

Application No: 20/3436N

Location: 414, NEWCASTLE ROAD, SHAVINGTON, CW2 5JF

Proposal: Demolition of existing buildings and erection of 40 residential dwellings, 100% affordable housing, including associated infrastructure and new site access - re-submission following refusal of application 18/5798N.

Applicant: Mr & Mrs Wooton, Key Worker Homes

Expiry Date: 05-Feb-2021

SUMMARY

The application site is located within the open countryside as defined by the adopted Development Plan (the CELPS and the C&NLP). The proposed development would be contrary to these policies and would result in the loss of open countryside.

Policies PG6 and SC6 identify that affordable housing will be permitted as an exception to other policies relating to the countryside to meet locally identified affordable need. However, no up-to-date Housing Need Survey has been undertaken in support of this application and the development exceeds the threshold of 10 dwellings identified within Policy SC6. The proposed development would not comply with Policies PG6 and SC6. The provision of affordable housing is a benefit. However as Cheshire East is meeting and exceeding the Borough targets and the applicant has not provided any information on local need then this carries less weight.

The development will not have a detrimental impact upon residential amenity (including for future occupants in terms of noise and contaminated land) and would comply with Policies BE.1 and BE.6 of the C&NLP.

The impact upon infrastructure would be neutral as the impact upon health and education could be mitigated through the provision of the required contributions. The development would comply with Policies IN1, IN2 and SE6 of the CELPS

Details of the proposed landscaping are acceptable and there would not be significant harm to the wider landscape. The proposed development would comply with SE4 of the CELPS.

With regard to ecological impacts, the impact is neutral as mitigation would be secured there would be neutral impact upon hedgerows, Great Crested Newts, reptiles and nesting birds. However, the proposed development would result in the loss of a bat roost and have a low impact upon the conservation status of this species. The proposed development fails two of the tests contained within the Habitats Directive and as a result

would also be contrary to Policies NE.9 of the C&NLP and SE 3 of the CELPS.

The development would not have significant drainage/flood risk implications and would be comply with SE13 of the CELPS and BE.4 of the C&NLP.

It is considered that subject to the imposition of planning conditions that the development is acceptable in terms of its impact upon trees on this site. The development would comply with NE.5 of the C&NLP and SE5 of the CELPS.

The development cannot be supported in design terms for the reasons set out in the main report. The proposal would not accord with CELPS policy SE1, nor would it accord with the NPPF in relation to design quality and the requirements of the CEC Design Guide.

The proposed access point, traffic impact and sustainability of the site is acceptable and would comply with Policies TRAN.3 and BE.3 of the C&NLP.

In conclusion the provision of 100% affordable housing is given some weight. However, it is not considered that this would outweigh the harm to the open countryside, the lack of open space and the unacceptable design of the proposed development.

SUMMARY RECOMMENDATION:

REFUSE

PROPOSAL

This is a full application for a residential development of 40 dwellings. All the proposed dwellings would be affordable units (65% would be rented and 35% would be intermediate tenure).

The application would have a single vehicular access taken off Newcastle Road. The application also includes a separate pedestrian access onto Newcastle Road and a footway along the road frontage with Newcastle Road within the existing grass verge.

SITE DESCRIPTION

The site of the proposed development extends to 1.14 ha and is located to the south of Newcastle Road. The site is rectangular in shape and within the open countryside as defined by the Crewe and Nantwich Replacement Local Plan.

To the north of the site is residential development which fronts Newcastle Road. To the east of the site are an existing petrol station and a group of commercial units. To the south of the site is open countryside and to the west of the site is residential development which fronts Stocks Lane.

The land is currently in agricultural use and is bound by hedgerow and trees. The site includes an existing dwelling and group of barns. The land levels on the site are generally flat.

RELEVANT HISTORY

18/5798N - A detailed planning application for the demolition of existing buildings and erection of up to 44 residential dwellings (100% affordable housing) including any associated infrastructure and new site access for land south of Newcastle Road, Shavington CW2 5JF – Refused 7th August 2019 for the following reasons;

1. The application site is located within the Open Countryside and outside of the Shavington Settlement Boundary. The application is not supported by an up-to-date Housing Needs Survey to identify the need within this Parish. Furthermore, a development of 44 affordable units would exceed the threshold criteria of 10 units identified by Policy SC6. The proposed development would cause harm to the open countryside and be contrary to Policy SC6 and PG6 of the Cheshire East Local Plan Strategy.

2. There is a minor roost of Bats within one of the buildings to be demolished as part of this proposed development and this proposed development would result in a Low Level adverse impact on this species as a result of the loss of the roost and the risk of any bats present on site being killed or injured during the construction process. The proposed development fails two of the tests contained within the Habitats Directive and as a result would also be contrary to Policies NE.9 of the Crewe and Nantwich Replacement Local Plan 2011 and SE 3 of the Cheshire East Local Plan Strategy and guidance contained within the NPPF.

3. The design and layout of the proposed development is considered to be poor and fails to take the opportunities available for improving the character and quality of the area. As a result the proposal would not make a positive contribution to the area and would be contrary to Policy SE1 of the CELPS, The Cheshire East Design Guide and the requirements of the NPPF.

16/6129N - Approval of reserved matters from existing permission 13/4675N approved at appeal; Refer to drawings in relation to access, appearance, landscaping, layout and scale – Refused 21st July 2017

13/4675N - Outline application for proposed development of 39 houses of mixed type to include 30% affordable (Resubmission of 13/3018N) – Approved 23rd April 2014

It should be noted that the above decision was the subject of an appeal against the imposition of two conditions imposed by the Strategic Planning Board. The first condition required the provision of a 5m wide native buffer to the southern boundary of the site and the second limited the Reserved Matters application to a maximum of 39 dwellings. The appeal was allowed, and the conditions were modified by the Inspector. The Inspector also awarded costs against the Council for unreasonable behaviour for imposing the two conditions.

