

Application No 21/4136N

Location Land South of, Newcastle Road & Stock Lane, Shavington

Proposal Hybrid planning application comprising (i) A full planning application for residential dwellings (use class C3) with access, public open space and associated infrastructure; and (ii) An outline planning application (with all matters reserved except for means of access) for up to 700sqm of commercial development (use classes E and Sui Generis)

Applicant; Mathew Tudor Owen, Anwyl Homes

Expiry date; 29-Oct-2021

SUMMARY

This application is a hybrid application for a scheme of 84 dwellings in full, and a retail development (up to 700 sq.m) in outline, comprising the final part (Phase 3) of allocated site LPS 9 – The Shavington/Wybunbury Triangle.

The principle of development on the site has already been established, and approval has been granted for 352 dwellings (Shavington Park phases 1 & 2) . The 84 units now proposed for phase 3 will result in a total of 436 dwellings within the triangle site. This will however meet the requirement of the “delivery of around 400 new homes” as set out under Policy LPS 9.

The proposal provides for the required amount and mix of affordable housing on site and through a commuted sum. The proposal achieves an appropriately designed residential development and its detailed design and layout accords with the overall principles for the development of the site and the CEC Design Guide. It achieves an acceptable relationship with both the character of the locality, without material harm to neighbouring residential amenity and would provide sufficient amenity for the new occupants.

The proposed outline retail element is of a scale which is appropriate to meet Local needs and capable of not adversely affecting the amenities of neighbouring properties.

The proposed access arrangements for the development will not adversely affect highway safety or result in traffic management issues on the local highway network.

Appropriate public open space including a Locally Equipped Area for Play (LEAP) will be provided. Tree and hedgerow losses have been accepted and would be mitigated in the proposed landscaping of the site and through off-site habitat creation to achieve biodiversity net gain.

The impact on air quality arising from the proposals and also the impact on the development from traffic noise can be satisfactorily mitigated.

The Council's Flood Risk Officer considers that the proposed drainage system will satisfactorily serve the development, without resulting in flooding as a result of surface water discharge to Cheer Brook or of adjoining properties of Stock Lane.

To satisfactorily address the impact on local services/facilities, contributions to education, healthcare provision and outdoor sport will be secured through a S106 agreement.

On this basis, the proposal is for sustainable development which would bring environmental, economic and social benefits and is therefore considered to be acceptable in the context of the relevant policies of the adopted Cheshire East Local Plan Strategy, the Borough of Crewe and Nantwich Local Plan, and advice contained within the NPPF.

RECOMMENDATION

APPROVE: Subject to conditions and the prior completion of a S106 Agreement

DESCRIPTION OF SITE AND CONTEXT

The application Site (3.3 ha) is former farmland field which straddles the boundary between Shavington-cum Gresty and Wybunbury Parishes. The site occupies the north-eastern part of housing allocation LPS 9 (Shavington/Wybunbury Triangle) in the Cheshire East Local Plan Strategy (CELPS) which allows for the delivery of around 400 homes.

The northern boundary of the site fronts onto Newcastle Road. The site frontage extends up to the eastern boundary with the residential curtilage of No.386 Newcastle Road. Thereafter the rear gardens of residential properties of Stock Lane wrap around the eastern and southern site boundaries.

The south-western part of the site boundary adjoins the large curtilage of No.50 Stock Lane. An outline application has been submitted for the siting of two detached houses within this garden area and remains under consideration.

The western site boundary adjoins areas of public open space to be delivered as part of Phase 2 of the Persimmon Homes development of Shavington Park. This will include recreational and play facilities, incorporating a village green, neighbourhood area of play (NEAP) and multi-use games area. (MUGA).

The route of PROW Shavington FP11 runs north/south through the adjacent Persimmon development from Newcastle Road and passes alongside the north-western site boundary. Beyond FP11 are properties of Rosemary Drive and Mallow Avenue of the Shavington Park development.

DETAILS OF PROPOSAL

This application is a hybrid application which represents the third and final phase of development within the allocated Shavington/Wybunbury Triangle allocation under CELPS Policy LPS 9. The application comprises;

- (i) A full planning application for residential dwellings (Use Class C3) with access, public open space and associated infrastructure;
- (ii) An outline planning application (with all matters reserved except for means of access) for up to 700sqm of commercial development (Use Classes E and Sui Generis)

As such there are two parts to this application. Firstly the full application is for development of 84 new homes with associated infrastructure including access from Newcastle Road, site drainage arrangements incorporating a pumping station, public open space including a LEAP, and landscaping.

The development includes a mix of 1, 2, 3 and 4 bed units of a range of sizes and design, including apartments, bungalows, semi-detached and detached dwellings. The maximum height of buildings will be 2.5 storeys with most properties being 2 storeys.

Revised plans and additional information have been received during the application process in response to issues raised by the Council. This has been predominantly in relation to design, but also in respect of ecology, highways, drainage and public open space/playscape the amended scheme has also reduced the originally proposed number of units from a 85 to a total of 84.

It is proposed that the site is served by a single point of vehicular access onto Newcastle Road. Pedestrian/cycle connections to the scheme are provided from Newcastle Road with access to a proposed signal-controlled pedestrian crossing over Newcastle Road. Connections will also be provided to the footpath network and to the PROW within Phase 2 of the Persimmon scheme.

The second part of the application is in outline for the principle for the provision of up to 700 sqm of commercial development (Use Class E and Sui Generis) within the north-western corner of the site with all matters reserved except for access. A separate vehicular access is proposed to serve this element of the scheme directly from Newcastle Road.

An indicative layout plan has been submitted showing a convenience store (400 sqm) and two separate units (50 sq. m each) together with landscaping and car parking. A parameters plan necessary to inform a Reserved Matters application is however awaited .

RELEVANT HISTORY

18/2492N - Approval of matters reserved in outline planning application 14/1160N (appearance, landscaping, layout and scale) for residential development comprising 152 dwellings (including 46 affordable homes), public open space and associated works. Approves 18th March 2021

18/5851N - Variation of Condition 1 on approved application 16/5516N - Reserved matters (appearance, landscaping, layout & scale) for residential development comprising 200 dwellings (30% affordable) and creation of public open space, in relation to outline approval 12/3114N - Approved 22nd July 2020

16/1698N - Changes to section 106 agreement - Affordable housing on application 12/3114N - Outline Application for Residential Development of up to 360 Dwellings, Local Centre of up to 700 sqm (with 400 sqm being a single convenience store), Open Space, Access Roads, Cycleways, Footpaths, Structural Landscaping, and Associated Engineering Works - Modified 11th January 2017

16/5516N - Variation of Condition 1 on approved application 14/3039N - Reserved matters (appearance, landscaping, layout & scale) for residential development comprising 200 dwellings (30% affordable) and creation of public open space, in relation to outline approval 12/3114N. Approved 17th February 2017

15/4953N - Non-material amendment (changes to highways, footpaths and plot positions) to approved application 14/3039N - Reserved matters (appearance, landscaping, layout & scale) for residential development comprising 200 dwellings (30% affordable) and creation of public open space, in relation to outline approval 12/3114N – Approved 24th November 2015

15/3386N - Removal of condition 30 (Number of dwellings) on previous permission 12/3114N; Outline Application for Residential Development of up to 360 Dwellings, Local Centre of up to 700 sqm (with 400 sqm being a single convenience store), Open Space, Access Roads, Cycleways, Footpaths, Structural Landscaping, and Associated Engineering Works. UNDETERMINED

15/3329N - Non material amendment to approved development 14/3039N: realignment of fence to plots 12, 29, 42; minor repositioning of plot 50; plots 28, 32, 57, 121, 178 are to be handed – Approved 10th August 2015

14/3039N - Reserved matters (appearance, landscaping, layout & scale) for residential development comprising 200 dwellings (30% affordable) and creation of public open space, in relation to outline approval 12/3114N – Approved 11th December 2014

14/1161N - Variation or removal of Condition 30 of Planning Permission 12/3114N - Outline application for residential development of up to 400 dwellings, local centre of up to 700 Sq M (with 400 Sq M being a single convenience store), open space, access roads, cycleways, footpaths, structural landscaping and associated engineering works – Withdrawn 18th August 2014

14/1160N - Variation or removal of Conditions 48 - 51 Inclusive of Planning Permission 12/3114N - Outline application for residential development of up to 400 dwellings, local centre of up to 700 Sq M (with 400 Sq M being a single convenience store), open space, access roads, cycleways, footpaths, structural

landscaping and associated engineering works – Approved 11th November 2019

12/3114N - Outline Application for Residential Development of up to 360 Dwellings, Local Centre of up to 700 sqm (with 400 sqm being a single convenience store), Open Space, Access Roads, Cycleways, Footpaths, Structural Landscaping, and Associated Engineering Works – Approved 23rd January 2014

POLICIES

Cheshire East Local Plan Strategy (CELPS)

LPS 9 - The Shavington/Wybunbury Triangle
PG 1 - Overall Development Strategy
PG 2 - Settlement Hierarchy
PG 7 - Spatial Distribution of Development
SD 1 - Sustainable Development in Cheshire East
SD 2 - Sustainable Development Principles
SE 1 - Design
SE 2 - Efficient Use of Land
SE 3 - Biodiversity and Geodiversity
SE 4 - The Landscape
SE 5 - Trees, Hedgerows and Woodland
SE 6 - Green Infrastructure
SE 8 - Renewable and Low Carbon Energy
SE 9 - Energy Efficient Development
SE 12 - Pollution, Land contamination and Land instability
SE 13 - Flood Risk and Water Management
CO 1 - Sustainable Travel and Transport
CO 2 - Enabling Business Growth Through Transport Infrastructure
CO 3 - Digital connections
CO 4 - Travel Plans and Transport Assessments
EG 1 - Economic Prosperity
EG 3 - Existing and Allocated Employment Sites
IN 1- Infrastructure
IN 2 - Developer Contributions
SC 1 - Leisure and Recreation
SC 2 - Outdoor Sports Facilities
SC3 Health and wellbeing
SC 4 - Residential Mix
SC 5 - Affordable Homes

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.

Crewe and Nantwich Replacement Local Plan

BE.1 – Amenity

BE.3 – Access and Parking
BE.4 – Drainage, Utilities and Resources
BE.6 – Development on Potentially Contaminated Land
NE.5 – Nature Conservation and Habitats
NE.7 – Sites of National Importance for Nature Conservation
NE.8 – Sites of Local Importance for Nature Conservation
NE.9 – Protected Species
NE.11 – River and Canal Corridors
NE.17 – Pollution Control
NE.20 – Flood Prevention
NE.21 – New Development and Landfill Sites
TRAN.3 – Pedestrians
TRAN.5 – Provision for Cyclists
RT.9 – Footpaths and Bridleways

Wybunbury Combined Neighbourhood Plan

Made on the 6th April 2020.

