

Application No: 16/2373N

Location: Land At, FLOWERS LANE, LEIGHTON

Proposal: Outline application for the construction of up to 400 dwellings with garaging; provision of serviced site for one form entry primary school; parking; public open space; landscaping; new vehicle and pedestrian accesses; highway works, foul and surface water drainage infrastructure and all ancillary works.

Applicant: Mr Stephen Biart, The Fairfield Partnership

Expiry Date: 17-Aug-2016

SUMMARY:

The proposal is contrary to the 'saved' policies NE2 (Open Countryside) of the Replacement Borough of Crewe and Nantwich Local Plan 2011 and therefore the statutory presumption is against the proposal unless material considerations indicate otherwise.

The site is now however proposed as part of an allocation for around 500 dwellings within the Cheshire East Local Plan Strategy Proposed Changes Final Version July 2016 as site CS38 – Leighton, Crewe. The Inspector in his views on Further Modifications needed to the Local Plan Strategy (Proposed Changes) (13 December 2016) has endorsed the overall approach, and not indicated any further changes required under the suggested Main Modifications, in relation to this site. The plan can accordingly now be given greater weight.

An important material consideration in this case is the NPPF which states at paragraph 49 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 and that where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development. It is anticipated a 5 year supply will be demonstrated when the Local Plan is adopted but at this time it cannot be supported.

It is therefore necessary to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

In this case, the development would provide market and affordable housing to meet an acknowledged shortfall. The proposal would also have some economic benefits in terms of jobs in construction, spending within the construction industry supply chain and spending by future residents in local shops.

Highways is a significant issue in this area of Crewe, however this site will help address this matter by providing a roundabout access that will assist with the strategic linkages, and provide significant financial contributions towards improvements locally.

There would be an adequate level of public open space (POS) on site together with a play area which would comply with policy.

Subject to a suitable Section 106 package, the proposed development would provide adequate POS, the necessary affordable housing requirements, and the requirement for the future maintenance of the open space and playspace on site. It would not generate any shortfall in education capacity locally.

The proposal is considered to be acceptable in terms of its impact upon residential amenity (although this will be looked at in more details at the Reserved Matters stage) and drainage/flooding. Conditions could be imposed to ensure this. It therefore complies with the relevant local plan policy requirements for residential environments

Section 106 contributions can be secured towards the upgrading of the local footpath and cycle network. Therefore it is not considered that a refusal on locational sustainability grounds could be sustained.

The proposal would not result in the loss of any best and most versatile agricultural land, and any impacts on ecological assets can be suitably mitigated.

Despite the loss of open countryside, on the basis the Council cannot demonstrate a 5 year supply of housing and the endorsement of the site to be taken forward as a Local Plan strategy site, it is considered that the proposal represents sustainable development and paragraph 14 is not engaged.

SUMMARY RECOMMENDATION:

DELEGATE to HEAD OF PLANNING (REGULATION) TO APPROVE subject to updated ecology reports, conditions and the signing of a Section 106 Agreement

DESCRIPTION OF DEVELOPMENT

This outline planning application seeks planning permission for “up to 400 dwellings with garaging; provision of serviced site for one form entry primary school; parking; public open space; landscaping; new vehicle and pedestrian accesses; highway works, foul and surface water drainage infrastructure and all ancillary work“.

The proposals have been amended during the lifetime of the application, the most significant being the deletion of the area set aside for a primary school, amendments to the roundabout design, and improvements to the illustrative layout informed by amended landscape, ecology and tree reports, including provision of a green northern edge to the site. A site for a local shop is already indicated on the masterplan, and the plans indicate 7 2/3 bed bungalows

SITE DESCRIPTION:

The site comprises of an irregular shaped parcel of land situated to the north-east of Flowers Lane (the B5076) and to the west of Moss Lane (a minor road). The site is approximately 24.40 hectares (60.3 acres) in area.

The site consists of a series of fields used for pasture land. The site is relatively flat and hedges, often including hedgerow trees, form defensible boundaries on all sides, and currently sub-divide the site. The site adjoins the settlement boundary of Crewe and is bounded to the south by approved Phase 2 of the Parkers Road housing development by Bloor Homes. The existing farm complex referred to as Leighton Lodge on the plans, adjoins the site on Flowers Lane (to the north of the proposed access) but does not form part of the application site. To the south east of the site, currently separated by fields lies Leighton Hospital.

As noted above, 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 illustrative design and layout of the site and the hedgerows will largely be retained and reinforced with additional planting especially within the centre of the site, and along the northern boundary.

Access to the site would be from Flowers Lane, from a new roundabout which could also be used to provide suitable access to the Local Plan site CS3 Leighton West from the north.

Perhaps the most notable feature of the site are the overhead power cables which run roughly north east to south west across the site.

RELEVANT HISTORY:

None relating to this site, but there are planning approvals relating to the land immediately to the south for Phase 2 (Phase 1 is largely complete) of the Parkers Road housing development by Bloor Homes.

NATIONAL & LOCAL POLICY

National Policy

National Planning Policy Framework

Local Plan policy

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan for Cheshire East currently comprises the saved policies from the Congleton Borough (January 2005), Crewe and Nantwich (February 2005) and Macclesfield Local Plans (January 2004). The Crewe and Nantwich Local Plan is applicable for this site.

