

Application No: 18/2726N

Location: Land off Crewe Road, WINTERLEY

Proposal: Outline application for the erection of up to 55 dwellings with associated works (access to be considered with all other matters reserved)

Applicant: ., Footprint Land and Development Limited

Expiry Date: 01-Nov-2018

## **SUMMARY**

On 27th July 2017 the Council adopted the Cheshire East Local Plan Strategy therefore the Council have demonstrated that they have a 5 year supply of deliverable housing sites.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.” The National Planning Policy Framework, which is the Secretary of State’s guidance, also advises Councils as to how planning decisions should be made. The ‘presumption in favour of sustainable development’ at paragraph 14 of the NPPF means “approving development proposals that accord with the development plan without delay”

The proposal would be contrary to Policy PG6 of the CELPS and RES5 of the Crewe and Nantwich Local Plan as it is not listed as an appropriate form of development in the open countryside and therefore represents a departure from the adopted Local Plan.

The benefits of the proposal would be the provision of affordable housing, POS and the limited economic benefits during construction.

The development would have a neutral impact upon, ecology, trees, flooding, living conditions, air quality and contaminated land.

The dis-benefits would be the loss of open countryside/landscape harm and the loss of agricultural land.

The proposed development is contrary to the Development Plan and is recommended for refusal.

## **RECOMMENDATION**

**REFUSE**

## **PROPOSAL**

The proposal seeks outline consent for the erection of up to 55 dwellings with associated works with details of access included.

All other matters of appearance, layout, landscaping and scale are reserved.

## **SITE DESCRIPTION**

The application site comprises a parcel of land sited just off the junction of Crewe Road and Pool Lane.

The area consists of predominantly residential properties to the west and partly to the south. Open countryside to the north and consented residential development to the east and south.

No significant variation in land levels noted

The site itself contains a large tree covered by Tree Preservation Order (TPO) just to the east of the centre of the site. There are also other trees covered by TPO to the northern and southern boundaries.

The site is located in the Open Countryside as per the Local Plan and contains trees covered by Tree Preservation Order.

## **RELEVANT HISTORY**

The site itself does not have any planning history. However the surrounding sites have some relevant applications:

### Site to the south-west

16/1487N - Reserved matters application seeking consent for appearance, landscaping, layout and scale, following outline planning permission for the construction of up to 45no. dwellings (13/4632N) – Approved 1st July 2016

13/4632N - Outline planning permission for the construction of up to 45 dwellings – Allowed at appeal – 14th January 2015

14/3393N - Outline planning permission for the construction of up to 45no. dwellings (Resubmission of 13/4632N) – Refused 25th September 2014

14/3962N - Outline planning permission for the construction of up to 79 dwellings – Appeal dismissed 2nd February 2016

### Site to the south

16/1728N – Outline application for residential development of up to 33 units with all others matters reserved, except for access and landscaping – Allowed at appeal 2 March 2017

### Site to the east

18/1621C – Reserved matters consent is sought for appearance, landscaping, layout and scale – Approved 06-Sep-2018

16/3387N - Outline application for the erection of 29 dwellings with associated works. (Re-submission of 15/2844N) – Refused 29th September 2016 – Appeal Lodged – Appeal Allowed 20th March 2017

15/2844N - Outline application for the erection of 47 dwellings with associated works – Refused 1st October 2015

## **ADOPTED PLANNING POLICY**

### **Haslington Neighbourhood Plan**

The Haslington Neighbourhood Plan has only reached Regulation 7 stage and therefore cannot be attributed any weight at this stage

### **Development Plan**

*Cheshire East Local Plan Strategy (CELPS);*

MP1 – Presumption in Favour of Sustainable Development

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

SE6 – Green Infrastructure

SE7 – The Historic Environment

SE9 – Energy Efficient Development,

SE12 – Pollution, Land Contamination and Land Instability

SE13 – Flood Risk and Water Management

PG1 – Overall Development Strategy

PG2 – Settlement Hierarchy

PG6 – Open Countryside

PG7 – Spatial Distribution

SC4 – Residential Mix

IN2 – Developer Contributions

CO1 – Sustainable Travel and Transport

CO4 – Travel Plans and Transport Assessments

SC5 – Affordable Homes

IN1 – Infrastructure

IN2 – Developer Contributions

*Crewe and Nantwich Local Plan 2011 (CNLP) Saved Policies;*

It should be noted that the Cheshire East Local Plan Strategy was formally adopted on 27th July 2017. There are however policies within the legacy Local Plan that still apply and have not yet been replaced. These policies are set out below.

