

Application No: 14/3267N
Location: Land East of Rope Lane, Shavington, Crewe, Cheshire, CW2 5BL
Proposal: Construction of up to 53 dwellings including details of access
Applicant: Wainhnomes (North West) Ltd
Expiry Date: 17-Oct-2014

SUMMARY RECOMMENDATION

REFUSE

MAIN ISSUES

Impact of the development on:-

- Principal of the Development**
- Housing Land Supply**
- Green Gap**
- Location of the Site**
- Landscape**
- Affordable Housing**
- Highway Implications**
- Amenity**
- Trees and Hedgerows**
- Design**
- Ecology**
- Public Open Space**
- Education**
- Flood Risk and Drainage**

REASON FOR REFERRAL

This application is referred to the Southern Planning Committee as it relates to a departure to the Crewe and Nantwich Borough Local Plan.

1. DESCRIPTION OF SITE AND CONTEXT

The site comprises 3.13ha of gently undulating undeveloped agricultural land located on the north western edge of Shavington. The site is described as Phase 2 of a wider development by Wain Homes. Phase 1 was granted following the appeal decisions as part of applications 11/4549N and 13/1021N. Phase 1 lies directly to the south of this site and at the time of the case officer's site visit preparatory works were underway (e.g. the erection of the tree protective fencing).

The site is defined by the A500 to the north and west. A small tree lined brook runs along the eastern boundary with the land beyond in equine and agricultural use. The site is bound by existing hedgerows, some of which contain trees. In addition, there are two hedgerows which project into the site.

Existing residential development lies to the south of the site fronting Rope Lane, Vine Tree Avenue and Northfield Place. Further west lies Shavington high school and leisure centre and Rope Green Medical Centre.

2. DETAILS OF PROPOSAL

This is an outline application for residential development of up to 53 dwellings with access to be determined at this stage.

The proposed development would be served via a single access point which would tie into Phase 1 to the south (Phase 1 is accessed via a single point of access onto Rope Lane).

The indicative plan shows that the development would mainly be located at the centre of the site with open space located to the north, east and west.

3. RELEVANT HISTORY

14/1534N - Variation of condition 1 (plans) attached to planning application 13/1021N. Land off Rope Lane, Shavington, Crewe, Cheshire CW2 5DA Development proposed for the erection of up to 80 dwellings – Approved 20th May 2014

13/2299N - Approval of details of the appearance, landscaping, layout and scale as required by condition 1 attached to the outline planning permission 11/4549N – Refused 30th May 2013

13/1021N - Approval of details of the appearance, landscaping, layout and scale as required by condition 1 of 11/4549N attached to the outline planning permission – Appeal Against Non Determination – Appeal Allowed 22nd January 2014

11/4549N - Outline Planning Permission for Erection of Up to 80 Dwellings Including Details of Access Land – Refused 21st March 2012. Appeal Lodged. Appeal Allowed 28th November 2012

4. POLICIES

National Policy

National Planning Policy Framework

Local Plan policy

NE.2 (Open countryside)

NE.5 (Nature Conservation and Habitats)

NE.9: (Protected Species)

NE.20 (Flood Prevention)

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
RES.5 (Housing in the Open Countryside)
RES.7 (Affordable Housing)
RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)
TRAN.3 (Pedestrians)
TRAN.5 (Cycling)

Other Considerations

The EC Habitats Directive 1992
Conservation of Habitats & Species Regulations 2010
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System
Interim Planning Statement Affordable Housing
Interim Planning Statement Release of Housing Land
Cheshire East Development Strategy
Cheshire East SHLAA

Cheshire East Local Plan Strategy – Submission Version

PG2 – Settlement Hierarchy
PG5 - Open Countryside
PG6 – Spatial Distribution of Development
SC4 – Residential Mix
SC5 – Affordable Homes
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE3 – Biodiversity and Geodiversity
SE5 – Trees, Hedgerows and Woodland
SE 1 - Design
SE 2 - Efficient Use of Land
SE 4 - The Landscape
SE 5 - Trees, Hedgerows and Woodland
SE 3 - Biodiversity and Geodiversity
SE 13 - Flood Risk and Water Management
SE 6 – Green Infrastructure
IN1 – Infrastructure
IN2 – Developer Contributions

5. CONSULTATIONS (External to Planning)

United Utilities: No objection providing that the following conditions are met:

- Notwithstanding any indication on the approved plans, no development approved by this permission shall commence until a scheme for the disposal of foul and surface waters for the entire site has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing sewerage systems. The development shall be completed, maintained and managed in accordance with the approved details.

- A public sewer crosses this site and UU will not permit building over it. UU will require an access strip width of eight metres, four metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for maintenance or replacement. Therefore a modification of the site layout, or a diversion of the affected public sewer at the applicant's expense, may be necessary.
- Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems.

Strategic Highways Manager: Object as no assessment of the cumulative impact of other approved development upon the local highways network.

