

Application No: 15/0876N

Location: 447, NEWCASTLE ROAD, SHAVINGTON, CW2 5JU

Proposal: Demolition of 449 Newcastle Road including outbuildings and sheds and construction of 28 residential properties with associated access including the widening of the existing ditch works adjacent to the sites northern boundary.

Applicant: Johnson Mulk, Prospect GB LTD

Expiry Date: 25-May-2015

## **SUMMARY**

The proposed development would be contrary to Policies NE.2 and RES.5 and the development would result in a loss of open countryside. However as Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites and the presumption in favour of sustainable development applies at paragraph 14 of the Framework where it states that LPA's should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

The development would provide benefits in terms of affordable housing provision, delivery of housing, a contribution to an existing play area within the village and significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in the locality.

The development would have a neutral impact upon education, protected species/ecology, drainage, highways, trees, residential amenity/noise/air quality/contaminated land and landscaping could be secured at the reserved matters stage.

The adverse impacts of the development would be the loss of open countryside.

There would be few adverse impacts in approving this development and they would not significantly and demonstrably outweigh the benefits of the development. The contribution of the development of this site towards the housing need of the Borough is considered to be significant and the presumption in favour of sustainable development applies. As such the application is recommended for approval.

## **RECOMMENDATION**

**Approve subject to conditions and a S106 Agreement**

## **PROPOSAL**

This is a full application for a residential development of 28 dwellings.

The proposed development would be served via a single access point off Crewe Road which would involve the demolition of the dwelling at 449 Newcastle Road. The development would involve the creation of a T-shaped cul-de-sac with the proposed two storey dwellings sited around this cul-de-sac.

## **SITE DESCRIPTION**

The site of the proposed development extends to 0.9 ha and is located to the north of Newcastle Road. The site is T-shaped and includes the residential properties at 447 & 449 Newcastle Road. The large majority of the site is within the open countryside as defined by the Crewe and Nantwich Replacement Local Plan although the residential properties at 447 & 449 Newcastle Road and their immediate curtilage are located within the Shavington Settlement Boundary.

The rear portion of the site includes a paddock, ancillary buildings including sheds and pigeon lofts and the remains of a former orchard. There are a number of trees and hedgerows to the boundaries of the site.

To the south of the site is residential development which fronts Newcastle Road. To the west of the site are residential properties fronting Crewe Road. To the north of the site is open countryside and to the east of the site is curtilage to dwellings which front Newcastle Road.

## **RELEVANT HISTORY**

14/0001N - Demolition of 449 Newcastle Road and construction of 28 residential properties with associated access – Refused 6<sup>th</sup> June 2014 for the following reasons:

1. *The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies NE.2 (Open Countryside) and RES.5 (Housing in 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. *The Local Planning Authority considers that insufficient information has been submitted in relation to the affordable housing provision of the site. In this case there is little detail in relation to the tenure proposals for the affordable units including the arrangements for transfer to a Registered Provider, provisions for the units to be affordable in perpetuity and confirmation that the affordable homes to be let or sold to people who are in housing need and have a local*

connection. The application does not show which units are affordable as a result it is not considered that the application demonstrates a suitable level of pepper-potting on the site and the supporting documentation does not confirm that the affordable units will be built to CFSH Level 3 or to HCA Design and Quality Standards. As a result it is not considered that the proposal would create a sustainable, inclusive, mixed and balanced community and would be contrary to the Interim Planning Policy on Affordable Housing and Policy RES.7 (Affordable Housing) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the National Planning Policy Framework.

3. The proposed vehicular access would be opposite an access point to serve a development of 39 dwellings which has outline consent as part of application 13/4675N. It is considered that the access proposed as part of this application would result in the creation of a crossroads at the site opposite which would result in turning conflicts to occur on Newcastle Road to the detriment of highway safety. As a result the proposed development would be contrary to Policy BE.3 (Access and Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the NPPF.

