

Application No: 14/0009N

Location: Land located to the east of the Dingle and south of Clay Lane, Haslington, Crewe, Cheshire

Proposal: The erection of 34 dwelling houses (between 30% and 35% affordable units), with associated access, internal highways, parking amenity space and landscaping.

Applicant: WCE PROPERTIES LTD AND KATHERINE ELAINE

Expiry Date: 17-Mar-2014

## **SUMMARY RECOMMENDATION**

**Refuse**

## **MAIN ISSUES**

**Impact of the development on:-**

**Principal of the Development**

**Housing Land Supply**

**Location of the Site**

**Landscape**

**Affordable Housing**

**Highway Implications**

**Amenity**

**Trees and Hedgerows**

**Design**

**Ecology**

**Public Open Space**

**Agricultural Land**

**Education**

**Flood Risk and Drainage**

**Health**

## **REASON FOR REFERRAL**

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

### **1. DESCRIPTION OF SITE AND CONTEXT**

The site of the proposed development extends to 1.28 ha and is located to the eastern side of The Dingle and the southern side of Clay Lane, Haslington. The site is L-shaped and lies within Open Countryside. To the north of the site is a property known as The View and Haslington Cricket Club. To the east of the site are residential properties at Bank Farm. To the south of the site is The Dingle Primary School and to the west of the site is agricultural land.

The land is currently in agricultural use and there are a number of trees and hedgerow to the boundaries of the site.

The land levels are lower to the frontage with The Dingle and they rise up to the western part of the site.

## **2. DETAILS OF PROPOSAL**

This is a full planning application for the erection of up to 34 dwellings. The development includes a single point of access off The Dingle close to the boundary with the Primary School.

The development includes 30% affordable housing and an area of open space to the boundary with Clay Lane.

The housing mix would be as follows:

- 6 x two bed units
- 17 x three bed units
- 7 x four bed units
- 4 x 1 bed apartments

## **3. RELEVANT HISTORY**

No planning history

## **4. POLICIES**

### **National Policy**

National Planning Policy Framework

### **Local Plan policy**

NE.2 (Open countryside)

NE.5 (Nature Conservation and Habitats)

NE.9: (Protected Species)

NE.20 (Flood Prevention)

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)

RES.5 (Housing in the Open Countryside)

RES.7 (Affordable Housing)

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

RT.9 (Footpaths and Bridleways)

TRAN.3 (Pedestrians)

TRAN.5 (Cycling)

### **Other Considerations**

The EC Habitats Directive 1992

Conservation of Habitats & Species Regulations 2010

Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System

Interim Planning Statement Affordable Housing

Interim Planning Statement Release of Housing Land

Cheshire East Development Strategy

Cheshire East SHLAA

Pre-submission Core Strategy

### **Cheshire East Local Plan Strategy**

PG2 – Settlement Hierarchy

PG5 - Open Countryside

PG6 – Spatial Distribution of Development

SC4 – Residential Mix

SC5 – Affordable Homes

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

SE3 – Biodiversity and Geodiversity

SE5 – Trees, Hedgerows and Woodland

SE 1 - Design

SE 2 - Efficient Use of Land

SE 4 - The Landscape

SE 5 - Trees, Hedgerows and Woodland

SE 3 - Biodiversity and Geodiversity

SE 13 - Flood Risk and Water Management

SE 6 – Green Infrastructure

IN1 – Infrastructure

IN2 – Developer Contributions

## **5. CONSULTATIONS (External to Planning)**

**United Utilities:** No objection subject to the following condition:

- This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway/watercourse/surface water sewer and may require the consent of the Local Authority. If surface water is allowed to be discharged to the public surface water sewerage system we may require the flow to be attenuated to a maximum discharge rate determined by United Utilities.
- In accordance with Technical Guidance for National Planning Policy Framework (NPPF), surface water should not be allowed to discharge to foul/combined sewer as stated in the planning application. This prevents foul flooding and pollution of the environment. A condition should be attached to the application requiring the developer to contact the Local Authority confirming how surface water will be managed.