Policy H1: Location of New Houses
Policy H2: Housing Mix
Policy H4: Design
Policy H5: Adapting to Climate Change
Policy E1: Woodland, Trees, Hedgerows and Boundary Fencing
Policy E3: Biodiversity
Policy E5: Landscape Quality, Countryside and Open Views
Policy F1: Public Rights of Way
Policy TI1: Traffic Management
Policy TI2: Parking
Policy TI3: Traffic Generation
Policy TI4: Drainage

Shavington Neighbourhood Development Plan

Made on the 28th July 2021

HOU1 – New Housing
HOU2 – Housing Mix and Type
HOU3 – Housing for Older People
HOU4 - Local Character and Housing Design
ENV1 – Footpaths and Cycleways
ENV2 – Trees and Hedgerows
ENV3 – Water Management and Drainage
COM1 - Community Facilities And Local Businesses
COM3 - The Provision of New Open Space Facilities
TRA1 - Sustainable Transport
TRA2 - Parking

Other Material Considerations

National Planning Policy Framework (The Framework)
National Planning Practice Guidance
Cheshire East Design Guide

CONSULTATIONS (External to Planning)

United Utilities - No objection subject to conditions.

Natural England - No objection.

Housing - No objection subject to completion of S106 Agreement .

Flood Risk Manager - No objection, subject to conditions requiring details of surface water drainage and levels for the outline retail element.

Environmental Health - No objection subject to conditions relating to noise mitigation, electric vehicle infrastructure, ultra-low emission boilers and contaminated land.

Education - No objection subject to a financial contribution towards local secondary school and SEN places.

Public Rights of Way – No objection, but comment that the proposed developments should present an opportunity to deliver and improve walking, cycling and equestrian facilities for transport and leisure purposes, both within the proposed development site and in providing access to local facilities.

Head of Strategic Infrastructure – No objection subject to conditions

Leisure - No objections subject to conditions and contribution to outdoor sport.

NHS Cheshire Clinical Commissioning Group - No objection subject to a financial contribution to fund improvements to GP practice infrastructure.

Shavington Parish Council : Comments as follows:

The proposal submitted exceeds the number of dwellings stated in the original strategic plan for the site and does not comply with the Shavington-cum-Gresty Neighbourhood Plan.

Nothing more than two-story houses should be included in the plan.

That, in the event of approval of the proposal in its current form, the Parish Council would request Cheshire East Council to apply section 106 in favour of Shavington-cum-Gresty Parish Council, to support existing community assets in the Village and community projects

Wybunbury Parish Council: Comments as follows:

1.0 The mix of property types does not match the Wybunbury or Shavington NHP's in that the mix of accommodation provided does not account for the needs in the area, for the elderly resident who would wish to purchase a bungalow (2 bedroom) or a cottage type property (3bedroom) so as to free up family homes in the area. Phase 2 is going part way towards this in their current

provision but more is required. These would be ideally located behind the old Cheshire style cottages a long Stock lane, so as to reduce the over powering effect of 2 storey houses being built behind them.

2.0 That the same boundary treatment as Phase 2 backing up to the Stock lane properties with a buffer zone to should also be applied to this Phase of Shavington Park along with a French drain to accommodate surface water runoff due to the ground not being permeable and holding water for at least 6 months of the year especially during any wet season.

3.0 Discharge of surface water both from the residential properties & public areas is proposed to be pumped of the site into the current Cheer Brook network off ditches & piped areas to the Dig lane culvert, but what is in place to stop that culvert being over whelmed by this extra demand. With regards to Phases 1 & 2 There is a pond to control the extra demand along with the ditch network that has been constructed. The developer off Phases 1 & 2 states their drainage network was only designed to cope with Phases 1 & 2 not with any more demand & as was seen earlier this year when we had a period of persistent rain the pond was getting close to breaching & this was before Phase 2 was started. Therefore Wybunbury P C has serious concerns over these proposals not only for the residents of the area of Dig lane where the culvert passes through but the fields & properties low down the Cheer Brook to & including the residents of Haymoor Green Rd which have seen their road flood for most of the winter months in the last 2 years & especially in the last 12 months.

4.0 That all existing trees & hedges on the site & scheduled to be retained should be protected from root or other damage during construction on the site.

5.0 The plans show a connection or connection to PROW Shavington FP11 but the developer does not own the land up to the edge of the PROW, therefore is the applicant going to negotiate with the land owner to obtain the relevant consent or consents, as connection to the PROW will ensure residents can walk or cycle with in the two estates without having to leave one estate & access the PROW especially for Children wishing to access the play area.

6.0 What proposals have the developer have for bringing back into use any ditches or drainage ways on this site once they commence work on the site & any future maintenance.

7.0 Is the provision of electric car charging points at all properties to be of the smart type & will the car charging points be accessible to all residents' vehicles so that no charging leads run across a public footpath?

8.0 Is the parking provision adequate to each property to accommodate the number of vehicles expected to be parked at each property without having to park on the road,

9.0 What is to be the method in which the grounds maintenance in all public open spaces is to be carried out?

10.0 There is no statement on the type of retail units to be sited on the estate, also is the access road just for the retail units or is it a 2nd access as well for the estate.

11.0 That the provision of a public foot path along the northern edge of the estate adjacent to the Newcastle Rd is for the full length of the estate facing the Newcastle Rd is essential to allow residents access to the pedestrian crossing to allow them to access the Green fields estate footpath network & access to the shops in Shavington.

12.0 What provisions being made for children's play area facilities or is the developer going to some equipment on the Phase 2 play area as well as a small local area with in the estate.

13.0 That all tree & hedge planting is carried out in the tree planting season with native species & any dead trees with in the maintenance period are replace by the developer free of charge in any maintenance agreement.

14.0 Any maintenance or future charges or agreements to be placed on the property owners should be fully explored to any prospective purchaser & any sales literature to save any confusion later with a fully clear complaints procedure in place.

15.0 That all services & estate roads are constructed at the beginning of development or by phase of development to cut down on dust or mud transfer with in or out of site.

16.0 Could the planning officer advise if the number of dwellings constructed & to be constructed on all 3 phases of Shavington Park exceed the number revised & approved by the inspector at the public enquiry into the CEBC local plan, if it does, how is the planning officer proposing to deal with any extra properties on phase 3, that could take the Shavington park development over the agreed number.

17.0 The community facility has been removed from this application, is this due to the pre-consultation meeting with Wybunbury & Shavington Parish Councils & the joint request for the monies for this facility to be divided between the 2 parish hall facilities in Wybunbury & Shavington & be conveyed in the form of a 106 agreement to both parish councils?

18.0 That a Liaison committee be set up as soon as planning permission is agreed between the developer & the two Parish councils with respective CEBC ward members as was agreed for Phase 2 which is working well.

19.0 On Phases 1 & 2 a section 106 order was made that a contribution should be made to the maintenance & improvement of The Wybunbury Moss SSSI is there to be a similar contribution from Phase 3?

If the above comments & requests are complied with the Parish Council has no objection to this application.

OTHER REPRESENTATIONS

Letters have been received from residents, interested parties and ward councillors.

31 representations have been received objecting to the proposal on the following grounds:

- Unsustainable development of greenfield site
- No need for further housing development in Shavington as well over 11 major housing developments within a 3 mile radius of this project.
- Loss of green space and reduction in quality of life
- No benefits to the village from further development .

Contrary to LPS 9 of the Cheshire East Local Plan Strategy as total of 400 dwellings will be exceeded by this application (Over 10% increase). This is also an increase of 23.5% over and above the amount considered to be sustainable (360 dwellings).

- "The original application for houses on the so called Shavington / Wybunbury Triangle was for the provision of 400 dwellings. The Planning Committee reduced the number by 10% to 360. This was considered to be the sustainable amount of new houses for the whole site. Currently the plans for 362 houses have been passed. This number of houses cover only 2/3 rds of the site. To add another 85 houses to "top up" the site will mean a total build so far of 447 houses. This is an increase of 23.5% over and above the amount CEC say is sustainable."

- Local infrastructure and facilities already under pressure, with schools, doctors, hospitals etc. having insufficient capacity to meet further demand
- Building houses along this section of Newcastle Road backing onto Stock Lane will

result in one continuous mass of housing through Shavington and onto Crewe resulting in loss of character and local identity

- Existing issues relating to phase 1 & 2 (Persimmon including roads of inadequate width, insufficient parking and "potentially very dangerous traffic issues on the estate"

- Impact on daily life within village from construction traffic
- Adverse impacts on amenity and inconvenience during construction
- Detrimental to highway safety
- Newcastle Road has 40mph speed limit with blind bend to traffic lights at Goodall's Corner
- Will be difficult and dangerous for drivers to turn right out of the development
- Increase in traffic resulting from retail development will exacerbate existing traffic problems - Site access is only 100m away from busy traffic light-controlled crossroads and extra traffic will cause increased congestion during busy rush hour periods. The Traffic Assessment requires more detailed analysis
- Inadequate visibility for proposed accesses from Newcastle Road
- Parked vehicles on Newcastle Road close to access to retail area will be highway hazard

- Position of access to the commercial area will increase difficulties of the use of use as shared driveway opposite that serves Nos. 383 & 385 Newcastle Road

- The original planning application (outline) for the “triangle” was granted with one access only and with all the facilities being accessible from the estate. The new proposal will now mean three access points on a busy road.

- Vehicular access to the commercial should from within the proposed development or via a link from Rosemary Drive to west (Shavington Park)

- Increase hazard of Speeding traffic on A500

- Local roads are in a poor condition from construction traffic also resulting in flooding which will be exacerbated by the proposed development

- Adequate off-road parking must be provided

- Adverse impact on air quality

- Air Quality Assessment inadequate and out of date

- Application does appear to promote safe walking and cycling routes

- No details of cycle storage or promotion of healthy ways of travel.

- Site does not link into the public transport network.

- Only bus service to pass by the site is the No,39 operating once every two hours. S106 contributions should be sought towards the delivery of an hourly bus service along Newcastle Road including early and late buses

- Whilst there is a bus stop available within half a km, no consideration of its accessibility from the site

- No information regarding whether streets will have pavements,

- Section 106 contributions should be sought for contributions towards an off-road cycle route between Shavington and Crewe

- Requirement for provision of electric car charging points

- Exacerbate existing flooding problems experienced by neighbouring properties and nearby roads given ground conditions, water table and development of Phase 1 & 2.