4. Part of this site is subject to surface water flooding risks during extreme storm and flood conditions and is also be susceptible to ground water flooding with off-site capacity issues within the public sewer system. Insufficient information has been submitted with this application to demonstrate that the local flood risks and site drainage issues can be managed without exacerbating flood risks both on and off-site. In the absence of this information, to allow this development would be contrary to the NPPF, and Policy NE.20 (Flood Prevention) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

P04/1179 – Erection of nine dwellings – Withdrawn 26<sup>th</sup> November 2007

P03/1282 - Demolition of 449 Newcastle Road and Erection of 18 dwellings – Appeal for Non-Determination. Appeal Dismissed 11<sup>th</sup> June 2004

P03/0884 - Demolition of One Dwelling and Erection of 22 Dwellings – Appeal for Non-Determination. Appeal Dismissed 11<sup>th</sup> June 2004

P02/0806 - 24 No. 2 Storey Dwellings – Refused 10<sup>th</sup> December 2002. Reason for Refusal relating to inappropriate backland development which would fail to respect the pattern, character and form of the village.

P01/0903 - Erection of 23 No. Dwellings with Associated Highway Access – Refused 4<sup>TH</sup> December 2001. Reason for Refusal relating to inappropriate backland development which would fail to respect the pattern, character and form of the village.

## **POLICIES**

### **National Policy**

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

50. Wide choice of quality homes

56-68. Requiring good design

### **Local Plan Policy**

The Development Plan for this area is the Borough of Crewe and Nantwich Replacement Local Plan 2011, which identifies that the site is partly within the Shavington Settlement Boundary and partly within the open Countryside

The relevant Saved Policies are:

NE.2 (Open countryside)  
NE.5 (Nature Conservation and Habitats)  
NE.9: (Protected Species)  
NE.20 (Flood Prevention)  
BE.1 (Amenity)  
BE.2 (Design Standards)  
BE.3 (Access and Parking)  
BE.4 (Drainage, Utilities and Resources)  
RES.5 (Housing in the Open Countryside)  
RES.7 (Affordable Housing)  
RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)  
TRAN.3 (Pedestrians)  
TRAN.5 (Cycling)

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

### **Cheshire East Local Plan Strategy – Submission Version (CELP)**

The following are considered relevant material considerations as indications of the emerging strategy:

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

## **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

Cheshire East SHLAA

## **CONSULTATIONS**

**United Utilities:** No objection subject to the imposition of conditions relating to foul water and surface water.

**Cheshire East Flood Risk Manager:** No objections subject to the imposition of conditions.

**Strategic Highways Manager:** All highway matters relating to the internal design are considered to be acceptable. The main highway concern relates to the access in terms of its relation to another planning approval on the opposite side of Newcastle Road. The design submitted indicates a staggered arrangement is considered an acceptable arrangement but this is only on the basis that there is not a crossroads situation and that the already approved development will have to move its access location should this application be approved.

It is difficult to provide a recommendation on this application as it is not known precisely where the access to the site opposite falls on Newcastle Road. There are a number of conditions that are required should the application be approved, together with a S106 Agreement for a 6k contribution for a TRO to reduce the speed limit on Newcastle Road.

**Environmental Health:** Conditions suggested in relation to pile foundations, construction management plan, hours of works, dust control, travel plan, electric vehicle infrastructure and contaminated land. Informative suggested in relation to contaminated land.

**Public Open Space:** A commuted sum payment of £10,000 for off-site provision should be secured. Specifically, to make improvements to the existing equipped children's play area at Wessex Close, Shavington which is 250 metres to the north-west of the site.

**Natural England:** Statutory Sites – No objection.

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

**Education:** The Education Department would not seek a contribution from this development.

## **VIEWS OF THE PARISH COUNCIL**

**Shavington-cum-Gresty Parish Council:** Object to the application on the following grounds:

- Shavington-cum-Gresty Parish has seen over 1200 new dwellings approved during the last three years with further applications currently being considered. There are approximately 1,700 dwellings in the parish at present, and with the numbers already approved for construction the size will increase by around 75%; and if all of the

applications were to be approved the numbers of properties in the parish will more than double. The infrastructure simply will not cope.

