

Application No: 19/3889N

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) (resubmission of 18/2726N)

Applicant: Footprint Land and Development Ltd

Expiry Date: 13-Nov-2019

SUMMARY

The proposed development would be contrary to Policies PG6 & SD1 of the CELPS & Saved Policy RES5 of the Crewe and Nantwich Local Plan as the development would result in a loss of open countryside. Given that Cheshire East can demonstrate a 5 year supply of deliverable housing sites, significant weight is given to this factor.

The proposal has also been supported by insufficient information in which to inform an assessment of the ecological impacts to barn owls associated with the proposal which is contrary to Policies SD1, SD2, SE3 of the Cheshire East Local Plan and Saved Policies NE5, NE8 and NE9 of the Crewe and Nantwich Local Plan.

The development would also result in some visual harm to the landscape given that it seeks to develop a site that is currently free from built form. The proposal would also result in the loss of Grade 2 Agricultural Land.

The development would provide benefits in terms of 36% affordable housing provision, open market provision, public open space, delivery of economic benefits during construction and through the spending of future occupiers.

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

The proposed development is contrary to the Development Plan. In the light of section 38(6) of the Planning and Compulsory Purchase Act 2004 planning permission should be refused unless material considerations indicate otherwise. In this instance the material considerations put forward including the provision of 36% affordable housing provision is not considered to outweigh the adverse harm caused. As such it is considered that the development does not constitute sustainable development and should therefore be refused.

RECOMMENDATION

REFUSE

PROPOSAL

The proposal seeks outline consent, with access included, for the erection of up to 55 dwellings with associated works (resubmission of 18/2726N)

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

Application site

18/2726N – Outline application for the erection of up to 55 dwellings with associated works (access to be considered with all other matters reserved) – refused 31-Oct-2018 for the following reasons:

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.

The surrounding sites also 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

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, working hours for construction, travel information pack, electric vehicle charging points, low emission boilers and contaminated land

CEC Flood Risk – No comments received at the time of writing the report however no objection to the earlier application subject to drainage conditions

CEC Education – No objections subject to a contribution of £189,172 towards secondary education

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 £47,772 to support the development of Haslington Medical Centre

Town/Parish Council – Objection on the following grounds:

- This application was refused due to development on Grade 2 Ag land, PG2, PG6, SD1, SD2, SE2, RES 5. As far as the application stands these have not been addressed and the objection should stand on these accounts.
- No need for further housing
- Drainage concerns
- Highways impact
- Pressure on existing services
- Harm to local wildlife
- Loss of green space
- Environmental impacts

Ward Councillor Edgar – Object on the following grounds:

- Outside the settlement boundary
- Not overcome previous refusal reason
- Cheshire East has 7.2year housing land supply and does not need this site to be developed
- Not a sustainable location and would be car dependant
- Increased traffic/congestion in the village

- Inadequate sewage infrastructure
- Would increase site drainage issues

REPRESENTATIONS

32 letters of objection received regarding the following:

- Does not comply with SC6 as not rural exception
- Sited in the open countryside
- Cheshire East has 7.2year housing land supply and does not need this site to be developed
- Not a sustainable location and would be car dependant
- Other sites in the village offering affordable housing
- Traffic/congestion
- Site drainage issues
- Harm to character off the village
- Disagree with the submitted traffic assessment
- Concern that any planning conditions would not be complied with as is the case for other developments in the village
- Impact to local wildlife
- Land used for arable production
- Precedent for similar housing applications
- Strain on existing local services
- Sewage network
- No suitable housing mix
- No play space
- Pollution from cars using the development
- How many houses will be allocated to a housing association

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

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.

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 as per Policy SC5 there is a requirement for 30% of dwellings to be provided as affordable dwellings with a split of 65/35 between social rented and intermediate housing.

In order to meet the Council's Policy on Affordable Housing there is therefore a requirement for 17 dwellings to be provided as affordable dwellings with 11 units provided as Affordable/Social Rent and 6 units as Intermediate tenure.

The submitted Design and Access statement advises 30% affordable provision will be made however the Planning Statement contradicts this and advises 36% provision will be made in the form of 20 affordable dwellings. This being the case, 13 units should be provided as Affordable/Social rent and 7 units as Intermediate tenure.

The current number of those on the Cheshire Homechoice waiting list with Haslington and Winterley as their first choice is 79. This can be broken down to 25x 1 bedroom, 34x 2 bedroom, 15x 3 bedroom, 8 x 4 bedroom and 6x 4+ bedroom dwellings.

The SHMA 2013 showed the majority of the house type demand annually up to and including 2018 in the Sub area of Haslington and Englesea was for 1x 1 bedroom, 11x 2 bedroom, 19x 3 bedroom and 10x 4 bedroom dwellings for General Needs.

The exact mix and location of the affordable dwellings can be detailed in the Reserved Matters application, with the provision secured as part of a S106 Agreement.

Open Space

This development requires a minimum of 40m² per family unit each of children's play & Amenity Green Space (AGS).

The proposed site plan shows three areas of green space – two linear buffers totalling 2,129m² and a small area (817m²) 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 20m² 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 (20m²) 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 of 40m² per family dwelling requiring this development to produce 2,200m² POS on site centrally located. This should include a formal LEAP facility to Fields in Trust standards, to include an inclusive space with a minimum area of 400m² and appropriate buffer zones. This should complement any other existing play facilities in the surrounding area.

