impact Assessment, Third Edition, published 2013. The LVIA does follow the methodology as outlined in the Guidelines for Landscape and Visual Impact Assessment, Third Edition 2013, and appraises the landscape in terms of value, condition and the significance of landscape and visual impacts that the proposals may bring about.

The baseline information includes the National Character Area – NCA61 (Shropshire, Cheshire and Staffordshire Plain), as well as the local landscape character, as identified in the Cheshire Landscape Character Assessment 2009 which identifies the application site as being located in the Lower Farms and Woods landscape type, and specifically within the LFW7 Barthomley character area. The application site does appear to have many of the characteristics of this character area, namely gently undulating, the intact and extensive hedgerow system, woodland blocks and watercourses and ponds; all of which combine to achieve a more intimate scale landscape.

As part of the baseline conditions a Zone of Theoretical Visibility has been determined for a 10km study area, this has also been used to identify relevant viewpoints used in the visual assessment, seven have been identified. The LVIA is based on a development height of 11m, to account for the development of three storey buildings as part of the proposals.

The assessment indicates that it has considered the potential effects on the landscape character and visual amenity in respect of an outline Parameters Plan, a Schedule of Development and a Design Code; it also indicates that the extent of the information has been '*deemed appropriate for an outline application*'(11.6). It must be noted that since this is an outline application, the LVIA is correct in its assertion that '*a series of assumptions have been arrived at in order to allow the 'LVIA to be carried out'*' (11.6). However, as the assessment indicates, the exact content and scale of the development is not fully known (11.6), and the LVIA has been carried out with reference to an Outline Parameters Plan, Appendix 11.07, this is based on a number of assumptions regarding the proposed development.

The proposals are to develop an sustainable urban extension developed in the form of a garden suburb and the LVIA has been undertaken with reference to the Outline parameters Plan, Appendix 11.07, and is therefore based on a serious of assumptions, namely that the extent of existing green infrastructure including trees and hedges would be largely retained and where possible enhanced. Although the assessment indicates that the Outline Parameters Plan evolved in parallel with the development of the assessment, in reality of course the proposals are outline and the exact scale and form remain unknown (11.3), since as the assessment indicates, '*the exact content and scale of the development is not fully known*'(11.6).

Although the Outline Parameters Plan Appendix 11.07 does demonstrate that the development could be set within a strong landscape framework, this is an outline application and the assumptions followed in the assessment regarding the Outline Parameters Plan inevitably mean that the assessment is based on a 'best case' scenario, the retention of the majority of the existing green infrastructure. This approach appears to be contrary to the Guidelines for Landscape and Visual Impact Assessment, which indicates '*It may be appropriate to consider a range of possibilities, including a reasonable scenario of maximum effects, sometimes referred to as the 'worst case situation'. Mitigation proposals will need to be adequate to cope with the likely effects of this worst case*'. (4.3).

Impacts on landscape character

The landscape impacts are assessed as being moderate/substantial on the physical fabric of the site and moderate on the immediate setting of the site at the construction phase and negligible on the broader landscape. At the completion stage of development these are assessed as remaining moderate/substantial on the physical fabric of the site, reducing to slight/moderate on the immediate setting of the site and further reducing to slight/moderate on the broader landscape.

The residual impact is assessed after 15 years, this identifies that there would be reduced moderate impact on the physical fabric of the site, a continuing slight/moderate impact on

the immediate setting of the site and a reduction in the broader landscape to one of Slight/negligible.

In terms of the significance of findings, this indicates that the development would completely change the character and /or appearance of the area, or at best that the development would cause a difference to the landscape character, fabric and quality of the landscape.

While the landscape impacts on the immediate setting at construction phase are assessed as moderate, the Council's Landscape Officer feels that in reality that the magnitude of change may be more significant, in certain circumstances this could easily be far more significant, for example in a worst case scenario. Council's Landscape Officer would broadly agree with the significance of impacts on the broader landscape (11.81).

