

Application No: 13/5248N

Location: The Printworks CREWE ROAD, HASLINGTON, CW1 5RT

Proposal: Outline application for new residential development of up to 14 dwellings.

Applicant: Georgina Hartley

Expiry Date: 13-Mar-2014

SUMMARY RECOMMENDATION

REFUSE

MAIN ISSUES

Impact of the development on:-

**Planning Policy and Housing Land Supply
Affordable Housing,
Highway Safety and Traffic Generation
Trees and Landscape
Ecology
Design
Amenity
Sustainability
Education**

REASON FOR REFERRAL

This application is referred to the Northern Planning Committee as it relates to a small scale major development and a departure from the development plan.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises a cleared site formerly associated with no. 204 Crewe Road, Haslington, a large detached dwelling and coach house fronting Crewe. The dwelling and application site share a vehicular access from Crewe Road which subdivides within the curtilage of the property. The site was formerly occupied by a commercial building, which was located to the rear of no. 204, approximately 105m back from Crewe Road, this has now been demolished.

The boundaries within the site are defined by established planting predominantly with trees throughout the site, although a significant number of trees have been removed as part of recent works. The site falls within the open countryside as designated in the Local Plan.

The surrounding area is characterised by residential properties set within large gardens. The site is within Open Countryside, as defined in the local plan, albeit only a short distance outside the Haslington Settlement Boundary.

DETAILS OF PROPOSAL

This is an outline application for the erection of up to 14 dwellings on land adjacent to 204 Crewe Road, Haslington. The application is in outline form with all matters reserved apart from access. However an **indicative** site layout plan has been submitted with the application.

Access is proposed from a junction to be created off Crewe Road. The access road shown on the **indicative** layout plan runs straight through the site to a turning head at the end with the dwellings arranged around it.

RELEVANT HISTORY

12/1535N	2012	Non material amendment to application number 12/0325N
12/0325N	2012	Approval for replacement dwelling for previously approved residential conversion.
11/3894N	2012	Withdrawn application for conversion to residential
10/4295N	2010	Approval for residential conversion

POLICIES

National Guidance

National Planning Policy Framework

Local Policy

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 relevant policies of the **Cheshire East Local Plan Strategy – Submission Version** are:

- Policy SD 1 Sustainable Development in Cheshire East
- Policy SD 2 Sustainable Development Principles
- Policy SE 1 Design
- Policy SE 2 Efficient Use of Land
- Policy SE 3 Biodiversity and Geodiversity
- Policy SE 4 The Landscape
- Policy SE 5 Trees, Hedgerows and Woodland
- Policy SE 9 Energy Efficient Development
- Policy SE 12 Pollution, Land Contamination and Land Instability
- Policy PG 1 Overall Development Strategy
- Policy PG 2 Settlement Hierarchy
- Policy PG5 Open Countryside
- Policy EG1 Economic Prosperity

The relevant policies saved in the **Borough of Crewe and Nantwich Replacement Local Plan 2011** are:

- BE.1 – Amenity
- BE.2 – Design Standards
- BE.3 – Access and Parking
- BE.4 – Drainage, Utilities and Resources
- BE.5 – Infrastructure
- BE.6 – Development on Potentially Contaminated Land
- NE.2 – Open Countryside
- NE.5 – Nature Conservation and Habitats
- NE.9 – Protected Species

NE.17 – Pollution Control
NE.20 – Flood Prevention
RES.7 – Affordable Housing
RES.3 – Housing Densities
RT.3 – Provision of Recreational Open Space and Children’s Playspace in New Housing Developments

CONSULTATIONS (External to Planning)

Environment Agency:

No objection.

Strategic Highways Manager:

Recommends refusal as satisfactory visibility splays cannot be demonstrated and conflict with the re-instated access at 204 Crewe Road.

Environmental Health:

Recommend conditions relating to contaminated land, noise generation, light pollution, electric vehicle infrastructure and travel plans.

United Utilities:

No objection.

