

Application No: 13/2069N

Location: LAND TO THE EAST OF CREWE ROAD, SHAVINGTON CUM GRESTD

Proposal: Outline planning application for the construction of up to 275 dwellings, including access, landscaping, recreation and amenity open space, associated infrastructure, the demolition of 28 Crewe Road and demolition of the single-storey extension to 56 Crewe Road. Permission is sought for means of access. Layout, scale, appearance and landscaping are reserved for subsequent approval.

Applicant: TAYLOR WIMPEY UK LTD and others

Expiry Date: 16-Aug-2013

#### **SUMMARY RECOMMENDATION**

- **“Minded To” APPROVE subject to Section 106 Agreement and Conditions**

#### **MAIN ISSUES**

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

#### **REFERRAL**

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

This application was submitted on 17-May-2013 and the 13 week target date for determination was 16-Aug-2013. The application was due to be presented to the Strategic Planning Board for determination in December 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.

A duplicate application (14/0131N refers) has been submitted in parallel with the Appeal Against non-determination to give the Council an opportunity to issue a decision. This will be brought to a future meeting of the Strategic Board.

## **1. SITE DESCRIPTION**

The East Shavington site extends to approximately 12.02 ha, the majority of which being existing agricultural land. The application also includes the existing residential property, no. 28 Crewe Road which will be demolished to provide the vehicular/pedestrian/cycle access to the site, and the southern side single storey structure to no. 56 Crewe Road, which will be taken down to provide for pedestrian/cycle access (the rest of 56 Crewe Road will remain insitu). The site is generally level and there are a number of field trees and hedgerows within it.

A public footpath crosses the site from south to north between Crewe Road and Weston Lane passing over Swill Brook and is joined from the east by two other public rights of way, which give access to the wider countryside to the east.

## **1. DETAILS OF PROPOSAL**

Outline planning permission is sought for up to 275 new family homes, in a mix comprising 2-5 bedroom unit including mews, semi-detached and detached dwelling, of 2 and 2½ storeys in height in a variety of styles. Vehicular access will be provided directly from Crewe Road following the demolition of the existing residential property, no. 28 Crewe Road. A second pedestrian / cycle link will also be provided from the development to the west onto Crewe Road which will provide a link directly to the village centre. It also makes provision for a pedestrian controlled crossing point.

The application is submitted in outline, but seeks approval for the access, with matters of appearance, landscaping, layout and scale reserved for subsequent applications. However, the indicative layout shows treed streets interspersed with open space which are proposed to include an equipped play area, a new village green and area for play, community woodland around Swill Brook, circular pedestrian and routes/trails, and a community orchard.

## **2. RELEVANT PLANNING HISTORY**

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

### **3. PLANNING POLICIES**

#### **Policies in the Local Plan**

NE.2 (Open countryside)  
NE.5 (Nature Conservation and Habitats)  
NE.9: (Protected Species)  
NE.20 (Flood Prevention)  
NE.21 (Land Fill Sites)  
BE.1 (Amenity)  
BE.2 (Design Standards)  
BE.3 (Access and Parking)  
BE.4 (Drainage, Utilities and Resources)  
RES.5 (Housing In The Open Countryside)  
RT.6 (Recreational Uses on the Open Countryside)  
TRAN.3 (Pedestrians)  
TRAN.5 (Cycling)

#### **National Policy**

National Planning Policy Framework

#### **Cheshire East Local Plan Strategy – Submission Version**

Paragraph 216 of the National Planning Policy Framework (NPPF) states that, unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in the

NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process.

At its meeting on the 28th February 2014, the Council resolved to approve the *Cheshire East Local Plan Strategy – Submission Version* for publication and submission to the Secretary of State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

The following policies are relevant:

PG2 – Settlement Hierarchy  
PG5 - Open Countryside  
PG6 – Spatial Distribution of Development  
SC4 – Residential Mix  
SC5 – Affordable Homes  
SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
SE1 - Design  
SE2 - Efficient Use of Land  
SE3 – Biodiversity and Geodiversity  
SE4 - The Landscape  
SE5 – Trees, Hedgrows and Woodland  
IN1 - Infrastructure  
IN2 – Developer Contributions

#### **Other Material Policy Considerations**

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

#### **4. OBSERVATIONS OF CONSULTEES**

##### **Sustrans**

- For a constrained site such as this we would like to see several access points for pedestrians/cyclists away from motor traffic onto adjacent, established roads.
- For a site of this size, we would like to see a contribution toward supporting the wider pedestrian/cycle network in the vicinity. For example we are promoting the National Cycle Network route, 551, from Newcastle to Nantwich, through Shavington along Weston Lane, Crewe Road, Chestnut Avenue, Rope Lane.
- The travel planning for the site should have targets and monitoring.
- The design of estate roads should restrict vehicle speeds to less than 20mph.
- The design of any smaller properties should include storage areas for residents' buggies/bikes.

##### **Environment Agency**

No objection in principle to the proposed development but we request that the following planning conditions are attached to any approval as set out below.

- The development shall not be commenced until such time as; a scheme demonstrating that finished floor levels of the residential dwellings adjacent to Wells Green Brook are to be set at a minimum of 54.50 m AOD as recommended within the Flood Risk Assessment prepared by Lees Roxburgh (dated May 2013, ref 5104/R3), has been submitted to and approved in writing by the local planning authority.
- The development shall not be commenced until such time as; a scheme to demonstrate no alteration of existing ground levels within the 1 in 100 year (1% AEP) flood outline, has been submitted to and approved in writing by the local planning authority.
- The development shall not be commenced until such time as; a scheme to limit the surface water runoff generated by the proposed development, has been submitted to and approved in writing by the local planning authority.
- The development shall not be commenced until such time as; a scheme to manage the risk of flooding from overland flow of surface water, has been submitted to and approved in writing by the local planning authority.
- 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 undeveloped buffer zone alongside Swill Brook shall be submitted to and agreed in writing by the local planning authority.
- The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping; and could form a vital part of green infrastructure provision. It should be as wide as possible but must be at least 8 meters wide measured from top of bank. Bank top is defined as the point at which the bank meets normal land levels.
- The open space should also be location adjacent to the buffer strip in order to increase the overall size of riparian zone. This could contribute to the green infrastructure of the site.
- No development shall take place until a plan detailing the protection of the water vole population, a protected species under *The Wildlife and Countryside Act 1981* and their associated habitat during construction works and once the development is complete. Any change to operational, including management responsibilities shall be submitted to and approved by the Local Planning Authority.
- The development shall not be commenced until such time as a scheme to *dispose of foul and surface water* has been submitted to, and approved in writing by, the local planning authority.
- The foul drainage from the development must be directed to the main sewer network.
- The surface water discharge exit velocity should not exceed 1.0 metre/second and should be angled with the direction of flow in the Brook.
- applicant to layout the houses so that they are front facing to Swill Brook.
- Sustainable Drainage Systems (SuDS).

## United Utilities

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

- This site must be drained on a total separate system with only foul drainage connected into the public foul sewerage system. Surface water should discharge to the adjacent

watercourse which may require the consent of the Local Authority. For the avoidance of doubt no surface water flows shall communicate with the public sewerage system via direct or indirect means.

- Several public sewers cross the site and therefore a modification of the site layout, or a diversion of the affected public sewer at the applicant's expense, may be necessary.
- Water mains will need extending to serve any development on this site. The applicant, who may be required to pay a capital contribution, will need to sign an Agreement under Sections 41, 42 & 43 of the Water Industry Act 1991.

## **Environmental Health**

No objection subject to the following conditions:

- Submission, approval and implementation of, an Environmental Management Plan
- Construction works (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
- Submission, approval and implementation of, details of the location, height, design, and luminance of any proposed lighting An Air Quality Impact Assessment and an addendum been submitted with the application.
- No development shall take place until an air quality mitigation plan is submitted and agreed by the planning authority. The agreed scheme shall be implemented in full and shall include the following actions:
  - Residential Travel Plan. The plan shall outline measures, targets and appropriate reporting mechanisms aimed at encouraging and incentivising Low Carbon Travel and Infrastructure options.
  - Individual Travel Plans for all commercial occupants with the aim of promoting alternative/low carbon transport options for staff and patrons.
  - Electric Car Charging Points
- Submission, approval and implementation of, scheme to minimise dust emissions arising from demolition / construction activities on the 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 the LPA prior to the occupation of the development.

## **Education**

- A development of 275 dwellings will generate 50 primary aged pupils and 36 secondary aged pupils.
- On this basis a primary contribution of £542,315 will be required. Payable 50% on occupation of the site and 50% on occupation of 50% of the dwellings.
- No contribution will be required towards secondary.

## **Public Rights of Way Team**

- The development is to affect Public Footpaths Nos. 4 & 6, Shavington cum Gresty as recorded on the Definitive Map.
- It is noted that there is no intention to formally divert any of the existing footpaths but rather they are to be accommodated within the design of the development. The proposed surfaces of the public footpaths would require the agreement of the Council as the highway authority.
- Part of footpath no. 4 is proposed to run parallel to an estate road with housing to the east on the south east side of the site. The depiction of this path raises some concerns as its alignment does not appear to be true to the route shown on the Definitive Map and it could be that the line of the road is nearer to the true alignment of the footpath. This would not be acceptable as it would mean the extinguishment of the footpath. The alignment of the footpaths as represented on the proposed new Masterplan (provided at the 'Consultation' stage) are to be set 'within a green space corridor to protect their amenity value', the same section of FP 4 referred to appears to run in a green zone but becomes increasingly narrow to the east of the proposed pond and runs in very close proximity to three houses. This could raise privacy and security issues for future occupants and also reduces the claimed 'amenity value' protection.
- There will clearly be a requirement for the temporary closure of parts of the footpaths within the construction framework. The phased nature of this raises concerns as the Council can only provide Temporary Closure Orders for a period of 6 months after which time any requests for extensions have to be referred to the Secretary of State with the associated costs and uncertainty. It will also create lengthier periods of disruption to the users of the footpaths and consideration should be given to the provision of alternative routes during closures wherever possible.
- Request that the standard informatives regarding the protection of the right of way and safety of users during and after construction are attached to any planning consent.

## **Countryside Access Team**

- The development may present an opportunity to improve walking and cycling facilities in the area for both travel and leisure purposes in accordance with the policies of the Cheshire East Rights of Way Improvement Plan (ROWIP) 2011-2026 and Cheshire East Local Transport Plan (LTP) 2011-2026:-
- Public footpaths Nos. 4 & 6 Shavington cum Gresty are well used rural leisure routes and also offer off-road connections to local facilities.
- Footpath No. 4 offers the only access point on the northern side of the proposed development site, and hence forms the most direct route to the facilities of Crewe, including the train station. Footpath No. 4 runs from the development site to the north, terminating on Weston Lane. The suggestion is therefore put forward that this path could act as an additional sustainable travel route for pedestrians, and, if upgraded to cycle track, for cyclists. It is noted that during consultation, a new cycle route was suggested by attendees, although the alignment of this requested route is not described. The developer should be tasked to assess the value of the improvement and upgrade of this route.
- The proposal to create some shared use routes for pedestrians and cyclists would be welcomed, including the provision of a toucan crossing on Crewe Road. The legal

status and maintenance arrangements for such routes will require the agreement of the Council as the highway authority.

- The proposed footway/cycleway routes should be constructed and available for use before the first occupation of the first phase of the development in order that new residents have sustainable travel options upon moving in.
- The maintenance of the proposed path through the greenspace around the northern and eastern boundary of the site would be required to be included within that for the greenspace area, as the route would not be adopted as a definitive public right of way.
- Logged under the Council's statutory Rights of Way Improvement Plan (ROWIP) are suggestions from the Parish Plan 2012 for the provision of destination signage throughout the village on public rights of way (ref. W79) (and cyclist routes) and the development of a circular walks leaflet or similar (ref. W78). The developer would be asked to contribute towards these aims and to provide information to new residents on the walking and cycling routes available in the area for both leisure and transport purposes.

## Archaeologist

- The application is supported by an archaeological desk-based assessment, which has been prepared by CgMs Consultants on behalf of the applicants. The report acknowledges the archaeological interest of the site and confirms that this is primarily focussed on its potential to contain evidence for early salt production. In particular, it is noted in the Cheshire Historic Environment Record that the northernmost fields within the application area, immediately to the south of the Swill Brook, are described as 'Wall Field' on the tithe map of 1839 (CHER 7146). This placename element suggests the former presence of structures within the fields and, in the surrounding area, has a clear association with medieval and post-medieval saltmaking. In addition, the field immediately to the east of the application area's north-eastern limits has seen the recovery of a number of Roman lead troughs or tanks, which were used in the evaporation of the locally-occurring brine (CHER 2400/0/1-3). Numerous metal detector finds have also been reported from the fields to the east of the application area.
- In view of this clear archaeological potential, a geophysical survey was carried out across the application area by GSB Prospection Ltd, in association with CgMs Consultants and the resulting report has been submitted in support of the application. This report has not identified any features of interest within the application area and, in view of these results, it is concluded that it would not be reasonable to require further archaeological work across the southern part of the application area.
- The placename evidence noted above together with the recovery of Roman tanks and other metal detecting finds from the surrounding area does, however, suggest that the northern part of the site (as defined by the red stippled area in Figure 3 of the CgMs assessment) still has the potential to contain archaeological remains and requires further archaeological mitigation.
- It is advised, therefore, that if planning permission is granted the part of the application area referenced above should be subject to an initial, formal metal detector survey. This should be carried out under direct archaeological supervision by suitably-experienced individuals who have signed a form waiving any rights to ownership of finds and any claim to reward under the treasure Act (1996). The programme of

mitigation should also include provision for trenching to investigate concentrations of material or areas of topographical interest, which should amount to no more than 250m of machining cut trench (a 1% sample of that part of the application area recognised as having continued archaeological potential). If this phase of work proves negative, that will conclude the archaeological mitigation, apart from production of a report but further work will be required if areas containing archaeological features are located. The work may be secured by condition.

## Natural England

- The application site is in close proximity to Wybunbury Moss Site of Special Scientific Interest (SSSI). This SSSI is part of the Midland Meres & Mosses Phase 1 Ramsar and West Midlands Mosses Special Area of Conservation (SAC).
- Natural England has previously commented on this proposal in a letter dated 1 July 2013.
- In that letter Natural England objected to the development on the grounds that the proposal, as submitted would have a likely to have a significant effect on the interest features for which the Midland Meres & Mosses Phase 1 Ramsar has been classified as a result of recreational impacts in-combination with the other recent developments in the area and the existing underlying visitor pressure and therefore should be considered in an appropriate assessment.
- Subsequently in consultation with the Applicant's Ecologist, Natural England advised that that it may be possible to implement measures to avoid impacts on the designated site. Natural England suggested that any significant effects on the designated site could be avoided by improvements to the access facilities at Wybunbury Moss through the extension of the existing boardwalks and that if this commitment was incorporated into the development proposals, the local authority may be able to conclude that there is no likelihood of significant effects alone or in combination with the other recent developments in the area and the existing underlying visitor pressure.
- Following this, the Applicant has submitted additional information to Natural England in the form of an amended Assessment of Likely Significant Effect (ALSE).
- The amended ALSE provides an assessment of likely effects arising from the proposed development and now accepts the possibility that potential cumulative visitor pressure from the various residential developments in the area could have a likely significant effect on fen meadow habitats along the footpath within the designated site and that the proposed boardwalk extension, to which the developer will make a financial contribution (included in the S106 agreement), will allow a conclusion of no likely significant effect, alone or in combination.
- As a result of the additional information and the amendments to the ALSE Natural England can confirm that they withdraw their earlier objection.
- Natural England's advice is now as follows:
- Natura 2000 site – No objection
  - Natural England advises that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which the Midland Meres & Mosses Phase 1 Ramsar and West Midlands Mosses SAC have been classified.
  - Natural England therefore advises that the Local Authority is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the site's conservation objectives.

- However, under Regulation 61 of the Habitats Regulations, the matter of significance is for the competent authority (in this case Cheshire East Council) to determine.
- In this case, the applicant has submitted their own HRA – this is often known as a ‘shadow’ HRA. So the recording of the decision can be done with a simple statement to say that the Authority agrees with the shadow HRA undertaken by the applicant.
- It is important that the avoidance measures detailed in the application documents are incorporated into the project design and included within a Section 106 agreement to ensure that these are secured so to avoid significant effects on the Midland Meres & Mosses Phase 1 Ramsar. Measures to reduce or avoid impacts on a European site can be considered as part of the assessment of likely significant effect.
- SSSI - No objection
  - This application is in close proximity to the Wybunbury Moss SSSI. Natural England is satisfied that as submitted, will not damage or destroy the interest features for which the site has been notified. Therefore advise that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(l) of the *Wildlife and Countryside Act 1981* (as amended), requiring your authority to re-consult Natural England.

### **Cheshire Fire and Rescue**

- Access and facilities for the fire service should be in accordance with the guidance given in Document B of the Building Regulations 2000
- The applicant is advised to submit details of the water main installations in order that the fire hydrant requirements can be assessed.
- Arson is an increasingly significant factor in fires and construction sites are a major target. Would advise at this stage consideration is given to development of a fire risk assessment
- Would advise consideration be given to the design of the refuse storage areas to ensure it is safe and secure. If this cannot be achieved means for securing wheelie bins against the building should be provided.
- If planning approval is granted, the applicant should be advised that means of escape should be provided in accordance with current Building Regulations.
- Recommend fitting domestic sprinklers to reduce the impact of fire on people, property and environment and to avoid impact on business continuity.

### **Greenspaces**

- The proposal should provide:
  - An equipped children’s play area to cater for both young and older children - 6 pieces of equipment for young, plus 6 pieces for older children.
  - A Multi Use Games Area
  - An outdoor gym (similar to that in Queens Park, Crewe) with 12 pieces of equipment.
  - An area of allotments – about 30 plots.