Environment Agency: No objection. The proposed development will only meet the requirements of the National Planning Policy Framework (NPPF) if the following measures, as detailed in the Flood Risk Assessment (FRA) from Weetwood Services reference Rope Lane, Shavington (Phase 2) FRA Final Report v1.1 dated 5 June 2014, submitted with this application are implemented and secured by way of a planning condition on any planning permission.

The following conditions are required:

- The development permitted by this planning permission shall only be carried out in accordance with the approved FRA and the following mitigation measures detailed within the FRA:
 - Limiting the surface water run-off generated by the proposed development so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
 - Finished floor levels are set no lower than the relevant 1 in 100 years plus climate change fluvial flood level plus 600mm freeboard.
- Contaminated land.

Environmental Health: Conditions suggested in relation to construction management plan, hours of operation, external lighting, noise mitigation, travel plan, electrical vehicle infrastructure and dust control. An informative is suggested in relation to contaminated land.

Public Rights of Way: The Transport Assessment states that Rope Lane benefits from cycle lanes on both sides of the road at footway level, to the north of the site. However, these cycletracks do not link up with the proposed site access, as the adjacent development arrangements provide only a footway on the eastern side of Rope Lane. Efforts should be made to accommodate shared cycle/pedestrian use on these footways in order to link the proposed site access with the existing cycle facilities which offer connections towards Crewe, although available widths may limit this provision.

Further improved access to and from the site for cyclists would be the design of the western access footpath to accommodate both pedestrians and cyclists. This proposed route connects to the existing shared use pedestrian/cycleway alongside Rope Lane.

The legal status, specification and maintenance of the proposed paths within the public open space of the site would need the agreement of the Council as Highway Authority and the developer would be expected to include the future maintenance of any such routes within the arrangements for the management of the public open space.

The developer should be tasked to provide new residents with information about local walking and cycling routes for both leisure and travel purposes. Of particular reference, local aspirations logged under the Council's statutory Rights of Way Improvement Plan include the aim to produce information on walks in the parish (ROWIP Ref. W78) and to provide destination signage on all footpaths in the parish (ROWIP Ref. W79). The developer should be tasked to contribute towards these aims.

Natural England: This application is in close proximity to the Wybunbury Moss Site of Special Scientific Interest (SSSI). This SSSI forms part of the West Midlands Mosses SAC and Midland Meres & Mosses – Phase 1 Ramsar. Natural England advises that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which West Midlands Mosses SAC and Midland Meres & Mosses – Phase 1 Ramsar have been classified.

Refer to Natural England standing advice in relation to protected species.

Public Open Space: The proposal should provide an equipped children's play area. The equipped play area needs to cater for younger children - 5 pieces of equipment. A ground-flush roundabout would be desirable, as these cater for less able-bodied children. All equipment needs to be predominantly of metal construction, as opposed to wood and plastic.

All equipment must have wetpour safer surfacing underneath it, to comply with the critical fall height of the equipment. The surfacing between the wetpour needs to be bitmac, with some ground graphics. The play area needs to be surrounded with 16mm diameter bowtop railings, 1.4m high hot dip galvanised, and polyester powder coated in green. Two self-closing pedestrian access gates need to be provided (these need to be a different colour to the railings). A double-leaf vehicular access gate also needs to be provided with lockable drop-bolts. Bins, bicycle parking and appropriate signage should also be provided.

Education: Cheshire East has undertaken some expansion works at a number of schools in the area due to a shortage of places. This has in turn created some surplus capacity and therefore no contribution is required.

6. VIEWS OF THE PARISH COUNCIL

Rope Parish Council: Rope Parish Council objects to this application for the following reasons:

- The proposed site is within the green gap contrary to policy NE4. In the decision notice for the houses now being built, (Appeal Ref APP/R0660/A/12/2173294, Land at Rope Lane, Shavington, Crewe, Cheshire), the Inspector made the following statement:
'The appeal site lies within an indentation in the northern boundary of the settlement formed by a spur of residential development on Burlea Drive that extends up to the bridge on Rope Lane over the A500 and residential development at Northfield Place. Thus, in views from Rope Lane and the public footpath that runs from Rope Lane to Vine Tree Avenue whilst there would be a localised loss of openness, the development would not, overall, result in Shavington coming closer to Crewe or increase the visibility of the built-up edge of Crewe. In the above context, the development would not materially reduce the physical or perceived separation of Shavington and Crewe.'
- The addition of these houses would change this and visibly reduce the green gap.
- The proposed site is open countryside contrary to policy NE2.

- The site is marked in the submitted local plan as 'Proposed Green Belt Broad Area of Search'.
- The proposed development will add more traffic to Rope Lane which is already congested at peak times. If it is to be approved then the developers should be required to contribute to the cost of the pedestrian crossing near the end of Bankfield Avenue to help students at Shavington High School cross the road. This project has been delayed due to lack of funding.