VIEWS OF THE PARISH COUNCIL

Haslington Parish Council objects to the proposed development with the following objections and concerns, it also supports residents objections to the development. This application is one of a number currently under consideration within the parish of Haslington, their potential impact on our rural communities needs to be considered as both individual applications and cumulatively.

The application is contrary to Policy NE2 and pre submission core strategy Policy PG5, ‘The Printworks’ falls outside of the settlement boundary of Haslington and Winterley, therefore should not be considered for development

it will increase the urbanised area of the village, changing its character to the detriment of the existing properties.

The pre submission core strategy outlines that applicants need to demonstrate a location in open countryside is essential for agriculture etc. this is not the case for this application.

Safe route to schools have not been demonstrated within the application. There is no footpath on the Printworks side of the busy Crewe Road putting all children at increased risk during their journey to school by foot, or via bus.

The Local Plan statement 'Development will be confined to small scale infill and the change of use or conversion of existing buildings' has been blatantly ignored in favour of low density new build. It also outlines that developments in the settlements will only be permitted when on a scale commensurate with that of the village. Haslington has 2300 houses and the addition of an additional 14 houses to the already proposed 250 houses at the nearby Hazel Bank development with a further 44 approved properties at Vicarage Road; a possible 34 on The Dingle, 70 at Kent's Green Farm, and 45 on Pool Lane Winterley would not comply with any appropriate scaling levels.

The Printworks building has been demolished, the site should be returned to Open Countryside, there is no existing rural building to be converted or reused on the site.

The size of the overall range of developments is utterly unsustainable and as such is against Cheshire East Council's current Local Plan replacement, which states it will "avoid loading development onto the periphery of existing constrained settlements"

The conservation and enhancement of the built environment has similarly been overlooked, and the Local Plan outlines a target of 'ensuring that new development does not result in any overall net loss to the man-made heritage'. The proximity of this development to the Grade 1 Listed Haslington Hall, and a number of Victorian Farm buildings on Holmshaw Lane is unacceptable, and non-compliant with the local plan requirements

This proposal is outside the village curtilage, infringes the separation between the two villages of Haslington and Winterley, and erosion of green space. The proposals are not adjacent to the existing settlement boundary so cannot be considered as a logical extension to the boundary.

Sewage and surface water do not appear to have been considered for this site. The streams feeding into Fowle Brook around Haslington have become increasingly liable to flooding in recent years, with gardens becoming inundated with flood water and contaminated farm effluent. It is vital that any new development proposal in and around Haslington and Winterley fully address drainage issues.

The current catchment secondary provision schools of Sandbach School and Sandbach High School are already oversubscribed, (through data provided from Cheshire East School Admissions department) and remain so for the foreseeable future. These too will be exacerbated by the current developments underway in Ettiley Heath and Wheelock, and the recent planning outcome for Abbeyfields development, consequently these proposals would further exacerbate this situation, as no strategic plans are in place to provide for increased secondary educational growth on the current bus routes to the catchment schools. The solution of children attending out of area schools is unacceptable, unrealistic and unsustainable.

The current primary admissions at both The Dingle and Haslington schools are currently oversubscribed by small numbers (3 and 1 respectively in 2012). However it is highly likely that the development of a wider selection of family sized properties will easily require primary education. With the recent approval alone of 44 properties in Vicarage Road, it can be assumed that these properties occupants would easily fill any vacant future spaces. No proposals have been put forward to resolve this position, and indeed the position requires far wider strategic, and long term consideration of need, as under consultation within the Local Plan Core Strategy

process, and which outlines in its draft for no further development around the settlements of both Haslington and Winterley.

Haslington Parish Council also notes:

The proposed site is in a very prominent position and would create a new entrance / gateway to the built up area of the village. There are no substantial details of how the proposed houses would be designed. It is very dangerous to approve any sort of permission without more detail given the sensitive nature of the location.

The phase 1 desk study from 2011 relates to the now demolished Printworks building and does not cover the full area of the outline planning application. It covers an area outside the SHLAA Site 4247 boundary. Much of the report is generic and of no direct relevance to the proposed development site. So the report appears to be out of date and fails to cover the full application site.