- Increased risk of flooding of existing properties without appropriate mitigation

- Ground levels must not be raised to protect the new homes from flooding and thereby compromise existing homes.

- Whilst site is within a Flood Zone 1, there is a tributary running through the site.

- Further information should be sought regarding surface water run-off .

- Why is a pumping station needed, is this an acknowledgement that the site is at risk of flooding?

- Foul sewerage arrangements in area are insufficient

- Use of paving within the development should be permeable and additional tree planting along streets to reduce the impact on drainage

- Loss of wildlife habitat and removal of hedges

- Adverse ecological impact on SSS1

- Affordable housing does not meet recommended ratio split of CELPS Policy SC 5.

Insufficient information is provided regarding the tenure mix of the affordable housing.

Poor mix of house types with no bungalows or terraced units only detached and semis.

- The application does not address Shavington-Cum-Gresty's higher proportion of elderly age groups and does not provide any housing for an older generation (Bungalows etc.).
- Housing should meet the requirements for M4(2) and M4(3) provision to ensure inclusivity for all.
- Most dwellings are on the road or just have parking in front. This results in the development failing to fit in with the existing street scene (Newcastle Road).
- Black facias and black PVC windows not in keeping with the surrounding area and street scene.
- Provision of 1.8m high close fencing alongside site boundary with properties of Stock Lane is inappropriate
 - Unauthorised access to adjoining properties if existing boundary hedgerow thinned

New houses should not over dominate, and bungalows should be built on the plots backing onto existing homes.

- Loss of Light and development overbearing.
- Overlooking and loss of privacy
- Density of housing on this development is too high with houses located too close to the gardens of Stock Lane
- Nos 16, 18 & 20 Stock Lane have short back gardens. Phase 2 has a 6m buffer strip along

it's the boundary with the properties on Stock Lane, why not for Phase 3?

Inadequate children's play provision

- Exacerbate problems of crime and antisocial behaviour
- Increase in general littering and dog fouling.
- Land has been used for equestrian purposes and not been disused as stated on application form
- Lack of local employment will result in increased commuting with associated environmental impacts
 - Further details needed of uses for commercial site. A retail unit is not required.

- Section 106 contributions should be sought for Affordable Housing, Travel Plan

Education, Healthcare, Carbon Offsetting, Air Quality improvements, Air Quality monitoring and towards transport improvements including off-street cycle lane between Crewe and Shavington and towards an increase in bus services to serve site.

- There were originally over 800 objections to this Shavington Triangle Development, yet it was still approved
- Lack of local internet connectivity
- Reduction in property values

A Letter of objection has been received Cllr Janet Clowes as set out below;

“ NUMBER OF DWELLINGS

The original outline application for the CEC Local Plan Strategic Site LPS9 was originally 360 dwellings which was later adjusted at Inspection to accommodate “up to 400 dwellings”.

Persimmon Homes have already incorporated 360 dwellings onto phases 1 and 2.

The ANWYL Phase 3 application is for 85 dwellings. This represents an over development of the site in its totality of 11% which is unacceptable. So too, the applicant has failed to provide an Affordable Housing Scheme as required under CELPS SC5 (Affordable Homes).

HOUSING MIX, DESIGN & HEIGHT of CONSTRUCTION

I have concerns regarding the design and number of larger 2.5 / 3 storey homes being incorporated onto this site. The cross-sections provided suggest an overly imposing street scene where the distribution of these taller properties dominates those adjacent to them.

If as believed, these dwellings have to be constructed on raised land levels to accommodate on-site Sustainable Surface Water drainage Systems, the impact of this will be considerably exacerbated and unacceptable in design terms. In keeping with phase 2, I would ask that additional single-storey dwellings are included adjacent to the rear of bungalows and the low height cottages of Stock Lane. This will avoid overlooking and overbearing on those properties to the south of the phase 3 site that are most impacted.

RETAIL AND COMMUNITY PROVISION

At pre-application meetings with parish councils and ward councillors, it was identified that further community provision would compromise the current work underway to improve such facilities at the Wybunbury Village Hall and in Shavington. This was confirmed in writing subject to CEC Planning Officer agreement to vary the original outline application

It was therefore agreed that should this application be approved, monies committed to community provision would be secured by an S106 agreement and allocated on a 50:50 basis to each Management Board.

It is important that this agreement is respected as the combined site covers parts of both Wybunbury and Shavington Parishes and is split between the two Neighbourhood Plan Areas of the Wybunbury Combined Parishes Neighbourhood Plan and the Shavington Neighbourhood Plan.

EASEMENTS BETWEEN PHASE 1 AND PHASE 3 DEVELOPMENTS

Whilst the Triangle site has been constructed in distinct phases, it is important that if this application is permitted, there is safe pedestrian connectivity between phase 1 development and this current application site. It will require a pedestrian walkway across the significant drainage ditch that marks the current boundary between the two phases of development.

This will enable residents in all areas of the development to access the retail facility as intended in the original 2014 outline application. So too it will provide

additional access to the PROW that runs through phases 1 and 2 from Newcastle Road to the southern end of Stock Lane thus providing direct access to the signalised pedestrian crossing that crosses the Newcastle Road by the egress from the PROW.

FLOOD AND DRAINAGE CONCERNS

The Cheerbrook national watercourse runs via culvert, through and adjacent to this site. All surface water drainage from Development phases 1 and 2 (already being built out by Persimmon Homes) are collected in water storage systems and mitigation pond designed and contained within phases 1 and 2. This is a complex system that has had to be reviewed on several occasions during construction, (including the need to build dwellings in the south of the phases 1 and 2 sites on raised ground levels), due to on site waterlogging and localised flooding within what was already known as a 'wet agricultural site'. I welcome the CE Flood Risk Officer's Report and his request for a 'site walkover' with the applicant's engineers. Further development on this Phase 3 site must not compromise the on-site surface water SUDS of phases 1 and 2. In addition this development must not compromise adjacent properties on Stock Lane and Newcastle Road.

ROAD AND ACCESS ISSUES

The proposed access points are both on an inner bend of Newcastle Road. The proposed retail access has poor visibility to the right when leaving, which must be addressed.

It is noted that a 30mph speed limit is proposed for this section of road, nonetheless visibility is a material concern especially as passing traffic is expected to access the retail provision, as well as pedestrians from within the estate itself.

I would ask that as part of the Highways and access engineering assessment, careful thought is given to surface water drainage egressing onto Newcastle Road itself. This stretch of the highway has minimal road drains/gullies which, since the development of phases 1 and 2, has caused standing water issues on the highway and flooding of residential gardens and homes opposite the proposed access points (Rose Cottage, 385 and 383 Newcastle Road)".

A Representation has been received from Persimmon Homes raising no objection in principle to the application, but comments as follows;

- Supports principle of the delivery of a pedestrian link to Shavington Park and the PROW network. The proposed footpath stops short of the PROW. The footpath should connect to PROW and the company "would be happy to engage with Anwyl on this matter"
- Supports the delivery of convenience store subject to appropriate hours of operation/deliveries
- Appropriate separation distances and landscape needs to be secured between commercial development and dwellings of Shavngton Park

- Condition needed to secure acoustic mitigation alongside western boundary of commercial development to protect amenity of existing dwellings
- Details of lighting of commercial development to safeguard amenity
- Provision of parking for commercial area in accordance with CEC standards
- Details of heights of buildings (parameters)

OFFICER APPRAISAL

PRINCIPLE OF DEVELOPMENT

The application site lies within the Wybunbury/Shavington triangle which is allocated under policy LPS 9 of the CELPS . This states that the development of land of the Wybunbury/Shavington triangle over the Local Plan Strategy period will be achieved through:

1. The delivery of around 400 new homes;
2. Appropriate retail provision to meet local needs;
3. Community hub and village green;
4. The provision of green infrastructure including:
 - i. Allotments;
 - ii. Community woodland;
 - iii. Open space including children's play space, multi use games area and outdoor gym;
 - iv. Nature conservation area;
 - v. Drainage areas;
 - vi. Incidental open space;
 - vii. Protection of watercourses and ponds on site;
 - viii. Creation of an undeveloped buffer zone scheme; and
 - ix. Village green;
5. The improvement of existing and provision of new pedestrian and cycle links to link new and existing residential areas, employment areas, shops, schools and health facilities.

Reserved matters approval has been granted for a total of 352 dwellings for Phases 1 and 2 (Shavington Park- Persimmon Homes) pursuant to outline approval for a development of up to 360 dwellings within the Shavington triangle allocation LPS 9. The proposed development within the north-eastern corner (Phase 3) of the triangle allocation results in the total number of dwellings exceeding 360 units, and therefore outside of the terms of the outline approval and thus full approval is necessary.

This proposal for 84 dwellings will together with approved development within Shavington Park provides an overall total of 436 dwellings within the Shavington/Wybunbury Triangle allocation. This is however considered to meet the definition of “around 400 new homes” as stipulated by point (1) of Policy LPS 9 and is therefore considered to be acceptable in principle. The

delivery of the site for residential development will contribute towards the Council's housing land supply and assist in meeting the development requirements of Crewe and the wider Borough.

This hybrid application directly addresses point (2) of Policy LPS 9 through the proposed provision of up to 700 sq. of retail provision to meet local needs.

In terms of point (3), and further to applicants' pre-application discussions with Parish Councils and Ward Members, it is considered that the provision of an on-site Community Hub is not required. This is particularly given the proposals for a new community hub to be provided in association with St Marks Church in Shavington which is supported by Policy COM1 of the Shavington Neighbourhood Plan. Therefore, to enable the requirements of Policy LPS 9 to be met, in lieu of the provision of an on-site community facility, the applicant has agreed to make financial contribution (£40,000) which will be equally split towards funding of the St Marks Church Project in Shavington and also to assist in the delivery of the Sally Clarkes Lane Playing Fields Project in Wybunbury. These contributions will be secured through the Section 106 agreement.

The provision for green infrastructure as set out under point (4) have largely been secured under the planning approvals for phase 1 and 2 of development within the triangle location. This includes the provision of allotments, a village green, POS, NEAP, MUGA, nature conservation areas, woodland, and drainage areas.

It is considered that the development of this site (Phase 3) is acceptable in principle, and the further requirements of Policy LPS 9 and all other material considerations are addressed below.

SOCIAL SUSTAINABILITY

HOUSING LAND SUPPLY

The Local Plan Strategy sets out the overall strategy for the pattern, scale and quality of development, and makes sufficient provision for housing (minimum 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.

The council's most recent Housing Monitoring Update (base date 31 March 2020) was published on the 11th March 2021. The published report confirms a deliverable five-year housing land supply of 6.4 years. The 2020 Housing Delivery Test Result was published by the Ministry of Housing Communities and Local Government on the 19 January 2021 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%. In the context of five year housing land supply and the Housing Delivery Test, 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 through either of these mechanisms.