13/3018N - Outline application for up to thirty nine houses of mixed type to include 30% affordable – Withdrawn 1st October 2013

POLICIES

Cheshire East Local Plan Strategy

PG2 – Settlement Hierarchy
PG6 - Open Countryside
PG7 – Spatial Distribution of Development
SC4 – Residential Mix
SC5 – Affordable Homes
SC6 – Rural Exception Housing for Local Needs
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE3 – Biodiversity and Geodiversity
SE5 – Trees, Hedgerows and Woodland
SE 1 - Design
SE 2 - Efficient Use of Land
SE 4 - The Landscape
SE 5 - Trees, Hedgerows and Woodland
SE 3 - Biodiversity and Geodiversity
SE 13 - Flood Risk and Water Management
SE 6 – Green Infrastructure
IN1 – Infrastructure
IN2 – Developer Contributions

Borough of Crewe and Nantwich Local Plan 2011

NE.5 (Nature Conservation and Habitats)
NE.9: (Protected Species)
NE.20 (Flood Prevention)
BE.1 (Amenity)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
RES.5 (Housing in the Open Countryside)
RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)
TRAN.3 (Pedestrians)
TRAN.5 (Cycling)

Neighbourhood Plan

Shavington Neighbourhood Plan

The majority of the site is in Shavington. The Shavington Neighbourhood Plan is at Regulation 18 stage and carries moderate weight

HOU1 – New Housing
HOU2 – Housing Mix and Type
HOU3 – Housing for Older People
HOU4 – Local Character and House Design
ENV1 – Footpaths and Cycleways
ENV2 – Trees and Hedgerows
ENV3 – Water Management and Drainage

COM1 – Community Facilities
COM3 – The Provision of New Open Space Facilities
COM4 – Developer Contributions
TRA1 – Sustainable Transport
TRA2 – Parking
ECON1 - Economy

Wybunbury Combined Neighbourhood Plan

Two small strips of the site are within Hough Parish. The Wybunbury Combined Neighbourhood Plan was made on 6th April 2020

H1 – Location of New Houses
H2 – Housing Mix
H3 – Affordable Housing on Rural Exception Sites
H4 – Design
H5 – Adapting to Climate Change
E1 – Woodland, Trees, Hedgerows and boundary Fencing
E3 – Biodiversity
E5 – Landscape Quality, Countryside and Open Views
GG1 – Green Gap
TI1 – Traffic Management
TI2 – Parking
TI3 – Traffic Generation
TI4 – Drainage
TI5 – Communications Infrastructure

National Policy

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

Of particular relevance are paragraphs:

11. Presumption in favour of sustainable development.

59-79. Delivering a Sufficient Supply of Homes

124-132. Requiring good design

Other Considerations:

The EC Habitats Directive 1992

Conservation of Habitats & Species Regulations 2017

Cheshire East Design Guide

CONSULTATIONS

Natural England: No comments received.

CEC Head of Strategic Infrastructure: No objection subject to the following conditions;

- Details of cycle parking to be submitted and approved
- Submission and approval of a Construction Management Plan (CMP)

- Prior to first occupation the footway along the site frontage to be constructed

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

$6 \times £17,959 \times 0.91 = £98,056$ (secondary)

United Utilities: Drainage conditions suggested.

CEC Strategic Housing Manager: Object as no Rural Housing Need Survey has been provided.

CEC Flood Risk Manager: Conditions and an informative suggested.

Environmental Health: Conditions suggested in relation to implementation of noise mitigation measures, piling works, Travel Plan, electric vehicle infrastructure, low emission boilers and contaminated land. Informatives suggested in relation to construction hours and contaminated land.

CEC PROW: No comments received.

NHS England: Contribution of £36,900 requested.

Public Open Space: This application should provide 65m² per dwelling comprising of 20m² each Children's play space, amenity green space, green infrastructure connectivity and 5m² growing space. As an absolute minimum 40m² combined amenity green space and children's play space should be provided per dwelling on site.

It is identified within the Green Space Strategy and the draft Shavington Neighbourhood Plan that there is a shortfall of open space in Shavington therefore the development should not put increased pressure on the little open space that exists.

If the application is deemed acceptable then a contribution of £3,000 will be required per family dwelling and this could be used to increase capacity and accessibility at the Wessex Close Play Area.

Landscaping and buffer planting is being provided however this does not satisfy Policy SE6.

Ideally there should be provision for sustainable food growth. This could be in the form of raised planting beds or fruiting trees. If not provided on site opportunities maybe present at the established allotment site. In lieu of onsite food growth provision a contribution of £230.70 per dwelling is required to improve the allotments on Gresty Lane.

Contributions are required for sports provision at Shavington Leisure Centre. This should be £1,000 per family dwelling and £500 per two bed apartment.

VIEWS OF THE PARISH/TOWN COUNCIL:

Shavington Parish Council: Object on the following grounds;

- The D&A Statement refers to 44 or 40 dwellings which is confusing

- The D& A Statement includes errors and implies that Shavington does not have sufficient housing or the housing is not of sufficient quality
- The Transport Statement is the same as that which was provided in 2018 and is out-of-date. The TS is inaccurate
- The visibility splays cannot be achieved
- The application is a duplicate of the 2018 application and should be refused for the same reasons
- The access is poorly planned and dangerous due to the proximity to Diamond Close and the adjacent filling station and employment site
- Lack of pedestrian crossing facilities on Newcastle Road
- No play area is provided, and children will have to cross Newcastle Road and Stock Lane/Crewe Road
- Shavington is providing in excess of 1500 new dwellings and 400 of these are affordable
- Contaminated land on the site
- The Housing Officer objects to the application
- Proposals should be for small schemes (fewer than 10 dwellings)
- Drainage problems on Newcastle Road
- When there is an accident on the M6 traffic is diverted along Newcastle Road
- Proximity of the access to the traffic lights

Hough & Chorlton Parish Council: The Parish Council object to the application on the following grounds;

- The adjacent area is classified as Local Green Gap which has been designated to prevent further development between Shavington and Wybunbury. The Development is contrary to Policy GG1 of the WCPNP
- The site is located outside the settlement boundary and is contrary to Policy PG6 of the CELPS
- The number of dwellings is in excess of the exception criteria contained within SE6 of the CELPS
- Cheshire East is able to demonstrate a 5-year housing land supply of over 5 years
- The design and layout have not materially changed from the previous application and is unacceptable
- There is no safe pedestrian crossing point on Newcastle Road
- If approved, then conditions should be imposed to remove permitted development rights and to secure electric vehicle charging points.