The proposals appear to be very much outline with very little detail included with the application. Plots 1 and 2 are very close to Crewe Road and are forward of the building line established by neighbours at 204 and 212 Crewe Road.

The part of the site was reviewed as a SHLAA Site 4247 in the most recent update where room for 19 houses was proposed on only part of the site - this application is for a much lower density on a larger area of land. The SHLAA site 4247 did not include the Printworks building.

OTHER REPRESENTATIONS

At the time of report writing, approximately 45 objections have been received relating to this application. These can be viewed on the application file. They express concerns about the following:

- Highway safety
- Inadequate parking provision
- Access issues particularly pedestrian access
- Noise generation
- Disruption during development
- Site is outside the settlement boundary (contrary to NE.2 and RES.5)
- Not in the Parish Plan or the emerging local plan
- There are plenty of empty homes available
- Brownfield sites should be used
- Erosion of the green gap between Haslington and Winterley
- Opportunist application
- Over development of the site
- Poor layout out of character with the area
- Misleading information contained in the application
- Schools and doctors are over subscribed
- Lack of affordable housing
- Impact on wildlife
- Approval would set a precedent for future development

- Loss of trees
- Inadequate drainage
- Flooding
- Adverse impact on heritage assets
- Loss of views
- Impact on house prices
- Waste and materials falling into Fowle Brook
- Increase in crime
- Haslington is under siege by developers

These can be viewed on the application file.

OFFICER APPRAISAL

Principal of Development

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

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

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

Housing Land Supply

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

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

The NPPF clearly states at paragraph 49 that:

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

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

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

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

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

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

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

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

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

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

The current deliverable supply of housing is assessed as being some 9,757 homes. With a total annual requirement of 1,662 based on the ‘Sedgefield’ methodology and a 5% ‘buffer’, the *Five*

Year Housing Land Supply Position Statement demonstrates that the Council has a 5.87 year housing land supply. If a 20% 'buffer' is applied, this reduces to 5.14 years supply.

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

Additionally, the adverse impacts in terms of conflict of this proposal with the Cheshire East Local Plan Strategy – Submission Version, of releasing this site for housing development would, in the planning balance, outweigh the benefits of the proposal in terms of housing land supply, since the site is not relied upon within the Local Plan Strategy – Submission Version or the Assessed Housing land supply.

Therefore, the site is not required for the 5 year housing land supply plus buffer. It is acknowledged that there is an extant consent for one dwelling on the site; however this does not provide sufficient justification to allow for a development of 14 dwellings in this open countryside location.

Open Countryside Policy

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

Some have sought to argue that as settlement boundaries effectively contain the built area of a town or village – and so define the area in which development is usually concentrated – that accordingly they should be viewed as housing supply policies. This subsequently could mean that those policies, along with normal countryside policies, should be considered “out of date” if there is no five year supply of housing land. This view is derived from paragraph 49 of the framework which states that:

“Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”.

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

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

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

In reaching this conclusion, the Inspector memorably noted that:

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

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

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 relates to current planning policies set out in the North West Regional Spatial Strategy for the North West (2008).

The Checklist 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 toolkit sets maximum distances between the development and local amenities.

These comprise of:

- post box (500m),
- local shop (500m),
- playground / amenity area (500m),
- post office (1000m), bank / cash point (1000m),
- pharmacy (1000m),
- primary school (1000m),
- medical centre (1000m),
- leisure facilities (1000m),
- local meeting place / community centre (1000m),
- public house (1000m),
- public park / village green (1000m),
- child care facility (1000m),
- bus stop (500m)
- railway station (2000m).
- secondary school (2000m)
- Public Right of Way (500m)
- Children’s playground (500m)

The site fails to meet many of these standards and is not considered to be in a sustainable location.

Affordable Housing

The site is located within Haslington which falls within the Haslington and Englesea sub area for the Strategic Housing Market Assessment (SHMA) update 2013. The SHMA identified an annual requirement of 44 affordable homes in the period 2013/14 – 2017/18. This is made up of a need for 1x 1bd, 11x 2bd, 19x 3bd, 10x 4/5bd general needs units and 1x 1bd and 1x 2bd older person’s accommodation.

