

Application No: 18/3477N

Location: Sydney Cottage Farm, HERBERT STREET, CREWE, CW1 5LZ

Proposal: Outline application for residential development with matters of scale and layout included.

Applicant: JFH Horticultural Supplies

Expiry Date: 08-Mar-2019

SUMMARY

The application site falls within the Crewe/Haslington Strategic Green Gap which is also subject to Open Countryside policy PG6 within the CELPS. It is considered that the proposed development would erode the physical gap between Crewe and Haslington, failing to adhere with this aspect of Policy PC5 of the CELPS. Furthermore, the proposals do not adhere with any of the acceptable forms of development permitted in the Open Countryside by Policy PG6 of the CELPS. The application is therefore deemed to represent a departure from the development plan.

However, given the minor nature of erosion of the green gap as a result of the development in conjunction with the sites previously development land status the re-development of which carries significant weight in favour of the proposal within both adopted local policy and national policy, and its sustainable location, the material considerations are deemed to outweigh the primacy of the development plan in this instance. The principle of the proposal is therefore supported.

No objections to the development are raised in relation to; trees and hedgerows, ecology, design, flood risk and drainage, amenity, highway safety, public rights of way, affordable housing, education or open space, subject to a conditions or a S106 legal agreement where deemed necessary.

As a result of the above reasons, the application is recommended for approval.

RECOMMENDATION

APPROVE subject to a S106 Agreement to secure; 30% on-site affordable housing provision; a financial contribution towards primary education and on site Public Open Space provision and associated management and conditions.

REASON FOR REFERRAL

The application has been referred to Southern Planning Committee as it represents a departure from policy which is recommended for approval.

SITE DESCRIPTION

The application site is located on the south-eastern side of Herbert Street, Crewe within the Crewe/Haslington Strategic Green Gap. The current established use of the land is B8 (storage and distribution). The land is in shape extending approximately 1.06 hectares.

The site comprises of a larger storage building and some lighter weight temporary buildings. The majority of the site is covered by hardstanding which is being used for external storage.

A Public Right of Way passes through the centre of the site.

PROPOSAL

Outline planning permission is sought for up to 12 dwellings, including matters of Layout and Scale

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

The original submission sought permission for the erection of 15 dwellings with all matters reserved. Revised plans and a revised application form was received during the application process reducing the number of dwellings down to 12 and updating the scope of the application to include matters of Layout and Scale at the request of the Local Planning Authority (LPA). A re-consultation exercise was undertaken on the amendments.

RELEVANT HISTORY

17/3244C - Lawful Development Certificate Application for an Existing B8 Use (Supply of Sundries to the Horticultural Industry) – Positive Certificate 3rd August 2017

P94/0953 - Erection of 3 No. polytunnels, 1 green house, agricultural building and portakabin - Approved 12th January 1995

7/13258 - Use of land for grazing/stabling of horses - Approved 31st July 1986

7/04755 - Residential development and access roads - Refused 14th December 1978

ADOPTED PLANNING POLICY

Adopted Development Plan

Cheshire East Local Plan Strategy (CELPS)

MP1 (Presumption in Favour of Sustainable Development)

PG2 (Settlement Hierarchy)

PG5 (Strategic Green Gaps)

PG6 (Open Countryside)

PG7 (Spatial Distribution of Development)

SC4 (Residential Mix), SC5 (Affordable Homes)

SD1 (Sustainable Development in Cheshire East)

SD2 (Sustainable Development Principles)
SE1 (Design)
SE2 (Efficient Use of Land)
SE3 (Biodiversity and Geodiversity)
SE4 (The Landscape)
SE5 (Trees, Hedgerows and Woodland)
SE6 (Green Infrastructure)
SE9 (Energy Efficient Development)
SE12 (Pollution, Land Contamination and Land Instability)
SE13 (Flood Risk and Water Management)
C01 (Sustainable Transport and Travel)
C04 (Travel Plans and Transport Assessments)
IN1 (Infrastructure)
IN2 (Developer Contributions)

‘Cheshire East Council Design Guide’ Supplementary Planning Document (SPD)

Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011 (CNLP)

NE4 (Green Gaps)
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)
E4 (Development on Existing Employment Areas)
RES.2 (Unallocated Housing Sites)
RES.5 (Housing in the Open Countryside)
RT.3 (Provision of Recreational Open Space and Children’s Playspace in New Housing Developments)
RT.9 (Footpaths and Bridleways)
TRAN.3 (Pedestrians)
TRAN.5 (Cycling)

‘Backland Development’ Supplementary Planning Document (SPD)

Other material policy considerations

National Planning Policy Framework (The Framework)

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

Of particular relevance are paragraphs:

7-14 (Sustainable Development)
24-27 (Maintaining effective cooperation)
38-58 (Decision Making)

59-72 – (Delivering a sufficient supply of homes)
77-79 (Rural Housing)
102-111 (Promoting Sustainable Transport)
124-132 (Achieving well-designed places)
155-165 (Planning and Flood Risk)
170-183 (Conserving and enhancing the natural environment)

CONSULTATIONS

Head of Strategic Infrastructure (HSI) – No objections, subject to amendment to service strip which has since been amended and agreed

Environmental Protection – No objections, subject to a number of conditions including; prior submission/approval of a piling method statement, prior submission/approval of an environmental management plan, prior submission/approval of a residents travel information pack, the provision of electric vehicle charging infrastructure, the prior submission/approval that any gas boiler installations proposed are to a certain emission standard, the prior submission/approval of a phase 1 contaminated land report, the submission/approval of a verification report, the submission/approval of a soil verification report, works to stop if contamination is identified.

