

# Strategic Planning Board

## Update 2

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**Date:** Wednesday, 30th January, 2013  
**Time:** 10.30 am  
**Venue:** Council Chamber, Municipal Buildings, Earle Street, Crewe  
CW1 2BJ

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The information on the following pages was received following publication of the committee agenda.

**Update 2 In Relation To Application 12/3114N (Pages 1 - 18)**

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Please contact Sarah Baxter on 01270 686462  
E-Mail: [sarah.baxter@cheshireeast.gov.uk](mailto:sarah.baxter@cheshireeast.gov.uk) with any apologies, requests for further information or to arrange to speak at the meeting

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Application No: 12/3114N

Location: Land South of Newcastle Road, Shavington & Wybunbury, Cheshire

Proposal: Outline Application for Residential Development of up to 400 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

Applicant: Mactaggart & Mickel Homes Ltd

Expiry Date: 14-Nov-2012

**UPDATE 2 – 25th JANUARY 2013**

**ADDENDUM**

- In the “Other Representations” section the report should state that 433 representations have been received.

**WARD MEMBERS REPRESENTATIONS**

Councillor Brickhill and Councillor Clowes have submitted personal representations to this application which were incorporated within the “Other Representations” section of the report along with other objectors comments. For clarity, however, the Ward Members representations have been reproduced below:

**Cllr David Brickhill : Shavington Ward**

- *I object as the ward councillor for Shavington to this application.= for housing in the so called Shavington Triangle.*
- *The site is outside the settlement boundary of the current local plan*
- *It is contrary to policy NE2 of the local plan which is still in force regardless of the applicants opinion*
- *It does not comply with the Interim planning policy as it is well away from the Crewe boundary*
- *I challenge the numbers used by Cheshire East for the five year supply of housing it is not correctly calculated. On my calculations there are already enough approved plots to meet the five year total plus a considerable buffer.*
- *This development will prejudice the choice of the alternatives. So far there are 2150+ houses applied for or being applied for in or adjacent to Shavington. This would double the size of the village substantially altering its character for ever.*
- *Shavington is a succinct community with a quite different identity and separate from Crewe. It should not be considered as part of Crewe let alone a*

gateway to Crewe. The term gateway is hackneyed and meaningless unless used for the entrance to a house.

- Most of this site is in Wybunbury ward which is considered by Cheshire East to be part of Nantwich, not Crewe.
- Newcastle Road is unsuited as an exit for 400 houses. It is already heavily overused and subject to many collisions. Two speed cameras have already been installed which proves that additional traffic will be an addition unnecessary hazard.
- The remainder of the local infrastructure is already badly overloaded. The primary school is so full that local children cannot get in and have to go out of area schools. There are no places at local doctors surgeries unless you go private. There are frequent power cuts and reduced voltage and water and gas pressure. Surface water is already proving a problem, loss of Greenfield and additional paved surface will exacerbate this problem and give rise to sewage overflowing in our streets.
- In summary this is a thoroughly ghastly unplanned unnecessary intrusion into the countryside which will despoil Shavington in many ways.
- I give formal notice of my intention to speak at the committee hearing which should be in CREWE not Macclesfield

#### **Cllr Janet Clowes: Wybunbury Ward**

*"I am writing in my role as Ward Councillor for Wybunbury following representations of opposition to the development of this site (known as the 'Triangle'), by:-*

- Wybunbury Parish Council
- The Triangle Residents Action Group
- Other Local Residents of Wybunbury Ward.

*Key objections fall into the following categories:-*

#### *1. The Identified Site*

*In this application, the Triangle is consistently referred to in terms of an inferred proximity and community integration with Shavington.*

*This is misleading as two thirds of the site is geographically located within the Wybunbury Parish. The whole site is separated from Shavington Village by the Newcastle Road which has historically provided a robust **'physical barrier'** identifying and separating two very distinct communities. It serves the same purpose very effectively today.*

*Shavington is a recognized suburb of Crewe that initially developed as part of Crewe's railway and urban hinterland.*

Wybunbury (including the Triangle) reflects the village's medieval historical roots and its agricultural economy.

This development, represents a 70% increase in the housing stock of this south Cheshire village.

This will permanently alter the unique characteristics of Wybunbury, impacting on the tourism offer that links it to Nantwich's 'Hidden Gems' visitor economy along the A51 (through its historic pubs, leaning Wybunbury Tower, and the SSSI Wybunbury Moss - en route to Bridgemere Garden Centre).

