

Application No: 18/1250N

Location: Land to the rear of Oakleaf Close, Shavington, Crewe, CW2 5SF

Proposal: 15 no. new dwellings comprising 11 no. 4/5 bedroomed detached and 4 no. 3 bedroomed semi-detached affordable dwellings, together with associated garages, parking and access road.

Applicant: Mr & Mrs M McGarry

Expiry Date: 10-Aug-2018

SUMMARY

The site is within the Open Countryside where under Policy PG6 (Open Countryside) of the CELPS there is a presumption against new residential development. The site is also located within the Green Gap where Policy PG 5 (Strategic Green Gaps) of the CELPS and saved Policy NE.4 (Green Gaps) of the Local Plan states that approval will not be given for the construction of new buildings or the change of use of existing buildings or land which would either: result in erosion of the physical gaps between built up areas or adversely affect the visual character of the landscape. The development would result in the erosion of the Green Gap and is unacceptable in principle.

The development is considered to be located in a sustainable location. The proposal is of an acceptable design and would not have a significantly harmful impact upon residential amenity/noise/air quality and contaminated land.

Insufficient information has been submitted regarding the impact on the landscape area of the area, the impact on biodiversity and the affordable housing provision.

The development would not have a severe impact upon the local highways network and the parking provision on the proposed site would be acceptable.

The development would not impact upon the drainage ditch to the boundaries of the site and the development would be located within flood zone 1. The development is considered to be acceptable in terms of its flood risk/drainage implications.

In this case there have been requests for contributions towards affordable housing and education. The proposed affordable housing provision on site is insufficient.

RECOMMENDATION

REFUSE

REASON FOR REFERRAL

The proposed development would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside. As a result, it constitutes a “departure” from the development plan.

PROPOSAL

This is a full planning application for 15 no. new dwellings comprising 11 no. 4/5 bedroomed detached and 4 no. 3 bedroomed semi-detached affordable dwellings, together with associated garages, parking and access road.

A new vehicular access would be formed off Oakleaf Close and the development would provide 52 car parking spaces.

SITE DESCRIPTION

The site of the proposed development extends to 0.9 ha and is located to the west of Crewe Road. The site is located to the north of properties which front onto Chestnut Avenue. The majority of the site is within the open countryside and Green Gap as defined by the Crewe and Nantwich Replacement Local Plan although the proposed access is located within the Shavington Settlement Boundary.

The rear portion of the site appears to include a paddock. There are a number of trees and hedgerows to the boundaries of the site.

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

RELEVANT HISTORY

13/1841N - Outline application for residential development with access to be determined at this stage – Refused 28th August 2014 for the reasons set out below. The subsequent appeal was dismissed on 6th August 2015.

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies NE.2 (Open Countryside) and RES.5 (Housing in Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan, Policy PG 5 of the Cheshire East Local Plan Strategy – Submission Version and the principles of the National Planning Policy Framework and create harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework. As such the application is also contrary to the emerging Development Strategy. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.*
- 2. 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 Shavington and Crewe*

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.

- 3. The Local Planning Authority considers that insufficient information has been submitted in relation to the affordable housing provision of the site. In this case there no detail in relation to the proportion of affordable housing on the site, tenure proposals for the affordable units including the arrangements for transfer to a Registered Provider, provisions for the units to be affordable in perpetuity and confirmation that the affordable homes to be let or sold to people who are in housing need and have a local connection. The application does not confirm that the affordable units will be built to CFSH Level 3 or to HCA Design and Quality Standards. As a result it is not considered that the proposal would create a sustainable, inclusive, mixed and balanced community and would be contrary to the Interim Planning Policy on Affordable Housing and Policy RES.7 (Affordable Housing) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the National Planning Policy Framework.*
- 4. There are a number of ponds within 250 metres of the site and the submitted Phase 1 Habitat Survey recommends that a full Great Crested Newt Survey is undertaken. No Protected Species Survey has been submitted as part of this application to assess the potential impacts of the development on Great Crested Newts. In the absence of this information, to allow this development would be contrary to Policy NE.9 (Protected Species) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within the NPPF.*
- 5. There are grassland habitats on the application site and there are species present which are indicative of restorable semi-improved grassland habitats. The submitted habitat survey was undertaken in February which is a poor time of year as a result the Council has insufficient information to assess the nature conservation value of the site. To allow the development in the absence of this information would be contrary to Policy NE.5 (Nature Conservation and Habitats) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within the NPPF.*
- 6. There are a number of trees located onto the boundaries of the site and no arboricultural information has been provided to assess the impact upon these trees. Furthermore the indicative layout does not demonstrate that the proposed development can be accommodated on the site without resulting in the loss or future pressures to remove the trees which would be harmful to nature conservation and the character and appearance of the area. The development would be contrary to Policy NE.5 (Nature Conservation and Habitats) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the NPPF.*