Wybunbury Parish Council: Wybunbury Parish Council object to the application on the following grounds;

- The development will not enhance the local settlement and there is no need for further housing. There are two other developments providing similar types of development
- The site is within the open countryside and outside the settlement boundary. The development is contrary to the Shavington Neighbourhood Plan
- It will create infill on the side of the road which includes only scattered properties
- The properties to the opposite side on Newcastle Road have enjoyed open views which would be lost by this development
- The adjoining fields are designated as Green Gap within the WCPNP.
- The application should be refused

REPRESENTATIONS:

Letters of objection have been received from 15 local households raising the following points;

Principle of Development

- Overdevelopment within Shavington
- The SoS has approved 1000 dwellings at Stapeley which will meet local needs
- The Council can demonstrate a 5-year housing land supply
- Erosion of this rural gap
- The site is within the open countryside
- The development is too large
- A similar application has been refused on this site
- Loss of the Green Gap
- The site is outside the settlement boundary
- No need for further affordable housing
- Potential for future applications to extend the development if approved
- There is no Housing Survey to demonstrate the need for this development
- Loss of green space separating Shavington and Wybunbury

Highways

- The location of the proposed access is not clear
- Difficulty exiting driveways onto Newcastle Road
- Safety concerns for pedestrians
- Speeding traffic along Newcastle Road
- Increased traffic generation
- Lack of pedestrian crossing points
- Amount of new access points onto Newcastle Road
- Newcastle Road is in a poor condition
- Constant roadworks along Newcastle Road
- The Transport Statement submitted with the application is inadequate
- Lack of public transport serving Shavington
- The visibility splays cannot be achieved
- Poor visibility at the site entrance
- Traffic congestion
- Lack of a cycle network
- The site entrance is opposite Diamond Close and in close to the existing petrol filling station

Design

- Inaccuracies within the D&A Statement

Green issues

- Impact upon Wybunbury Moss National Nature Reserve and SSSI
- Landscape impact
- Loss of wildlife

Infrastructure

- Doctors surgeries are at capacity/increased waiting times
- Lack of children's play provision within the development
- There is no capacity at local schools

Amenity

- Residents have been subject to three years of noise and disturbance following the development of Diamond Close

Drainage/Flood Risk

- There are areas surrounding the site which are at risk of flooding
- The surrounding fields are subject to flooding in winter months
- Run-off from this site will exacerbate flooding the locality of the site
- Drains in the area are constantly blocked
- Surface water flooding along Newcastle Road
- There is a land drain running just beyond the boundary of the site. Any trees/hedgerow/shrubs should not be planted along the western boundary which may damage the drain

Other issues

- A high-quality boundary fence will be required with the adjacent livery
- Loss of a view
- Loss of property value

A letter of objection has been received from Cllr Clowes which raises the following points;

- The adjacent area is classed as Green Gap within the WCPNP
- The site lies outside the settlement boundary and is contrary to Policy PG6 of the CELPS and GG1 of the WCPNP
- The number of dwellings exceeds the exception criteria of Policy SE6
- There is no up-to-date Housing Needs Survey
- Shavington has been the subject of significant housing development with adherence to the 30% affordable housing requirement
- Cheshire East has a housing land supply of over 7 years
- The development is not a rural exception site
- The design of the development has not materially changed since the previous refusal. It remains a poor design. The development is contrary to Policy SE1 of the CELPS, the CEC Design Guide and the NPPF
- Lack of a safe pedestrian crossing on Newcastle Road for future residents. This is required to access services and facilities in Shavington.
- If approved the permitted development rights should be removed and electric vehicle charging points should be provided.
- It is requested that the application is refused.

APPRAISAL

Principle of Development

As identified in the planning history section of this report, planning permission was previously granted on this site on the 23 April 2014 for 39 dwellings (13/4675N) (amended to 47 dwellings following a subsequent appeal to vary conditions). This permission has now expired. No planning applications for residential development have been approved subsequently.

There have been a number of material changes in circumstance since the last application was determined, including the adoption of the Cheshire East Local Plan Strategy (CELPS), the advancement of the Neighbourhood Plans, the publication of the revised National Planning Policy Framework (NPPF) associated Planning Practice Guidance (PPG) and the council's updated five

year housing land supply position. These are matters to be considered in the assessment of the application.

Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

This is acknowledged in the NPPF at paragraphs 2 and 12. Paragraph 12 states that 'the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. 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. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'

The site lies within the open countryside, outside of the Shavington Settlement Boundary and is subject to Policy PG6 of the CELPS.

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. New residential development is limited to infilling, affordable housing in accordance with SC6, conversions, replacement dwellings and agricultural workers dwellings.

As a 100% affordable housing scheme on the edge of Shavington (a Local Service Centre) the development needs to be considered against Policy SC 6.

Emerging Policies

The Site Allocations and Development Plan Policies Document (SADPD) is the second part of the council's Local Plan and it will contain more detailed development management policies as well as identifying additional sites to ensure that the overall development needs of the borough are met, as set out in the LPS. The application site would lie within the Open Countryside according to the Revised Publication Draft SADPD (September 2020).