Policies in the Local Plan

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)
RT.6 (Recreational Uses on the Open Countryside)
TRAN.3 (Pedestrians)
TRAN.5 (Cycling)

National Policy

National Planning Policy Framework

Other Material Policy Considerations

Interim Planning Statement: Affordable Housing (Feb 2011)
Strategic Market Housing Assessment (SHMA)
Strategic Housing Land Availability Assessment (SHLAA)
North West Sustainability Checklist
Article 12 (1) of the EC Habitats Directive
The Conservation of Habitats and Species Regulations 2010.

Cheshire East Local Plan Strategy Proposed Changes Final Version July 2016

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

PG2 – Settlement Hierarchy
PG5 - Open Countryside
PG6 – Spatial Distribution of Development
SC3 – Health and Wellbeing
SC4 – Residential Mix
SC5 – Affordable Homes
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE1 - Design
SE2 - Efficient Use of Land
SE3 – Biodiversity and Geodiversity
SE4 - The Landscape
SE5 – Trees, Hedgerows and Woodland
SE9 –Energy Efficient Development
IN1 - Infrastructure
IN2 – Developer Contributions

CS38 – Leighton, Crewe

The latest wording reads as follows:

“Leighton, Crewe (Former SL 2)

This site lies adjacent to the Strategic Site of Leighton West. The site lies in close proximity to both Leighton Hospital and Bentley Motors; its development will result in the expansion of the new sustainable neighbourhood at Leighton West. This will provide opportunities for people to live near to the key automotive hub, to be located at the southern end of the Leighton West site and in close proximity to Bentley Motors. The development of the Leighton West Strategic Location Site over the Local Plan Strategy period will be achieved through:

- 1. The delivery of around 500 homes (at a variety of densities). The design, density and scale of the development should reflect the fact that the site lies in a transitional location between the higher density urban area and the rural area. The surrounding development is predominantly suburban and the development of the site should reflect this. The development of the site will be masterplan-led, including a design code, which will consider its location, constraints and opportunities;*
- 2. Further road improvements to upgrade access to Leighton Hospital for emergency vehicles and suitable footpath and cycle lanes;*
- 3. Key worker housing to be provided, for the employees of Leighton Hospital;*
- 4. Site to be designed to complement the allocated site at Leighton West; and*
- 5. Incorporation of Green Infrastructure, including:*
 - i. A linear green corridor through the site, including the land below and adjacent to the pylons;*
 - ii. Allotments;*
 - iii. Open space including formal sports pitches, Multi Use Games Area; outdoor gym and equipped children's play space.”*

The site subject of this application takes up a substantial part of the CS38 allocation, but not all of it. The remaining area to the north is in separate ownership. The wording of the policy has been amended during the Local Plan process and there was some discussion of the text during the examination, but nothing that would impact on the substance of the policy.

CONSULTATIONS:

Brine Board

The site is outside the consultation area normally considered, but the application has been assessed due to the scale of the development and proximity of nearby claims. The applicant may want to consider looking into assessing the impact of historical brine pumping in the area.

United Utilities

No objection subject to conditions relating to foul and surface water drainage, and management and maintenance of sustainable urban drainage.

Archaeology

With the exception of identifying ridge and furrow earthworks, which have been recorded by LIDAR and aerial photographs, the archaeological assessment did not identify any archaeological potential within the proposed development, which is consistent with the Parkers Road site. No mitigation is therefore required.

Housing

Do not object subject to meeting the policy requirement for 30% affordable housing on a 65/35% split (affordable rent/intermediate tenure) secured via a section 106 Agreement.

Public Open Space/Play

Comments to be reported

Education

In order to meet the requirements of up to 400 dwellings based on pressures in this part of Crewe, there will be the need to contribute towards the provision of primary school and SEN (Special Educational Needs) places as part of the development, and this has been assessed to require a contribution of £1,030,125 secured via a Section 106 Agreement.

Environmental Health

No objection subject to the following conditions:

- Submission / approval and implementation of a Construction Environmental Management Plan
- Requirement for the submission of an air pollution damage cost calculation to determine the mitigation required.
- Low emission strategy.
- Electric Vehicle Charging Points
- Agree a residents travel information pack
- Dust Control Measures
- Submission of a Phase II Contaminated Land Assessment & verification

Rights of Way

The development will affect a public footpath (No.2), but in line with the proposals, the surface should be upgraded with an unsealed stone surface to a minimum width of 1.5m. This can be conditioned.

With regards to wider active travel, the application proposes a green corridor through the centre of the site, incorporating pedestrian and cycle routes. If these are not adopted as public highway – with an appropriate commuted maintenance sum, the routes would need to be maintained for use under the arrangements for the management of the open space on site. Linkages to the wider network – proposed in the Leighton area are set out in the application and should be secured, with appropriate signage through conditions/Section 106 contributions.

Highways

The application site was fully evaluated as part of the evidence base for the Local Plan, and it was accepted that around 500 dwellings (on the whole site CS38) could be accommodated within the highways infrastructure, on the basis of a number of mitigation measures set out in the draft policy.

Looking specifically at this application, Highways have fully assessed the proposals looking at the strategic context, the localised impact including the sustainability of the site taking specifically access for pedestrians and cyclists. Highways have been in dialogue with the applicant's agent, and are satisfied that the application is acceptable subject to conditions and a package of financial contributions towards Highways infrastructure.

Flood Risk Engineer

The site is located in flood zone 1; however, there is also high surface water risk to the land adjacent to the proposed development. The risk of flooding from this source will need to be appropriately mitigated and assessed then demonstrated in the submitted documents before development can commence on site. The submitted FRA is deficient in this respect.