PROW Officer – No objections subject to a condition requiring the prior submission/approval of a PROW Scheme of management and the diverted line of the PROW should be marked out prior to commencement of development

Strategic Housing Manager – No objections, agent has agreed to the required 30% on-site provision (4 units)

Education (Cheshire East Council) – Require the submission of £21,693 towards primary education provision

ANSA (Open Space) – No objections, accept the Open Space provision provided, subject to the landscaping being secured at Reserved Matters stage

NHS - No comments received relating to the revised proposals

United Utilities – No objections, subject to the following conditions; that the proposal proceed in accordance with the detail within the Flood Risk Assessment and the prior submission/approval of a drainage water maintenance and management plan. It has also been advised that a public sewer crosses the site so it may not be possible to permit building over it. This should be added as an informative in the event of approval.

Flood Risk Manager – No objections, subject to a condition requiring the implementation of the FRA and a condition requiring the prior submission/approval of a detailed strategy/design limiting surface water run-off and an associated management and maintenance plan

Cheshire Brine Subsidence Board – Recommend the use of re-enforced foundations and the incorporation of flexibility with regards to the superstructure and services

Crewe Town Council – Request that the proposals;

- Protect the safety of road users, pedestrians and cyclists on Herbert Street with regards to the access arrangements
- Provide an element of affordable housing

REPRESENTATIONS

Neighbour notification letters were sent to all adjacent occupants and a site notice was erected in relation to the original proposals (based on 15 dwellings and an application for outline planning permission with all matters reserved). Letters of representation were received from 4 local residents. The main objections raised included;

- Flood Risk – Impact of development upon water table
- Amenity – Loss of privacy/overlooking, visual intrusion
- Highways – Resulting increase in traffic, adequacy of parking (including visitor parking), turning and loading
- Procedural matters – certain neighbours have not been notified
- PROW – Impact of development upon footpaths

Matters were also raised that are not material planning considerations such as property values and loss of views.

A second set of neighbour notification letters were sent to all adjacent occupants to consult on the revised plans and revised scope of the application. In response, 1 letter of representation was received. The main points raised included;

- Highways – Request that a Construction Management Plan be conditioned in the event of approval so the following matters can be controlled
 - Plans for the controlled disruption to local residence,
 - Parking facilities for contractors/site visitors
 - Wheel wash facilities
 - Plan for public highway (to Haslington)
 - Noise control
 - Damage to highways due to turning circles in the area.

OFFICER APPRAISAL

Principle of Development

The application site falls within the Haslington / Crewe 'Green Gap' as defined by Figure 8.3 of the CELPS. Policy PG5 of the CELPS state that in such locations (Strategic Green Gaps), permission will not be granted for the construction of new buildings which would; result in the erosion of the physical gap between any of the settlements, adversely affect the visual character of the landscape, significantly affect the undeveloped character of the Green Gap, or lead to the coalesce between existing settlements. Furthermore, such proposals should also adhere to the relevant policy aspects of Policy PG6 (Open Countryside) of the CELPS.

The applicant, within paragraph 5.5 of their Planning Statement state that *'given the layout of the existing surrounding residential development, this [the development proposals] will not extend the built form of the urban area any closer to Haslington as it currently is.'*

In response, the application site lies immediately adjacent to the Crewe Settlement Boundary on two sides of the site (north and west). Adjacent to the site beyond said boundaries is existing residential development. The settlement boundary of Crewe extends beyond the application site to the north-east.

Beyond the site to the east and south are open fields with occasional, sporadic development beyond. Approximately half way between the application site and Haslington is Bradeley Hall Farm.

At present, the built form on the application site is predominantly located to the south and west of the site. The proposal seeks the erection of dwellings across the majority of the application site, including to the east and south-east where there is currently no built form, the part of the site closest to Haslington.

As such, it is considered that the proposal introduce built form closer to Haslington than it does at present. As such, it is deemed to fail parts 4 (i) of Policy PG5.

However, it is considered that the level of erosion of the gap between Crewe and Haslington would be limited when consideration is given to the fact that the site lies hard up against the existing settlement boundary on two sides, the other sides of which the settlement boundary extends further to the south and east into the countryside than the extent of the application site. In addition, Bradeley Farm lies directly between the application site and Haslington.