NE.5 (Nature Conservation and Habitats)

NE.8 (Sites of Local Importance for Nature Conservation)

NE.9 (Protected Species)

NE.20 (Flood Prevention)

BE.1 (Amenity)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)

BE.6 (Development on Potentially Contaminated Land)

RES.5 (Housing in the Open Countryside)

RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)

TRAN.3 (Pedestrians)

TRAN.5 (Cycling)

### **National Planning Policy Framework (NPPF)**

The relevant paragraphs include;

11. Presumption in favour of sustainable development.

59. Delivering a Sufficient Supply of Homes

124-132. Achieving well-designed places

### **Other Considerations**

The EC Habitats Directive 1992

Conservation of Habitats & Species Regulations 2010

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

National Planning Practice Guidance

### **CONSULTATIONS**

**CEC Head of Strategic Infrastructure (Highways)** – No objection subject to condition requiring a construction management plan

**CEC Environmental Protection** – No objections, subject to a number of conditions/informatives including; piling, dust, environmental management plan, travel information pack, electric vehicle charging points, low emission boilers and contaminated land

**CEC Flood Risk** – No objection in principle but request drainage calculations

**CEC Education** – No comments received at the time of writing the report

**CEC Open Space (ANSA)** – Objection regarding usability of the proposed open space

**CEC Housing** – No objection

**CEC Public Rights of Way (PROW)** – No comments received at the time of writing the report

**United Utilities** – No objections subject to conditions regarding foul and surface water drainage and surface water drainage scheme

**South Cheshire Clinical Commissioning Group (NHS)** – Request a contribution of £61,020 to support the development of Haslington Medical Centre

**Town/Parish Council** – No comments received at the time of writing the report

**Ward Councillor** – No comments received at the time of writing the report

## **REPRESENTATIONS**

Letters of objection received from x 6 households regarding the following:

- Village has reached capacity
- No need for further development
- Contrary to the pattern of development of the village
- Cramped development
- Impact on infrastructure (doctors, schools, shops etc)
- Highway safety concerns given increase in traffic
- Loss of agricultural land
- Plots not large enough
- Inadequate housing mix
- Impact to wildlife
- Site should be for community use not housing
- Precedent for future applications

## **APPRAISAL**

### **Principle of Development**

The site lies largely in the Open Countryside as designated by the Adopted Cheshire East Local Plan, where policy PG6 states 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. Exceptions may be made 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 or where the dwelling is exceptional in design and sustainable development terms.

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

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

## **Housing Land Supply**

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 Plan 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.

## **SOCIAL SUSTAINABILITY**

### **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 SC4 of the submission version of the Local Plan requires that developments provide an appropriate mix of housing (however this does not specify a mix). This is echoed within the SNP Policies H3 (Housing Mix and Type) which states that housing should be designed to provide a mix of houses to meet identified need (e.g. affordable housing, starter homes and provision for housing an ageing population) and Policy H4 (Housing and an Ageing Population) which states that developments will be supported that provide suitable, accessible houses.

The exact mix of properties will be determined at reserved matters stage. However, the supporting design and access statement advises that housing will comprise of a mix of family homes and types that could include 3 and 4 bedroom detached properties.

A condition could therefore be imposed to secure a mix of house types at the reserved matters stage.

### **Affordable Housing**

This is a full application for up to 55 dwellings and there is a requirement for 30% of dwellings to be provided as affordable dwellings. In order to meet the Council’s Policy on Affordable Housing there is a requirement for 17 dwellings to be provided as affordable dwellings.