**This development is in direct contravention of NPPF that states that sustainable development must:**

*“support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside”(28:p9)*

400 houses does not respect the character of the countryside and will undermine the small rural village characteristics that are so attractive to visitors.

## 2. The Landscape and Ecology

The Triangle has been an area of recognized agricultural and rural enterprise for generations. It is currently used for animal feed maize crops and equestrian activity and there is a definitive PROW footpath that runs through the site. The land is primarily grade 2 and 3a which means that **this proposed development contravenes the Crewe & Nantwich Replacement Plan 2011** which states that; “Development on the best and most versatile agricultural land (grades 1, 2 and 3A in the MAFF classifications) will not be permitted”.

So too, under the same plan (C&NRP 2011), the Triangle site is included as Open Countryside (Policy NE.2) where “...only development which is essential for the purposes of agriculture, ...or for other purposes appropriate to a rural area will be permitted.”

This ethos is repeated in the NPPF (2012) which states that;

*“Local Planning Authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, **local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.**”*

The Triangle is good quality agricultural land and this is confirmed in the applicant's own submission. In the context of the current SHLA which clearly highlights potential brownfield and poorer quality Greenfield sites in South Cheshire, **this application clearly contravenes the NPPF (Page 26 paras 111 and 112)**

*The Triangle also enjoys areas of rough grazing, ancient hedgerows, water courses and grassed headlands. It is interspersed with a variety of mature and maturing trees, including mature oaks.*

*This offers an unusually mixed habitat for a very wide range of flora and fauna including areas prioritized in the England Biodiversity Action Plan. (A full report is provided by the Triangle Action group).*

*The PROW footpath crossing the site together with the historic linear development on two sides of the Triangle means that this area of Open Countryside offers local residents more than just a beautiful view over a field – it is an area of recreation, community engagement, rich wildlife, tranquility and of particular “local significance” to all who live next to it or access it via the PROW.*

*Under the NPPF 2012 (page 18, para 77) The Triangle is therefore eligible for **Local Green Space designation**. This designation may only be used:*

- Where the green space is in reasonably close proximity to a local community it serves (The Triangle and Wybunbury Village clearly are.)*
- Where the green area is demonstrably special to a local community and holds a particular local significance, for example its beauty, historic significance, recreational value, tranquility or richness of its wildlife (The Triangle has a rich biodiversity, offers a tranquil green space that has remained accessible to, and a source of recreation for local residents for many years.)*
- Where the green area concerned is local in character and is not an extensive tract of land. (The Triangle is both local in character whilst not an extensive tract of land.)*

***In the context of this designation, local policy for managing Local Green Space is consistent with policy for Green Belt.***

### *3. Transport & Accessibility*

- a) The applicants make much of the walking and cycling routes to and from the site as methods of accessing employment and education. -This is impractical in the context of the geographical location of the site both in terms of distance and safety (for primary age children).*
- b) There is an emphasis on new residents attending Shavington schools and working in Crewe. However to date, Triangle residents have worked outside the area (or are retired), and children attend schools either in Wybunbury or Stapeley.*
- c) There is an emphasis on the use of public transport.- Unfortunately following recent consultations on patterns of transport use, with effect from January 2013 there will be a much reduced bus service along the Newcastle Road (the 44A will be withdrawn completely), and none of the remaining services correspond with commuting times. In short Wybunbury and Triangle residents are reliant, and will remain reliant on private vehicles or dial and ride services.*

### *4. Road Congestion*

*As walking, cycling and public transport are neither viable nor sustainable in the context of this development, it is recognized that a development of 400+ houses will generate an additional 600-800 vehicles (dual car households are the norm in rural areas where both partners need to be mobile).*

*This might not overtly cause congestion on the Newcastle Road but will add to current congestion problems at recognized peak commuter times in the local area (eg accessing Junction 16 of the M6 between 7.30- 9.30am, travelling to Crewe Town via Crewe Road, Shavington and Gresty Road, accessing Nantwich or the Middlewich Road at the same times)*

***The 'Shavington Corridor' along Crewe Road and Gresty Road is particularly worrying in the context of transport congestion. Basford West and Basford East already have employment land permissions which are due to commence imminently, so too large planning applications for housing are already being considered on sites along this 'corridor' (indeed some have already received planning permission or have proceeded to appeal).***