## Highways

### *Initial Report – 12<sup>th</sup> September 2013-10-25*

The comments of the Strategic Highways Manager can be summarised as follows:

- There have been concerns raised by residents regarding the proposed access to this development and I have noted the close proximity of the access to other existing access points. To ensure that we have properly considered the road safety implications of the proposed access a safety audit of the proposed access design has been undertaken and no problems regarding visibility and turning conflicts were raised in the report.
- The traffic impact of the development has been considered at a number of local junctions on the highway network and these have been shown to operate within capacity on full build out of the site and these assessments do include committed development. The major omission of the assessment, is that the crucial junction of Nantwich Road /South Street junction was not included and it is this junction that suffers from high level of congestion. The considerable number of committed developments was recognised in the Transport Assessment and these cumulatively will significantly increase traffic flow using the junction.
- Therefore, it is important that the operation of the Nantwich Road /South Street junction is assessed by the applicant as part of this application to enable CEC to consider whether the development will have a severe impact on its operation. As indicated, it is the CEC preference that the analysis is undertaken by constructing a micro simulation model of the junction and that also includes other nearby junctions that affect its performance.
- As there is further information required to be submitted, I cannot provide a highway recommendation on the application at the moment.

### *Additional Comment – 25<sup>th</sup> September 2013*

- In summary, although the traffic impact of this development does only produce a relatively small percentage impact on the Gresty Road and Nantwich Road corridor, I would have to on balance, in the absence of mitigation measures raise objections to the scheme as it would lead cumulatively to further congestion and delay on the road network.

## 5. VIEWS OF THE PARISH / TOWN COUNCIL

### Introduction

- This Planning Statement comprises an objection from Shavington cum Gresty Parish Council to an outline planning application submitted by Taylor Wimpey UK Limited and Need- Beecroft ( Shavington) LLP for residential and associated development on land east of Crewe Road, Shavington cum Gresty. Permission is sought for access with layout, scale, appearance and landscaping reserved for subsequent approval.

- It is submitted alongside and to support the many other objections submitted by local residents of Shavington to the same planning application.

### **The Current Site**

- This is a large greenfield site comprising some 12.02 ha hectares and according to the submitted Planning Statement is to accommodate up to 275 dwellings plus a single convenience store, open space, access roads, cycleways, footpaths, structural landscaping and associated engineering works.
- Its release for housing will have a major impact on the character of the area.

### **Existing Planning Policy**

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

### **Applicant' Planning Statement**

- The assertion that the site is a natural extension to Shavington village is contested rather it is considered to be an an open site, and as proposed for development would be an unplanned intrusion into open countryside with no significant strong natural boundaries which act as containment to the development .

### ***Principle of Development***

- It is disputed that the council does not have a 5 year housing supply. The approved February 2013 SHLAA confirms the supply at 7.15 years and the Council has made a number of decisions based on this figure. Therefore there should be no presumption in favour of development of this site on the basis of a lack of a 5 year supply. In addition as the base date for the supply is 31/03/12, it is considered that additional sites will have come forward during the past year thus increasing the supply still further.
- The application site itself comprises a significant area of land characterised by its openness, beyond the village in open countryside and significant weight can still be attached to the policies of the CNLP because of the availability of a 5 year housing supply in accordance with the NPPF.

### ***Development Proposals***

- It is not considered that “the East Shavington site fits neatly into, and will balance, the built pattern of the village, consolidating development on its eastern side where at

present there is a only a single row of existing dwellings fronting the east side of Crewe Road” rather it extends housing well beyond the limited ribbon development to the north and south in an unconvincing manner with no defensible boundaries to the east and will appear as an ad hoc extension into open countryside without any limits.

### ***Phasing***

- The Council considers that this site should be phased to deliver housing post 2020 and it is not considered that an earlier release is justified given the 7.15 years of housing supply. The developer proposes the site to be completed by 2020.

### ***Section106 Planning Obligations***

- The Parish Council considers that the lack of information on planning obligations to be a major omission of the development proposals. How else can it assess the impact on the community when no details are available. This information should be provided and circulated before the application is determined.

### ***National Planning Policy***

- It is not considered that post development economic benefits and the fiscal benefits should be regarded as strong material considerations in the determination of this application. These matters could equally apply to any housing proposal of this scale.
- Contrary to the applicant’s view the adverse impacts of the proposed development **would** significantly and demonstrably outweigh the benefits of the development.

### ***Emerging Local Plan Policy***

- The applicant is unsure and makes contradictory statements in different documents as to whether weight should be attached to emerging Local Plan policy.
- The Parish Council accepts that the application site is identified in the emerging CEC Development Strategy as Site Crewe 7 to deliver 300 new homes. However limited weight should be given to the document given the significant level of objections to this site and early stage reached by the emerging plan.
- However it views with some dismay and great disappointment that the Council appears to be taking no notice of the response to public consultation on the Development Strategy as demonstrated by its previous decision to approve the Triangle application when the Council has not yet completed its analysis of public comment nor decided its response to the overwhelming number of comments received.
- The Parish Council is left with the feeling that if a site is included in the Development Strategy ie land east of Shavington, then it is going to receive planning permission regardless of any comments made by the Parish Council or local residents on the emerging Local Plan. This seems to make a mockery and sham of public consultation and begs the question of what price localism and the value of public involvement in the development process in Cheshire East.
- Moreover if consideration is given to a number of recent appeals decisions concerning housing development it is clear that Inspectors attach little weight to Local Plans in the determining of applications where the Plan is not well advanced as in this case so its inclusion should not count as a material consideration.

- It is clear that this site does not need to come forward for permission as there is a 5 years supply.
- The 2013 SHLAA shows that the Borough has an identified deliverable housing supply of 7.15 years as confirmed at the Strategic Planning Board meeting on 8 February 2013. Clearly Even if this site was not counted in the housing supply figures, it would appear to demonstrate that the Council still has a 5 year housing supply as it would only reduce the supply by about one third of a year.
- With a 5 year housing supply confirmed in the area then significant weight can be attached to the spatial policies of an existing Local Plan in the determination of any planning application.
- CNRLP 2011 is still being used by Cheshire East to determine planning applications and due weight should be given to relevant policies in the Local Plan according to their degree of consistency with the NPPF.
- The fact that pre-application consultation has been carried with the local community is not considered to be a relevant material consideration as all competent applicants and agents should undertake such an exercise for large scale proposals as set out in the NPPF.

### ***Assessing the proposal against the Local Plan***

- The Parish Council has previously objected to the inclusion of this site in the draft Local Plan and dismisses that this inclusion adds any weight to the case for planning permission on this site. Nevertheless, it is worth assessing the site against the Local Plan's own criteria for housing development in this location.
- The draft Town Strategy identified a number of sites for housing around the town. However this site is not around the town but some distance from it. Similarly, the approach of seeking to develop 6-7,000 new homes in and around Crewe by 2030 provides no justification for the release of the application site now.
- The proposed Development Strategy considers that the majority of new housing should be provided in sustainable locations within Crewe, Macclesfield and the Key Service Centres.
- 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.
- 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.
- It is inconceivable to understand how a development which comprises 275 dwellings constitutes small scale.
- LSCs are expected to accommodate 2,000 homes for the period 2010-2030, an average of 100 new homes per year. So if this site receives planning permission it will at a stroke have provided the total requirement for nearly 3 years for the LSC s. This seems to be an inappropriate level of development for one LSC to accommodate. Also this site together with the Rope Lane site and the Triangle site means that Shavington village on its own will have contributed over 600 dwellings, 6 years supply. This is not modest growth nor small scale development.
- 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.

- So too it is abundantly clear that the proposal for development on this site does not meet overall strategy of the new Local Plan. So even before the Plan has progressed very far, its overall Strategy will be set aside once again if this application is approved by Cheshire East.

### **Design And Access Statement**

- The applicant is incorrect to state that Shavington is a key service centre. It is a Local service Centre( ref: page 24 of the Development Strategy).
- The site extends out eastwards into a wider area of open countryside to which it is more appropriately related than Shavington village. The majority of the site (early July site visit) was under cereal production. Beyond the site to the east there is no evidence of other development due to the tree and hedge cover. The eastern boundary of the site is very weak and poorly defined in landscape and physical terms.
- The woodland around Swill Brook effectively separates the site from the housing to the north.
- Part of the site lies adjacent to housing on Crewe Road but the bulk of the site lies well beyond the well -established residential areas of the village.
- Photos of the site were clearly taken in winter and aim to show the site in its most unattractiveness appearance. They do not give a credible picture of the site.
- The Visual Context is described with the emphasis on looking from the site to the residential properties on Crewe Road and making a case for how well related the site is to existing development. However looking in the other direction, the site equally can be read in the context and part of the wider countryside to the east.
- So too there are views from the footpaths into the wider countryside beyond.
- Walking the footpath through the site in July with the land under cereals, it is clear that the site in no way exhibits an urban fringe character and such a description is completely erroneous and is no justification for the granting of planning permission on this site.
- The Visual Analysis confirms that the site's eastern boundary has a sensitive interface with open countryside. This is an understatement as this boundary is weak and poorly defined emphasising the Parish Council's considered view that development of this site will represent a harmful visual intrusion into open countryside.

### **Biodiversity**

- There is an objection from Natural England in terms of the impact of the development on the Wybunbury Moss which is part of Midland Meres and Mosses which has Ramsar protection and also impact on the SSSI. This is a strong material consideration which on its own justifies refusal of the application unless these objections can be overcome to the satisfaction of Natural England.

### **Landscape And Visual Appraisal**

- Extracts from the document appear below in italics

*“The eastern site boundary adjoins open agricultural fields marked by post and wire fencing which enables direct views from the higher levels in the eastern half*

*of the site into the adjacent fields. Further east, beyond the Site, field boundaries are defined more strongly by hedgerow vegetation which generally restricts any long distance views to the east. There are no views of Hough, the closest village settlement to the east.”*

- This confirms the view that there are few if any human influences to the east which adversely affect the landscape character of the site and confirms further that the eastern boundary to the site is weak and indeterminate.

*The site is partly enclosed by housing and partly by agricultural land. The adjacent agricultural land to the east is of higher quality than that on the Site which creates a distinct separation between the two areas. The character of the Site is strongly influenced by the adjacent housing which results in an urban fringe character.*

- The site is not enclosed by housing. Visually when walking the site, it is seen as part of a wider agricultural landscape and if anything the site appears to be of higher agricultural value than the land to east. It is not a degraded landscape and does exhibit the characteristics of an urban fringe location as would be encountered at the edge of a major town.
- This a cherished landscape by local people with access via well used footpaths. It is not considered that a modern housing development would lead to a great enhancement of the local landscape character by extending built development further east into open countryside.
- The impact of the development can be seen from the following extract:

*“Proposed development would be expected to result in some notable visual changes for some of the residential properties backing onto the Site and from the existing PROW’s within the site. Based upon the criteria for establishing visual sensitivity, these receptors would be considered to have high sensitivity. The nature and extent of the visual effects would ultimately be influenced by the detailed design of the proposals and the proposed treatment of boundaries relating to the adjoining properties.”*

- The change to the landscape character would be significant. No mitigation can ameliorate the harm caused by the development and overcome the major visual intrusion into open countryside.

## **Conclusion**

- The application site is clearly outside and beyond the current 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. It is not well contained within the framework of the settlement of Shavington.
- The proposed development is in conflict with the Countryside Protection policies NE2 Open Countryside of the CNRLP which comprises the current statutory Development Plan for the area in which the application site is located.

- 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. .
- Cheshire East has confirmed that there is a 5 year supply of housing land available in Cheshire East ie some 7.15 years. Policy NE2 of the CNRLP therefore is not out of date and weight can be attached to it in the determination of this application.
- The lack of a strong defensible physical eastern boundary to the site compounds the intrusion into open countryside which would inevitably result from this development.
- There would be significant harm m to the character of the area which no amount of screening/landscape mitigation can overcome.
- Very limited weight should be attached to the emerging local plan because it has not reached a very advanced stage in its progress. In addition there are many objection s to the allocation of this land as Strategic Site 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.
- 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.
- 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.
- **Shavington cum Gresty Parish Council urges Cheshire East Council to refuse this planning application No 13/2069N.**

## 6. OTHER REPRESENTATIONS

### Local Residents Objections

Letters have been received making the following points:

#### Principle

- Shavington will become a suburb of Crewe reducing the present sense of community.
- Residents live in Shavington because it is a small village and want to keep it this way
- Residents moved here from Stoke-on-Trent because it is a village
- The size and nature of the planned development destroys the concept of a pleasant village.
- Will become a characterless dormer town for Stoke and South Manchester.
- Part of Shavington's appeal and its continued success is its neighbourhood concept and beliefs. The increase in population will degrade this.
- There are too many applications concentrated in this small area.
- Natural land boundaries between neighbouring Hamlets and Towns would be lost
- We cannot keep building on greenfield sites.
- Shavington is under siege from builders who do not want to make affordable housing, but to make profit from greenfield sites.
- Residents of Shavington have been really let down by the councils recent agreement to the development of 350+ homes on the Shavington triangle site.
- To add a further 275 homes would not only be totally disproportionate to the current size and character of the village, but would also be unsustainable.

- The proposal would increase the village by 20%. Coupled with the Triangle site this would increase the built-up area by c.40% in total (20% each site), which would spoil the character of the village as a reasonable-sized community.
- Too many housing applications have been granted in Shavington already.
- There is already planning permission for over 300 houses to be built in Shavington so why do we need any more?
- The developer states “Shavington has suffered from a lack of house building” and “whilst it is clear that Cheshire East needs new homes, Shavington has its own housing needs”.
- Whilst it might be “accurate” to suggest that there may have been no significant developments the recent approval for the 400 homes on the triangle contradicts this plus there are already a range of much smaller on going developments, for example Lime Grove and Rope Lane (near the Vine pub) areas, which go to amply demonstrate that the village is constantly expanding.
- The village has plenty of houses for local people to purchase with lots for sale, and quite a few are empty unable to sell or rent out.
- They say there are not enough properties for people to buy in Shavington, which is clearly not the case, as currently there are 40 properties for sale in Shavington, the cheapest being £115,000, without widening the search ¼ of a mile.
- www.rightmove.co.uk shows 54 homes available for sale in Shavington demonstrating that there is property available immediately for a range of purchasers. The prices for these properties range from £80k to £425k, indeed there are 34 homes under £160k.
- Other significant upcoming developments for Shavington include:
  - Gresty Oaks
  - 1000 new homes on the North side of the A500 running parallel to it from the High School to the Cheshire Cheese Pub
  - 57 Homes on Weston Lane between the Park Estate and Shavington Hall (currently refused but moving to appeal).
  - Village A Duchy Sites, South East Crewe, 1646 homes
  - Village B Duchy Sites, near Barthomley, 2604 homes
  - Site J - Gorsty Hill Golf Course, Weston, 1000 homes
  - Site T - Land on Crewe Road, Along A500 Linking to Park Estate, Shavington, 850 homes
  - Site V - Land South of Weston, Crewe, 850 homes
- Expanding the village at this rate will erode the beautiful landscape that surrounds it. This development is the thin edge of a potentially massive wedge which will destroy the character of the village.
- There are plenty of brown field sites around Crewe where development would benefit the area
- The housing offered by the developer does not meet the identified need for the area - in the consultations done by Cheshire East it identified a great need for more bungalows and there are none on the plan.
- The projected increase in households in Cheshire East up to 2021 presented in 'Economic Benefits', Housing provision on page 46 is misleading. On the figures presented, households are projected to grow by 0.65% pa but this is misleadingly presented as a 6.6% increase? The general data also notes that the population of Shavington is ageing, and this in itself indicates a slowing in growth of new

households, as is borne out by the Cheshire East data on household increases since 2001 compared with projections to 2021.

- It would be better to consider all development proposals holistically once the full local area plan is published.

### **Loss of Agricultural Land**

- Loss of agricultural land which is required to feed a growing UK population of 60 million
- As stated in a letter dated 13<sup>th</sup> May 2013 from, Cheshire East Planning Department, “this land is classified as Greenfield agricultural land and any changes would be permanent and irreversible”.
- Although the Planning Statement states that “The agricultural land is currently unoccupied” it is now cultivated and growing a healthy crop of wheat.
- The report submitted by Cogenhoe ALC states that the Agricultural Land Classification for the plot is made up of Grade 2 – 3b. The NPPF says that local authorities should take into account the economic benefits of the best and most versatile agricultural land, which this includes.

### **Drainage and Flooding**

- Properties in Brook Avenue already flood following the construction of 14 houses to the rear. This proposal will make the problem worse.
- The proposed site is classified as prone to flooding by many home insurers.
- Residents have been told in the past by several insurers that they would not cover their houses whilst others have quoted unrealistically high premiums.
- Elevated insurance premiums would impact negatively on the disposable incomes of occupiers of the proposed dwellings.
- Weather is becoming less predictable and historic data is unlikely to be a good guide to future risks.
- Area of the site, about 500 m from Swill Brook was waterlogged for a considerable period during the winter of 2012 and spring of 2013, and clearly needs improved drainage.
- Houses built in this area will cause increased flooding to established properties.
- Existing gardens flood because the culverts that the brook passes under the roads are too small for the volume of water that passes through them.
- There is a risk of flooding to the school.
- The surface water from this 275 houses has to go somewhere, Taylor Wimpey say it will be a system called slow release, but it will flow into in the Brook.
- Culvert under the main Shavington to Crewe Road at capacity already.
- This plus all the other Developments that have already got planning permission in and around Shavington.

### **Ecology**

- The area is home to many forms of wildlife including badger, foxes, Barn Owls, buzzards, pheasants and kestrels, and other diverse wildlife, plants and insects which have been in decline in recent years.