Although limited, it is nonetheless considered that the proposals would result in the erosion of the physical gap between settlements due to the introduction of built form closer to Haslington than the existing built form on site. Therefore, the proposal would be contrary to Policy PG5 of the CELPS in this regard.

With regards to the landscape, the Council's Landscape Officer has reviewed the proposals and advised that she has no objections with regards to the impact of the development upon the wider landscape. The proposal would not lead to the coalescence between existing settlements. The proposal is therefore deemed to adhere with Parts 4 (ii) and 4 (iii) of Policy PG5.

However, as already referred to, because the development would extend the built form of Crewe closer to Haslington, the proposal would be deemed contrary to Part 4 (i) of Policy PG5 of the CELPS and as would fail to adhere with Policy PG5 as a result.

Turning to Policy PG6 of the CELPS, this policy only supports new development or a change of use of sites in certain instances. One such instance is; for the replacement of existing buildings (including dwellings) by new buildings not materially larger than the buildings they replace (Part 3 (iii)). Another exception is for development that is essential for the expansion or redevelopment of an existing business (Part 3 (v)).

In response, even without existing floor plans and elevations, it is clear that the erection of 12 dwellings on this site, including garages, would exceed the volume and footprint of the existing

buildings on site. As such, it is considered that the proposal would also fail adhere with the 'replacement of existing buildings' policy exception (Part 3 (iii)).

With regards to the redevelopment of an existing business, it is considered that this exception is intended to support the re-development of such sites for alternative business proposals, not housing development. This interpretation has been verified by the Council's Spatial Planning Team.

As such, the proposals would also not adhere with the requirements of Policy PG6 of the CELPS. Indeed the applicant appears to accept a breach of this policy within paragraph 6.15 of their original Planning Statement advising *'Our view is that any conflict with Policy PG6 is limited.'*

The proposed development would not fall within any of the categories of exception to the restrictive policy relating to development within the Strategic Green Gap or 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; this is considered as part of the assessment below.

Material considerations

Housing land supply

The Cheshire East Local Plan Strategy was adopted on the 27th July 2017 and forms part of the statutory development plan. The plan sets out the overall strategy for the pattern, scale and quality of development, and makes sufficient provision for housing (36,000 new dwellings over the plan period, equating to 1,800 dwellings per annum) in order to meet the objectively assessed needs of the area.

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted.

The National Planning Policy Framework (NPPF) identifies the circumstances in which relevant development plan policies should be considered out-of-date. These are:

- Where a local planning authority cannot demonstrate a five year supply of deliverable housing sites (with appropriate buffer) or:
- Under transitional arrangements, where the Housing Delivery Test Result indicates that the delivery of housing was substantially below 25% of housing required over the previous three years.

In accordance with the NPPF, the council produces an annual update of housing delivery and housing land supply. The council's most recent Housing Monitoring Update (base date 31 March 2018) was published on the 6th November 2018. The report confirms:

- A five year housing requirement of 12,630 net additional dwellings. This includes an adjustment to address historic shortfalls in delivery and the application of a 5% buffer.
- A deliverable five year housing land supply of 7.2 years (18,250 dwellings).

The 2018 Housing Delivery Test Result was published by the Ministry of Housing Communities and Local Government on the 19th February 2019 and this confirms a Cheshire East Housing Delivery Test Result of 183%. Housing delivery over the past three years (5,610 dwellings) has exceeded the number of homes required (3,067). The publication of the HDT result affirms that the appropriate buffer to be applied to the calculation of housing land supply in Cheshire East is 5%.

Relevant policies concerning the supply of housing should therefore be considered up-to-date and consequently the 'tilted balance' at paragraph 11 of the NPPF is not engaged.

As such, while the provision of additional housing does represent a planning benefit as the 5-year supply is a minimum, there is no pressing need to release sites which are deemed to cause harm in other regards. As such, this is afforded limited weight.

Previously Development Land (PDL)

On the 3rd August 2017 a Certificate of Lawful Existing Use was granted for the entire application site to establish the lawful use as B8 (Storage or Distribution). Consideration therefore, needs to be given to the site being Previously Developed Land (PDL).

Policy SD1 of the CELPS and the Framework encourages development on previously developed land. Previously Developed Land (often referred to as brownfield land) is defined within Annex 2 of the NPPF and states;

'Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.'

It is considered that the application proposal falls within this category, so its re-development would be supported in this regard by Policy SD1 (Part 15) of the CELPS and the Framework.

Part 1 of Policy SE2 (Efficient Use of Land), states that the Council will encourage the redevelopment/re-use of previously developed land and buildings. The proposal is also deemed to adhere with this aspect of development plan policy.

Paragraph 84 of the NPPF states that *'The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.'*

Paragraph 117 of the NPPF states that *'planning policies and decisions should promote an effective use of land....in a way that makes as much use as possible of previously-developed or 'Brownfield' land.'*

As such, this aspect of development would adhere with both adopted development policy and national planning policy.