The site is located in Winterley which is in the Haslington and Englesea sub-area for the SHMA Update 2013, and identified a requirement for 44 new affordable homes per year between 2013/14 – 2017/18 made up of a need for 1 x 1 beds, 11 x 2 beds, 19 x 3 beds, 10 x 4/5 beds and 1 x 1 & 1 x 2 bed older person dwellings.

As part of this development 11 units should be provided as Affordable rent and 6 units as Intermediate tenure. The exact mix and location of the affordable dwellings can be detailed in the Reserved Matters application.

The affordable housing provision will be secured as part of a S106 Agreement.

### **Open Space**

This development requires a minimum of 40m<sup>2</sup> per family unit each of children’s play, Amenity Green Space (AGS) and Green Infrastructure (GI) Connectivity.

The proposed site plan shows three areas of green space – two linear buffers totalling 2,129m<sup>2</sup> and a small area (817m<sup>2</sup>) dominated by a large tree to the south east of the site. This is not deemed acceptable by the Councils Open Space Team as these areas offer very little meaningful public open space for formal or informal recreation.

The quantity standards are set out in the adopted Cheshire East Local Plan Criterion 4iii defined below within the Green Space Strategy.

- Children's Play Space

The 20m<sup>2</sup> per family dwelling combines formal and informal play provision. This amount of land could accommodate a children's kickabout area or similar facility and an area of play equipment/formal provision. The emphasis will be on creating a network of varied open spaces for children's play (all ages).

- Amenity Green Space

This particular type of open space (20m<sup>2</sup>) for informal recreation required in association with new development will depend on the individual site's requirements, location and existing open spaces for informal recreation in the immediate neighbourhood. It could include important landscape and historic features, wildlife areas, areas for countryside recreation/country parks, general areas for relaxing and enjoyment and areas for visual amenity. Children's play space and amenity green space can be combined to give a figure 40m<sup>2</sup> per family dwelling.

### Green Infrastructure Connectivity

- The need to connect open spaces by the addition of footpath or cycle links or wildlife corridors, or to allow access to adjacent countryside or country parks is a crucial part of creating a usable network of green space

This development requires a combination of amenity green space and children's play space ideally centrally located. A formal play (LEAP) facility to Fields in Trust standards to complement any other existing play facilities in the surrounding area is also required.

Although there are green buffers to the north and south of the site, little attention to the green infrastructure connectivity has been made. The Council's BFL12 – Connections require developments to be thought through holistically. There are potentially two developments adjacent 16/3387N and 16/1728N that could benefit from sustainable connections.

In light of the above the open space officer recommends that the design be revised to produce good quality open spaces with a minimum of pedestrian links through to other developments.

The concerns of the open space officer are noted and these features can be conditioned to secure the details at the reserved matters stage.

### Education

An application of up to 55 dwellings is expected to generate 9 primary aged children, 8 secondary aged children and 1 SEN child.

The development is expected to impact on secondary school places in the locality. Contributions which have been negotiated on other developments are factored into the forecasts both in terms of the increased pupil numbers and the increased capacity at secondary schools in the area as a result of agreed financial contributions. The analysis undertaken has identified that a shortfall of secondary school places still remains. The development is not expected to impact on primary provision.

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 1 child expected from the Land Off Crewe Road Winterley application will exacerbate the shortfall. The 1 SEN child, who is thought to be of mainstream education age, has been removed from the calculations above to avoid double counting.



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

$8 \times £17,959 \times 0.91 = £130,742$  (secondary)

$1 \times £50,000 \times 0.91 = £45,500$  (SEN)

Total education contribution: £176,242

This will be secured via a S106 Agreement should the application be approved.

## **Health**

The South Cheshire Commissioning Group (SCCG) has devolved powers to act on behalf of the NHS. In this instance they have requested a contribution of £61,020 to support the development of Haslington Medical Centre.

Having considered the contents of the response from the SCCG, officers are satisfied that the requested contribution of £61,020 is CIL compliant. This is because the NHS plan is at an advanced stage. The comments from the SCCG also provides calculations of how the requested contribution was derived and a specific scheme has been noted as to where the money will be spent which is to support the existing medical practice.