- The site has a substantial bat population, despite the findings of the bat survey conducted on 7<sup>th</sup> May 2013, which claimed no sightings of bats over a 2 hour period. Residents carried-out their own twilight survey at the rear of 58 Crewe Road on 30/06/13, recording all sightings of bats over a 5 minute period from 22.30-22.35, during which 5 minute period they saw 74 bats. As the bat survey in May acknowledged, this was prior to the main bat roosting season, but this is clearly a bat habitat. Residents see many bats every night from approx. 9:00 -11:00 pm flying in and around our back garden.
- Native wildlife species are in serious decline because of loss of habitat and loss of more green land will make this worse
- There are two small ponds which become large lakes in the winter and Swill Brook is clean and fresh with an abundance of wildlife, rainfall that runs into the Brook will have its course severely altered which will affect wildlife.
- Residents report badger setts and rare newts on the site.
- Although there has been some investigation of the local wildlife it has been very limited.
- The excessive flooding that happens every Autumn/Winter on the land increases the frog population to almost epidemic levels.
- Destruction of protected trees that are over 100 years old just for the sake of housing - these provide great amenity value to the community and should be retained at all costs
- There are lots of nesting birds within the old oak trees

### **Rights of Way / Open Space**

- The site has 5 points of access for public footpaths crossing the site and they are used regularly by the public. The development would have a detrimental impact on these well used footpaths:
  - Shavington cum Gresty FP4 (crosses proposed development)
  - Shavington cum Gresty FP5 (crosses proposed development)
  - Shavington cum Gresty FP6
- Taylor Wimpey suggest that their development would provide Shavington with much needed open space. Whilst Shavington does not have much open space within its confines, it is particularly dependent on the open spaces around its perimeter and this is why it is so important to protect these greenfield sites. Taylor Wimpey's proposal would actually destroy one of these areas. There is no need to create a new open space, when there is already a natural one.
- At present children run and play in the field. If it is built on there will only be concrete, and tarmac to play on and cars instead of a grassy field.
- Another play area is not required as the children already play in the field. There will be a loss of amenity for large numbers of dog walkers.

### **Lack of Economic Benefit**

- “More houses will mean more people, which will mean more jobs, which will mean more money spent in the local businesses”. What will actually happen is more houses will mean more people, who will work out of town, Stoke, Manchester, Birmingham and even London (where they will spend their money and waking hours),

- The projected economic benefits are only those that would accrue to any other similar sized development, for example job opportunities for construction workers and their resultant local spending in the chip shop and local convenience store.

## Amenity

- The building of 275 houses would increase the amount of light pollution, which according to the NPPF, “decisions should limit the impact of light pollution from artificial light on local amenity, and intrinsically dark landscapes”.
- Noise pollution would also increase.
- Negative impact to the visual amenity from 60+ homes that surround/overlook the area
- Following consultation with local residents an additional landscaped buffer to the gardens at the rear of adjacent properties on Crewe Road to screen the development has been proposed. Properties on the Orchards appear to have been excluded from this enhanced screening.
- Proposed dwellings will be higher than existing properties and will overlook them resulting in loss of privacy and daylight
- Crime rates will rise and so will insurance costs. Residents will not be able afford insurance and will suffer loss.
- The planning statement shows an estimated delivery timetable of 5 years from the first Phase development to the completion of the overall development. How much disruption will local residents have to put up with on a daily basis with regards to noise pollution, dirt/dust and construction vehicles etc over this period?
- The plans submitted on 17<sup>th</sup> May 2013 are significantly different from the ones shown at the consultation.
- Neighbouring residents had one new build behind set at an angle. Now there is a larger new build facing directly into the property and it is not clear what type of build this is.
- Although the Final Master Plan State “Additional landscaped buffer to gardens at the rear of adjacent properties on Crewe Road to screen the development” this does not say whether it is for existing properties or the new builds. If it is the new builds there will be nothing to stop them removing this “buffer”.
- Concern that this “Final” Master Plan will continue to change.

## Infrastructure

- The infrastructure including the electricity, gas, sewage system and the domestic water supply is not able to support this level of development
- There are no jobs for the people in Shavington
- The primary school are already over capacity, with children turned away because of lack of spaces and (birth rate figures indicate a 'bulge' in the next few years)
- The developer’s representative has been lying by telling people that the primary school has “plenty of space
- It will not cope with the extra pupils and the education of children will suffer.
- The additional funding for 47 additional places from the LA for the school makes it unsustainable for the local school.

- If this development goes ahead people who have lived in Shavington all their lives may not be able to get their children into the local school because as the crowd flies to the front door of the school the people from this development will get a place first.
- The NPPF states, "Advanced, high quality communications infrastructure is essential for sustainable economic growth" There is no evidence to show any improvement to the local mobile phone and 3G coverage. At present it is patchy at best, but with a further 275 properties being built in close proximity this is bound to deteriorate further.
- The doctors surgery, cannot cope. It is already difficult to make an appointment to see a doctor or have a blood test.
- Cheshire East cannot afford to fund schools and roads and is constantly looking for ways to reduce their costs.
- Need to consider cumulative infrastructure impact with other developments such as the 'Shavington Triangle'.
- The infrastructure of the Village, is only just being held together for the current residents. The size of development would bring the village to a point where the cracks become crevices and the fabric of the current infrastructure is eroded past a point where it can be rectified and saved.
- A small cash boost now for a massive set of continuing problems is not worth it

## Highways

### Access

- There is only one entrance on and off the proposed estate. Most estates have 2. What if the emergency services need to get on or off this estate i.e Ambulance, Fire, Police. Refuse collection?
- The proposed entrance to this site is on a bad bend where there have been accidents in the past
- The plans for a pedestrian and cycle exit adjacent to 56 Crewe Rd onto Crewe Road (B50710), which is one of the major entry routes for local traffic into Crewe town centre, railway station and the Weston Road and Nantwich Road commercial and business areas, as well as access to Mornflake Oats and the A500 Shavington bypass, constitute a danger to pedestrians and cyclists.
- The area the cycle/pedestrian walk way joins Crewe Rd is on a blind bend. This is probably due to the fact No 56 was the only property willing to sell to the builders. This is an accident waiting to happen given the speed cars travel on Crewe Road, the blind bend the crossing is proposed to sit on, the junction with Main Road, the awful parking for local business and the bus stop being moved.

### Congestion

- 160 vehicles leaving the Estate at 30 Seconds per car equates to 80 minutes to leave this development, but would increase to 1 hour 20 if they all want to leave the estate at the same time.
- If the other proposed developments go ahead in and around Shavington it will be total grid lock

- The already busy roads would suffer from further congestion with a potential influx of 1270 more cars, assuming an average of 2 cars per household across both the Triangle and East Shavington developments.
- The village becomes gridlocked at 3.15 already when it is hometime with many people parking on double yellow lines for picking up children, calling at the co-op, post office chip shop hairdressers and Bargain Booze.
- There are only a small number of actual parking spaces within the village which are nowhere near enough!
- The congestion into Crewe at any time of day is increasing and this will just make it worse.
- The journey to the Health Centre and High School is already gridlocked at peak times.
- Crewe Road is already a major link into Crewe and to the A500 bypass; this is without the new development that is been planned on the Triangle.
- Most houses have at least 2 vehicles, and given that some 5 bedroom houses are planned this is a prudent estimate, that would mean at least another 550 vehicles from East Shavington alone, most at the key rush hour time of 8am to 9am.
- Although a cycle/pedestrian link has been included, there are no local major employers; meaning cycling or walking to work is not likely.
- Shavington does not have a public transport timetable that fits into modern working shift patterns.
- This does not fit in with NPPF requirement that "Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods and people".
- To avoid and minimise unnecessary travel from the development and due to the large number of new homes proposed, it may be prudent to include a requirement for a small corner shop within the application site. This will help minimise potentially unsafe pedestrian movement across Crewe Road, excess vehicular journeys and contribute to the development's sustainable credential.

## Safety

- In the last five years, there have been four significant accidents on Crewe Road.
- Cars regularly exceed the speed limit.
- As any calming will inevitably slow traffic on the main road (especially at peak times) it will encourage more drivers to use alternative, free flowing routes. For example Weston Lane is already subject to "rat-run" traffic and this will result in a further increase in traffic along what is essentially a country Lane
- The roads are appalling within the village with many large potholes already and recurring broken drain problems, by the post office and The Vine pub, caused by heavy volumes of traffic, cars vans, buses and lorries.
- This development will make road safety within a small village much more hazardous!!
- Children will be involved in RTAs.
- Shavington has no pedestrian crossings
- Village has narrow inadequate roads with very fast traffic which is unrestricted by speed cameras.
- There has been a death in the village due to speed on Crewe Road in recent years.
- Within 50 yards of this numerous signs have been knocked down and never replaced.

- A number of near misses have happened as a result of the increase in traffic going to the busy shop which has opened on Crewe Road.
- Cars are constantly parked on double yellow lines outside the Co-op, Post Office and Bargain Booze causing hazard conditions for pedestrians, cyclists and drivers and congestion on Main Road and Rope Lane,

### Proposed Toucan Crossing

- Concern that it will 'beep' at all hours. Considering the close proximity to several bedroom windows, this could be detriment to peace and quiet currently enjoyed in the village. If it is approved Crewe Road, it should be a silent crossing out of respect to the current dwellings.
- Having safely crossed Crewe Road from the new development, pedestrians will find themselves on the 'island' currently known as 'Sugarloaf' which they then have to cross unassisted on Main Road adjacent to number 142, to proceed toward the village centre. This unassisted crossing is highlighted as dangerous / an accident black spot in the associated application documentation due mainly to the frequency of vehicle's travelling north up Crewe Road and exiting onto Main Road without indication. The proposal would therefore be detrimental to pedestrian safety.
- The location of the Toucan crossing puts the public in a position where a more dangerous road-cross is required to get them to their destination (school/ shop/ takeaway).
- The walkway around the west side of Sugarloaf is, in areas, very narrow. The increased pedestrian traffic will result in pedestrians (particularly with pushchairs) walking on the road, before the crossing at the north-most point towards the primary school.
- If the crossing is to remain in the proposed location, something be done to slow the northbound Crewe Road traffic down and make the turning onto Main Road less of the fast, tempting 'filter' it is now.
- Visibility of the crossing for drivers approaching will be impeded due to the location on a corner (often taken at some speed by drivers on Crewe Road).
- The crossing location is at a particularly wide section of road, and therefore will take an extended time to cross.
- A more appropriate location for a pedestrian crossing should be sought which has better visibility splays for approaching traffic, a shorter travel distance across the highway and a safer onward journey for pedestrians.
- Crewe Rd from the junction with Newcastle Rd has a dangerous 90 degree bend (with central solid white lines and cross-hatching) with no clear visibility around the bend for pedestrians coming from the proposed development.
- The exit from Main Road to the east of the proposed crossing (See Bus Stop and Crossing' document) has no footpath on its western side, and is busy with parked cars at the chip shop and hairdressers, with cars often parking partially on and blocking the pavement. It also contains the entrance to a currently unfinished development of several houses behind these shops. This road is the main direct route from the proposed development to the primary school upper entrance and car park, as well as to the village shops on Main Road.

### **Comparison to Alternative site at Gresty Oaks**

- Compared to the proposal for the development of 'Gresty Oaks', accessibility to this East Shavington is poor, topography causes problems such as flood risks and drainage, the development is too far detached from Crewe and would generate extra car journeys, and it would place undue strain on the infrastructure of Shavington with no extra investment. It would also fail to meet the needs of developing Crewe itself, instead adding to disconnected village sprawl into existing rural land which fundamentally alters the existing character of Shavington.
- Gresty Oaks will provide substantially more houses (1089) than this and the Shavington Triangle developments combined, with better access to facilities and infrastructure such as primary schools and medical facilities. It would also be more sustainable as it is within the 2km walking distance of major facilities such as Nantwich Road and the railway station, leading to less need for car journeys and, therefore, less associated congestion.

### **Other matters**

- Negative impact on the valuation of current houses directly affected by this proposed new development. People who have bought their houses (did so on the basis that they can look out onto green fields at the rear of their property, not straight into someone else's house.
- Who will pay compensation, the Council, the developer, the builder?
- One of the core planning principles which is laid out in the National Planning Policy Framework (NPPF) is that planning should "empower local people to shape their surroundings". Over the past few years South East Cheshire has been inundated by speculative building projects, stating that they are trying to develop the areas concerned for our benefit and not for the benefit of the house builders' balance sheets. This is where empowering local people should come into play.
- It is the role of the planning department to review all the information submitted and to listen to the majority of comments made by people living locally.
- This development is not being built for the benefit of the village of Shavington but for the financial benefit of the landowners and builders.
- Cheshire East needs to look at ALL the developments being proposed for the Shavington/South Cheshire area as one and not each one on an individual basis.
- Concern that the application is due to be considered during the main school holiday period, when many local residents will be away on holiday.
- Due to the sheer amount of information provided it is impossible to go through all the documents in the tight time scale and due to holidays. Is this a deliberate ploy of the developers?
- Suggest that consideration be deferred to mid-October or November to facilitate maximum participation by the citizens of Shavington in the process.
- Demolition of a perfectly reasonable property to gain access to the site

### **Local Residents Support**

Letters have been received making the following points:

- Stock shortage and high demand in this area.
- For a first time buyer, in rented accommodation, the sheer access to the property ladder in Cheshire East is vastly limited, with numerous developers opting to build apartments opposed to family homes.
- New build properties offering first-buy opportunities to first time buyers who are struggling to get on the ladder.
- Much needed homes being created in a prime location with superb transport links good use of land which currently serves no purpose, to create opportunities for people to live happily
- Encourage the growth of a Shavington community, allowing others to be part of it
- People living in village areas are precious about their surroundings and reluctant to accept 'outsiders' into their environment. These people need a reality check on the society we live in today. To be selfish about creating opportunities for others in a location they would like to live in has no place in this society.
- What is the alternative those objecting are suggesting? - "Build homes in Crewe where they belong...we don't want outsiders in our village!"?
- Many of the objections come from those individuals who are comfortably on the property ladder, and have been local residents for a number of years, thus not fully understanding the difficulties of first time buyers who have lived in the local area all their life and want to remain close to family and friends. For example living in Hough children of existing residents who have grown up in the area.
- This development will assist the local area with increased job opportunities, granted whilst the site is in construction but also from increased local spending from new residents in the existing shops, offering long term opportunities.
- From the outline plan it would seem that the development doesn't propose to encroach on the rural setting, but to only enhance it, providing structured walkways and cycle paths near to existing brook.
- Shavington still only has one children's park currently situated deep inside the residential area of Greenfields Avenue estate, so a new outdoor play area, free to use would be a fantastic addition to the local community.
- Having viewed another Taylor Wimpey development in Wheelock it is clear that they have an understanding of the surroundings, as the homes themselves do not look out of place against the older homes with character etc.
- The utmost thought will go into the design of each home to ensure that the East Shavington development is viewed in the same manner.
- It will bring new monies into the area
- It will provide affordable housing for the up and coming young people looking to leave home and set up on their own.
- It will bring new people into the area also to enjoy a vibrant community that has lots of activities such as pantomime, musical theatre, drama group, leisure centre etc.
- There are people who do not like change and organised groups against the bypass but now use it.
- It will contribute to medical and education facilities
- There will also be children who would want to join scouts so a suitable building should be provided.

### **Shavington High School**

- Shavington High School is in support of the proposed development of housing
- The school is serving an ageing population and the schools roll has diminished in recent years.
- The school can accommodate 800 children, and has extensive playing fields, drama and ICT facilities and an adjoining leisure centre.
- The school are confident that they can provide an enjoyable and successful education and have capacity in the school to increase up to the pupil admission number of 800 having currently 600 on roll
- The community has much to offer. It has thriving small businesses, a drama club, medical centre ,leisure centre and high quality schools
- The school would welcome the addition of housing that would bring a cross section of the population, including families to the area.
- As Crewe has always been a centre of excellence for engineering and with the continued development of Bentley and a potential UTC it is imperative that all young people across the town and surrounding areas are equipped with skills to take their place in an evolving workforce
- Shavington High School have always offered a wide range of vocational subjects, such as engineering, electronics, construction, produce design. Whilst it is important to give pupils the opportunity to take these courses, it is not always easy to find high quality professionals who both have the subject expertise and ability to teach and work with children to staff these courses. Taylor Wimpey have given their commitment to the advancement of education in various building and construction disciplines, through demonstrations, such as the bricklaying workshop is currently being set up
- Pupils would also benefit from work experience on site, subject to health and safety and youth working guidelines and potential apprenticeships, not only with Taylor Wimpey but with its contractors. The school have commitment to all Year 10 pupils of experiencing a work place environment, though this is not always possible to accommodate, due to the shortage of work placements locally and the demand for this facility.
- The school see East Shavington and a valuable opportunity to establish an innovative relationship with industry and to benefit from a valuable resource in the community.

### **The Co-operative Group Estates**

- The Co-operative Group is one of the largest and most diverse land and property operations in the UK, with interests which span both retailing, property investment and land development. It is also responsible for the management of rural land and property estates and the delivery of renewable energy developments. In the same way that The Co- operative Group is a recognised pioneer of ethical and environmental initiatives, our development approach seeks to demonstrate how, through careful design and innovation, we can add value and deliver on the values and principles that drive our business.
- The Group has been working closely with Cheshire East Council to secure an allocation for our Basford East site<sup>1</sup>. We anticipate that the draft allocation which includes the provision of substantial quantum of B1 and B2 floorspace, 1000 dwellings and a local centre will be included in the submission draft Local Plan in light of its strategic significance, infrastructure provision and relationship to the Council's '*All Change for Crewe*' agenda.

- The Group have reviewed the planning application submission and conclude that the proposals conflict with the emerging Cheshire East Local Plan insofar as they relate to the phasing of the development. Shavington East is included within the Draft Development Strategy<sup>2</sup> as a preferred site for development, capable of delivering 300 dwellings in the later part of the plan period. This draft policy is heavily caveated by the stipulation that *'This site will be phased to start to deliver housing in the period post-2020 in order to ensure the delivery of the strategic employment sites at Basford East and West which include residential development.'*
- The application proposals fail to align with this requirement and Table 2 of the submitted planning statement identifies housing being delivered on the site as early as March 2015. Furthermore, the Planning Statement speaks at length about the positive response received from the Council's Development Management team yet fails to make reference to the fact that the policy responses identifies that the application proposals should be phased to ensure development take place post 2020.
- The Group has concerns that the emergence of the application proposals ahead of the submission of a planning application at Basford East, particularly when taken with numerous other unallocated housing sites with planning permission, or subject to current planning applications within the Borough may have the potential to impact delivery of housing at Basford East and is contrary to the emerging Local Plan in this regard.