- These additional 28 houses are a further unnecessary intrusion into yet another greenfield site especially since the site is in very close proximity to a 39 dwelling development approved on the other side of Newcastle Road; and the large 350 dwelling Shavington Triangle site just a few hundred metres away. The Triangle site and the other approved developments in Shavington already meet the required numbers locally for affordable units.
- The property run off water will be disposed via each property soak away or to a water course, and will go through the same infrastructure as the triangle development and the recently approved development directly opposite. It will put unacceptable levels of pressure on the ground water levels.
- The Parish Council already has much concern over road safety along this stretch of road where the white carriageway markings have been worn away to such an extent that overflow parking from Playworld and other businesses at the location of the filling station is using either side of Newcastle Road; and this coupled with traffic flow and emerging vehicles means it is only a matter of time before a very serious accident occurs.
- There have already been several traffic accidents involving vehicles emerging from the filling station because of poor visibility due to a bend in the road as vehicles approach from the direction of Hough. To add another junction on the opposite side of the road to the filling station and the development already approved at No.414 would create a crossroads in what is already a congested road and add a significant additional hazard. Traffic already regularly backs up along Newcastle Road from the Goodall's Corner traffic lights 300m away and the number of vehicular movements is set to increase substantially with the construction of several hundred more houses at the Triangle site.
- The last time this application was submitted and refused was in February 2014, and several previous applications have been refused in the past – there is nothing different in this application to justify it being approved.

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

- That there is no need for the development
- 480 dwellings have been approved within 1.5 miles of the site. This equates to 15 times the local housing need identified by local housing surveys
- The Council has a housing land supply figure of 7.2 years
- There is no demand for this type of housing
- It is an unsuitable location for a development of this size
- The site is within the open countryside
- The residential properties on Newcastle Road are of a substantial size and this development would not be in-keeping with the area
- Back-land development
- Concern over the possible creation of a crossroads following the resolution to approve the residential development on the site opposite
- The layout is inappropriate
- Over-engineered design. Cramped development.
- No provision of vehicular turning for utility or emergency vehicles.
- No green space or children's play provision.
- There is insufficient infrastructure to support this development
- The local primary schools are over-subscribed. This would add to a further shortfall
- Similar problems with Doctors and Dentists

- Local road infrastructure is inadequate and will be exacerbated by the approved developments within Shavington. This development will add to the problems when entering Crewe at the junction of Gresty Road/Nantwich Road/South Street.
- Road safety Issues
- There is a petrol filling station/leisure development opposite the site. This is a dangerous access point and there have been several accidents involving vehicles leaving this site in the past. Visibility is poor at the bend in the road.
- Various developments on the site of the petrol station have had to go to appeal on access grounds, safety, air pollution and screening was a condition due to the open countryside on the south side.
- Pedestrian access at the traffic lights in close proximity to the site is unsafe and children would need to use this crossing to get to school.
- Environmental Impact
- The highways design is over-engineered and gives misleading picture of the impact upon Newcastle Road
- This development together with the Triangle will result in cumulative ground water drainage problems
- The hedgerows, trees and grassland on the site have significant wildlife value.

## **OTHER REPRESENTATIONS**

Letters of objection have been received from 23 local households raising the following points:

### Principal of development

- There is no need for more housing
- The development is not sustainable
- Shavington cannot support further development
- A very similar application has already been refused on this site
- The site is outside the settlement boundary
- Loss of agricultural land
- Previous applications on this site have been refused by the LPA and the Planning Inspectorate
- The application site forms part of a Green Gap
- The development would result in a hard edge to this part of the village
- Intrusion into the open countryside
- The development is contrary to the emerging Local Plan
- There are a number of errors within the supporting documentation for this application
- The proposal is backland development
- Contrary to Local Plan Policies
- The development does not respect the character of the locality
- Problems selling houses within the village
- Financial gain of the developer

### Highways

- Local roads cannot cope with this increased population
- Lack of parking provision on the site
- The access will be opposite the recently approved development off Newcastle Road and would create a crossroads
- Increased vehicular movements

- Increased traffic within the village
- Lack of pedestrian crossing points within the village
- There is no provision of a footpath and it will not be possible to walk children to school
- Vehicular movement conflicts with the approved development opposite the site and the garage/playworld site
- The bus service has been discontinued
- There are no plans to show how the staggered junction could be achieved
- No suitable public transport in the area
- Speeding problems along Newcastle Road
- Problems with parking at the Playworld site which obstructs traffic along Newcastle Road
- Proximity to the Esso garage
- Access problems for refuse vehicles at this site
- Lack of cycle provision/access in Shavington