Shavington Parish Council: The Parish Council objects to the Wain Homes phase 2 planning application to construct a further 53 dwellings on land off Rope Lane Shavington. When the original application for 80 dwellings was made the Council made a detailed and robust argument against the intrusion into open countryside and the erosion of the green gap. This was supported by a large number of resident objections. This latest application for 'Phase 2' draws an equal strength of objection.

'Phase 2' is an extension of the existing development and on an adjacent site, and the Parish Council's objections are no different in respect of site specifics than for the original application. Whilst it appreciates that the local plan process has moved on significantly since the first application was made, the principal objections to this new application are the same as for the first application.

The Parish Council objection concludes as follows:

- The application site is clearly outside and beyond the current well defined local plan settlement boundaries of Crewe and Shavington.
- The proposed development is in conflict with the Countryside Protection policies NE2 Open Countryside and NE4 Green Gaps of the CNRLP.
- The development of this site will result in a significant change to, and have a major impact on, the character of the landscape within the Green Gap. It will certainly reduce both the extent of and erode the integrity of this open buffer between Crewe and Shavington and if granted permission will increase the pressure for development on sites within the Green Gap, a large number of which have been identified in the SHLAA. It will undermine the important role of the Gap.
- The site's release for development will make it more difficult to retain the essential separateness, identity and individuality which characterises the village of Shavington and which the local residents and the Parish Council have striven vigorously to protect.
- The IPP is in place and has been adopted by Cheshire East for Development Management purposes. This specifically excludes Shavington from its consideration and the requirement to provide sites to meet a 5 year housing supply. The Council has made no decision to review this document or widen the criteria for or location of sites which may be acceptable to meet the housing supply.
- The release of this site for housing will undermine the credibility of the LDF process and it is premature pending the any decision to review the extent of the Green Gaps in Cheshire East and to confirm the principal locations for new development through the LDF process.
- Granting planning permission would deny the local community the opportunity of determining its preferred choice of housing sites.
- Whilst it is conceded that there is not a 5 year supply of housing land available in Cheshire East, the extent of the undersupply is a matter of some conjecture between the Council and promoters of proposed housing sites. Nevertheless it is not considered that this is so significant a factor to outweigh the harm to other planning considerations.

7. OTHER REPRESENTATIONS

Letters of objection have been received from 14 local households raising the following points:

Principal of development

- Shavington is being bombarded by applications
- Erosion of the Green Gap
- The original scheme included a country park and children's play area which would be lost
- The first phase was allowed against the wishes of local residents
- Loss of the village feel of Shavington
- Loss of green land
- Cumulative impact of this and other approved developments
- The development does not accord with the Local Plan
- Phase 1 was a Trojan Horse to obtain planning permission on the whole site
- The arguments put forward by the Council at the appeal on Phase 1 still apply
- Loss of the country park
- There are no details of build rates or anticipated completions. This is needed to ensure that the development assists the 5 year supply
- Shavington is losing its identity
- Brownfield sites should be developed first
- Large number of houses up for sale in Shavington
- Loss of agricultural land
- The development will result in urban sprawl

Highways

- Local roads cannot cope with this increased population
- Rope Lane is too narrow
- Vehicles speed along Rope Lane up to 70mph
- Increased traffic generation
- Rope Lane already suffers from traffic congestion

Design issues

- The density of the development is too high
- Over development of the site

Infrastructure

- Drainage infrastructure problems exist in the area
- The site floods
- Increased flooding
- Lack of facilities in Shavington
- Local infrastructure cannot cope with additional housing
- Local schools are at capacity
- The Doctors Surgery is at capacity

Amenity Issues

- Noise pollution from the A500
- Residents will be blighted during the construction phase of the development
- Loss of privacy

The full content of the objections is available to view on the Councils Website.

8. APPLICANT'S SUPPORTING INFORMATION

To support this application the application includes the following documents:

- Design and Access Statement (Produced by Emery)
- Air Quality Assessment (Produced by Stopford)
- Transport Statement (Produced by White Young Green)
- Flood Risk Assessment (produced by Weetwood)
- Ecology Survey and Assessment (Produced by Erap)
- Noise Assessment (Produced by Martec Environmental Consultants Ltd)

These documents are available to view on the application file.

9. OFFICER APPRAISAL

Main Issues

The main issues in the consideration of this application are the suitability of the site, for residential development having regard to matters of planning policy and housing land supply, affordable housing, highway safety and traffic generation, contaminated land, air quality, noise impact, landscape impact, hedge and tree matters, design, ecology, amenity, open space, drainage and flooding, sustainability and education.

Principle of Development

The site lies largely in the Open Countryside as designated in the Borough of Crewe and Nantwich Replacement Local Plan 2011, where policies NE.2 and RES.5 state that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Residential development will be restricted to agricultural workers dwellings, affordable housing and limited infilling within built up frontages.

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

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

The National Planning Policy Framework (NPPF) confirms at paragraph 47 the requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

"identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities

should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”.