### **Persimmon Homes**

- As a result of unsatisfactory progress in delivering a new Local Plan and a challengeable housing land supply, Cheshire East Council has been faced with determining a multitude of applications and prospective planning appeals for ad-hoc and opportunistic applications, which have gained support through the introduction of the presumption in favour of sustainable development contained within the National Planning Policy Framework.
- Through this representation the Company will seek to assert there are more suitable locations for accommodating future housing development within Shavington, which accord with the principles of, and will contribute to, delivering sustainable development.
- The Company agree with many other development industry stakeholders who assert there is an inadequate housing land supply within Cheshire East. Indeed, the Company estimate the Council's deliverable housing land supply to be significantly below the five year requirement, regardless of accounting for an additional buffer of 20%. However, land supply is only one consideration in determining whether to grant planning permission.
- The subject site has been recognised within the emerging Local Plan for Cheshire East as a prospective Strategic Site. However, this status should be given little weight as the emerging Local Plan is some distance from adoption.
- The strategic growth of a settlement such as Shavington, which the Company suggest is a sustainable location for new development, must not be determined through opportunistic applications where there are several more sustainable and beneficial options to accommodate growth. The Company suggest Shavington is capable of accommodating a reasonable scale of development. However, the delivery of new development offers an opportunity to establish a settlement boundary of permanence between Crewe and Shavington, thereby preserving the actual and perceived separation of the settlements through strategic planning.

- Shavington as a settlement is identified in the emerging Local Plan as a local service centre. However, the Company suggest the settlement's proximity to the principal town of Crewe, and the accessibility credentials of Shavington in terms of the settlement's location on the A500 and in close proximity to the M6, as well as the existing range of services and facilities, enhance the sustainability and capacity of Shavington as a sustainable settlement. However, if sustainable development is to be effectively delivered, the factors that enhance the sustainability of Shavington must drive the strategic planning and future development of the settlement. It would be foolish to permit a significant scale of housing development on a site that offers no particular benefits to the development and betterment of the urban settlement. For instance:
  - East Shavington does not build upon the settlement's existing accessibility benefit, such as enabling immediate access to Crewe and the main highway network; and
  - The proposed development does not deliver an urban boundary for the settlement that is strong, defensible and of permanence.
- In a third tier settlement, albeit one with greater capacity to accommodate development due to the proximity of Crewe, pre-empting an emerging plan through facilitating opportunistic and unplanned delivery of new development that is strategic in scale will have a more significant adverse impact than might be felt in a larger settlement with greater capacity. This message is reinforced by a post- National Planning Policy Framework appeal decision at Adderbury, which concerned a similarly sized settlement.
- An appeal decision regarding a 65 dwelling scheme at Adderbury, Oxfordshire (APP/C3105/A/12/2168102) highlights the importance attached to the National Planning Policy Framework's core principle (paragraph 17) that planning should 'be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans'. The Inspector acknowledged the presumption in favour of sustainable development applied to the scheme, as a five year land supply – at district and sub-district level – was absent, and a higher rate than necessary of affordable housing provision also weighed heavily in favour of the proposal. However, the Inspector dismissed the appeal, attributing particular weight to the following points:
  - A 65 dwelling scheme, although not considered 'strategic' in the context of the district's main urban areas (Banbury and North Cherwell), would be considered a strategic development in the context of Adderbury, much like a proposal for 275 dwellings should be considered strategic in the context of Shavington;
  - The Inspector identified the settlement of Adderbury, similarly to Shavington, is faced with 'a range of possible options for both the scale and location of future development in the village. In so far as a decision on the appeal scheme in isolation may well pre-empt those local decisions, this is a matter that weighs against the appeal proposals'.
- Further to the last point, in the pro-growth and Localism era, saying "no" to inappropriate housing development that threatens the locally-led plan making process and would not constitute the most sustainable option for meeting development needs is not "anti-growth"; especially in the context of Cheshire East. The future housing needs of Cheshire East, subject to sound town planning, will be met due to the strength of the market. The significant manoeuvring by developers in the area is a reflection of Cheshire's strong market area and popularity as a place to invest.
- The Adderbury appeal highlights the importance of remembering that the absence of a five year supply does not automatically justify granting permission for a scheme that

does not accord, conflicts or pre-empt the strategic planning process regarding the future scale and direction of development. Furthermore, the decision provides a good approach as to how the strategic planning process can be protected from ad-hoc major developments.

- Certainly, within Shavington there are alternative development options that more greatly accord with the delivery of sustainable development. For instance, there is an opportunity through accommodating new development at Shavington to establish permanently the separation of Crewe and Shavington as individual settlements. However, this should be achieved through careful planning and the formulation of urban boundaries of permanence as part of Masterplanned development proposals at the north of the settlement. For instance, the site identified under site reference 2929 in the Council's latest SHLAA provides an opportunity to deliver a natural extension to the existing urban boundary, whilst also formulating a more permanent and defensible boundary (bounded by the A500), thereby preserving the gap between Crewe and Shavington, whilst also benefitting from greater accessibility than the subject site to the services and amenities of both Shavington and Crewe.
- The Company consider the recently allowed Wainhomes appeal at Rope Lane, Shavington, provides a good example of how development can be positively accommodated whilst shaping and reinforcing a permanent gap between settlement boundaries, acknowledged by the Inspector who stated 'whilst there would be a localised loss of openness, the development would not, overall, result in Shavington coming closer to Crewe or increase the visibility of the built-up edge of Crewe'.
- Furthermore, the accommodation of development to achieve a permanent boundary is far more ably and beneficially accommodated along the north western boundary of Shavington. The north eastern boundary of Shavington is affected by the proposed Basford West development and the southern boundary of Crewe is already strongly demarcated by an existing railway line.

### **HIMOR Group**

- The application proposes 275 residential properties to the north of Crewe Road beyond the existing settlement boundary of Shavington. The proposals constitute a significant residential development within the village, which when considered cumulatively with existing commitments at Shavington Triangle (ref. 12/3114N) of 400 dwellings, and 80 dwellings at land on Rope Lane (Appeal ref. APP/R0660/A/12/2173294/NWF ), will result in significant expansion of the village of Shavington.
- HIMOR object to the following assertions of the planning application:
  - The site will deliver housing required for the future economic growth of Crewe;
  - The Application site provides sustainable location for new residential development; and
  - The proposals will deliver significant benefits for Shavington.

#### **1. "Helping to meet the strategic housing requirement for Crewe"**

- The applicant states that the site will deliver residential development that will contribute towards meeting the strategic housing requirement for Crewe. The Draft Development Strategy (DDS) identifies a significant housing target 27,000 for Cheshire East and focusses growth towards the principal settlements of Crewe and Macclesfield. Crewe's significance is reflected in the (albeit now revoked) Regional Spatial Strategy for the

North West (a 'key regional town') and is identified as a strategic priority for Cheshire East in the 'All Change for Crewe' document.

- HIMOR supports the focus in the emerging Local Plan on accommodating a significant proportion of growth in and around Crewe, as it provides a sustainable location and benefits from good connectivity between residential and strategic employment sites.
- The requirements for housing in Crewe can be appropriately delivered by strategic extensions to the town itself that offer sustainable locations for growth, and are readily accessible by a range of transport modes. Suitable, available and achievable development opportunities exist within and particularly on the edge of the principal urban area, and hence better related to the town of Crewe.
- Additional residential development at Shavington, as proposed, does not accord with this appropriate strategy. Shavington is recognised in both adopted and emerging policy as a separate, lower order settlement where only 'small scale development to meet localised needs' is appropriate. The draft Development Strategy identifies it as a Local Service Centre that is to accommodate only local needs (with a total of 2,000 homes directed to all of the Local Service Centres).
- The scale of additional housing development already consented (c. 480 units) for the village is already out of proportion to the size of the settlement and its lower order position in the settlement hierarchy. Existing households in Shavington total 1,728.1 The delivery of residential commitments will lead to the increase in the total number of households to 2,208, an increase of 27.8%. Factoring the proposed 275 dwellings, the total number of households could increase by 43.7%. This disproportionate increase runs contrary to the status of the settlement in the hierarchy, and would lead to a growth far beyond what could reasonably be needed to meet its local needs. It does not have the significant infrastructure and facilities associated with the principal urban area to support further expansion of the settlement. Shavington is a separate, settlement from Crewe and it does not form part of, or represent a 'suburb' of Crewe. Proposed residential development in Shavington should be considered in the context of the limited Local Service Centre housing delivery targets, rather than contributing towards the residual requirements for new housing in Crewe.

## **2. "East Shavington is a highly sustainable development"**

- The locational characteristics of the site do not lend themselves to creating a sustainable development in accordance with national and local policy, which seeks to reduce reliance on private car journeys.
- The residential development of land to the east of Crewe Road will result in adverse transport impacts, given its poor location to employment locations, secondary education and Crewe town centre. Shavington already relies heavily upon surrounding settlements to serve the needs of its existing population and has the lowest level of self-containment of all settlements in Cheshire East, with 18.1% self-containment against a Borough average of 33%.<sup>2</sup> A high proportion of travel to work journeys end in Crewe and the proposals will further exacerbate high levels of out-commuting.
- Opportunities for sustainable transport are limited and high levels of car use recorded across the existing settlement will be a trend across the new residential development. Given the site's location on the edge of a village, physically separated from Crewe's urban form, it is unlikely that any improvements to pedestrian or cycle routes will overcome the significant distances to major destinations and provide a realistic alternative to the car.

- The proposals do not include measures to improve sustainable access to destinations outside of Shavington village; indeed, relocation of bus stops will lead to the removal of existing shelters, further decreasing the appeal of public transport for new and existing residents.
- Facilities within the settlement are limited and the applicant's claims that the site benefits from "good levels of accessibility by foot to local amenities....providing a realistic alternative to the car for accessing the site" are disputed. Walking trips to medical and educational facilities fall in excess of accepted distances and the sites poor pedestrian connections will result in an overreliance on private car journeys.

### **3. "The proposals will deliver significant benefits for Shavington"**

- The most significant benefit as presented by the applicant is the delivery of new homes to meet the Crewe housing requirement. As previously discussed, this is a requirement that should be delivered in and around Crewe itself, rather than within lower order settlements. Additional benefits such as the arrest of decline of local shops and services, use of secondary school capacity and support of public transport services must also be questioned. The Applicant does not provide any information to support claims that village services are in decline. If existing services do need supporting, this can be ensured by the projected household increase of 27.8% resulting from residential commitments.
- The proposals do not provide significant benefits for Shavington that on balance with the departure from the settlement hierarchy and lack of sustainable transport connectivity provide a positive contribution to the future of the settlement, or wider objectives for the development of Cheshire East.
- Shavington East site was included within the Draft Development Strategy as Preferred Site 7, however, the document remains in draft and has not been subject to an independent examination. Shavington East's preferred site status is therefore not relevant for the purposes of determining this planning application.

### **Cllr David Marren**

*I wish to object to this proposal on the following grounds and request Cheshire East Council to refuse the application.*

#### ***Emerging Strategy.***

*This site is identified as a strategic site (Crewe 7) in the Cheshire East Council Local Plan 'Shaping our Future' document - A development strategy for development and sustainable communities. This document, together with 'Shaping our Future – Policy Principles', has been the subject of extensive public consultation and provides the basis for the Core Strategy of the Local Plan which is now being prepared. The strategy emphasises that this is a strategic site that will be phased to start to deliver housing in the period **post 2020** in order to ensure the delivery of the strategic employment sites at Basford East and West, which also include residential development.*

*Additionally this site is located outside of the Shavington settlement boundary (as defined in the Crewe and Nantwich Adopted Replacement Local Plan 2011) within open countryside, where under Policies NE.2 and RES.5 there is a presumption against new residential*

development. The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development. However, the 2013 SHLAA (prepared and adopted by Cheshire East) shows that the Borough has an identified deliverable housing supply of 7.15 years and therefore the presumption in favour of the proposal, certainly before 2020, does not apply. The proposal therefore does not accord with the emerging development strategy which indicates development only after 2020 and as such this application is premature. Previous appealed decisions have given credence to prematurity arguments where authorities can demonstrate 5 year supply of land.

### **Loss of agricultural land.**

Policy NE.12 of the local plan states that policies which involve the use of the best and most versatile agricultural land, grades 1,2 and 3a based on the Ministry of Agricultural Fisheries and Food land classification for any form of irreversible development not associated with agriculture, will only be permitted where all of the number of criteria are satisfied.

However, it is accepted that the national planning framework also highlights that the use of agricultural land should be taken into account when determining planning applications; it advises planning authorities that, "significant developments" should utilise areas of poorer quality land (grades 3b, 4 and 5) in preference to higher quality land. The last time this site was considered for development (2003) by a planning inspector he accepted that "a major part of the application site is grade 2 agriculture land with the balance being largely grade 3b" and it was also his view, and one that I agree with, and hope the Council will agree with "that the best and most versatile agricultural land should not be used for allocations".

### **Drainage**

Part of the site, adjacent to Swill Brook, is actually defined as flood plain, on the proposals Map of the Borough of Crewe and Nantwich Replacement Local Plan 2011; Policies NE.20 and BE.4 are relevant. There has been plenty of photographic evidence already submitted of drainage difficulties in the area close to Swill Brook with houses on The Orchards being particularly affected. The construction of 275 properties and associated infrastructure on this site can only aggravate this situation.

### **Character of Shavington Village**

Shavington village has accepted more than its fair share of development permissions in the last few months following the approval of the 'Shavington triangle' application and the 'Rope Lane' application. Basford East and West have Cheshire East's Council's support and will provide almost 1600 extra homes to draw upon the village infrastructure. These sites, which are more logical extensions of the built up area with defensible boundaries, should be developed first. Development of Shavington East is not necessary and certainly not at this time. Additionally, if permission of the application were granted, it is likely that speculators would seek to broaden the development, because apart from the Northern section, behind residential curtilages, the remainder only has hedgerow trees and so the first defensible boundary is probably Back Lane, linking Basford and Hough. This could result in the development of all of the land to the east of Shavington, up to Back Lane, which joins Basford with Hough; there is the distinct possibility that the individual identities of Shavington, Hough

*and Basford will be extinguished and as a minimum it will have a devastating effect on the future form of the village.*

*Paragraph 17 of the NPPF details the core principles of sustainable development. It is stated that planning should recognise “the intrinsic character and beauty of the countryside.*

*There is a small area of land which fronts onto Crewe Road, which gives open views over farmland to Mow Cop, which is 15km away. Previous inspectors have agreed that the Shavington East site offers a window into the heart of the countryside which is important to the character of the village and this opinion contributed to the upholding of previous “refusal decisions” by planning inspectors both in 2003 and 1996. Exchanging a view of Mow Cop with that of a housing estate illustrates a complete failure to comply with the paragraph 17 principle.*

### **Schools.**

*If permission for this development is approved it will generate an additional 50 + primary age children to be educated in this area. At one time, when the Shavington Primary intake was a two form entry and its pupil capacity was 420, this might have been accommodated. However, it is now, what is regarded as the ideal size for a primary school nationally, that being a single form entry with 30 children per class. The pupil admission number is 30 and the school is full. This is evidenced by the fact that 86 children applied for admission in September 2012 but only 30 were accepted. Of the 50 children that this development would generate, they will of course be of varying age and the school will be unable to plan for them or even accept them all, and this might well aggravate travel to school costs. Of course, the applicants will base their planning submission on just Shavington East, but Cheshire East and all the local schools will need to consider all of the other very close applications currently underway (Shavington Triangle, Rope Lane, Basford East and West).*

*A S106 formula levy on this development will not cover the stepped costs of dealing with these additional children; nor would it be acceptable that we introduce portacabin teaching onto the site.*

### **Ecology.**

*I ask the Planning authority to treat the ecological assessment with some caution, and to carry out its own survey. I ask this because of the disparity of the TEP assessment findings with the observations of those who have greater familiarity with the site, namely those living near to the application site. It is easy to treat neighbour observations as biased because “they would say that, wouldn’t they?” and automatically believe the results of “an apparent” scientific survey that, some might claim, plays down the significance of the findings, and others might say actually distorts the findings; that view is understandable because the assessment carried out by TEP is not independent. An independent survey is one which is commissioned by the Planning authority, rather than the applicants, and as such is bound to be more acceptable. I illustrate my concern about the TEP assessment by the dismissive description attributed to the site in the assessment i.e. para 2.2-“ In brief, the site comprises grassland, arable fields, hedgerows, scattered trees, woodland, scrub, ditches and a stream.” This can be contrasted with the demised CNBC Planning authority description of site*

submitted to the Planning Inspectorate in 2003 when he was reviewing challenges to the CNBC replacement Local plan to 2011.

*“The site is mainly comprised of open pastureland, with mature trees and hedgerows. Most of the site is flat, although in the northern part of the site, the land slopes down to Swill Brook and rises up towards Weston Lane. The site is bounded to the west by properties which front Crewe Road, apart from a break in the centre of the village, where the site extends to the pavement of Crewe Road. To the north, the site is bounded by the rear gardens of properties off Weston Lane and to the south by the buildings of Green Bank farm. To the east lies further open farmland. The site does not have a firm defensible boundary to the east. The open farmland extends to Back Lane, which joins the settlements of Basford and Hough. Half of the site is Grade 2 agricultural land, whilst the remainder is mainly 3b.”*

*The site is currently under cultivation with a crop of Barley.*

### **Highways**

*In previous proof of evidence to the Planning Inspector (2003), Cheshire County Council, as the then Highway Authority, indicated, “that suitable access and visibility standards necessary to support a housing proposal on this site could not be met. The site fronts the busy B5071, which links Crewe with the A500. Adjacent to the site is the junction with Main Road, which at peak times carries heavy traffic associated with the Primary School. The major concern however was the substandard visibility from the site onto Crewe Road and the forward stopping site visibility for existing road users. The Highway Authority concluded that the release of the site for housing would be potentially dangerous and detrimental to the free flow of traffic on Crewe Road and not in the best interests of highway safety.”*

*Traffic use of Crewe Road has increased since then, and with the development approvals at the triangle and Rope Lane, and with the probable approvals of Basford East and West, traffic use will increase still further. The potential access to this site has not changed significantly and it would be illogical for the Highway Authority to now change its view.*

### **Summary.**

*I urge the Council to support the views of the objectors to this application as the former Planning authority consistently did, in 1982, 1989, 1996 and 2003 all of which went before a Planning Inspector and were upheld. The application is contrary to policies: NE.2 (open countryside and policy); RES.5 (housing in the open countryside); NE12 (Agricultural Land Quality); BE4 (Drainage) and BE 3 (Access) of the Crewe and Nantwich local plan. In addition Cheshire East can demonstrate a 5 year supply of local housing land in accordance with the national planning framework and as such the application is premature to the emerging development strategy which currently says that development should be phased until after 2020. There are highway concerns as evidenced by the views of the former Highways authority, Cheshire County Council. There are no material circumstances to indicate that permission should be granted contrary to the draft development plan.*

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

- Design and Access Statement
- Air Quality Assessment
- Amphibian Survey
- Tree Survey
- Bat Survey
- Affordable Housing Statement
- Agricultural Land Classification.
- Air Quality Assessment
- Planning Statement
- Environmental Assessment
- Wybunbury Moss SSSI
- Community Consultation
- Archaeology Assessment
- Sustainability Statement
- Transport Assessment
- Geophysical Survey
- Landscape Appraisal
- Transport Assessment
- Travel Plan
- Tree Survey
- Utility Connections
- Construction Waste Statement
- Ecological Assessment
- Economic Benefits Statement
- Energy Statement
- Flood Risk Assessment
- Foul Drainage Statement.