Importantly, the existence of a 5-year supply of housing land is not a reason, in principle, to prevent permission being granted for a site that is allocated in the Local Plan for housing development. The requirement is to maintain at least a 5-year supply of deliverable housing land. This is an ongoing requirement reliant on the timely release of additional land for housing development so this can be maintained. It is also a minimum requirement. It is not a ceiling that should be used to prevent the release of land for further housing development where such schemes are consistent with Local Plan policy – as is the case with this site, in principle, through its allocation.

The Allocation of a site in the Local Plan Strategy establishes the principle of development on that site. The site contributes towards the Council’s housing land supply and assist in meeting the development requirements of Crewe and the wider Borough. It is important that the Council maintains not only a five year supply of deliverable sites but also provides for sufficient sites to meet the overall Plan supply of a minimum of 36,000 new dwellings (2010 – 2030) at an average of 1,800 dwellings per annum. Indeed, the Housing Monitoring Update (base date 31 March 2020), appendix 5 also includes the allocated site at Shavington/Wybunbury triangle (LPS 9) within its forecasting and assumes that this residual part of the allocation will deliver at least 36 units up to 2025.

This site therefore contributes to the Council’s overall five-year supply of deliverable sites.

HOUSING

Affordable Housing

In accordance within CELPS Policy SC5, 30% affordable housing (26 dwellings) is required within the scheme. However in this case 25 units are provided which is 0.2% below the requirement. It is proposed that a commuted sum makes up this small shortfall.

This solution is supported by the Council’s Housing Officer. Further to an independent valuation of the Coxley affordable house type, the CEC Assets team have confirmed that that a contribution of £11,840 equates to 0.2% of an affordable dwelling. This contribution will be secured through the S106 Agreement.

The Housing Officer has advised that the current number of those on the Cheshire Homechoice waiting list with Shavington as their first choice is 140 and can be broken down as follows;

How many bedrooms
do you require?

First Choice	1	2	3	4	5	5+	Grand Total
Shavington	54	59	20	4	3		140

The above data indicates a need for a mix of 1, 2 and 3-bedroom dwellings for rent including that suitable for older persons. The Intermediate need is for small dwellings for 1st time buyers and those with families who cannot afford the open market.

A total of 25, one, two and three- bedroom dwellings are provided on site. The following table taken from the applicant's Affordable Housing Statement sets out the proposed affordable provision;

Name	Plot Number	No of Beds	No of Units	Size (FT ²)	Type	Tenure
Disley	69	1	1	542	Apartment	Affordable Rent
Disley	70	1	1	689	Apartment	Affordable Rent
Disley	71	1	1	509	Apartment	Affordable Rent
Disley	72	1	1	655	Apartment	Affordable Rent
Coxley	73	2	1	760	mews	Affordable Rent
Cowley	74	2	1	879	mews	Affordable Rent
Coxley	75	2	1	760	mews	Affordable Rent
Disley	76	1	1	542	Apartment	Affordable Rent
Disley	77	1	1	689	Apartment	Affordable Rent
Disley	79	1	1	542	Apartment	Affordable Rent
Disley	80	1	1	689	Apartment	Affordable Rent
Disley	5	1	1	542	Apartment	Affordable Rent
Disley	6	1	1	689	Apartment	Affordable Rent
Coxley	9	2	1	760	mews	Shared Ownership
Cowley	10	2	1	879	mews	Shared Ownership
Coxley	11	2	1	760	mews	Shared Ownership
Coxley	12	2	1	760	mews	Shared Ownership
Moxley	34	3	1	866	mews	Shared Ownership
Moxley	35	3	1	866	mews	Shared Ownership
Mowsley	36	3	1	982	mews	Shared Ownership
Moxley	37	3	1	982	mews	Shared Ownership
Disley	47	1	1	542	Apartment	Affordable Rent
Disley	48	1	1	689	Apartment	Affordable Rent
Disley	49	1	1	509	Apartment	Affordable Rent
Disley	50	1	1	655	Apartment	Affordable Rent
Total		25		17.737		

The Housing Officer is satisfied that the submitted Affordable Housing Statement and the Affordable Housing Plan are meeting the identified housing need. The development proposals provide 30% affordable housing, in the form of 25 no. dwellings of a mixed type and tenure, together with the additional financial contribution in accordance with Policy SC 5 of the Cheshire East Local Plan.

The proposed tenure split is that 68% of these units are affordable rent housing, with the remaining 32% being intermediate. Although this is at slight variance to the 65/35 tenure split set out by Policy SC5, the Housing Officer has confirmed this to be satisfactory.

In addition, it is considered that the units are adequately pepper-potted across the site. The affordable housing provision will be secured as part of the S106 agreement.

Residential Mix

Policy SC4 of the CELPS states that new residential development should maintain, provide, or contribute to a mix of housing tenures, types, and sizes to help support the creation of mixed, balanced, and inclusive communities.

The proposed development comprises:

32 x 4 bed units

19 x 3 bed units

19 x 2 bed units

14 x 1 bed units

Taken together with the affordable provision outlined above, the proposed residential mix comprising of detached, semi-detached, ground & first floor apartment units and also a pair of semi-detached bungalows. The development therefore provides a wide range of house types, ranging from 1-4-bedroom units is considered to meet the requirements of policy SC4 of the CELPS.

In terms of dwelling sizes, it is noted that HOU6 of the Site Allocations and Development Policies Document (SADPD) requires that new housing developments comply with the Nationally Described Space Standards (NDSS). As part of the SADPD Inspectors post hearing comments he accepts this requirement but states that;

‘as advised in the PPG, a transitional period should be allowed following the adoption of the SADPD, to enable developers to factor the additional cost of space standards into future land acquisitions. Given that the intention to include the NDSS in the SADPD has been known since Page 24 the Revised Publication Draft was published in September 2020, a 6-month transitional period for the introduction of NDSS, following the adoption of the SADPD, should be adequate. This should be included as an MM to criterion 3 of Policy HOU 6’

The applicant has provided the following table to show the current position in terms of the house types and NDSS compliance;

House Type	Bedrooms	Person	Storey's	SQ FT	m2	NDSS	Compliance (size only)	% over NDSS
OMV: -								
Downham	4B	7P	2	1606	149	115	Y	30%
Oakmere	4B	7P	2	1468	136	115	Y	19%
Cheltenham	4B	7P	3	1466	136	121	Y	13%
Cartmel	4B	7P	3	1466	136	121	Y	13%
Evesham	4B	6P	2	1326	123	106	Y	16%
Farndon (POD)	4B	6P	2	1243	115	106	Y	9%
Snowdon	3B	5P	3	1082	101	99	Y	2%
Eccleston	3B	5P	2	1051	98	93	Y	5%
Birkdale	3B	5P	2	1133	105	93	Y	13%
Burton	2B	3P	2	755	70	70	Y	0%
Hawarden	2B	3P	1	663	62	61	Y	1%
AFF: -								
Disley 4 - 1	1B	2P	1	509	47	50	N	-5%
Disley 4 - 2	1B	2P	1	655	61	50	Y	22%
Disley 4 - 3	1B	2P	1	542	50	50	Y	1%
Disley 4 - 4	1B	2P	1	689	64	50	Y	28%
Coxley	2B	3P	2	760	71	70	Y	1%
Cowley	2B	4P	2	876	81	79	Y	3%
Moxley	3B	4P	2	866	80	84	N	-4%
Mowsley	3B	4P	2	982	91	84	Y	9%
Disley GF	1B	2P	1	542	50	50	Y	1%
Disley FF	1B	2P	1	689	64	50	Y	28%

This shows that the vast majority of unit types across the entire development are NDSS compliant. It is however recognised that several affordable units (6 no.) fall slightly below NDSS compliance. Nevertheless given the 6-month transitional period referred to by the SADPD Inspector this is considered to represent an acceptable position.

EDUCATION

One of the site-specific principles of LPS 9 in the CELPS is “contributions to education provision”. Education contributions have already been secured in respect of Phases 1 and 2 of the triangle allocation under the S106 Agreement for the original outline approval for 360 dwellings.

However the proposed development of Phase 3 with 72 (2 bed+) is expected to generate:

- 14 - Primary children (72 x 0.19)
- 11 - Secondary children (72 x 0.15)
- 1 - SEN children (72x 0.51 x 0.023%)

The development is expected to impact on primary and 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 primary and secondary schools in the area because of agreed financial contributions.

However, the analysis undertaken has identified that a shortfall of secondary school places remains. CEC Children's Services acknowledge that this is an existing concern and the 11 secondary age children expected from this development will exacerbate the shortfall.

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. CEC Children's services advises that this is an existing concern, and the 1 child expected from development will exacerbate the shortfall.

To alleviate forecast pressures, the following contributions are required:

$11 \times £17,959 \times 0.91 = £ 179,769$ (Secondary)

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

Total education contribution: £225,269

Without a secured contribution of £225,269, Children's Services would raise an objection to this application. This position is on the grounds that the proposed development would have a detrimental impact upon local education provision as a direct cause from the development. Without mitigation, the proposal would not comply with LPS 9 in the CELPS.

HEALTHCARE

The NHS CCG's consultation response requests a financial contribution being secured to support the development of the Grosvenor, Hungerford & Rope Green (GHR) Primary Care Network, comprising of Rope Green Medical Centre, Grosvenor Medical Centre and Hungerford Road Surgery, and their ability to continue to provide the expected level of Primary Care services in Crewe.

Additional growth in patient numbers will add pressures to the GP practices, with an increase in clinical and non-clinical staff required in order to meet these future patient needs. A financial contribution is therefore sought as part of this application, which is based on a calculation consisting of occupancy x number of units in the development x £360. This is based on guidance provided to other CCG areas by NHS Property Services.

The required contribution resulting from the development has been calculated as follows;

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

Affordable Housing

1 bed unit x 14 = £7,056

2 bed unit x 7 = £5,040

3 bed unit x 4 = £4,032

Private Housing

2 bed unit x 8 = £5,760

3 bed unit x 19 = £19,152

4 bed unit x 32 = £40,320

Total: £81,360

As such the CCG requests a contribution to health infrastructure via Section 106 of £81,360. This would comply with policy LPS 9 of the CELPS.

PUBLIC OPEN SPACE

The local plan allocation (LPS 9) states that the development of this site should include, the provision of green infrastructure, to include open space provision, including children's equipped play space/multi-use games area and allotments.

