

Application No: 12/1732N

Location: Land at Gresty Green Road & Crewe Road, Gresty, Crewe, Cheshire, CW5

Proposal: Development of 165 houses, access, landscaping, public open space and parking (resubmission of 11/3171N)

Applicant: Bloor Homes North West

Expiry Date: 15-Aug-2012

SUMMARY RECOMMENDATION

APPROVE subject to conditions and the completion of Section 106 legal agreement to secure the following:-

- 1. Provision of 57 affordable housing units – 65% to be provided as social rent with 35% as intermediate tenure**
- 2. The provision of a LEAP and Public Open Space to be maintained by a private management company**
- 3. A commuted payment of £495,000 towards highway improvements (to be put towards the construction of the Crewe Green Link Road or capacity improvements at the junction of Gresty Road and South Street with Nantwich Road)**
- 4. A commuted payment of £2,000 towards Barn Owl conservation work**
- 5. An education contribution of £292,850**

MAIN ISSUES

Impact of the development on:-

**Planning Policy and Housing Land Supply
Affordable Housing,
Highway Safety and Traffic Generation
Landscape Impact
Hedgerow and Tree Matters
Ecology
Design
Amenity
Open Space
Drainage and Flooding
Sustainability
Education**

REASON FOR REFERRAL

This application is referred to the Strategic Planning Board as it relates to a development of more than 10 dwellings.

1. DESCRIPTION OF SITE AND CONTEXT

The application site is located to the north and west of Crewe Road and to the east of Gresty Green Road within the open Countryside as defined by the Borough of Crewe and Nantwich Replacement Local Plan 2011. To the north of the site is Gresty Brook and a railway line with the Mornflakes Mill located beyond. To the south and east of the site are residential properties of varying sizes and styles which front onto Crewe Road and Gresty Green Road. The application site itself is currently in agricultural use and includes a number of hedgerows and trees.

2. DETAILS OF PROPOSAL

This is a full planning application for the erection of 165 dwellings. The access point to serve the site would be taken off Crewe Road to the west. The site would include the provision of 35% affordable housing, 0.76 hectares of public open space which will encompass a Local Equipped Play Area (LEAP) and 0.6 hectares of informal open space which run along the northern boundary of the site. The development would consist of 3 two bedroom bungalows, 24 two bedroom mews/semi detached dwellings, 33 three bedroom mews/semi detached dwellings, 55 three bedroom detached dwellings and 50 four bedroom detached dwellings. Apart from the three bungalows all of the properties would be two stories in height.

This application is a resubmission of application 11/3171N which was refused by the Strategic Planning Board at the meeting on 29th February 2012 for the following reasons;

- 1. The proposed development represents a poor form of development that would have an unsatisfactory proximity and relationship with the surrounding business/industrial uses and railway line. As a result, there would be a detrimental impact upon the future occupiers of the proposed dwellings through noise and disturbance and the proposed residential use would limit the current and future operation of the adjacent factory. Therefore, the development is not compatible with surrounding land uses and is contrary to Policy BE.1 (Amenity) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 which states that development should not prejudice the amenity of future occupiers by reason of overshadowing, overlooking, visual intrusion, noise and disturbance, odour or in any other way.*
- 2. The proposed development would result in an increased demand for primary school places in the area. As part of this proposed development there is no offer of a contribution to increase the capacity of primary schools in the area. As a result the proposed development would not make adequate provision for infrastructure/community facilities and the development would be contrary to Policy BE.5 (Infrastructure) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 that seeks to make adequate provision for infrastructure and community facilities.*
- 3. The proposed development by reason of the poor visibility at the site access point onto Crewe Road would result in an unsatisfactory vehicular access/egress arrangements which would be harmful to highway safety. Furthermore the development would result*

in a significant increase in vehicular movements from the site which would have a harmful impact upon the local transport network in particular the junction of A534 Nantwich Road/South Street/Mill Street which already exceeds capacity. It is not considered that the proposed financial contribution towards off-site improvements at this junction would be satisfactory to off-set this impact. As a result the proposed development would be contrary to Policies BE.3 (Access and Parking) and BE.5 (Infrastructure) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 that seek to secure safe vehicular access and egress and to make adequate provision for infrastructure.

3. RELEVANT HISTORY

11/3171N - Development of 165 Houses, Access, Landscaping and Parking – Refused 9th March 2012

4. POLICIES

National Policy

National Planning Policy Framework

Local Plan policy

BE.1 – Amenity

BE.2 – Design Standards

BE.3 – Access and Parking

BE.4 – Drainage, Utilities and Resources

BE.5 – Infrastructure

BE.6 – Development on Potentially Contaminated Land

NE.2 – Open Countryside

NE.5 – Nature Conservation and Habitats

NE.9 – Protected Species

NE.10 – New Woodland planting and Landscaping

NE.17 – Pollution Control

RES.7 – Affordable Housing

RES.3 – Housing Densities

RT.3 – Provision of Recreational Open Space and Children's Playspace in New Housing Developments

Regional Spatial Strategy

DP1 – Spatial Principles

DP2 – Promote Sustainable Communities

DP7 – Promote Environmental Quality

L4 – Regional Housing Provision

L5 – Affordable Housing

RDF1 – Spatial Priorities

EM1 – Integrated Enhancement and Protection of the Regions Environmental Assets

MCR1 – Manchester City Region Priorities

MCR 4 – South Cheshire

Other Considerations

'Planning for Growth'

'Presumption in Favour of Economic Development'
Draft National Planning Policy Framework
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

5. CONSULTATIONS (External to Planning)

Environment Agency: The following conditions are suggested;

- The development hereby permitted shall not be commenced until such times as a scheme for the provision and implementation of a surface water regulation system has been submitted to, and approved in writing by, the Local Planning Authority.
- The development hereby permitted shall not be commenced until such time as a scheme for the management of overland flow from surcharging of the on-site surface water drainage system has been submitted to, and approved in writing by, the Local Planning Authority.
- The development hereby permitted shall not be commenced until such time as a scheme to ensure no raising of ground levels within the 1 in 100 year fluvial floodplain has been submitted to, and approved in writing by, the Local Authority.

United Utilities: No comments received

Strategic Highways Manager: This application is a resubmission of an identical scheme, as there has been no material changes to the highway network since the previous application was submitted the highway comments provided on the application 11/3171N are the same and are applicable to this application.

The principal issue is the congestion problems at Nantwich Road/South Street/Mill Road junction, it is still a major concern that this junction will continue to provide significant delay to all journeys and an improvement is required. Therefore, a financial contribution of £495,000 should be secured as part of this application.

There are no highway objections subject to a S106 Agreement securing the above financial contribution.

Environmental Health: Conditions suggested in relation to hours of construction, hours of pile driving, external lighting and contaminated land.

In terms of noise the detailed noise mitigation measures to protect the proposed occupants, from both railway noise and industrial noise from Morning Foods Ltd inside their properties, should be installed and completed before any of the dwellings are first occupied.