## **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 planning policy and housing land supply, affordable housing, highway safety and traffic generation, contaminated land, air quality, noise impact, landscape impact, hedge and tree matters, ecology, amenity, open space, drainage and flooding, sustainability and education.

### **Principle of Development**

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

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

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

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

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

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

### **Emerging Policy**

The Crewe Town Strategy considered a number of development options around the town and these were subject to consultation that closed on the 1st October 2012. The results of that consultation was considered at a meeting of the Strategic Planning Board on the 6th December 2012. 1985 representations were received to the Crewe Town Strategy. This site was considered as site L2 in the Crewe Town Strategy. 95% of the 1985 representations responded to the question whether they agreed or disagreed with site L2 as a potential area of future development and of those 96% disagreed with site L2 being a potential area of future development. The recommendation at that meeting is that the future housing needs of Crewe are met by the following sites – Crewe Town Centre (200 dwellings), West Street / Dunwoody Way (up to 700 dwellings), Basford East (1,000 dwellings), Basford West (300 dwellings) and Leighton West (750 dwellings). Sites are also proposed at settlements surrounding Crewe including Shavington Triangle (300 dwellings) and Shavington East (300 dwellings phased post 2020). There are also proposals for new settlements at Crewe Hall / Stowford (1,000 dwellings – with potential additional development after the plan period) and at Barthomley (1,000 dwellings– with potential additional development after the plan period).

These sites have now been carried forward into the Local Plan Strategy Submission Version now the subject of consultation. This is one of those sites and Policy CS7 states:

*The development of East Shavington over the Local Plan Strategy period will be achieved through:*

- 1. The delivery of 250 new homes post 2020;*
- 1. The provision of Green Infrastructure including:*
  - i. Allotments or Community Woodland;*
  - i. Open space including children's play space;*
  - ii. Multi Use Games Area or outdoor gym;*
  - iii. Nature conservation area;*
  - iv. Drainage areas;*
  - v. Incidental open space;*
- 2. The improvement of existing and provision of new pedestrian and cycle links to link new and existing residential areas, employment areas, shops, schools and health facilities; and*
- 3. On site provision, or where appropriate, relevant contributions towards highways and transport, education, health, open space and community facilities.*

### **Site Specific Principles of Development**

- a) Consideration of any impact on the Wybunbury Moss Special Area of Conservation (SAC) and RAMSAR site and implementation of any mitigation measures.*
- a) Contributions towards public transport and highways improvements.*
- b) Contributions towards habitat improvements within the Meres and Mosses Natural Improvement Area.*
- c) Contributions towards a planned improvement of Gresty Road and the Crewe Green Link Road.*
- d) Contributions towards education provision.*
- e) Contributions towards health infrastructure.*
- f) Development should incorporate Green Infrastructure and reflect 'The Green Infrastructure Action Plan for Crewe' (TEP, 2012) including tree planting; the creation of tree lined boulevards with the provision of greenspaces within new developments. This should include the creation of green spaces, including those linking green infrastructure, with safe and secure pedestrian and cycle routes that should be integrated into any development proposals.*
- g) Provision of SuDS included as part of green infrastructure on the site.*
- h) The Local Plan Strategy site is expected to provide affordable housing in line with the policy requirements set out in Policy SC5 (Affordable Homes).*
- i) Important hedgerows and trees to be retained and incorporated within the development.*
- j) The development should be supported by an appropriate Travel Plan, including measures to monitor its implementation.*
- k) An up to date archaeological report to be produced, to include appropriate mitigation, if required.*
- l) An up to date contaminated land study to be produced, to include appropriate mitigation, if required.*

The NPPF consistently underlines the importance of plan-led development. It also establishes as a key planning principle, the fact that local people should be empowered to shape their surroundings.

This iteration of the Local Plan follows the consultation on town strategies in 2012, the consultation on the Development strategy and Policy Principles in January 2013 and the further consultation on additional sites in May of 2013. In accordance with Paragraph 216 of the NPPF the emerging plan can attract a growing degree of weight according to its progression towards adoption, scale of objection and consistency with the Framework.

In this case, the site is considered acceptable in principle for housing, but the emerging Plan proposes to phase the development to after 2020. The supporting text to the plan states at para. 15.125:

*As a result of congestion issues around the current access to Crewe Station and the town centre from the southwest of Crewe there are plans between now and 2020 to improve the Station access. These plans will be developed through discussions with Network Rail and HS2 in association with the wider aspirations for Crewe Station.*

*The planned development around Crewe and growth in the rail network as well as HS2 has led to the pressing need to make changes to Crewe Station and access to it, this need has been recognised by the rail industry. Strategic modelling of the area shows that without changes to the existing pinch points around the Station area, then further development beyond what is committed to the southwest of the Station should be limited until the necessary improvements are in place.*

### **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.

Given the highway issues identified above, and the fact that accordingly, the Local Plan Strategy Submission Version does not envisage the site coming forward before 2020, it has not been included as a Strategic Site or site without planning permission which could

contribute to the five year supply. It therefore, follows, that the proposal is not required in order to provide a 5 year supply of housing land, although it will be required to contribute in later years of the plan period.

### **Conclusion**

The site is subject to Policy NE.2 (Open Countryside) where there is a presumption against new residential development. However, the site is identified in the emerging local plan as a development site for the period post-2020.

The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development unless:

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

Cheshire East has a housing land supply figure in excess of 5 years, which does not include any contribution from this site. Therefore there is no justification for the early release of the site, although it will be necessary, acceptable and appropriate in principle to develop it later in the plan period.

### **Deliverability**

Taylor Wimpey have emphasised that the East Shavington Site is not a speculative application. The intention is to deliver housing quickly in order to assist the Council in meeting its shortfall of housing land. Delivery rates were provided in the Planning Statement and are set out below

<b>Activity</b>	<b>Lead in Time</b>	<b>Approx Dates</b>	<b>No of Units</b>
Determination of outline application, negotiation of S.106 Agreement, preparation and determination of reserved matters application and discharge of conditions.	15 months	August 2014	0
Implementation of Infrastructure	6 months	February 2015	0
Phase 1 Development		March 2015	35
Completion of Phase 1 and commencement of Phase 2		March 2016	55

Phase 2		March 2017	55
Completion of Phase 2 and commencement of Phase 3		March 2018	55
Phase 3		March 2019	55
Completion of Development		March 2020	20

The developer has stressed their intentions to deliver housing in Shavington immediately. However, given that this proposal is not required in order to provide a five year supply of housing land, this does not outweigh the potential conflict with the Local Plan Strategy Submission Version in terms of development pre-2020.

## Sustainability

The National Planning Policy Framework definition of sustainable development is:

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

Accessibility is a key factor of sustainability that can be measured. A methodology for the assessment of walking distance is that of the North West Sustainability Checklist, backed by the Department for Communities and Local Government (DCLG) and World Wide Fund for Nature (WWF). The Checklist has been specifically designed for this region and can be used by both developers and architects to review good practice and demonstrate the sustainability performance of their proposed developments. Planners can also use it to assess a planning application and, through forward planning, compare the sustainability of different development site options.

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

Category	Facility	EAST SHAVINGTON
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<b>Open Space:</b>	Amenity Open Space (500m)	574m
	Children's Play Space (500m)	574m
	Outdoor Sports Facility (500m)	611m
<b>Local Amenities:</b>	Convenience Store (500m)	551m
	Supermarket* (1000m)	3534m
	Post box (500m)	607m
	Playground / amenity area (500m)	574m
	Post office (1000m)	607m
	Bank or cash machine (1000m)	714m
	Pharmacy (1000m)	1829m
	Primary school (1000m)	747m
	Secondary School* (1000m)	1507m
	Medical Centre (1000m)	1829m
	Leisure facilities (leisure centre or library) (1000m)	1507m
	Local meeting place / community centre (1000m)	486m
	Public house (1000m)	855m
	Public park or village green (larger, publicly accessible open space) (1000m)	1538m
	Child care facility (nursery or creche) (1000m)	747m
<b>Transport Facilities:</b>	Bus stop (500m)	366m
	Railway station (2000m where geographically possible)	3883m
	Public Right of Way (500m)	22m
	Any transport node (300m in town centre / 400m in urban area)	22m
<b>Disclaimers:</b>		
<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 12 criteria in North West Sustainability checklist, 6 of which are 'significant' failures. However, these facilities are within the town, albeit only just outside minimum distance and Crewe is a principal town in the Local Plan Strategy Submission Version where can be expected development on the periphery. Development on the edge of a town will always be further from facilities in town centre than existing dwellings but, if there are insufficient development sites in the Town Centre to meet the 5 year supply, it must be

accepted that development in slightly less sustainable locations on the periphery must occur.

Similar distances exist between the town centre and the existing approved sites and approved sites at the Triangle, Coppenhall, Leighton and Maw Green. Furthermore, the site is large enough to provide some of its own facilities, such as children's' play space, although it is acknowledged not all the requirements of the checklist would be met on site.

The Highways Officer shares this view and has commented that the sustainability of this site is considered to be good, it is within walking distance of the Shavington Primary School and there are other shops, leisure centre and medical centre all within a reasonable walking distance from the site.

Shavington has a number of local bus services 6, 39 and 44 and these services use Crewe Road adjacent to the site and the evening bus services are to be improved following the planning approval of the Shavington Triangle.

Furthermore, as suggested by the Public Rights of Way Officer and Highways Officer, it is possible to improve the non-car mode accessibility through suitable Section 106 contributions, including upgrading the public right of way which runs past this site.

The applicant is proposing to relocate existing bus stops closer to the site and also provide a new Toucan crossing on Crewe Road near to the junction with Main Road. Whilst this crossing is mainly to serve the pedestrian movements generated by the development, it will also benefit existing pedestrians in crossing Crewe Road. This is discussed in more detail below.

Therefore, overall the site is accessible to non car modes and is located within reach of local facilities. It also has a number of bus services that are available close to the site. As such, it does not raise any sustainability concerns. Thus it is not considered that a refusal on locational sustainability could be sustained in this case.

Accessibility is only 1 aspect of sustainability and the NPPF defines sustainable development with reference to a number of social, economic and environmental factors. These include the need to provide people with places to live.

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.

There are a sustainability and energy statements accompanying the application. The sustainability statement concludes:

- *The publication of the National Planning Policy Framework in March 2012 has given a special focus and impetus to the drive to deliver the homes that communities need. A presumption in favour of sustainable development is seen as a golden thread running through plan-making and decision-taking. East*

*Shavington has long been regarded as a sustainable housing development recognised as far back as 2002 in the Sustainability Study commissioned by the former Crewe and Nantwich Borough Council to inform the Crewe and Nantwich Replacement Local Plan.*

- *NPPF states that there are three dimensions to sustainable development, an economic role, a social role and environmental role to improve the quality of the built, natural and historic environment as well as people's quality of life and delivering the homes that communities need.*
- *The Planning Statement in support of the outline planning application and this Sustainability Assessment clearly demonstrate the substantial roles, social, economic and environmental that East Shavington will play in delivering the new homes that Cheshire East Council, the Crewe area and Shavington need to meet strategic and local housing requirements.*
- *There is therefore a presumption in favour of sustainable development at East Shavington conveyed by NPPF, unless approving development proposals results in adverse impacts which will significantly and demonstrably outweigh the benefits.*
- *Cheshire East Council does not have a 5-year supply of housing land and the presumption in favour of sustainable development weighs even more heavily at East Shavington, and where NPPF urges Local Authorities to grant permission for sustainable development without delay.*
- *The loss of the East Shavington site, currently designated as open countryside under Policy NE.2 of the Crewe and Nantwich Replacement Local Plan, assumes considerably less significance, both in policy terms and in practical terms, and is outweighed by the benefits of delivery by East Shavington as explained in the Planning Statement and in this Statement.*
- *To repeat the words of the Minister for Planning in the ministerial foreword to NPPF: "Development that is sustainable should go ahead without delay - a presumption in favour of sustainable development that is the basis for every plan, and every decision".*

With regard to the issue of economic development, an important material consideration is the Written Ministerial Statement: Planning for Growth (23 March 2011) issued by the Minister of State for Decentralisation (Mr. Greg Clark). It states that "Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', *except where this would compromise the key sustainable development principles set out in national planning policy.*"

The Statement goes on to say "*when deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development.*" They should:

- consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession;
- take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing;
- consider the range of likely economic, environmental and social benefits of proposals;

- ensure that they do not impose unnecessary burdens on development.

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

Similarly, 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 terms of sustainable design, the energy statement summarises that:

- *The development will incorporate enhancements to the building fabric and services which will reduce the lifetime energy consumption of the development by 11.08% over the current Building Regulations Standards. These figures have been calculated using SAP2009 methodology.*
- *It is also recognised that further improvements to building fabric and services can have a similar if not greater impact on the reduction in energy consumption of a dwelling, provided by renewable energy.*
- *These proposed improvements have the added benefit of requiring little maintenance or operational knowledge of the occupant, unlike the installation of renewable technology.*

The fabric first approach to reducing energy use and carbon is positive but more could be done in terms of sustainable design, including climate change adaptation and passive design. Therefore it is suggested that a sustainable design strategy be developed to inform and accompany the reserved matters.

In summary, in terms of its location and accessibility, the development is relatively sustainable. Furthermore, previous Inspectors have 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, which this proposal will help to do. Therefore, on this basis, it is not considered that the Council would not be successful in defending a reason for refusal on the grounds of lack of sustainability.

## **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”.*

The applicant has submitted an agricultural land classification study which concludes that the land comprises:

- 20% Grade 2
- 27% Grade 3a
- 53% Grade 3b

Therefore, whilst it is acknowledged that there would be a loss of some Grade 2 and Grade 3a land, over half of the site is Grade 3b (not the best and most versatile land). Furthermore:

- the fact that this site is identified within the Local Plan Strategy Submission Version and will be required in the long term for housing land supply
- the economic growth benefits are considered, on balance, to outweigh the conflict with local plan policy in terms of loss of good quality agricultural land, the adverse impacts of which are not considered to be significant or demonstrable.
- Previous Inspectors have taken a similar approach to this issue at Appeal and determined that the need for housing land supply outweighs the loss of agricultural land.

## **Affordable Housing**

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

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

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

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

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

It goes on to state that:

*"the exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion of affordable housing for any site will normally be 30%, in accordance with the recommendation of the 2010 Strategic Housing Market Assessment. This proportion relates to the provision of both social rented and/or intermediate housing, as appropriate"*

The Strategic Housing Market Assessment 2010 identified a preferred tenure split of 65% social rent and 35% intermediate tenure across Cheshire East.

Based on the proposal for up to 275 dwellings, the affordable housing requirement, as per the Interim Planning Statement: Affordable Housing, is 83 affordable dwellings, with 54 provided as social (or affordable rent) and 29 provided as intermediate tenure dwellings.

As originally submitted the applicant was offering a tenure split of 65% intermediate dwellings and 35% affordable rented dwellings, which did not meet the requirements of the Interim Planning Statement: Affordable Housing.

However, following discussions with Council's Housing Officers, the applicants have confirmed that they will provide 30% affordable housing with a tenure split 65% rented

housing and 35% intermediate affordable housing in line with the Council's Interim Planning Policy on Affordable Housing. The mix of type of affordable dwellings offered is:

- 0-5% x 5 bed
- 0 – 10% x 4 bed
- 45 – 50% x 3 bed
- 50 – 55% x 2 bed.

Housing Officers have confirmed that this is acceptable. These requirements could be secured through the Section 106 Agreement.

The 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 Affordable Housing IPS also states that affordable homes should be constructed in accordance with the standards proposed to be adopted by the Homes and Communities Agency and should achieve at least Level 3 of the Code for Sustainable Homes (2007). The design and construction of affordable housing should also take into account forthcoming changes to the Building Regulations which will result in higher build standards, particularly in respect of ventilation and the conservation of fuel and power.

The Affordable Housing Interim Planning Statement states that:

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

It also goes on to state:

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

Finally, the Affordable Housing 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.

Given that the proposal is submitted in outline, there is no requirement to provide this level of detail with this application. However, the requirements of the IPS, as set out above can be secured at reserved matters stage through the Section 106 Agreement.

## **Contaminated land**

The developer has submitted a Phase 1 desk study for contaminated land, the findings of which concludes that:

- *The desk study assessment has established that no development has taken place on the site. Two small backfilled ponds have been identified as has a public sewer system (ref. separate Lees Roxburgh report).*
- *No mineral extraction issues have been identified with ground conditions generally likely to comprise topsoil overlying boulder clay, with made ground areas associated with the former ponds. Contamination risks are considered to be low and likely to be locally associated with these two pond areas.*
- *No issues have been identified with regard to geotechnical and environmental matters which are anticipated will constrain the development proposals.*
- *On the basis of this assessment, proposals for site investigations have been made.*

The report has been examined by the Councils Environmental Health officers, who have commented that there is a history of former pond use on the application site, and depending on the nature of any infill the land may be contaminated. This site is also within 250m of an area of ground that has the potential to create gas. The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. As well as the potential sources of contamination identified within the Phase I Preliminary Risk Assessment report, Environmental Health is aware of a former builder's yard adjacent to the north of the site. There may have been migration of contamination from this former land use onto the application site.