#### Green Issues

- Impact upon Badgers
- The site was formerly an orchard
- Impact upon Owls
- There are Grass Snakes on this site
- Contamination of the watercourse on this site
- Impact upon bird habitat
- The previous Inspector found that the development would result in an intrusion into the landscape.
- Impact upon breeding birds
- Impact upon protected species
- Loss of habitats
- Loss of wildlife

#### Infrastructure

- Local schools are already full
- The Doctors surgery is full
- Lack of infrastructure
- Drainage systems cannot cope with further development
- Sewage disposal will require increased land levels on this site
- Sewers cannot cope with further development
- Cumulative impact upon local infrastructure

#### Amenity Issues

- Increased pollution
- The development will raise security problems for the existing dwellings
- Loss of outlook
- Noise and disruption
- Increased light pollution
- Overshadowing
- Loss of privacy
- The proposed dwellings are too close to the boundaries with the existing residential dwellings

- Potential conflicts between the existing and proposed occupants

#### Other issues

- Increased flood risk
- The site is prone to flooding
- Who will maintain the ditch if the development is constructed
- Not enough information in relation to the works to the ditch
- The drainage ditch passes through a culvert which gets blocked
- No provision for the disposal of surface water
- Lack of consultation with the Environment Agency
- Increased risk of flooding to the existing residential properties
- There is a high water table on this site
- Wasted tax payer expense with the repeated applications on this site
- Inappropriate design
- The development is too dense
- The proposed dwellings would be taller than the existing dwellings surrounding the site

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

An objection has been received from Edward Timpson MP raising the following points:

- There are already a number of approved applications around Shavington (including the site opposite and Shavington Triangle). Further development would result in the loss of village identity
- The Primary School and Rope Green Primary School are oversubscribed
- Traffic/Parking problems along Newcastle Road due to the businesses located at the garage site
- The proposed development would create a crossroads with the development opposite

## **APPRAISAL**

### **Principle of Development**

The site lies largely in the Open Countryside as designated by the Borough of Crewe and Nantwich Replacement Local Plan 2011, where policy NE.2 states 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**

Paragraph 47 of the National Planning Policy Framework requires that Council's identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements.

The calculation of Five Year Housing supply has two components – the housing requirement – and then the supply of housing sites that will help meet it. In the absence of an adopted Local Plan the National Planning Practice Guidance indicates that information provided in the latest full assessment of housing needs should be considered as the benchmark for the housing requirement.

Following the suspension of the Examination into the Local Plan Strategy and the Inspectors interim views that the previous objectively assessed need (OAN) was 'too low' further evidential work has now taken place and a fresh calculation made.

Taking account of the suggested rate of economic growth and following the methodology of the NPPG, the new calculation suggests that need for housing stands at 36,000 homes over the period 2010 – 2030. Although yet to be fully examined this equates to some 1800 dwellings per year.

The 5 year supply target would amount to 9,000 dwellings without the addition of any buffer or allowance for backlog. The scale of the shortfall at this level will reinforce the suggestion that the Council should employ a buffer of 20% in its calculations – to take account 'persistent under delivery' of housing plus an allowance for the backlog.

While the definitive methodology for buffers and backlog will be resolved via the development plan process this would amount to an identified deliverable supply of around 11,300 dwellings.

This total exceeds the total deliverable supply that the Council is currently able to identify – and accordingly it remains unable to demonstrate a 5 year supply of housing land.

## **Location of the site**

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

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

- Post office (1000m) – 965m
- Cash Point (1000m) – 150m
- Primary School (1000m) – 1000m
- Local meeting place (1000m) – 800m

- Convenience Store (500m) – 150m
- Bus Stop (500m) – 320m
- Public Right of Way (500m) – 235m

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

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

The following amenities/facilities fail the standard:

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

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

## **SOCIAL SUSTAINABILITY**

### **Affordable Housing**

The site falls within the Wybunbury and Shavington sub-area for the purposes of the Strategic Housing Market Assessment Update 2013 which highlighted an affordable housing need for 54 units per annum for the period 2013/14 – 2017/18 for the sub-area Wybunbury and Shavington. Broken down this equates to a need for 8 x 1 bed, 20 x 2 bed, 7 x 3 bed, 12 x 4+ bed general needs units and 1 x 1 bed and 7 x 2 bed older persons accommodation.