*In the context of additional traffic density created by these developments, any more generated by a Triangle development will cause significant highways problems and increase 'rat-runs' along Wybunbury's already fragile country lanes.*

#### **4) Amenities and Infrastructure**

*Wybunbury is characterized by its historic buildings but it is also served by a village shop (with post office), St Chad's Church and community groups, a Village Hall, Wybunbury Delves primary school and two public houses (with restaurants). It is surrounded by popular PROW which attract visitors and has regular village events (such as The Fig Pie Wakes).*

*However the school is oversubscribed (as is Shavington Primary) and most older children attend schools in Nantwich (although some do attend Shavington high School).*

*An additional 400 houses will generate requirements for schools, dentists and GPs that cannot easily be met either by Wybunbury or by Shavington Village as these services are already fully subscribed.*

*There will also be pressures on services in terms of gas, electricity, water supply, drainage and sewage systems. These will require significant investment to bring this infrastructure up to capacity but this is not clearly audited in the application.*

*Local residents have grave concerns regarding run-off drainage. Solutions identified in the application (storage pools that drain into a culvert under Dig Lane) do not give sufficiently detailed calculations. This is already a 'wet area' within the site and the Dig Lane culvert is prone to regular flooding. Any additional 'controlled release' of run-off water will exacerbate existing problems.*

5) Wybunbury Moss (National Nature Reserve)

*Of serious concern is the site's link to Wybunbury Moss a Site of Special Scientific Interest.*

*Wybunbury Moss, Cheshire, is a deep basin mire of 'schwingmoor' structure, with a floating raft of peat up to 5 m thick overlying 13 m of water.*

*If the development of the triangle was to be approved then The Moss may be affected by the natural link between the underlying strata that supplies the water from the Triangle to The Moss (causing drying out and damage to the moss).*

*Comments received from Natural England support this study:*

*"Natural England would seek to clarify any potential damage to Wybunbury Moss as this is a National Nature Reserve managed by ourselves. The Moss is preserved by sourcing its water through natural seepage and capillary action from adjacent fields, we would raise strong objections should this development site come through to planning".*

*The applicants documents state "the moss is within 400 metres of the site", this, on a direct measurement, is true, however what the applicant fails to mention is the surface water drainage from the field east of the site via a pond and culvert actually increases the proximity of the site drainage to just 180 metres from The Moss.*

*This is a major concern and should be raised with Natural England as an urgent issue that requires a more specialist investigation in order to ensure the long term stability of The Moss.*

*In fact, the applicant shows (on their sustainability plans) the culvert leading to Cheer Brook starting approximately in the middle of the development - they have failed to carry out the correct research - the culvert actually starts on an adjoining field (recorded in Hough Parish Council domain) and feeds directly onto the Triangle via an underground culvert (this again has raised the concerns of local residents to its close proximity to Wybunbury Moss).*

*The NPPF 2012 (page 27 para 118) states;*

*"Proposed development on land within or outside a Site of Special Scientific Interest likely to have an effect on a Site of Special Scientific Interest...should not normally be permitted"*

*"Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats..."*

*The Moss is one of only three sites of its kind and provides a unique ecosystem with site specific species. It has evolved over thousands of years and it is incumbent on us to ensure that unplanned development does not cause irreparable damage.*

*In summary:*



1. *This application does not comply with the Crewe & Nantwich Replacement Local Plan 2011 where the Triangle is identified as a site in Open Countryside and where development should be limited only to essential, agricultural purposes*
2. *this application does not comply with the Crewe & Nantwich Replacement Plan 2011 which states that;*

*“Development on the best and most versatile agricultural land (grades 1, 2 and 3A in the MAFF classifications) will not be permitted”.*
3. *This application does not comply with the NPPF 2012 which states that “local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality”.*
4. *This development does not comply with the NPPF 2012 that states that sustainable development must:*

*“support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside”(28:p9)*
5. *Under the NPPF 2012 (page 18, para 77) The Triangle is eligible for **Local Green Space designation** and as such this application should be considered as inappropriate in this context.*
6. *The close proximity of Wybunbury Moss requires that the NPPF response to SSSI areas is closely heeded The NPPF 2012 (page 27 para 118) states;*

*“Proposed development on land within or outside a Site of Special Scientific Interest likely to have an effect on a Site of Special Scientific Interest...should not normally be permitted”*