In terms of noise to private amenity spaces it would appear that the developer is able to meet the adopted criteria of below 55 dB LAeq in the gardens of the proposed site following the receipt of additional information.

It is recommended that the proposed detailed mitigation measures are conditioned to ensure that they are carried out and completed before the dwellings are first occupied, and that the developer needs to demonstrate that the predicted noise levels in the various reports are met on completion on the development. The noise limits are set out in the design criteria in section 5.1 of the Assessment and Control of Noise Impact Assessment dated May 2012.

Education: Based on a development of 165 2+ bedroom dwellings this development is anticipated to generate 27 primary places and 21 Secondary places.

Primary

There are currently 231 unfilled places at the schools within 2 miles of the site, however the Councils latest projections have the anticipated number of unfilled places down to 120 for the September 2012 intake and have the local schools as oversubscribed from 2014 onwards. On this basis a S106 contribution towards education provision will be required. $27 \times 11,919 \times .91 = £292,850$.

Secondary

There is currently and projected to be sufficient capacity in the local schools to accommodate the secondary aged pupils generated by this development

Public Open Space: No comments received but the comments made as part of the previous application are relevant in this case and are as follows;

'The LEAP needs to be wider than shown on the layout plan, and have two metal seats and two metal bins with lockable metal liners. Equipment to be inclusive, conform to BS EN 1176, and constructed predominantly of metal (no wood or plastic). Safer surfacing to be wetpour, conforming to BS EN 1177. The play area to be surrounded by 1.4 metre high, 16mm diameter steel bowtop railings, hot dip galvanised and polyester powder coated in green. Two single leaf self-closing pedestrian access gates in yellow, plus one double leaf vehicular access gate in green to be provided within the railings. A private management company to be responsible for the maintenance of the play area/open spaces'

Natural England: No comments received

Public Rights of Way: The application documents refer to the creation of pedestrian/cycle routes within the development site. It is recommended that all such routes within the site are designed to best practice standards.

The application notes the accessibility of the site by foot and bicycle and includes plans to create a pedestrian/cycle access onto Gresty Green Road at the west end of the development site. At present, the continuation of Gresty Green Road northwards towards the town centre, which would be the main destination, has the status of a public footpath and therefore cycling along the route is prohibited. The upgrading of this public footpath, No. 13 in the Parish of Shavington cum Gresty, for cycling purposes has been proposed under the Council's Rights of Way Improvement Plan. Contributions towards this upgrade in physical and legal terms should be sought from the developer as the route would offer a quieter alternative for pedestrian and cyclist traffic from the proposed development into the town centre avoiding Crewe Road.

Sustrans: Sustrans would like to raise the following points;

- The separate access points on to Gresty Green Road and Crewe Road for pedestrians and cyclists are welcome.
- The paths on the N-S open space should be designed for shared pedestrian/cycle use.
- The N-S open space should enable the estate to function as a 20mph zone.
- Sustrans would like to see a pedestrian/cycle crossing provided on Crewe Road near the Basford access road junction for safe access onto the site for those travelling from the town centre/railway station.
- The design of smaller properties should include storage areas for residents' buggies, bicycles.
- Sustrans would like to see travel planning with targets and monitoring set up for the site.

6. VIEWS OF THE PARISH COUNCIL

Shavington-cum-Gresty Parish Council strongly objects to this application on the following grounds:
The Current Site

- This is a large greenfield site comprising some 13.5 acres and the proposal is for it to accommodate 165 dwellings. Its release for housing will have a major impact on the character of the area.
- The site lies outside the settlement boundary of both Crewe and Shavington as shown on the Urban Areas Inset Plan of the Crewe and Nantwich Replacement Local Plan 2011 and is not adjacent to the settlement boundary of Crewe. The site is currently not within an area considered appropriate for new housing development
- The Interim Housing Policy document adopted by Cheshire East Council on 24th February 2011 states "to manage the release of additional land for residential development through the consideration of planning applications to maintain a five years supply as an interim measure pending the adoption of the Local Development Framework Core Strategy. The policy has been developed in a manner so that it would not prejudice the consideration of alternative options for the development strategy of the Local Development Framework."
- It is clear that as Cheshire East Council is still considering the response from the Place Shaping Consultation regarding the LDF and how the challenges facing towns and villages are to be addressed, it is inappropriate to consider the release of a significant housing site in Shavington Parish such as this now as this would clearly prejudice the consideration of alternative options for the development strategy of the LDF. This is contrary to the Interim Housing Policy and as such this site should be rejected by the Council.
- The release of this site would undermine the policies of the current Local Plan and pave the way for more challenges to its credibility.
- The release of this site would represent an ad hoc expansion into open countryside contrary to the Crewe and Nantwich ADOPTED Local Plan and is in conflict with policy NE2 in that housing is not identified as one of the appropriate categories of development which could be allowed under this policy.
- The Interim Planning Policy in respect of release of land states:
 "3.2 Crewe is a principal town and will continue to be a focus for future housing development in the Borough as envisaged in the Crewe Vision. Although the overall amount and direction for growth has yet to be determined, it is considered that there is scope for sufficient housing development to be brought forward adjacent to the Local Plan settlement boundary of Crewe (not including the village of Shavington) to meet the short term need for housing land in the Borough in a way that would not prejudice the preparation of the Local Development Framework."
- This site is located within Shavington-cum-Gresty parish and there is a definite change in character when passing under the railway bridge and beyond the industrial development into

open countryside in agricultural use. The character of the land is one that more relates to and should be seen in the context of the land to the south around Shavington.

- The Parish Council understands that this site had previously been proposed as a housing allocation but was subsequently removed in 2003 by a Planning Inspector.

Applicant's Design and Access Statement

- The applicant acknowledges that the site is "south of Crewe" and "will be integrated into the established settlement of Gresty."
- It is not considered that for planning purposes that there is an established settlement of Gresty so how can the site be "well contained within the settlement of Gresty" ?
- The development of the site would represent a significant intrusion into open countryside and there is no requirement at this time to consider sites such as this "...creating a development which supports and provides for the future needs of Cheshire East" as contributing to the emerging Core Strategy, as this document has not been produced nor any decisions taken regarding the overall approach to future development requirements in the Borough.
- It is clear that there was pre-application discussions with Cheshire East on the details of the proposal but no indication that the release of the site is acceptable in principle. "The site is situated to the south of Crewe town centre and on the edge of the urban area" The site is actually some distance from Crewe town centre and is beyond the edge of the urban area.
- It is the scale and the location of this development in the open countryside beyond Crewe Settlement boundary which will predetermine matters of the scale and location of the housing requirement in the future Core Strategy.
- The Parish Council considers that the proposed access to the site is in an inappropriate and dangerous location and would be interested to hear the views of the Highways Department on this issue. There are also significant concerns over pedestrian safety along Crewe Road where footway provision is limited.