In addition to this, Cheshire Homechoice, the Council's choice based letting system, currently has 47 live applicants. These applicants require 12 x 1 bed, 23 x 2 bed, 10 x 3 bed and 2 x 4+ bed.

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

The proposal is for 28 dwellings, this equates to a requirement for 8 affordable units providing 5 units as social or affordable rent and 3 units as intermediate tenure. The applicant in their accompanying planning statement states that the site will provide the full policy requirement of 30%.

The previous application included a reason for refusal relating to a lack of detail regarding affordable housing on this site. This information has now been provided and the Council's Strategic Housing Manager raises no objection to this development.

### **Public Open Space**

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

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

In this case there is POS and children's play space within the village. This area is easily accessible from the application site and the POS Officer has suggested a contribution of £10,000 towards upgrading this site. The applicant has accepted this contribution and this will be secured as part of a S106 Agreement.

### **Education**

In this case the Education Department have considered the impact of this development and have not requested a contribution from this development.

## **ENVIRONMENTAL SUSTAINABILITY**

### **Landscape**

The application site covers an area of approximately 0.9 hectares and is located to the rear of a number of dwellings along Newcastle Road; it is currently extended rear garden for nos 447 and 449 Newcastle Road. The application site is currently characterised by boundary hedges to the north and fencing along the western, southern and western boundaries by fencing, beyond which are the gardens of adjacent properties; to the north is agricultural land. It appears that much of the existing boundary hedgerows and trees will be retained, although a number of trees and shrubs will need to be removed from within the site for the proposed layout arrangement.

No Landscape appraisal or Landscape and Visual Impact Assessment has been submitted as part of the application. Much of the application site is identified in The Cheshire Landscape

Character Assessment 2009 as being located within Type 10 Lower Farms and Woods, specifically LFW7 Barthomley Character Area; while the application site has some of the characteristics of this character area, the current condition of the land is greatly influenced by its use as gardens, nevertheless it is an attractive area that bounds the agricultural land to the north.

There are intermittent views of the site from the surrounding properties; there are no footpaths in close proximity to the application site. There are no landscape designations on the site.

As part of the application a Landscape Proposal Plan has been submitted, this indicates that much of the existing boundary vegetation will be retained.

It is noted that at the appeals as part of applications P03/0884 and P03/1282 the Inspector raised concerns about the impact upon the landscape through potential loss of the rear boundary hedgerow and trees. In this case it is considered that this site has the capacity to support this development and the design as part of this application includes longer rear gardens which would allow for the retention of the rear boundary hedgerow/trees.

### **Highways Implications**

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

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

The previous application on this site included a reason for refusal relating to the position of the point of access in relation to the site opposite which has outline permission for a residential development of 39 dwellings with all matters reserved.

The key highway issue relates to the position/location of the access to the approved development on the opposite side of Newcastle Road. Clearly, as in the previous application an access point directly opposite this proposed access would not be acceptable. The acceptability of this application would depend on whether the already approved application for 39 units can have the position of the access dictated.

The applicant has submitted an access design that indicates a 20m stagger. Given the low level of traffic generation from both development access points and that the right turning movement conflicts are low, it is an arrangement that would be considered acceptable. The access itself is sufficiently wide for the amount of development proposed and has been tracked to confirm that refuse/delivery vehicles can access the site.

The level of traffic generation has been assessed by the applicant. The site would generate up to 20 two way peak hour movements. Whilst there is a considerable level of development already approved in Shavington this level of traffic generation cannot be considered material and one that could be considered as producing a severe impact on the local highway network.

The level of off street parking for each of the units is 200% minimum provision, this accords with current CEC parking standards. The internal road layout is a standard design suitable for adoption as it meets current technical design standards.

Based on the additional information which has been received as part of this application it is considered that the previous highways reason for refusal has now been addressed.