In addition, Policy SE6 of the CELPS sets out the open space requirements for housing development which are (per dwelling):

- Children's play space - 20sqm
- Amenity Green Space - 20sqm
- Allotments - 5sqm
- Green Infrastructure connectivity 20sqm

Based on 84 dwellings the minimum requirements consist of green infrastructure connectivity, 5m² (755m² total) growing space/community gardens/allotment and a 40m² (3360 m² total) combined amenity green space and children's play space. The layout provides total areas of combined amenity green and children's play space of about 3,400m².

The outline application (12/3114N) relating to the allocated triangle site was approved prior to the adopted Policy SE6 standards for open space contained within CELP. However the layout of this scheme (Phase 3) largely follows the design principles and masterplan set out for the overall development of the triangle site in terms of the provision of POS and playspace, importantly significant areas of public open space and green infrastructure, including a village green, MUGA, NEAP and allotments were recently secured through Reserved Matters Approval 18/2492N for phase 2.

These proposals have however been revised to include a larger combined amenity green space and to accommodate a play area (LEAP) which will integrate into the wider open space of the Persimmon development and connect to proposed pedestrian routes. The LEAP will blend into the adjoining POS and complement play facilities to be provided within the Persimmon part of the triangle site.

The Leisure Officer has advised that LEAP should be predominately level and embrace Fields in Trust standards in terms of buffers, inclusivity and accessibility.

A condition is recommended requiring details of the design and specification of the play area to ensure the provision of an appropriate LEAP. Details of hard and soft landscaping, including the specification of planting, will be secured by a condition requiring the submission and approval of the landscape scheme for the development.

A condition is also recommended to require the submission and approval of management plan for all areas of POS and landscaping. The provision of a management company to maintain all on site open space will be secured through the S106 agreement.

Policy SC2 of the CELPS also requires major residential developments to contribute, through land assembly and / or financial contributions, to new or improved sports facilities where development will increase demand and / or there is a recognised shortage in the locality that would be exacerbated by the increase in demand arising from the development.

Outdoor Sport

In terms of outdoor sports facilities Policies SE6 and SC2 require appropriate provision of sports facilities. The proposal will increase demand on existing facilities and as such a financial contribution towards off site provision will be required. The financial contribution is required at a rate of £1,000 per family (2+bed) dwelling and £500 per 2+ bed apartment. The funds would be used in line with the Council's adopted Playing Pitch Strategy and the FA's Local Football Facilities Plan.

The Council's Leisure Officer has confirmed that the overall public open space and play provision is acceptable. Overall the proposed development will contribute to the robust network of green open spaces to be provided with the Shavington triangle development with easy access for residents. Play areas, MUGA and Allotments will be provided within the wider development and strategically located along the key pedestrian/cycle links and also accessible from informal footpaths passing through green spaces.

The proposals are therefore considered to comply with the open space requirements policy LPS 9, SE 6 and SC2 of the CELPS.

ENVIRONMENTAL SUSTAINABILITY

DESIGN, CHARACTER AND APPEARANCE

Policies SD2 and SE1 of the CELPS expect housing developments to achieve Building for Life 12 (BfL12) standard, and that development proposals consider the wider character of a place in addition to that of the site and its immediate context, to ensure that it reinforces the area in which it is located. These

principles are also reflected in the CEC Design Guide. BfL12 uses a traffic light system, with the aim of eliminating reds, whilst maximising the number of greens. The Council's Design Officer has undertaken a BfL12 assessment of the application, which is reflected in the commentary below.

1. Connections - GREEN

The layout achieves reasonable levels of connectivity throughout the scheme and to the wider Shavington triangle development. There is a departure from the outline parameters and masterplan for the triangle site, with the omission of the street link between Phase 3 to Phase 1 of the development to the west of the PRoW (FP11) .

Instead, a footpath is indicated up to the western site boundary of Phase 3. This will adjoin the footway at the end of a short section of roadway approved under 18/2492N to lead from the end of Rosemary Drive up to the western site boundary of phase 3. It is was originally envisaged that this roadway was needed to enable future vehicular access between Shavington Park and Phase 3. However, the Highway Officer has confirmed that this is no longer required and separate access arrangements serving Phases 1 & 2, the proposed retail area, and Phase 3 from Newcastle Road are satisfactory. Persimmon Homes have agreed to amend its scheme to replace this section of roadway with a footpath/cycleway to achieve a direct connection from the Anwyl site to FP11.

2. Facilities and services - GREEN

A range of open space/play space elements are provided within the wider Shavington triangle site create a centrepiece for the entire development. These areas would be well connected to housing, including that of Phase 3 by the enhanced PROW and pedestrian routes running through the site.

Local facilities in the village are reasonably accessible from the site, particularly given the new toucan crossing to be provided on Newcastle Road and also that this hybrid application will also deliver on site retail facilities within phase 3.

3. Public Transport – GREEN

The main cycle/pedestrian way through the triangle site connects Stock Lane and Newcastle Road via the upgraded PROW (FP11). This connects the spine of the site and also phase 3 through to the main public transport corridor along Newcastle Road

4. Meeting Local Housing requirements – GREEN

A range of house types are proposed including 1- bed apartments, pair of bungalows, and family houses. Housing mix and tenure plans have been provided evidencing the distribution and mixing of house and tenure types and the extent of their pepper potting.

Although there is a larger cluster of affordable housing within the North-western corner of the site (9 units), overall the scheme delivers satisfactory peppercorning of affordable housing plots throughout the development.

5. Character – BORDERLINE GREEN

The scheme includes character areas with differing detailing drawing on certain characteristics of phases 1 and 2 (and therefore local character more widely). The Design Officer has advised that amended plans have improved the character areas and associated building detailing, and particularly the Core character house types, which include chimneys to help punctuate roofscape.

key plots have been identified as focal points/vista closers, and groupings of properties have been tightened and linked. This follows a similar approach as for Persimmon phase 2 with house types and public realm helping to characterise this phase whilst ensuring there is a general coherence across the whole development. Ideally, more creative render colours could be used (and associated painting of Tudor boarding) to enhance focal elements within the scheme. This can however be secured through a materials planning condition.

The quality of the Newcastle Road frontage and buffer is important. Amended plans have ensured that this has been satisfactorily enhanced, through a more generous green frontage buildings being set back and following a more recessive building line. The buffer has been increased to west of access road and landscape proposals provided, including new native hedgerow and trees.

Landscape Management should be conditioned to a minimum of 10 years for trees/hedges in front gardens to ensure retention/continued effectiveness

Street scenes have been reviewed, and the layout amended to include fewer hipped roofs and inclusion of more gabled roofs and plots with chimneys to create more coherent and punctuated roofscape. Street materiality reflects the Design Guide and the approach of phase 2 and this is welcomed.

Ideally more could be made of SuDS to characterise the scheme, including a more naturalised pond and use of rain gardens, although the constraints of this site are recognised. Nevertheless a pond has been relocated to a more generous area within the centre of the scheme.

Whilst the retail element is in outline and submitted details are indicative, this component needs to relate positively to public realm, particularly the footpath link to the south of the site, and ensuring this is contained by active frontage/spill out space (such as for a small café use) rather than a servicing compound. A satisfactory parameters plan is needed for this part of the site to ensure:

- the buildings are of good quality and of an appropriate size/height
- positive frontages address the site frontage, public realm and create surveillance of pedestrian routes
- boundaries should be appropriately treated to add to the quality of place (eg Landscaping to the western boundary adjacent to existing dwellings and PROW)

- servicing is well designed and integrated so as not to detract from the public realm
- the scheme exploits orientation and relationship to pedestrian routes for active indoor/outdoor uses
- quality of materiality and treatment for hard areas within the site, including street furniture and lighting.

It is understood that a parameters plan is being prepared by the applicant and an update will be provided.

6. Working with the site and its context - GREEN

Levels were an issue between phase 2 (Persimmon) and adjoining properties. Importantly, cross sections and finished levels information are provided for this site in relation to plots backing onto existing properties. Levels and sections information for the eastern and southern edge of the development with adjoining existing properties of Stock Lane demonstrates an acceptable relationship will be achieved, given the relatively small changes to existing levels which are necessary. However to help ease the relationship between existing and new properties, a buffer area of native shrubs and trees within the rear gardens of new houses alongside the southern and eastern site boundaries is proposed. The detail of the buffer planting need to be finalised and secured in the long term by condition.

Whilst a pocket of land between housing and retail within Phase 3, is in separate ownership (Persimmon), this open land and existing mature oak tree can be successively incorporated as POS and constitute a positive element within the scheme.

As discussed above, the character of the Newcastle Road frontage is important feature of this phase of the development. This has however been strengthened to create a stronger, green character with buildings set further back, and reinforcing the existing hedge and trees.

7. Creating well defined streets and spaces – GREEN

The Design Officer considers the arrangement to be positive, with perimeter blocks and outward facing development, overlooking public space and onto streets. A number of corner turning house types have been included, with active secondary elevations to ensure active frontages to spaces and streets.

There is clear definition between public and private spaces with good levels of overlooking of public areas and natural surveillance being achieved

8. Easy to find your way around – GREEN

This relatively small scheme has clearly defined street hierarchy ensuring it is very legible being modest in size. A clearly defined gateway is provided from Newcastle Road pedestrian routes connect through to the wider Shavington triangle site.

The Design Officer considers that there has been a committed effort to elevate the character and quality of the scheme in key locations, which will enhance legibility within the scheme. Focal locations/points throughout the scheme are emphasised by larger buildings with specific/distinctive detailing. The square at the centre of the scheme importantly acts as an important nodal point.

9. Streets for All - GREEN

The development has a defined street hierarchy with short sections of straight streets. The Design Officer acknowledges the approach which the scheme has taken to materiality follows the principles of the design guide including the transition to more polite surfaces from the lower tier streets to shared streets. This has given a significant lift to the quality of the streets and their functioning as social spaces where street design and materiality will help to define it as an area with pedestrian priority and encourage lower traffic speeds.

10. Car parking - GREEN

The Design Officer considers that the majority of the parking is provided in ways to minimise its impact upon the street scene, and substantially employing side of property driveway solutions. In addition, frontage parking areas have been broken-up where necessary with landscaping and use of tegula blockwork to reduce their visual impact.

11. Public and private spaces GREEN

It is considered that the amended play element of Phase 3 (LEAP) is compatible with provision within the adjoining POS areas of Phase 2, as supported by Leisure Officer. Better use has been made of the smaller centrally located POS, through it accommodating a pond.

The southern route to the main POS is 3 metres wide and the Design Officer considers that ideally it could be 2m in width to enable greater greening to be provided adjacent to the side of plot 68. However, this is a main cycle/pedestrian route from the southern part of phase 3 to play facilities, village green and also the retail site. The route will also be subject to good levels of natural surveillance to deter antisocial behaviour/crime.