As a result the contribution is considered to be both reasonable and necessary and should be secured by way of section 106 agreement.

## **Location of the site**

Both policies SD1 and SD2 of the CELPS refer to supporting development in sustainable locations. Within the justification text of Policy SD2 is a sustainable development location checklist.

In this instance the design and access statement has done a brief appraisal of the location in terms of sustainability. This concludes that a range of local facilities can be found within a 1km radius (approximately a 15 minute walking distance) of the site, including community, bus stop, leisure and restaurant. The pedestrian amenities catchment plan shows the location of amenities in relation to the proposed site. The application site benefits from a bus service located outside of the site on Crewe Road.

As a result it is considered that the site would be locationally sustainable.

The site was also deemed to locationally sustainable through approval of the surrounding developments and as such it would be difficult to argue that the site in close proximity to these other consents is not sustainable.

## **ENVIRONMENTAL SUSTAINABILITY**

### **Residential Amenity**

The main residential properties affected by this development are 326-338 Crewe Road (even numbers), 4 Hassall Road and the closet plots of the developments approved to the south and east of the site.

The illustrative site plan suggests that the plots to the southern and eastern sections of the site would provide in excess of the required 13/21m interface distances to the approved properties to the south and east of the site. This is however assuming that the properties that come forward at reserved matters stage would be two storeys in height.

Similarly the plan suggests that the plots to the western boundary would provide in excess of the required 21m interface distances.

The indicative plan shows that Plot 1 would be sited in close proximity to the boundaries shared with Nos.328 and 330 Crewe Road. This has the potential to result in an overbearing/oppressive impact when viewed from the rear garden areas of these properties. However the site appears large enough that this plot could be sited further away from the shared boundary to prevent such impact. Nevertheless the layout would be addressed at reserved matters stage.

Environmental Protection have also raised no objections subject to conditions regarding noise report, piling, construction management plan, construction hours, electric vehicle charging, dust, boilers, contaminated land.

The plan also suggests that all plots would provide in excess of the recommended 50sqm minimum garden area as per the SPD

As a result the layout suggests that the proposal could be provided without significant harm to living conditions of neighbouring properties. In any case the final layout would be determined at reserved matters stage.

## **Highways**

The applicant has submitted a Transport Statement in support of the application; this has indicated that the trip generation arising from the development would result in 40 peak two-way movements. The predicted generation for this phase of development has been added to the other phases to assess the capacity of the existing site access with Crewe Road.

The results of the capacity assessment indicate that the site access would work within capacity limits with the new development traffic added. In relation to the wider impact on the road network, the distributed traffic would not have a material impact at principal junctions that would warrant an objection.

This is the third phase of development with main access to the site being already established, the capacity of main access has been tested to ensure that there would no capacity problem with the additional development added.

As a result the highway engineer has raised no objection subject to a condition requiring a construction management plan.

## **Landscape**

The application site is currently a field, bound to the south by Phases A and B, to the west by existing residential development along Crewe Road, to the north by a number of small fields and to the east by an area of agricultural land that is currently subject to another planning application. There are a number of trees located along the northern and southern boundaries, a number of these are subject to Tree

Preservation Orders, there are existing hedgerows along the northern and eastern boundaries. There is an isolated tree located towards the south eastern part of the site

The submission includes a proposed site plan this appears to show that the majority of boundary trees along the northern and southern boundaries will be retained, along with the isolated tree. The proposed site plan does not identify or make reference to the existing hedgerows along the eastern and northern boundaries.

Efforts do appear to have been made on this outline plan to incorporate most of the existing trees within open spaces and the linear offset area along the northern boundary would be effective in the longer term retention and success of the existing trees, but this all needs to be presented in the form of a parameters plan. Further consideration needs to be given to a number of locations where existing trees may impact on the future amenity of residents.

With reference to the layout, while there are a number of public open spaces shown on the outline layout, there is little scope for a hierarchy of tree planting this needs to be addressed at reserved matters stage to prevent the scheme from being reliant on existing site boundary vegetation, will little opportunity to create a wider green infrastructure across the site.

