

**Southern Planning Committee 29<sup>th</sup> March 2017**

**UPDATE TO AGENDA**

**APPLICATION No.**

**17/0295N** – Outline application for residential development of up to 29 No. dwellings and associated infrastructure with access to be taken from Rope Lane

**LOCATION**

Land at Shavington Villa, Rope Lane, Shavington, CW2 5DT

**UPDATE PREPARED**

22nd March 2017

**PROPOSAL**

Outline planning permission is sought for up to 29 dwellings, including matters of Access.

Matters of; Appearance, Landscaping, Layout and Scale are not sought for permission as part of this application.

Since the drafting of the committee report, the agent has submitted a response to a number of the objections/concerns raised by consultees including; flooding and drainage, landscape, trees, environmental health and housing. As a result of this written response, a revised updated indicative layout plan has now also been received. The plan has been updated in the following ways;

- Affordable Housing mix amended from 8x1 bed and 1x3 bed affordable dwellings on this site to 2x1 bedroom, 4x2 bedroom and 3x3 bedroom.
- Re-sizing of dwelling proposed on Plot 10 in an attempt to overcome tree concerns

**CONSULTATIONS**

**Environmental Protection** – No change in comments

**Housing (Cheshire East Council)** – No objections, subject to the 30% affordable housing being secured via S106 Agreement. Mix now agreed.

**Flood Risk Manager** - No objections, subject to conditions

**APPRAISAL**

Landscape Impact

The further information provided in relation to the landscape concerns do not alter the fact that the Council's Landscape Officer simply agreed with the applicant's submitted Landscaping Appraisal which concluded that the development would result in adverse effects.

## **Sustainability - Environmental role**

### Trees and Hedgerows

The application is supported by an Arboricultural Impact Assessment, Method Statement and Tree Protection Plan.

The Council's Tree Officer reviewed the proposals and advised that in order to facilitate the proposed access off Rope Lane, the submitted detail identifies the removal of 6 individual trees and groups, this includes T11 within the report which is protected as part of G2 of an existing Tree Preservation Order.

The tree has been identified as a 'moderate value' specimen. With this designation, the Council's Tree Officer advised that its removal in terms of the road frontage is not considered significant. The Tree Officer further stated that none of the remaining trees identified for removal were considered worthy of formal protection.

All the remaining protected trees on the site are not directly affected by the access detail and can be protected in accordance with current best practice BS 5837 2012.

The Council's Tree Officer did however, have some concerns should the indicative layout (ref: 110 Rev B, received by the LPA on the 24th February 2017), come forward at Reserved Matters stage in respect of the plot located adjacent to T36-T39.

The Council's Tree Officer advised that the build of this closest dwelling would transgress adjacent to the Root Protection Area presenting an unsustainable relationship with high category A trees. The Tree Officer advised that this needs to be designed out should the application proceed.

In response, the agent has amended the footprint of the dwelling proposed on Plot 10 on an updated indicative layout plan. The Council's Tree Officer has reviewed this and advised that it would still appear that the proposed property would stand within the RPA of T38. However, he has advised that the incursion is minimal and does still not address the issues appertaining to social and special proximity. The Officer advises that an allowance has to be made for the trees future growth and its position to the west of the plot; T38 and 39 would still have an influence on the dwelling, primary living rooms, and rear garden area.

Given that the layout is indicative, it is considered that at reserved matters stage a revised layout could overcome this issue.

As such, subject to this revision and the submission of a revised package of arboricultural information to reflect this revision, no objection of tree grounds

are raised and it is considered that the proposed development would adhere with Policy NE.5 of the Local Plan.

No changes proposed to tree and hedgerow recommendation as a result of further information provided.

### Flood Risk and Drainage

The application was supported by a Flood Risk Assessment and Drainage Management Strategy.

As Lead Local Flood Authority (LLFA) the Council have an interest in any new development which may potentially result in an increase in runoff and adversely affect local flooding and/or flood risk.