Applicant's Planning Statement

- It is considered that the release of such a sizeable site would undermine wider policy objectives.
- It is clear that there is an existing current Local Plan in place which provides the necessary clear policy and development control guidance to determine this application.
- The applicant claims that 'the scheme would allow the site to provide a sympathetic transition between the hard urban fringe of Crewe and the openness of the Green Gap to the south west and Shavington village beyond'. This view is not accepted as Crewe has a very hard urban edge with the railway line at this point and the site itself represents an immediate and dramatic change in character from this hard urban edge into open countryside.
- It is not considered that the release of this land at this time can be justified on the basis of the future development of Basford West. Discussions of this nature are a matter for the LDF process.
- Whilst there may be a need for more housing in the Crewe area, the amount, distribution and location in Cheshire East has yet to be determined through the Local Plan process.
- The applicant appears to suggest that sustainability of the development can be claimed because it is located on a bus route.

Site location and description

- The site is actually located beyond the southern boundary of Crewe town not the town centre which is some distance away. The railway line actually creates a strong visual and physical boundary separating the town from the site and clearly defines the southern limit of Crewe town. This was recognised too by a previous inspector in opposing the allocation of the site for housing because it would extend the built up area of Crewe south of the railway line.

Planning policies

- By stating which policies of the current Local Plan, apply to the site eg NE2, the applicant is readily admitting that the proposal is in conflict with NE2.

Planning Considerations

- The applicant refers to the acknowledgement by a Cheshire East officer in a proof of evidence at a public inquiry relating to appeal APP/R0660/A/10/2141564 that the council is relying upon this site to come forward to meet its housing requirement. The officer's proof actually records the amount of housing which would be delivered and records that there have been pre-application discussions.
This is simply recognition that the site has been included in the SHLAA and its current status. It cannot and does not give any certainty that planning permission will be forthcoming.
- The proof also recognises that with 750 dwellings coming forward within the town centre/ regeneration areas and 1,000 on the northern edge of Crewe, a total of 1750 will be realised, in excess of a 5 year supply. Therefore there is no need to rely on this site to meet the 5 year requirement

7. OTHER REPRESENTATIONS

Letters of objection have been received from the occupants of 8 properties (there were 259 objections to the last application). The issues raised are as follows;

Principal of the development

- The site is outside the Settlement Boundary
- The site is a Greenfield site
- The application does not vary from the previous application
- Lack of public consultation
- Poor consultation on the Interim Planning Policy
- Threatened withdrawal by Mornflakes would threaten jobs
- There is a public consultation project taking place and a Parish plan should be produced before this application is determined
- There is adequate Brownfield land in Crewe
- There are unfinished housing sites available in Crewe
- Many empty dwellings in Crewe
- Loss of village identity
- The impact upon the character and appearance of the area
- Urban sprawl will destroy Shavington
- There are other more suitable sites
- The site is not accessible by foot
- There is no need for more housing
- The contributions offered by the developer are inadequate
- The new homes bonus will make the Local Authority biased towards development
- The S106 contributions may not be used within the Parish
- Decisions should be taken at the local level
- Cheshire East Council should consider alternative sites
- New developments appear to be concentrated on Crewe and Nantwich and not in areas to the north of the Borough
- The village has been extended to capacity

Highways

- Increased traffic

- Lack of pedestrian links along Gresty Green Road
- Highway safety along Crewe Road
- The site is located on a blind bend
- The site is unsustainable and the occupants of the development will rely on the car
- Existing traffic congestion in the area

Green issues

- Impact upon protected species
- Loss of Greenfield land
- Pollution
- The loss of wildlife habitat
- The impact upon protected species; bats, Great Crested Newts and Barn Owls

Amenity

- Noise impact from the nearby railway
- Impact from the Mornflakes Mill
- Light pollution and smell from the surrounding land uses

Infrastructure

- Impact upon local schools
- Impact upon local health services
- Impact upon gas, electricity, water and sewer systems
- The contributions offered by the developer are not sufficient
- Long waiting lists at Leighton Hospital

Other issues

- Loss of agricultural land
- The site suffers flooding
- The site is an RAF crash site and wreckage and ammunition may be located on the site
- Council Tax payments would have to be increased to provide an increase in services

An e-mail has been received from Cllr Brickhill to state that his objections he raised as part of the last application still stand. The points of objection are as follows;

The application is premature because:-

- Houses will not be needed until the Basford East/West employment sites are completed
- Access will be dangerous until the Basford WEST Spine Road is completed and removes traffic from Crewe Rd
- The local Crewe and Nantwich plan is still in force and this site is outside the settlement boundary shown on it.
- The cabinet and council passed a motion on 13th October 2011 to say these plans should be protected
- A new local parish plan is under way and this development should await its findings.
- A recent refusal by the Inspector of an appeal against housing in Sandbach upheld these views
- Council has referred a motion to rescind its Feb 24 Decision of an illegal interim planning policy to the strategic planning committee.

The access roads are dangerous and inadequate:-

- Gresty Lane is already a dangerous rat run with one decapitation accident recently
- Gresty Green is a narrow cul-de-sac unsuited to traffic. It is not a through road.
- The junction with Crewe Road at the Cheshire Cheese is dangerous enough already

- The proposed modification to the junction will make things worse
- There have been three fatal accidents in the vicinity

The site is green field farmland:-

- It is immediately adjacent to a green gap and it should therefore be green gap because de facto it is.
- It does divide Crewe from Shavington

There are protected bats on the site:-

- The remedial measures are inadequate.
- The building of the houses will kill or remove all bats contrary to the law to protect them.
- There will be no food supply for the bats when the houses are built.

The local Infrastructure is inadequate:-

- There are insufficient places at local primary schools Pebble Brook and Shavington.
- There is already a big drop in electricity supply voltage at peak times
- The drains are unable to take heavy rainwater now
- Crewe road is badly overloaded at peak times now
- Water pressure in the mains drops badly at peak times already
- The doctors surgery is full and there are no local dentists
- The waiting time at Leighton hospital has increased considerably already

The development is well outside the settlement boundary:-

- The boundary is currently defined by the local plan which has not yet been replaced
- The boundary was confirmed on appeal by an Inspector.
- Current policy is for development IN villages NOT at the edge of Crewe
- Current policy is for the villages to be separated from Crewe not joined up with Crewe by new housing.

The site floods

- The Gresty brook takes all surplus surface water from the surrounding area and it already floods the site
- This development and the approved Basford West Industrial site will reduce the grass soakaway areas
- There will therefore be even more surface water and this site will flood badly and often

Noise and smell:-

- The site is adjacent to a busy railway and the noise level will severely disturb new householders
- The site is adjacent to Morning Foods factory with bad odours and noise which will reduce the amenity of new houses
- Morning Foods employs 350 FTE. Objections from nearby residents could reduce or impede output and destroy jobs.
- The site is adjacent to a very noisy railway heavy engineering site working 24/7

Loss of Amenity to Others:-

- The development will cause loss of amenity particularly to the homes on Crewe road either side of the public house
- Additional pressure on the infrastructure will cause loss of amenity to all local residents.
- The increased development in Shavington will substantially change the locality and destroy its suburban village ethos

8. APPLICANT'S SUPPORTING INFORMATION

To support this application the application includes the following documents;

- Planning Statement
- Design and Access Statement

- Transport Assessment
- Extended Phase 1 Habitat Survey
- Bat Survey
- Water Vole and Otter Survey
- Landscape Character Assessment
- Tree Survey
- Air Quality Assessment
- Flood Risk Assessment
- Geophysical Survey
- Noise Assessment
- Statement of Community Involvement
- Sustainability Assessment
- Ground conditions desk top study
- Site waste plan

These documents are available to view on the application file.