NATIONAL & LOCAL POLICY

Cheshire East Local Plan Strategy (CELPS)

PG2 – Settlement Hierarchy
PG5 - Strategic Green Gaps
PG6 - Open Countryside
PG7 – Spatial Distribution of Development
SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles
IN1 – Infrastructure
IN2 – Developer Contributions
SC1 – Leisure and Recreation
SC3 – Health and Well-Being
SC4 – Residential Mix
SC5 – Affordable Homes
CO1 - Sustainable Travel and Transport
CO4 – Travel Plans and Transport Assessments
SE 1 - Design
SE 2 - Efficient Use of Land
SE 3 - Biodiversity and Geodiversity
SE 4 - The Landscape
SE 5 - Trees, Hedgerows and Woodland
SE 6 – Green Infrastructure
SE 8 – Renewable and Low Carbon Energy
SE 9 – Energy Efficient Development
SE12 – Pollution, Land Contamination and Land Instability
SE 13 - Flood Risk and Water Management

Crewe and Nantwich Local Plan

The relevant Saved Policies are:

NE.5 - Nature Conservation and Habitats
NE.9 - Protected Species
NE.20 - Flood Prevention
BE.1 – Amenity
BE.3 - Access and Parking
BE.4 - Drainage, Utilities and Resources
RES.5 - Housing in the Open Countryside
TRAN.3 – Pedestrians
TRAN.5 – Provision for Cyclists

National Policy

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

Of particular relevance are paragraphs:

11. Presumption in favour of sustainable development.

124 – 130. Requiring good design

Shavington Neighbourhood Plan – Regulation 7 Stage (no weight given)

Other Considerations

Cheshire East Design Guide

The EC Habitats Directive 1992

Conservation of Habitats & Species Regulations 2010

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

CONSULTATIONS (External to Planning)

Head of Strategic Infrastructure (Highways): No objection subject to a Construction Management Plan condition.

CEC Environmental Health: Conditions suggested in relation to dust control, piling, construction management plan, electric vehicle infrastructure, contaminated land, soil importation, travel pack provision, low emission boilers and informatives in relation to contaminated land and hours of operation.

CEC Strategic Housing Manager: No comments received.

CEC Flood Risk Manager: No objection subject to imposition of drainage conditions and finished floor levels and two suggested informatives.

United Utilities: No objection subject to the imposition of drainage conditions.

CEC Education: A contribution of £32,539.00 is required for primary school provision.

VIEWS OF THE PARISH COUNCIL

Shavington Parish Council: The Parish Council has the following observations:

- The development is not needed as there is a 5.45 year housing land supply.
- The development would not be sustainable as the social infrastructure was inadequate, viz. it would adversely impact on school places; there was no doctors' surgery, no Post Office and no pharmacy.
- Access and egress presents problems for highway safety.
- The roadway is too narrow to allow for two cars passing each other.

OTHER REPRESENTATIONS

Letters of objection have been received from 5 households raising the following points;

- Development is contrary to policy
- Impact on drainage
- Highway safety and parking
- Design and impact on the character of the area
- Unacceptable housing mix
- Impact on amenity and loss of light
- Flood risk and drainage
- Impact on biodiversity

APPRAISAL

Principle of Development

The site lies largely in the Open Countryside as designated in the Borough of Crewe and Nantwich Replacement Local Plan 2011. Policy PG 6 of the CELPS sets out that, within the Open Countryside, only development that is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. There are exceptions to this which are set out below:

- i. where there is the opportunity for limited infilling in villages; the infill of a small gap with one or two dwellings in an otherwise built up frontage elsewhere; affordable housing, in accordance with the criteria contained in Policy SC 6 'Rural Exceptions Housing for Local Needs' or where the dwelling is exceptional in design and sustainable development terms;
- ii. for the re-use of existing rural buildings where the building is permanent, substantial and would not require extensive alteration, rebuilding or extension
- iii. for the replacement of existing buildings (including dwellings) by new buildings not materially larger than the buildings they replace;
- iv. for extensions to existing dwellings where the extension is not disproportionate to the original dwelling;
- v. for development that is essential for the expansion or redevelopment of an existing business;
- vi. For development that is essential for the conservation and enhancement of a heritage asset.