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

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 10 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 9 children expected from the Land Off Crewe Road, Winterley application will exacerbate the shortfall.

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

$8 \times £17,959 \times 0.91 = £143,672$ (secondary)

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

Total education contribution: £189,172

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 £47,772 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 £47,772 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 be 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.

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.

Some of the internal interface distances are slightly shy of the 21m interface as noted in the SPD, however this is just a minor deviation and it appears that the site could accommodate a slight increase here.

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 capable of accommodating this plot 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 be 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 detached, 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 2.1 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 sit on vacant agricultural land between existing/consented residential properties, 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 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 was undertaken in support of the 2018 application and no evidence of barn owls was recorded. As this survey was completed more than 12 months ago The Councils Ecologist advises that the survey should be repeated and an updated survey submitted to the LPA prior to the determination of this application. The planning agent was aware of this however at the time of writing the report no updated survey was provided.

- Other protected species (OPS)

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 on the badger sett.

The proposed development is however likely to result in indirect effects on OPS such as the loss of and fragmentation of badger foraging habitat, which would have a moderate adverse effect on the resident badger clan.

The Ecologist therefore recommends that in the event that planning consent is granted a condition should be attached which requires any future reserved matters application to be supported by an updated badger survey and mitigation proposals.

- 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 to the bats, the proposed development would be unlikely to affect roosting bats. The Council's Ecologist recommends that if planning permission is granted a condition should be attached requiring trees identified as having High bat roost potential should be retained.

The Ecologist also suggests that any future reserved matters application to be supported by details of the proposed 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 Council's Ecologist recommends that the provision of features for hedgehogs should be secured by condition.

- 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 Council's Ecologist recommends that a condition be attached to ensure that replacement planting is provided for any unavoidable loss of hedgerows.

- Residual biodiversity assessment

Local Plan Policy SE3 (5) requires all development proposals to deliver an overall benefit for biodiversity. An assessment of the residual ecological impacts of the proposed development using the Defra 'metric' methodology was completed in respect of the 2018 application at this site. This assessment concluded that the proposed development had the potential to deliver a small net gain for biodiversity in respect of habitats other than hedgerows.

This gain was dependant upon the development delivering 0.7ha of tree planting. The delivery of these proposals should therefore be secured in the event that planning permission is granted.

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

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.

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 has also been consulted however no comments had been received at the time of writing the report. These will be provided in the update report.

However for the 2018 application which related to the same site, layout and number of dwellings, they raised no objection as the Flood Risk Assessment (FRA) concluded that soakaways were not feasible thus the development was required to be restricted to the greenfield run-off rates provided (5l/s). They did however suggest conditions requiring compliance with the FRA, detailed drainage strategy to be provided and ground and finish floor levels to be provided. As this is an identical scheme to 2018 application, the comments are considered to remain relevant here.

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 increased demand for medical care usage in Haslington. Evidence has been put forward by the SCCG that a contribution of £47,772 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 secondary school 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 secondary 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 proposed development would be contrary to Policies PG6 & SD1 of the CELPS & Saved Policy RES5 of the Crewe and Nantwich Local Plan as the development would result in a loss of open countryside. Given that Cheshire East can demonstrate a 5 year supply of deliverable housing sites, significant weight is given to this factor.

The proposal has also been supported by insufficient information in which to inform an assessment of the ecological impacts to barn owls associated with the proposal which is contrary to Policies SD1, SD2, SE3 of the Cheshire East Local Plan and Saved Policies Saved Policies NE5, NE8 and NE9 of the Crewe and Nantwich Local Plan.

The development would also result in some visual harm to the landscape given that it seeks to develop a site that is currently free from built form. The proposal would also result in the loss of Grade 2 Agricultural Land.

The development would provide benefits in terms of 36% affordable housing provision, open market provision, public open space, delivery of economic benefits during construction and through the spending of future occupiers.

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

The proposed development is contrary to the Development Plan. In the light of section 38(6) of the Planning and Compulsory Purchase Act 2004 planning permission should be refused unless material considerations indicate otherwise. In this instance the material considerations put forward including the provision of 36% affordable housing provision is not considered to outweigh the adverse harm caused. As such it is considered that the development does not constitute sustainable development and should therefore be refused.

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.

2) The proposal has also been supported by insufficient information in which to inform an assessment of the ecological impacts to barn owls associated with the proposal which is contrary to Policies SD1, SD2, SE3 of the Cheshire East Local Plan, Saved Policies Saved Policies NE5, NE8 and NE9 of the Crewe and Nantwich Local Plan and the NPPF.

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

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

S106	Amount	Triggers																		
Affordable Housing	36% (65% Affordable Rent / 35% Intermediate)	In accordance with phasing plan. No more than 80% open market occupied prior to affordable provision in each phase																		
Education	Contribution of £189,172 towards secondary education	50% Prior to first occupation 50% at occupation of 26th dwelling																		
Health	<p>Contribution to support the development of Haslington Medical Centre using the below formula:</p> <table> <tr> <th>Size of Unit</th><th>Occupancy Assumptions Based on Size of Unit</th><th>Health Need/Sum Requested per Unit</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/Sum Requested per Unit	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	50% Prior to first occupation 50% at occupation of 26th dwelling
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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																		