The NPPF clearly states at paragraph 49 that:

“housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means:

“where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
- specific policies in the Framework indicate development should be restricted.”*

Since the publication of the Housing Position Statement in February 2014 there have now been 5 principal appeal decisions (as of 1st August) which address housing land supply.

Each have concluded that the Council cannot demonstrate a five year supply of housing land, albeit for different reasons. Matters such as the housing requirement, the buffer and windfalls have all prompted varying conclusions to be made.

This demonstrates that there is not a consistent approach to housing land supply. The Planning Minister in a letter dated 14 July, noted that “differing conclusions” had been reached on the issue and requested that the Inspector in the Gresty Road appeal (Inquiry commenced 22 July) pay “especial attention” to all the evidence and provide his “considered view” on the matter.

The Planning Minister clearly does not consider the housing land supply position to be settled – and neither do the Council.

Given that some Inspectors are opting to follow the emerging Local Plan, the Council considers it essential that the correct and up to date figures be used. These are 1180 homes pa for “objectively assessed need” – and a housing requirement of 1200 homes pa, rising to 1300 homes pa after 2015. In future, calculations will be made on this basis.

Following the Planning Minister’s letter and in the absence of a consistent and definitive view, the Council will continue to present a housing land supply case based on the most up to date information. On this basis it is considered a 5 year supply is capable of being demonstrated. This position is supplemented with the knowledge that the Council continues to boost its housing land supply position by supporting planned developments and utilising brownfield land wherever possible.

Open Countryside Policy

Countryside policies in existing local plans can be considered as consistent with NPPF and are not housing land supply policies in so far as their primary purpose is to protect the intrinsic value of the countryside in accordance with paragraph 17 of the NPPF– and thus are not of date, even if a 5 year supply is not in evidence. However, it is acknowledged that where the Council cannot demonstrate a 5 year supply, they may be out of date in terms of their geographical extent, in that the effect of such policies is to restrict the supply of housing. They accordingly need to be played into the planning balance when decisions are made. Where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply.

Therefore, the proposal remains contrary to Open Countryside policy regardless of the 5 year housing land supply position in evidence at any particular time and a judgement must be made as to the value of the particular area of countryside in question and whether, in the event that a 5 year supply cannot be demonstrated, it is an area where the settlement boundary should be “flexed” in order to accommodate additional housing growth.

Green Gap

Policy NE.4 of the Local Plan states that *“approval will not be given for the construction of new buildings or the change of use of existing buildings or land which would either:*

- *result in erosion of the physical gaps between built up areas or;*
- *adversely affect the visual character of the landscape.*

Exceptions to this policy will only be considered where it can be demonstrated that no suitable alternative location is available”

A development of the scale proposed will clearly erode the physical gap between Shavington and Crewe. It is impossible to see how building 53 houses on an open site could do anything other.

At paragraph 14.2.5 of the Local Plan First Review Inspectors report it states that *“moving to the point of looking at the extent of the Green Gap land I believe that, in general, the Council is right to avoid the trap of looking in detail at the edges of the built-up areas. It would be too easy to allow those edges to be nibbled away, eroding the extent of the gaps, and through a cumulative process eventually negating their purpose”.*

It is acknowledged that the gap between Shavington and Crewe is substantial. The dwellings to the south of the site (including Phase 1) represent a line of development with the application site projecting into the gap, with views between properties. This is consistent with the appeal decision as part of Phase 1 where the Inspector finds that:

‘The appeal site lies within an indentation in the northern boundary of the settlement formed by a spur of residential development on Burlea Drive that extends up to the bridge on Rope Lane over the A500 and residential development at Northfield Place. Thus, in views from Rope Lane and the public footpath that runs from Rope Lane to Vine Tree Avenue whilst there would be a localised loss of openness, the development would not, overall, result in Shavington coming closer to Crewe or increase the visibility of the built-up edge of Crewe. In the above context, the development would not materially reduce the physical or perceived separation of Shavington and Crewe’

Furthermore, it is the fact that the edge of the built development steps in and out, which helps to create the perception of width to the gap in the areas where it is narrowest. To reduce the gap to its common denominator and to form a wall of development, along that line, would undoubtedly reduce its effectiveness. Had this been an acceptable or reasonable proposition, the boundaries of the gap could have been drawn in this way.

Other land within the Green Gap is also under pressure from development, just as it was at the time of previous Local Plan Inspectors report. An Appeal against non-determination of a scheme for 880 dwellings at land between Crewe Road, Rope Lane, Gresty Lane and the A500 is under consideration by the Inspectorate at the moment, along with a site at Church Lane, Wistaton. Planning consent was granted on appeal for the land off Rope Lane and recently at Moorfields whilst an Inquiry into refusal of planning permission for a proposed development at Weston Lane is part heard. The cumulative effect of these proposals, coupled with the Appeal scheme would be to gradually eradicate the Green Gap with piecemeal development proposals.

The position is simply that this land is protected against all development which would erode the gap. 53 dwellings would erode the gap and therefore the proposed development is not in accordance with the development plan.