They do not however raise any objections to the application, subject to conditions covering managing overland flow and proposals for sustainable urban drainage.

Minshull Vernon and District Parish Council

They object to the application on the following grounds:

- Over development of the site, exacerbated by inadequate infrastructure
- Flooding concerns
- Lack of local facilities including shops, schools and doctors
- Two access points are not acceptable, there should only be one

They then go on to state that if planning permission were granted then a range of 35 matters should be included as conditions. Many of these are very detailed matters but include provision of shops/services, play areas, cycle routes, safe pedestrian routes, construction management and affordable housing provision.

REPRESENTATIONS:

A number of comments have been received from residents and Cllr Bebbington raising the following concerns:

- Concern that Moss Lane will be used as a main access to the site. Moss Lane is not suitable being narrow with no footpath provision. There is also a concern it will become a rat run if Flowers Lane is congested.

- Concern about the more general highways impact in the area of building 400 houses and the capacity of Flowers Lane to cope with the increased traffic, and concerns about safety.
- Loss of open countryside
- Schools are at capacity
- Concerns over flooding
- Lack of facilities in the area and few being proposed on site.

A number of letters of support have also been received supporting the site as a suitable location for the expansion of Crewe and helping the economic growth of the town.

Finally a request for a financial contribution towards extending the graveyard at the Parochial Church Council of St. Peter's Church, Leighton-cum-Minshull Vernon has been received. This is not however considered to meet the requirements of the CIL regulations set out later in the report.

APPLICANTS SUBMISSION

In support of the application (in addition to the submitted plans) the following documents have been submitted:

1. Supporting planning statement
2. Design and Access Statement
3. Statement of Community Involvement
4. Transport Assessment
5. Travel Plan
6. Flood risk Assessment
7. Landscape & Visual Assessment
8. Archaeological Desk Based Assessment
9. Ecological Impact Assessment
10. Tree survey and Report
11. Phase 1 Contamination Report
12. Air Quality Assessment
13. Heads of Terms – Section 106 Agreement

APPRAISAL:

There are three dimensions to sustainable development:- economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right

time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

These roles should not be undertaken in isolation, because they are mutually dependent.

Social Sustainability

The first dimension to sustainable development is its social role. In this regard, the proposal will provide new family homes, including 30% affordable homes, on site public open space and residents would use local education and health provision.

Housing Land Supply

On 13 December 2016 the Inspector published a note which sets out his views on the further modifications needed to the Cheshire East Local Plan Strategy. This note follows 6 weeks of Examination hearings concluding on 20 October 2016.

This note confirms that his previous endorsement for the core policies on the plan still stand and that “no new evidence or information has been presented to the examination which is sufficient to outweigh or alter my initial conclusions”. This signals his agreement with central issues such as the ‘Duty to Cooperate’, the overall development strategy, the scale of housing and employment land, green belt policy, settlement hierarchy and distribution of development.

The Inspector goes on to support the Council's approach to the allocation of development sites and of addressing housing supply. He commented that the Council:

“seems to have undertaken a comprehensive assessment of housing land supply, and established a realistic and deliverable means of meeting the objectively assessed housing need and addressing previous shortfalls in provision, including assessing the deliverability and viability of the proposed site allocations”

The Inspector went on to state that the development strategy for the main towns, villages and rural areas appeared to be “appropriate, justified, effective, deliverable and soundly based.” As a consequence there was no need to consider other possible development sites at this stage.

The Inspector's recommendations on Main Modifications mean that under paragraph 216 of the Framework the emerging policies of the Cheshire East Local Plan Strategy can be attributed a greater degree of weight – as the Plan as revised is at an enhanced stage, objections are substantially resolved and policies are compliant with National advice.

The Inspector's recommendations on housing land supply, his support for the Cheshire East approach to meeting past shortfalls (Sedgepool 8) indicate that a remedy is at hand to housing supply problems. **The Council still cannot demonstrate a 5 year supply of**

housing at this time but it will be able to on the adoption of the Local Plan Strategy. This is highly relevant to the assessment of weight given to housing supply policies which are deemed out of date by the absence of a 5 year supply. Following the Court of Appeal decision on the Richborough case, the weight of an out of date policy is a matter for the decision maker and could be influenced by the extent of the shortfall, the action being taken to address it and the purpose of the particular policy. Given the solution to housing supply now at hand, correspondingly more weight can be attributed to these out of date policies.

Affordable Housing

The Council's Interim Planning Statement: Affordable Housing (IPS) states in Settlements with a population of 3,000 or more that we 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 larger than 0.4 hectares in size. The desired target percentage for affordable housing for all allocated sites will be a minimum of 30%, in accordance with the recommendations of the Strategic Housing Market Assessment carried out in 2013 and Policy SC5 of the LPS proposed changes. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

This is a proposed development of 400 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 120 dwellings to be provided as affordable dwellings. . The SHMA 2013 shows the majority of the demand in Crewe for the NEXT 5 YEARS is for 50 x 1 bedroom, 14 9 x 3 bedroom, 37x 4 bedroom dwellings for general needs and 12 x 1 bedroom and 20 x 2 bedroom dwellings for Older Persons PER YEAR. The majority of the demand on Cheshire Home choice is for 573 x 1 bedroom, 707x 2 bedroom, 399 x 3 bedroom, 5 4 x bedroom and 2 x 5 bedroom dwellings therefore 1, 2, 3, 4 and 5 bedroom dwellings on this site would be acceptable. 78 units should be provided as Affordable rent and 42 units as Intermediate tenure.