Neighbourhood Plan

The Councils mapping system shows that the majority of the site is within Shavington Parish and there are very small strips within the Parish of Hough.

The vast majority of the site is covered by the Shavington Neighbourhood Plan (SNP) which is at Regulation 18 stage and is given moderate weight.

The SNP identifies that the site would be within the open countryside. Policy HOU1 identifies that only development, which 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 for affordable housing in accordance with the criteria contained within Policy SC6.

The SNP has been subject to examination and the examiners report suggests changes to the opening sentence of Policy HOU1 and paragraphs 8.7 and 8.8 of the justification. Paragraph 8.8 would be amended to refer to two supporting documents of the documents of the SADPD and that the reports make it clear that no further sites need to be allocated for housing at Shavington in the emerging SADPD.

Hough is covered by the Wybunbury Ward Combined Parishes Neighbourhood Plan (WCPNP) and is made. Policy H1 of the WCPNP states that in order to meet local needs and to remain on a scale appropriate to the rural character of the plan area, well-designed small-scale housing which is accessible to services will be supported provided;

- They fill a small gap with up to 2 dwellings in an otherwise built up frontage
- They relate to conversions of structurally sound, permanent, redundant buildings
- They provide evidenced local affordable housing on rural exception sites
- They utilise brownfield sites which are no longer suitable for employment
- They do not have a negative impact upon residential properties or the natural environment
- They do not encroach into existing gaps between settlements
- They accord with other policies in the plan

Policy H3 of the WCPNP allows small-scale affordable housing schemes of up to two or three dwellings on rural exception sites on the edge of existing settlements.

In this case the relevant policies of the WCPNP are noted. However, the site only involves very small parts of the application site.

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 Measurement 2019 indicates that the delivery of housing was substantially below 45% 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 2019) was published on the 7th November 2019. The report confirms:

- A five-year housing requirement of 11,802 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 7.5 years (17,333 dwellings).

The 2020 Housing Delivery Test Result was published by the Ministry of Housing Communities and Local Government on the and this confirms a Cheshire East Housing Delivery Test Result of 278%. Housing delivery over the past three years (8,421 dwellings) has exceeded the number of homes required (3,030). 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.

Affordable Housing

As a site for 100% affordable housing on the edge of a Local Service Centre it is considered under Policy SC6 of the CELPS and should meet all the following criteria;

- Sites should adjoin a local service centre and be close to existing employment and existing or proposed facilities including education.
- Proposals should be for small schemes of 10 dwellings or fewer. Any such development must be appropriate in scale, design and character to the locality (the footnote to the policy does identify that where there is a higher housing need then it will be considered appropriate that more than one site meets this need).
- A thorough site options appraisal must be submitted to demonstrate why the site is the most suitable one and why the need cannot be met within the settlement boundary.
- In all cases the application must be supported by an up-to-date Housing Needs Survey that identifies such provision within the Parish.
- Occupancy will be restricted in perpetuity to a person in housing need and resident/working in the Parish or has strong links to the locality
- The locality to which the occupancy criteria are to be applied is taken as the Parish unless otherwise agreed with CEC.
- The Council will expect that there to be a cascade approach to the locality issue.

In this case the application is for 40 units and as such it would exceed the number allowed under Policy SC6 by a significant margin (SC6 allows for small schemes of 10 dwellings or fewer). Also, it is important to note that the application does not include an up-to-date Housing Needs Survey to identify if there is a need within the Parish. It is also worth noting that there have been a significant number of approvals within Shavington which provide affordable housing. As a result, the proposed development is contrary to Policy SC6 of the CELPS.

Affordable housing delivery at the 31 March 2020 is now 4,247 dwellings. This is equivalent to an annual average of 425 dwellings per annum, comfortably exceeding the requirement of 355 affordable homes established by the CELPS. Accordingly, there is satisfactory delivery of affordable housing at the borough wide level. It should be noted that the CELPS affordable housing need of 7,100 new homes over the plan period is not disaggregated at the settlement level.

The Strategic Housing Officer has stated that he has no objection to the tenure mix its location and type of housing proposed. However, this does not negate the requirements of Policy SC6 in terms

of the requirement for an up-to-date Housing Need Survey and that the proposed development exceeds the threshold of 10 units.

The provision of affordable housing is a benefit. However as Cheshire East is meeting and exceeding the Borough targets and the applicant has not provided any information on local need then this carries less weight.

Highways Implications

This application resembles application 13/4675N which was for a slightly higher number of units on this site (47 in comparison to the 40 now proposed). Application 13/4675N was approved in 2014 and was not objected to by the Head of Strategic Infrastructure or refused on highways grounds.

This proposed development will provide a new vehicle access to the east of the site which will be built to adoptable standards and which will provide a sufficient level of visibility.

There will be a new pedestrian footway along the site frontage from the site access which will connect with the existing footway to the west of the site, providing access to the wider area including to bus stops which are between 500m and 700m walk away. It will also connect to the new footway to the east which was conditioned as part of the approval of the construction of a new petrol filling station at the adjacent site (19/1897N). As part of application 19/1897N, to the east of this residential site access, there will be a dropped kerb crossing on Newcastle Road. There is also an existing dropped kerb crossing to the west of the site at the junction with Crewe Road with pedestrian refuges. These are considered acceptable for the small level of pedestrian traffic the proposal will generate, as was the case for the previous approval.

The design of the internal layout is to adoptable standards and will allow for turning of refuse vehicles and the car parking provision is to CEC requirements. It is not clear if the apartments will provide cycle parking and this should be conditioned.

The proposal will generate around 30 vehicle trips during the peak hour the impact of which is acceptable.

As a result, the proposal would provide opportunities to access sustainable transport modes, provide safe and suitable access to the site for all users and not have any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety. The proposed development would comply with Policies BE.3, TRAN.3 and TRAN.5 of the C&NLP and CO1 and CO2 of the CELPS.