At the completion stage Council's Landscape Officer would agree that at the very best the impacts on the physical fabric of the site will be, at best moderate/substantial, but in reality of course they could easily become substantial – in which case the development could easily change the character and appearance of the landscape for a long time or permanently.(11.40)

The significance of effect on the immediate setting of the site is likely to be more significant than the assessment indicates; in a worst case scenario this could realistically be significantly more adverse. In terms of the residual landscape impacts after 15 years the significance of impact on the fabric of the site is assessed as moderate, the Council's Landscape Officer feels that it is likely to be more significant – for reasons outlined above. He also feels that the significance on the immediate setting will be more significant than the assessment indicates.

As such the assessment states that in a very 'best case' scenario that the development would cause a noticeable difference to the landscape character, fabric and quality of the landscape; at a 'worst case' scenario the landscape impact would obviously be far more significant.

Visual impacts

The summary of visual impact identifies that during the period of construction there will be a moderate visual impact, in other words, that the proposed scheme would cause a noticeable difference to the landscape character, fabric and quality of the landscape and the overall fabric and quality of the landscape.

The summary of visual impact examines the significance of effects from, each of the viewpoints. For Viewpoint 1 the Council's Landscape Officer believes that the magnitude of change will in reality be more significant than stated in the assessment and consequently the significance of effect will also be greater - at completion and at year 15. He also feels that the magnitude and the significance of visual impact will be greater for viewpoints 2, 3 and for viewpoint 4 at 15 years.

Cumulative impacts.

In terms of the cumulative impacts the Council's Landscape Officer is of the view that the cumulative impact of these proposals with Rope Lane (Number 10), will be more significant than the assessment indicates, the combined effect will be to completely erode the green gap along the eastern side of Rope Lane, although it is true that a small extent of open countryside has been maintained – this won't be apparent from Rope Lane consequently the extent of urban development will appear continuous. He also considers that there will be a degree of inter-visibility; this will be more significant in the winter months.

Conclusions

One of the most significant of the existing landscape features of the site is its agricultural character, made up of a number of agricultural fields surrounded by hedgerows and a number of mature trees. The implementation of the proposals would result in the loss of the agricultural character of the application site, and although many of the existing mature trees may remain, it is not conclusively shown that all hedgerows would remain.

The assessment indicates that it has considered the potential effects on the landscape character and visual amenity in respect of an outline Parameters Plan, a Schedule of Development and a Design Code. However, this is based on a number of assumptions regarding the proposed development. This is an outline application, and as the assessment indicates, the exact content and scale of the development is not fully known.

Although the Outline Parameters Plan Appendix 11.07 does demonstrate that the development could be set within a strong landscape framework, this is an outline application and the assumptions followed in the assessment regarding the Outline Parameters Plan inevitably mean that the assessment is based on a 'best case' scenario, the retention of the majority of the existing green infrastructure. This approach appears to be contrary to the Guidelines for Landscape and Visual Impact Assessment, which indicates *'It may be appropriate to consider a range of possibilities, including a reasonable scenario of maximum effects, sometimes referred to as the 'worst case' situation. Mitigation proposals will need to be adequate to cope with the likely effects of this worst case'*. (4.3), this has not been addressed.

As such the landscape assessment is only based on a 'best case' scenario, and even this assesses that the development would cause a noticeable difference to the landscape character, fabric and quality of the landscape. The Council's Landscape Officer feels that at a 'worst case' scenario the landscape impact would be far more significant than this.

In terms of the visual impact he considers that the magnitude of change will in reality be more significant than stated in the assessment and consequently the significance of effect will also be greater - at completion and at year 15. He is also of the view that the magnitude and the significance of visual impact will be greater for viewpoints 2, 3 and for viewpoint 4 at 15 years.

Although the retention of the existing structural vegetation including trees and woodlands by conditioning the Outline Parameters Plan (Appendix 11.07) would possibly reduce the significance of landscape impact. Furthermore the cumulative impact of this proposal alongside the outline proposals further south along Rope Lane (Number 10), would be more significant than the assessment indicates and would also effectively erode the Green Gap

along the eastern side of Rope Lane, by joining the currently separate settlements of Shavington and Crewe, and thereby creating a continuous urban landscape, rather than the existing agricultural one.