Location of the site

To aid this assessment, there is a toolkit which was developed by the former North West Development Agency. With respect to accessibility, the toolkit advises on the desired distances to local amenities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

The accessibility of the site shows that following facilities meet the minimum standard:

- Post office (1000m) – 480m
- Post Box (500m) – 480m
- Public House (1000m) – 320m
- Cash Point (1000m) – 595m
- Primary School (1000m) – 804m
- Local meeting place (1000m) – 643m
- Convenience Store (500m) – 480m
- Bus Stop (500m) – 320m
- Public Right of Way (500m) – 100m
- Secondary School (1000m) – 320m
- Medical Centre (1000m) - 700m
- Pharmacy (1000m) – 700m
- Children’s Play Space (500m) – Provided on site
- Leisure Centre (1000m) – 320m
- Outdoor Sports Facility (500m) – 320m
- Child Care Facility (nursery or crèche) (1000m) - 500m
- Amenity Open Space (500m) – Provided on site

The following amenities/facilities fail the standard:

- Supermarket (1000m) – 4000m

In summary, the site does not comply with all of the standards advised by the NWDA toolkit. However, as stated previously, these are guidelines and are not part of the development plan. Owing to its position on the edge of Shavington, there are some amenities that are not within the ideal standards set within the toolkit and will not be as close to the development as existing dwellings which are more centrally positioned. Nevertheless, this is not untypical for a sustainable village (Shavington is classed as a local service centre in the Cheshire East Local Plan Policy Principles document) and will be the same distances for the residential development on Newcastle Road from the application site. However, all of the services and amenities listed are accommodated within Shavington, Nantwich or Crewe and are accessible to the proposed development via a short bus journey. Accordingly, it is considered that this small scale site is a sustainable site.

Landscape

The application site is roughly triangular and extends over two agricultural fields. The north western boundary is bound by the A500, the north eastern boundary by Swill Brook beyond which is a number of agricultural fields. The area directly to the south of the application site was granted permission for 80 houses at appeal, and is referred to in the application documents as Phase 1.

As part of the application a Landscape and Visual Appraisal has been submitted with reference to and using aspects of the guidance found within 'Guidelines for landscape and Visual Impact Assessment' 3rd Edition, this correctly identifies the baseline landscape of the application site and surrounding area, it also identifies a number of visual receptors in the surrounding area including the existing developments along Vinetree Avenue and Northfield Place to the south east. The Landscape Appraisal also identifies the National Landscape Character Area and the Cheshire Landscape Character Assessment, which identifies that the application site is located with the Lower farms and Woods character Type, and specifically within the LFW7 Barthomley Character Area.

The appraisal identifies that the value of the key existing landscape features is considered to be high and that the sensitivity of the landscape is also high and offers as assessment of effect on landscape features that is minor beneficial, and assessment of significance of landscape effect on the landscape character as minor adverse, for year 1.

The appraisal identifies that the proposed development will result in changes to views for a number of receptors, including those along Vinetree Avenue and Northfield Place and Chestnut Avenue as well as some road users and offers an overall anticipated significance of visual effect of minor adverse/negligible for year 1.

The Councils Landscape Architect considers that both the landscape and visual significance of effect will be greater than identified in the submitted appraisal, although not substantially so. The application site is located within the area designated as Green Gap under Policy NE.4 in the Crewe and Nantwich Replacement Local Plan 2011, this policy specifically states that approval will not be given for construction of new buildings or the change of use of existing buildings or land would:

- Result in erosion of the physical gaps between built up areas: or
- Adversely affect the visual character of the landscape.

Since the Landscape and Visual Appraisal indicates that there will be both a landscape and visual significance of effect, the proposals appear to be contrary to policy NE.4.

Affordable Housing

This proposal is for 53 dwellings on a site that crosses the boundary of Rope and Shavington parishes. Shavington is a settlement which has a population exceeding 3,000. Rope is part of Crewe sub-areas for the purposes of the Strategic Housing Market Assessment Update 2013 (SHMA) and as such has a population exceeding 3,000.

The Interim Planning Statement: Affordable Housing (IPS) states that in areas with a population exceeding 3,000 the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 15 dwellings or more or than 0.4 hectare in size. It goes on to state that this will normally be 30% which is in line with the Strategic Housing Market Assessment 2010, with a tenure split of 65% social rent (affordable rent would be acceptable on this site) and 35% intermediate housing.

The SHMA Update 2013 identified a requirement for 270 new affordable homes between 2013/14 – 2017/18 in the Wybunbury & Shavington sub-area, which is made up of a requirement for 8 x 1 bed, 20 x 2 bed, 7 x 3 bed, 12 x 4+ bed and 1 x 1 bed older persons dwelling & 7 x 2+ older persons dwellings. The Crewe sub-area shows a need for 50 x 1 beds, 149 x 3 beds, 37 x 4+ beds and 12 x 1 bed & 20 x 2 bed older persons accommodation. (The SHMA shows an oversupply of 2 bed general needs accommodation in Crewe).