9. OFFICER APPRAISAL

Principal of Development

The site lies in the Open Countryside as designated in the Borough of Crewe and Nantwich Replacement Local Plan 2011, where policy NE.2 states 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.

Whilst PPS3 'Housing' has been abolished under the new planning reforms, the National Planning Policy Framework (NPPF) reiterates 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 states that, Local Planning Authorities should have a clear understanding of housing needs in their area. This should take account of various factors including:

- housing need and demand,
- latest published household projections,
- evidence of the availability of suitable housing land,
- the Government's overall ambitions for affordability.

The figures contained within the Regional Spatial Strategy proposed a dwelling requirement of 20,700 dwellings for Cheshire East as a whole, for the period 2003 to 2021, which equates to an average annual housing figure of 1,150 dwellings per annum. In February 2011 a full meeting of the Council resolved to maintain this housing requirement until such time that the new Local Plan was approved.

It is considered that the most up-to-date information about housing land supply in Cheshire East is contained within the Strategic Housing Land Availability Assessment (SHLAA) which was adopted in March 2012.

The SHLAA has put forward a figure of 3.94 years housing land supply.

Paragraph 47 of the NPPF requires that there is a five year supply of housing plus a buffer of 5% to improve choice and competition. The NPPF advocates a greater 20% buffer where there is a persistent record of under delivery of housing. However for the reasons set out in the report which was considered and approved by Strategic Planning Board at its meeting on 30th May 2012, these circumstances do not apply to Cheshire East. Accordingly once the 5% buffer is added, the Borough has an identified deliverable housing supply of 3.75 years.

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.”*

The forthcoming Cheshire East Local Plan will set new housing numbers for the area and identify sufficient land and areas of growth to meet that requirement up to 2030. The Submission Draft Core Strategy will be published for consultation in the spring of 2013. Consequently, the current shortfall in housing land will be largely remedied within the coming year or so. However, in order that housing land supply is improved in the meantime, an Interim Planning Policy on the Release of Housing Land has been agreed by the Council. This policy allows for the release of appropriate greenfield sites for new housing development on the edge of the principal town of Crewe and as part of mixed development in town centres and in regeneration areas, to support the provision of employment, town centres and community uses. The proposed development complies with the IPP as it is located on the edge of Crewe.

From the above, it can be concluded that:

- The Council does not have a five year supply of housing – and the presumption in favour of sustainable development should apply.
- The proposed development complies with the Interim Planning Policy as it is located on the edge of Crewe
- The Cuddington Appeal in Cheshire West and Chester indicates that significant weight should be applied to housing supply arguments.
- The NPPF is clear that, where a Council does not have a five year housing land supply, its housing supply relevant policies cannot be considered up to date. Where policies are out of date planning permission should be granted 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.”*

Overall, housing supply is a very important consideration in the determination of this application and must be given considerable weight. On balance, it is considered that the principle of the scheme is acceptable and that it accords with the general policy of encouraging housing to meet the supply needs of the authority. The application turns, therefore on whether there are any significant and demonstrable adverse effects, that indicate that the presumption in favour of the development should not apply and this is considered in more detail below.

Brownfield Land

The Cheshire east annual housing figure of 1150 homes is derived from the previous Regional Spatial Strategy (RSS). The RSS quotes an annual requirement of 450 dwellings for the former Crewe and Nantwich area. This equates to a five year housing land supply requirement of 2500 units. As by far the largest town in the plan area it is to be expected that Crewe and its immediate surroundings would be expected to accommodate the greater part of this growth. Objectors and Members have previously expressed concern about releasing Greenfield land for development, whilst there are undeveloped Brownfield sites remaining. Members have previously received a list of all the Brownfield and mixed Brownfield/Greenfield sites for the Borough from extracted from the Strategic Housing Land Availability Assessment (SHLAA). This shows that there are 125 sites in and adjacent to Crewe that are Brownfield (or mixed green / Brownfield) and that are considered to be “deliverable” – these have a capacity to bring forward 666 dwellings in the 1-5 year period.

If only exclusively Brownfield sites are considered then the total is reduced to 121 sites with a capacity for 587 dwellings in the 1-5 year period. By any measure it's clear that Brownfield sites alone cannot meet the future housing needs of Crewe, never mind the Borough as a whole.

Landscape

The Landscape Assessment submitted with the application identifies a number of recommendations, including:

- Retain existing trees and hedgerows where in good condition.
- Enhance planting on southern boundary with adjacent properties.
- Utilise bunding to attenuate noise from the adjacent factory and railway line.
- Accord to the recommendations of the Ecological Report

The Planning Statement also indicates (3.3) that 'The proposals offer the opportunity to provide sustainable market and affordable housing in close proximity to local services and employment opportunities whilst enhancing the ecological value of the site through careful management of existing hedge-lines and trees and the addition of strategic planting to provide a natural habitat to complement the development'. It was not considered that the proposed development met these recommendations and a number of alterations have been secured as part of the previous application.

Following negotiations with the applicants agent the layout plan shows increased planting along the northern boundary of the site together with a scheme of planting onto the bund. This will improve the mitigation of the scheme along the Gresty Brook corridor and from the development to the north.

The proposals for open space running through the central part of the site have been improved with additional new woodland and shrub planting. This would then form a link between the wildlife corridor along the northern boundary and to the area to the south of Crewe Road.

The hedgerow to the eastern boundary of the site along the Crewe Road frontage would be replanted and this is considered to be acceptable from a landscape viewpoint.

Affordable Housing

As the site is located outside of the settlement boundary of Crewe the developer will be required to deliver a high quality, well designed development with a minimum of 35% of the housing being affordable in accordance with the Interim Planning Statement on Affordable Housing and the Interim Affordable Housing Policy. This percentage relates to provision of both social rented and/or intermediate housing as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

The Affordable Housing Interim Planning Statement also requires that the affordable units should also be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration.

All the Affordable homes should be constructed in accordance with the standards proposed to be adopted by the Homes and Communities Agency. The design and construction of affordable housing should also take into account forthcoming changes to the Building Regulations which will result in higher build standards particularly in respect of ventilation and the conservation of fuel and power.

The applicant has confirmed that there will be a 35% affordable housing provision on the site (57 units). The tenure split would be 65% affordable rent and 35% intermediate tenure in accordance with the Interim Planning Statement on Affordable Housing which is considered to be acceptable.