Policy PG 6 also identifies that the retention of gaps between settlements is important in order to maintain the definition and separation of existing communities and the individual characters of such settlements.

The proposed development would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside. As a result, it constitutes a "departure" from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined "*in accordance with the plan unless material considerations indicate otherwise*".

The issue in question is whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy objection.

Green Gap

Policy PG5 (Strategic Green Gaps) of the CELP sets out that planning permission will not be granted for the construction of new buildings or the change of use of existing buildings of land which would: i. Result in erosion of a physical gap between any of the settlements named in this policy; or ii. Adversely affect the visual character of the landscape; or iii. Significantly affect the undeveloped character of the Green Gap, or lead to the coalescence between existing settlements.

The application site is located within the Green Gap where saved policy NE.4 of the Local Plan states that "*approval will not be given for the construction of new buildings or the change of use of existing buildings or land which would either:*

- *result in erosion of the physical gaps between built up areas or;*
- *adversely affect the visual character of the landscape.*

Exceptions to this policy will only be considered where it can be demonstrated that no suitable alternative location is available”

A development of the scale proposed will clearly erode the physical gap between Shavington and Crewe. It is impossible to see how building 15 houses on an open site could do anything other. It is acknowledged that the gap between Shavington and Crewe is substantial. The dwellings south of the site along Chestnut Avenue represent a line of ribbon development with the application site projecting into the gap, with views between properties.

Furthermore, it is the fact that the edge of the built development steps in and out, which helps to create the perception of width to the gap in the areas where it is narrowest. To reduce the gap to its common denominator and to form a wall of development, along that line, would undoubtedly reduce its effectiveness. Had this been an acceptable or reasonable proposition the boundaries of the gap could have been drawn in this way.

The position is that this land is protected against all development which would erode the gap. 15 dwellings would erode the gap and therefore the proposed development is not in accordance with the development plan.

Housing Land Supply

On 27th July 2017 the Council adopted the Cheshire East Local Plan Strategy. Accordingly the Cheshire East Local Plan Strategy forms part of the statutory development plan.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. This is the test that legislation prescribes should be employed on planning decision making. The ‘presumption in favour of sustainable development’ at paragraph 11 of the NPPF means: “approving development proposals that accord with an up to date development plan without delay”

The Cheshire East Local Plan Strategy is a recently adopted plan. Upon adoption, the Examining Inspector concluded that the Local Plan would produce a five year supply of housing land, stating that “I am satisfied that CEC has undertaken a robust, comprehensive and proportionate assessment of the delivery of its housing land supply, which confirms a future 5-year supply of around 5.3 years”.

The Cheshire East Local land Strategy (LPS) was adopted after a lengthy examination and was produced through engagement with stakeholders who have an impact upon housing delivery. The adopted plan incorporated the recommendations of the Secretary of State. In accordance with paragraph 74 of the NPPF and footnote 38, the LPS should be considered ‘recently adopted’ until 31 October 2018 and full weight should therefore be given to the findings of the Inspector in confirming that the Local Plan would produce a five year supply of housing land.

The Council continues to monitor housing delivery and housing land supply, publishing its annual assessment through the Housing Monitoring Update. This report provides information on the delivery of sites and the supply of housing land to an annual base date of the 31 March. The most recent Housing Monitoring Update (base date 31 March 2017) was re-published in December 2017 and this confirmed a housing land supply of 5.45 years. The Housing Monitoring Update (base date 31 March 2018) is

currently being produced and this is likely to show a continued positive direction of travel in relation to completions and commitments since the previous annual assessment.

The Council's published housing land supply position has been subject to thorough scrutiny at a number of planning appeals since the LPS was adopted. The most recent of these to report involved an appeal by Gladman Developments for 46 homes at New Road Wrenbury. Here the Council's housing land supply assessment was fully updated, looking afresh at the latest position on key sites and the housing sector generally. This appeal was dismissed on the 10th April 2018 with the Inspector finding that the Council could demonstrate a deliverable 5 year housing land supply.

In the light of the above, relevant policies for the supply of housing should be considered up-to-date – and so consequently the 'tilted balance' of paragraph 11 of the NPPF is not engaged.

Location of the site

Policy SD 2 (Sustainable Development Principles) includes a guide to the appropriate distances for access to services and amenities. The distances are considered appropriate for the region and have been used for the purposes of informing the Sustainability Appraisal and the accessibility of proposed developments.