## **Trees**

The application is supported by an Arboricultural Implications Assessment and Method Statement which includes a Tree Development Plan showing the indicative layout in relation to tree constraints

Selected individual and groups of trees within and immediately adjacent to the site are protected by the Cheshire East Borough Council (Haslington - Winterley, Land to the north of Pool Lane) Tree Preservation Order 2017 which was served on 22nd May 2017 and subsequently confirmed without modification on 4th October 2017. The majority of the protected trees are located on or adjacent to the site boundaries save for one Oak tree (T3 of the TPO /T21 of the submitted Tree Survey) which is located within the central southern section of the site.

The Assessment has identified 21 individual trees, two groups of trees and six hedges within the site. One tree, a young unprotected Walnut (T9) is to be removed to accommodate the development. No trees are proposed for removal for arboricultural reasons.

The Council's arborist has considered the proposal and advised the proposal is acceptable in principle however any future layout will require the following matters to be addressed:

### Relationship to building and shading by trees

- Shading to plot 44 from trees T2 part of Group G3 of the TPO. This could result in social proximity issues
- Potential harm to trees T15 and T16 to the northern boundary shown as given the location of the road way. The proposal should avoid development in the root protection area. If not the applicant needs to demonstrate that no harm would occur and what mitigation would be required

The above concerns are noted. As the proposal seeks outline for access only the full impacts would not be addressed until reserved matters stage. However it is considered that that Plot 44 could be revised/re-

sited to avoid harmful impact. Similarly reserved matters stage could also require justification for the siting in the root protection area and appropriate mitigation.

### Hedgerows

A Hedgerow Assessment has been submitted in support of the application. Hedgerows are located along the northern, eastern and southern boundaries of the site. At Section 2.10 the Assessment states that these hedgerows qualify as being 'Important' under the archaeology and historic criteria of the Hedgerow Regulations. The proposed layout provides for the retention of these hedgerows apart from a 10 metres section of hedgerow to the south west for the proposed access to the site. It is agreed that the loss of this 10 metre section will not have a significant adverse impact and negligible harm to the remaining hedge.

## **Design**

### Connections

The proposed scheme is surrounded by established residential areas to the west and south, and approved and executed Bellway site (phase A) and the recently outline approved Phase B site to the south and the site to the East. Access to the proposed Phase C development will be off Crewe Road, utilising a consented route through the approved phase A scheme. The site will have direct pedestrian, cycle and vehicular access from Crewe Road and has potential to links to both Phase A and B, enabling the new development to integrate with the approved developments to the south and further residential area. This is not currently shown but could be secured at reserved matters stage to secure connections with surrounding sites.

### Facilities and Services

A range of local facilities can be found within a 1km radius (approximately a 15 minute walking distance) of the site, including community, bus stop, leisure and restaurant. The Pedestrian Amenities Catchment plan shows the location of amenities in relation to the proposed site.

### Public Transport

The application site benefits from a bus service located outside of the site on Crewe Road. Bus service 37 connects the site to Middlewich and Northwich, whilst along with service 38 provides links to Crewe and Haslington to the south-west, Sandbach town centre, Congleton and Macclesfield to the north east. The site has been designed to be accessible by a variety of methods, including by foot, cycling as well as private vehicles.

### Meeting Local Housing Needs

The indicative plan shows a mixture of semi-detached and terrace properties. The exact mix of properties will be determined at Reserved Matters stage, however the supporting statement also advises that the proposed dwellings will reflect local vernacular and scale with a mixture of building heights between 2 and 2.5 storeys high.

### Character

The proposed scheme includes 55 new dwellings within a total site area of 2.03 hectares, a density of approximately 27 dwellings per gross hectare, which is consistent with the other consented sites which total 33 and 26 dwellings per hectare. The indicative plan shows that the aesthetic of the proposed scheme reflect local vernacular and street scenes with reference to the consented sites to the east and south. The layout also shows that the plots to the northern boundary would have an active frontage with the open countryside as they would have their front elevations facing the open countryside to the north. The plots to the east and west would back onto existing consented sites and as such the need to front onto to these developments is not considered necessary. The supporting statement advises that the proposed dwellings will be clad in red brick with grey slate-effect roof tiles to match the local character of the area however details of appearance will be addressed at reserved matters stage.