It should be noted that there is no suggestion that there are any planning benefits in cleaning up the site from a contaminated land perspective. Nonetheless, it is afforded significant weight in this instance as a result of the strong local and national policy support the re-development of such sites.

Locational Sustainability

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.

The applicant has completed the checklist within paragraph 5.11 of their Planning Statement. The accessibility of the site showed that following facilities meet the minimum recommended standard for walking distances to public facilities:

Post box (500m) – 270 metres (Herbert Street)
Post Office (1000m) – 880m (McColls, Collieridge Way)
Bank or Cash machine (1000m) – 880m (McColls, Collieridge Way)
Amenity Open Space (500m) - 300m (off Bradley Hall Road)
Outdoor Sports Facility (500m) - 300m (Bowling Green)
Public House (1000m) – 482m (Sydney Arms)
Child Care Facility (nursery or crèche) (1000m) – 644m (Kids Planet Pre-school)
Bus Stop (500 metres) – 482 metres (Sydney Arms)
Public Right Of Way (500m) – 0m (On site)

The following amenities/facilities failed the recommended standard:

Children's Playground (500m) – 730m Lansdowne Road
Primary School (1000m) - 1395m (Hungerford Road Primary Academy)
Local Meeting Place (1000m) - 2735m (Yoxall Village Hall)
Leisure Facilities (1000m) – 2092m (Total Fitness)
Pharmacy (1000m) – 1305m (Wells Pharmacy, Hungerford Road)
Railway station (2000m where geographically possible) – 2735m (Crewe Station)
Supermarket (1000m) – 2092m (M&S – town centre)
Secondary School (1000m) – 1770m (Sir William Stanier Community School)
Medical Centre (1000m) - 1305m (Hungerford Medical Centre)
Convenience Store (500m) – 880m (McColls, Collieridge Way)

This basic assessment provided by the applicant shows that the site is within the recommended distance of 9 of the 19 criteria considered (47%).

Although the site is located within the recommended distances of just less than half of the above facilities, as there is a bus stop within close proximity of the site which offers regular trips to Crewe town centre, it is deemed that the location of the site is sustainable. This consideration is afforded moderate weight.

Suitability of site for business use

The applicant has suggested on numerous occasions within their planning statement that the Council should afford weight to the incompatible use of the existing site with the surrounding land uses. More specifically;

- Paragraph 3.3 states; *‘Such a residential scheme would not be incongruous within that location and would replace a non-conforming B8 use which, if intensified, has the potential to create serious residential amenity and highway safety issues.’*
- Paragraph 5.5 states; *‘By re-developing the site, it brings it more in line with the existing residential development on the opposite side of the road and also removes a potentially harmful non-conforming use in the locality.’*
- Paragraph 5.7 states; *‘...a well design residential scheme will be much better suited to the site and the locality than a B8 use which could become far more intensive over time to the detriment of amenity of nearby residents and also to the detriment of highway safety.’*
- Paragraph 7.1 states; *‘Removal of a potentially damaging non-conforming use.’*

Whilst it is accepted that the area is characterised by either residential development or countryside, there is no evidence to suggest that the existing use is ‘damaging’. As such, limited weight is afforded to this consideration.

Ecological enhancements

It is advised within paragraph 5.14 of the submitted Planning Statement that within the submitted Ecological assessment, the site *‘will provide an opportunity to secure ecological enhancement for wildlife associated with residential development.’*

These enhancements appear to include the provision of nesting features for birds and bats and the retention and supplement of existing vegetation.

Although welcomed, such measures are commonly required as mitigation to alleviate any potential ecological harm. There appears to be no specific enhancements above the normal mitigation measures proposed on such schemes in such locations. As such, limited weight is afforded to this consideration.

Economic and Social benefits

The applicant has advised within paragraph 5.23 of their Planning Statement that the scheme will offer economic benefits in the form of; local employment opportunities during the construction phase

and wider economic benefits to the construction industry supply chain, new resident's spending money at local shops and services, receipt of New Homes Bonus and additional council tax.

In response, although these are recognised as benefits, they are tempered when consideration is given to the economic benefits of the existing use of the site which would be lost, be that either as the continued established use or an alternative employment use. As such, the suggested economic benefits are afforded little to no weight.

The social benefits forwarded within paragraphs 5.25-5.26 relate to the provision of housing and housing of a high standard. In response, as previously advised, whilst the provision of new housing does represent a planning benefit, given that the council are able to demonstrate a 5-year housing land supply, there is no pressing need for the housing, particularly where it will create harm. There is also no guarantee that the quality of the housing proposed will be high. As such, limited weight is afforded to this consideration.

Principle conclusions

The application site falls within the Crewe/Haslington Strategic Green Gap which is also subject to Open Countryside policy within the CELPS. It is considered that the proposed development would marginally erode the physical gap between Crewe and Haslington, failing to adhere with this aspect of Policy PC5 of the CELPS. Furthermore, the proposals do not adhere with any of the acceptable forms of development permitted in the Open Countryside by Policy PG6 of the CELPS.

