

# CHESHIRE EAST COUNCIL

## STRATEGIC PLANNING BOARD

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**Date of meeting:** 5<sup>th</sup> February 2013  
**Report of:** David Malcolm – Interim Planning and Place Shaping Manager  
**Title:** 12/3300N Weston Lane Shavington

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### **1.0 Purpose of Report**

- 1.1 To consider the withdrawal of a reason for refusal relating to planning application 12/3300N for the Erection of 57 dwellings at land at Weston Lane, Shavington.

### **2.0 Decision Required**

- 2.1 To agree to withdraw the sixth reason for refusal in respect of impact on protected species and to instruct the Interim Planning and Place Shaping Manager not to contest the issue at the forthcoming public inquiry.

### **3.0 Background**

- 3.1 Members may recall that on the 22<sup>nd</sup> May 2013, Strategic Planning Board considered an application for the erection of 57 dwellings at Weston Lane, Shavington (12/3300N refers)
- 3.2 The board resolved to refuse planning permission for the following reasons:
- *The proposal is located within the Open Countryside and Green Gap and would result in erosion of the physical gaps between built up areas. Given that there are other alternatives sites which could be used to meet the Council's housing land supply requirements, the proposal is considered to be contrary to Policies NE2 and NE.4 of the Borough of Crewe and Nantwich Replacement Local Plan, the National Planning Policy Framework and the emerging Development Strategy which seek to protect its intrinsic character and beauty.*
  - *The proposed development would result in the area becoming part of the urban part of Shavington, As such, it would no longer have an agricultural character and would no longer be able to maintain its designated function as a Green Gap. The proposed development will clearly erode the physical gaps between the built up areas and fundamentally change the existing agricultural landscape character into an urban character and so in*

*landscape terms is contrary to policy NE.4 of the Borough of Crewe and Nantwich Replacement Local Plan which seeks to maintain the definition and separation of existing communities and prevent Crewe and Shavington merging into one another.*

- The proposed development by virtue of its size and siting would result in the direct loss of existing trees which are the subject of the Crewe and Nantwich Borough Council (Weston Lane, Shavington) TPO 1979. The loss of these trees is considered to be unacceptable because of the impact upon the general amenity and character of the area in which the application site is located contrary to Policy NE.5 (Nature Conservation and Habitats) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the provisions of the National Planning Policy Framework.*
- The proposed development by virtue of its size and siting would result in a threat to the continued well being of existing trees which are the subject of the Crewe and Nantwich Borough Council (Weston Lane, Shavington) TPO 1979. The loss of these trees is considered unacceptable because of the impact upon the general amenity and character of the area in which the application site is located contrary to Policy NE.5 (Nature Conservation and Habitats) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the provisions of the National Planning Policy Framework which seeks to conserve and enhance biodiversity and the prevent loss or deterioration of irreplaceable habitats including trees.*
- The alterations to the gateway and drive, including changing the dimensions and character of the entrance and driveway, loss of important trees, the nature and quality of the new housing and relationship of the proposed housing to the Grade II Listed Shavington Hall and its grounds, when taken cumulatively, will lead to substantial harm to the setting of the heritage asset, with no demonstrable public benefit. The quality of the proposal is not sufficiently high in design terms and detracts from the character or setting of the building concerned, especially with regard to its surrounding gardens, landscape, street scene or relationship with adjoining buildings and significant views and fails to take the opportunities available for improving the character and quality of the area and the way in which it functions contrary to Policy BE.9 of the Crewe and Nantwich Replacement Local Plan 2011 and the provisions within the NPPF, rendering the development unsustainable.*
- The application fails to provide sufficient information to quantify and mitigate any impact on species protected under the Wildlife and Countryside Act 1981 and Habitat Regulations in accordance with Policies NE.5 (Nature Conservation and Habitats) and NE.9: Protected Species of the Crewe and*

*Nantwich Replacement Local Plan 2011, Policy DP7 (Promote Environmental Quality) of the North West of England Plan Regional Spatial Strategy to 2021 and the provisions of the National Planning Policy Framework.*

- 3.4 Since the application was refused an updated badger survey has been submitted, along with a report on the inspection of the trees at Shavington Hall that had previously been identified as having potential to support roosting bats.
- 3.5 The Council's Ecologist has examined the report and confirmed that he is now satisfied that roosting bats and badgers are not likely to be affected by the proposed development.
- 3.6 An acceptable great crested newt mitigation strategy was previously submitted and so he can confirm there are now no outstanding ecological surveys or assessments in respect of this proposed development.
- 3.7 However, during the intervening period, the applicant has also lodged an Appeal against the refusal and has opted to have the Appeal heard at a Public Inquiry. In the light of the recent additional information, it is considered that the ecology reason for refusal would no longer be sustainable at the Appeal.
- 3.8 In the event that the appeal was successful, and the Inspector was of the view that development in the Open Countryside was acceptable, conditions could be imposed to address the ecology issue.

#### **4.0 Conclusion**

- 4.1 On the basis of the above, it is considered that the Council should withdraw the ecological reason for refusal and agree with the Appellant not to contest the issue at Appeal.

#### **5.0 Recommendation**

- 5.1 That the Committee resolve to withdraw the sixth reason for refusal in respect of ecology and to instruct the Interim Planning and Place Shaping Manager not to contest the issue at the forthcoming public inquiry.

#### **6.0 Risk Assessment and Financial Implications**

- 6.1 There is a risk that if the Council continues to pursue the ecology reason for refusal at Appeal, when the outstanding information has now been received and the issue can be adequately dealt with via conditions, a successful claim for appeal costs could be made against the Council on the grounds of unreasonable behaviour.

**6.2** There would also be an implication in terms of the Council's own costs in defending the reason for refusal.

**6.3** There are no risks associated with not pursuing the reason for refusal at Appeal.

## **7.0 Consultations**

### ***Borough Solicitor***

7.1 The Borough Solicitor has been consulted and recommends the withdrawal of the reason for refusal.

### ***Ecologist***

7.2 The Council's Ecologist has been consulted and recommends the withdrawal of the reason for refusal.

## **8.0 Reasons for Recommendation**

8.1 To ensure that an approved scheme for essential affordable housing within the rural area is delivered.

### ***For further information:***

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### ***Background Documents:***

*Applications 12/3300N*