The Council's Flood Risk Officer originally advised that it is likely that flows from this site will need to be attenuated to greenfield equivalents to mimic exiting run-off characteristics.

The Council's Officer further advised that there is a currently a lack of information to demonstrate that the post development run off rates would mimic pre-development rates.

It was noted that the proposed surface water strategy proposed by the applicant would be to discharge part/full surface water via infiltration. The submitted strategy stated that *'Post development, surface water-runoff is to discharge to the public combined sewer system (225mm dia between manhole ref: 7701 to 8801) at a rate of 5l/s, which is typically required by United Utilities.'*

However, the Council's Flood Officer advised that United Utilities would not accept a connection of surface water to a combined system; therefore it would not be a viable solution to drain surface water from this site.

The only potential viable surface water drainage option proposed in the FRA was solely infiltration and the developer/consultant must satisfy the LLFA that this option will be acceptable in principle.

As a result of these concerns, the applicant provided further information. In response to this additional information, the Council's Flood Officer amended their recommendation, withdrawing their objection, subject to two conditions, one to ensure that the development proceeds in accordance with FRA dated December 2016 and subsequent correspondence received on the 22nd March 2017. The other condition would require the prior submission/approval of a detailed management and maintenance plan for surface water drainage.

United Utilities have advised that they have no objections, subject to a number of conditions including; that all foul and surface water shall be drained on separate systems; the prior submission of a surface water drainage scheme and the prior submission of a sustainable drainage management and maintenance plan.

## Environmental Conclusion

The proposal would result in the loss of a parcel of countryside and Green Gap and would have an adverse impact upon the visual character of the area. There would also be a loss of Best and Most Versatile (BMV) agricultural land.

Other environmental considerations such as; protected species, highway safety, design, flooding and drainage are considered to be acceptable or neutral subject to conditions / mitigation. The application site is considered to be sustainable location.

However, it is considered that the environmental impacts created would result in the development being environmentally un-sustainable.

## **Sustainability - Social Role**

### Affordable Housing

The Councils Interim Planning Statement: Affordable Housing (IPS) states that 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. 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 29 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 9 dwellings to be provided as affordable dwellings. 6 units should be provided as Affordable rent and 3 units as Intermediate tenure.

The SHMA 2013 evidenced a requirement in the sub-area of Wybunbury & Shavington for 54 additional affordable dwellings per annum until 2017/18. Broken down the SHMA evidenced a need for 8 x 1 bed, 20 x 2 bed, 7 x 3 bed, 12 x 4 bed, 1 x 1 bed older person and 7 x 2 bed older person dwellings.

There are currently 62 households on Cheshire Homechoice who have selected Shavington as their first choice area for rehousing. They require 10 x 1 bed, 25 x 2 bed, 23 x 3 bed and 4 x 4 bed dwellings.

The applicant originally proposed to provide 8x1 bed and 1x3 bed affordable dwellings on this site.

The Council's Housing Officer advised that this mix does not meet local housing need and for this reason, objected to the proposed development.

In response, the applicant amended the mix to; 2x1 bedroom, 4x2 bedroom and 3x3 bedroom.

The Council's Housing Officer has subsequently advised that this is now meeting the local need to a better degree and adheres with the policy criteria.

The Affordable Housing IPS require 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 affordable housing should be secured by way of a S106 agreement, which: -

- Are of an appropriate mix of bedrooms and/or older person properties to reflect local need
- 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 Council's 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.

### Amenity

The agent has requested the specific wording of the proposed electric vehicle charging condition to read;

*“A single Electric Vehicle Charging Point shall be provided on car parking spaces provided for each dwelling. Charge points to be suitable for overnight charging of electric vehicles.”*

The wording of the condition has not been finalised and would not be until determined by planning committee. However, the Officer does propose that details should be submitted for prior approval so the council can be satisfied that the development would not create any design concerns. Timeframes and triggers would also need to be included in the wording should the application be approved.

No changes proposed to amenity recommendation as a result of further information provided.