Although there are no landscape designations on the application site, the assessment does note that the application lies within the area identified in the Borough of Crewe and Nantwich Replacement Local Plan 2011 as Open countryside, and details Policy NE.2, which is indeed relevant to the application site. This policy states that approval will only be given for 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. As justification this policy indicates that such works themselves would be expected to respect the character of the Open Countryside.

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

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

Since the proposals involve development on agricultural land within the Green Gap, it would appear to be contrary to this policy.

Trees and Hedges

The Council's Arboriculturalist has examined the proposals and commented that the Design and Access Statement outlines the proposals for Conservation of existing landscape features within the site around a series of garden greens and squares. Design cues include mature trees (including a number of substantial field boundary hedgerow Oaks), woodland and hedgerows shall be retained and incorporated within the landscape as part of green infrastructure. The overall design philosophy outlined within the Design and Access Statement is based on Garden City Principles through a landscape led approach to determine the form of development. It is generally recognised that this form of approach provides a favourable basis for the retention of existing trees and woodland, the design emphasis enabling such features to be retained and enhanced within green infrastructure.

Policy NE5 of the Crewe and Nantwich Local Plan states the Local Planning Authority will protect, conserve and enhance the natural conservation resource, proposals for development will only be permitted: Where natural features such as trees, woodland and hedgerows are, where possible integrated into landscape schemes on development sites.

The Crewe and Nantwich Borough Council Gresty Lane (Rope Lane Nursery), Crewe Tree Preservation Order 2005 protects individual and groups of trees along the northern boundary of the application site adjacent to the railway line.

Trees within the rest of the site are not currently protected by a TPO, but could be selectively considered for protection in accordance with the duty under Section 197 of the Town and Country Planning Act 1990 and where it is expedient to do so.

The application is supported by an Arboricultural Report submitted by Urban Green Arboriculture on behalf of HIMOR Group Limited (Ref 10416 dated 23rd May 2013). The Report identifies that the trees were assessed and categorised in accordance with BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations; the primary document which guides the process of determining planning applications concerning trees.

The application is also supported by a Landscape and Visual Appraisal (July 2013). The LVIA will be considered by the Principal Landscape Officer.

An illustrative Master Plan (Drawing 012-019-P021 Revision C dated June 2013) provides an indication of the proposed road and residential layout in relation to existing trees. Principal access into the application site is proposed off Crewe Road adjacent to the Alexandra Soccer Centre and Rope Lane to the north of Green Farm. A secondary access to serve 30 dwellings is proposed off Gresty Lane.

The report has identified 96 Individual trees, 29 groups, 1 woodland (to the southern section of the site) and two hedgerows. The scope of the Arboricultural Report does not provide an assessment as to whether the hedgerows are considered to be 'Important' under the Hedgerow Regulations 1997. Details of whether the hedgerows fulfil the relevant criteria under the Regulations are material should be submitted for consideration.

BS5837:2012 provides a tree categorisation method to identify the quality and value of trees in order to make an informed decision on which trees should be removed or retained (para 4.5 of the standard).

The report identifies 20 'A' category (high value) trees or groups ; 54 'B' category (moderate value) trees or groups and 35 'C' category (low value) trees or groups. Seventeen trees and 1 group have been identified as potentially hazardous and will require removal for risk management.

The position of the two principle access points off Crewe Road and Rope Lane do not appear to have a direct impact upon existing retained trees. The design of the internal road infrastructure, footpath and service provision will however need to respect the rooting environment (root protection areas) of retained trees as defined by BS5837:2012.

Generally the overall design philosophy appears to respect existing tree cover within the application site by locating trees within green infrastructure/open space provision and this is to be welcomed and acceptable in principle. As referred to above the internal road layout and footpath will need to be designed to accommodate Root Protection Areas of retained trees and some tree losses are anticipated where access roads bisect field boundaries. Retaining existing trees within domestic front or back gardens also should be avoided to avoid over dominance issues of available daylight sunlight and shading of private amenities.