*“Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats...”*
7. *The NPPF operates the presumption in favour of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.*
  - *This application is economically unsustainable because:*
    - *It undermines the local ‘hidden gem’ tourist and visitor economy of Wybunbury Village.*
    - *It removes valuable agricultural land from the rural economic base in contravention of existing policies and the NPPF.*
  - *This application is environmentally unsustainable because:*
    - *It will destroy the rich biodiversity of the Triangle. (A development of this size will not accommodate the return of many of these recorded species).*
    - *It cannot support a realistic ‘green’ transport agenda in terms of pedestrian and cycle routes to work and school.*
    - *It will extend reliance on car transport in a rural area with negligible public transport provision.*
    - *This development poses a real threat to the Wybunbury Moss, a rare SSSI that if damaged, may be irreplaceable.*
  - *This application is socially unsustainable because:*
    - *Building in a Greenfield site outside the main environs of both villages will create an isolated community that will threaten other small retailers nearby and undermine social integration.*

- *A development of this size will increase Wybunbury's housing stock by 70% and undermine its unique character as an historic rural village.*
- *Such a large development in a rural environment will put immense pressure on local infrastructure and services that do not have the capacity to cope.*

## **OTHER ADDITIONAL OBJECTIONS**

### **G.V.A.**

*Having reviewed the content of the Officer Report, our client's original objection stands, but we also have further comment to make, on three specific points as follows:*

#### **1. Draft Development Strategy**

*Our representations were made before the publication for consultation of the Council's Draft Development Strategy (DDS), but made clear that the DDS should not when published carry any weight in the determination of this application. This was on the basis that the DDS is not sufficiently advanced and has not been subject to a full period of consultation. Our client, and I am sure many other parties, will be making substantive objection to many aspects of the DDS, and until those and other representations have been resolved, as necessary through Examination, no weight should be applied to this document.*

*Despite this, the Officer Report makes a number of references to and places some significance upon the proposed allocation of the application site within the DDS. At no point does the Officer Report make clear that no weight can be applied to this draft allocation in the determination of this application. This is an inappropriate basis on which to evaluate and determine the application, and would render as flawed any decision made on this basis.*

#### **2. Sustainability**

*The Officer Report presents a confused and inconsistent consideration of whether the proposal represents sustainable development.*

*The Report presents an analysis of the site against accessibility considerations and concludes that the proposal 'does not appear to be sustainable'. Yet later in the conclusions, it is stated '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 sustainable.' This reference to being sustainable is not in the context of other considerations; it clearly relates to matters of accessibility.*

*This apparent change in opinion within the same report is unexplained, and calls in to question the basis of the recommendation.*

*Whilst it is accepted that accessibility is not the only consideration determining whether development is sustainable, it is of considerable relevance. The Officer Report, particularly in its contradictory concluding comments, understates the relevance of this to the SPB, and in doing so fails to accurately reflect the locational context. As our original objection highlighted, this proposal must be considered as an application in Shavington, not some unfounded concept of a 'Greater Crewe'; this distinction is most readily illustrated by consideration of accessibility, against which the proposal (by the Officer's own evaluation) performs poorly.*

### **3. Affordable Housing**

*The recommendation to the SPB is that the application should be approved on the basis of 15% affordable housing provision, substantially below the 30% expected by interim local policy. This is seemingly accepted by Officers in return for a £1.2m of Strategic Transport Contribution.*

*The 'strategic transport' the contribution is apparently intended to fund is undefined and not underpinned by policy. It does not form a sound basis for accepting a substantial reduction in the Council's expected level of affordable housing provision, would not satisfy the CIL Regulations and is not capable of being a material consideration in the determination of the application. A decision made on the basis of this recommendation would in our view be seriously flawed.*

### **Spawforths**

*Spawforths have been instructed to **OBJECT** to the above planning application currently under consideration. These objections are made on behalf of our clients, The Co-operative Estates and Mr Witter who own the site known as 'Basford East'. The objections are made on the following grounds:*

### **Conflict with the National Planning Policy Framework**

*We consider that the application proposals conflict with the Core Planning Principles contained within the NPPF (paragraph 17) and should therefore not be brought forward for development:*

#### *NPPF Core Principle*

*"genuinely plan-led, empowering local people to shape their surroundings".*

*The scheme subject to this planning application is not plan led. It does not allow for joint working with communities to enable the opportunity of determining their preferred choice of housing sites within the Borough: it is an opportunistic site being brought forward in a village which is not in line with the emerging Crewe Town Strategy.*

