

# CHESHIRE EAST COUNCIL

## STRATEGIC PLANNING BOARD

---

**Date of meeting:** 28<sup>th</sup> May 2014  
**Report of:** David Malcolm – Principal Planning Manager  
**Title:** Land off Crewe Road, Haslington ref; 13/4301N

---

### 1.0 Purpose of Report

- 1.1 To seek authorisation to remove the suggested highways reason for refusal at the forthcoming appeal against non-determination for planning ref; 13/4301N which seeks outline planning permission (including details of access) for the demolition of existing structures and foundations and the erection of up to 250 dwellings, medical centre/community use, public open space, green infrastructure and associated works on land off Crewe Road at Haslington.

### 2.0 Decision Required

- 2.1 To agree to withdraw the third suggested reason for refusal in respect of impact on highway safety and to instruct the Principal Planning Manager not to contest the issue at the forthcoming public inquiry.

### 3.0 Background

- 3.1 Following agreement with the Chairman of the Strategic Planning Board and the Local Ward Member Cllr Hammond (Appendix 1 refers), the Council has outlined that they will be defending the forthcoming appeal against non-determination on the following grounds:

- i) Housing Land Supply
- ii) Loss of Agricultural Land
- iii) Impact on Highway Safety

- 3.2 It was agreed that the reasons for refusal would be as follows:

1. *'The proposed residential development is unsustainable because it is located within the Open Countryside contrary to Policies NE.2 (Open Countryside) and RES.5 (Housing in the Open Countryside) of the Crewe and Nantwich Replacement Local Plan, Policy PG5 of the emerging Cheshire East Local Plan Strategy – Submission Version and the principles of the National Planning Policy Framework, which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it and creates harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land*

*in accordance with the National Planning Policy Framework and consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.'*

2. *'The proposal would result in loss of the 'best and most versatile agricultural land' and given that the Authority can demonstrate a housing land supply in excess of 5 years, the applicant has failed to demonstrate that there is a need for the development, which could not be accommodated elsewhere. The use of the 'best and most versatile agricultural land' is unsustainable and contrary to Policy NE.12 of the Borough of Crewe and Nantwich Replacement Local plan 2011 and the provisions of the National Planning Policy Framework.'*
3. *'Insufficient information has been submitted to adequately demonstrate that the visibility splays at the point of access to the site could be achieved. The development would therefore cause a severe highway safety impact contrary to the NPPF.'*
- 3.4 Whilst it is proposed that the Council will continue to defend this appeal on grounds i) and ii) above, further work has been carried out with respect to ground iii) relating to the potential highways reason for refusal.
- 3.5 Following a considerable level of concern from residents regarding the safety of the access proposal and the visibility splays being provided, the Council has undertaken speed surveys at the location of the access point to validate the applicant's information provided in the Transport Assessment.
- 3.6 The results of these surveys indicate that the 85%ile speeds are 36.5mph eastbound and 35.5mph westbound, which are average speeds of vehicles over a day and do account for the wet weather reduction. This compares to the applicant's submitted figures of 37.7mph eastbound and 38.3 westbound with a similar wet weather reduction. Thus, the Council has found that the average speeds are actually lower.
- 3.7 The appropriate guidance for SSDs stopping sight distances is Manual for Streets where 85%ile speeds are up to 60 Km/h (37.2 mph). In cases where speeds are above this value, then the Design Manual for Road and Bridges can be used. As the speed survey results indicate that vehicle speeds are contained below 60km/h, then Manual for Streets should be used.
- 3.8 The proposed visibility splays indicated on Figure 6.1 indicate splays of 2.4m x 58.1m in the leading direction and 2.4m x 57m in the non-leading direction. Given the 85%ile vehicle speeds results; the proposed visibility splays meet with the standards in Manual for Streets.

3.9 As such, it is clear that it would not be possible to substantiate a highways reason for refusal based upon the safety of the access as the results of the Council's speed surveys demonstrates that the required visibility splays would be provided in accordance with the appropriate standards.

3.10 Consequently, it is considered that the Council should remove the highways reason for refusal.

#### **4.0 Conclusion**

4.1 On the basis of the above, it is considered that the Council should withdraw on highways and agree with the Appellant not to contest the issue at Appeal, subject to the imposition of appropriate conditions and the Appellant agreeing to the necessary Section 106 contributions.

#### **5.0 Recommendation**

5.1 That the Committee resolve to withdraw the third reason for refusal in respect of highways and the Principal Planning 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 highways reason for refusal at Appeal, when the outstanding highway issue can be adequately dealt with via conditions and Section 106 obligations, 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 this reason for refusal.

