

CHESHIRE EAST COUNCIL

STRATEGIC PLANNING BOARD REPORT

Date:	18 th May 2016
Report of:	David Malcolm – Head of Planning (Regulation)
Title:	Update on application 15/0184N Outline planning application for up to 275 dwellings open space and associated works, with all detailed matters reserved apart from access.
Site:	Land off Sydney Road, Crewe

1.0 Purpose of Report

- 1.1 Planning application 15/0184N was presented to the Strategic Planning Board 26 January 2016. At the time Members were minded to refuse the application as an appeal had already been lodged against non-determination. This report is to consider an update to the reasons for refusal on that decision in advance of the upcoming appeal.
- 1.2 The minutes from the meeting are as follows (NB the initial ecology reason was deleted when the minutes were approved) :

That for the reasons set out in the report the Board be MINDED TO REFUSE the application 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. 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. *In the opinion of the Local Planning Authority, the proposed development would cause a significant erosion of the Green Gap between the built up areas of Crewe and Haslington and would adversely affect the visual character of the landscape which would significantly and demonstrably outweigh the benefits of the scheme notwithstanding a shortfall in housing land supply. The development is therefore contrary to Policy NE4 (Green Gaps) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within the NPPF.*

RESOLVE to enter into a Section 106 to secure the following:

- *Affordable housing:*
 - *30% of the total dwellings to be provided as affordable housing*
 - *65% of the affordable dwellings to be provided as either social rent or affordable rent*
 - *35% of the affordable dwellings to be provided as intermediate tenure*
 - *Affordable housing to be provided on site*
 - *Affordable rented or Social rented dwellings to be transferred to a Registered Provider*
 - *The affordable dwellings to be provided as a range of property types to be agreed with Housing*
 - *Affordable housing to be pepper-potted in small groups, with clusters of no more than 10 dwellings.*
 - *The affordable housing to be provided no later than occupation of 50% of the open market dwellings, or if the development is phased and there is a high degree of pepper-potting the affordable housing to be provided no later than occupation of 80% of the open market dwellings.*
 - *Affordable dwellings transferred to an RP to be built in accordance with the HCA Design and Quality Standards or the latest standards applied by the HCA.*
- *Equipped children's play area.*
- *Private residents management company to maintain all on-site open space, including footpaths and habitat creation area in perpetuity*
- *Education Contribution:*
 - 52 x £11,919 x 0.91 = £564,007.08 (primary)*
 - 4 x £50,000 x 0.91 = £182,000 (SEN)*
 - Total education contribution (£746,007.08)*
- *Highways Contribution of £ 1.6m towards the costs of improvements at Sydney Road Bridge and / or Crewe Green Roundabout.*
- *Rights of Way contribution of £TBC*

(NB An ecology reason was deleted when the minutes were approved)

1.3 As indicated above the application is subject to appeal scheduled for Inquiry in July 2016. It is now necessary to consider whether the Council contests the reasons for refusal referred to above in the light of the changing circumstances and policy position.

2.0 Decision Required

2.1 To remove the reasons for refusal as listed and agree to not contest the reasons at the forthcoming appeal.

3.0 Background

- 3.1 The application site comprises of a rectangular shaped parcel of land situated to the north-east of Sydney Road and to the south-east of the Crewe-Manchester railway line. The site is approximately 9.78ha (24.2 acres) in area.
- 3.2 The site is currently set to pasture. The site is relatively flat with a slight fall towards the northern boundary. Hedges form defensible boundaries on all sides. The site adjoins the settlement boundary of Crewe and is bound by approved Phase 1 residential development to the west. Maw Green Road lies to the north and land to the south has been allocated for residential development in the emerging local plan (Site CS5), beyond which lies residential development. The site is bound to the east by open countryside.
- 3.3 The site is bound by hedgerows on all sides. The trees and hedgerows that form the main arboricultural features are situated predominantly within the existing hedge lines and are typical of this type of agricultural landscape. Most of the significant trees have been incorporated into the design and layout of the site and the hedgerows will be retained and reinforced with additional planting along the eastern boundary of the site.