As a result, the proposals constitute 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 applicant has forwarded a number of material considerations. These include the provision of housing, the fact that the site is Previously Developed Land, the sustainability of the location, the unsuitability and potential harm of the existing use, the provision of ecological enhancements and social and economic benefits.

Of these, significant weight is afforded to the fact that the site is PDL and moderate weight is afforded to the sustainability of the location. However, limited weight is afforded to the other considerations for the reasons detailed above.

It is considered that given the limited level of erosion into the green gap as a result of the proposals in conjunction with the site being established previously developed land, the re-development of which carries significant weight in favour of the proposal within both adopted local policy and national policy, and the sustainable location of the site, it is considered that the material considerations in this instance, outweigh the principle objection.

The principle of the development is therefore deemed acceptable as a departure.

Other matters

Landscape, Trees and Hedgerows

Notwithstanding the principle concerns with the proposal, in consideration of on-site landscape considerations, the Council's Landscape Officer has raised no objections to the development in principle. Although concerns are raised about boundary treatments and shown hard surfacing materials and suggests enhancements to existing boundary hedges and on-site pond, such matters are not sought for consideration as part of the application and would be considered at Reserved Matters stage.

In consideration of tree matters, the Council's Forestry Officer has concluded that the proposals would not impact existing retained trees and subject to the conditioning that any subsequent reserved matters being supported by an updated Arboricultural Impact Assessment, no tree objections are raised.

Subject to the above, the proposals are deemed in principle to adhere with Policies SE4 (Landscape) and SE5 (Trees, Hedgerows and Woodland) of the CELPS.

Ecology

The application is supported and an Ecological Survey and Assessment. The detail of this and any other ecology matters are considered below.

Sandbach Flashes SSSI Impact Zone

The proposed development falls within Natural England's SSSI impact zone. Natural England ask that for proposed developments in this location they are consulted on the potential risk from 'Any residential development of 50 units or more'. As the current plans show 12 units, it is not necessary to consult Natural England.

Hedgerows

The hedgerows known as 1, 2 and 3 in the submitted *Ecological Survey and Assessment* report (ERAP, November 2017) are considered by the Council's Nature Conservation Officer as a priority habitat and likely to function as commuting, connective habitat for bats. As such, the Council's Nature Conservation Officer has advised that if planning consent is granted, a landscape condition should be included requiring the retention of existing hedgerow unless agreed by the LPA.

Great Crested Newts

The submitted *Ecological Survey and Assessment* report (ERAP, November 2017) assessed the pond on site as being unsuitable for Great Crested Newt breeding habitat. The Council's Nature Conservation Officer therefore advises that no further survey effort is required for this species.

Breeding Birds

If planning consent is granted, the Council's Nature Conservation Officer recommends a condition be included to protect nesting birds.

Wall Cotoneaster

The applicant should be aware that Wall Cotoneaster is present on the proposed development site. Under the terms of the Wildlife and Countryside act 1981 it is an offence to cause this species to grow in the wild.

Disturbance of soil on the site may result in increased growth of the species on the site. If the applicant intends to move any soil or waste off site, under the terms of the Environmental Protection Act 1990 any part of the plant or any material contaminated with Wall Cotoneaster must be disposed of at a landfill site licensed to accept it and the operator should be made aware of the nature of the waste.

This should be included as an informative.

Ecological Mitigation and Enhancement

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

Wildlife sensitive lighting

The Council's Nature Conservation Officer has advised that in the event of approval a condition should be included which requires the prior submission/approval of the LPA for external lighting. The scheme should include dark areas and avoid light spill upon bat roost features, bat commuting and foraging habitat (boundary hedgerows, trees, watercourses etc.) aiming for a maximum of 1lux light spill on those features.

Subject to the above, no significant issues with regards ecology are raised and the development would adhere to Policy SE3 (Biodiversity and Geodiversity) of the CELPS and Policy NE.9 (Protected Species) of the CNLP.

Design

Policy SE1 (Design) of the CELPS advises that the proposal should achieve a high standard of design and; wherever possible, enhance the built environment. It should also respect the pattern, character and form of the surroundings.

Policy SD2 of the CELPS states that development should contribute positively to an areas character and identity, creating or re-enforcing local distinctiveness in terms of; height, scale, form, grouping, choice of materials, design features, massing and impact upon the streetscene. These policies are supplemented by the Cheshire East Design Guide SPD.

The matters of design sought for consideration as part of this application are layout and scale.

The layout has been revised and included as part of the application submission at the request of the LPA due to the sensitive rural fringe location of the site. The overall number of dwellings sought for approval has been reduced from 15 to 12, also on the advice of the Council.

The proposed layout shows the provision of 12 dwellings located on a largely rectangular plot of brownfield land located within the Open Countryside. The scheme proposes a mix of 3 and 4 bedroomed properties either detached or semi-detached between 2 and 2 ½ storey's in height.

A new and improved access would extend south from Herbert Street into the site and extend in an easterly direction where it would end with a turning head.