#### *NPPF Core Principle*

*"proactively drive and supports sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving places that the country needs".*

*The scheme is not aligned with adopted and emerging development plan policies intended to optimise the drive towards and support of sustainable economic development. The Draft Crewe Town Strategy identifies alternative site options and identifies support for the Basford East and Basford West sites from key stakeholders. These sites are allocated for employment in the Crewe and Nantwich Replacement Local Plan; are favoured sites in the emerging Crewe Town Strategy (for mixed use development); and accord with the Interim Planning Policy on the Release of Housing Land which recognises the need for residential schemes to come forward for development in and around Crewe.*

*The Basford West and Basford East sites are the strategic employment sites within Crewe to deliver social and economic benefits for the District. They were recognised as such in the Document "All Change for Crewe" and are a key plank of the economic success for Crewe which drives the need for new housing. Incremental housing sites within villages (such as the application site) can undermine the ability to bring forward these key economic development sites by diluting the housing requirements away from them towards easier to develop incremental sites. The Draft Crewe Town Strategy and Interim Planning Policy on the Release of Housing Land direct development to appropriate locations which reinforce the economic future of Crewe in a plan-led way. The application site conflicts with this approach.*

*NPPF Core Principle*

*"take account of the different roles and character of different areas, promoting the vitality of our main urban areas....recognising the intrinsic character and beauty of the countryside"*

*The application proposal is for residential development to include the erection of up to 400 dwellings. The site is located outside of the settlement boundary of Crewe and Shavington as shown on the Urban Areas Inset Plan of the Crewe and Nantwich Replacement Plan and as such would fail to support Cheshire East' strategy to focus development in the main urban areas and would have an adverse impact on the Open Countryside*

**Conflict with Development Plan Policies Consistency of Adopted Local Plan Policies with NPPF and conflict with Application Proposals**

*The NPPF indicates that Development Plans which have been adopted post-2004 should carry the full weight of their policies in relation to Section 38(6) of the 2004 Act (so long as there is only a "limited degree of conflict" with the NPPF) and provided that they were adopted in accordance with the Planning and Compulsory Purchase Act 2004. Whilst the Crewe and Nantwich Replacement Local Plan was adopted on 17 February 2005, it was adopted under the 1990 Act rather than the 2004 Act. On this basis, the Crewe and Nantwich Local Plan falls within the terms of paragraph 215 of the NPPF and hence it does not benefit from a position whereby full weight is afforded to it as identified within the NPPF. The weight ascribed to relevant policies will therefore be dependent on their consistency with the NPPF.*

*Paragraph 214 of the NPPF states “for 12 months from the day of publication, decision takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this framework”.*

*Paragraph 215 continues by stating “in other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)”.*

*The NPPF (paragraph 14) indicates that sustainable development proposals should be granted if the plan is absent, silent or out of date. Since the Council cannot show a 5 year housing land supply, then it can be argued that the housing policies are not up to date. Spatially, however, the Crewe and Nantwich Local Plan is still up to date as it seeks to focus development within -and on the edge of - urban Crewe as a first priority and to protect the Open Countryside and Green Gap from development. It therefore fully conforms with the NPPF Core Principles to “take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it”. As such, it is considered that the Crewe and Nantwich Local Plan should be awarded significant weight in this regard.*

### **Conflict with Emerging Development Plan Policies and Conflict with Application Proposals**

*Paragraph 216 of the NPPF states that weight can also be given to relevant policies in emerging plans according to the stage of preparation of the emerging plan, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies in the emerging plan to the policies of the NPPF.*

*The emerging Cheshire East Local Plan will supersede the Crewe and Nantwich Replacement Local Plan and form the new development plan for Cheshire East once adopted. The Council has now completed its consultation on a series of draft Town Strategies for Crewe, Handforth, Knutsford, Macclesfield, Nantwich and Poynton. It is expected the responses to these consultations will feed into a Development Strategy which will be consulted upon in January 2013 and used for development management purposes in early 2013. The Submission version of the Core Strategy is expected to be consulted upon in mid 2013 with adoption likely to take place early 2014. The application site is located within Shavington which is not identified as a priority for future development. Crewe is identified as a priority area for future growth in the emerging Town Strategy. It is considered that weight can be ascribed to the emerging Crewe Town Strategy because of its degree of conformity with the NPPF. The Crewe Town Strategy identifies a vision for Crewe, identifying that “Crewe is Open for Business” however it also recognises the strong Green Gaps between the towns of Crewe, Nantwich and the villages of Haslington, Weston, Shavington, Wisaston and Willaston which should be preserved to ensure the character of the individual settlements is maintained. The emerging Crewe Town Strategy is consistent with the NPPF in that Paragraph 17 of the NPPF recognises planning should “take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them,*

*recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it". The emerging Crewe Strategy seeks to protect the Open Countryside and Green Gap from development and encourage development on sites within / adjacent to the main urban area of Crewe. As the emerging Town Strategies identify suitable sites for development (which do not include the application site), any decision to approve residential development on the application site would undermine this strategy for growth within the emerging plan and therefore conflict with the NPPF.*

*We consider that this application would not amount to sustainable development: it conflicts with the policies of the NPPF and development plan policies consistent with the NPPF.*

### **Gladman**

*We do not object to the principle of development in 'local services centres' such as Shavington being provided outside the development plan making process because we recognise such settlements have housing requirements which need to be met now.*

*However, we do have serious concerns about the way the Council has approached the issue of reducing the affordable housing provision in this case. We may make further representations on this matter before 30th January.*

*In addition we would like to draw attention to a number of inconsistencies and what would appear 'muddled' planning logic in the Report which raise questions about how the application has been assessed and appraised.*

### **Prematurity**

*The Officer's Report prays in aid the Loachbrook Farm and Richborough appeal decisions to demonstrate why the proposals would not be premature and why they would not prejudice the draft Development Strategy. This same advice and approach has been used by Officers to support other greenfield proposals on the edge of settlements in Cheshire East, and other proposals on the SPB Agenda for 30th January.*

*Whilst we welcome the Officer's recognition that both appeal cases were not considered to be premature, it does nevertheless highlight the inconsistency of the Council's decision to challenge the Loachbrook and Richborough appeals on the grounds that these they are, in the Council's opinion, premature and prejudice the draft Development Strategy. On the one hand the decisions are being used to justify housing proposals, and on the other hand the Council is challenging these decisions in the Courts. This seems especially confusing when the Council's other ground of challenge in the Richborough case relates to consistency of decision making.*

### **Housing Land Supply**

*We welcome the acknowledgement in the Officer's Report (and other reports on the same Agenda) that the Council cannot demonstrate a 5 year supply of housing land.*

*This is provided as justification for the grant of planning permission for this development (and other proposals on the same Agenda).*

*However, we understand that in less than two-weeks the SPB will be considering a new SHLAA which will purport to demonstrate that the Council will be able to demonstrate a 5 year supply of housing land. Further, we understand the Council very recently sought (and succeeded in obtaining) an adjournment of an Appeal at Gresty Green on the basis that it was no longer able to agree with the appellant that a 5 year supply of housing land did not exist.*

*Given the importance of taking all relevant material considerations into account, the position being reported to Committee appears incomplete and at odds with the Council's submission at the Gresty Green Inquiry.*

*We will review the new SHLAA as soon as it is available because we fail to see how a declared supply of 3.75 years will increase to over 5 year land supply in two-weeks time in absence of any significant planning approvals or substantial house building in the intervening period.*

### **Accessibility**

*The Officer's Report contains an assessment of accessibility by reference to a range of facilities and services. The Assessment states "The accessibility of the site other than where stated, is based on current conditions, any on-site provision of services/facilities or alterations to service/facility provision resulting from the development have not been taken into account." It also makes clear that the distances are measured from the centre of the site.*

*A number of facilities are shown as having a distance of 0m which implies they currently exist within the centre of the site (and the assessment explicitly states that the distances are based on 'current conditions'). The assessment is clearly wrong as, for instance there is no convenience store at the centre of the existing site.*

*Notwithstanding these comments, the Officer's assessment concludes that the site 'does not appear to be sustainable.' Approval of a site against this assessment is likely to be relied upon by future applicants.*

### **Draft Development Strategy**

*Whilst we do not agree with the Council about how much weight should be attached to the draft Development Strategy, the Officer's Report draws support from the fact that the site is identified as a strategic site including 300 homes (rather than 400 as proposed in the application).*