## **Amenity**

In terms of the surrounding residential properties, the main properties affected are those which front onto Newcastle Road to the south of the site and to Crewe Road to the west of the site.

The submitted plan shows that the proposed dwellings would have a rear garden depth of 10 metres with a distance between principal elevations varying from 28 metres to 35 metres. This distance exceeds the separation distance of 21 metres between principle elevation as set out in the SPD on Development on Backland and Gardens. The impact upon the properties which front Newcastle Road is therefore considered to be acceptable.

To the west of the site there would be a distance of approximately 75 metres between the rear elevations of the proposed dwellings and the rear elevations of the dwellings fronting Crewe Road. As a result the impact upon the properties which front Newcastle Road is therefore considered to be acceptable.

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

The Environmental Health Officer has requested conditions in relation to pile foundations, construction management plan, hours of works, dust control, travel plan, electric vehicle infrastructure and contaminated land. These conditions will be attached to the planning permission.

## **Trees and Hedgerows**

### Trees

The application is supported by an Arboricultural Impact Assessment and Method Statement. The report has been carried out to assess the environmental and amenity values of all trees on or adjacent to the development area and the arboricultural implications of retaining trees with a satisfactory juxtaposition to the new development.

The submitted plans and particulars illustrate which trees are suggested for retention and are cross referenced with their Root Protection Areas along with their respective tree protection details onto the proposed Master Plan. As a consequence it is possible to determine the direct or indirect impact of the proposed layout on retained trees.

Therefore the submitted arboricultural detail does provide the level of detail required to adequately assess the impact of development on existing trees. In this case 31 individual trees 11 groups and 3 hedges have been surveyed. 11 individual trees have been identified for removal along with 7 groups and 2 hedges. All have been identified as C2 low value category in terms of BS5837:2012. The Councils Tree Officer would concur with this categorisation with the majority not clearly visible from any public vantage point by virtue of their rear garden aspect, but some views are possible from an adjacent public footpath. A significant number are also categorised as small ornamental specimens with limited growth potential.

The development seeks to occupy the central aspect of the site retaining both the trees and hedges associated with the northern, eastern and western boundaries (some of which stand outside the site edged red). The northern aspect of the site which interfaces with the open pasture land has been identified as requiring the widening of the existing ditches. This process may have implications for the existing retained trees and hedges, but subject to supervision as identified in the method statement should allow works to proceed.

The Lombardy Poplars previously located within the south west corner of the development plot were visually the most prominent specimens within the site, but given their age maturity and probable issues of stem hollowing, a characteristic of the species, formal protection was not considered appropriate. Since the original application both trees have failed and been removed.

The majority of the development footprints have been accommodated outside the respective RPA's with only minor incursions associated with Plot 22. The use of a no dig solution has been suggested and accepted in accordance with the details provided in terms of a geotextile cellular confinement system

Any issues in terms of mitigating shade and seasonal nuisance in respect of plots 19, 21, & 23 have been addressed by providing additional garden space to off set issues of social proximity and utilisable external space

The development is considered to be acceptable in terms of the impact upon trees subject to the imposition of a planning condition.

### Hedgerows

The minor losses of hedgerow on this site is not considered to be significant in terms of the 1997 Hedgerow Legislation. In this case it could be argued that by virtue of their positions within extended garden curtilages they are exempt from the legislation.

### **Design**

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

*“Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people*

*and places and the integration of new development into the natural, built and historic environment.”*

In this case the density of the site at 31 dwellings per hectare is appropriate and is consistent with that of the surrounding area of Shavington. The development would have adequate separation distances to the surrounding dwellings and would not appear cramped.

The proposed dwellings would have pitched roofs and include features such as projecting gables, canopies, header and sill detailing, plinth detailing and brick banding. It is considered that the detailed design of the dwellings would be appropriate and would not raise any design issues.

It is considered that the development would comply with Policy BE.2 (Design Standards) and the NPPF.

## **Ecology**

### Wybunbury Moss SSSI

The proposed development is located within 1km of Wybunbury Moss SSSI which forms part of the Midland Meres and Mosses Phase 1 Ramsar and West Midland Mosses SAC.