In addition to this, information taken from Cheshire Homechoice, identifies a housing need. There are currently 72 applicants who have selected the Haslington lettings area as their first choice; these applicants require 27x 1bd, 25x 2bd, 13x 3bd and 6x 4bd properties (1 applicant did not specify their bedroom requirement).

The Council's Interim Planning Statement on Affordable Housing (IPS) outlines that on sites of 15 dwellings or more or more than 0.4 hectares in size, the Council will normally seek an on-site provision of 30% affordable housing, with 65% provided as social or affordable rent and 35% intermediate. This is the preferred tenure split identified in the SHMA and highlighted in the Interim Planning Statement on Affordable Housing (IPS).

The site is 0.7 hectares in size and therefore a requirement of 30% affordable housing is required on-site. The proposal is for 14 dwellings which equates to 4 affordable units to be provided as 3 for social or affordable rent and 1 for intermediate tenure. Furthermore the Council would like to bring the applicants attention to other aspects of the Interim Planning Statement on Affordable Housing which outlines the Council's policy and states 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 homes should be constructed in accordance with the Homes and Communities Agency Design and Quality Standards (2007) and should achieve at least Level 3 of the Code for Sustainable Homes (2007).
- The IPS also states: In order to ensure the proper integration of affordable housing with open market housing, particularly on larger schemes, conditions and/or legal agreements attached to a planning permission will require that the delivery of affordable units will be phased to ensure that they are delivered periodically throughout the construction period. The actual percentage will be decided on a site by site basis but the norm will be that affordable units will be provided not later than the sale or let of 50% of the open market homes.

The IPS 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)

The IPS 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.

The affordable housing statement accompanying the application states that the proposal includes 30% affordable dwellings and as such complies with policy. The applicant makes reference to Draft Heads of Terms agreement including a provision of affordable housing submitted with the outline application; however this does not appear to be included.

The affordable housing should be secured by way of a S106 agreement, which:

- secures 30% of the total dwellings to be provided as affordable housing

- secures 65% of the affordable dwellings to be affordable or social rented, 35% to be intermediate
- requires them to transfer any rented affordable units to a Registered Provider
- includes provisions that require the affordable homes to be let or sold to people who are in housing need and have a local connection. The local connection criteria used in the agreement should match the Councils allocations policy.
- includes the requirement for an affordable housing scheme to be submitted at reserved matters application stage that includes full details of the affordable housing on site including location, type and size.
- requires the affordable units to be constructed to HCA Design and Quality Standards (2007) and Level 3 of the Code for Sustainable Homes (2007).

Amenity

The application is in outline form and the site layout submitted is only indicative. Nonetheless, it is considered that the site is capable of accommodating 14 dwellings without having an adverse impact having regard to privacy, light loss or outlook.

Adequate private residential amenity space could be provided within the domestic curtilages of each property.

Should the application be approved conditions should be imposed relating to piling operations, external lighting, noise mitigation, contaminated land and electric vehicle infrastructure.

Highways Implications

The application is for 14 new dwellings on the site of a former printworks and undeveloped land adjacent to a single residential dwelling at 204 Crewe Road. The site currently shares a highway access with 204 Crewe Road, and as part of the application it is proposed that the new dwellings will be served from a new access adjacent to the existing access to 204 Crewe Road.

SCP have been appointed by the applicant as highways and transport consultant, and have liaised with Cheshire East Highways (CEH) regarding the application. A Highways Statement and Proposed Site Access drawing were produced by SCP, and following a review of the information, the Strategic Highways and Transport Manager (SHTM) raised an objection to the proposals in the consultation response.. The basis of the objection was that a safe and appropriate highway access had not been demonstrated.

The SHTM was contacted by SCP to clarify some points relating to the site access from the SHTM's original consultation response. Subsequently, a Technical Note (13309 / 27.03.14) and Revised Site Access Drawing (SCP/13309/GA02) were provided on 27/03/14.