Amenity

In terms of the surrounding residential properties, the main properties affected are those which front onto Newcastle Road to the north of the site and the property known as 396 Crewe Road to the west.

The proposed site plan shows that from the front elevation of the proposed dwellings to the front elevation of the existing dwellings which front onto Newcastle Road there would be a separation distance of 26-37 metres. This distance exceeds the separation distance of 21 metres between

principle elevation as set out in the SPD on Development on Backland and Gardens. The impact upon the properties which front Newcastle Road is therefore considered to be acceptable.

To the west of the site is a detached dwelling known as 396 Crewe Road. The layout shows that the nearest property on the application site would be the two-storey apartments. The apartments would have just 1 first floor bathroom window to the side elevation facing 396 Crewe Road with a separation distance of 10 metres. This relationship between side elevations is acceptable.

Due to the separation distances involved, no other residential properties would be affected.

The proposed development would comply with policy BE.1 of the C&NLP.

Noise

The applicant has submitted an acoustic report in support of the application. The impact of the noise from road traffic and existing commercial businesses on the proposed development has been assessed in accordance with BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings/BS4142:2014 Methods for rating and assessing industrial and commercial sound. This is an agreed methodology for assessing noise of this nature.

The report recommends mitigation designed to ensure that occupants of the properties/occupants of nearby properties are not adversely affected by noise from road traffic and existing commercial businesses. The conclusions of the report and methodology used are acceptable.

The mitigation measures proposed are as follows;

- Glazing specification for bedrooms within 5m of Newcastle Road
- Glazing specification for all other bedrooms facing Newcastle Road and passive ventilation
- Glazing specification for bedrooms facing away from Newcastle Road
- Glazing specification for all living rooms, dining rooms and study rooms and passive ventilation
- Acoustic barrier of 2m in height along the northern boundary of the private rear gardens where they face Newcastle Road

The Councils Environmental Health Officer has confirmed that the proposed mitigation is acceptable to mitigate the noise impacts from this development and has raised no objection to the development.

Contaminated Land

The application is for a proposed use that would be particularly vulnerable to the presence of contamination. Residential developments are a sensitive end use and could be affected by any contamination present or brought onto the site.

The application area has a history of commercial use and there is a petrol filling station adjacent to the site, therefore the land may be contaminated.

A Phase II ground investigation report has been submitted in support of the planning application. This investigation was designed to supplement the previous ground investigation reports undertaken on the site to address previous comments made by the Councils Environmental Health Officer (EHO). This report is generally satisfactory according to the EHO. However, there are

some minor comments which should be addressed prior to developing a remedial strategy for the site and these matters could be controlled through the imposition of planning conditions.

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 is in accordance with the NPPF and the Government's Air Quality Strategy.

Whilst this scheme itself does not require an air quality impact assessment, there is a need for the Local Planning Authority to consider the cumulative impact of many developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality.

Crewe has three Air Quality Management Areas with a further one in Nantwich and, as such, the cumulative impact of developments in the town is likely to make the situation worse, unless managed. The imposition of planning conditions to secure electric vehicle charging, low emission boilers and a travel plan would mitigate the impact of this proposed development.

Trees and Hedgerows

There are a significant number of trees on the site, together with lengths of established hedgerow.

The development would result in the loss of most of the existing trees and vegetation cover in the body of the site which are of limited retention value. The application would retain a length of existing hedgerow on the northern boundary (cut back /managed to accommodate the development). A mature off-site Lime tree would be a retained.

The proposed development has similar tree/hedgerow implications to application 18/5798N. The Councils Tree Officer has advised that in the event of approval a revised Arboricultural method Statement, revised tree protection plan and revised tree works schedule would need to be secured by condition to reflect the final layout.

Landscape

The site comprises a house, garden, barns, outbuildings, a paddock and field. There are several trees present around the dwelling including mature conifers, fruit trees and various other deciduous species. The largest tree on site is a mature Lime tree located on the eastern boundary. A mature hedge with occasional trees forms the field boundary with Newcastle Road. Along the southern boundary there is a length of hedge to the south east and several fruit trees on the field edge. There are lengths of hedge present around the buildings.

The length of hedgerow is shown retained on the Newcastle Road frontage together with the four trees at the north-western corner of the site and the mature off-site Lime tree.

The layout plan shows a linear strip of proposed landscaping adjacent to the south western boundary is to be open space acting a buffer with adjacent fields. In places this strip is relatively narrow (south of plots 13 and 14 in particular). It is not clear if this intended to be public or private open space. This is a minor weakness in the design of the scheme.

A mechanism will need to be secured to ensure that all the existing and proposed external boundary trees and hedges and landscaped areas outside private plot curtilages are maintained in the long term.

The landscape scheme is generally considered to be acceptable.

Design

The number of dwellings has been reduced from 44 to 40 since the previous refusal on this site. However, the layout is very similar to that which was previously refused on design grounds.

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

'The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this'

This is supported by the Cheshire East Design Guide SPD and Policies SE1, SD1 and AD2 of the CELPS.

Outline approval (Number of Dwellings/Density)

The issue of the number of dwellings and the density of the proposed development was considered by the Inspector who determined the appeal against the conditions imposed on application 13/4675N. As part of his appeal decision the Inspector stated that;

'I am satisfied that, with careful consideration to layout, design and landscaping, 47 dwellings could be accommodated on the site'

Connections

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

The site is linear in form and is located between residential development which fronts Newcastle Road/Stock Lane to the west and the petrol filling station, children's play world and employments units to the east. As a result, the development of this site would integrate into the existing settlement in design terms

The development would have a vehicular access to the south-east of the site with a second pedestrian access point to the north-west of the site. This would provide good vehicular/pedestrian connectivity.