4 Proposed Development

- 4.1 The planning application the subject of the appeal seeks outline planning permission for up to 275 dwellings, public open space and associated works. The scheme constitutes phase 2 of development at this location. The Phase 1 application for up to 240 dwellings and a new access was resolved to be granted in December 2013.
- 4.2 This phase 2 application will utilise the approved access point from Sydney Road. However the junction will need to be amended.

5 Officer Comment

- 5.1 Members will be aware that the site the subject of this application is now proposed as part of an allocation for 525 dwellings within the Cheshire East Local Plan Strategy (CELPS) Proposed Changes (Consultation Draft): March 2016 as site CS5 Sydney Road, Crewe. This document has been subject of public consultation from 4 March to 19 April 2016. As part of the site selection process, all sites that were considered for inclusion in the Local Plan Strategy Proposed Changes (Consultation Draft) were subject to a Site Selection Methodology (SSM). This site was subject to the SSM and as part of that process a large number of factors were considered which included the impact of the site on the Green Gap. The conclusion, in relation to the impact of the development of this site on the Green Gap is contained within paragraph 7.146 of the Crewe Town Report and is as follows:

'Development of this site will erode the physical gap between the two settlements however at this point the Green Gap between Haslington and Crewe is not at its narrowest and it is considered that, with appropriate landscaping mitigation the visual impact of development on this additional area of land could be reduced.'

5.2 The site now forms part of the Council's adopted strategic position which was supported by Full Council in February 2016. This is a significant and material difference to the position when the application was determined. As a consequence the reasons for refusal on the appeal scheme must be reviewed.

5.3 Members will also recall that a resubmitted application for some 250 dwellings on the same site was refused by Strategic Planning Board on 20 April 2016. The reason given at the time was:

The determination of the application would be premature pending the outcome of the Green Gap policy review as part of the emerging Cheshire East Local Plan Strategy.

Notwithstanding this later decision from Members, the appeal scheme was refused on different reasons and it is those reasons which must now be considered in the current policy context.

5.4 Strategic Site CS5 has now been expanded under the Cheshire East Local Plan Strategy Proposed Changes (Consultation Draft): March 2016 so that the additional area of land the subject of the application is now a proposed housing site. It is no longer contrary to Policy PG5 of the CELPS and as result the main thrust and reason for refusing the application must fall away.

5.5 That would leave the appeal to be defended on the grounds of being contrary to Policies NE2 and RES5 and Green Gap policy NE4 of the Borough of Crewe and Nantwich Replacement Local Plan. Given that the Council cannot currently demonstrate a five year supply of housing land these polices are considered to be 'out of date'.

5.6 As addressed within the recent Court of Appeal judgement, while out of date the policies are not irrelevant and it remains a matter for the decision taker what weight to give them. However, in this case the loss of this particular part of the open countryside and the development being contrary to Policies NE.2 and RES.5 alone does not weigh against the benefits of this development such as the provision of new housing and affordable housing. In addition, the promotion of the enlarged CS5 site through the Council's emerging CELPS would also weigh against supporting a reason for refusal – particularly given the assessments referred to above. In effect the Council would have great difficulty in defending the appeal.

6 Conclusion

- 6.1 On the basis of the above, and given the context of the Council's adopted position in respect of the emerging Cheshire East Local Plan Strategy, it is considered that then two reasons for refusal be removed and the Council offer no evidence at this Public Inquiry.

7 Recommendation

- 7.1 To remove the reasons for refusal as listed and agree to not contest the reasons at the forthcoming appeal.

8 Financial Implications

- 8.1 There is always a risk that if reasons for refusal cannot be sustained that the Council leaves itself exposed to a risk of costs at appeal.

9 Legal Implications

- 9.1 The Borough Solicitor has been consulted on the proposals and supports the recommendation

10 Risk Assessment

- 10.1 There are no risks associated with this decision.

11 Reasons for Recommendation

- 11.1 The Council is unable to defend the reasons for refusal attached to this decision.

For further information:

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Background Documents:

- *Application 15/0184N*