The SHTM's previous objection related to the site access. Having reviewed the revised information three issues have been identified in relation to the access proposal:

1. Achieving appropriate visibility measurements to and from the access;
2. Providing visibility to/from the access within the available land ownership; and
3. Providing sufficient spacing between the access and existing accesses.

Visibility Measurements

Following discussions between SCP and CEH and in the SHTM's original consultation response comments, it was made clear that a speed survey should be provided close to the proposed site access to determine the appropriate visibility measurements to and from the proposed site access.

The required visibility measurement should be based on the 85th percentile wet weather speed, which can only be determined by an on-site speed survey. It was noted in the SHTM's previous comments that SCP had not undertaken a speed survey and had instead erroneously based the visibility distance on the 30mph local speed limit.

Subsequent to the SHTM's previous comments being submitted, speed surveys have again been requested from SCP to indicate local on-street speeds. These requested surveys have not been undertaken. Therefore, as a compromise, the SHTM has agreed to accept the highest speed listed in Manual for Streets (MfS) visibility table as being a reasonable assumption of 85th percentile observed wet weather speeds. This would result in an assumed speed of 38mph, which is consistent with other speeds recorded locally in the past; however, the SHTM has made clear that surveys should be undertaken

Based on the assumption of 38mph wet weather speeds, the appropriate MfS visibility distance would be 59m. This 59m distance should be measured 2.4m back from the site access, to the left and the right of the main road kerblines.

A revised Proposed Site Access Drawing has been received from SCP, which indicates that up to 90m visibility can be achieved to the east. This is in excess of the required 59m and is therefore acceptable. However, to the left, the drawing suggests that only 50m can be achieved to the kerbline, which is more than 15% below the required 59m standard.

To overcome the inability to achieve the required visibility distance, it is suggested in SCP's Technical Note that visibility to the left is a "non-critical" direction, while visibility to the right is the "critical" direction. The SHTM does not accept that there is a "critical" versus a "non-critical" direction. Visibility in both directions is critical, and there is no use or suggestion of this dichotomy in MfS.

Visibility from site accesses to the left is measured to the nearside kerbline to ensure visibility between the access and overtaking vehicles on the main line. SCP's Technical Note proposes that visibility to the carriageway centreline is sufficient because of a "very limited" likelihood of overtaking at that location. This proposition is inconsistent with MfS, which states that visibility should only be measured to the centreline where overtaking is prohibited. That is not the case at this location, and there is no evidence presented to suggest that overtaking does not occur. Therefore, visibility to the left of the access should be measured to the kerbline at this location, as is normal.

In summary, no speed survey has been undertaken as requested, and an assumed observed speed has been agreed as a compromise. Nonetheless, based on this assumed speed, achievement of the required visibility distance has not been demonstrated.

Land Ownerships

In relation to the aforementioned visibility splay to the west of the site access, the Technical Note provided by SCP states the following:

The splay has been shown to cross the grassed embankment in front of the adjoining property. However, the ownership of this land between the fence line and the edge of carriageway is in a different ownership to that of 204 Crewe Road. Confirmation has been provided by the landowner that rights of visibility over this land can be secured. Furthermore, the same area of land is required for visibility for vehicles emerging from 204 Crewe Road.

The above sets out that, in order to achieve visibility to the west of the site access, sightlines across a third party section of land is required. Visibility must be provided across land either within the applicant's ownership or within land adopted as part of the public highway, to ensure that the CEH can maintain visibility across the land in the future.

It is not sufficient for the applicant's highway consultant to simply suggest that there is informal agreement with the third party landowner that visibility rights can be secured, particularly where there is no additional evidence provided to this effect. Without land ownership; an appropriate formal legal agreement; or the land forming part of the public highway, there can be no guarantee at the present time that visibility across the section of land can be maintained, as the land is liable to be built across or the visibility otherwise obstructed in future.

In addition to the concerns relating to the achievable visibility distances mentioned above, the SHTM is unable to accept the security of a visibility splay which passes across the third party verge, and the proposed access arrangement would be unacceptable for this reason.