Highways Implications

The proposed layout is in the form of a cul-de-sac with a single vehicular access point onto Crewe Road, an emergency access point would be provided onto Gresty Green Road. Pedestrian access would be onto Crewe Road to the east and south and Gresty Green Road to the west.

The previous application included a reason for refusal relating to highways implications of the development. The main points of this reason for refusal are summarised as follows;

- Poor visibility at the site access point onto Crewe Road
- Significant increase in vehicular movements from the site which would have a harmful impact upon the local transport network in particular the junction of A534 Nantwich Road/South Street/Mill Street
- The financial contribution towards off-site improvements would not be satisfactory to offset the impact

Access Visibility

The main access to the site would be a priority junction and Crewe Road has a 40mph speed limit at this point. The applicant has undertaken speed surveys and these indicate that the 85%ile speed limits are below 35mph and the visibility provision of 2.4m by 70m is based on this presumption. This figure is accepted by the Highways Officer and it should also be noted that traffic speeds will be reduced even further at the access point when Crewe Road is closed just beyond the access point as part of the Basford West infrastructure improvements.

Since the previous refusal the applicant has undertaken a further assessment of the visibility at the site access point. This identifies that the site frontage along Crewe Road would allow for longer visibility splays to be accommodated within the application boundary or the adopted highway. The visibility splay to the north could be increased to 120 metres which would be acceptable for a 40mph vehicular speed along Crewe Road. The visibility to the south shows that a 95 metre splay could be achieved and this is considered to be acceptable as it is highly likely that vehicle speeds will be no higher than 30mph when travelling northwards due to the bend in the road.

The increased visibility splays now suggested are both above those agreed by the highways officer as part of the last application and represent a significant improvement in an attempt to address the highway concerns raised as part of the last application.

Impact upon the capacity of the highway network

In terms of the traffic impact of the development, a traditional peak hour assessment has been undertaken with the flows associated with the development. This is predicted to be 97 trips in and out in the morning peak hour and 103 trips in and out in the evening. These trips have then be added to the existing background traffic flows with the Basford development added, to arrive at the development flows to be tested on the network.

Traffic Surveys have been undertaken in support of this application and focus on the following junctions;

- Roundabout junction A500/B5071 Link Road
- Signalised junction – Crewe Road/B5071
- Priority junction – Crewe Road/Gresty Lane
- Priority junction Crewe Road/Gresty Road/Catherine Street

- Signalised junction – A534 Nantwich Road/South Street/Mill Street
- Signalised junction – Rope Lane/Gresty Lane/Eastern Road

The TA states that all of the above junctions, apart from the priority junction of Crewe Road/Gresty Road/Catherine Street and the signalised junction at the A534 Nantwich Road/South Street/Mill Street, operate within their capacity in the year of opening and the future assessment year with the committed development in place.

In terms of the priority junction of Crewe Road/Gresty Road/Catherine Street the TA shows that this junction will operate within the base scenarios in the year of opening and the future assessment year with the committed development in place with the exception of the Gresty Road North East and Catherine Street arms which slightly exceed capacity with a minimal amount of queuing. In response to this the TA states, that the junction will continue to operate in the same manner with the proposed residential traffic in place with *‘an immaterial impact in terms of capacity and only an additional 4 vehicles queuing on Catherine Street and 2 additional vehicles queuing on Gresty Road (N/E)’*.

The main highways impact of the proposed development will be upon the signalised junction of the A534 Nantwich Road/South Street/Mill Street. The TA states that the existing signalised junctions slightly exceed its theoretical capacity in the base scenarios for both opening and future years. According to the TA, the junction *‘will continue to operate with a degree of saturation of less than 100% with the proposed residential development traffic on the highway network and will result in a minimal impact in terms of both capacity and vehicle queues’*. The TA also states that the residential development of the size will result in a junction percentage impact of only 1%.

This view is not accepted by the Highways Officer and the Highways Department have carried out some of their own modelling in relation to this junction. The view taken by the highways department is that no further development can take place without improvements to this junction. As a result this proposal will need to make substantial contributions towards these junction improvements. The contribution requested is £3,000 per unit which would give a total of £495,000 for this development.

There are only two ways of improving traffic flows and providing mitigation for the Gresty Green developments in highways terms. These are the improvements to the signalised junction of the A534 Nantwich Road/South Street/Mill Street or the construction of the Crewe Green Link Road. These junction improvements remain the Councils preferred solution, but if for reasons outside of the Council’s control it cannot be delivered, the contribution to the Crewe Green Link Road will ensure that the Gresty Green development can in one way or the other provide a degree of mitigation of its impact.

Overall given the scale of the development and its impact, it is considered that this contribution is acceptable and the development would not have a detrimental impact upon the wider highway network subject to the necessary mitigation.

It should also be noted that the Crewe Green Link Road has planning permission and a level of funding has been agreed. Once the Crewe Green Link Road is operational it will reduce traffic flows along Crewe Road and at the junctions with Nantwich Road. Given the level of impact that this development is likely to have, the contribution proposed which would cover the highway

improvements would comply with the tests of the Community Infrastructure Levy Regulations 2010 as discussed below.

Amenity

In terms of the surrounding residential properties these are mainly to the south and west of the site and front Crewe Road and Gresty Green Road. Adequate separation distances would be provided to these properties. To the single storey properties along Gresty Green Road the proposal involves the construction of bungalows which would help minimise the impact upon residential amenity.

The main impact will be on the amenities of the future occupiers of the proposed dwellings through noise and odour from the surrounding land uses which includes the Morning Foods Mill and the railway line.

An updated noise assessment has been submitted as part of this application. This is based on the original report and incorporates subsequent addenda with additional information. The updated report also considers the recent approvals at the Morning Foods Mill.

Since the determination of the last application the NPPF has replaced PPG24. The updated noise report does refer to the guidance contained within PPG24 (since this was referred to within the original report and the NPPF does not contain specific guidance on acoustic criteria) and BS8233 has been used as the basis for determining noise control and sound insulation measures.

The noise surveys were undertaken in March 2010 and May 2012 (following the refusal of the last application). The results for both surveys are very similar with only minor differences which the report states were *'likely to be due to variations in activities at the Direct Rail Services depot'*.

The now withdrawn PPG24 set out the Noise Exposure Category's (NEC) for proposed housing sites that will be exposed to noise from road, trains and mixed transport/industrial noise. The Noise Exposure Category's are defined as follows;

Category A - Noise need not be considered as a determining factor in granting planning permission, although the noise level at the high end of the category should not be regarded as a desirable level

Category B - Noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection against noise'

Category C – Planning permission should not normally be granted. Where development is permitted, steps should be taken to ensure a commensurate level of protection against noise

Category D – Planning permission should normally be refused

The results show that the areas to the west of the site fall within Noise Exposure Category's A and B for daytime and night time periods with the areas to the middle and east of the site falling within Noise Exposure Category's B and C for daytime and night time periods. The results are shown in the table below together with details of the noise exposure categories.