The Phase I Preliminary Risk Assessment recommends a Phase II site investigation be undertaken in order to assess the identified potential contaminant linkages. As such, and in accordance with the NPPF, Environmental Health recommends that the standard contaminated land conditions, reasons and notes be attached should planning permission be granted./

### **Noise Impact**

In the absence of any objection from the Councils Environmental Health officers, it is not considered that a refusal on noise grounds could be sustained. However, they have recommended the imposition of conditions requiring a Construction Phase Environmental Management Plan to be submitted and agreed by the planning authority. The plan shall address the environmental impact in respect of noise on existing residents 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) and shall be implemented and in force during the construction phase of the development. This can be added as a condition.

### **Air Quality**

The developer has submitted an Air Quality Impact Assessment which can be summarised as follows:

- *The development has the potential to cause air quality impacts at sensitive locations during the construction and operational phases. These may include fugitive dust*

*emissions from construction works and road vehicle exhaust emissions associated with traffic generated by the proposals. As such, an Air Quality Assessment was required to consider potential construction phase impacts and assess pollution levels at sensitive locations in the vicinity of the site both with and without the development in place.*

- *Potential construction phase air quality impacts were assessed as a result of fugitive dust emissions. Suitable mitigation techniques have been identified and, assuming these are implemented, impacts from construction activities are not considered to be significant.*
- *Dispersion modelling was undertaken in order to predict air quality impacts as a result of road vehicle exhaust emissions associated with traffic generated by the development. This indicated impacts on air quality were not predicted to be significant at any sensitive location in the vicinity of the site. As such, air quality should not be considered a constraint to outline planning consent.*

An addendum has also been submitted which is summarised as follows

- *Following the submission of the report further information was requested by Cheshire East Council. This report seeks to provide an additional assessment of potential air quality impacts within the Nantwich Road Air Quality Management Area (AQMA) using dispersion modelling*
- *The findings of the addendum assessment demonstrate impacts on pollution levels as a result of road vehicle exhaust emissions associated with traffic generated by the development were not predicted to be significant at any sensitive receptor location within the vicinity of the AQMA*
- *Indeed the development was shown to have a negligible effect.*
- *There are no adverse air quality impacts and air quality issues are not considered to be a constraint to the development.*

The Environmental Health officer has examined the submitted information and commented that the report considers both the construction and operational impacts of the proposed development and the addendum considers the potential impacts upon the Air Quality Management Area (AQMA) in Nantwich Road.

The report utilises ADMS Roads software to assess the road traffic emissions associated with the proposed development.

The report states that all of the existing receptors are predicted to experience increases in nitrogen dioxide (NO<sub>2</sub>) concentrations. The addendum indicates that similar increases would be experienced in the AQMA in Nantwich Road. There is also a recommended list of mitigation actions. It is their opinion that any increase of concentrations in an AQMA is considered significant as it is directly converse to the Council's local air quality management objectives. It is therefore also considered that any mitigation proposals should also be significant and for this proposed development should include for electric vehicle infrastructure.

As such, Environmental Health have no objection on Air Quality grounds subject to the imposition of appropriate conditions.

## **Drainage and Flooding**

The applicant has submitted, a detailed Flood Risk Assessment (FRA). The findings of the report can be summarised as follows:

- *The FRA has concluded that the Sequential and Exception Tests are not applicable and the risks of flooding to the development are associated with Swill Brook and the development drainage proposals.*
- *A hydraulic model of Swill Brook has been undertaken, interlinked with the modelled information provided by the EA, and the extent of Flood Zone 3 with allowance for climate change identified and within which no development is proposed. Floor levels adjacent to the brook will be set a minimum of 0.73m freeboard above the 1 in 100 year plus climate change flood level although there may be scope to reduce levels subject to a minimum freeboard of 0.6m in the context of a scheme layout. It is noted that this measure may prove academic due to other constraints to development alongside the brook including the EA's maintenance strip and the public sewers.*
- *The surface water flows generated by the development proposals will be restricted to greenfield run off rates and directed to Swill Brook. On site storage will be provided to United Utilities standards for Section 104 Adoption purposes which, in conjunction with the appropriate setting of development platform levels, will cater for the 1 in 100 year event plus an allowance for climate change. Whilst storage via oversized pipes is anticipated as being the primary form of storage, other options will be considered at a more detailed design stage. Adoptable drainage systems will become the responsibility of United Utilities. Systems which are not to be adopted will either become the responsibility of individual householders or, to communal areas, a Management Company to be set up by the developer.*
- *On this basis, it is concluded that the FRA has demonstrated that the development can be delivered so as not to be at risk from flooding from external sources and can be drained so as to mimic predevelopment surface water flows, all in accordance with the requirements of NPPF.*
- *It has therefore demonstrated that the proposed development is appropriate in accordance with the criteria set within NPPF.*

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

## **Layout and Design**

The application has been subjected to a significant amount of pre-application discussion, which has refined the design principles.

### ***Layout***

The Council's Urban Design Officer has considered the application and commented that the masterplan layout is acceptable. He was initially uncomfortable about the numbers and how that could impact at detailed design stage and was seeking some reassurance that this masterplan works in delivering the design principles in the Design and Access Statement (DAS). He therefore suggested that the applicant submit a testing layout to justify the numbers proposed as the upper limit, and this has been duly submitted by the applicant.

He also expressed concerns regarding the awkwardness of the block in the triangle between the rights of way and how this will work out at detailed design stage. These pedestrian routes contribute to creating a wedge shaped site that could create awkward townscape. In hindsight, it would have been better if this had been given over to an open space use or potentially a community facility, but this could be addressed at the reserved matters stage.

The concepts that underpin the structure of the scheme seem logical, but also make for an interesting layout for the site. The centralised green space leading to Swill Brook, incorporating existing rights of way, helps to naturally divide and characterise the site. The focus of the greenspace at the heart of the site with a focal point created by existing trees could act as a powerful centrepiece for the development.

Another positive element in the layout is the pedestrian connection to the heart of Shavington from the south west. It is unfortunate that it could not run more directly across the adjacent space, given the constraints over land use and the aspiration of the adjoining owners.

There is a sense that spaces and buildings to a large degree shape the scheme. The key will be ensuring this at the detailed design stage

Having reviewed the testing layout the Urban Design Officer is comfortable about the number proposed. It does get dense in the north western part of the site and a modest reduction would benefit this area. However, on balance, given the present climate, he is of the view that the Council would struggle to make a strong design case to oppose this layout, given its other strengths.

### ***Movement***

There is a clear street hierarchy within the layout, although the Urban Design Officer is critical of the street to the south of the shared surface being a primary street. This should be a secondary or tertiary street to encourage use of the primary street forming the main vehicular loop.

In terms of pedestrian movement, the level of connectivity within and to the surrounding area is positive. However, rather than the combined footpath/cycleway running along the southern stretch of the primary loop, it may be better for it to run to the central heart space and connect with the network there, as there does not appear to be any advantage with its present alignment.

The turning heads of some access in the north of the site appear a little impractical and a couple of units in the far north east corner appear not to be accessible.

The shared surface route from heart space to the village centre is potentially a very positive feature of the scheme, subject to its detailed design. The western end of this will need to be carefully detailed at the reserved matter stage to stop it becoming an alleyway rather than an attractive pathway. Lighting will be important for its night-time/winter use

A key to the success of this hierarchy will be the detailed design of streets and footpaths to avoid over-engineering and respond to the potentially naturalised character of the site and the character drivers set out later in the DAS.

### ***Legibility***

Building on the landscape structure, layout of blocks and the street hierarchy, there is the potential to create a very positive strategy to make this a highly legible and navigable development. The Urban Design Officer suggests that a landmark or focal building icon should be placed on a couple more buildings along the route of the shared surface, and that there is a need to identify the main entrance as a gateway feature. This entrance will be really important in setting the quality of the scheme and needs very careful consideration.

The quality of this corridor for vehicular and pedestrian arrival needs careful management and a strong landscape philosophy. The cycleway/footpath also needs to be attractive and safe to encourage non-vehicle modes of movement. A strong landscape strategy is advocated therefore.

### ***Scale***

The scheme should be predominantly 2 storey, given its peripheral character on the countryside edge. 2.5 storey should only be used in those areas identified the appropriate locations for that height of building. The building footprint and height parameters seem acceptable

### ***Appearance/architecture***

Generally the Urban Design Officer supports the principles set out in the character areas information. One point to reinforce is that all front boundaries should be defined in a positive way to demark private from public, including the areas of lowest density with a green character. Given the rural nature of the site and the desire to maximise landscape, hedging should be the predominant boundary treatment.

In terms of grassed areas, much of this should be left as a natural area rather than as amenity grassland. This will help ecologically, create a more naturalised character and reduce maintenance. This should be considered along street verges as well as in more extensive green areas

### ***Open space, landscaping, play and active/healthy lifestyles***

The more naturalised and central location of the main POS is positive, as is the naturalised corridor alongside Swill Brook. The landscaped edge along the eastern boundary offers the opportunity to create a filtered edge toward the countryside and to soften the profile of built form whilst allowing houses to benefit from countryside views.

More could be done to create landscape along streets, although the indicative planting along the primary route is noted. The quality of the entrance green space from the west will be important, as will that from the south.

The provision of an orchard area within the open space is welcomed but allotments could also be provided. (A possible area would be part of the wedged shape part of the site). It is proposed that this would form part of the open space provision secured through the Section 106 Agreement.

The formal play in the form of LEAP and kick about area could be supplemented by localised play designed into secondary and tertiary streets and the shared surface route.

### ***Building For Life 12 Assessment***

<b>No</b>	<b>Criteria</b>	<b>Score</b>	<b>Notes</b>
1	Connections	Green/Amber	Links to the west needs to be carefully designed. Southern gateway entrance needs careful design to foster 2usage. Links to surrounding area and network positive, links in the site positive
2	Facilities/services	Green	No mixed use now but links to the local centre and various amenities as set out in sustainability report Inclusion of community facility on site would reinforce sustainability
3	Public transport	Green/Amber	Positive links to bus stops in village centre via the western footpath/gateway and the high permeability within the scheme
4	Local housing requirements	Green	Meets Affordable Housing Requirements and will contribution to 5 year supply
5	Character	Green/Amber	There is the potential to achieve a really strong sense of place but without the testing layout it is difficult to determine fully
6	Working with the site and context	Green/Amber	The layout work with the existing character of the site and its context. This could be undermined at detailed design stage without careful detailed design and attention to detail
7	Well defined streets/spaces	Green/Amber	The framework is positive but it will be down to the detailed design to positively interpret the masterplan and principles
8	Easy to find way around	Green/Amber	There is the potential for a highly legible and individual scheme with a strong sense of identity but this is very dependant on the delivery of key principles at the detailed stage
9	Streets for all	Amber	Streets are generally designed as, multifunctional, human spaces. There is a danger that the loop could become over engineered and therefore detailed design will be crucial to overcome this
10	Car parking	Amber/Red	Without the testing layout that would be difficult to assess. There is a danger that car parking could become overly dominant in certain areas
11	Public/private spaces	Amber	Generally there is scope to provide delineation of public and private but character information talks about open landscaped frontages in certain lower density areas. The testing layout will demonstrate quality of private space. masterplan provides a positive structure in terms of public space.

12	External storage and amenity space	Red	No information has been provided but some properties could struggle to provide space outside for storage and retain a reasonable sized garden. Parking for cars may be at the expense of overall scheme quality in some parts of the layout, but need testing layout to properly assess.
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### **Built heritage**

There are no direct impacts on heritage assets.

### **Conclusion**

Overall this is considered to be a good scheme, with a number of strengths and it performs well against the BfL12 criteria, with predominantly Green / Amber scores. It should be noted that the scheme is submitted in outline and the submitted details are only indicative. Therefore, criticisms outlined above can be easily addressed at the reserved matters stage and it is not considered that a design case can be made to the refuse the application.

In order to ensure the principles set out in the Design and Access Statement translate into the detailed design, it is suggested that additional design information be developed alongside the reserved matters, explaining how the scheme has taken those forward and developing them further in terms of detail. In addition it is suggested that the applicant be required to develop a sustainable design strategy for the development, encompassing both climate change mitigation and adaptation.

### **Amenity**

It is generally considered that in New Residential Developments, a distance of 21m between principal windows and 13m between a principal window and a flank elevation is required to maintain an adequate standard of privacy and amenity between residential properties. A minimum private amenity space of 50sq.m is usually considered to be appropriate for new family housing.

The layout and design of the site are reserved matters but based on the submitted testing layout it is considered that the dwellings could be accommodated on the site, whilst maintaining these minimum distances between existing and proposed dwellings. It is also considered that the same standards can be achieved between proposed dwellings within the new estate and adequate amenity space could be provided for each new dwelling.

It is therefore concluded that the proposed development would be acceptable in amenity terms and would comply with the requirements of Policy BE.1 of the Local Plan.

### **Trees**

The application is supported by a Tree Survey and Constraints Report submitted by TPE (TEP 3607.001 dated April 2013 and Tree Constraints Plan (Drawing 1 D3607.001D dated

21<sup>st</sup> September 2012). The report identifies that the trees were assessed in accordance with BS5837:2012.

A Landscape and Visual Appraisal (Randall Thorp May 2013) has also been submitted which proposes landscape mitigation to retain, protect and enhance existing landscape features, to mitigate the loss of features, protect existing residential amenity and footpaths provide open space and landscape character

The report has identified 100 trees, 23 groups of trees and 6 hedgerows within the application site and has provided a tree quality assessment based upon the arboricultural, landscape and cultural categories defined in Table 1 of BS5837:2012.

The TEP report refers at Section 3.4 to Tree Preservation Orders and Conservation Areas and refers to two Orders:-

- Crewe and Nantwich Borough Council (Weston Lane, Shavington TPO 1979
- Crewe and Nantwich Borough Council (Shavington Green, Shavington) TPO 1987.

Four trees identified within the survey are protected by the 1979 Order are located offsite to the north within the front gardens of properties on Crewe Road and are unaffected by the proposal

Thirteen individual trees and one group of trees within the site are protected by the Crewe and Nantwich Borough Council (Shavington Green, Shavington) TPO 1987 and are material to this application.

The trees comprise of individual specimens of Oak and Alder standing within existing and former hedgerows. There are a number of unprotected Willows to the north eastern boundary section of the site which exhibit numerous cavities and branch failures and have low/medium potential to support bats. It is proposed that these trees will remain within open space provision.

One protected tree identified (T20 Oak) has been identified as a poor specimen due to its infection with *Ganoderma*: a decay fungus which produces simultaneous white rot. The tree is a significant landscape feature located in a central position within the site. The report proposes either removal of this tree or its reduction and retention as a conservation monolith. The D & A statement proposes that this tree, and two other protected trees close by, will be retained within central green space as part of Green Infrastructure provision. In this regard, the Landscape Officer is satisfied that this can be reasonably dealt with at reserved matters stage.

The application proposes access into the site through the demolition of 28 Crewe Road at the southern end of the site. The position of this access, at its junction with Crewe Road will not impact upon any protected trees at this point and also respects the root protection area (RPA – BS5837:2012) of a mature 'A' category Oak (Tree T23 of the TEP report) located on the southern boundary to the rear of No.28.

The position of the proposed access (SCP drawing SCP/12287/F04 Revision C dated 26/3/2013) identifies the proposed access route up to a point adjacent to 'The Grove'.

Reference is made to 'Scheme Parameters' Plan and the D&A statement (page 6) which shows the proposed access route in its entirety and identifies the removal of two B Category protected Oak trees (T82 and T83) (T10 and T11 of the TPO).

A second access point is also proposed onto Crewe Road/Main Road to serve as a 3 metre cycleway/pedestrian link and emergency vehicle access. This second access point does not appear to impact upon any existing protected trees

The TEP report identifies both Oak trees as 'Fair' specimens, 'B' category which in terms of landscape contribution make little contribution to the wider community (quality B2) and some cultural and conservation value (B3). The report further states that Oak T82 shows evidence of an internal cavity, is of low vigour, and that Oak T83 has epicormic growth within the crown.

The two protected Oak trees are visible from FP4 and FP6 and therefore provide some contribution to public amenity within the immediate locale. Little detail has been provided on the arboricultural significance of the defects identified, although the report suggests both trees have a 'long' estimated remaining contribution.

In consideration of the impact of the loss of these trees to the amenity of the area the Landscape and Visual Appraisal proposes the following mitigation measures (para 6.4-6.19). These principles have been agreed by the Council's Landscape Architect:

- new planting to mitigate the loss of the two protected Oak trees as part of the greenspace network including :
  - buffer planting rear of 66-82 Crewe Road.
  - greenspace adjacent to 56 Crewe Road.
  - central greenspace within the site.
  - greenspace buffer along the northern and eastern boundary.
  - existing footpaths to be located within POS.
  - community orchard.
- the retention of the remaining TPO trees within the site.

Basic mitigation measures should seek to retain the existing tree resource where possible. Where this is not possible, specialised construction methods should be considered to minimise damage and/or where tree losses are anticipated alternative locations should be considered for the access. Where no alternatives are possible then replacement planting should be considered.

In conclusion, the proposal will result in the direct loss of two protected Oak trees (T10 and T11 of the Crewe and Nantwich Borough Council (Shavington Green, Shavington) TPO 1987. A range of mitigation measures are proposed which include provision of green space and new planting within and around the boundary of the application site and retention of all remaining TPO trees. Such planting must include the provision of 'high forest' (large) trees within the structured landscape scheme to ensure climate adaptation resilience.

The removal of the two protected Oak trees will result in a 'slightly moderate' loss to the amenity of the area. The loss is not considered to be significant in terms of the trees

contribution to the wider amenity. Nevertheless, the Landscape Officer considers that, in the light of the proposed removal of two protected Oak trees, such mitigation should be qualified by a statement clearly giving reasons that all other reasonable alternatives to the proposed access have been discounted. This has been provided. Accordingly, it is not considered that a refusal on the grounds of loss of protected trees could be sustained in this case.