Access Spacing

The current site access drawings show the existing site access for number 204 Crewe Road being reinstated, such that there would be a separate access for 204 Crewe Road and for the new development. This leaves only approximately 17m between the two accesses, which is too little and would result in an unacceptable likelihood of potential conflicts between vehicles entering/exiting the access at 204 Crewe Road and the adjacent proposed access to the 14 new dwellings.

The applicant was informed that this arrangement would not be acceptable, due to the highway safety concerns that would be raised by having the existing access in such close proximity to an access serving 14 dwellings. It was requested that the access solution should provide a single access point for both the retained 204 Crewe Road and the 14 proposed new dwellings.

It is possible that the current layout might have potentially been adapted to form an acceptable arrangement serving both developments as requested as part of the recent discussions. However, in light of the additional visibility and land ownership issues identified above, it is considered that no workable arrangement has been presented.

In summary, discussions have taken place with the applicant's highway consultant since the submission of the SHTM's previous consultation response. The additional information provided by the consultant does not alleviate the SHTM's concerns relating to providing a

undertaken during the optimal survey season of late spring/summer. The survey should include a full botanical species list with DAFOR (D = Dominant; A = Abundant, F = Frequent, O = Occasional, R = Rare) ratings for each plant species recorded on site.

Great Crested Newts
Pond are present a short distance from the proposed development. The ponds have the potential to support breeding Great Crested Newts and the proposed development site also supports suitable terrestrial habitat for this species.

In order for the Council to make an informed assessment of the potential impacts of the proposed development upon this species. a detailed survey is required. The survey should be undertaken by a suitably qualified and experienced ecological consultant and the results of the survey submitted to the Council prior to the determination of this application.

Badgers

A Badger sett has been identified in close proximity to the proposed development It is recommended that the applicant submits an outline mitigation method statement detailing how the sett would be safeguarded as part of the proposed development.

Education

A development of 14 dwellings is anticipated to generate 3 primary and 2 secondary aged pupils.

The local primary schools (i.e. within a 2 mile radius) are cumulatively forecast to be oversubscribed and so a contribution will be required for all of the pupils anticipated.

The local secondary schools (i.e. within a 3 mile radius) currently indicate some surplus capacity, however there are several approved applications and applications with resolution to approve subject to s106 which impact on these schools and in light of this a contribution will be required for the anticipated pupils.

Primary = £32,539
Secondary = £32,685

LEVY (CIL) REGULATIONS

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

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

As explained within the main report, education contributions and the provision of affordable housing would help to make the development sustainable and would be fair and reasonable.

CONCLUSIONS

The site is within the 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 Council can now demonstrate a five year housing land supply.

The proposal does not accord with Policy PG5 of the Cheshire East Local Plan Strategy – Submission Version.

Insufficient information has been submitted in order to assess the impact of the development on Great Crested Newts and Badgers.

The proposal is unacceptable in highway safety terms due to inadequate visibility splays and the access being too close to the proposed access to 204 Crewe Road.

RECOMMENDATIONS

REFUSE:

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policy NE.2 (Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan, Policy PG 5 of the Cheshire East Local Plan Strategy – Submission Version and the principles of the National Planning Policy Framework and create harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework. As such the application is also contrary to the emerging Development Strategy. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.**
- 2. Insufficient information has been submitted with the application relating to ecology in order to assess adequately the impact of the proposed development having regard to Great Crested Newts and Badgers. In the absence of this information it has not been possible to demonstrate that the proposal would comply with Development Plan policies and other material considerations.**
- 3. The proposal would be contrary to the interests of highway safety by reason of inadequate visibility at the point of access onto Crewe Road, Haslington. The proposal is therefore contrary to Policy BE.3 of the Borough of Crewe and Nantwich Replacement Local Plan 2011.**
- 4. There would be unacceptable conflict between the reinstated access for 204 Crewe Road, Haslington and the proposed access to the development, by virtue of only having approximately 17m between both accesses. The proposal is therefore contrary to Policy BE.3 of the Borough of Crewe and Nantwich Replacement Local Plan 2011.**

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

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