All 12 dwellings would either address the new access road or the countryside beyond the site (or both). All properties would benefit from detached/semi-detached garages set back within the streetscene with off-street parking in front.

The applicant has accepted the LPA advice with regards to creating a design which has a reduced density, makes the most of the opportunity of the countryside adjacent to the site and the on-site tree and pond features and removes car frontage parking. For the above reasons, it is considered that the general layout would respect the character of the area and the location.

In consideration of scale, the applicant has provided scale parameters upon the LPA request. The indicative elevations show that the dwellings proposed on plots 1-3 and 11-12 would have a maximum height between 7.8 and 7.95 metres and the dwellings on plots 4-8 would have a maximum height of 8.55 metres. The taller dwellings proposed would back onto existing 3-storey development. It is considered that the scale of these dwellings will be acceptable and reflective of the surrounding development.

Matters of appearance would be considered as part of a reserved matters application in the event of approval.

In consideration of layout and scale only, it is considered that the details provided would be of an acceptable design that would comply with Policies SE1 and SD2 of the CELPS.

Amenity

Policy BE.1 of the CNLP advises that development shall only be permitted when the proposal would not have a detrimental impact upon neighbouring amenity in terms of overlooking, overshadowing, visual intrusion or environmental disturbance. Within the Council's Supplementary Planning Document relating to 'backland development', the recommended minimum separation standards between built form include a 21 metre gap between main windows of directly facing dwellings across both the front and rear gardens and a 13.5 metre gap between the main windows of dwellings directly facing the flank walls of an adjacent dwelling. Policy SE1 of the CELPS states that development should ensure an appropriate level of privacy for new and existing residential properties.

According to the submitted revised layout plan, the closest neighbouring properties to the application site would be the occupiers of; 53 Herbert Street (Sydney Cottage) to the west and to the north, No's 55 Herbert Street and No's 1-6 Foxholme Court. All other neighbouring properties are either over the minimum recommended standard away from any of the proposed development or sufficiently offset.

The side elevation of No.53 Herbert Street would be between 17.2 and 22.6 metres from the front or side elevations of 3 of the dwellings proposed on plots 1, 2 and 3. Within the relevant side elevation

of No.53 Herbert Street, positioned approximately 17.2 metres from the principal elevations of the dwellings proposed on plots 1 and 2 are 3 ground floor openings, none of which appear to represent sole windows to principal habitable rooms. All other openings on this elevation are considered to be sufficiently far enough away from the development not to be impacted in terms of loss of privacy, light or visual intrusion.

The side elevation of No.55 Herbert Street to the north would be approximately 10.4 metres from the side elevation of the dwelling proposed on plot 1. Within the relevant side elevation of No.55 Herbert Street there are no openings. As such, it is not considered that the proposal would create any amenity concerns of this existing adjacent neighbour with regards to loss of privacy, light or visual intrusion.

The main rear elevations of the dwellings proposed on plots 4-7 would be between 28.1 and 28.3 metres away from the rear elevations of No's 1-4 Foxholme Court. The side elevation of the dwelling proposed on plot 8 would be approximately 26.1 metres away from the rear elevation of No.6 Foxholme Court. It is considered that given that the dwellings on Foxholme Court are 3-storey's tall and the proposed dwellings are 2 ½ storey's tall, this increased distance would be sufficient to overcome concerns with regards to loss of privacy, light or visual intrusion, possibly subject to an obscure glazing condition where appropriate at reserved matters stage when matters of appearance are considered.

Although the proposed garaging would be closer to these neighbouring dwellings than the proposed dwellings themselves, it is considered that because there are to be single storey they would not create any significant amenity concerns in principle.

For the above reasons, based on the information under consideration as part of this outline application, it is not considered that the layout or scale of the proposed development would have a detrimental impact upon neighbouring amenity.

In consideration of environmental matters, the Council's Environmental Protection Team have advised that they have no objections, subject to a number of conditions including; prior submission/approval of a piling method statement, prior submission/approval of an environmental management plan, prior submission/approval of a residents travel information pack, the provision of electric vehicle charging infrastructure, the prior submission/approval that any gas boiler installations proposed are to a certain emission standard, the prior submission/approval of a phase 1 contaminated land report, the submission/approval of a verification report, the submission/approval of a soil verification report, works to stop if contamination is identified.

With regards to the amenities of the future occupiers of the proposed dwellings themselves, subject to the careful consideration of the internal arrangements of the dwelling proposed on plot 8 when matters of appearance are determined, to ensure no loss of privacy, light or visual intrusion upon its future occupiers or the occupiers of the adjacent proposed dwellings, the proposal would not create any amenity concerns with regards to the above considerations upon the future occupiers of the proposed development.

Sufficient private amenity space could be provided for each dwelling.

As such, subject to conditions, it is considered that the proposed development would adhere with Policy BE.1 of the CNLP and the amenity aspect of Policy SE1 of the CELPS.