A small area of POS within the eastern part of site requires greater definition from the frontages of adjacent properties. This will be addressed through condition requiring details of boundary treatment and landscape details.

A management plan has been submitted with a 25-year management period for main landscaping/open space. It is recognised that landscaping to front of properties and buffer between existing and new housing on the eastern edge of the site should be subject to a 10 year maintenance condition.

A green is awarded.

12. External storage and amenity space GREEN

Bin and external storage information is provided, which identifies the location of bin collection points. There is sufficient space for bins to be stored in rear gardens or flagged paths to the side and rear of homes. Cycle storage is provided in either garden sheds located in rear gardens or in garages. The provision of cycle and bin storage will be secured through planning conditions.

Summary

There have been numerous amendments to the proposal which have addressed issues that have been raised with the applicant during the application. Significant improvements have been made to the layout and design of the scheme, resulting in most criteria achieving green in the assessment.

Notwithstanding submitted details, a condition is recommended requiring further landscape details and planting specification, particularly for the smaller areas of POS in eastern part of site to be submitted.

Overall, the design of the scheme is considered to satisfactorily reflect the principles set out in the CEC Design Guide and meets the requirements of policies SD2 and SE1 of the CELPS.

ECOLOGY

There are various ecology matters to consider. These are broken down into the following subsections and assessed accordingly. Additional survey information and clarification in respect of ecological issues has been provided during the course of the application.

Statutory Designated Sites

The proposed development is located within 1km of Wybunbury Moss which forms part of the Midland Meres and Mosses Phase 1 Ramsar and West Midlands Mosses SAC.

Natural England advises in its consultation response that the proposed development is not likely to have an adverse impact upon the features for which the site was designated.

Under the Habitat Regulations the Council has undertaken an 'Assessment of Likely Significant effects' (ALSE). The assessment concludes that the proposed development is not likely to have a significant impact upon the features for which the statutory site was designated. As a result, a more detailed Appropriate Assessment is not required.

Bats and Barn Owl

No evidence of roosting bats was recorded during the surveys of the buildings and trees on site. The Council's Ecologist therefore advises that roosting bats are not a constraint on the proposed development.

Barn owls have historically been recorded in this locality. The applicant's ecological consultant has confirmed that no evidence of barn owls was recorded during the latest surveys undertaken on site.

Great Crested Newt, Water Vole Otter and Reptiles

The Council's Ecologist advises that these species are not reasonably likely to be present or affected by the proposed development.

Common Toad

This priority species is known to occur at a number of off-site ponds. The ponds are isolated from the application site by existing and on-going development which reduces the risk of this species being present on site. The Council's Ecologist advises that the proposed development is likely to have a low level adverse impact on this species as a result of the loss of low value terrestrial habitat. The proposed pond may be beneficial for this species, but again the presence of existing and proposed development may mean that it is isolated from the offsite populations.

Badgers

An updated badger survey has been submitted. A single minor badger sett was recorded on site. To avoid the risk of any badgers being harmed during the construction phase the applicant has obtained a licence to exclude badgers from the sett and close the sett prior to the commencement of development.

As badgers can excavate new setts in a short timescale, it is recommended that a condition be attached which requires an updated badger survey to be submitted prior to the commencement of any phase of the development.

Nesting Birds

The habitats on site are likely to support a number of breeding bird species, potentially including the more widespread priority species. The application site is however unlikely to be of significant value for nesting birds. A standard condition is recommended to safeguard nesting birds.

Lighting

To avoid any adverse impacts on bats resulting from any lighting associated with the development a condition is recommended requiring that details of the external lighting scheme be submitted with regard to Bat Conservation Trust Guidance Note 08/18 (Bats and Artificial Lighting in the UK) and to be agreed with the LPA.

Hedgerows

Native hedgerows are a priority habitat and hence a material consideration. The proposed development would result in losses of some important Hedgerows (H2, H3, H7). However the Council's ecologist further advises that notwithstanding the 'Important' status of some of the hedgerows on site, the submitted biodiversity metric shows that the proposed development would result in a marginal net gain for hedgerow biodiversity.

Hedgehog

This priority species is known to occur in the broad location of the application site and so may occur on the application site on a transitory basis. The proposed development may result in the loss of suitable habitat for this species. The incorporation of features for this species can be secured through the Ecological Enhancement condition discussed below.

Biodiversity net gain

Local Plan Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity. In order to assess the impacts of the proposed development on biodiversity in the general the applicant has submitted an assessment undertaken using the Defra biodiversity offsetting 'metric' version 2 methodology.

The metric calculation shows that the proposed development would result in a net loss of biodiversity amounting to -2.98 units. In order to deliver a 10% net gain for biodiversity a total of 3.69 biodiversity units would be required.

The applicant is proposing delivery of additional Habitat Creation on land within the control of the Adlington Estate as a means of ensuring that the loss of biodiversity resulting from the development is addressed.

This approach is supported, however at present the applicant is proposing the delivery of habitat amounting to 2.98 biodiversity units, which is the number of units lost to the development. This would only deliver no net loss and not a net gain for biodiversity. The number of biodiversity units to be delivered must therefore be increased so that the development results in a net gain of biodiversity. Further to discussion with the Council's Ecologist this is being addressed by the applicant.

A S106 agreement will secure the submission of detailed proposals for the habitat creation works, their delivery and long-term management.

On-site landscaping works contribute to the scheme's delivery of biodiversity. A condition is required to ensure the proposed development proceeds in accordance with approved landscape plans.

A condition is also required to secure the submission and implementation of a 30 year landscape and habitat management plan for the on-site habitats.

Ecological enhancement

These proposals provide an opportunity to incorporate features to increase the diversity value of the final development in accordance with Local Plan Policy SE 3. A condition is recommended for the submission of an ecological enhancement strategy to include the provision of features for nesting birds including house sparrow and roosting bats, gaps in garden fences to facilitate the movement of hedgehogs and brash/deadwood piles, and wildlife pond.

Invasive non-native species

Three cornered Leek an invasive species has been recorded on site. The Councils Ecologist recommends a condition attached which requires the submission of and implementation of a method statement for the eradication of this species.

Conditions

In summary, the Council's Ecologist raises no objection to the development and the following conditions are recommended:

- Updated badger survey prior to commencement
- Safeguarding of nesting birds
- Submission of lighting scheme
- Submission and implementation of a method statement for the eradication of non-native invasive species.
- Ecological Enhancement strategy
- Implementation of landscaping .
- Submission and implementation of 30 year habitat and landscape management plan for on-site habitats

A S106 obligation is also required to secure off-site Biodiversity Net Gain works.

TREES

The Council's Tree Officer has reviewed the Arboricultural Response by Ascerta received December 2021, and the amended AIA (P.1456.21/REV C dated 21st February 2022) submitted in support of the proposals . The main issues arising from the development relate to specific trees located adjacent to the western site boundary.

Images supplied with the Arboricultural Response illustrates the presence of a shallow stream/drainage ditch to the east of tree T13. These images demonstrate that the stem base is growing above and atop of the bank. The Tree Officer considers that a trial pit investigation to confirm that the root system does not extend significantly in to the area where extensive excavation is proposed in association with the foul /surface water drainage scheme is necessary and as also proposed by Ascerta's comments. The stream also runs adjacent to group G8 and given the proposed route of the proposed rising drain within approximately 5m of these trees, it is considered that trial pit

excavations should be carried out in this area to also confirm the absence of significant roots.

Amended plans during the course of the application have repositioned the access road approximately 1.5 metres to the east resulting in a small reduction in surfacing within the RPA of T5. The relocation of the proposed drainage/manhole outside the designated Root protection Area (RPA) of the Category A tree is however welcomed. The applicants consultant has suggested that the shallow water course will provide a natural barrier to rooting into the development area, and no engineer designed surfacing is now required anywhere to the east of the tree (T5), but this has not been substantiated. The Tree Officer recommends that confirmation of the absence of rooting should be provided as suggested for T13 above, in considering the extent of proposed hard surfacing close to the Oak.

The RPA of T6 has been modified but no amendments are proposed to improve the spatial relationship of the tree. While the RPA amendment will arise in increased protection during the construction phase, the tree canopy does not significantly overhang the plot boundaries. Although of the view that ideally this high amenity roadside tree is probably worthy of greater separation from the plots, the tree officer considers this relationship is nevertheless considered to be acceptable

The retention of tree H9 within the revised scheme is a welcomed amendment to the site layout.

Overall the Tree Officer considers the site layout to be acceptable, although the proximity of the pumping station and route of the rising drain to trees within the southwestern corner of the site present concerns. However the relationship of high quality A Category tree (T12) to the pumping station is considered unlikely to arise in any significant damage with only minimal incursion proposed and no significant excavation. Tree T13 (moderate quality Cat B) and trees within group G8 (low quality Cat C) are within influencing distance of the pumping station and drainage route.

It is understood that an alternative location for the siting of the pumping station is not practicable, and given the most significant anticipated impacts are in relation to 1 moderate quality tree and a group of low quality trees, the layout is accepted subject to the submission of an updated Arboricultural Method Statement (AMS). The Tree officer advises that the AMS should take in to consideration the drainage layout and make provision for trial pit investigations to confirm the absence of significant rooting in any area where excavation/drainage or hard standing is proposed in close proximity to trees, namely (T5, T13 and all trees in G8). Should rooting be identified, an appropriate methodology which makes provision for hand digging/air spading for any trenching works in accordance with NJUG (National Joint Utilities Group - Guidelines Vol 4) and under arboricultural supervision, amended tree protection including ground protection for the duration of construction period. No dig construction techniques for any hard surfacing within RPA's should be submitted to minimise the impacts of the development on retained trees.

In addition to a condition requiring an Arboricultural Method Statement, Conditions are also recommended in respect of tree protection measures and retention of trees specified to be retained

AMENITY

Policy BE.1 of the Local Plan advises that new development should not be permitted if it is deemed to have a detrimental impact upon neighbouring amenity in terms of overlooking, visual intrusion or noise and disturbance Policy SE1 of the CELPS further states that development should ensure an appropriate level of privacy for new and existing residential properties.

The Crewe and Nantwich Supplementary Planning Document (SPD) relating to new residential development states that to maintain an adequate standard of privacy and amenity between residential properties interface distances should be achieved of 21 metres between principal elevations, and 13.5 metres between a non-principal and principal elevations. However the CEC Design Guide states that separation distances should be seen as guide rather than a hard and fast rule. The Design Guide does however acknowledge that the distance between rear facing habitable room windows should not drop below 21m. 18m front to front will also provide a good level of privacy, but if this applied too rigidly it will lead to uniformity and limit the potential to create strong street scenes and variety, and so this distance could go down as low as 12m in some cases.