Management proposals for the retained woodland to the southern section of the site should be submitted as part of a detailed Arboricultural Impact Assessment at reserved matters stage

Ecology

Article 12 (1) of the EC Habitats Directive requires Member states to take requisite measures to establish a system of strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites and resting places. Art. 16 of the Directive provides that if there is no satisfactory alternative and the derogation is not detrimental to the maintenance of the populations of the species at a favourable conservation status in their natural range, then Member States may derogate *"in the interests of public health and public safety or for other imperative reasons of overriding public interest, including those of a social and economic nature and beneficial consequences of primary importance for the environment"* among other reasons.

The Directive is then implemented in England and Wales: The Conservation of Habitats and Species Regulations 2010. ("The Regulations"). The Regulations set up a licensing regime dealing with the requirements for derogation under Art. 16 and this function is carried out by Natural England.

The Regulations provide that the Local Planning Authority must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of their functions.

It should be noted that, since a European Protected Species has been recorded on site and is likely to be adversely affected by the proposed development, the planning authority must have regard to the requirements for derogation referred to in Article 16 and the fact that Natural England will have a role in ensuring that the requirements for derogation set out in the Directive are met.

If it appears to the planning authority that circumstances exist which make it very likely that the requirements for derogation will not be met, then the planning authority will need to consider whether, taking the development plan and all other material considerations into account, planning permission should be refused. Conversely, if it seems from the information that the requirements are likely to be met, then there would be no impediment to planning permission in this regard. If it is unclear whether the requirements will be met or not, a balanced view taking into account the particular circumstances of the application should be taken and the guidance in the NPPF. In line with guidance in the NPPF, appropriate mitigation and enhancement should be secured if planning permission is granted.

In this case the Council's Ecologist has examined the application and made the following comments.

Bats

A large number of trees have been identified on site as having high potential to support roosting bats. Based on the submitted indicative layout plan it appears feasible that all of these trees could be retained as part of the development. If planning consent is granted it is recommended that a condition be attached securing the retention of the trees identified as having high bat roost potential.

The wooded area, hedgerows and stream corridors throughout the site provide foraging and commuting habitats for bats. Two less common species of bats were recorded on site during the activity surveys. The landscape features utilised by bats are shown as being retained on the indicative landscape plan, however in my view it is likely that the value of these would deteriorate as a result additional lighting associated with the proposed development. This impact is likely to be localised in effect. If planning consent is granted it is recommend that a lighting condition be attached.

Badgers

Evidence of badger foraging activity has been recorded on site. However, no setts were present. The submitted ES identifies the increased risk of road traffic collisions as being likely to result in a slight negative impact on badgers. It is advised that the retention of woodland and stream corridors throughout the site would help to mitigate the impacts of the loss of badger foraging habitat however increased disturbance and road traffic may deter badgers from utilising parts of the development site.

Great Crested Newts

Great Crested Newts have been identified as breeding within three ponds on site. In the absence of mitigation the proposed development would have a low – moderate adverse impact upon great crested newts due to the loss of a substantial area of low value terrestrial habitat and the risk posed to individual animals being killed or injured during the construction process.

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected the proposed development the planning authority must have regard to whether Natural England would be likely to subsequently grant the applicant a European Protected species license under the Habitat Regulations. A license under the Habitats Regulations can only be granted when:

- the development is of overriding public interest,
- there are no suitable alternatives and
- the favourable conservation status of the species will be maintained.

In this case, given that the Council has a 5 year housing land supply, the development is not of overriding public interest and the necessary housing growth can be accommodated on other sites.

It is noted that Natural England have advised in their consultation response that they are satisfied that the proposed mitigation would be likely to maintain the favourable conservation status of great crested newts. However, the Councils ecologist is concerned that the three identified great crested newt ponds are retained within relatively small pockets of semi isolated terrestrial habitat. Pond 2 in particular is currently shown as being retained in close proximity to a proposed access road and the terrestrial habitat located adjacent to pond 5 is proposed for use as a playing field. He recommends that the proposed access road is moved further away from pond 2 and that the proposed playing fields are located elsewhere on site to allow more suitable terrestrial habitat to be provided adjacent to pond 5.