The Application form advises that the Affordable Housing is to be split 30 Affordable rents and 90 Intermediate Tenure. There is a need as shown for rental accommodation. No objection is raised to this application of the provision that at Reserved Matters the Affordable Housing split is to the IPS required 65% Affordable Rent and 35% Intermediate Tenure. 1 bedroom accommodation should be included at Reserved Matters.

The Affordable Housing IPS requires that the affordable units should be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration and also that the affordable housing should be provided no later than occupation of 50% of the open market dwellings

The affordable housing should meet the HCA's housing quality indicator (HQI) standards.

The preference is that the affordable housing is secured by way of a S106 agreement, which:

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- requires them to transfer any rented affordable units to a Registered Provider
- provide details of when the affordable housing is required

- 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 prior to commencement of the development that includes full details of the affordable housing on site.”

On the basis of the applicant’s submission the development will meet the policy and local requirements. This will need to be secured through a Section 106 Agreement.

Public Open Space/Play provision

Policy RT.3 of the Borough of Crewe and Nantwich Replacement Local Plan requires that on sites of 20 dwellings or more, a minimum of 15sqm of shared recreational open space per dwelling is provided and where family dwellings are proposed 20sqm of shared children’s play space per dwelling is provided.

The applicant believes they have complied with the policy.

The comments of the Greenspaces Officer will be reported in the update report.

Infrastructure

Policy GR19 of the Local Plan advises that the Local Planning Authority may impose conditions and/or seek to negotiate with developers to make adequate provision for any access or other infrastructure requirements and/or community facilities, the need for which arises directly as a consequence of that development. It is advised that such provision may include on site facilities, off site facilities or the payment of a commuted sum.

Policy IN1 of the Cheshire East Local Plan Strategy Proposed Changes Final Version July 2016 advises that the Local Planning Authority should work in a phased co-ordinated manner to secure funding and delivery of physical, social, community, environmental and any other infrastructure required to support development and regeneration.

The Council’s Education Officer, in response to a consultation to ascertain the impact of the proposed development on nearby schools advised that the development needs to cater for 74 primary children, and 5 SEN children who would not have a school place in Crewe without additional a financial contribution. Therefore a contribution of £1,030,125 is required to mitigate the impact.

Environmental Sustainability

Landscape

The application site is located on the northern boundary of Crewe and is currently agricultural land that covers a number of fields, extending to an area of 24.40 hectares. The application site has a network of hedgerows and a number of hedgerow trees.

The proposals include a landscaped corridor through the centre of the site (under the pylons) and a reasonable buffer along the northern boundaries to give a soft edge to the open countryside beyond.

The proposed Local Plan Allocation requires:

“The retention, where possible, of hedgerows and trees and the inclusion of appropriate planting and buffering along the northern, eastern and western boundaries of the site and in particular between the site and Leighton Hospital and between the site and the village of Bradfield Green, to provide a clear edge to the site, a buffer between the site and Leighton Hospital and to reduce the visual impact of the development of this site on the adjacent open countryside.”

+6As part of the application a landscape and Visual Appraisal has been submitted, this indicates that it has been undertaken using the Guidelines for Landscape and Visual Impact Assessment, Third Edition (GLVIA 3). As part of the Landscape and Visual Appraisal the baseline landscape character is identified at the regional level. The application site lies within the area identified in the Cheshire Landscape Character Assessment (2009) as Landscape Character Type 7: East Lowland Plain, and specifically East Lowland Plain, Wimboldsley Character Area (ELP5). The appraisal has also includes comments on the townscape of the site and surrounding area.

The Landscape and Visual Appraisal indicates that the site is representative of the local landscape character indicates that the site is of low-medium sensitivity, that the oak trees have a high intrinsic sensitivity and that the local landscape character is of low sensitivity to the type of development proposed; that the magnitude of change will be slight/moderate adverse, slight adverse for the oak trees and slight adverse for the local landscape character. The visual assessment identifies 12 viewpoints, and indicates that the effects will range from negligible – viewpoints 5 and 6; minor – viewpoints 1, 3, 4, 7; minor/moderate – viewpoint 8 and moderate/ major – viewpoints 9, 10, 11 and 12. While I would broadly agree with the visual assessment of the viewpoints, I do consider that the landscape value as well as the landscape magnitude of change would be greater than identified in the appraisal, although not significantly so.

The application includes a site Parameters Plan as well as a Concept Masterplan. It is considered that the retention of existing hedgerows and hedgerow trees as a positive approach towards creating a GI network, the incorporation of the existing hedgerows as residential boundaries is rarely successful, nevertheless it is felt that any potential landscape and visual impacts can be mitigated with appropriate design details and landscape proposals. This could be ensured through the reserved matters, appropriate conditions and the S106 agreement.

The Landscape Officer has assessed the proposals, and whilst he disagrees with some of the assessments made on landscape impacts, it is considered that overall the landscape impact is acceptable, and the impact can be mitigated through sensitive design at the reserved matters stage.

Amenity

The site does not readily adjoin many existing properties, with only the property adjoining the site on Flowers Lane, and those fronting Moss Lane being in the vicinity. In addition to this are the approved properties as part of Phase 2 of the Parkers Road development that are not yet built. As an outline application with layout not sought for approval, it is considered that a layout meeting acceptable separation distances can be readily achieved.

In order to protect the amenity of neighbouring occupiers during the construction period Environmental Health have recommended conditions requiring the submission, approval and implementation of a Construction Environmental Management Plan as well as limits on the hours of construction.