- Working with the Site and its Context

The proposal will infill vacant agricultural land between residential areas, providing a connection between the local neighbourhood and surrounding agricultural land. Existing TPO trees to the southern boundary will be retained to enhance a proposed green corridor between the proposed scheme and approved Phase A and B developments. Existing trees and hedgerows to the northern boundary will also provide a natural buffer between the proposed development and neighbouring dwellings. A large existing tree within the centre of the site will be retained as a key feature to the Public Open Space. Further proposed trees will line internal routes as part of the green infrastructure, enhancing the visual value and relationship between the development and open agricultural land beyond.

- Creating Well Defined Streets and Spaces

Throughout the scheme, the buildings will face the public realm and the design and access statement advises that front doors and/or habitable room windows will give natural surveillance and active frontages will define areas of public space. The plan does not however indicate use of double frontages to help properties turn concerns however design/appearance would be addressed at reserved matters stage. It is also stated in the design and access abetment that new trees will also help define the boundary between dwelling and street, with private gardens, where possible, located to the rear of properties.

- Easy to Find Your Way Around

A primary access road circumvents the entire site, with a clear hierarchy defining pedestrian and vehicular routes. Carefully positioned nodal points, for example the retained large tree in the centre of the Public Open Space, will highlight and define routes allowing the users to easily orientate themselves. A permeable network will be created, which will be made up of primary distribution routes, streets and green spaces (through a combination of Public Open Space, private garden and landscaping throughout the scheme).

- Streets For All

Road widths to the north and west of the scheme are narrower to promote slower vehicle speeds and allow for functional social space. A pavement is also shown running through the site.

- Car Parking

The proposed scheme is shown as providing 200% car parking spaces, with a mixture of detached garages, side of building and off road. Whilst trees and landscaping are shown to the front of dwellings in

an attempt to soften the visual impact of parked cars it remains a concern that the plots to the eastern and western boundaries would be too dominated by car parking which would need to be addressed at reserved matters stage.

- Public and Private Spaces

Public and private spaces will be clearly defined throughout the site, with the use of active frontages and careful landscaping. Natural surveillance is permitted by front doors and habitable room windows overlooking public space, ensuring the safety of residents and visitors moving around the site. Clear thresholds, road and paving hierarchy and fencing will further indicate the distinction between public and private space and maintain security for residents.

- External Storage and Amenity Space

Storage for amenity will be provided within the curtilage of each individual dwelling, with direct access designed to connect rear gardens to the street to allow for rubbish collection. A number of properties will also have detached garages to provide additional external storage.

## **Ecology**

- Barn Owls

A barn owl box is present within a tree on site. An acceptable barn owl survey has been undertaken and no evidence of barn owls was recorded on site. Therefore the Councils Ecologist advises that this species is not reasonably likely to be affected by the proposed development.

- Other protected species

An updated survey has been submitted. A sett is present off-site. The submitted ecological assessment recommends the provision of a 10m undeveloped buffer zone, which is shown on the submitted illustrative layout plan. The Councils Ecologist advises that this buffer is likely to be sufficient to minimise the risk of the proposed development having a direct adverse impact upon the sett.

The proposed development may potentially result in indirect effects on the species such as the loss of foraging habitat; however no evidence of foraging activity was recorded on site during the latest survey. This may be due to the recent change of land use from grassland to an arable crop.

As a result if planning consent is granted the Councils Ecologist recommends a condition be attached which requires any future reserved matters application to be supported by an updated other protected species survey.

- Trees with bat roost potential

A number of trees with bat roost potential were recorded on site. Based upon the submitted illustrative layout plan it appears feasible for these trees to be retained. Therefore provided any proposed lighting is sensitive the bats the proposed development would be unlikely to affect roosting bats. The Councils Ecologist has however recommended that if planning permission is granted conditions should be imposed requiring the trees shown as having bat potential to remain and any reserved matters application to be supported by a detailed lighting scheme.