Ponds

Ponds are a biodiversity action plan priority habitat and hence a material consideration. All of the existing ponds appear to be retained on site with the exception of pond 4a. If pond 4a is to be lost its loss should be compensated for through the provision of a purpose designed wildlife pond located within the retained open space areas.

To maximise their nature conservation value none of the retained ponds should be utilised as part of any SUDS scheme that captures water from the proposed road scheme. Due to their close proximity to the proposed housing the retained ponds there would be an increased risk of fish or invasive species being introduced. This impact can be mitigated by fencing the ponds to reduce public access.

Common Toad

This UK BAP species has been recorded on site. The potential impacts of the proposed development upon this species are likely to be adequately addressed by the proposed great crested newt mitigation scheme.

Brown Hare

The application site supports a small population of brown hares. However the application site is unlikely to be particularly important for this species. The proposed development has been identified as being likely to have a slight adverse impact upon this species. Outline mitigation proposals have been submitted with the application.

Barn Owl

Barn owls have been identified as roosting within one of the farm buildings on site. Paragraph 1.3 of the barn owl mitigation method statement refers to an absence of nesting material being recorded on site. However, the Council's ecologist has advised that even when breeding barn owls do not gather nesting material. It is therefore recommended that the applicant's ecologist be requested to confirm the extent of barn owl field signs recorded on site. This has been brought to the attention of the developer and a further update on this matter will be provided for Members.

Barn owl boxes are proposed as a means of compensating for the loss of the existing roost. This acceptable however I recommend that the submitted mitigation method statement be amended to state that the boxes will be erected over 3m above ground level.

Whilst some potential barn owl foraging habitats will be retained on site it advised that these are likely to be too isolated and disturbed to be utilised regularly by barn owls. The Council's ecologist would suggest that the loss of barn owl foraging habitat be compensated for by means of a small commuted sum which could be utilised in partnership with the local barn owl group to undertake habitat enhancement works for barn owls off site. A commuted sum in the region of £4,000 would be appropriate.

Breeding birds

The site supports a number of breeding bird species including a species which are Biodiversity Action priority species and hence a material consideration. The majority of suitable habitat for breeding birds is proposed for retention on the submitted indicative landscape plan. However, if planning consent is granted standard conditions will be required to safeguard breeding birds.

Water courses

If planning consent is granted a condition is required to ensure that no development occurs within 8m of any watercourses located on site.

Hedgerows

Hedgerows are a biodiversity action plan priority habitat and hence a material consideration. The proposed development is likely to result in the loss of some sections of hedgerow. It must be ensured that these losses are compensated as part of the finalised landscaping scheme produced for the development. The submitted extended phase one habitat survey refers to some of the hedges on site being Important under the hedgerow regulations. Clarification should be sought from the applicant as to which hedgerows are considered likely to be important. This has been brought to the attention of the developer and a further update on this matter will be provided for Members.

Conditions

If outline planning consent is granted it is recommended that the following conditions be attached:

- Reserved matters applications to be supported by a protected species mitigation method statement.
- Safeguarding of Breeding Birds
- Retention of existing ponds.
- Retention of trees with high bat roost potential.
- 8m buffer from stream banks.
- Details of the fencing-off of the retained ponds to reduce public access.
- Lighting

Affordable Housing

The Interim Planning Statement: Affordable Housing (IPS) states that for both allocated sites and windfall sites the Council will negotiate for the provision of a specific percentage of the total dwelling provision to be affordable homes. The desired target percentage for affordable housing for all allocated sites will be a minimum of 30%, in accordance with the recommendations of the 2010 Strategic Housing Market Assessment (SHMA). This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

The site crosses 2 parishes, Rope and Shavington-cum-Gresty. Rope is located in the Crewe sub-area and Shavington-cum-Gresty in the Wybunbury and Shavington sub-area for the purposes of the SHMA. The SHMA identified a requirement for 31 new affordable

homes each year between 2009/10 – 2013/14 in the Wybunbury & Shavington sub-area, the type of affordable housing required each year is 5 x 1 beds, 10 x 2 beds, 4 x 3 beds, 7 x 4/5 beds and 4 x 1/2 bed older persons accommodation. For the Crewe sub-area the need is for 256 per year made up of 123 x 1 beds, 20 x 2 beds, 47 x 3 beds, 40 x 4 beds and 26 x 1/2 bed older persons accommodation.