There are currently 50 applicants on the housing register with Cheshire Homechoice (which is the choice based lettings system for allocating social & affordable rented housing in Cheshire East) who have selected Shavington as their first choice, these applicants require 19 x 1 bed, 13 x 2 bed, 16 x 3 bed and 2 x 4 bed.

Rope does not have any identified need on Cheshire Homechoice as there is no social or affordable rented stock in the parish. Neighbouring areas of Wistaston, Willaston, Shavington and Crewe all show high numbers of applicants.

There is an affordable housing requirement of 30% of the total dwellings with 65% provided as affordable or social rented dwellings and 35% as intermediate tenure dwellings. The affordable housing requirement equates to 16 affordable dwellings of which 10 should be rented and 6 should be intermediate.

The Design, Access and Planning Statement states that the 16 affordable homes will all be houses. In this case the Strategic Housing Manager would welcome a discussion at reserved matters stage if this application is approved on other property types and sizes as the SHMA Update shows a broad range of housing need. Also, the Cheshire Homechoice information confirms that 1 bed units are in demand due to Welfare Reform changes to Housing Benefit regulations.

Highways Implications

Access

There is a planning approval for 80 units adjacent to this site and this proposal is effectively a further phase of development. The site access approved with access onto Rope Lane is to be used as access to this development and the proposed design that has already been accepted and is of a sufficient standard to serve a total development of 133 units.

Traffic Generation

The applicant has submitted a Transport Statement in respect of a further development of 53 units without any highway capacity assessments in the assumption that as a development of 130 units was previously tested on the highway network then no further assessment is necessary.

The previous application was submitted in 2011 and since that submission there have been numerous planning applications approved in Shavington. There is also a major development proposal of 880 units at the Gresty Oaks site that is located adjacent to this proposal and is currently at appeal, this application has significant effects on the road network in the vicinity of the site. It is the Strategic Highways Managers view that there is a material difference in the operation of the local highway network in the vicinity of the site when all these developments are included and there needs to be an assessment made of cumulative traffic impact on the already congested junctions.

It was clearly intended that further development would come forward on the site and that 130 units were previously assessed in the original application. However, there has been no recognition in the Transport Statement of the committed development that has occurred in the local area of Shavington since the previous application was submitted. Therefore, it is important that the Council understands the impact of the development proposals and given the information submitted the Strategic Highways Manager is not in a position to provide a positive recommendation on the application at present. This issue will form a reason for refusal.

Amenity

In terms of the surrounding residential properties, the existing properties affected are those to the opposite side of Phase 1. The indicative layout shows the proposed development can achieve adequate separation distances to the dwellings on Phase 1 and between dwellings on Phase 2.

Noise

In support of this application the applicant has submitted a scheme of acoustic insulation with the application. The report recommends mitigation designed to ensure that occupants of the development are not adversely affected by road traffic noise from the adjacent A500. The mitigation recommended in the report based on the indicative layout is that:

- For Plots 14 to 27 inclusive Living rooms on the front facades should be provided with upgraded thermal glazing of the form 10mm glass, 12mm air gap, 6 mm glass and Passivent TVALdB 450 Window Frame Vents of similar and approved.
- The rear gardens of Plots 14 to 28 inclusive should be protected by a 2.5 m high acoustic grade fence.

The Environmental Health Officer has considered this report and stated that the mitigation is acceptable and should be implemented prior to the first occupation of the development.

Air Quality

An air quality assessment has been submitted with this application and has considered the local impacts of the proposed development by using the DMRB screening method as agreed. No local verification of the model was possible due to the lack of monitoring locations near the site and it is not agreed that the modelled speed input used for the traffic on the A500 is considered a conservative estimate. In addition there is no consideration of the likely wider air quality impacts and, in particular, those in Crewe and the Nantwich Road Air Quality Management Area (AQMA) where verification would have been possible. Given that the predicted margin of compliance with the national air quality limit values in the locality and the likely small impact in the AQMAs the supporting AIR quality Assessment is considered to be acceptable.

Whilst this scheme itself is of a relatively small scale, and as such would not require a detailed air quality impact assessment, there is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality.

The cumulative impact of a number of developments in the area around Crewe and the AQMAs (regardless of their individual scale) has the potential to significantly increase traffic emissions and as such adversely affect local air quality for existing residents by virtue of additional road traffic emissions.

The transport assessment submitted with the scheme makes reference to the accessibility of public transport, walking and cycling routes. The accessibility of low or zero emission transport options has the potential to mitigate the impacts of transport related emissions. However the Environmental Health Officer feels it appropriate to ensure that uptake of these options is maximised through the development and implementation of a suitable travel plan.

In addition, modern Ultra Low Emission Vehicle technology (such as all electric vehicles) are expected to increase in use over the coming years (the Government expects most new vehicles in the UK will be ultra low emission). As such it is considered appropriate to create infrastructure to allow home charging of electric vehicles in new, modern properties.