Highway safety / Access

Matters of access are not sought for consideration as part of the application proposal. Nonetheless, the Council's Head of Strategic Infrastructure (HSI) has reviewed the revised layout proposals and advised that the proposal creates no highway issues. A Construction Management Plan could be secured through the imposition of a planning condition.

The proposal is therefore considered to adhere with Policy BE.3 (Access and Parking) of the CNLP.

Flood Risk and Drainage

The application site lies entirely within a Flood Zone 1 as defined by the Environment Agency Flood Risk Maps. Flood Zone 1's are areas deemed to have a low probability of flooding. As such, no significant concerns with regards to flood risk are envisaged.

In consideration of drainage, the proposals were supported by a drainage strategy. This has been reviewed by the Council's Flood Risk Manager who has subsequently advised that he has no objections, subject to a condition requiring the implementation of the FRA and a condition requiring the prior submission/approval of a detailed strategy/design limiting surface water run-off and an associated management and maintenance plan.

United Utilities have advised that they have no objections, subject to the following conditions; that the proposal proceed in accordance with the detail within the Flood Risk Assessment and the prior submission/approval of a drainage water maintenance and management plan. It has also been advised that a public sewer crosses the site so it may not be possible to permit building over it. This should be added as an informative in the event of approval.

Subject to the above recommendations, the proposals are considered to adhere with Policy BE.4 of the CNLP and SE13 of the CELPS.

Affordable Housing

The CELPS and the Council's Interim Planning Statement: Affordable Housing (IPS) states in Settlements with a population of 3,000 or more that we will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 15 dwellings or more or larger than 0.4 hectares in size. The desired target percentage for affordable housing for all allocated sites will be a minimum of 30%, in accordance with the recommendations of the Strategic Housing Market Assessment carried out in 2013. 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.

Although this is a proposed development of 12 dwellings, the size of the site is 0.432 hectares. Therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 4 dwellings to be provided as affordable dwellings.

The SHMA 2013 shows the majority of the demand annually up to and including 2018 in Crewe is for 50 x 1 bedroom, 149 x 3 bedroom and 37 x 4 bedroom dwellings for General Needs. The SHMA

is also showing an Annual need for 12 x 1 bedroom and 20 x 2 bedroom dwellings for older persons. These can be via bungalows, flats, cottage style flats or lifetime standard dwellings.

The current number of those on the Cheshire Homechoice waiting list with Crewe as their first choice is 2092. This can be broken down to 959 x 1 bedroom, 661 x 2 bedroom, 296 x 3 bedroom and 96 x 4 bedroom dwellings. On this site therefore, the Council's Strategic Housing Manager has advised that a mix of 1, 2, 3 and 4 bedroom general needs dwellings and a 1 and 2 bedroom older person provision would be acceptable.

The Council's Strategic Housing Manager has advised that 3 units should be provided as Affordable rent and 2 units as Intermediate tenure.

The agent has agreed to the provision of the 4 on-site units and the Council's Housing Officer has advised that the detail should be secured through an Affordable Housing Statement which would be submitted as part of the S106 Agreement, required to secure the provision.

Education

The proposed trigger for consideration of whether a proposal would have an impact upon the capacity of local primary, secondary and special education need schools is over 11 dwellings comprising of 2 bedrooms or more. As the proposal seeks up to 12 dwellings, all over 2-bed, this requirement is triggered.

The Council's Education Officer has advised that the development of 12 dwellings would be expected to generate;

2 Primary children
2 Secondary children
0 Special Educational Needs (SEN) children

It is advised that the service is currently in the process of creating additional capacity in the immediate area of the development at 2 primary schools, for which both projects have not yet been fully funded. It is advised that a contribution would be required to part fund one of these projects.

It is calculated that 2 Primary children x £11,949 x 0.91 = £21,693 for primary provision.

It is advised that the development is not expected to impact secondary of SEN provision.

This Primary contribution would be secured via a S106 Agreement in the event of approval. The applicant has agreed to this requirement.

Open Space

There is a small area of Public Open Space retaining an existing pond and trees. The Council's Public Open Space Officer (ANSA), considers that this area is appropriate in scale and size for the development. It is advised that this area maybe suitable for minimal seating however, at this stage it is felt this is best decided by the residents once the small community is established.

This area does not qualify for formal play.

The Open Space Officer has concluded that should committee deem this application acceptable, then full hard/soft landscaping details should be submitted at Reserved Matters stage. It is also recommended that the provision be secured as part of the S106 agreement along with its management in perpetuity by a private management company.

Public Right of Way (PROW)

The application proposal would affect Public Footpath No.5, Crewe Town as recorded on the Definitive Map and Statement in the event of approval. However, the Council's PROW Officer has advised that the proposal would have a 'direct and significant' effect of the PROW.