	Noise Exposure Category			
	A	B	C	D
Day (07:00-23:00hrs)	<55	55-63	63-72	>72
Night (23:00-07:00hrs)	<45	45-57	57-66	>66

Location	PPG24 Noise Exposure Category	
	Daytime	Night-time
1. Approx 20m from railway at west end of the site	B	B
2. At the northern boundary towards the west end of the site	A	B
3. 10m from the northern boundary of the site (with a clear view to Mornflake Factory)	B	C
4. At the northern boundary of the site opposite main Mornflake plant	B	C
5. 5m from eastern boundary of the site with Crewe Road	C	C
6. Approx 5m from the eastern boundary of the site towards the north-east corner of the development land	C	-

In order to mitigate the noise from the adjacent land uses a noise mitigation scheme has been produced in accordance with British Standard 8233 which sets out the relevant sound insulation and noise reduction for buildings. The mitigation includes the following;

- An earth bund/fence with a combined height of 7 metres (5 metre earth bund topped with a 2 metre timber acoustic fence) along much of the northern boundary
- Along the western third of the northern boundary of the site where there will be no bund/fence the buffer zone will be at least 20 metres
- The first row of dwellings to the north of the site should be a minimum of two stories and be orientated so as to provide an effective barrier to noise for areas further to the south
- Along the eastern boundary with Crewe Road there should be no dwellings or gardens closer than 5 metres from the boundary of the site and any private gardens along this boundary will require acoustic fencing of at least 2 metres in height
- Three specifications for well-sealed thermal double glazing and standard window frame trickle ventilation would be provided and a plan contained within the noise report indicates which properties require which specification.

The suggested mitigation would result in day-time and night-time noise levels inside living rooms and bedrooms not exceeding the recommendations of BS823 (daytime average noise not exceeding 35dB L_{Aeq} , 16 hour inside living rooms, night time not exceeding 30dB L_{Aeq} , 8hour inside bedrooms and night-time peaks of noise not exceeding 45 dB L_{Amax} and gardens below 55dB L_{Aeq}). This is accepted by the Environmental Health Officer who has raised no objection subject to the noise mitigation measures contained within the noise assessment being conditioned as part of any approval.

In terms of noise within the private rear gardens, the applicant has provided further information in the form of calculations to indicate that the noise mitigation measures in the form of the bund, acoustic fencing and siting of the dwellings would result in the development complying with the level of 55dB L_{Aeq} which is required by BS8233. This is accepted by the Councils Environmental

Health Officer who has suggested that a condition is attached to secure the mitigation and that the noise levels in accordance with BS823 are achieved.

In terms of air quality the Environmental Health Officer has requested a condition regarding a dust management plan to minimise the impact from the development in terms of the site preparation and construction phases.

The issue of odour from the Morning Foods Factory has been raised as part of the letters of objection. This issue would be regulated by the Environment Agency, as part of the consultation response no objection has been raised in relation to odour and as a result the impact upon the future occupiers of the dwellings is considered to be acceptable.

Trees and Hedgerows

The Tree Survey and Constraints Plan submitted with the application identify some 30 individual trees and two groups of trees located both within and immediately adjacent to the application site. The survey also makes reference to three hedgerows, two of which are unconnected located centrally within the application site, the third forming the eastern site boundary along Crewe Road.

The Survey identifies eight trees which are worthy of retention, categorised as A or B category as defined by BS5837:2010. Six of these trees are located within the proposed central area of open space and are not affected by the proposed development; the remaining two Oak trees are located towards the southern boundary of the site. Concerns with regard to the position of these Oak trees in terms of the social proximity, relationship to windows and excessive shading of the house and gardens were raised as part of the last application and have now been addressed.

The remaining twenty or so individual trees and two groups within and along the boundary of the site have been categorised as 'C category within the submitted Survey. It is agreed that these trees do not have any outstanding merit and are not considered to contribute significantly to the wider amenity of the area.

The proposed access off Crewe Road and associated footpath and visibility splay to the east of the site will necessitate the removal of a Hawthorn hedge which contributes to the landscape character along this section of Crewe Road. The removal of this hedgerow is unfortunate but is necessary to ensure that the required highway visibility is secured. The benefits of allowing this scheme in relation to the five year housing land supply would outweigh the impact caused by the loss of the hedgerow given that a replacement hedgerow would be secured as part of the proposed development. This was accepted as part of the last application and did not form a reason for refusal.

Design

The surrounding development comprises a mixture of ages and architectural styles. Notwithstanding this, there is consistency in terms of materials with most walls being finished in simple red brick with some properties incorporating render. The predominant roof forms are gables although some are hipped and most are finished in grey tiles. The surrounding residential development maintains a rural character.

The proposed development would consist of two-storey dwellings and three bungalows which would be arranged around a cul-de-sac arrangement. The provision of two storey development on this site is appropriate and would not appear out of character, whilst the bungalows would be sited to the south-east corner of the site adjacent to the existing single-storey development.

The application site would appear most prominent when viewed from Crewe Road and travelling in and out of Crewe. At this point the existing boundary hedgerow would be removed and replanted to aid driver visibility when leaving the site. At this point a service road would serve the dwellings and they would front onto Crewe Road which is considered to be acceptable.

To the south and west views of the site would be via areas of open space, this would soften the appearance of the development and is considered to be acceptable.

The internal layout of the site has been designed so that properties front onto the highway and that corner properties have dual frontages (although is considered that plots 37, 48, 72, 94, 96 & 157 would benefit from additional fenestration to the side gables, this will be controlled through the use of a planning condition). The proposed POS would be well overlooked in all instances which would give good natural surveillance to these areas. On the whole car-parking would be provided within the curtilage of the proposed dwellings or within parking courtyards to the rear. The design and layout would not give the impression of any car dominated frontages.

In terms of the detailed design of the dwellings they would have gabled roofs with varying porch details, projecting gables, canopies and design details such as sills, plinth detailing, gable detailing, lintel detailing and quoins. It is considered that the proposed dwelling types are appropriate and would not appear out of character on this site.

The proposed development includes the provision of a bund to the northern boundary and north-east corner. This would be up to 7 metres in height and would be planted with shrubs and trees; this is considered to be acceptable in design terms.

Ecology

The application site includes a number of habitats and has the potential to support a number of protected species. An Ecological Assessment has been produced and in support of this application and the impact of the development upon protected species is considered below;

Great Crested Newts

Great Crested Newts have not been found within the pond on the site and the submitted protected species survey states that given the *'relatively limited/localised GCN shelter opportunities available at the development site it has been concluded unlikely that the development works would result in the injury and/or death of GCN or the disturbance/destruction of their resting places'*. This is accepted by the Councils Ecologist and it is not considered that there will be an impact upon GCN.

Otters

Otters which are a European Protected Species have been identified as being present within Gresty Brook.