The Environmental Health Officer has raised no objections to the development on air quality grounds subject to the use of conditions.

Contaminated Land

The Environmental Health Officer has requested an informative in relation to land contamination.

Trees and Hedgerows

Trees

There are trees and hedgerows present on the application site. In this case the submission provides no detailed arboricultural information. On this basis the submission fails to meet

validation requirements or follow the guidance contained within BS 5837:2012 Trees in relation to design, demolition and construction.

However in this case the indicative layout shows that all of the existing trees would be retained. It is also considered that the site has the capacity to accommodate the number of dwellings proposed. Further arboricultural information would be required at the Reserved Matters stage.

Hedgerows

Where proposed development is likely to result in the loss of existing agricultural hedgerows which are more than 30 years old, it is considered that they should be assessed against the criteria in the Hedgerow Regulations 1997 in order to ascertain if they qualify as 'Important'. Should any hedgerows be found to be 'Important' under any of the criteria in the Regulations, this would be a significant material consideration in the determination of the application. Hedgerows are also a habitat subject of a Biodiversity Action Plan. The Regulations require assessment on various criteria including ecological and historic value.

The indicative plans suggest some sections of hedgerow would be removed to allow access. The Ecological Survey and Assessment contains an evaluation of hedgerows under the ecological criteria in the Hedgerow Regulations 1997. The survey concludes none of the hedgerows qualify as important under the ecological criteria. However there is no assessment of the hedgerows under the historic or landscape criteria. This lack of this information will form a reason for refusal.

Design

The importance of securing high quality design is specified within the NPPF and paragraph 61 states that:

“Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”

In this case the density of the site at 16.9 dwellings per hectare is appropriate and is consistent with that of the surrounding area of Shavington.

The application is in outline form and the indicative layout shows that the development would be designed with the majority of the dwellings fronting the POS (Although there could be some improvements to the layout). There is no reason to dispute that an acceptable design and layout could not be negotiated at the Reserved Matters stage.

It is considered that the development would comply with Policy BE.2 (Design Standards) and the NPPF.

Ecology

Wybunbury Moss SSSI, Ramsar (midland Meres and Mosses Phase 1), National Nature Reserve, Special Area of Conservation

The proposed development is located approximately 1.9km from Wybunbury Moss which holds a number of statutory designations for its nature Conservation value.

In this case Natural England advises that the proposed development is not likely to have an adverse impact upon the features for which the site was designated and they advise that an Appropriate Assessment under the Habitat Regulations is not required.

Under regulation 61 of the Habitat Regulations the Council is required to undertake an 'Assessment of Likely Significant effects'. This assessment has been undertaken and concludes that the proposed development is not likely to have a significant impact upon the features for which the statutory site was designated , either alone or in combination with other plans or projects, on the Midland Meres and Mosses (phase one) Ramsar or West Midlands Mosses Special Area of Conservation (SAC).

Other Protected Species

A number of disused setts have been recorded on and adjacent to the site. The submitted indicative layout plan shows appropriate buffer zones being provided between the setts and the proposed residential properties.

The Councils Ecologist advises that based upon the current status of the identified setts the proposed development is unlikely to have an adverse impact upon other protected species. However, as the status of this species can change within a short period of time it is recommended that if outline planning consent is granted a condition should be attached requiring any future reserved matters application to be supported by an updated survey and assessment.

Bats

No trees on site have been identified as having high potential to support roosting bats. A number of trees have been identified as having lower levels of potential to support bats. These trees appear to be retained as part of the proposed development.

The Councils Ecologist advises that based on the submitted indicative layout the proposed development is unlikely to have a significant adverse impact upon roosting bats. However, if planning consent is granted a condition is required to ensure any lighting scheme developed for the site as part of the detailed design stage for the site is agreed with the LPA prior to the commencement of development.

Swill Brook

Swill Brook runs along the eastern boundary of the site. The Councils Ecologist advises that if planning consent is granted a condition should be attached requiring the provision of an undeveloped buffer of 8m adjacent to Swill Brook. The buffer should be measured from the top of the bank of the brook.

To avoid any adverse impacts on the retained Swill Brook corridor it should be ensured at the detailed design stage that the proposed properties should face rather than back onto the brook corridor.

Great Crested Newts

The Councils Ecologist advises that this species is unlikely to be present or affected by the proposed development.

Hedgerows

Hedgerows are a UK and Local BAP priority habitat and a material consideration. There is likely to be loss of a number of sections of hedgerow to facilitate site access roads. There are however opportunities for suitable replacement hedgerows to be provided as part of the layout of the scheme. The Councils Ecologist recommends the provision of suitable replacement hedgerows at the detailed design stage be secured through an appropriate landscaping scheme.

Breeding Birds

The application site is likely to support a number of species of breeding birds including the more widespread priority species which are a material consideration for planning. If planning consent is granted the Councils Ecologist recommends the use of conditions to safeguard breeding birds.