- Hedgehog

Hedgehogs are a biodiversity action plan priority species and hence a material consideration. There are records of hedgehogs in the broad locality of the proposed development and so the species may occur on the site of the proposed development. If planning consent is granted the Councils Ecologist recommends that the provision of features for hedgehogs be secured by condition in the form of ecological enhancement/mitigation.

- Ecological Mitigation and Enhancement

This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development. The Councils Ecologist therefore recommends that if planning permission is granted a condition should be attached which requires the submission of an ecological enhancement strategy.

- Hedgerows

Hedgerows are a priority habitat and hence a material consideration. The proposed development will result in the loss of a section of hedgerow to facilitate the site access road. It does however appear feasible to retain the remainder of the boundary hedgerows. If planning consent is granted the Councils Ecologist recommends that a condition be attached to ensure that replacement planting is provided for any unavoidable loss of hedgerows.

- Residual biodiversity assessment

The Councils Ecologist advises that the habitats on site, with the exception of the hedgerows, are not of priority habitat quality and do not present a significant constraint upon development. The development proposals however may still result in an overall loss of biodiversity. Therefore he recommends if the proposal is to be approved a condition should be attached requiring the reserved matters to make provision for replacement hedge planting for any hedgerows to be removed as part of the development.

The above conditions are considered to be both reasonable and necessary to mitigate and off-set the impact of the proposal on local wildlife.

### Air Quality

Policy SE12 of the Local Plan 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 proposal is for the residential development of to 55 dwellings. This scheme does not require an air quality impact assessment. However 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 Environmental Health Officer has requested the following conditions in relation to air quality;

- Dust Control
- Travel Plan
- Electric Vehicle Infrastructure

- Ultra Low Emission Gas Boilers

Subject to the imposition of these conditions the impact upon air quality from this development is considered to be acceptable.

## **Flood Risk**

The application site is located within Flood Zone 1 (low probability of river/tidal flooding) according to the Environment Agency Flood Maps. As the site is greater than 1 hectare in size a Flood Risk Assessment (FRA) has been submitted in support of this planning application.

The FRA concludes that the geological map of the area shows the site to be underlain by glaciofluvial sand and gravel deposits underlain by Halite-Stone and Mudstone of the Wilkesley Halite Member.

On the basis of the nature of these ground conditions, the use of sustainable urban drainage systems (SUDS) in the form of soakaways is considered a practical option. This will naturally need to be verified by the construction of soil infiltration test pits on site.

Foul water flows from the proposed development site are proposed to discharge to the existing 450mm diameter foul water sewer located beneath Crewe Road adjacent to the western boundary subject to agreement with United Utilities.

The United Utilities have been consulted as part of this application and have raised no objection to the proposed development subject to conditions regarding foul and surface water drainage and a drainage strategy. These conditions are considered reasonable and can be added to any decision notice.

The Councils Flood Risk Team have also been consulted however no comments have been received at the time of writing the report. These will be provided in the update report.

The above conditions are considered both reasonable and necessary and will be added to any decision notice.

Therefore subject to conditions, the proposal would not pose significant concerns from a flood risk/drainage perspective.

## **Agricultural Land Quality**

Policies SE2, SD1, SD2 advise that development should safeguard natural resources including high quality agricultural land.

The National Planning Policy Framework highlights that the use of such land should be taken into account when determining planning applications. It advises local planning authorities that, 'significant developments' should utilise areas of poorer quality land (grades 3b, 4 & 5) in preference to higher quality land.

In this instance an Agricultural Land Classification and Soil Resources report has been provided. This concludes that all of the 2.1ha site is classified as Grade 2 agricultural land.



The proposal would therefore result in the loss of Grade 2 agricultural land which weights against the proposal.

### **CIL Compliance**

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.

The proposal would result in a requirement for the provision of 17 affordable units which would be split on a social rented/intermediate basis. This is considered to be necessary and fair and reasonable in relation to the development.