*The text within the draft Development Strategy for Site Crewe 6 cross refers to the draft affordable housing policy SC4 within the draft Policy Principles document. Policy SC4 requires a minimum of 30% affordable housing and states "In exceptional circumstances, off-site provision, of housing for local needs, or a financial contribution may be accepted where justified, as an alternative to on-site provision." There is no suggestion that, in such exceptional circumstances, financial*

*contributions can be used for anything other than affordable housing - as is being advocated in the Officer's Report. Seeking a highway contribution of £1.2m for an unidentified scheme which has no policy support to off-set affordable housing provision (without any viability information) is not compliant with the CIL Regulations and it cannot be taken into account as a material planning consideration.*

*It is therefore entirely inconsistent to draw support for the proposals from one aspect of the draft Development Strategy, but ignore the provisions of the draft affordable housing policy. If the application is approved on the basis of this report, the Council will immediately undermine the weight it is attaching to the draft Development Strategy as it is picking and choosing which draft policies to apply.*

*It is wrong for a non-material planning consideration to be used as justification to reduce the amount of affordable housing (below policy requirements) which is necessary for people in Cheshire East who are in desperate and urgent need of new affordable homes. Providing affordable housing will have a dramatic and positive life changing impact on quality of life for these people. The Council needs to carefully consider the signal that will be sent to these people if the SPB approves the application on the basis of the approach advocated in this case.*

### **Public Comments**

*It is noted that whilst summarising the comments made, the report does not state how many people have written to support or object to the scheme. This is an unusual omission in our experience of such Officer Reports in Cheshire East, as whilst the volume of interested persons is not a material consideration, it is a matter upon which Members are regularly informed.*

*Having reviewed the online application record for this scheme, there would appear to have been a considerable volume of public comment.*

### **Summary**

*I hope these comments and observations are helpful and I trust that they will be conveyed to the members of the Strategic Planning Board to assist their consideration of the application – although it is only right that we place on record that we would have serious concerns with the soundness of any resolution to approve the application on the basis of the report as presented.*

### **Edward Timpson M.P.**

*I wish to register the concerns of my constituents and their objections to the planning application 12/3114N which relates to building over four hundred new houses on existing agricultural land known locally as the Wybunbury or Shavington Triangle. This land is mostly (over 75%) within the parish boundary of Wybunbury and in a historically rural area of Cheshire, with local affiliation to the Nantwich countryside.*

*I have been contacted by and spoken to a significant number of local residents in large part living in close proximity to the proposed development and they have expressed the following concerns as strong reasons to refuse the application.*



*As a car driver myself, I see the increased congestion which the roads in the immediate locality suffer from. The main routes to Crewe are either through the centre of Shavington, where the roads are too narrow to accommodate heavy traffic, or via Crewe Road and Gresty Road, where at peak traffic time congestion results in excessive traffic queues. The proposed housing development of over four hundred new homes could result in a further eight hundred plus cars using the roads in the immediate locality, which would create even more congestion and traffic queues at peak traffic times.*

*The local residents are also greatly concerned that local schools are fully subscribed and the proposed development provides no further educational facilities.*

*A number of constituents have voiced their worry that there is evidence that if the development of this site goes ahead, it could result in a loss of wildlife and areas of habitat prioritised within the England Biodiversity Action Plan and that the ecological value of areas like Wybunbury Moss, a site of SSI, would be greatly diminished and potentially damaged forever once surrounded by houses. The construction project alone would destroy the vital micro-habitat for wildlife and entomological species and there is a significant danger that this disruption would drive away many species, which might never return.*

*I would urge the Strategic Planning Committee to listen to the views of local residents and reject this planning application.*

## **ADDITIONAL OFFICER COMMENTS**

### **Ecology**

In light of the additional information submitted in support of this application the Council's Ecologist has revised his comments as follows:

#### Protected/Priority Species

##### **Bats**

The site supports habitats that are being utilised by bats for foraging and commuting, however I advise that habitat present is relatively limited and the usage of the site by bats is accordingly low.

A number of trees on site have been identified as having potential to support roosting bats. However, no evidence of roosting bats within these was recorded during the survey and it appears from the submitted master plan that it will be feasible to retain these trees within areas of open space/semi natural habitat.

No bat survey has been undertaken of 90 Stocks Lane. The submitted master plan appears to indicate this property will be removed as part of the proposed development. However, the applicants have agreed to the retention of this property by means of a planning condition. Accordingly no surveys of this property are required.