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

- Post office (1000m) – 965m
- Public House (1000m) – 804m
- Cash Point (1000m) – 965m
- Primary School (1000m) – 804m
- Local meeting place (1000m) – 800m
- Convenience Store (500m) – 160m
- Bus Stop (500m) – 145m
- Public Right of Way (500m) – 100m

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

- Amenity Open Space (500m) – 643m
- Children's Play Space (500m) – 643m
- Post Box (500m) – 965m
- Leisure Centre (1000m) – 1126m
- Outdoor Sports Facility (500m) – 1126m
- Secondary School (1000m) – 1126m
- Child Care Facility (nursery or crèche) (1000m) - 1126m

The following amenities/facilities fail the standard:

- Supermarket (1000m) – 3540m
- Medical Centre (1000m) - 1770m
- Pharmacy (1000m) – 1770m

In summary, the site does not comply with all of the standards advised by the SD 2. Owing to its position on the edge of Shavington, there are some amenities that are not within the ideal standards set within the toolkit and will not be as close to the development as existing dwellings which are more centrally positioned. Nevertheless, this is not untypical for a sustainable village (Shavington is classed as a local service centre in the Cheshire East Local Plan). However, all of the services and amenities listed are accommodated within Shavington, Nantwich or Crewe and are accessible to the proposed development via a short bus journey. Accordingly, it is considered that this small scale site is a sustainable site.

Affordable Housing

The Cheshire East Local Plan Strategy (CELPS) and the Councils 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. 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 15 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 5 dwellings (4.5 to the nearest whole) to be provided as affordable dwellings. .

The SHMA 2013 shows the majority of the demand annually up to and including 2018 in Wybunbury and Shavington is for 8 x 1 bedroom, 20 x 2 bedroom, 7 x 3 bedroom and 1 x 4+ bedroom dwellings. The SHMA 2013 is also showing an annual need for 1 x 1 bedroom and 7 x 2 bedroom dwellings for older persons, these can be via flats, cottage style flats, bungalows and Lifetime Standard homes.

The current number of those on the Cheshire Homechoice waiting list with Shavington and Wrenbury as their first choice is 185. This can be broken down to 73 x 1 bedroom, 70 x 2 bedroom dwellings, 41 x 3 bedroom and 11 x 4 bedroom dwellings. On this site therefore a mix of 1, 2, and 3 bedroom dwellings for general needs and an older person provision would be acceptable.

3 units should be provided as Affordable/Social rent and 2 units as Intermediate tenure.

If the application is to be a Full or Reserved Application an Affordable Housing Statement will have to be produced and agreed with the council that confirms the following:

- (a) the Agreed Mix;
- (b) the timing, location and distribution of the Affordable Housing within the Site, ensuring that the Affordable Housing is pepper-potted throughout the Site and not segregated from the Open Market Housing;
- (c) details of how the proposed design and construction of the Affordable Housing will ensure that the Affordable Housing is materially indistinguishable (in terms of outward design and appearance) from the Open Market Housing of similar size within the Development;

This application is providing 4 x 3 bedroom dwellings as the Affordable provision. This is below the requirement for 5 dwellings. Also no Affordable Housing Scheme has been provided. No details of which of the affordable dwellings are to be rented and Intermediate tenure have been provided.

The Housing Officer has requested more of a mix of Affordable Housing sizes and a provision for older persons and objects to the application on the above basis.

Housing Mix

Paragraph 61 of the Framework states that *'the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes'*.

Policy SC 4 (Residential Mix) of the Local Plan requires that developments provide an appropriate mix of housing (however this does not specify a mix).

In terms of Open Market Houses (OMH) the proposed development includes 7 x 5 bed homes, 4 x 4 bed homes. The submission documents do not include any information demonstrating how the proposal will be capable of meeting, and adapting to, the long term needs of the borough's older residents as required by Policy SC 4. However it is noted that the existing dwellings located on Oakleaf Close are of a comparative housing mix. Given that the proposed development is for 15 dwellings it is not considered that the proposed housing mix would constitute a reason for refusal.

Education

A primary contribution is required for Shavington Primary Academy of £32,539.00 (15 dwellings x £11,919 x 0.91 = £32,539.00). This would mitigate the impact of the development.

The development does not raise any capacity issues at secondary schools or SEN.