Within their consultation response Natural England advise that the proposed development is not likely to have an adverse impact upon the features for which the site was designated and they advise that an Appropriate Assessment under the Habitat Regulations is not required.

Under regulation 61 of the Habitat Regulations the Council is required to undertake an 'Assessment of Likely Significant effects'. This assessment has been undertaken and concludes that the proposed development is not likely to have a significant impact upon the features for which the statutory site was designated. Consequently, a more detailed Appropriate Assessment is not required.

### Traditional orchard

Traditional orchards are a UK Biodiversity Action Plan priority orchard and hence a material consideration. The ecological assessment submitted by the applicant states that the site is not typical or wholly representative of this priority habitat type. The Council's Ecologist is satisfied with this conclusion and advises that whilst the site may at least partly meet the definition of a traditional orchard its nature conservation value is relatively limited.

Additional planting of fruit trees has been incorporated into the landscaping of the scheme to compensate for those lost to the proposed development.

### Breeding Birds

If planning consent is granted it is recommended that additional conditions are included to safeguard breeding birds.

### Hedgerows

Hedgerows are a UK BAP priority habitat and hence a material consideration. There will be a loss of hedgerow associated with the proposed development. The Councils Ecologist advises that the submitted landscaping plan should be amended to include compensatory hedgerow planting around the boundary of the site to compensate for that lost.

### Hedgehog

The application site may potentially support this species although it was not recorded during the submitted survey. In order to ensure this species is not adversely affected by the proposed development the Councils Ecologist recommends that a condition be attached requiring any boundary fencing be raised 10cm off the ground in accordance with the recommendations of the submitted ecological survey.

### **Flood Risk and Drainage**

The application site is located within Flood Zone 1 (low probability of river/tidal flooding) according to the Environment Agency Flood Maps. A Flood Risk Assessment (FRA) has been submitted as part of this application.

However the latest information made available by Environment Agency indicates that this site is in part, subject to surface water flooding risks during extreme storm and flood conditions. (Surface water flooding happens when rainwater does not drain away through the normal drainage systems or soak into the ground, but lies on or flows over the ground instead).

This issue formed a reason for refusal as part of the previous application and the applicant has undertaken additional work in consultation with the Councils Strategic Flood Risk Manager. The submitted FRA concludes as follows:

- The site is located within Flood Zone 1 with a low probability of flooding
- Following a detailed assessment, there is potential for a volume of ponding on the site, from the adjacent watercourse, of 172m<sup>3</sup> but mitigation works can be undertaken to retain this volume within the site
- The site is at a low risk of flooding from other sources
- The site is presently Greenfield and the discharge from the site should be restricted to the agreed rates
- There is potential for flooding from groundwater but the raising of ground levels will reduce this
- Foul drainage may be connected to the existing public foul sewer crossing the site.

The FRA then goes onto recommends that:

- The applicant discusses connecting the site into the existing foul and surface water sewers
- Attenuation will need to be incorporated into the surface water drainage to ensure flows are limited to the existing rates
- The external levels shall be designed to ensure that overland flow routes exist through the development for use in exceptional circumstances

- Mitigation works to accommodate the potential volume of 172m<sup>3</sup> to be undertaken on the existing watercourse

This has been considered by the Councils Strategic Flood Risk Manager and United Utilities who have both raised no objection to the development on flood risk/drainage grounds subject to the imposition of planning conditions.

It should also be noted that in this case there is no requirement to consult the Environment Agency on this application as the site is located within Flood Zone 1.

One of the representations submitted as part of this application raises concerns about the increase in the floor levels on this site to accommodate the required drainage infrastructure. The submitted FRA identifies that the proposed dwellings would have a finished floor level of 50.30 OD, this is comparable to the existing dwellings which front Newcastle Road and have a finished floor level of between 50.20 OD and 50.49 OD. Given this limited difference it is not considered that the raise in the land levels on the site would have any detrimental impact upon residential amenity or raise any design issues.

## **ECONOMIC SUSTAINABILITY**

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to Shavington including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain. Additional economic benefits would accrue from the New Homes Bonus and additional rates revenues.

## **SOCIAL SUSTAINABILITY**

The proposal would make a contribution to social housing, of which there is a known need in the area.