Contaminated Land

The Contaminated Land team has no objection to the above application subject to the following comments with regard to contaminated land:

- The application area has a history of agricultural use and therefore the land may be contaminated.
- The application is for new residential properties which are a sensitive end use and could be affected by any contamination present or brought onto the site.
- Reports submitted in support of the application recommend a Phase II ground investigation be undertaken in order to further assess identified potential contaminant linkages.

As such, and in accordance with the NPPF, Contaminated Land recommends that the standard conditions, reasons and notes be attached should planning permission be granted.

Air Quality

Whilst this scheme itself is of a relatively small air quality impact, there is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality.

The cumulative impact of a number of developments in the area around Crewe and the Air Quality Management Areas (regardless of their individual scale) has the potential to significantly increase traffic emissions and as such adversely affect local air quality for existing residents by virtue of additional road traffic emissions. For the protection of human health, it is the significance of these cumulative impacts that we must take into to consideration when recommending mitigation measures and not the impacts of each individual proposal.

The guidance associated with assessing the significance of impacts of the developments has been revised since the air quality assessment was completed. There is greater emphasis on the cumulative impacts of developments in an area and best practice of mitigation measures.

Using the updated methodology the cumulative impacts of this development and others in the area in the worst case receptors (in the Earle Street AQMA) could be classified as 'moderate' rather than 'negligible' as given in the report. It is therefore considered essential that air quality mitigation measures are incorporated as part of any planning permission.

The accessibility of low or zero emission transport options has the potential to mitigate the impacts of transport related emissions, however it is felt appropriate to ensure that uptake of these options is maximised through the development and implementation of a suitable travel plan.

In addition, modern Ultra Low Emission Vehicle technology (such as all electric vehicles) are expected to increase in use over the coming years (the Government expects most new vehicles in the UK will be ultra low emission). As such it is considered appropriate to create infrastructure to allow home charging of electric vehicles in new, modern properties.

It is therefore recommended that conditions are attached to any approval requiring submission, approval and implementation of travel plans and electric vehicle infrastructure.

Ecology

Dealing with each of the species in turn:

Great Crested Newts

The species were recorded in three ponds, one which is within the site edged red, and as such under the European Regulations the Habitat Regulation 'tests' must be considered. Replacement ponds are proposed, but it is not clear whether they are wildlife or SUDS ponds. It is recommended that an additional pond be provided in the more informal area of the site to bring their number up to 6.

As Great Crested Newts were recorded, the development will have an impact on the existing population, but the Councils Ecologist feels the impact can be mitigated against by providing alternative provision on site, and to mitigate the risk of great crested newts being killed or injured during the construction process newts will be removed and excluded from the site using standard best practice methodologies under the terms of a Natural England license.

As a requirement of the Habitat Regulations the three tests are outlined below:

EC Habitats Directive
Conservation of Habitats and Species Regulations 2010
ODPM Circular 06/2005

The UK implemented the EC Directive in the Conservation (natural habitats etc.) regulations which contain two layers of protection:

- A licensing system administered by Natural England which repeats the above tests
- A requirement on local planning authorities ("lpas") to have regard to the directive's requirements.

The Habitat Regulations 2010 require local authorities to have regard to three tests when considering applications that affect a European Protected Species. In broad terms the tests are that:

- The proposed development is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment
- There is no satisfactory alternative
- There is no detriment to the maintenance of the species population at favourable conservation status in its natural range.

Current case law instructs that if it is considered clear or very likely that the requirements of the directive cannot be met because there is a satisfactory alternative, or because there are no conceivable “other imperative reasons of overriding public interest”, then planning permission should be refused. Conversely, if it seems that the requirements are likely to be met, then there would be no impediment to planning permission be granted. If it is unclear whether the requirements would be met or not, a balanced view taking into account the particular circumstances of the application should be taken.

Overriding Public Interest

The provision of mitigation would assist with the continued presence of Great crested Newts.

Alternatives

There is an alternative scenario that needs to be assessed, this is:

- No Development on the Site

Without any development, specialist mitigation for Great crested Newts would not be provided which would be of benefit to the species. Other wider benefits of the scheme need to be considered.

Detriment to the maintenance of the species

The Council’s Nature Conservation Officer has advised that with appropriate mitigation, as proposed, there should be no harm to Great crested Newts. As there were queries about the location of these replacement ponds condition is recommended requiring an updated mitigation strategy at the Reserved Matters stage.

Breeding Birds

Confirmation of the findings of the desk study carried out has been sought from the applicant to establish if any additional mitigation measures are required to protect priority species. The comments of the applicant’s agent are awaited on this matter and will be reported in the update report.

Lesser Silver Diving Beetle and Mud snail

Further surveys are required to establish the presence/absence of these species, but this cannot be carried out until Spring this year and it is recommended these surveys are carried out prior to the determination of the application. This matter is further discussed in the conclusion section of the report.

Reptiles

A further survey, to bring the numbers up to 7 (to satisfy best practice) is recommended. This can be carried out at the same time as the survey's referred to above.

Hedgehogs

As there is record of them in the broad locality of the site a condition requiring gaps in the fencing of proposed properties is recommended.

Bats

Whilst there is some evidence of activity on the site, no roosts were recorded. However as there are trees with potential to support roosts, at the detailed stage further surveys should be undertaken and appropriate mitigation undertaken.

Overall there are no significant Ecological issues identified, but further surveys (for Diving Beetles, Mud Snails and Reptiles) are required before the application should be determined.