The development also includes the provision of a 2m wide footway along the site frontage which will link into the existing footway to the west of the site which leads into the settlement and in an eastern direction towards the petrol filling station which includes a small retail store.

Facilities and services

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

Shavington is classed as a local service centre and as such provides a range of services and facilities to meet the needs of local people including those living in nearby settlements. This issue was considered as part of the outline application which has now expired.

Public transport

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

Shavington is classed as a local service centre and as such provides a range of services and facilities to meet the needs of local people including those living in nearby settlements. This issue was considered as part of the outline application. There is a limited bus service provision within the village.

Meeting local housing requirements

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

The development would provide 100% affordable housing provision.

In terms of the housing mix this development would provide the following mix;

- 8 x one bed units
- 2 x two bed units
- 19 x three bed units
- 11 x four bed units

In this case the Strategic Housing Manager has raised no objection to the proposed housing mix, and this is acceptable.

Character

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

Shavington is not identified as an example settlement within the Design SPD. However, the settlement is in close proximity to both Crewe and Willaston which are included as example settlements. Shavington is located within the Salt & Engineering Towns area and the design cues for this are include the following;

- A wide variety of building styles reflecting different periods in the growth of the towns.
- A predominance of red brick terraces and villas.
- Two-storey properties with steep roofed gables onto the street.
- Boundary walls often constructed from same material as main property.
- Subtle variation in detailing or colour palette creates variation between properties within long terraces.
- Properties often set to back of pavement providing strong enclosure to street.
- Brick of various shades and textures is the main building material.
- All eras of architecture are found within the settlement character area •
- Existing landscape features should be retained on site to preserve the landscape character.

The dwellings opposite the site front onto Newcastle Road and projecting bay windows (single storey), projecting gables, brick banding, pitched roofs, header and sill details and a mix of materials (red brick and render).

It is unfortunate that the architectural detailing of the existing buildings on the site has not been transferred over to the proposed dwellings to reference the local vernacular and original character of the area (chimneys/form of building/proportions and detailing).

The proposed dwellings would all be two-storey in height and would have gabled roofs. The roof heights vary across the development which would add some interest. However, the proposed house type design is uniform and repetitive and does not reflect the diversity of form found in the surrounding context. The legibility of the site could be improved by the provision of feature buildings at nodal points throughout the site.

Working with the site and its context

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

The site is relatively flat; the limited landscape features on site are the trees and hedgerows which are considered in other sections of this report. The existing buildings on this site are to be demolished as part of the proposed development and this was accepted as part of the outline application. In this case it is unfortunate that the architectural detailing of the existing buildings on the site has not been transferred over to the proposed dwellings to reference the local vernacular and original character of the area (chimneys/form of building/proportions and detailing).

The proposed dwellings give the impression of a front facing development. However, the spacing does not reflect the grain of development that is common to the area and opens up views through the site to the rear of properties placed further into the site.

The units placed side-on to Newcastle Road present views of the rear from the public realm and expanses of boundary treatment to Newcastle Road. It is considered that such fencing would be visible despite the retention of the existing hedgerow.

The hierarchy of the street and subsequent reinforcement of the front boundary treatment is not clear nor is the allocation of surface materials to the carriage way or footpaths.

Creating well defined streets and spaces

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

As discussed above the proposed dwellings give the impression of a front facing development. However, the spacing does not reflect the grain of development that is common to the area and opens up views through the site to the rear of properties placed further into the site.

The units placed side-on to Newcastle Road present views of the rear from the public realm and expanses of boundary treatment to Newcastle Road. It is considered that such fencing would be visible despite the retention of the existing hedgerow.

The submitted noise report recommends the provision of a 2m high acoustic barrier to enclose the rear gardens facing Newcastle Road. This is acceptable and details could be secured via a planning condition to ensure that this consists of a wall rather than fencing in prominent locations.

Internally within the site the layout of the car-parking is acceptable and would be located in small groups to the front of properties, to the side of dwellings and within courtyards. The development avoids long sections of prominent car-parking within the street-scene.

As noted within the landscape section of the report above a linear strip of proposed landscaping adjacent to the south western boundary is to be open space acting a buffer with adjacent fields. In places this strip is relatively narrow (south of plots 13 and 14 in particular). It is not clear if this intended to be public or private open space. This is a minor weakness in the design of the scheme.

Easy to find your way around

Is the scheme designed to make it easy to find your way around?

The scheme is of a relatively small scale and on this basis, it is considered that it would be easy to find your way around the proposed development.

Streets for all

Are streets designed in a way that encourage low vehicle speeds and allow them to function as social spaces?

The streets are relatively short on a development of this size. As a result, vehicle speeds within the development would be low.

The Head of Strategic Infrastructure has confirmed that the internal layout of the proposed development is to an adoptable standard.

Car parking

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

Internally within the site the layout of the car-parking is acceptable and would be located in small groups to the front of properties, to the side of dwellings and within courtyards. The development avoids long sections of prominent car-parking within the street-scene.

Public and private spaces

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

There is no POS on this development. A mechanism will need to be secured to ensure that all the existing and proposed external boundary trees and hedges and landscaped areas outside private plot curtilages are maintained in the long term.

External storage and amenity space

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

The submitted plan shows that all units on the proposed development would have private amenity space with rear access. Together with the proposed garaging there would be adequate space for future occupiers to store their bins/cycles.

Design Conclusion

In its present form, the development could not be supported in design terms for the reasons set out above. The proposal would not accord with CELPS policies SE1, SD1 or SD2 nor would it accord with the NPPF in relation to design quality and the requirements of the CEC Design Guide.

Ecology

Statutory Designated Sites

The application does not fall within Natural England's SSSI impact risk zones for the type of development proposed under the current application. Natural England were consulted on this application and has raised no objection to the proposed development.