## **CIL Regulations**

In order to comply with the Community Infrastructure Regulations 2010 it is necessary for planning applications with planning obligations 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, POS and play equipment is a requirement of the Local Plan Policy RT.3. As there will be no provision on this site it is necessary to secure improvements to an existing facility within Shavington village. This contribution is directly related to the development and is fair and reasonable.

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

## **CONCLUSIONS AND PLANNING BALANCE**

The proposed development would be contrary to Policy NE.2 and RES.5 and the development would result in a loss of open countryside. However as Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites and the presumption in favour of sustainable development applies at paragraph 14 of the Framework where it states that LPA's should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

The benefits in this case are:

- The development would provide benefits in terms of much needed affordable housing provision and would help in the Councils delivery of 5 year housing land supply, including affordable housing.
- The proposed play contribution will help to upgrade the existing facility within Shavington
- The development would provide significant economic benefits through the provision of employment during the construction phase, new homes bonus, and benefits for local businesses in Shavington/Crewe/Nantwich through additional spending.

The development would have a neutral impact upon the following subject to mitigation:

- The impact upon education infrastructure would be neutral and no contribution is required
- The impact upon protected species/ecology is considered to be neutral subject to the imposition of conditions to secure mitigation.
- There is not considered to be any drainage implications raised by this development subject to the imposition of planning conditions
- The proposed development would not have a severe highways impact
- The impact upon trees is considered to be neutral at this stage and replacements would be provided for the low quality trees that would be lost
- The impact upon residential amenity/noise/air quality and contaminated land could be mitigated through the imposition of planning conditions.
- Although there would be a change in the appearance of the site. The landscape impact is considered to be neutral

The adverse impacts of the development would be:

- The loss of open countryside.

There would be few adverse impacts in approving this development and they would not significantly and demonstrably outweigh the benefits of the development. The contribution of the development of this site towards the housing need of the Borough is considered to be significant and the presumption in favour of sustainable development applies. As such the application is recommended for approval.

## **RECOMMENDATIONS**

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

1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:
  - The numbers, type, tenure and location on the site of the affordable housing provision

- The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
  - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
  - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
  - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
2. Contribution of £10,000 towards improvements to the play area at Wessex Close, Shavington

And the following conditions:-

1. Standard Time – 3 years
2. Approved Plans
3. Details of existing and proposed land levels to be submitted for approval in writing
4. Materials to be submitted for approval in writing
5. Boundary Treatment Details to be submitted for approval in writing
6. The development permitted by this planning permission shall only be carried out in accordance with the principles set out in the submitted Flood Risk Assessment (FRA)
7. Development shall not begin until an assessment has been carried out into the potential for disposing of surface water by means of a sustainable drainage scheme
8. No development shall commence on any phase until a scheme for the management of overland flow from surcharging of the site's surface water drainage system during extreme rainfall events within that phase has been submitted to and approved in writing by the Local Planning Authority.
9. Prior to the commencement of any development, details of the foul drainage scheme shall be submitted to and approved in writing by the Local Planning Authority.
10. 2.4m x 120m visibility splays in each direction.
11. Construction Management Plan
12. Landscaping scheme to be submitted – including replacement hedgerow planting and the provision of fruit trees
13. Landscaping to be completed
14. Breeding Birds – Timing of works
15. Breeding Birds – Nesting box provision
16. Hedgehog mitigation measures
17. All arboricultural works shall be carried out in accordance with the Arboricultural Impact Assessment and Method Statement
18. Piling Method Statement
19. Dust Control Measures
20. Contaminated Land
21. Obscure glazing – First Floor window to the side elevation of plot 22
22. Remove Permitted Development Rights for additional windows to the side elevations of plots 5, 7, 19, 22 and 23

In order to give proper effect to the Board's/Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Strategic & Economic Planning, in consultation with the Chair (or in her absence the Vice Chair) of

**Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.**

**Should the application be subject to an appeal, the following Heads of Terms should be secured as part of any S106 Agreement:**

- 1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:**
  - The numbers, type, tenure and location on the site of the affordable housing provision**
  - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing**
  - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved**
  - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and**
  - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.**
- 2. Contribution of £10,000 towards improvements to the play area at Wessex Close, Shavington**

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