Flood Risk and Drainage

The Flood Risk Officer has raised no objections to the development, but in order to manage potential issues of surface water, a condition is recommended to require this to be submitted and agreed prior to development. As a result, the development is considered to be acceptable in terms of its flood risk/drainage implications.

Urban Design

The submitted indicative Masterplan illustrates the potential form and layout of the development. It shows one point of access from Flowers Lane, and an emergency only access from Moss Lane, which would also serve as a pedestrian/cycle link to this quieter road. The overhead electrical power cables have heavily influenced the layout of the site, effectively splitting the housing into two halves with the central area being set aside for open space, sustainable urban drainage, ecological/landscaped areas and green infrastructure.

Subject to a suitable detailed layout and design, reflecting Manual for Streets principles, which can be secured at reserved matters stage, it is considered that this form of development is appropriate and will reflect the character of the existing suburban development to the south of the site, whilst providing an appropriate edge to the open countryside to the north with a green buffer. Site densities are higher in the southern part of the site, being lower on the rural edge.

Draft Policy CS38 includes a requirement for a design code and masterplan for the site, which has been submitted in the form of a Core Principles document as set out in the Design and Access Statement together with an illustrative masterplan and site parameters plan. These can be conditioned, to be followed at the Reserved Matters stage.

Whilst there is no requirement for a detailed layout to be provided at this outline stage, the application is supported by what could be termed a testing layout to demonstrate that up to

400 houses could be accommodated on the site. It is therefore considered the applicant has adequately demonstrated that an acceptable layout can be achieved on site, taking into consideration all the site constraints. Clearly the detail will be dealt with at the Reserved Matters stage.

Although external appearance and design are also reserved matters, it is considered that an appropriate design can be achieved, which will sit comfortably alongside the mix of existing development within the area.

Access to facilities

The site was fully assessed as part of the site selection report which forms part of the evidence base for the Local Plan Strategy. In addition the site was the subject of a sustainability appraisal. The assessments carried out confirmed that the site is considered accessible, and as such sustainably located, subject to the requirements of the policy to provide improvements to highways infrastructure including improved pedestrian and cycle linkages. The Local Plan Inspector has raised no issues with the locational sustainability of the site.

Renewable Energy

Paragraphs 96 and 97 of the Framework deal with decentralised and renewable energy supply. The aim is to secure a proportion of predicted energy requirements for new developments from decentralised and renewable or low carbon sources. This could be dealt with by condition in the interests of sustainable development.

Highways

Highways have commented that an assessment of the sites sustainability credentials was undertaken, looking in particular at walking, cycling and public transport. Whilst internal linkages will be examined at the reserved matters stage, linkages to the wider area, combined with CEC proposals are considered acceptable, subject to a financial contribution. The travel plan framework submitted, setting out a range of measures proposed, is considered acceptable, and should be subject to a requirement for a monitoring fee secured by a 106 contribution.

“The access roundabout is a key component in delivering the wider North West Crewe highway improvement package and its delivery independent of the residential scheme coming forward is required. To allow this a S106 contribution is to be secured to the value of these works along with highway land dedication to allow Cheshire East Council to implement this junction as part of bringing forward the highway strategy in this locality.”

Traffic has been assessed using the VISSIM model, and:

“The results of this analysis have shown the development would be acceptable in highway terms subject to a S106 contribution to the North West Crewe Highway Improvement package – this package provides improvements at key junctions where this development would have a direct impact thus insuring CIL compliance.”

Highways in conclusion consider the site is acceptable in highway terms subject to conditions regarding the site access, the need for a Construction Management Plan, provision of a bus service along Flowers Lane in both directions, and a Section 106 contribution to the travel plan, and range of highway/sustainability improvements.

Given the advanced nature of the Local Plan allocation accepting the principle of development on this site, highways is perhaps the most significant issue, and certainly the matter which has raised most issues from local residents. It needs to be remembered that highways improvements proposed as part of the development of this site forms part of a series of proposed strategic highways improvements to this area of northwest Crewe, which include land from Bentley Motors in the south and the sites subject to policy CS3 Leighton West, which includes Leighton Hospital.

This application proposes a roundabout access which would form part of this strategic network, improving linkages to the south together with financial contributions towards improvements to the highways infrastructure, including sustainable transport improvements, again to link to proposed improvements in the area including the cycle network. The financial contributions are set out at the end of the report.

The main highways concern with the proposals was the deliverability of the roundabout access, as it forms a key component in the proposed strategic network. As it would be located on private land, its delivery would be dependent on the site, subject to this application, being developed. This could potentially frustrate developments to the south which is to be avoided. Following discussions with the applicant's agent it has been agreed that should planning permission be granted, the applicant will dedicate the land required for the roundabout as highway land, enabling the Council to bring forward its construction in advance of the site in question being developed for housing. This addresses the concern.

Subject to the package of measures proposed, Highways have raised no issues with the proposed development, which was of course evaluated as part of the Local plan Strategy process.

Finally with regards to access onto Moss Lane, and concern this could be used as a secondary access, the proposal is that this would only be used as an emergency access. It is considered that this matter can be conditioned, and that the detailed design at the Reserved Matters stage can include measures to ensure it is not used as a vehicle access, with appropriate measures to ensure it is only accessible to emergency services.

Public Rights of Way

The Rights of Way team have commented that the development would affect Crewe Public Footpath No.4. and want to ensure it is retained as part of the development. The illustrative layout indicates that it will be, however, as this is an outline application and the layout plan is only indicative, it is considered that this matter could be adequately addressed at the reserved matters stage.