### ***Water Vole***

Confirmation has now been received that a water vole survey of the site has been undertaken. No evidence of this species was recorded and accordingly the Council's Ecologist has advised that this species does not present a constraint on the proposed development.

### ***Common Toad***

Common toad is a biodiversity action plan priority species and hence a material consideration. This species has been recorded as breeding at one of the ponds at this site. Whilst the breeding pond will be retained the Council's Ecologist advises that the proposed development will result in the loss of a significant area of terrestrial habitat associated with the breeding pond.

### ***Breeding Birds***

The proposed development site has the potential to support breeding birds including a number of Biodiversity Action Plan priority species which are a material consideration for planning. A number of species have been recorded during the surveys undertaken to inform the ecological assessment and in addition anecdotal records for the presence of a number of other additional species including lapwing have also been identified. Whilst the proposed open spaces areas will provide habitats for some of the bird species present on site the Council's Ecologist advises there will be a loss of habitat for some species such as lapwing which are associated with more open habitats.

If planning consent is granted the Council's Ecologist recommends that the conditions are required to safeguard breeding birds:

### ***Barn owls***

The submitted ecological assessment states that an owl pellet was recorded near to one of the small buildings on site however no information has been provided as to which species of owl the pellet relates. It is now impossible to confirm the species of owl that had been present on site. However, a single pellet is likely to be indicative of a low level of usage and the Council's Ecologist advises that as a commuted sum is to be provided to offset the potential loss of habitat on site this would also be adequate to address any potential loss of barn owl foraging habitat.

### ***Other Protected Species***

Other Protected Species have been recorded on site. It is likely that removal of their habitat will be required to facilitate the proposed development. This would be done under the terms of a license from Natural England. A outline method statement for this work has been provided and it is proposed that the loss of the habitat on site will be compensated for by means of the provision of artificial habitat.

The proposed mitigation is therefore acceptable. However the Council's Ecologist recommends that a condition to any permission granted requiring any future reserved matters application to be supported by a survey and mitigation proposals.

### Habitats

#### ***Ponds***

Ponds are a local Biodiversity Priority habitat and hence a material consideration. There are four ponds on this site that the submitted ecological assessment states will be retained and enhanced as part of the proposed development.

The retention of these ponds is welcomed. However to ensure the ponds retain their nature conservation value the Council's Ecologist recommends that the ponds should not be utilised as part of any sustainable urban drainage scheme for the site and the ponds should also not be linked by flowing water.

The Council's Ecologist recommends that any out-line planning permission granted should include a condition requiring any reserved matters application to be supported by detailed proposals for the retention and enhancement of the on-site ponds.

#### ***Hedgerows***

Hedgerows are a Biodiversity Priority habitat and a material consideration. In addition two hedgerows on site (H4 and H5) have been identified as 'Important' under the Hedgerow Regulations.

Whilst, some of the hedgerows on site including the two Important hedgerows can be retained as part of the indicative master plan the proposed development will result in the significant loss of hedgerow.

### Wybunbury Moss

The proposed development is located 400m to the north of Wybunbury Moss (national nature reserve, Special Area of Conservation, Ramsar). The submitted ecological assessment includes a scoping assessment which concludes that there are unlikely to be any adverse impacts on the moss as a result of the proposed development.

The Council's Ecologist recommends the Natural England are consulted on this application and their views obtained on the potential impacts of the proposed development upon Wybunbury Moss. This has been undertaken and their comments are included within the main officer report.

### Conclusion

The proposed development site has some broad nature conservation value in the very local context. The Council's Ecologist recommends that the potential residual adverse impacts associated with the scheme includes the loss of; hedgerows, semi-improved grassland, common toad terrestrial habitat, breeding bird and potential

barn owl foraging habitat, associated with this development be off-sett by means of a commuted sum secured by means of a section 106 agreement. The commuted sum could be used to deliver habitat creations within the Meres and Mosses Natural Improvement Area (NIA) which is located to the immediately to the south of the proposed development site.

The applicant has offered an appropriate commuted sum and consequently advise that there are unlikely to be any residual ecological issues associated with the proposed development..

## **RECOMMENDATION**

### **As per main report PLUS ADDITIONAL CONDITIONS**

- **Retention of no.90 Stock Lane**
- **Any future reserved matters application to be supported by a survey and mitigation proposals**