The proposal would result in increased demand for medical care usage in Haslington. Evidence has been put forward by the SCCG that a contribution of £61,020 to support the development of Haslington Medical Centre. The NHS plan is also at an advanced stage and calculations of how the requested contribution was derived has been provided and has been linked to the expansion of the existing medical practice. This is considered to be necessary and fair and reasonable in relation to the development.

The development would result in increased demand for primary, secondary school and SEN places in the area and there is very limited spare capacity. In order to increase capacity of the schools which would support the proposed development, a contribution towards primary, secondary and SEN education is required. This is considered to be necessary and fair and reasonable in relation to the development.

As explained within the main report, the area of open space/LEAP is identified on the submitted plans. It is necessary to secure these works and a scheme of management. This is directly related to the development and is fair and reasonable.

On this basis the S106 recommendation is compliant with the CIL Regulations 2010 and a Deed of Variation will be required to the original S106 Agreement.

### **PLANNING BALANCE**

The proposal would be contrary to Policy PG6 of the CELPS and RES5 of the Crewe and Nantwich Local Plan as it is not listed as an appropriate form of development in the open countryside and therefore represents a departure from the adopted Local Plan.

The benefits of the proposal would be the provision of open market housing and affordable housing, POS and the limited economic benefits during construction.

The development would have a neutral impact upon, ecology, trees, flooding, living conditions, air quality and contaminated land.

The dis-benefits would be the loss of open countryside/landscape harm and the loss of Agricultural Land.

The proposed development is contrary to the Development Plan and is therefore recommended for refusal.

## **RECOMMENDATION:**

**Refuse for the following reasons:**

1) The proposed development is unsustainable because it is located within the Open Countryside, it would result in an adverse impact on appearance and character of the area and the loss of Grade 2 agricultural land contrary to Policies PG2 (Settlement Hierarchy), PG6 (Open Countryside), SD1 (Sustainable Development in Cheshire East) and SD2 (Sustainable Development Principles), SE2 (Efficient Use of Land) of the Cheshire East Local Plan Strategy, and saved Policy RES.5 (Housing in the Open Countryside) of the Crewe and Nantwich Local Plan and the principles of the National Planning Policy Framework, which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it creates harm to interests of acknowledged importance.

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.

<b>S106</b>	<b>Amount</b>	<b>Triggers</b>
<b>Affordable Housing</b>	30% (65% Affordable Rent / 35% Intermediate)	In accordance with phasing plan. No more than 80% open market occupied prior to affordable provision in each phase
<b>Education</b>	Contribution of up to £176,242 towards primary, secondary and special education needs education	50% Prior to first occupation 50% at occupation of 26th dwelling
<b>Health</b>	Contribution to support the development of Haslington Medical Centre using the below formula:	50% Prior to first occupation 50% at occupation of 26th dwelling

	<table><tr><th>Size of Unit</th><th>Occupancy Assumptions Based on Size of Unit</th><th>Health Need/Sun. Requested per un.</th></tr><tr><td>1 bed unit</td><td>1.4 persons</td><td>£504 per 1 bed unit</td></tr><tr><td>2 bed unit</td><td>2.0 persons</td><td>£720 per 2 bed unit</td></tr><tr><td>3 bed unit</td><td>2.8 persons</td><td>£1,008 per 3 bed unit</td></tr><tr><td>4 bed unit</td><td>3.5 persons</td><td>£1,260 per 4 bed unit</td></tr><tr><td>5 bed unit</td><td>4.8 persons</td><td>£1,728 per 5 bed unit</td></tr></table>	Size of Unit	Occupancy Assumptions Based on Size of Unit	Health Need/Sun. Requested per un.	1 bed unit	1.4 persons	£504 per 1 bed unit	2 bed unit	2.0 persons	£720 per 2 bed unit	3 bed unit	2.8 persons	£1,008 per 3 bed unit	4 bed unit	3.5 persons	£1,260 per 4 bed unit	5 bed unit	4.8 persons	£1,728 per 5 bed unit	
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Public Open Space	Provision of Public Open Space and a LEAP (5 pieces of equipment) to be maintained by a private management company	50% Prior to first occupation 50% at occupation of 26th dwelling																		