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

- in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment

and provided that there is

- no satisfactory alternative and
- no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK implements the Directive in the Conservation of Habitats & Species Regulations 2010 which contain two layers of protection

- a requirement on Local Planning Authorities (“LPAs”) to have regard to the Directive’s requirements above, and
- a licensing system administered by Natural England.

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

The converse of this advice is that if issues of detriment to the species, satisfactory alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations.

In terms of the 3 tests, it is considered that:

- There are no satisfactory alternatives as the site would assist in meeting the Councils five year housing supply
- In the absence of any impact from the proposed development it is likely that any contact will be low and will relate mainly to the risk of animals venturing onto the site during the construction phase and the potential disturbance of a potential resting place. Mitigation measures have been included with the otter survey report. The Councils Ecologist has advised that these are proportionate to the scale of the potential impacts and the proposed development is unlikely to affect the favourable conservation status of the species.
- There are imperative social reasons of overriding public interest, as the development would improve the appearance of the site and the development of this site would assist in meeting the five year housing supply.

The otter mitigation measures will be secured through the use of a planning condition.

Bats

The Protected Species Survey found no evidence of roosting bats within the trees on the site.

Barn Owls

The site is described as a type 2 habitat *'these habitats are sub-optimal to field voles and are of intermediate and often transient value to Barn Owls'*. A Barn Owl survey found no evidence of barn owl activity on the site. However Barn Owls have been recorded within 1km of the site and on an adjacent site.

To offset the loss of this habitat the Councils Ecologist has agreed with the applicant that if planning consent is granted they will provide the sum of £2,000 to the Local Barn Owl Group to assist the group with their conservation work in the district. The payment of this sum should be secured by means of a section 106 agreement attached to any permission granted.

Birds

The proposed development site is likely to support breeding birds including widespread and relatively common BAP species which are a material consideration. As a result if planning consent is granted for this scheme conditions regarding the timing of works and the provision of suitable features for nesting birds will be attached to the planning permission.

White Clawed Crayfish

White Clawed Crayfish are known to occur in this locality. No specific survey has been undertaken for this species in support of this application. However an 8m buffer zone is proposed between the development and the brook. Provided this is implemented the Councils Ecologist advises that there will be no impact upon this species.

Orchard

A traditional orchard as identified by the national inventory occurs on the site. Orchards are National and Local Biodiversity priority habitat and are therefore a material consideration. The submitted ecological survey recommends the retention and enhancement of the orchard, but the proposals plan appears to show the area of the orchard being proposed for a LEAP, housing and open space. In this case it is considered that the need for housing outweighs the loss of the orchard and that this issue would not warrant the refusal of this planning application.

Public Open Space

As part of this development there would be a requirement of 5,775sq.m of Public Open Space according to Policy RT.3. As part of this development the proposed plan shows that POS would be provided in two areas; the central area would measure 4,572sq.m, and an area to the north-west corner of the site (excluding the bund) would measure 3,035sq.m (total area of 7,608sq.m). As a result the open space requirement of Policy RT.3 has been met. Furthermore the Public Open Space Officer is happy with the layout of the open space.

In terms of children's playspace the Public Open Space Officer has requested the provision of an on-site 5 piece LEAP. The applicant's agent has confirmed that this will be provided and this will be secured through the S106 Agreement.

Sustainability

The Interim Planning Policy on the Release of Housing land requires a high quality development to Code for Sustainable Homes Level 4 and Policy EM18 of the RSS requires 10% renewable on the site. These elements will not be provided as the developer will instead provide an education contribution. This is considered to be a reasonable approach and this non-compliance is considered to be acceptable.

Education

The impact upon education provision in the area formed a reason for refusal as part of the last application on this site.

As part of the current application the education department have requested a contribution towards primary school education. This is due to the latest projections showing that primary schools would be oversubscribed from 2014. Secondary schools would have a surplus capacity to serve the development.

The education department have requested a contribution of £292,850 towards primary school education. In response to this the applicant has offered to make this contribution subject to the reduction from Code 4 to Code 3 for Sustainable Homes and the removal of the 10% renewable energy requirement. This is considered to be appropriate given the concerns raised in relation to the impact upon local schools.

Flood Risk and Drainage

The majority of the application site is located within Flood Zone 1 according to the Environment Agency Flood Maps. This defines that the land has less than 1 in 1000 annual probability of flooding and all uses of land are appropriate in this location. A very small portion of the site to the north-east corner is located within Flood Zones 2. However it should be noted that no properties would be built on this part of the site.

In support of this application a Flood Risk Assessment has been provided. Basford Brook which is a designated main river runs along the northern boundary of the site. It passes under Crewe Road in culvert and is also culverted under the railway line.

In terms of flooding from the adjacent watercourse due to changes in land level the minimum floor levels for the development would be exceed the level required as part of the 1 in 100 year flood risk model.

In terms of surface water, uncontrolled flows will exceed Greenfield run off rates and it is therefore proposed that the development run off rate will be limited to Greenfield run off rates. It is proposed to connect surface water drainage into the adjacent watercourse and to limit this to Greenfield run-off rates 1,300cu.m of storage will be required and this would accommodate storms up to and including the 1 in 100 year plus and allowance of 30% for climate change.

The Environment Agency originally objected to the last application as the Flood Risk Assessment failed to consider the risks associated with culvert failure/blockage. Following negotiations the objection made by the Environment Agency has been removed and a number of conditions have been suggested.

Therefore it is considered that the development is acceptable in terms of its drainage/flood risk issues.

Other issues

Japanese Knotweed is located to the north-eastern corner of the site. A condition will be attached to ensure that a method statement regarding the removal of the Japanese Knotweed is approved by the Local Planning Authority.

Concerns have been raised as part of the objections received in relation to the connectivity of the site. There would be pedestrian access routes from the eastern and western sides of the site into Crewe which would run under the railway line. The site is considered to be sustainable and would have adequate pedestrian access.

The letters of representation and the Parish Council objection make reference to the Inspectors decision as part of the Local Plan Inquiry. In response this application is subject to updated noise assessments and mitigation, the Councils position in relation to housing land supply has also changed as can be seen above, whilst the national policy position has changed following the publication of the NPPF. Therefore it is considered the issues raised in the objection would not warrant the refusal of this application.

In terms of the loss of agricultural land, the site is not classed as the best and most versatile agricultural land and a refusal on these grounds could not be sustained.

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.

The provision of a contribution towards the construction of the Crewe Green Link Road or capacity improvements at the junction of Gresty Road/South Street is required to help mitigate against the highways impact of the development. The proposed development cannot proceed without these improvements and the contribution is reasonably related in scale and kind to the development.

The development would result in the loss of Barn Owl habitat, it is therefore necessary to secure a contribution to monitor the local population of Barn Owls in order to determine any future population trends. This is considered to be necessary and fair and reasonable in relation to the development.

As explained within the main report, affordable housing, POS and children's play space is a requirement of the Interim Planning Policy; it is directly related to the development and is fair and reasonable.