There are currently 93 active applicants on the housing register with Cheshire Homechoice, who have selected Shavington as their first choice. These applicants require 30 x 1 bed, 36 x 2 bed, 18 x 3 bed & 6 x 4 bed, 3 applicants haven't specified how many bedrooms they need. For Crewe the figures are 3074, made up of 979 x 1 beds, 1163 x 2 beds, 668 x 3 beds, 93 x 4 beds, 9 x 5 beds and 162 haven't specified how many bedrooms they need. (Cheshire Homechoice is the choice based lettings system used for allocating rented affordable housing across Cheshire East)

There is little detail with regards to the affordable housing being offered with this application. There is no affordable housing statement and but the Planning Statement confirms that the scheme will deliver 30% affordable as per the IPS but is looking to agree the affordable housing provision prior to determination of the application. It does not set out how the development will deliver affordable housing as per the requirements of the IPS.

As this proposal is for up to 880 dwellings the affordable housing requirements for this site are up to 264 dwellings, with 172 provided as social or affordable rent and 92 as intermediate tenure dwellings which reflects the requirement for 30% of the dwellings to be affordable on a tenure split of 65% social or affordable rent and 35% intermediate tenure. As per Table 3.1 of the Planning Statement the 880 dwellings could be reduced to 770 if the retirement village is developed. In this case there will be potentially 40 independent units with a C3 classification which would also have a requirement for 30% affordable housing with 65% social or affordable rent and 35% intermediate tenure split. There is no requirement for affordable housing on the units with a C2 classification.

Housing Officers have no objection to the affordable housing unit types being agreed as part of the reserved matters application. This makes sense on a proposal of this scale as the type of property needed could change over time. However, if this application is approved, as a large number of affordable dwellings will be required Housing Officers would like to see delivery of houses, apartments and bungalows as well as provision of affordable homes with a variety of bedroom sizes in order to meet the widest range of affordable housing needs.

The Affordable Housing IPS requires that the affordable units should be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration.

The IPS also states that affordable homes should be constructed in accordance with the standards proposed to be adopted by the Homes and Communities Agency (which is now the HCA Design and Quality Standards 2007) and should achieve at least Level 3 of the Code for Sustainable Homes (2007).

The IPS states that no more than 50% of the open market dwellings are to be occupied unless all the affordable housing has been provided, with the exception that the percentage

of open market dwellings that can be occupied can be increased to 80% if the affordable housing has a high degree of pepper-potting and the development is phased

Paragraph 5.1 of the IPS states the following:

The Council will require any provision of affordable housing and/or any control of occupancy in accordance with this Statement to be secured by means of planning obligations pursuant to Section 106 of the Town and County Planning Act 1990 (as amended)

In summary, therefore, if the application is approved the applicant should enter into a s106 agreement securing the following in relation to affordable housing –

1. 30% of the total dwellings to be affordable housing.
2. The tenure split of the affordable dwellings to be 65% social or affordable rent and 35% intermediate tenure.
3. An affordable housing scheme to be submitted with the reserved matters application, with no commencement of development allowed unless the affordable housing scheme has been approved.
4. The affordable housing scheme to identify the location, type and tenure of the properties.
5. The affordable housing to be pepper-potted (in clusters is acceptable)
6. The affordable housing to be built in accordance with the Homes & Communities Agency Design & Quality Standards (2007) and meet Code for Sustainable Homes Level 3.
7. A requirement that social/affordable rented or shared ownership dwellings are transferred to a Registered Provider
8. Affordable dwellings to be delivered no later than occupation of 50% of the open market dwellings, unless the scheme is phased and there is a high degree of pepper-potting in which case the number of open market dwellings which can be occupied can increase to 80%. If the development is phased the section 106 agreement needs to secure a proportion of affordable homes on each phase.