Landscape

As part of the application a Design and Access statement has been submitted. This briefly identifies the location of the application site and identifies that there are trees located just beyond the boundary of the application site, and that the application site is enclosed by a 2-3m high conifer hedge and that the site is currently used for grazing horses.

The application only provides very basic information on the existing landscape baseline and does not include a landscape and visual assessment or even a landscape appraisal, merely stating that the boundary hedges will be retained and that biodiversity on the site will be improved by the inclusion of a communal garden area and fruit trees. A Landscape Character Assessment was completed for Cheshire in 2009 and this identifies that the application site is located within Landscape Character Type 10: Lower Farms and Woods, and specifically the Barthomley Character Area LFW7.

The application site is not accessible to the public and has no public footpaths or bridleways across or in close proximity that allow views across the area; nor are there any landscape designations covering the application site. The site is surrounded by development to the west, south and east, but the site

stands beyond the designated settlement boundary. The Cheshire East Local Plan Strategy indicates that the application site is located within the boundary of the Strategic Green Gap, Policy PG5 (Strategic Green Gaps). The proposed development conflicts with Policy PG5.

Highways Implications

The proposal is a full application for 15 dwellings which would make use of an existing access onto Crewe Road. The existing access is 4.8 m wide with a footway along the southern side which allows for two-way vehicle and pedestrian movement. These currently serve 5 dwellings and do so safely. The access extends into the site and is acceptable to serve the additional proposed units. Visibility onto Crewe Road is acceptable. Proposed parking provision is to CEC requirements. No objections are raised subject to conditions.

Amenity

Policy BE.1 (Amenity) of the Local Plan advises that new development should not be permitted if it is deemed to have a detrimental impact upon neighbouring amenity in terms of overlooking, visual intrusion or noise and disturbance. Furthermore, the level of private amenity space and the separation distances are a material consideration as detailed within the Supplementary Planning Document on Development on Backland and Gardens (The SPD).

The SPD states that there should ideally be a distance of 21m between principal elevations and 13.5 m between a principal elevation with windows to habitable rooms and blank elevation in order to maintain an adequate standard of privacy and amenity between residential properties. The SPD sets out that the dwelling should have no less than 50 m² of private amenity space.

It should also be noted that the recently adopted Cheshire East Design Guide SPD also includes reference to separation distances and states that separation distances should be seen as a guide rather than a hard and fast rule. Figure 11:13 of the Design Guide identifies the following separation distances;

21 metres for typical rear separation distance

18 metres for typical frontage separation distance

12 metres for reduced frontage separation distance (minimum)

In terms of the surrounding residential properties, the main properties affected are those to the east which front onto Chestnut Avenue and the dwellings at the end of Oakleaf Close.

At the nearest point the new dwellings (namely Plots 6 and 7) would face the rear of No. 16, 18 and 20, Chestnut Avenue with a separation distance of 33.7 m. The proposed site plan shows that the proposed dwellings to the south of the site would have a rear garden depth of between 4.7 – 8.2 metres. The separation distance exceeds the separation distance of 21 metres between principle elevation as set out in the SPD on Development on Backland and Gardens. The impact upon the properties which front Chestnut Avenue is therefore considered to be acceptable.

To the east the proposed access would pass between the recent development at Oakleaf Close. This relationship is considered to be acceptable and the scale of the development would not raise any significant noise and disturbance issues.

To the west of the application site is an area of land that has planning permission for residential development. At the time of the planning officer's site visit this development had not been started. The approved site plan shows the nearest dwellings to be over 30 m from the rear elevations of the proposed dwellings.

The rear elevation of No. 4, Oakleaf Close would face the side elevation of Plot 6 with a separation distance of approximately 17 m.

The Environmental Health Officer has requested conditions in relation to dust control, piling, construction management plan, electric vehicle infrastructure, contaminated land, soil importation, travel pack provision, low emission boilers and informatives in relation to contaminated land and hours of operation.

As such it is not considered that the proposed development would have a detrimental impact upon adjacent residential amenity through loss of light, privacy or overbearing impact.

Air Quality

Policy SE 12 of the CELPS states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality. This is in accordance with paragraph 181 of the NPPF and the Government's Air Quality Strategy.

In order to ensure that sustainable vehicle technology is a real option for future occupants at the site a condition will be imposed to secure electric vehicle infrastructure provision on the site.

Trees and Hedgerows

The application is supported by an Arboricultural Impact Assessment and Tree Survey by Arbtech dated 16th February 2018 and 17th April 2018 respectively.