**Strategic Highways Manager:** The Strategic Highways Manager has assessed this development proposal and recommends refusal on the following grounds:

- The proximity of the proposed junction to the school access will present a hazard to inter-related turning movements, particularly at school arrival and dispersal times when parental parking and displacement will congest the frontage and pedestrian movements are complex and include for pupils.
- The junction geometry is compromised on the provided drawing with compromise to the kerb radii.
- The Authority parking standards are not complied with in the development detail and are not considered in the transport statement.

The Strategic Highways Manager recognises that the position of the access junction for this development should be re-considered and assessed against the likely traffic movements. The parking provision could be addressed. However if the development cannot adequately support off-street parking provision against standards, displacement onto the public highway could further exacerbate the concerns over conflict with school arrival and dispersal traffic.

The S.H.M recommends refusal on: junction design and position, parking standards and lack of information.

**Natural England:** For advice on protected species refer to the Natural England standing advice.

**Environment Agency:** The Environment Agency are in receipt of a Ground Investigation Report direct from Mr John Beardsell of WCE Properties Ltd dated 12<sup>th</sup> February 2014. Having reviewed the report we are now able to remove our previous objection to the above application subject to the following planning conditions being attached to any approval decision. The EA consider that planning permission could be granted to the proposed development as submitted if the following planning conditions are included:

- The development hereby permitted shall not be commenced until such time as; a scheme to limit the surface water runoff generated by the proposed development, 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 manage the risk of flooding from overland flow of surface water has been submitted to and approved in writing by the local planning authority.
- Contaminated land

**Environmental Health:** Conditions suggested in relation to hours of operation, piling works, external lighting, travel plan, electric vehicle charging infrastructure, dust control and contaminated land. An informative is also suggested in relation to contaminated land.

**Public Open Space:** The Public Open Space Officer would like to see an extra couple of pieces of play equipment plus associated wetpour safer surfacing installed on the nearby Gutterscroft play area (Parish Council owned), if the Parish Council are in agreement.

**Education:** A development of 34 dwellings would be expected to generate 6 primary and 4 secondary aged pupils.

Whilst there is forecast to be some surplus capacity in the local primary schools this capacity has already been considered for the outline application at Coppenhall East which has consumed this surplus. Therefore the sum of  $6 \times 11919 \times 0.91 = £65,078$ .

**Archaeology:** The application is supported by an archaeological desk-based assessment which has been prepared by Archaeological Research Services on behalf of the applicants. This report considers the archaeological implications in the light of an examination of data held in the Cheshire Historic Environment Record. It also benefits from an examination of the historic mapping, aerial photographs, and readily-available secondary sources. The report concludes that the archaeological potential of the site is limited but does note that the line of a former trackway crosses the northern part of the site and that there is evidence of cultivation marks, in the form of ridge and furrow, across much of the site. Some further mitigation is proposed on these features.

It should be noted, however, that the report was prepared without access to the detailed master plan of the development. This shows that the northern part of the site will remain as open ground. A footpath will cross the area and a play area is proposed but the retention of an extant tree and the limited extent of these features means that the level of disturbance is unlikely to justify further archaeological mitigation in the area. With reference to the ridge and furrow, the Council's Archaeologist has discussed the matter with the archaeological consultants and they have agreed that the narrow, regular natures of the ridges suggests a late date and that their description in the desk-based assessment represents an adequate consideration of these particular features.

In these circumstances, it is advised that no further archaeological mitigation is required with regard to this development.

**Sustrans:** Sustrans would like to make the following comments:

- The design of any small properties without garages should include storage areas for residents' buggies/bikes.
- This site, along with developments proposed on the NE side of Crewe, will potentially lead to further use of the minor road network, such as Moss Lane, Clay Lane etc as short-cuts. Sustrans would like to see some traffic management measures to retain these lanes for their appropriate use including walking, cycling and not to become dominated by car traffic.
- Sustrans would like to see travel planning set up for the site with targets and monitoring.