In addition to the above there should be no 'spiral out' clauses included the s106 agreement. These are clauses developers seek to introduce to s106 agreements which could enable them to not deliver affordable housing as per the planning resolutions either by allowing them to sell affordable dwellings as open market dwellings if they have not been able to deliver them as affordable housing or convert social rented housing to intermediate dwellings if they have not been able to transfer them to a Registered Provider after a certain period of time. When these types of clauses are proposed they are usually the main delay in affordable housing provisions for s106 agreements being finalised.

Education

The scheme includes provision of a new primary school. The Council's Education Officer has examined the application and commented that they would be seeking that a fully serviced site be retained large enough to accommodate a 2 Form Entry Primary School and build cost provided to construct a new 1 form entry primary school. However, the service may relinquish the site in future and spend the contribution on existing education facilities

within a 2 mile radius of the site in the event that it sees fit and is able to accommodate the new pupils. This could be secured through the Section 106 Agreement. At the time of report preparation, advice as to the size of the required contribution was being sought from the Education Department, and a further update will be provided in due course.

Highway Safety and Traffic Generation.

According to the EIA the Transport Assessment (TA) (attached as appendices 8.1 and 8.2 to the EIA) shows that the site is well placed to encourage sustainable accessibility, reduce the dependence on the private car and promote efficient dispersal of residual traffic onto suitable highway links. The TA identifies specific locations where safety, capacity or accessibility improvements can be made to enhance highway operation, improve existing road safety issues and promote better community connectivity. The infrastructure strategy is underpinned by a Framework Travel Plan, which builds upon the good location of the site and dovetails with wider area Smarter Choice initiatives being brought forward by CEC.

The measures identified in the TA specifically conform to CEC's adopted and emerging transport policies, and accord with national transport policy as outlined in the National Planning Policy Framework.

The TA forecasts that the traffic generated by the proposal, with identified mitigation measures, can be accommodated on the highway network and will not result in a significant impact on safety, capacity or accessibility.

The EIA transport impact analysis corroborates the findings of the TA, and shows that, with the proposed mitigation measures, the residual impact of the proposals will be minor.

Comments were awaited from the Strategic Highways Manager at the time of report preparation and a further update will be provided for Members on this issue prior to their meeting.

9. CONCLUSIONS

The proposal involves the erection of a new residential development in the open countryside and also located within the Green Gap where it would have an adverse impact on the visual character of the landscape and the erosion of the physical gaps between built up areas. The proposed development would therefore be contrary to Policies NE.2 and NE.4 of the Crewe and Nantwich Replacement Local Plan 2011

The Planning Acts state that development must be in accordance with the development plan unless material considerations indicate otherwise.

The Council has a 5 year housing land supply but regardless of the housing land supply position open countryside policy and therefore Green Gap policy remain up-to-date and in accordance with the NPPF. Therefore, notwithstanding the provisions of paragraph 14 and 49 of the NPPF, there is no presumption in favour of this development.

Furthermore, the proposal would result in the loss of agricultural land. The submitted information indicates that this is amongst the best and most versatile grades of land and in the absence of a need to develop the site in order to meet housing land supply requirements; it is considered that the benefits of development would not outweigh the loss of agricultural land. The applicant has also failed to submit sufficient information to demonstrate that the proposal would also result in the loss of any important hedgerows.

The applicant has adequately demonstrated that the proposal can be accommodated without harm to mature trees of amenity value. Whilst there are a number of comments which will need to be addressed at the reserved matters stage, it is also considered that the applicant has demonstrated that the proposal could provide for an adequate standard of design and layout and that it is acceptable in terms of its impact upon residential amenity.

Following the successful negotiation of a suitable Section 106 package, the proposed development would provide adequate public open space, education contributions, highway contributions, and the necessary affordable housing requirements.