The application site is not presently accessible to the public with views into the proposed development area only available as part of filtered glimpses between existing residential dwellings located on the northern side of Chestnut Avenue.

The Arboricultural detail identifies the presence of 14 individual trees and 3 groups located both on the site boundary and outside the site, all the trees are identified for retention; there are no trees located within the site which is presently used for grazing horses. The majority of the 15 proposed dwelling in terms of their build footprints respect the identified individual Root Protection Areas (RPA) with only two minor incursion noted in respect of plots 9 and 19; these relate to the construction of patio area located to the rear of each individual dwelling; these incursions can be addressed by implementation under a 'no dig' scheme and Arboricultural supervision, any potential detrimental impact on the adjacent trees is not considered to be detrimentally significant.

The majority of the trees present a reasonable spatial relationship and social proximity to the proposed dwellings, but post development issues in terms of reduced light attenuation and nuisance are probable in respect of plot 6 and both plots 9 & 10, with the majority of their respective southern orientated rear gardens utilisable space dominated by T1/T2 and T3/T4 respectively. The Silver Birch (T1 & T2) will significantly influence the limited rear garden area associated with plot 6; the species White Willow (T3) is not considered suitable for long term retention within a residential garden setting, the tree has

already historically lost a primary branch, the Sycamore will also cause problems with 'honey dew' deposits.

Individually and collectively the majority of the tree cover associated with this application is considered to be of moderately low amenity value, this combined with the absence of clear public views into the site precludes the trees from being considered for formal protection under a Tree Preservation Order.

Tree protection detail (protective fencing) has not been provided but this can be addressed by condition should the application be approved

As a result the Council's Forestry Officer has raised no objection to the development subject to the imposition of planning conditions.

Design

The importance of securing high quality design is specified within the NPPF and paragraph 124 states that:

"The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

It is noted that the Design Guide checklist has not been completed by the Agent. The planning officer requested this information and it has not been provided at the time of report writing.

Connections

Does the scheme integrate into its surroundings by reinforcing existing connections and creating new ones; whilst also respecting existing buildings and land uses along the boundaries of the development site?

The existing boundary to the north includes a drainage channel with some mature tree cover to the northern, western and southern boundaries. These features would be respected and would be retained as part of the proposed development which would sit comfortably within the centre of the site.

Facilities and services

Does the development provide (or is it close to) community facilities, such as shops, schools, workplaces, parks, play areas, pubs or cafes?

Shavington provides a range of services and facilities to meet the needs of local people including those living in nearby settlements. Shavington is identified as a local service centre in the CELPS.

Public transport

Does the scheme have good access to public transport to help reduce car dependency?

There are bus stops close to the application site and footpath links along Crewe Road.

Meeting local housing requirements

Does the development have a mix of housing types and tenures that suit local requirements?

No, a mix of 1, 2, and 3 bedroom dwellings for general needs and an older person provision would be acceptable. 5 affordable units should be provided; 3 units should be Affordable/Social rent and 2 units as Intermediate tenure.

As detailed above the OMH mix is considered to be acceptable on balance.

Character

Does the scheme create a place with a locally inspired or otherwise distinctive character?

The submission does not include an assessment against the Cheshire East Design Guide.

The proposed development would comprise house types two-stories in height. The dwellings within the vicinity of the site are a mix of designs including and predominantly two-storey development. The scale is considered to be acceptable on this site.

The surrounding dwellings have largely pitched roofs but there are some properties with hipped roofs located along Chestnut Avenue. The dwellings in the locality of the site include a number of design features such as projecting gables (with timber infill details), bay windows, window header and sill details (stone, brick, arched and flat-stopped), brick banding (red brick and decorative brick), ridge tile detailing, gable finials, dormer roofs and chimneys. The materials in the locality are largely red brick and rendered with slate and tiled roofs.

The proposed development would include projecting gables and bay windows (some with render infill), the dormer windows on house type 4 would be positioned to the front elevation would be of a small scale and would sit comfortable within the roof slope and there would also be window heads and cills to the windows on the site. It is considered that the design approach taken respects the local character of this part of Shavington and it is recognised that the house types are similar to the existing dwellings on Oakleaf Close.

Working with the site and its context

Does the scheme take advantage of existing topography, landscape features (including watercourses), wildlife habitats, existing buildings, site orientation and microclimates?

The features on site are the trees and hedgerows which are considered in other sections of this report. The majority of the trees would be retained to the boundaries of the site. The drainage ditch would be retained to the north boundary on the site.