Great Crested Newts

The amphibian surveys undertaken to inform the submitted ecological assessment were constrained by a lack of access to some of the ponds located within 250m of the proposed development. No evidence of Great Crested Newts was recorded at any of the ponds subject to detailed surveys. The Council's Ecologist advises that on balance this protected species is not reasonable likely to be present or affected by the proposed development.

Hedgerows

Hedgerows are a priority habitat and hence a material consideration. The layout plan shows the retention of almost all of the existing hedgerows with just a small loss to facilitate an access point. An acceptable level of replacement hedgerow planting is proposed to compensate for that lost. If planting consent is granted a condition could be attached to secure the submission of a detailed planting plan prior to the commencement of development.

Reptiles

Grass Snakes are known to occur to the south of the proposed site. The habitats on site are not particularly suitable for reptiles and the Council's Ecologist advises that the proposed development is not reasonable likely to have an effect of this species group.

Bats

Evidence of bat activity in the form of a minor roost of a relatively common bat species has been recorded within the buildings proposed for demolition during surveys undertaken in 2018. Further surveys undertaken in 2020 have confirmed that there remains a similar, but slightly increased, level of bat roosting activity occurring on site.

The 2020 surveys were undertaken late in the season, but the usage of the building by bats is likely to be limited to small numbers of animals using the buildings for relatively short periods of

time and there is no evidence to suggest a significant maternity roost is present. The loss of the roosts associated with the buildings on this site, in the absence of mitigation, is likely to have a low impact upon bats at the local level and a low impact upon the conservation status of the species as a whole.

The submitted report recommends the installation of bat boxes on the nearby trees and also features for bats to be incorporated into the proposed building as a means of compensating for the loss of the roost and also recommends the supervision of the works to reduce the risk posed to any bats that may be present when the works are completed.

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting place.

(a) in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment, and provided that there is

(b) no satisfactory alternative and

(c) no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK has implemented the Directive in the Conservation (Natural Habitats etc.) Regulations 2010 (as amended) which contain two layers of protection (i) a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and (ii) a licensing system administered by Natural England and supported by criminal sanctions.

Local Plan Policy NE.9 of the C&NLP states that development will not be permitted which would have an adverse impact upon protected species or their habitats. Policy SE 3 of the CELPS states that development which is likely to have a significant impact on a site with legally protected species will not be permitted except where the reasons for or the benefits of the development outweigh the impact of the development.

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. "This may potentially justify a refusal of planning permission."

The NPPF advises LPAs to protect and enhance biodiversity: if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) or adequately mitigated, or as a last resort, compensated for, planning permission should be refused.

Natural England's standing advice is that, if a (conditioned) development appears to fail the three tests in the Habitats Directive, then LPAs should consider whether Natural England is likely to grant a licence: if unlikely, then the LPA should refuse permission: if likely, then the LPA can conclude that no impediment to planning permission arises under the Directive and Regulations.

In terms of the Habitat Directive tests;

- The proposed development is not in the interests of public health or public safety. The site is within the open countryside and there is no demonstrated need for housing or affordable housing development on this site.
- There is satisfactory alternative in leaving the buildings on site and not developing the site.
- The submitted mitigation means that there would be no detriment to the maintenance of the species population at favourable conservation status in their natural range.

As the first two tests have not been met it is considered that the proposed development would be contrary to Policies NE.9 of the C&NLP and Policy SE 3 of the CELPS.

Nesting Birds

A standard condition could be imposed to safeguard breeding birds as part of this proposed development.

Ecological Enhancement

Local Plan Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity. This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development in accordance with his policy.

A planning condition could be imposed to secure a scheme of ecological enhancements.

Public Open Space

This application for up to 40 dwellings should provide 40m² per dwelling combined amenity green space and children's play space in line with Policy SE6, there is also a requirement for allotment provision of 5m² per dwelling and 20m² for green infrastructure/connectivity.

Landscaping and buffer planting is being provided however this does not satisfy Policy SE6.

Since the previous refusal the SNP has advanced and has now been through examination and can be given a moderate amount of weight. Policy COM3 requires that all development must at comply with the CELPS requirements for open space. The justification to Policy COM3 then goes onto identify that there is a shortage of certain types on open space within the Parish. Subject to a minor change in the wording of this COM3 this was policy has been accepted by the Neighbourhood Plan Examiner.

As there is a shortfall within this site. This issue will now form a reason for refusal given the additional weight which is applied to the SNP Policy.

The POS Officer has stated that if the application is deemed acceptable then a contribution of £3,000 will be required per family dwelling and this could be used to increase capacity and accessibility at the Wessex Close Play Area. The applicant has disputed this figure and it is considered that a reasonable approach would be to require a contribution of £25,000 as per the previous approval as part of application 13/4675N.

Contributions would be required to secure off-site improvements towards allotment and outdoor sports facilities within the Parish.

Education

The education department have confirmed that there is capacity at local primary schools to serve this development but not at secondary schools.

In order to mitigate the impact upon local secondary schools a contribution of £98,056 has been requested. This will be secured as part of a S106 Agreement.

Health Infrastructure

The NHS has stated that increasing population (including an aging population) will create significant demand on the delivery of health and care services (both Primary Care – GP Practices and Community and health Services; and Secondary Care – Acute Hospital Services). Short term solutions are being looked at to review the increases in patient population.

In order to mitigate the impact at Rope Green Medical Centre the NHS have requested the provision of a commuted sum of £36,900. This sum will need to be secured as part of a S106 Agreement.

PROW

There are no PROW affected by this proposed development.

Flood Risk and Drainage

The site covered by this application is located within Flood Zone 1 according to the Environment Agency Flood Maps. This defines that the land has less than 1 in 1000 annual probability of flooding, and all uses of land are appropriate in this location. As the application site exceeds 1 hectare a Flood Risk Assessment has been submitted with the application.

The Council's Flood Risk Manager and United Utilities have both been consulted as part of this application and have raised no objection to this application subject to the imposition of planning conditions.