The Environment Agency and United Utilities have confirmed that that the submitted FRA is acceptable, and that the proposal is not considered to have any adverse impacts in terms of drainage/flooding. It therefore complies with the relevant local plan policy requirements for residential environments.

Whilst the site does not meet all the minimum distances to local amenities and facilities advised in the North West Sustainability toolkit, overall, the site performs relatively well in terms of locational sustainability due to proposed on site provision and it is not considered that a refusal on these grounds could be sustained.

However, these are considered to be insufficient to outweigh the harm that would be caused in terms of the impact on the open countryside, loss of agricultural land and failure to demonstrate that the proposal will not result in the loss of any important hedgerows. As a result the proposal is considered to be unsustainable and contrary to Policies NE.2, NR5 and RES.5 of the local plan and the provisions of the NPPF in this regard.

10. RECOMMENDATION

RESOLVE to contest the Appeal on the following grounds

- 1. The proposal is located within the Open Countryside and Green Gap and would result in erosion of the physical gaps between built up areas as well as adversely affecting the visual character of the landscape, and given that there are other alternatives sites, which could be used to meet the Council's housing land supply requirements, the proposal is considered to be contrary to Policies NE2 and NE.4 of the Borough of Crewe and Nantwich Replacement Local Plan, the National Planning Policy Framework and the emerging Core Strategy.**
- 2. The proposal would result in loss of the best and most versatile agricultural land and given that the Authority can demonstrate a housing land supply in excess of 5 years, the applicant has failed to demonstrate that there is a need for the development, which could not be accommodated elsewhere. The use of the best**

and most versatile agricultural land is unsustainable and contrary to Policy NE.12 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the provisions of the National Planning Policy Framework.

3. The proposed residential development, which is located within the Open Countryside and Green Gap, is considered to be an unsuitable location for development by virtue of the adverse impact that the proposals would have on the visual character of the landscape and the erosion of the physical gaps between built up areas. The proposed development would therefore be contrary to Policies NE.2 and NE.4 of the Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within the National Planning Policy Framework.
4. Insufficient archaeological or historical information has been submitted to determine whether the hedgerow to be removed is of significance according to the criteria set out in the Hedgerow Regulations, contrary to policies Policy NE.5 (Nature Conservation and Habitats) of the Crewe and Nantwich Replacement Local Plan 2011.

RESOLVE to enter into a Section 106 Agreement to secure the following in the event that the Secretary of State is minded to allow the Appeal:

- Provision of minimum of 13,200sqm of shared recreational open space and 17,600sqm of shared children's play space, which is a total of 30,800sqm.
- Open space to include a 35 plot allotment site, an equipped children's play area including 6 pieces of equipment for young, plus 6 pieces for older children, a floodlit Multi Use Games Area, an outdoor gym facility, and an area of community woodland.
- Private residents management company to maintain all on-site open space, including footpaths
- 30% of the total dwellings to be affordable housing.
- The tenure split of the affordable dwellings to be 65% social or affordable rent and 35% intermediate tenure.
- An affordable housing scheme to be submitted with the reserved matters application, with no commencement of development allowed unless the affordable housing scheme has been approved.
- The affordable housing scheme to identify the location, type and tenure of the properties.
- The affordable housing to be pepper-potted (in clusters is acceptable)
- The affordable housing to be built in accordance with the Homes & Communities Agency Design & Quality Standards (2007) and meet Code for Sustainable Homes Level 3.
- A requirement that social/affordable rented or shared ownership dwellings are transferred to a Registered Provider
- Affordable dwellings to be delivered no later than occupation of 50% of the open market dwellings, unless the scheme is phased and there is a high degree of pepper-potting in which case the number of open market dwellings which can be occupied can increase to 80%. If the development is phased the section 106 agreement needs to secure a proportion of affordable homes on each phase.

- **A fully serviced site be retained large enough to accommodate a 2 Form Entry Primary School and build cost provided to construct a new 1 form entry primary school (amount TBC)**

In order to give proper effect to the Board`s intentions and without changing the substance of the decision, authority is delegated to Interim Planning and Place Shaping Manager, in consultation with the Chair of SPB, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

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