Creating well defined streets and spaces

Are buildings designed and positioned with landscaping to define and enhance streets and spaces and are buildings designed to turn street corners well?

The proposed development has active frontages facing inwards and the development will not be readily visible from Crewe Road or Chestnut Avenue. It is considered that this test has been met.

Car parking

Is resident and visitor parking sufficient and well integrated so that it does not dominate the street?

The proposed car-parking would be located largely at the front of dwellings with the house types including an integral garage. It is considered that this is appropriate to serve the development.

Public and private spaces

Will public and private spaces be clearly defined and designed to be attractive, well managed and safe?

The proposed development would sit comfortably within the plot and would include large private gardens for the future occupants.

External storage and amenity space

Is there adequate external storage space for bins and recycling as well as vehicles and cycles?

The submitted plan does not show this detail and it is considered that this should be controlled via condition should the application be approved.

Design Conclusion

On the basis of the above assessment it is considered that the proposed development represents an acceptable design solution.

Ecology

Great Crested Newts

A pond is located 100m from the application site. This pond has previously been assessed as having “excellent” suitability to support great crested newts. A detailed great crested newt survey has now been undertaken of this and two other ponds. The survey was constrained due to the later survey visits being undertaken outside the optimal survey season. Also the dry weather this year has resulted in many ponds drying out prior to surveys being completed, as was the case at this site.

Great Crested Newts presence was confirmed at two ponds. One pond with a small population recorded and one with a medium population recorded at a second more distant pond. The Council's Ecologist advises that despite the constraints on the survey, the results are likely to broadly reflect the status of the local great crested newt population.

The submitted report however incorrectly states that the nearest pond supporting great crested newts is located 150m from the proposed development when the pond is in fact only 100m away. The assessment has also been based on between 0.1 and 0.5ha of terrestrial habitat being lost which is located between 100-250m from the breeding pond. This is also incorrect as the application site (all of which occurs within 250 of the nearest pond) amounts to 0.86 ha.

The Council's Ecologist has advised that the applicant should undertake a revised great crested newt impact assessment using the correct figures for site area and pond distances.

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected the proposed development the planning authority must have regard to whether Natural England would be likely to subsequently grant the applicant a European Protected species licence under the Habitat Regulations.

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

There is not considered to be any overriding public interest at this stage.

Alternatives

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

- No development on the site

As insufficient information has been submitted in relation to GCN it is considered that this is a preferable scenario to the development of the site.

Grassland Habitats

Previous surveys of the grassland habitats present on the site have recorded a number of indicators of restorable semi-improved grassland. The submitted habitat survey was undertaken in the middle of winter, a very poor time of year, and the submitted report does not include a full species list for this habitat. Interestingly the submitted report states that the grassland is dominated by perennial rye grass, whilst this species was only previously recorded from the boundaries of the grassland.

The Council’s Ecologist has advised that there is currently insufficient survey information available to assess the nature conservation value of the grassland habitats on this site.

It is recommended that a further botanical survey of the grassland habitats be undertaken at an appropriate time of the year and submitted prior to the determination of the application. The report of this survey should include a full botanical species list with abundance data given on the DAFOR scale.

Trees with bat roost potential

Previous ecological surveys of this site identified an Oak tree on the northern boundary with the potential to support roosting bats. The submitted report, whilst assessing the potential of the buildings on site to support roosting bats, does not consider the trees.

The Council's Ecologist has advised that confirmation be sought as to whether any trees are proposed for removal as part of the proposed development.

Hedgehog and Nesting birds

If planning permission is granted standard conditions would be required to safeguard nesting birds and hedgehogs.

Hedgerows

Hedgerows are a priority habitat and hence a material consideration. Hedgerows are present around the boundary of the site and the presence of hedgerows is referred to in the submitted tree report. The hedgerows around the boundaries of the application site have not however been identified on the submitted habitat plan. The Council's Ecologist has advised that this is a deficiency of the submitted report that should be rectified.

Water voles

The Council's Ecologist advises that the ditch located to the north of the application site must be subject to a detailed survey for water voles. A report of the required survey must again be submitted to the LPA prior to the determination of the application.

Bluebells

Bluebells have previously been recorded on this site. Native bluebells are a UK BAP priority habitat and hence a material consideration. Due to the time of the year when the surveys of the site were undertaken it has not been confirmed whether the species of bluebell present is the native priority species or an ornamental variety. This should be confirmed by means of a further survey prior to the determination of the application.