The closest existing properties to the application site are those of Stock Lane and No.386 Newcastle Road adjoining the eastern and southern boundaries. In addition existing properties of Rosemary Drive which lie beyond public footpath FP11 face towards the western site boundary and proposed retail element. Properties on the northern side of Newcastle Road overlook the site frontage.

Existing properties on Stock Lane, in the main, have good sized rear gardens, ensuring that interface distances between elevations of proposed and existing properties exceed the 21 metres minimum set out in by the SPD and the Cheshire East Design Guide.

The relationship of new dwellings and existing properties of Stock Lane has further been enhanced by a planted buffer of native shrubs and trees along the site's southern and eastern boundaries. This planted buffer, in addition to existing mature trees close to the site boundary, will filter views of the site and reduce its overall visual impact from adjacent properties.

The submitted finished site levels and sections demonstrate that there is largely little change between existing and proposed levels across the site. Where levels have slightly increased, care has been taken to ensure that the proposed levels at the site boundaries with adjacent properties tie into existing levels. Furthermore, any impact and of raised levels on the amenities of adjacent properties will be satisfactorily mitigated through the separation

distances achieved between existing and proposed dwellings. As set out in the drainage section of the report below a french drain is also proposed along the eastern boundary.

Whilst two storey houses also back onto the eastern and southern boundaries, interface distances of between 23 – 44m are achieved between rear elevations of new units and existing properties, including bungalows of Stock Lane. These exceed the recommended distances stated by the SPD and CEC Design Guide. Although some 2.5 storey house types are proposed as part of the development, these are however set well away from sensitive site boundaries with existing properties of Stock Lane.

A minimum interface of about 27m will remain between proposed dwellings on the frontage of the development and elevations of existing dwellings on the northern side of Newcastle Road. An acceptable distance of about 11 - 12m will be retained between the side elevations of No. 386 Newcastle Road and Plot 19, which contains a small bathroom window. A condition is recommended to ensure this window is obscured glazed.

It is therefore considered that the amenities of the occupiers neighbouring dwellings of Newcastle Road and Stock Lane would not be detrimentally impacted in relation to loss of light, privacy, or an overbearing impact.

Turning to the relationship of the retail component of the development with existing properties of Rosemary Drive to the west. It is considered that an appropriate interface of around 20m can be achieved between built form of the retail component and the facing front elevations of properties to the west. A parameters plan is being prepared to show the broad location of built development and its height, as well as indication of servicing points, landscaping along the western boundary and parking areas.

Whilst an appropriate parameters plan is necessary to inform the content of a Reserved Matters Application for this part of the scheme, it is however considered that a relatively small retail component to meet local needs can be provided here without adversely affecting the amenities of nearby dwellings in terms of unacceptable noise or disturbance. It is commonly the case that such premises/facilities of this type are delivered as part of large developments and have similar relationships with nearby dwellings without resulting in harm to residential amenity.

However, to control the future use of these premises in accordance with Policy LPS 9 which requires the provision of “appropriate retail provision to meet Local needs”, it is recommended that a condition be imposed restricting use within Use Class E - Commercial, Business and Service to;

- Class E(a) Display or retail sale of goods, other than hot food
- Class E(b) Sale of food and drink for consumption (mostly) on the premises

At this stage as the precise hours of operation or deliveries for future occupiers are not known, conditions are recommended requiring details of these prior to the occupation of retail premises. It is also considered that a condition requiring details of external lighting to be provided as part of a Reserved Matters application to protect amenity.

In consideration of amenity for future occupiers of the proposed development, the layout adheres to, or closely adheres with, the recommended separation standards within CEC Design Guide to ensure the future occupiers of the proposed development are not detrimentally impacted in terms of loss of light, or privacy, or an overbearing impact from each other.

The Council's Environmental Protection officers have raised no objections, subject to a number of conditions to ensure the remediation of contaminated land, provision of noise mitigation measures set out in the supporting acoustic report and to address the impact on air quality including the provision of electric vehicle charging points.

A number of representations raise concerns about the impact of the development upon during the construction phase in terms of noise, as well as dust etc. Impacts during the construction phase are a temporary manifestation of the development process, and as such will be temporary in nature. A Construction Environmental Management Plan (CEMP) has been submitted for this development and includes measures to protect the amenities local residents during the construction of the development. This is considered acceptable by the Council's Environmental Health Officer. The implementation of the CEMP will be secured by condition.

NOISE

The applicant has submitted an acoustic report which considers the impact of noise on the development from nearby roads including Newcastle Road in accordance with BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings Department of Transport (1988) Calculation of Road Traffic Noise (CRTN). This is an agreed methodology for assessing noise of this nature

The report (sections 5.1 & 5.2) also recommends noise mitigation measures designed to achieve BS8233: 2014 and WHO guidelines; to ensure that future occupants of the properties are not adversely affected by transportation noise sources. The Council's Environmental Health Officer has accepted the acoustic reports methodology, conclusion, and recommendations.

A condition is recommended to ensure the development is implemented in accordance with the recommendations of the acoustic report which requires the provision of noise barriers as specified to protect the garden areas of a small number of plots, together with the specification of glazing and ventilation for dwellings as set out. The proposals accord with Policy SE12 of the CELPS as

satisfactory mitigation measures can be achieved to minimise and mitigate the effects of traffic noise.

AIR QUALITY

CELPs Policy SE12 states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality. This is in accordance with paragraph 181 of the NPPF and the Government's Air Quality Strategy.

The Council's Environmental Protection Officer has advised that the Air Quality Assessment which has been submitted alongside the application is considered to be acceptable.

Whilst the proposed scheme itself is considered to be of a comparatively small scale, 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. Nantwich has an Air Quality Management Area and, as such, the cumulative impact of developments in the town is likely to make the situation worse, unless managed.

In order to minimise the proposed development's impact on the surrounding air quality the Environmental Protection Officer recommends conditions are imposed to secure the provision of satisfactory Electric Vehicle Infrastructure within the development, the use of ultra-low emission boilers, and that prior to first occupation/use of the development, a Sustainable Travel Information Pack shall be submitted to and agreed in writing by the LPA.

HIGHWAYS

Access

The proposals include two separate access points to the site (phase 3) from Newcastle Road which includes a priority junction access to the retail area and also a priority junction access to serve the residential development.

The residential access would have a width of 5.5m and 6m radii, a 2m footpath on each side of the access is proposed. The retail access is 6m wide with 10m radii. A revised planning layout has been submitted to address original concerns raised by the Highway Officer, ensuring that proposed site access points achieve satisfactory visibility splays in accordance with the SSD required for the current speed limit (40 mph) on Newcastle Road.

The Highway Officer has raised no objections as regards the position or provision of either of the proposed access points on the grounds highway safety or unacceptable impact on existing traffic movements or access arrangements.

Development Traffic Impact

To determine the background flows on the road network a traffic survey has been undertaken in May 2021 and has identified the peak hours being 08.00 - 09.00 am and 16.30 – 17.30 pm. Traffic growth has been applied to the flows to the assessment year of 2025 and the future year is 2030 for the capacity assessments.

The trip generation has been derived from Trics data, with the originally proposed development of 85 dwellings resulting in a peak generation of 41-43 two way trips and the retail (convenience store) 89 – 114 trips. The distribution of trips on Newcastle Road has been evenly split with similar number of trips making eastbound and westbound trips to and from the site.

The Highway Officer advises that appropriate capacity assessments have been undertaken on the proposed site access priority junctions and the results indicate these junctions would operate comfortably within capacity levels. The signal-controlled junction at Newcastle Road/Stock Lane/Main Road has also been assessed in regard to the additional traffic impact arising from the development. The assessment (Linsig) demonstrates that with development traffic added there would still be reserve capacity at the junction in 2030, and as such the development would not result in undue queuing and delay at the signal junction.

Internal Layout

The internal road layout is a standard form with the main access road being 5.5m wide with 2m footways to both sides. and the minor roads being shared surface at 4.8m wide. There are standard turning heads provided at the end of the cul-de-sacs, swept paths have been provided to indicate sufficient manoeuvring has been provided. Car parking provision across the development accords with the CEC car parking standards. In addition the outline retail element has sufficient capacity to provide acceptable levels of parking provision.

The Council's Highway Officer advises that the internal layout is therefore of an acceptable standard to serve the proposed development of 84 units and up to 700 sq m of retail space .

Accessibility

It is important that developments are readily accessible to non-car modes and measures are put in place to promote sustainable trips.

The site is currently green field but does have an existing 2m footway along the majority of the site frontage, although from the eastern site boundary to the signal junction at Stock Lane there is no footway. There are also no pedestrian facilities available at this junction.

It is therefore important to provide connectivity to the site to enable residents to access local facilities/schools in Shavington. To increase the accessibility of the site the proposals have been amended to include a formal, signal-controlled pedestrian crossing on Newcastle Road positioned at the eastern

end of the site frontage . In addition, a pedestrian link is provided from the eastern side of the layout to Newcastle Road enabling direct access to the new pedestrian crossing.

A bus service is available on Newcastle Road with stops located reasonably close to the site that connects with Crewe and Nantwich, although it is recognised that the services are relatively infrequent.

Summary

In principle, the proposed development of 84 dwellings and also the provision of about 700 sq. m of retail space (convenience store etc) can be supported as would not result in capacity problems occurring on the road network as a result of the additional traffic generation from the developments.

There are separate access points proposed to the residential and commercial sites, these are of an acceptable design with acceptable standards of highway visibility provided along Newcastle Road given the existing speed limit.

The internal layout conforms with CEC design standards and is suitable for adoption and provides provide appropriate internal connectivity within the site. The level of off-street car parking for the dwellings meets CEC minimum car parking standards and indicative proposals show the retail site can also provide sufficient on site customer parking.

Improved connectivity of the site to Shavington will be achieved through a new signal-controlled crossing on Newcastle Road which will be easily accessible from the development itself. The provision of the pedestrian crossing will be secured by a planning condition and be subject to a S278 Agreement.

Other issues raised by representations concerning the existing conditions of local roads and problems of standing surface water, are matters which of highway maintenance.

The Highway Officer has raised no objection to the application, subject to conditions being imposed requiring the necessary visibility splays for each access point to be provided prior to their use, and to secure the provision of the signal-controlled pedestrian crossing on Newcastle Road.

The proposal therefore raises no significant highway safety or traffic generation issues, in accordance with policy BE.3 of the CNRLP.