The proposed development would result in an increased number of primary school children living within the catchment of local schools. An education contribution is necessary to ensure that local schools have capacity to serve this development and is directly related and fair and reasonably related in scale and kind to the development.

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

10. CONCLUSIONS

It is acknowledged that the Council does not currently have a five year housing land supply, which is a requirement of the National Planning Framework. Accordingly, in the light of the advice contained in NPPF the relevant policies for the supply of housing should not be considered to be up-to-date. Therefore paragraph 14 of the NPPF states that planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF or policies within the NPPF indicate that development should be restricted.

In this case there is not considered that there are any adverse impacts that would significantly and demonstrably outweigh the benefits or are there any policies within the NPPF that indicate that development should be restricted. In this case there is support for this proposed development site is considered to be in a sustainable location.

The proposal is also supported in principle by the Government's "Planning for Growth" agenda which states that Local Authorities should adopt a positive approach to new development, particularly where such development would assist economic growth and recovery and in providing a flexible and responsive supply of housing land. This proposal would do both. The Government has made it clear that there is a presumption in favour of new development except where this would compromise key sustainability principles.

It is considered that the development is acceptable in terms of affordable housing provision.

The highway safety and traffic generation issues can be addressed through appropriate developer contributions to off-site highway improvements. The visibility at the site access point can be increased to address the previous concerns which have been raised.

Matters of contaminated land, air quality and noise impact can also be adequately addressed through the use of conditions. A further update will be provided in relation to the outstanding noise issue to a small number of properties.

Although there would be some adverse visual impact resulting from the loss of open countryside, it is considered that due to the topography of the site and the retention of existing trees and hedgerows, this would not be significant relative to other potential housing sites in the Borough. Furthermore, it is considered that the benefits arising from housing land provision would outweigh the adverse visual impacts in this case. It is considered that through the use of appropriate conditions significant trees can be incorporated into the development. The hedgerow to be lost is relatively limited in length and it is considered that the requirement for housing outweighs the loss of these small stretches of hedgerow. Furthermore replacement planting will be secured as part of the planning conditions.

With regard to ecological impacts, the Council's ecologist is satisfied with the proposed mitigation measures for protected species can be achieved. These details will be secured through the use of a planning condition and a contribution towards Barn Owl conservation.

The scheme complies with the relevant local plan policies in terms of amenity and it is considered that the proposal is of an acceptable design.

Policy requirements in respect of public open space provision have been met within the site, and therefore it is not considered to be necessary or reasonable to require further off-site contributions in this respect.

The Flood Risk Assessment has not identified any significant on or off site flood risk implications arising from the development proposals that could be regarded as an impediment to the development

In this case the developer will not provide 10% renewable energy or achieve Code for Sustainable Homes Level 4 which is considered to be acceptable as an education contribution would be provided.

It is therefore considered that the proposal would not compromise key sustainability principles as set out in the NPPF which has a strong emphasis towards sustainable economic development. In this case there are no significant adverse impacts that demonstrably outweigh the benefits and the application should be approved.

11. RECOMMENDATIONS

APPROVE subject to completion of Section 106 legal agreement to secure the following:-

- 1. Provision of 57 affordable housing units – 65% to be provided as social rent with 35% as intermediate tenure**
- 2. The provision of a LEAP and Public Open Space to be maintained by a private management company**
- 3. A commuted payment of £495,000 towards highway improvements (to be put towards the construction of the Crewe Green Link Road or capacity improvements at the junction of Gresty Road and South Street with Nantwich Road)**
- 4. A commuted payment of £2,000 towards Barn Owl conservation work**
- 5. An education contribution of £292,850**

And the following conditions

- 1. Standard time – 3 years**
- 2. Materials to be submitted to the LPA and approved in writing**
- 3. Submission of a landscaping scheme and wildlife management plan to be approved in writing by the LPA (the scheme shall include native species only and the provision of replacement hedgerow planting)**
- 4. Implementation of the approved landscaping scheme and wildlife management plan**
- 5. The submission of a comprehensive arboricultural method statement covering tree/hedgerow protection, programme of tree/hedgerow works, and special construction**

techniques for proposed areas of hard surfacing in tree/hedgerow root protection areas to be submitted to the LPA and approved in writing

6. No trees/hedgerow to be removed without the prior written consent of the LPA

7. Boundary treatment details to be submitted to the LPA and approved in writing

8. Remove PD Rights for extensions and alterations to the dwellings

9. Prior to any commencement of works between 1st March and 31st August in any year, a detailed survey is required to check for nesting birds.

10. Prior to the commencement of development the applicant to submit detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds including house martin and swift. Such proposals to be agreed by the LPA. The proposals shall be permanently installed in accordance with approved details.

11. The development shall proceed in accordance with the approved Water Vole/Otter mitigation measures

12. The development shall proceed in accordance with the approved plans

13. No development within the 8m buffer with the brook

14. The development hereby permitted shall not be commenced until such times as a scheme for the provision and implementation of a surface water regulation system has been submitted to, and approved in writing by, the local planning authority.

15. The development hereby permitted shall not be commenced until such time as a scheme for the management of overland flow from surcharging of the on-site surface water drainage system has been submitted to, and approved in writing by, the Local Planning Authority.

16. The development hereby permitted shall not be commenced until such time as a scheme to ensure no raising of ground levels within the 1 in 100 year fluvial floodplain has been submitted to, and approved in writing by, the Local Planning Authority.

17. The submission and approval of a Contaminated Land Survey

18. The detailed noise mitigation measures to protect the proposed occupants from both railway noise and industrial noise from Morning Foods Ltd should be installed and completed before any of the dwellings are first occupied

19. Noise levels of 35dB(A) within bedrooms and 55dB(A) within the rear garden areas shall be secured. Details of which shall be confirmed within a report to be submitted to the LPA for approval in writing

20. Construction hours shall be limited to 08:00 – 18:00 Monday – Friday, Saturday 09:00 – 14:00 with no working on Sundays/Bank Holidays

21. The submission and approval of a Dust Management Plan

22. Prior to the commencement of development revised elevations with additional fenestration shall be provided for plots 37, 48, 72, 94, 96 & 157

23. Compliance with the recommendations contained with Energy and Climate Change Strategy Report

24. Details of external lighting to be approved in writing by the LPA

25. A scheme for the removal of Japanese Knotweed shall be submitted to the LPA and approved in writing

26. The approved access shall not be brought into use until visibility splays of 2.4m x 120m in north direction and 2.4m x 95m in the south direction have been provided with no obstruction above 1.0m in height.

27. The bund hereby approved shall be constructed using inert subsoils/clay and shall be capped with at least 150mm of topsoil

28. Any materials which are brought onto the site for the construction of the bund hereby approved shall be used in the construction of the bund immediately and shall not be stored anywhere on the site.

29. Prior to the commencement of development a method statement for the preparation of the land on which the bund will be sited (including stripping and storage of topsoils) shall be submitted to the Local Planning Authority and approved in writing. The development shall be completed in accordance with the approved details.

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Management and Building Control has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.