## **Hedgerows**

Where proposed development is likely to result in the loss of existing agricultural hedgerows which are more than 30 years old, it is considered that they should be assessed against the criteria in the Hedgerow Regulations 1997 in order to ascertain if they qualify as 'Important'. Should any hedgerows be found to be 'Important' under any of the criteria in the Regulations, this would be a significant material consideration in the determination of the application. The criteria cover the ecological, historical and archaeological significance of the hedgerow.

Policy NE5 of the Crewe and Nantwich Local Plan states, inter alia, that 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 hedgerows, are, wherever possible, integrated into landscaping schemes on development sites. Hedgerows are also a habitat subject of a Biodiversity Action Plan.

The survey has recorded six hedgerows, with one located to the north eastern site (p29 D&A statement) (shown as H1 on the TEP report) identified as 'Important' under the Hedgerow Regulations 1997. The hedgerow is proposed to be retained within proposed open space. This can be ensured through the use of conditions.

## **Countryside and Landscape Impact**

The Council's Landscape Officer has considered the Landscape and Visual appraisal. This indicates that it 'encompasses' the guidelines set out for Landscape and Visual impact assessment (2<sup>nd</sup> edition). The appraisal correctly identifies the baseline landscape of the application site and surrounding area, and refers to the National and Cheshire landscape character area in which the application site is located. He is satisfied with the baseline landscape character information submitted. However, the appraisal does not appear to be complete.

Reference is made to landscape and visual sensitivity in Table 1, which has been assessed for the site. Table 2 refers to the magnitude of change for landscape and views, and Table 3 indicates a table that allows an assessment of the significance of landscape and visual effects. This process, although referred to in the methodology, does not appear to have been completed. Rather, the landscape appraisal indicates that the landscape sensitivity is low, and indicates that 'the site has capacity to accommodate change which will not be significant or unacceptable in landscape terms', but doesn't offer an assessment of significance of landscape effect. The landscape appraisal appears to be based on the 'retention of landscape features of value (5.5), retention of existing footpath links (5.6), and following best practice landscape principles (5.7). However, this is an outline application and as the appraisal indicates in point 2.16 *'It is assumed that the final scheme will be developed in accordance with the outline DAS to achieve a high quality, well landscaped, new residential area.* But as

an outline application any masterplans or layouts are purely illustrative and cannot be considered otherwise.

The Council's Landscape Officer agrees with the principles expressed in the proposed landscape mitigation. However, he points out that reference is made to the fact that the application site is designated 'open countryside' (saved Policy NE2 in the local Plan). Yet this saved policy is not included in the list of relevant saved policies listed within the Assessment.

Policy NE2 Open countryside is a relevant policy in the Crewe and Nantwich Replacement Local Plan 2011 , and 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.

These points have been brought to the attention of the developer and additional information has been submitted to address the issues.

The Landscape Officer has considered this additional information and commented that the assessment has been based on the assumption that the proposed development will be in accordance with the Scheme Parameters (Drwg No. 487A.21A) and that the buildings will be of 'high quality (7.16), although this is an outline application and such information is currently unknown.

Based on the Scheme Parameters Plan he would broadly agree with the landscape appraisal regarding landscape features, namely that if implemented according the Scheme Parameters Plan, that there would be a moderate beneficial effect upon landscape features. He does not agree that the effect on landscape character would be negligible (7.12), and feels it would be more adverse than stated, although not significantly so.

With regards to the visual appraisal he would broadly agree that there would be a slight adverse effect on residential properties (7.16), and feels that the visual effect from the footpaths would be more adverse than stated in the appraisal, although not significantly so.

Any positive effects would depend largely on the development being undertaken in accordance with the Scheme Parameters (Drwg No. 487A.21A). As such these parameters should be retained through appropriate conditions and the S106 agreement.

## **Education**

The Council's Education Officer has examined the application and concluded that a development of 275 dwellings will generate 50 primary aged pupils and 36 secondary aged pupils.

Taking into account primary schools within 2 miles of the development and secondary schools within 3 miles of the development and information on numbers on roll, capacities and forecasts, cumulatively the primary schools are forecast to be oversubscribed by 2013. In light of this a contribution of £542,315 is required payable 50% on commencement and 50% on occupation of 50% of the dwellings. This can be secured through the Section 106 Agreement.

The secondary schools have sufficient places to accommodate this development.

## **Open space**

Policy RT.3 requires that on sites of 20 dwellings or more, a minimum of 15sqm of shared recreational open space per dwelling is provided and where family dwellings are proposed 20sqm of shared children's play space per dwelling is provided. This equates to 4,125sqm of shared recreational open space and 5,500sqm of shared children's play space which is a total of 14,000sqm of open space.

According to the Planning Statement Approximately 2.99 ha, of open space, which exceeds the policy requirement, will be delivered on site to include:

- Pedestrian routes/trails around the site, connecting to existing Public Rights of Way.
- A new community orchard.
- Equipped children's play area.
- Village Green/Picnic/Kick-about area, with seating.
- A Swill Brook enhanced wildlife woodland corridor.
- New feature pond.

The Councils Greenspaces Officer has examined the detail of the above proposals and commented that the open space provision should include:

- An equipped children's play area to cater for both young and older children - 6 pieces of equipment for young, plus 6 pieces for older children.
- A Multi Use Games Area
- An outdoor gym (similar to that in Queens Park, Crewe) with 12 pieces of equipment.
- An area of allotments – about 30 plots.

This can be secured through the Section 106 Agreement, along with a residents management company to ensure the long term maintenance of the Open Space.

## **Ecology**

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places

(a) in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment, and provided that there is

(b) no satisfactory alternative and

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

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

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

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. “This may potentially justify a refusal of planning permission.”

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

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

In this case specific advice has been sought from the Council’s Ecologist has commented as follows:

#### Designated Sites

Wybunbury Moss Site of Special Scientific Interest, Ramsar site and National Nature Reserve and Special Area of Conservation is located 1.2km from the proposed development site.

It is noted that Natural England have now withdrawn their objection to this development subject to mitigation measures in respect of Wybunbury Moss, which includes a contribution towards additional boardwalks within the Moss, being secured through a section 106 agreement.

As advised by Natural England under Regulation 61 of the Habitat Regulations it is for the Council to determine the issue of significant likely effect. He advises that the ‘Assessment of Significant Likely Affect’ provided by the applicant consultant is acceptable and should be adopted by the Council. As well as the adoption of the assessment it should also be noted that no significant effect on the SSSI, SAC or RAMSAR site is likely to occur alone or in combination with other developments and consequently a further, more detailed, Appropriate Assessment is not required.

#### Barn owl

The Council's Ecologist is satisfied that barn owls are not reasonable likely to be present or affected by the proposed development.

### Hedgerows

Hedgerows are Biodiversity priority habitat and hence a material consideration. The existing hedgerows should be retained and enhanced and additional native hedgerows incorporated into any detailed layout proposals developed at the reserved matters stage. This matter can be dealt with by means of a planning condition if outline consent is granted.

### Bats

Only limited potential for bats exists in the two properties subject to demolition works to facilitate the site entrance. No evidence of bats was recorded in these two properties and the Council's Ecologist is satisfied that bats are not reasonable likely to be roosting within these two properties.

No trees with 'High' potential to support roosting bats have been recorded on site. Two trees with low-medium potential to support roosting bats have been identified that will require removal to facilitate the proposed development. No evidence of roosting bats has been recorded within these trees. As a precautionary measure to minimise the risk posed to roosting bats the applicants ecologist recommends that these trees are subject to 'soft' felling techniques. This approach is considered to be acceptable.

### Great Crested Newts

No evidence of great crested newts has been found and the Council's Ecologist advises that this species does not present a constraint on the proposed development.

### Ponds

Ponds are a Local Biodiversity Action Plan (BAP) Priority Habitat and hence a material consideration. 'Pond 1' and 'Pond 4' will be lost from the site as a result of the proposed development. The two ponds to be lost are small and ephemeral in nature. The provision of a new additional pond is proposed to compensate for the loss of the two existing ponds. This approach is acceptable.

### Water voles

This protected species has been recorded at Swill Brook the watercourse to the north of the site. In order to safeguard this species an undeveloped 8m buffer of semi-natural habitats will be required. As this part of the site is shown as open space on the submitted indicative layout this should be entirely feasible. The Council's Ecologist also recommends that if outline consent is granted any future reserved matter application be supported by proposals to safeguard this species and enhance the retained habitat. These two matters can be dealt with by condition.

### Breeding Birds

The proposed development has the potential to disturb nesting birds, potentially including the more widespread Biodiversity Action Plan priority species which are a material consideration for planning. If planning consent is granted standard conditions requiring a survey to be carried out prior to any works taking place in bird nesting season and provision of features suitable for use by breeding birds including house sparrow, swift and house martin should be imposed.

### Common Toad

This species which is a UK BAP priority species and hence a material consideration has been recorded on site. However the Councils Ecologist advises that provided that additional compensatory ponds are included in the layout the proposed development is unlikely to have a significant adverse impact upon this species. This can also be secured by condition.

### **Impact on Public Right of Way**

Public footpaths Nos. 4 & 6 Shavington cum Gresty cross the site and are well used rural leisure routes and also offer off-road connections to local facilities. The public rights of way team have considered the application and have commented that the the development may present an opportunity to improve walking and cycling facilities in the area for both travel and leisure purposes in accordance with the policies of the Cheshire East Rights of Way Improvement Plan (ROWIP) 2011-2026 and Cheshire East Local Transport Plan (LTP) 2011-2026.

Accordingly, they have raised no objection to the proposal subject to the upgrading of footpath no. 4 to a cycle track, the creation of some shared use routes for pedestrians and cyclists, the provision of a toucan crossing on Crewe Road, provision of destination signage throughout the village on public rights of way, and provision of information on cycle and walking routes. The legal status and maintenance arrangements for the new routes within the site will also need to be defined. However, this can all be secured through the Section 106 Agreement and conditions.

### **Archaeology**

An archaeological desk based assessment has been submitted with the application which can be summarised as follows:

- *The assessment has established that there are no designated heritage assets within the study site and no potential impacts on any designated heritage asset in the wider vicinity of the study site have been identified.*
- *There are no non-designated heritage assets identified within the study site recorded on the Cheshire Historic Environment Record (HER) although the HER does suggest the presence of salt-making in the post-medieval, and possibly medieval, periods. Archaeological and historical information from the surrounding area indicates that the study site has a moderate potential for Roman and/or post-medieval salt production sites. Any such remains would vary in significance from local to regional depending on date and state of preservation.*
- *It is not considered likely that any such remains would require physical preservation but that the impact of the development could be adequately mitigation by the excavation and recording of any archaeological remains.*

- *Any planning application for development of the site is therefore likely to attract a condition requiring the archaeological investigation and recording of the archaeological interest of the site prior to development.*

In addition a geophysical survey has been undertaken. The results of which can be summarised as follows:

- *No anomalies of clear archaeological interest were detected by the survey. Several linear responses were recorded that may be old field boundaries: some clearly correlate with first edition OS mapping.*
- *Possible past ridge and furrow agriculture and more recent ploughing was detected, as were anomalies due to natural soil variation. Responses of modern provenance from a pipe, pylons, fencing and probable debris were also detected.*

The Shared Services Archaeologist has examined the submitted reports and raised no objection subject to a condition requiring a formal metal detector survey to be carried out as well as a programme of mitigation to include provision for trenching to investigate concentrations of material or areas of topographical interest and the production of a report. If this phase of work proves negative, that will conclude the archaeological mitigation. However, further work will be required if areas containing archaeological features are located. This should also be secured by the condition.

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

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

- *The proposals for a development of up to 275 houses include a purpose built access with a 6.75m carriageway and a segregated 3m cycleway/footway on the northern side. The proposals also include a 3.7m wide shared cycleway/footway between the site and Crewe Road, emerging near Main Road at the centre of the village. Within the site, there will also be off road cycle routes linking to both cycle access points on Crewe Road.*
- *The proposals offer the potential for improvements to be made to the centre of the village. This includes the provision of a Toucan crossing on Crewe Road and the relocation of existing bus stops. The new vehicular access will also incorporate pedestrian refuges to assist with crossing Crewe Road south of the village centre. These improvements meet the requirements in NPPF which state that safe and suitable access to the site can be achieved for all. They will benefit existing residents as well as the residents at the new development. The site is located in a very sustainable location for everyday facilities. Within 500m of the centre of the site there are numerous convenience stores, a post office, take-away and Primary School. Within 1600m of the centre of the site there is a medical centre, leisure centre, pharmacy and nursery. This is an easy walk/cycle distance for the majority of the population or a short bus journey for those who couldn't walk there. There are up to 4 buses per hour through Shavington village and some of these call at the Secondary school/medical centre etc.*
- *The site has a good level of public transport and the nearby centres of Crewe and Nantwich can be reached within a 30 minute journey. Alsager and part of Sandbach can be reached within a 45 minute bus journey. The buses link the site to Crewe*

*Railway Station which would enable residents to commute conveniently from the site. The site is also in an ideal location for accessing the proposed Basford East and West developments, Crewe Business Park, Crewe Railway Station, Crewe Gates Farm Industrial Estate and Manchester Metropolitan University.*

- *One of the core planning principles within the NPPF states that planning should actively manage patterns of growth to make the fullest possible use of Public Transport, walking and cycling and focus significant development in locations which are, or can be, made sustainable. It also states that plans and decisions should take account of whether opportunities for sustainable travel modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure. The site is ideally centrally located within Shavington Village. The new pedestrian/cycle link will enable a direct and convenient route between the site and the village which will enable new residents to easily walk and cycle to local facilities and to reach the bus stops on Crewe Road for travel further afield. These new facilities for pedestrians will increase footfall in the village, making shops and facilities more viable whilst reducing the pressure on short-stay parking within the village. The pedestrian/cycle link to Crewe Road means that from the centre of the site, the bus stops on Crewe Road will be within 300m.*
- *In order to further encourage the use of public transport, walking and cycling from the site the planning application is accompanied by a Travel Plan (TP). The TP will include initiatives such as a welcome pack with each home, detailing walk and cycle routes and public transport services. There may be additional incentives included in the TP to encourage the use of alternative to the private car.*
- *Visibility splays from the proposed site access are safe for the speed of traffic along Crewe Road. A ghost-island right-turning lane will be constructed at the access point to ensure that ahead vehicles have sufficient clearance to pass vehicles waiting to turn right. Two pedestrian refuges will also be provided within the junction on Crewe Road to assist in crossing safely. Capacity assessments have demonstrated that the site access will have spare capacity far into the future.*
- *The capacity assessments have revealed that nearby junctions would operate with spare capacity in 2020 and 2030. The assessments have been carried out with a robust approach which includes: assessing for up to 275 dwellings, using 85th percentile trip rates, assuming background traffic growth will be 21% between 2009 and 2030 and including committed development traffic.*
- *Overall, the junctions within Shavington Village can accommodate the predicted development traffic. Further away from the site on the A500 and the A51, the development impact would reduce to between 1 to 2%, which would be imperceptible on the operation of the local highway network. The NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of a development are severe. This report has demonstrated that the two main junctions nearest the site can comfortably accommodate the proposed development traffic. Away from these junctions, the development impact on the highway impact will be minimal and is likely to be imperceptible on the operation of junctions.*
- *For the reasons set out above and throughout this report, there are no traffic, transport or highway related reasons to prevent the site from being granted planning permission for up to 275 dwellings.*

## Access

The Strategic Highways Manager has examined the application and commented that there is only one main access proposed to serve the development this is shown a 6.75m carriageway with a 3.0m shared footway/cycleway facility. Additionally, a right turn lane is indicated on the B5071 Crewe Road as part of the access proposals. Whilst, the access design is a suitable design to serve the 275 units proposed the access is close to two other existing access and this may give rise to turning conflicts. To address this issue the applicant has submitted a Stage 1 safety audit undertaken on the submitted access design and this does take into account the existing accesses. The safety audit did not identify problems regarding the access design and existing private access points and therefore he is content that the road safety aspects of the design have been dealt with.

### Traffic Impact

The traffic generation rates proposed for the development are accepted and this translates into approximately 200 vehicles in the morning peak and 240 vehicles in the evening. The distribution of the development traffic assigned to the road network is also considered to be acceptable. A number of junctions close to the site and the site access itself have been tested for capacity in the opening year 2012 and future year assessment of 2030 has been undertaken. The results of the junction testing indicates that all of the junctions in the Transport Assessment (TA) would work within capacity at 2020 and 2030 and as such highways would not be raising any capacity issues with these junctions.

Whilst, a number of the local junctions have been tested there is a more strategic concern regarding the impact on the wider network, the traffic from the site will be distributed on key corridors Newcastle Road (west), A500 and importantly the Crewe Road/Gresty Road corridor to Crewe. Although there is an impact on Newcastle Road and the A500 from this development, this is considered to be a small increase that is not a severe impact that would be raised as a reason to reject the proposal. The potential impact of the development traffic on Crewe Rd/Gresty Road corridor was not assessed and recognised in the original TA. There have been a number of major developments approved for residential and employment that will add significantly to traffic using the B5071 Crewe Road and ultimately passing through the Nantwich Road/South Street junction.

As the Nantwich Road/South Street junction already has congestion problems in the peak hours with long queues forming this will be made worse when all the committed development comes forward. Therefore, cumulatively the impact of the committed development plus this development was of concern and this needed to be assessed by the applicant in order for CEC to consider the operation of the junction, with development traffic added in.

As the operation of Nantwich Road/South Street junction is affected by other nearby junctions and also Crewe Station, a stand alone junction assessment would not be accepted and the CEC view is that a micro-simulation model was required to reflect the interaction of the nearby junctions on the Nantwich Road corridor. As a result an appropriate model scope would be:

- South – To the Gresty Road/South Street/Catherine Street Junction
- East-West – Edleston Road junction to and including the Weston Road Roundabout
- North – Mill Street/Nantwich Road Junction

The model should include the existing pedestrian crossings on Nantwich Road.