FLOOD RISK/ DRAINAGE

The site is situated within Flood Zone 1, which is deemed to have a low probability of flooding. A site specific Flood Risk Assessment (FRA) supports the application and the Council's Flood Risk Officer (LLFA) considers this satisfactorily demonstrates that the proposed development would not be subject to flooding and would not increase the risk of flooding elsewhere.

Representations received from Wybunbury Parish Council and local residents raise concerns in relation to the proposed drainage system which will serve the development and of the need to ensure that surface water-flooding experienced by adjacent properties of Stock Lane, or land elsewhere, is not exacerbated.

The proposed drainage scheme will drain surface water from the development via conventional sewers and the use of a pumping station located within the south-western corner of the site. Surface water will then be discharged at the green field run-off rate into an existing watercourse (ditch). This ditch links into the approved Suds drainage system serving the wider Shavington triangle development (Phases 1 & 2). This Suds system feeds surface water into an attenuation basin from open channels prior to discharging slowly via a hydrobrake vortex flow control unit into Cheer Brook at greenfield run-off rate.

The Council's Flood Risk team acting as Lead Local Flood Authority (LLFA) has undertaken a full assessment of the proposed surface water drainage system for the development which has involved discussion with Anwyll Drainage Engineer's and United Utilities as well as the assessment of additional technical information and consideration of proposed land drainage alongside the site boundary with properties of Stock Lane.

The LLFA advises that all surface water will be managed and retained within the site boundary prior to discharging at greenfield run off rate (15.6L/S) into the ordinary watercourse, to ensure no adverse impacts to proposed or neighbouring properties.

The proposed ground levels within the southern corner of the proposed development are to remain as existing, as shown by the submitted Flood Zone Treatment Plan. The LLFA considers as the overall modelling of the FRA identified pluvial flood outlines associated to the existing ditch line, levels within this area will remain as per existing ensuring no adverse flooding to existing or proposed properties.

The LLFA has also reviewed the proposed levels of the development and submitted site sections. To reduce any potential overland flows from the proposed gardens of the new dwellings to adjoining properties, a French drain has been proposed along the eastern site boundary to manage any volumes not caught by the public sewer network. The LLFA considers the submitted details of the French drain to be acceptable.

The applicant has confirmed that the pumping station and piped elements of the drainage system will be adopted and managed by United Utilities. Therefore matters relating to the operation and performance of UU drainage assets are matters solely for United Utilities. Similarly connections of existing properties to the main sewerage system (Foul & Surface water) are matters which are the responsibility of United Utilities as the relevant Statutory Undertaker.

The LLFA recommends that condition should be imposed in respect of the outline retail element on the site requiring details its surface water drainage arrangement and its finished floor/ground levels.

In summary, the Councils Flood Risk Team (LLFA) and United Utilities have not raised objections to the proposed drainage arrangements for the site. It is considered that the drainage system is of a design which will satisfactorily address the development, without resulting in flooding as a result of surface water discharge to the Suds drainage system or of adjoining properties of Stock Lane.

The application proposals are therefore deemed to adhere with Policy SE13 of the CELPS.

ECONOMIC SUSTAINABILITY

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to the wider area including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

OTHER MATTERS

The issues raised in representation that are material planning considerations have been considered by the relevant specialist officers of the Council, and in the preceding text.

S106 HEADS OF TERMS

Further to the comments above, a s106 agreement will be required to secure:

- 30% affordable housing (including a commuted sum of £11,840)
- Off-site habitat creation
- Open space provision and management
- Education contributions of:
 - £179,769 (secondary)
 - £45,500 (SEN)
 - Total - £225,269
- Recreation and outdoor sport contribution
- Healthcare contribution of £81,360
- Contribution to community facilities in lieu of on-site provision :
 - £20,000 towards St Marks Church Project, Shavington
 - £20,000 Sally Clarkes Lane Playing Fields Project, Wybunbury
 - Total - £40,000

CIL regulations

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

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

The provision of affordable housing, off-site ecological mitigation, indoor and outdoor sport (financial) mitigation, education (financial) and healthcare (financial) mitigation and community facilities mitigation (financial – in lieu of on-site provision) are all necessary, fair and reasonable to provide a sustainable form of development, to contribute towards sustainable, inclusive and mixed communities and to comply with local and national planning policy.

The development would result in increased demand for primary school, secondary school and SEN places within the catchment area. In order to increase the capacity of the schools which would support the proposed development, a contribution towards primary, secondary and SEN school education is required based upon the number of units applied for. This is considered to be necessary and fair and reasonable in relation to the development.

All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of the development

CONCLUSION

The principle of residential development on the site has been established through its allocation within the Cheshire East Local Plan Strategy (CELPS) under Policy LPS 9 (Crewe Green). Furthermore, the proposal for 84 dwellings resulting in a total of 436 dwellings within the allocated Shavington/Wybunbury triangle site is considered to meet the definition of “around 400 new homes” as set out under LPS 9.

The proposal provides for the required amount of affordable housing with an appropriate mix of housing. The proposal achieves an appropriately designed residential development and its detailed design and layout accords with the overall principles for the development of the site and the CEC Design Guide. It achieves an acceptable relationship with the both character of the locality, without material harm to neighbouring residential amenity, and would provide sufficient amenity for the new occupants.

The proposed access arrangement for the development will not adversely affect highway safety or result in traffic management issues on the local highway network.

The proposed outline retail element is of a scale which is appropriate to meet Local needs and capable of not adversely affecting the amenities of neighbouring properties.

Appropriate public open space including a Locally Equipped Area for Play (LEAP) will be provided. Tree and hedgerow losses have been accepted and

would be mitigated in the proposed landscaping of the site and through off-site habitat creation to achieve biodiversity net gain.

The impact on Air Quality arising from the proposals and also the impact on the development from traffic noise can be satisfactorily mitigated.

The Council's Flood Risk Officer considers that the proposed drainage system will satisfactorily serve the development, without resulting in flooding as a result of surface water discharge to Cheer Brook or of adjoining properties of Stock Lane.

To satisfactorily address the impact on local services/facilities, contributions to education, healthcare provision and outdoor sport will be secured through a S106 agreement.

On this basis, the proposal is for sustainable development which would bring environmental, economic and social benefits and is therefore considered to be acceptable in the context of the relevant policies of the adopted Cheshire East Local Plan Strategy, the Borough of Crewe and Nantwich Local Plan, and advice contained within the NPPF.

RECOMMENDATION

APPROVE, Subject to conditions and the prior completion of a S106 Agreement to secure the following:

	Requirement	Triggers
Affordable Housing	30% provision to include commuted payment of £11,840 (68% Affordable Rent / 32% Intermediate)	No more than 80% open market occupied prior to affordable provision within each phase.
Biodiversity Net Gain - Off site Ecological Mitigation	Off-site habitat creation to deliver 3.69 biodiversity units.	Prior to commencement
Open Space	Management Scheme for POS and landscaped areas	Prior to occupation
Recreation & Outdoor Sports Contribution	£1,000 per family (2+bed) dwelling and £500 per 2+ bed apartment.	Prior to commencement
Education	Total - £225,269	50% Prior to first occupation

	<p>Secondary £179,769 - towards mitigation measure as local schools are forecast to be cumulatively oversubscribed</p> <p>SEN £45,500 - Due to significant shortage of SEN placements across the Borough.</p>	50% at occupation of 50 th dwelling
Healthcare	<p>Total: £81,360</p> <p>Towards local healthcare infrastructure/provision</p>	<p>50% Prior to first occupation</p> <p>50% at occupation of 50th dwelling</p>
Community Facilities Off- Site Contribution	<p>Total: £40,000</p> <p>- £20,000 towards St Marks Church Project, Shavington</p> <p>- £20,000 towards Sally Clarkes Lane Playing Fields Project, Wybunbury</p>	Prior to commencement

AND subject to the following conditions;

FULL

1. Commencement of development (3 years)
2. Development in accordance with approved plans
3. Details of materials and finishes
4. Submission of landscaping scheme
5. Implementation of landscaping scheme
6. Design detail, specification and implementation of LEAP
7. Submission of Landscape Management Plan
8. Details of Boundary treatment
9. Prior to commencement of development an Arboricultural Method Statement shall be submitted and approved .
10. Prior to the commencement of development a scheme for the protection of trees shall be submitted and approved
11. Retention of trees shown as being retained
12. Details of lighting – minimise impact on bats
13. Updated badger survey prior to commencement
14. Safeguarding of nesting birds

15. Submission and implementation of a method statement for the eradication of non-native invasive species.
16. Submission and approval off Ecological Enhancement strategy
17. Submission and approval of 30 year habitat and landscape management plan for on-site habitats
18. Provision of controlled pedestrian crossing on Newcastle Road
19. Provision of visibility splays for site access
20. Noise protection measures to be implemented
21. Provision of Electric Vehicle infrastructure
22. Provision of Ultra Low Emission Boilers
23. Sustainable Travel Information Pack shall be submitted and agreed
24. Phase 2 Contaminated Land remediation strategy to be submitted prior to commencement .
25. Contaminated land - Verification report
26. Contaminated land – soil testing
27. Measures to deal with unexpected contamination
- 28 Implementation of CEMP
29. Provision of Cycle Storage
30. Provision of Bin Stores
31. Implementation of surface water drainage scheme
32. Foul & surface water to be drained on separate systems
33. Obscure glazing to bathroom window in side elevation of Plot 19
34. Removal of permitted development rights (Part 1 Classes A-E)

OUTLINE

1. Outline Timescales
2. Outline Matters Reserved
3. Approved plans
4. Provision of visibility splays for access
5. Use Classes E (a) and E(b)
6. Details of levels to be submitted and approved
7. Implementation of a scheme of landscaping
8. Lighting scheme to be approved
9. Boundary treatment
10. Approval of operating hours prior to occupation
11. Approval of hours for deliveries prior to occupation
12. Provision of Electric Vehicle infrastructure
- 13 Provision of Ultra Low Emission Boilers
14. Phase 2 Contaminated land remediation strategy to be submitted prior to commencement
15. Contaminated land - Verification report
16. Contaminated land – soil testing
17. Measures to deal with unexpected contamination
18. Details of surface water drainage scheme to be submitted, approved and implemented
19. Provision of cycle parking
20. Details of Bin Storage
21. Updated badger survey prior to commencement
22. Safeguarding of nesting birds

23. Submission and implementation of a method statement for the eradication of non-native invasive species.

24. Submission and approval off Ecological Enhancement strategy

25. Submission and approval of 30 year habitat and landscape

In order to give proper effect to the Strategic Planning Board's intent and without changing the substance of its decision, authority is delegated to the Head of Planning 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.