Flood Risk and Drainage

In support of this application a Flood Risk Assessment has been submitted in support of the application. The site is located in flood zone 1, and there are areas of surface water risk on site and predominantly on the northern boundary adjacent to the existing drainage ditch.

All of the built form of the development would be located within Flood Zone 1. The CEC Flood Risk Manager and United Utilities have been consulted on this application and have raised no objection to

the development on flood risk or drainage grounds. Therefore the development is considered to be acceptable in terms of its flood risk and drainage impact.

Levels

Should the application be approved it is recommended that a condition is imposed regarding the existing and proposed levels.

CIL Regulations

In order to comply with the Community Infrastructure Regulations 2010 it is necessary for planning applications with planning obligations to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

As discussed above there has been a request for a 30% affordable housing provision and an education contribution of £32,539.00 is required to mitigate the impact of the development upon local primary schools.

On this basis should the application be approved a S106 would be required to secure the appropriate affordable housing and education contribution and this recommendation is compliant with the CIL Regulations 2010.

CONCLUSION

The site is within the Open Countryside and the Green Gap where under Policy PG6 of the CELPS there is a presumption against new residential development and where saved policy NE.4 of the Local Plan states that approval will not be given for the construction of new buildings or the change of use of existing buildings or land which would either: result in erosion of the physical gaps between built up areas or adversely affect the visual character of the landscape. The development would result in the erosion of the Green Gap and is unacceptable in principle.

The development is considered to be located in a sustainable location. The proposal is of an acceptable design and would not have a significantly harmful impact upon residential amenity/noise/air quality and contaminated land.

Insufficient information has been submitted regarding the impact on the landscape area of the area, impact on biodiversity and the affordable housing provision.

The development would not have a severe impact upon the local highways network and the parking provision on the proposed site would be acceptable.

The development would not impact upon the drainage ditch to the boundaries of the site and the development would be located within flood zone 1. The development is considered to be acceptable in terms of its flood risk/drainage implications.

In this case there have been requests for contributions towards affordable housing and education and the proposed affordable housing provision on site is insufficient.

RECOMMENDATIONS

REFUSE for the following reasons:

- 1. The Local Planning Authority considers that the proposed development is unacceptable as the application site lies within the Open Countryside which should be protected for its own sake and where there is a presumption against inappropriate forms of new development. The proposal does not meet any of the exceptions contained with Policy PG 6 (Open Countryside). The proposed development would therefore be contrary to Policy PG 6 (Open Countryside) of the Cheshire East Local Plan Strategy and the guidance contained with the NPPF.**
- 2. In the opinion of the Local Planning Authority, the proposed development would contribute to the erosion of the Green Gap between the built up areas of Shavington and Crewe which would significantly and demonstrably outweigh the benefits of the scheme. The development is therefore contrary to Policy PG5 (Strategic Green Gaps) of the Cheshire East Local Plan Strategy and Policy NE4 (Green Gaps) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the guidance contained with the NPPF.**
- 3. The Local Planning Authority considers that level of affordable housing provision as proposed is insufficient to meet the relevant affordable housing contribution identified in Policy SC 5 (Affordable Homes) of the Cheshire East Local Plan Strategy. This application is providing 4 x 3 bedroom dwellings as the Affordable provision. This is below the required provision and no Affordable Housing Scheme has been provided. As a result it is not considered that the proposal would create a sustainable, inclusive, mixed and balanced community and would be contrary to Policy SC 5 (Affordable Homes) of the Cheshire East Local Plan and the guidance contained with the NPPF.**
- 4. The Local Planning Authority considers that insufficient information has been submitted to inform the impact of the proposed development on any protected species present (specifically the impact on Great Crested Newts, bats, water voles and bluebells) as well as the impact on grassland and hedgerow habitats. The development is therefore contrary to Policy SE 3 (Biodiversity and Geodiversity) of the Cheshire East Local Plan Strategy, Policies NE.5 (Nature Conservation and Habitats) and NE.9 (Protected Species) of the Crewe and Nantwich Replacement Local Plan 2011 and the guidance contained with the NPPF.**

In order to give proper effect to the Board's/Committee's intent and without changing the substance of its decision, authority is delegated to the Head of Planning (Regulation) in consultation with the Chair (or in their absence the Vice Chair) to correct any technical slip or omission in the resolution, before issue of the decision notice.

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

- 1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:**

- The numbers, type, tenure and location on the site of the affordable housing provision
 - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
 - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
 - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
- 2. A contribution of £32,539.00 to Primary School Provision**