### **Planning Balance / Conclusion**

The proposed development sought on the majority of the site would be contrary to Policy NE.4 and NE.2 and the development would result in a loss of Green Gap and Open Countryside. However as Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites then the presumption in favour of sustainable development applies at paragraph 14. 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 needed affordable housing provision and would help in the Councils delivery of 5 year housing land supply.
- On-site POS provision and a financial contribution for off-site children's play space enhancement would both provide a facility for future residents and other residents in this part of Shavington and upgrade nearby facilities for all future users.
- The development would provide economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in Shavington.

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

- The impact upon education infrastructure would be neutral as there is sufficient capacity within existing schools within the catchment to accommodate the additional demand
- The impact upon protected species/ecology is considered to be neutral subject to the imposition of conditions to secure mitigation.
- The impact upon trees is considered to be neutral at this stage and further details would be provided at the reserved matters stage.
- The impact upon residential amenity/noise/air quality and contaminated land could be mitigated through the imposition of planning conditions.
- The impact upon drainage and flooding surface water strategy can be mitigated through the imposition of planning conditions

The adverse impacts of the development would be:

- The loss of Green Gap and Open Countryside resulting in an associated adverse impact upon the landscape
- The loss of 'Best and Most Versatile' agricultural land

The development is contrary to both the Borough of Crewe and Nantwich Local Plan and the emerging Cheshire East Local Plan Strategy with regards to Green Gap and Open Countryside policies. However, these policies are considered to be out of date, a presumption in favour applies. However, with

reference to the *Richborough* Court of Appeal weight can be given to those policies.

There is now a solution to the housing supply in hand through the forthcoming adoption of the Local Plan. As a consequence of the Inspectors most recent comments in December increased weight can be afforded to these 'out of date' policies. In addition given the progression of emerging policies towards adoption it is considered that greater weight can now be given to those emerging policies. A further factor that weighs against the scheme is the impact upon the landscape which is intrinsically linked to green gap policy and the loss of BMV agricultural land.

Therefore taking a balance of the overall benefits, the current policy position and the scale of harm, it is considered that the presumption in favour is outweighed in this case and a recommendation of refusal is made.

## **RECOMMENDATION**

**REFUSE for the following reasons;**

- 1. The proposed residential development is unacceptable because it is located within the Green Gap and Open Countryside, contrary to Policies; NE.2 (Open Countryside), NE.4 (Green Gap) and RES.5 (Housing in Open Countryside) of the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011; Policy PG5 (Open Countryside) PG4a (Strategic Green Gaps) and of the emerging Cheshire East Local Plan Strategy Submission Version - 2016 and the principles of the National Planning Policy Framework and create harm to interests of acknowledged importance. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.**
- 2. The proposed development would result in the loss of BMV Agricultural Land and have an adverse impact on the landscape character of the area. It is considered that the development is unsustainable because of the unacceptable environmental impact of the scheme in terms of loss of best and most versatile agricultural land and the adverse impact upon the landscape character. These factors significantly and demonstrably outweigh the economic and social benefits in terms of its contribution to boosting housing land supply, including the provision of affordable housing and Public Open Space. As such the proposal is contrary to Policies NE.2 (Open Countryside), NE4 (Green Gap) and RES.5 (Housing in Open Countryside) of the adopted Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011 and Policies PG5 (Open Countryside), PG4a (Strategic Green Gaps and SE2 (Efficient Use of Land) of the emerging Cheshire East Local Plan Strategy Version - 2016, and the provisions of the NPPF.**

**In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning (Regulation), in consultation with the Chair (or in his 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:**
  - Dwellings of an appropriate mix of bedrooms and/or older person properties to reflect local need**
  - A requirement for the applicant/developer to transfer any rented affordable units to a Registered Provider**
  - Details of when the affordable housing is required**
  - 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.**
  - 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.**
- 2. Provision of 1015 square metres of on-site Public Open Space (POS) to be maintained by either a private management company or the Council for a fee to be agreed.**
- 3. Commuted sum of £21,000 for the enhancement of children's play facilities on Vine Tree Avenue, Shavington**