

Application No: 14/4530N

Location: Land Off, ROPE LANE, SHAVINGTON

Proposal: Variation of condition 1 of 14/1543N to change the house type on plots 3, 7, 20, 35 and 72.

Applicant: Wainhomes (Northwest) Ltd

Expiry Date: 25-Nov-2014

### **SUMMARY RECOMMENDATION**

**Approve with conditions**

### **MAIN ISSUES**

- **Main Issues**
- **Design and Layout**
- **Highways**
- **Ecology**
- **Amenity**

### **REFERRAL**

The application has been referred to Southern Planning Committee because it relates to the variation of a planning condition attached to application 14/1543N which was determined by the Southern Planning Committee.

### **SITE DESCRIPTION**

The site comprises 3.679ha of gently undulating undeveloped agricultural land located on the north western edge of Shavington. The site is defined by Vine Tree Avenue and Northfield Place to the south and Rope Lane to the west. Open Countryside lies to the north and east and a public footpath traverses the site close to its southern boundary. It is bounded by existing hedgerows, some of which contain trees. In addition, there is one hedge which bisects the site which also contains a small number of trees.

Existing residential development lies to the south and west of the site. The wider site context includes the A500, beyond the field to the north, with further agricultural land on the opposite side. Further west lies Shavington high school and leisure centre and Rope Green Medical Centre.

## **DETAILS OF PROPOSAL**

Members may recall that outline planning permission for the erection of up to 80 dwellings was refused by Strategic Planning Board in 2012, and subsequently allowed at Appeal. Approval was also sought for means of access with all other matters, reserved for a subsequent application.

A reserved matters application 13/1021N was subject to an appeal for non-determination and the Strategic Planning Board confirmed the Council was 'minded to refuse' the application at the meeting on 17<sup>th</sup> July 2013. The appeal was allowed.

This application seeks to vary the approved plans condition attached to application 14/1543N. The amendment seeks to vary the house types on plots 3, 7, 20, 35 and 72 from the Brunel House Type to the Shakespeare House Type.

## **RELEVANT PLANNING HISTORY**

14/1534N - Variation of condition 1 (plans) attached to planning application 13/1021N. Land off Rope Lane, Shavington, Crewe, Cheshire CW2 5DA Development proposed for the erection of up to 80 dwellings – Approved 20<sup>th</sup> May 2014

13/1021N - Approval of details of the appearance, landscaping, layout and scale as required by condition 1 of 11/4549N attached to the outline planning permission - Refused. Appeal allowed.

11/4549N - Outline application for up to 80 dwellings including access – Refused. Appeal allowed.

## **PLANNING POLICIES**

### **National Policy**

National Planning Policy Framework

### **Local Plan Policy**

NE.2 (Open countryside)  
NE 4 (Green Gap)  
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)

**Other Considerations**

The EC Habitats Directive 1992

Conservation of Habitats & Species Regulations 2010

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

Interim Planning Statement Affordable Housing

Interim Planning Statement Release of Housing Land

Cheshire East Development Strategy

Cheshire East SHLAA

SHMA Update 2013

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

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

SE3 – Biodiversity and Geodiversity

SE5 – Trees, Hedgerows and Woodland

SE 1 Design

SE 2 Efficient Use of Land

SE 4 The Landscape

SE 5 Trees, Hedgerows and Woodland

SE 3 Biodiversity and Geodiversity

SE 13 Flood Risk and Water Management

SE 6 – Green Infrastructure

IN1 – Infrastructure

IN2 – Developer Contributions

**OBSERVATIONS OF CONSULTEES**

**Environment Agency:** No comment

**VIEWS OF THE PARISH / TOWN COUNCIL**

**Rope Parish Council:** No comments received

**Shavington Parish Council:** No comments received

**OTHER REPRESENTATIONS**

No representations have been received from Members of the Public.

**APPLICANT’S SUPPORTING INFORMATION:**

No supporting information received.

## **8 OFFICER APPRAISAL**

### **Main Issues**

Given that the principle of development has been established by the granting of outline planning permission this application does not represent an opportunity to re-examine the appropriateness of the site for residential development. The detailed design has also been approved as part of a recent appeal decision and works have now commenced on site. This application relates to a minor change to the house types on plots 3, 7, 20, 35 and 72.

### **Design and Layout**

This application relates to a minor alteration with the removal of house type 'Brunel' and its replacement with house type 'Shakespeare'. Both house-types are two-stories in height with pitched roofs. The main difference is the introduction of a projecting gable above the garage on the 'Shakespeare' house type which would increase the size of the bedroom accommodation. It is not considered that this change would have a detrimental impact upon the character and appearance of the area and all of the affected house types are located within the site and would not be readily visible from Rope Lane.

This minor amendment would not affect the street-scene and complies with Policy BE.2 (Design Standards) of the Borough of Crewe and Nantwich Replacement Local Plan.

### **Access**

This minor change to the house types would not raise any highway implications and would comply with Policy BE.3 (Access and Parking) of the Borough of Crewe and Nantwich Replacement Local Plan.

### **Ecology**

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

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

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

This variation to the approved plans condition would raise no additional ecological impacts.

### **Amenity**

The changes to the house types are considered to be so minor that they would not raise any greater amenity issues than the approved plans.

Therefore the proposal is considered to comply with the requirement of policy BE1 (Amenity) of the Borough of Crewe and Nantwich Replacement Local Plan.

### **CONCLUSIONS**

Outline and Reserved Matters approval has already been given for residential development on this site.

The proposed minor amendment to the house types would not raise and amenity, design, highways or ecology issues and is considered to be acceptable.

The conditions attached by the Inspector at the appeal for application 13/1021N are included within the recommendation.

### **RECOMMENDATIONS**

**Approve subject to the following conditions:**

- 1. Approved Plans**
- 2. Compliance with the materials specified in the letter dated 4<sup>th</sup> September 2014 and as shown on plan reference 1274WHD/RLS/SLO1 Rev M received on 24<sup>th</sup> October 2014 as part of discharge of conditions application 14/4197D.**
- 3. All hard and soft landscape works shall be carried out in accordance with the approved details. All planting, seeding or turfing shall be carried out in the first planting seasons following the completion of the development, and any trees or shrubs that die, are removed or become seriously damaged or diseased within a period of 5 years from the completion of the landscaping scheme shall be replaced in the next planting season with others of a similar size and species, unless the local planning authority gives written consent to any variation.**
- 4. Notwithstanding the details shown on the approved landscaping scheme, the large gap in the hedgerow to the north of the open space area shall be planted up with a hedgerow of native species before the open space area is brought into use.**
- 5. The balancing pond shall comply with the details shown on plan reference 3978/8/1 Rev B, the Storm Sewer Design from Micro Drainage and detailed within the e-mail from Peter Barlow dated 1<sup>st</sup> July 2014 received as part of application 14/2923D**

**6. Boundary Treatment in accordance with the submitted plan 1274WHD/RLS/SL01  
Rev M**