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

#### **7.0 Consultations**

##### ***Strategic Highways Manager***

7.1 The Council's Strategic Highways Manager has been consulted and recommends the withdrawal of the highways reason for refusal.

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

Portfolio Holder: Councillor Don Stockton  
Officer: Robert Law – Senior Planning Officer  
Tel No: 01270 686758  
Email: Robert.law@cheshireeast.gov.uk

***Background Documents: Application 13/4301N***

## **APPENDIX 01**

### **BREIFING NOTE RE: LAND OFF CREWE ROAD, HASLINGTON (CONFIDENTIAL) PLANNING REF; 13/4301N**

#### **Purpose of Report**

- 1.1) The purpose of this note is to seek a resolution as to how to pursue the forthcoming appeal against non-determination for planning ref; 13/4301N.

#### **Proposal**

- 1.2) The proposal seeks outline planning permission (including details of access) for the demolition of existing structures and foundations and the erection of up to 250 dwellings, medical centre/community use, public open space, green infrastructure and associated works on land off Crewe Road at Haslington.

#### **Site**

- 1.3) The site is 11.91 hectares in size and comprises of three agricultural fields and a residential plot located adjacent to Crewe Road. The site is located on the north-eastern side of Haslington and adjoins the existing residential development of Haslington along its northern and western boundaries. These boundaries are well vegetated. Access would be brought in off Crewe Road in between no.s 194 and 204 Crewe Road.

#### **Consultations**

- 1.4) Consultation responses have been received from the following:
- **Highways** – No objection subject to the improvement of Crewe Green roundabout. This development is only acceptable in highway terms if it provides a substantial contribution for the scheme, the amount of £300,000 put forward by the applicant is not acceptable. Given the estimated cost of the scheme and the number of sites that can contribute to the works is limited, the contribution amount of contribution sought in respect of this development is £651,190.
  - **Education** – No objection subject to a contribution of £539,309 towards secondary provision
  - **Housing** – No objection. The Affordable Housing Delivery Plan submitted with the application confirms that 30% affordable housing will be provided on this site with a 65% rented and 35% intermediate split which is acceptable.
  - **Landscape** – No objection provided that the development is undertaken in accordance with the Scheme Parameters Plan

through appropriate conditions and the S106 agreement and reserved matters application/s

- **Trees** – No objection. Whilst some trees would be removed, the trees concerned are not exceptional and that losses would have limited local street scene impact. There would be opportunities for replacement planting to perpetuate tree cover on the road frontage.
- **Public Rights of Way (PROW)** – No objection
- **Nature Conservation Officer** – No objection subject to conditions and compliance with the proposed ecological mitigation
- **Archaeology** – No objection. No archaeological work could be justified
- **United Utilities** – No objection subject to conditions relating to foul and surface water
- **Environment Agency** – no objection subject to conditions
- **Environmental Protection** – No objection subject to conditions relating to land contamination, dust control, lighting, hours restricting construction and piling, bin storage and submission of an environmental management plan

#### 1.5) **Representations**

**Haslington Parish Council** objects to this proposal on the following grounds:

- This application should be considered in the context of all of the other housing applications in Haslington
- Contrary to policy NE2 and pre submission core strategy PG5
- Would result in the loss of the most economically productive agricultural land
- Will increase urbanised area of the village
- Safe route to schools have not been demonstrated within the application
- Scale of development not commensurate with that of the village
- conservation and enhancement of the built environment has similarly been overlooked
- Would erode the gap between Winterley and Haslington
- Size of the overall range of developments is unsustainable
- Proposed provision for a medical centre demonstrates a lack of any strategic requirements for the settlement
- Sewage proposals have not been considered beyond the site boundary
- Traffic and Highways Issues
  - The speed readings offered by the applicant are not representative
  - Discrepancies in the transport statement
  - The required forward to visibility to the access and pedestrian crossing is incorrectly calculated and not adequate

- The speeds along the road means that Manual for Streets is not the correct advice to use it should be the Design Manual for Roads and Bridges
- No reference to road network and infrastructure e.g. Crewe Green Roundabout
- Increase in traffic
- No benefit of providing pedestrian crossing
- The application highlights the lack of adequate safe pedestrian footpaths within the village
- Issues with drainage
- Will impact negatively on wildlife and ecology
- Local schools are already oversubscribed which will be made worse by other development approved within the area
- Proposal does not offer any employment land allocated for “Local Service Centres and other settlements and rural areas” as advised by the Pre-submission core strategy

Over 700 representations have been made, including from Haslington Action Group (HAS) the majority objecting to this application. The main reasons for objection are as follows:

- The site is outside settlement boundary and is Greenfield within Open Countryside / Green Belt and not in accordance with Local Plan / Core Strategy
- Would result in the loss of the most economically productive agricultural land
- Brownfield / previously developed land should be used
- The village would take on an urban character
- Pedestrian and transportation arrangements to nearby facilities (e.g. safer routes to school) have not been followed
- No footpath on the site side of Crewe road with only be 1 crossing point
- Scale of development not commensurate with that of the village and not needed
- Size and range of developments (together with others) is unsustainable
- Bus services not sufficient
- Conservation and enhancement has been overlooked in respect of the nearby grade I listed Haslington Hall
- Would erode the gap between villages
- Proposed provision for a medical centre demonstrates a lack of any strategic requirements for the settlement
- Medical centre not needed
- Impact on Air Quality
- Impact on drainage and sewage has not been considered
- Existing traffic calming indicates that the village will not be able to cope with the additional traffic
- The impact on Crewe Green Roundabout and the Old / Mill Rd junctions will be significant

- The speed readings offered by the applicant are not representative of the access
- Discrepancies in the transport statement
- Existing highways network in both villages has not been considered and will not be able to cope with the increase in traffic
- Accident data does not account for unreported accidents
- Wider road network has had a number of collisions
- Proposed access will not support 250 houses
- Loss of trees / hedgerow / visual impact from public footpath
- Risk to flooding
- Will impact negatively on wildlife and ecology
- Local schools are oversubscribed and would not be able to accommodate the additional pupils generated by the development
- Highway contributions should be removed from the proposal for the purposes of integrity
- Will increase light / noise pollution
- Loss of view / light / privacy / property values
- No input from local residents
- Will undermine the purpose of the Haslington bypass
- There are no jobs in the area
- Previous application at the site has been refused

### **Recommendation**

- 1.6) It is proposed that the Council will defend the appeal and argue that if it were to consider the application today, the Council would be 'minded to' refuse the application on the following grounds:

1.7) **Housing Land Supply**

The site is within the Open Countryside where under Policy NE.2 there is a presumption against new residential development. The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development. The Council can now demonstrate a 5 year housing land supply and as a result the principle of development is not considered to be acceptable and the development would be contrary to Policy NE.2 and PG 5 of the *Cheshire East Local Plan Strategy – Submission Version*. The reason for refusal would be:

*'The proposed residential development is unsustainable because it is located within the Open Countryside contrary to Policies NE.2 (Open Countryside) and RES.5 (Housing in the Open Countryside) of the Crewe and Nantwich Replacement Local Plan, Policy PG5 of the emerging Cheshire East Local Plan Strategy – Submission Version and the principles of the National Planning Policy Framework, which seek to ensure*

*development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it and creates harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land in accordance with the National Planning Policy Framework and consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.'*

1.8) Loss of Agricultural Land

The majority of the site (11.11ha) has a Grade 3a Agricultural Land Classification which is the 'best and most versatile agricultural land'. Given that the Council can demonstrate a 5 year housing land supply, there is no justification to warrant or sustain the loss of 'best and most versatile agricultural land' and as such the proposal is contrary to Policy NE.12 and the NPPF. The reason for refusal would be:

*'The proposal would result in loss of the 'best and most versatile agricultural land' and given that the Authority can demonstrate a housing land supply in excess of 5 years, the applicant has failed to demonstrate that there is a need for the development, which could not be accommodated elsewhere. The use of the 'best and most versatile agricultural land' is unsustainable and contrary to Policy NE.12 of the Borough of Crewe and Nantwich Replacement Local plan 2011 and the provisions of the National Planning Policy Framework.*

**Summary**

- 1.9) To contest to the forthcoming appeal against non-determination for planning ref; 13/4301N on the grounds that the Council already has an adequate housing land supply and that the proposal results in the loss of the 'best and most versatile agricultural land'.

**16 April 2014**

*Interim Planning & Place Shaping Manager meeting with Cllr Hammond, Parish Council and Local residents.*

*Reasons as above accepted as was the process however concerns over Highways and whether sufficient information in respect of visibility splays had been obtained at the point of access onto Crewe Road.*

*Further discussion with Highways followed and accepted that at this stage further work still being done in respect of the speed surveys and therefore additional reason should be added:*

***Insufficient information has been submitted to adequately demonstrate that the visibility splays at the point of access to the site could be***



***achieved. The development would therefore cause a severe highway safety impact contrary to the NPPF.***

It is also recommended that authority be delegated to the Planning and Place Shaping Manager in consultation with the Chairman of the Strategic Planning Board to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement should the appeal be allowed.