A proposed alternative route of the PROW is proposed. In the event of approval the applicant would be required to apply for a public footpath diversion order under s.257 of the Town and Country Planning Act 1990. It is advised that the proposed diversion as shown on the layout plan would require amendments in order to make it satisfactory. More specifically, the commencement of the path is shown away from the junction with Herbert St off a track with no public status. The Council's PROW Officer has advised that this section of path is too narrow and doesn't fit with DEFRA guidelines. It is advised that it would also require natural surveillance from adjacent properties to prevent it becoming an area likely to attract anti social behaviour; in line with Natural Surveillance or Crime Prevention through Environmental Design principles (CPTED).

The Council's PROW Officer has also advised that the connecting footpath from the south of the proposed estate road should be made up to a standard capable of carrying cycle use as it connects to a bridleway that is proposed for improvement to create an attractive link for cyclists between Crewe and Haslington. It would therefore need to have a sealed surface of 3 metres wide within a green corridor. The future status of the estate road would need to be determined.

As such, in the event of approval, the Council's PROW Officer has recommended that a condition should be imposed requiring the prior submission/approval of a PROW Scheme of Management. As part of the condition, it is also proposed that the line of the PROW be marked out on the development site prior to commencement of development.

Other matters

Despite numerous communications, the NHS Cheshire Commissioning Group declined to comment on the application with regards to the impact of the proposal upon local health provision.

Levy (CIL) Regulations

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

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

The proposal is of a scale that hits the trigger for affordable housing for which there is a recognised need and the 30% policy provision is proposed.

A financial contribution of £21,693 is necessary to account for the increased demand upon the capacity of the local primary schools and shall be used to fund the creation of a new primary school.

In consideration of Open Space, the requirement to provide suitable onsite provision in line with development plan policy.

The above requirements are considered to be necessary, fair and reasonable in relation to the development. The S106 recommendation is compliant with the CIL Regulations 2010.

Conclusions

The application site falls within the Crewe/Haslington Strategic Green Gap which is also subject to Open Countryside policy within the CELPS. It is considered that the proposed development would erode the physical gap between Crewe and Haslington, failing to adhere with this aspect of Policy PC5 of the CELPS. Furthermore, the proposals do not adhere with any of the acceptable forms of development permitted in the Open Countryside by Policy PG6 of the CELPS. The application is therefore deemed to represent a departure from the development plan.

However, given the minor nature of erosion of the green gap as a result of the development in conjunction with the sites previously development land status the re-development of which carries significant weight in favour of the proposal within both adopted local policy and national policy, and its sustainable location, the material considerations are deemed to outweigh the primacy of the development plan in this instance. The principle of the proposal is therefore supported.

No objections to the development are raised in relation to; trees and hedgerows, ecology, design, flood risk and drainage, amenity, highway safety, public rights of way, affordable housing, education or open space, subject to a conditions or a S106 legal agreement where deemed necessary.

As a result of the above reasons, the application is recommended for approval.

RECOMMENDATION

APPROVE subject to a S106 Agreement to secure;

S106	Amount	Triggers
Affordable Housing	30% - 65% Affordable Rent / 35% Intermediate Submission of Affordable Housing Statement	If any market housing, 50% open market occupied prior to affordable provision. Prior to issuing of decision notice
Education	Primary: £21,693 Total: £21,693	Prior to 50% occupation
Public Open Space	On-site provision as shown on plan.	

	Submission of a Private Management Plan in perpetuity	Prior to occupation
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And the following conditions;

1. Time Limit (Outline)
2. Submission of reserved matters
3. Reserved Matters application made within 3 years
4. Development in accordance with approved plans
5. Prior submission/approval of levels
6. Reserved Matters scheme should be supported by an updated AIA/Tree Protection Scheme in accordance with BS 5837
7. Retention of existing hedgerow (Ecology)
8. Nesting birds
9. Prior submission of an ecological enhancement strategy
10. Prior submission/approval of the LPA for external lighting
11. Prior submission/approval of a piling method statement
12. Prior submission/approval of an Environmental Management Plan (EMP)
13. Prior submission/approval of a residents travel information pack
14. Provision of electric vehicle charging infrastructure
15. Prior submission/approval that any gas boiler installations proposed are to a certain emission standard
16. Prior submission/approval of a phase 1 contaminated land report
17. Submission/approval of a verification report
18. Submission/approval of a soil verification report
19. works to stop if contamination is identified
20. Prior submission of a surface water drainage scheme and associated management and maintenance plan
21. Implementation of Flood Risk Assessment
22. Prior submission/approval of a PROW Scheme of Management
23. Line of PROW shall be marked out on development site prior to commencement of development
24. Prior submission/approval of a Construction Management Plan

In order to give proper effect to the Southern 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.

If the application is subject to an appeal approval is given to enter into a S106 Agreement with the following Heads of Terms;

S106	Amount	Triggers
Affordable Housing	30% - 65% Affordable Rent / 35% Intermediate	If any market housing, 50% open market occupied prior to affordable provision.

	Submission of Affordable Housing Statement	Prior to issuing of decision notice
Education	Primary: £21,693 Total: £21,693	Prior to 50% occupation
Public Open Space	On-site provision as shown on plan. Submission of a Private Management Plan in perpetuity	Prior to occupation