Public Open Space

Policy RT.3 states that, where a development exceeds 20 dwellings, the Local Planning Authority will seek POS on site. The Policy does also state that where sufficient recreational open space is already available in close proximity, the LPA may require the developer to enhance that Open Space instead.

The approved plans for the reserved matters application to the south of the site identify that part of the current application site would be developed as a countryside park including a play area. The development as part of this application would result in the loss of the countryside park and play area in the approved position.

The POS and play area would be pushed further north towards the boundary with the A500 as identified on the indicative layout.

In terms of open space and in accordance with Policy RT.3 the proposed development together with phase 1 would result in a requirement of 4,620sq.m of POS. In this case the development would provide 12,500sq.m and would comply with Policy RT.3.

In terms of children's play space there would be provision on the application site and the Councils POS Officer has requested a LEAP with 5 pieces of equipment. This would be secured as part of a S106 Agreement.

A scheme of management for the POS and LEAP would be secured as part of a S106 Agreement.

Education

In this case the Education Department have commenced works at a number of schools within the catchment of this site which will create surplus spaces. As a result the local schools have capacity to serve this proposed development.

Flood Risk and Drainage

Part of the application site is located within Flood Zones 2 and 3 along the boundary with Swill Brook with the majority of the site located within Flood Zone 1. In support of this application a Flood Risk Assessment has been undertaken which recommends that:

- No development within the 1 in 100 year flood outline
- Finished floor levels to be set at a minimum of 600 mm above the adjacent 1 in 100 year plus climate change modelled water level or 0.15 m above adjacent ground levels, whichever is the greater
- No land raising within the 1 in 100 year plus climate change flood outline
- The detailed drainage design, developed in accordance with the principles set down in this FRA, should be submitted to and approved by the local planning authority prior to the commencement of development

This has been considered by the Environment Agency who have confirmed that they have no objection to the development providing that it is developed in accordance with the submitted FRA.

LEVY (CIL) REGULATIONS

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

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

As explained within the main report, POS and children's play space is a requirement of the Interim Planning Policy and Local Plan Policy RT.3. A scheme of management is required and is directly related to the development and is fair and reasonable.

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

10. CONCLUSIONS

The site is within the Open Countryside where under Policy NE.2 there is a presumption against new residential development. The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development. However, the Council can now demonstrate a five year housing land supply.

The development would result in the erosion of the physical gaps between Crewe and Shavington and adversely affect the visual character of the landscape contrary to Policy NE.4.

In terms of the highways impact of this development there has been no cumulative assessment with the committed developments in Shavington upon the highway network.

The development would provide adequate affordable housing, Public Open Space and a LEAP on site.

There is not considered to be a significant tree impact, but there is insufficient information in relation to the hedgerows on the site.

In terms of Ecology there would be no ecological issues associated with this application.

In terms of the flood risk/drainage implications the development is considered to be acceptable.

The education impact could be accommodated within local schools without the need for a contribution.

The proposal is considered to be acceptable in terms of its impact upon residential amenity and design it therefore complies with the relevant local plan policy requirements for residential environments.

Whilst the site does not meet all the minimum distances to local amenities and facilities advised in the North West Sustainability toolkit, there is not a significant failure to meet these and all such facilities are accessible to the site. The development is therefore deemed to be locationally sustainable.

11. RECOMMENDATIONS

REFUSE for the following reasons:

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies NE.2 (Open Countryside) and RES.5 (Housing in Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan, Policy PG 5 of the Cheshire East Local Plan Strategy – Submission Version and the principles of the National Planning Policy Framework and create harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework. As such the application is also contrary to the emerging Development Strategy. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.**
- 2. In the opinion of the Local Planning Authority, the proposed development would cause a significant erosion of the Green Gap between the built up areas of Shavington and Crewe and would adversely affect the visual character of the landscape which would significantly and demonstrably outweigh the benefits of the scheme notwithstanding a shortfall in housing land supply. The development is therefore contrary to Policy NE4 (Green Gaps) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within the NPPF.**

3. Insufficient information has been submitted with the application to determine if the proposal would involve the removal of an “important” hedgerow as defined in the Hedgerow Regulations 1997. As the Local Planning Authority can demonstrate a 5 year supply of housing land there are overriding reasons for allowing the development. Therefore the scheme is contrary to Policy NE.5 OF THE Borough of Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within the NPPF.
4. Insufficient information has been submitted to demonstrate that this development together with other committed development in Shavington would not have a severe impact upon the local highway network. As a result the proposed development would be contrary to Policy BE.3 (Access and Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the NPPF.

In order to give proper effect to the Board's/Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Strategic & Economic Planning, in consultation with the Chair (or in her absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

Should this application be the subject of an appeal, authority be delegated to the Principal Planning Manager in consultation with the Chair of the Southern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

S106 Heads of Terms:

1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:
 - The numbers, type, tenure and location on the site of the affordable housing provision
 - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
 - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
 - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
2. Provision of POS and a LEAP with 5 pieces of equipment and a scheme of management.

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