CIL Regulations

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

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

The development would result in increased demand for NHS provision in Shavington where there is limited spare capacity. In order to increase capacity of the medical centre which would support the proposed development, a contribution towards health care provision is required. This is necessary and fair and reasonable in relation to the development.

The development would result in increased demand for education provision in Shavington where there is limited spare capacity. In order to increase capacity of the local schools which would support the proposed development, a contribution towards education provision is required. This is necessary and fair and reasonable in relation to the development.

The development would not provide the required level of Public Open Space/allotment provision on this development in accordance with Policy SE6. On this basis and to mitigate the impact of the development a contribution is required. This is necessary and fair and reasonable in relation to the development.

The development would result in increased demand for outdoor sports provision in Shavington. In order to increase capacity in line with the Playing Pitch Strategy an off-site contribution would be required. This is necessary and fair and reasonable in relation to the development.

On this basis the S106, recommendation is compliant with the CIL Regulations 2010.

PLANNING BALANCE

The application site is located within the open countryside as defined by the adopted Development Plan (the CELPS and the C&NLP). The proposed development would be contrary to these policies and would result in the loss of open countryside.

Policies PG6 and SC6 identify that affordable housing will be permitted as an exception to other policies relating to the countryside to meet locally identified affordable need. However, no up-to-date Housing Need Survey has been undertaken in support of this application and the development exceeds the threshold of 10 dwellings identified within Policy SC6. The proposed development would not comply with Policies PG6 and SC6. The provision of affordable housing is a benefit. However as Cheshire East is meeting and exceeding the Borough targets and the applicant has not provided any information on local need then this carries less weight.

The development will not have a detrimental impact upon residential amenity (including for future occupants in terms of noise and contaminated land) and would comply with Policies BE.1 and BE.6 of the C&NLP.

The impact upon infrastructure would be neutral as the impact upon health and education could be mitigated through the provision of the required contributions. The development would comply with Policies IN1, IN2 and SE6 of the CELPS

Details of the proposed landscaping are acceptable and there would not be significant harm to the wider landscape. The proposed development would comply with SE4 of the CELPS.

With regard to ecological impacts, the impact is neutral as mitigation would be secured there would neutral impact upon hedgerows, Great Crested Newts, reptiles and nesting birds. However, the proposed development would result in the loss of a bat roost and have a low impact upon the conservation status of this species. The proposed development fails two of the tests contained within the Habitats Directive and as a result would also be contrary to Policies NE.9 of the C&NLP and SE 3 of the CELPS.

The development would not have significant drainage/flood risk implications and would be comply with SE13 of the CELPS and BE.4 of the C&NLP.

It is considered that subject to the imposition of planning conditions that the development is acceptable in terms of its impact upon trees on this site. The development would comply with NE.5 of the C&NLP and SE5 of the CELPS.

The development cannot be supported in design terms for the reasons set out in the main report. The proposal would not accord with CELPS policy SE1, nor would it accord with the NPPF in relation to design quality and the requirements of the CEC Design Guide.

The proposed access point, traffic impact and sustainability of the site is acceptable and would comply with Policies TRAN.3 and BE.3 of the C&NLP.

In conclusion the provision of 100% affordable housing is given some weight. However, it is not considered that this would outweigh the harm to the open countryside, the lack of open space and the unacceptable design of the proposed development.

RECOMMENDATION

REFUSE for the following reasons;

- 1. The application site is located within the Open Countryside and outside of the Shavington Settlement Boundary. The application is not supported by an up-to-date Housing Needs Survey to identify the need within this Parish. Furthermore, a development of 44 affordable units would exceed the threshold criteria of 10 units identified by Policy SC6. The proposed development would cause harm to the open countryside and be contrary to Policy SC6 and PG6 of the Cheshire East Local Plan Strategy, Policy HOU1 of the Shavington Neighbourhood Plan and the NPPF.**
- 2. There is a minor roost of Bats within one of the buildings to be demolished as part of this proposed development and this proposed development would result in a Low Level adverse impact on this species as a result of the loss of the roost and the risk of any bats present on site being killed or injured during the construction process. The proposed development fails two of the tests contained within the Habitats Directive and as a result would also be contrary to Policies NE.9 of the Crewe and Nantwich Replacement Local Plan 2011 and SE 3 of the Cheshire East Local Plan Strategy and guidance contained within the NPPF.**
- 3. The design and layout of the proposed development is considered to be poor and fails to take the opportunities available for improving the character and quality of the area. As a result, the proposal would not make a positive contribution to the area and would be contrary to Policy SE1 of the CELPS, The Cheshire East Design Guide and Policy HOU4 of the Shavington Neighbourhood Plan and the requirements of the NPPF.**
- 4. The proposed development would not provide any public open space and there is a shortfall of provision within the Parish of Shavington. Therefore, the proposed development does not represent a sustainable form of development and is contrary to**

Policies SE6 of the Cheshire East Local Plan Strategy and COM3 of the Shavington Neighbourhood Plan and the NPPF.

In order to give proper effect to the Board's intent and without changing the substance of its decision, authority is delegated to the Planning and Enforcement Manager 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 the subject of an appeal agreement is given to enter into a S106 Agreement with the following Heads of Terms;

S106	Amount	Triggers
Affordable Housing	100% affordable housing	In accordance with details to be submitted and approved.
Health	£36,900	To be paid prior to first occupation of the development.
Education Contribution	£98,056 towards secondary education	To be paid prior to the first occupation of the 10 th dwelling.
Open Space Contribution – Improvements to children's play area at Wessex Close	£25,000	To be paid prior to the first occupation of the 20 th dwelling.
Allotment Contribution	£230.70 per dwelling	To be paid prior to the first occupation of the 20 th dwelling.
Outdoor Sports Contribution	£1,000 per family dwelling and £500 per two bed dwelling	To be paid prior to the first occupation of the 20 th dwelling.