It is important that to be fit for purpose the model is validated to current traffic conditions and to DMRB standards including journey times, queues lengths and turning volumes. Pedestrian demand at the junctions and crossings must be accurately reflected.

As a result of these comments, the applicant has provided a micro simulation Vissim model of the Nantwich Road corridor that encompasses the Weston Roundabout to Edleston Road that includes the South Street junction.

Overall it is accepted that the model submitted is of a sufficient standard to undertake model test runs on development scenarios although the models submitted only refers to the base case and a 2020 future year test with committed development and a further test with this application site included. There are a number of small technical issues that are of concern with the model but if these issues were addressed in the model the conclusions would not materially change.

The model journey times predict significant increases in delay along Nantwich Road with both the committed and development generations included in the traffic flow. Journey times along Gresty Road have not been included in the model, although highway officers would expect that the journey times would increase considerably if it had been modelled in the committed and development scenario. In summary, the model does indicate that there is going to be further delay along the Nantwich Road corridor which invariably means longer queue lengths and this would be the same for the Gresty Road approach to the Nantwich Road.

It is the contention of the applicant that the addition of the 275 dwellings in this application does not produce a significant or severe impact if it is considered alongside the already large number of committed developments. In percentage terms this analysis is correct. The impact of this application alone on journey times and therefore subsequent increases in queue lengths would be small when added to the already committed development schemes.

However, it is the cumulative effect of each of the approved developments that is the concern of the Highway Authority. There are already long queues on Nantwich Road and Gresty Road/South Street and these will undoubtedly increase as each development is built out. Clearly, depending on the size of development, the impact on the existing flows using Nantwich Road and Gresty Road is only likely to produce a small percentage impact and it is for consideration when congestion becomes so severe that further development cannot be accommodated.

In response the applicant has submitted a technical note which can be summarised as follows:

- *This review has been prepared in response to a review of the Vissim modelling undertaken by CEC which we understand accepts that there is a negligible traffic impact arising from the East Shavington proposals on the Nantwich Road corridor in Crewe. However, we also understand that the CEC has expressed concerns about the cumulative impact of this proposal, in addition to the already committed developments in the area, which lead to existing congestion issues for the Council.*

- Paragraph 32 of NPPF sets out the test for measuring the transport impact of a development. It states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- The principle that negligible impacts can combine to produce a severe impact is in our view unreasonable. In particular, in this case, the road network in question is over 3km from the development site and is part of the principal road network through Crewe. Furthermore, it provides the only means of access to the railway station. If it were reasonable to resist any increase in traffic then there would effectively be an embargo on development in Crewe and the surrounding area.
- CEC has reached a conclusion on traffic impact based upon the poor operation of a road network that they have already accepted would be improved significantly in the very near future. The introduction of the Crewe Green Link Road would provide an alternative route for a significant amount of traffic currently using Nantwich Road. In addition, the Council has secured funds for improving the capacity of the South Street/Nantwich Road and Gresty Road/Nantwich Road junctions.
- Future residents of the development site have a choice over the direction that they take to reach any destination. There is no journey either starting or ending at the development site which relies 100% on the use of Nantwich Road. Therefore, if the highway network were to be so severe, drivers would find alternative routes to their destinations.
- The Vissim model has already been used to identify that a significant improvement to capacity along Nantwich Road could be achieved by improving the operation of the pedestrian crossings outside of the rail station. This could be undertaken with the funds already secured by the Council from developers, and if there had been any impact to mitigate against from the East Shavington proposals, then this could have been contributed to by the current proposals.
- The position now presented by CEC appears to be that there is a negligible traffic impact from the proposal, which leads to a situation that it would be non-CIL compliant to offer improvements, but without improvements the Highway Officer may recommend refusal of planning permission.
- For the reasons set out above, we firmly believe that there continue to be no highway, traffic or transport reason to resist the proposals as submitted.

### Planning Balance

Given the concerns expressed by the highways authority, the applicant has undertaken an exercise to balance the potential negative impacts of the development against the benefits of immediate delivery and concluded as follows:

*The adverse impacts of development at East Shavington are as follows:-*

- *The loss of open land in conflict with Policy NE.2 (Open Countryside) of the Crewe and Nantwich Replacement Local Plan. The recent appeal decisions referred to above however confirm that CNRLP is out of date insofar as those policies which attempt to influence or control the supply of housing land and Policy NE.2 is one of them.*
- § *The loss of a relatively small quantity of “best and most versatile “(BMV) agricultural land amounting to 2.2 ha Grade 2 (20% of the site) and 3.0 ha Grade*

3a (27% of the site). Shavington is surrounded by land which is predominantly BMV and there are no opportunities to avoid development on BMV and direct development only to areas of lower quality land. Over half of the East Shavington site comprises poorer quality land Grade 3b.

- § The effect of traffic generated by the East Shavington development on the South Street/Gresty Road/Nantwich Road, Crewe junction 3km to the north of the site. This is negligible as demonstrated by the applicant's Transport Consultants, SCP. Para 32 of NPPF states:-

*"Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."* (my emphasis).

*The impacts are negligible as stated and therefore are certainly and without doubt not severe in the words of NPPF. This has been tested at the request of Cheshire East Highways with a detailed VISSIM model, which has confirmed the impact as negligible. Advice has been received from leading counsel that a refusal on highway grounds on this basis would be unreasonable and the council risks costs if they do.*

*However these effects of varying degrees must also be weighed in the balance against the benefits and in this context the underlying merits and benefits of the East Shavington Development Site cannot be over-stated:-*

- § *The 2002 CNRLP Inspector would have allocated East Shavington for development were it not for policies at that time which directed development towards Leighton West and Coppenhall under the sequential tests at that time but which do not now apply.*
- § *East Shavington came top of the list of sites as the most sustainable, in a study commissioned for the CNRLP Inquiry by Cheshire County Council, from JMP Consultants, beating five other large potential housing sites in the Crewe and Nantwich area.*
- § *Taking into account the proposed cycle and pedestrian link direct to Shavington village centre, East Shavington is the most sustainable of the eight Strategic Sites and four Alternative Strategic Sites in the Development Strategy, apart from Crewe Town Centre, measured against the Accessibility Criteria (nearest to services and facilities) set out in the Council's Strategic Sites Appraisal.*
- § *East Shavington is not in the Green Gap nor is it located in the Strategic Open Gap in the emerging Core Strategy.*
- § *East Shavington will deliver up to 83 affordable homes in the Shavington and Wybunbury area where there is a recognised shortage.*
- § *East Shavington will deliver market and affordable homes in a village, Shavington, which has seen no major development for some 40 years.*

- § *There were only objections to East Shavington from 27 properties and of those only 11 came from residents in properties either adjoining or within the immediate vicinity of the East Shavington site, a remarkably low number for a site of this size.*
- § *Several letters of support have been submitted from local people and also from the Crewe Chamber of Commerce and Shavington High School.*
- § *East Shavington has been designed in layout terms to form a “marriage” with Shavington village with strong, direct and convenient links to Shavington village centre, and vice versa, consolidating the built area of the village.*
- § *East Shavington will deliver a range of community benefits:-*
  - *Significant area of open space/parkland to help make up a local shortfall.*
  - *Footways and cycleways for the benefit of the whole village community.*
  - *Ecological enhancements alongside Swill Brook.*
  - *A Community Orchard.*
  - *A Toucan crossing point to Crewe Road.*
  - *Youth employment and training opportunities with Shavington High School will be provided.*
- § *It will provide a financial contribution for :-*
  - *Improvements to the Wybunbury Moss SSSI boardwalk to facilitate and control pedestrian access.*
  - *A community fund to help local organisations.*
- § *It will deliver significant economic benefits:-*
  - *33 full time new jobs.*
  - *£2.5m net additional local retail expenditure.*
  - *£395k additional Council tax receipts.*
  - *New homes bonus payments of up to £2.5m.*

*It is clear therefore that the planning balance is clearly in favour of East Shavington, a truly sustainable development which will deliver the economic, social and environmental roles demanded by NPPF. East Shavington development will help to revitalise the Shavington village community by bringing into it significant investment helping to sustain the broad range of services and facilities that Shavington enjoys, well into the future. NPPF carries a strong presumption in favour of sustainable development and urges local authorities to approve sustainable development without delay unless there are adverse impacts which would “significantly and demonstrably” outweigh the benefits. There are no adverse impacts which would outweigh the benefits.*

*The benefits outlined above are we believe, appreciated by most people and community groups who we have consulted and others involved with the East Shavington proposals. This is not a speculative development proposal like many others in Cheshire East. Taylor Wimpey is ready to deliver homes at East Shavington now to help make up 5 year*

*land supply. In accordance with NPPF policy at paragraphs 9 and 49, decisions should be made on the basis of the presumption in favour of sustainable development.*

Whilst the comments of the applicant are noted, it is considered that in the light of the Strategic Highways Managers comments, there would be a severe highway impact arising from the proposal, and in the absence of any agreed scheme of mitigation, the proposal would be unsustainable development and would be contrary to the provisions of the NPPF. It is for this reason that the Local Plan Strategy Submission Version allocates the site for development post-2020 to allow highway infrastructure improvements to come forward.

As this is the only point of concern in respect of this proposal and that in all other respects it is considered to represent sustainable development, and a number of significant benefits, particularly in terms of long term housing land supply for the period beyond the next 5 years, and economic growth would flow from the proposal, it is considered that the application should be approved subject to a condition stating that no development shall take place until post-2020, in accordance with the Local Plan Strategy Submission Version and on the grounds of potential highway impact.

## **9. CONCLUSIONS**

The site is within the Open Countryside where, under Policy NE.2, there is a presumption against new residential development. However, the site was identified within the Local Plan Strategy Submission Version (but phased until 2020 on the same highway grounds as under consideration with this application). Whilst it is acknowledged that the applicant in this case is a volume housebuilder and evidence has been provided that this site will deliver within the next 5 years, given that the Council can demonstrate a 5 year housing land supply without taking into account any yield from this site, any benefits of early release for development would be minimal and clearly outweighed by the adverse impacts on the local highway network.

Following the negotiation of a suitable Section 106 package, the proposed development would provide adequate public open space and the future provision of primary school education. It would also provide the policy compliant level of affordable housing provision (30%).

The proposal is considered to be acceptable, subject to appropriate conditions, in terms of its impact upon residential amenity, contaminated land, air quality, noise impact, layout and design, built heritage, hedgerows, ecology, drainage/flooding and it therefore complies with the relevant local plan policy requirements for residential environments

Whilst the site does not meet all the minimum distances to local amenities and facilities advised in the North West Sustainability toolkit, there is not a significant failure to meet these and all such facilities are accessible to the site. Furthermore, sustainability also includes the provision of both affordable and market housing, as well as the economic growth benefits arising from the construction industry. The development is therefore deemed to be sustainable.

Whilst the proposal will result in the loss of some of the best and most versatile agricultural land, this accounts for less than half of the site area, and in accordance with recent Appeal

decisions on the matter, it is considered that the benefits of the delivering the site for much needed housing would outweigh this loss.

On the negative side, the housing will be built on open countryside contrary to the provisions of Policy NE2 of the Local Plan, although the proposal will not have a significant impact on the landscape character of the area. The proposal will result in the loss of two protected trees as a result of the construction of the main access road into the site. However, it has been demonstrated that in highway safety terms, this is the only practicable location from which vehicle access can be taken.

The Strategic Highways Manager has objected to the scheme on the grounds that it would result in a severe highway impact at the South Street / Nantwich Road junction and in the area surrounding Crewe Station and that there is no suitable scheme of mitigation which this proposal could deliver to address these concerns. It is for this reason that the Local Plan Strategy Submission Version allocates the site for development post-2020 to allow highway infrastructure improvements to come forward.

Given the scale and location of the development, its relationship to the urban area and its proximity to other services, and that no objections have been raised by the other relevant consultees, it is not considered that any other adverse impacts such as loss of protected trees or agricultural land significantly and demonstrably outweigh the benefits, such as increased housing land supply and economic growth. Consequently the highway issue is the only point of concern with regard to this proposal, and all other respects it is considered to represent sustainable development.

Accordingly, it is recommended that the Strategic Planning Board, resolve not to contest the Appeal against non-determination, subject to the developer entering into a Section 106 Agreement and the imposition of appropriate conditions, including a condition stating that no development shall take place until post-2020, in accordance with the Local Plan Strategy Submission Version and on the grounds of potential highway impact. However, it will, of course, be necessary for the Council to present suitable highways evidence to the Inspector to demonstrate the need for the phasing condition.

## **9. RECOMMENDATION**

**RESOLVE not to contest the Appeal against non-determination subject to the following conditions, and to instruct Officer's to prepare evidence and make appropriate representations to the Inspector to demonstrate their necessity.**

- 1. Time limit - No development to take place until 2020.**
- 2. Submission of reserved matters**
- 3. Plans**
- 4. Finished floor levels of the residential dwellings adjacent to Wells Green Brook to be set at a minimum of 54.50 m AOD**
- 5. Submission, approval and implementation of scheme to demonstrate no alteration of existing ground levels within the 1 in 100 year (1% AEP) flood outline.**
- 6. Submission, approval and implementation of a scheme to limit the surface water runoff generated by the proposed development,**

7. Submission, approval and implementation of a scheme to manage the risk of flooding from overland flow of surface water,
8. Site layout to be designed to contain any such flooding within the site.
9. Reserved matters to make provision for the provision and management of an undeveloped buffer zone alongside Swill Brook at least 8 meters wide measured from top of bank. .
10. The buffer zone shall be free from built development including lighting, domestic gardens and formal landscaping;
11. Reserved matters to make provision for open space adjacent to the buffer strip
12. Submission, approval and implementation of a scheme to protect the water vole population,
13. Submission, approval and implementation of a scheme to dispose of foul and surface water
14. Site must be drained on a total separate system with foul drainage connected into the public foul sewerage system and surface water discharging to the adjacent watercourse
15. The surface water discharge exit velocity shall not exceed 1.0 metre/second and shall be angled with the direction of flow in the Brook.
16. Reserved matters to make provision for houses to front on to Swill Brook.
17. Submission, approval and implementation of a Sustainable Drainage Systems (SuDS).
18. Safeguarding of breeding birds
19. Submission, approval and implementation of a scheme of nest boxes
20. Provision and detailed design of proposed wildlife pond
21. Submission, approval and implementation of, an Environmental Management Plan
22. Construction works (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
23. Submission, approval and implementation of, details of the location, height, design, and luminance of any proposed lighting
24. Submission, approval and implementation of, an air quality mitigation plan including:
  - Residential Travel Plan. The plan shall outline measures, targets and appropriate reporting mechanisms aimed at encouraging and incentivising Low Carbon Travel and Infrastructure options including information about walking and cycling routes
  - Electric Car Charging Points
25. Submission, approval and implementation of, scheme to minimise dust emissions arising from demolition / construction activities on the site
26. Submission, and approval of A Phase II Contaminated Land investigation and implementation of an necessary mitigation.

27. Upgrading of footpath no. 4 to cycle route
28. Reserved matters to make provision for Footpath no.4 to be maintained on true alignment, within a green corridor with properties fronting on to it.
29. Provision of Toucan Crossing
30. Submission, approval and implementation of scheme of pedestrian and cycle signage
31. Reserved matters to make provision for shared use routes for pedestrians and cyclists through the site
32. Submission / approval and implementation of a scheme of archaeological mitigation.
33. Landscaping submitted as part of reserved matters to be in accordance with the Scheme Parameters (Drwg No. 487A.21A).
34. Landscaping submitted as part of reserved matters to include new planting to mitigate the loss of the two protected Oak trees as part of the greenspace network including :
  - buffer planting rear of 66-82 Crewe Road
  - greenspace adjacent to 56 Crewe Road.
  - central greenspace within the site.
  - greenspace buffer along the northern and eastern boundary.
  - existing footpaths to be located within POS.
  - community orchard.
35. The retention of the remaining TPO trees within the site and submission / approval of a scheme of tree protection
36. Implementation of Tree Protection.
37. Reserved matters to make provision for retention of “important” hedgerows as defined in the Hedgerow Regulations
38. Submission / approval and implementation of a Design Principles document
39. No approval for indicative layout
40. Submission / approval and implementation of details of bin storage
41. Submission / approval and implementation of boundary treatment
42. Submission / approval and implementation of sustainable design strategy
43. Submission of construction details for access / roads
44. Provision of access / roads
45. Provision of parking
46. Submission / approval and implementation of materials
47. Replacement hedge planting

Additionally, given the Appeal is proceeding to ensure appropriate provision of affordable housing and play space provision on site, and off-site ecological mitigation RESOLVE to enter into a S106 Legal Agreement to secure:

- Primary Education contribution of £542,315
- Minimum of 4,125sqm of shared recreational open space and 5,500sqm of shared children’s play space to include:

- An equipped children's play area to cater for both young and older children - 6 pieces of equipment for young, plus 6 pieces for older children.
- A Multi Use Games Area
- An outdoor gym (similar to that in Queens Park, Crewe) with 12 pieces of equipment.
- Specification for the above to be as set out in the Greenspaces consultation response dated 18<sup>th</sup> September 2013
- An area of allotments – minimum 30 plots. Specification for the above to be as set out in the Greenspaces consultation response dated 18<sup>th</sup> September 2013
- Private Residents Management Company to maintain all open space on site including amenity greenspace, play space, allotments, incidental open space, footpaths and cycleways.
- Development to be undertaken in accordance with avoidance measures to avoid significant effects on the Midland Meres & Mosses Phase 1 Ramsar including contribution to improvements to the access facilities at Wybunbury Moss through the extension of the existing boardwalks (Amount TBC)
- 30% affordable housing with a tenure split 65% rented housing and 35% intermediate affordable housing in line with the Council's Interim Planning Policy on Affordable Housing. The mix of type of affordable dwellings:
  - 0-5% x 5 bed
  - 0 – 10% x 4 bed
  - 45 – 50% x 3 bed
  - 50 – 55% x 2 bed.
- affordable units to be tenure blind and pepper potted within the development.
- 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
- Housing to be transferred to and managed by a Registered Provider as set out in the defined in the Housing & Regeneration Act 2008

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

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