The Rights of Way team have also requested a number of conditions to protect the footpaths during and after development including details of a scheme of management, details of surfacing, widths, gradients, landscaping and structures which could be added to any

approval. Given the increase in use of the footpath network, in particular Crewe Public Footpath No. 4 they have also recommended upgrading of this right of way. This could also be secured through condition.

Again whilst there are indications on the illustrative masterplan, and supporting documents, that green linkages will be created within and to the site boundary these matters will need to be addressed at the Reserved Matters stage. Conditions would again be appropriate to ensure there are properly considered, appropriate construction and signage is employed and that they are adequately maintained.

Trees & Hedges

There are a number of mature hedgerows and hedgerow trees on the site, which the draft Local Plan policy seeks to retain. The application is supported by an arboricultural assessment and the illustrative masterplan indicates that the majority of trees can be retained on the site, and indeed can be used as a feature to help sub-divide the housing units. Boundary trees will be retained and on the northern boundary in particular can help reinforce the green fringe to the open countryside beyond. The Council's Tree officer has raised no objections to the application but as ever the reserved Matters application will need to be closely scrutinised to ensure that the layout seeks the long term retention of trees and hedges.

Economic Sustainability

Supporting Jobs and Enterprise

The Framework includes a strong presumption in favour of economic growth.

Paragraph 19 states that:

'The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth'

Given the countryside location of the site, consideration must also be given to one of the core principles of the Framework, which identifies that planning should recognise:

'the intrinsic character and beauty of the countryside and supporting thriving rural communities within it'

Specifically, in relation to the rural economy the Framework identifies that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

'support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings'

The economic benefits of the development include, maintaining a flexible and responsive supply of land for housing, business and community uses as well as bringing direct and indirect economic benefits to the town including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

Similarly, the NPPF makes it clear that:

“the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.”

According to paragraphs 19 to 21:

“Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century. Investment in business should not be overburdened by the combined requirements of planning policy expectations.”

Agricultural land

Policy NE.12 of the Local Plan states that development on the best and most versatile agricultural land (grades 1, 2 and 3a in the ministry of agriculture fisheries and food classification) will not be permitted unless:

- the need for the development is supported in the local plan;
- it can be demonstrated that the development proposed cannot be accommodated on land of lower agricultural quality, derelict or non agricultural land; or
- other sustainability considerations suggest that the use of higher quality agricultural land is preferable to the use of poorer quality agricultural land.

This is supported by the National Planning Policy Framework, which states that:

“where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality”.

The site is understood to be Grade 3b agricultural land. This is not the best and most versatile land and therefore there is no conflict with Policy NE12 or the NPPF in this regard.

Education

The development of 400 dwellings is expected to generate:

74 primary children (400 x 0.19 = 76 – 2 SEN Pupils)
59 secondary children (400 x 0.15 = 60 – 1 SEN Pupil)
5 SEN children (400 x 0.51 x 0.023%)

The infrastructure needed to accommodate the 74 primary children and 5 SEN children is essential to continue the high degree of education currently delivered within the Borough.

Special Education provision within Cheshire East Council currently has a shortage of places available with at present over 47% of pupils educated outside of the Borough. The Service acknowledges that this is an existing concern, however the 5 children expected from Land at Flowers Lane application will exacerbate the shortfall. The 3 SEN children, who are thought to be of mainstream education age, have been removed from the calculations above to avoid double counting. The remaining 2 SEN children are expected to be 1 EYFS child and 1 Sixth Form child. The Service does not claim for EYFS or Sixth Form at present therefore those children cannot be removed from the calculation above.

To alleviate forecast pressures, the following contributions would be required:

$74 \times \pounds 11,919 \times 0.91 = \pounds 802,625$ + Equalisation agreement with Leighton West (CS3) landowners (primary)
 $5 \times \pounds 50,000 \times 0.91 = \pounds 227,500$ (SEN)
Total education contribution: $\pounds 1,030,125$

Without a secured contribution of $\pounds 1,030,125$ and equalisation agreement, Children's Services raise an objection to this application. This objection is on the grounds that the proposed development would have a detrimental impact upon local education provision as a direct cause from the development. Without the mitigation, 74 primary children and 5 SEN children would not have a school place in Crewe. The objection would be withdrawn if the financial mitigation measure is agreed.

Whilst the original application showed the potential location of a school on the site, following discussions with Education the decision on where to locate the additional educational provision has yet to be made, with expanding Leighton Academy being a possible proposal, and as such they would prefer the flexibility of simply requiring a commuted sum in line with their comments. The wording of the latest version of the Local Plan Strategy (July 2016) is:

"There will be a requirement for financial contributions to be made to the provision of a new primary school, on the adjacent Leighton West site CS3."

Clearly the intention is not to provide a school site on this site as may have been originally intended.

The applicant has indicated they will meet the financial contributions required, and is included in their draft heads of terms.

Public open space/play provision

Whilst the comments of the Greenspaces officer are awaited, and will be reported in the update report, the proposals clearly indicate that an area of some 8.9 ha of open space including sports pitches, a children's play and allotment gardens will be provided as part of the development. This is likely to more than meet the current policy requirement and the draft wording of the emerging local plan policy.

Other matters

Cllr Bebbington and the Parish Council have asked that a number of other matters to be considered, including disabled facilities in houses, benches/bins in the play area and measures to control construction. Many of these items get into the detail of proposals which will be looked at the Reserved Matters Stage, however control over the construction process can be achieved via a Construction Management plan as recommended by Environmental Protection and Highways.

On the subject to the Brine Boards comments, this matter was discussed with the Board, and whilst there was a claim for subsidence in March 1957, there was no evidence of subsidence damage from historic brine pumping when investigated at that time. Given the site is outside the normal search area no further action is considered necessary in this regard.

Section 106 Agreement / Community Infrastructure 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 above, POS and children's play space is a requirement of the Local Plan Policy. It is necessary to secure these works and a scheme of management for the open space and children's play space is needed to maintain these areas in perpetuity. This matter may or may not be subject to a Section 106 depending on greenspaces comments. Similarly the affordable housing is a policy requirement.

The highways contributions are necessary to improve the sustainability of the site and to mitigate any impacts. The education contribution is necessary to mitigate the impacts of the scheme. On this basis the highways, education, open space and affordable housing is compliant with the CIL Regulations 2010.

Planning Balance and Conclusion

The proposal is contrary to development plan policies NE2 (Open Countryside) and therefore the statutory presumption is against the proposal unless material considerations indicate otherwise. However the site is now proposed as part of an allocation for 500 dwellings within the Cheshire East Local Plan Strategy Proposed Changes Final Version July 2016 as site CS38 Leighton, Crewe. 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.

The NPPF states at paragraph 49 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 and that where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development

Although it is anticipated that a 5 year supply will be achieved when the Local Plan is adopted (to which this site makes significant contribution), it is still necessary to make a free-standing assessment as to whether the proposal constitutes “sustainable development” in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

In this case, the development would provide market and affordable housing to meet an acknowledged shortfall. The proposal would also have some economic benefits in terms of jobs in construction, spending within the construction industry supply chain and spending by future residents in local shops.

In terms of traffic generation and congestion Highways are satisfied that any impacts can be mitigated and will be addressed through significant Section 106 contributions.

There would be an adequate level of POS on site together with a play area which would comply with policy.

Subject to a possible Section 106 package or appropriate conditions, the proposed development would provide adequate public open space, the necessary affordable housing requirements, and the requirement for the future maintenance of the open space and playspace on site. It would not generate any shortfall in education capacity locally.

The proposal is considered to be acceptable in terms of its impact upon residential amenity and drainage/flooding. Conditions could be imposed to ensure this. It therefore complies with the relevant local plan policy requirements for residential environments

The site was fully assessed as a Local Plan Strategy site and considered locationally sustainable to a range of services and facilities. Furthermore, Section 106 contributions can be secured towards improving the sustainability of the site.

The proposal would not result in the loss of any best and most versatile agricultural land, and any impacts on ecological assets can be suitably mitigated.

It is also necessary to consider the negative effects of this incursion into the Open Countryside and landscape impact.

Despite the loss of open countryside, on the basis that the site has reached an advanced stage in the Local Plan process, and the Council cannot yet demonstrate a 5 year supply of housing, it is considered that the proposal represents sustainable development and paragraph 14 is not engaged.

The only outstanding issue is that of required further ecological surveys for mud snails, silver diving beetles and reptiles which cannot be carried out until this spring. It is therefore recommended that the application be Delegated to the Head of Planning (Regulation), subject to the satisfactory receipt of these required reports and recommended mitigation, should it be

required. Should a significant issue arise from these reports and their assessment then the matter would be reported back to Committee.

RECOMMENDATION

DELEGATE to HEAD OF PLANNING (REGULATION) (in consultation with the Chairman) TO APPROVE subject to updated ecology reports, and

Section 106 to secure the following;

- 1. Dedication of land as public highway to enable the proposed four arm roundabout to be independently delivered if necessary. (Drawing B991/015A)**
- 2. A financial contribution of £220,000 for the construction of the four arm roundabout.**
- 3. A revised Travel Plan to include the provision of cycle or bus vouchers to the value of £60,000.**
- 4. A financial contribution of £1,985,185 towards the North West Crewe Highway Improvement package.**
- 5. A financial contribution of £100,000 toward the Leighton Hospital Cycle Link.**
- 6. A financial contribution of £1,030,125 towards local education provision to accommodate children expected from the development.**
- 7. 30% affordable housing provision.**
- 8. Provision of site for local shop.**

and the following conditions:

1. Commencement of development (3 years) or 2 from the date of approval of reserved matters.
2. Reserved matters to be approved.
3. Approved plans including the site parameters plan and access drawing
4. Materials
5. Landscaping
6. Implementation of landscaping
7. Tree retention/protection in accordance with agreed scheme
8. Further ecological surveys for Great Crested Newts
9. Surface water drainage/SUDS provision
10. Separate systems for drainage
11. Submission of a Phase II Contaminated Land Assessment & verification

12. Submission / approval and implementation of a Construction Environmental Management Plan, including limiting the hours of construction.
13. Dust control measures
14. Details of Lighting to be submitted and agreed
15. Travel Plan including agreement of a residents travel information pack
16. Electric Vehicle Charging Points
17. Provision of a minimum of 7 bungalows
18. Provision of a site for a local shop and to be marketed for a minimum 2 years
19. Approval of site access
20. Access to Moss Lane for emergency vehicles only
21. 2-way bus service provision
22. Air pollution damage cost calculation
23. Renewable energy
24. Provision of Broadband

In order to give proper effect to the Board`s intentions and without changing the substance of the decision, authority is delegated to the Head of Planning (Regulation), in consultation with the Chairman (or in his absence the Vice Chairman) of Strategic Planning Board, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