## **6. VIEWS OF THE PARISH COUNCIL**

**Haslington Parish Council:** Haslington Parish Council objects to the proposed development on the following grounds:

- It is outside the settlement boundary of Haslington and Winterley.
- It is in open countryside.
- The development site appears to contain valuable historic hedgerows and a ridge and furrow medieval farming landscape together with a "hollow feature", all of which are worth protection.
- The development would displace on road school parking that is already a major safety issue for the roads around The Dingle School.
- The development would further strain the village medical and education facilities and add to general local traffic congestion.

Further detail:-

- The applicant has submitted a desk based archaeological assessment and then dismissed its findings. The archaeological report highlights two key features of the site (a) historic hedgerows on three boundaries and (b) the local/regionally significant ridge and furrow landforms. Whilst the hedgerows could be retained with an amended design, the ridge and furrow landscape would be terminally destroyed if any development was allowed on the site. The Design and Access Statement dismiss these heritage and conservation features, retaining only an example hollow feature in an area of public open space.
- The Ground Investigation Report contains various errors relating to landfill that has taken place in proximity to the proposed development. On p8 reference is made to landfill at Church Farm, Buterton Lane, Haslington, Oakhanger, 480m NE from the site. As the site contains soil/subsoil from the Haslington Bypass construction, in reality they are probably referring to the site on land associated with Clayhanger Hall Farm, across the bypass, to the west of the site. P24 again refers to Church Farm landfill, by the bypass - an inaccurate description.
- Several of the designs are three-storey, (10 out of 34) which is out of keeping with local properties in Haslington and the surrounding area. Several of the houses appear to have very prominent solar panels on the roof, could the architects not find a way of making these less intrusive at this gateway into the village.
- Earlier designs shown in the Design and Access report did include some off road parking that could have taken up some of the school parking that will be displaced from The Dingle - this public facility appears to have been removed from the published plans.
- Haslington Parish Council support the existing occupiers of the land who live at The View and are concerned that the earlier provision of access to their retained land has been deleted from the development plans, and that the application does not take into account their existing land drainage and foul drain that runs through the development site.

## 7. OTHER REPRESENTATIONS

Letters of objection have been received from 129 local households raising the following points:

### Principal of development

- The site is within the open countryside
- Contrary to Local Plan Policies
- The site is outside the Haslington Settlement Boundary
- The developer will just make a profit from this development
- The site will be land banked
- Approving the application will set a precedent
- Affordable housing is not needed
- Loss of village identity
- No need for more housing in Haslington
- Brownfield sites should be developed first
- Large number of houses for sale in the village
- The site is not identified as a strategic site
- The development will not create a sustainable community
- Speculative housing development
- The development is contrary to the NPPF

### Highways

- Increased traffic
- Pedestrian safety

- The site is inappropriate next to a busy primary school
- Congestion problems at the school
- The site is located on a bend in the road
- You cannot ban parking for people using the adjacent school
- The development will exacerbate parking problems at the school
- Dangerous site access point
- Reduced visibility for vehicles leaving the site
- Existing problems accessing driveways
- Already large volumes of traffic using this minor road
- Inaccuracies within the submitted Transport Assessment
- Vehicles often speed along The Dingle ignoring the speed limit
- There have been many near misses along the Dingle
- The TA does not recognise the large number of large farm vehicles which use the highway
- Increased congestion at Crewe Green roundabout
- Using Clay Lane and The Dingle on bicycle is dangerous and there are no bridleways in the area
- The future occupants will be dependent on the car and will not use public transport
- The planning committee should visit the site to witness the traffic problems
- Safety risk to children and adults Waiting restrictions will not be enforced
- Parents currently park on the Cricket Club car park and this creates a heavy flow of pedestrians on the footway fronting the site and the access will create a further conflict
- Waiting restrictions will cause an increase in vehicle speed along The Dingle
- Problems with construction vehicles using the weak bridge
- Construction vehicles will damage the road side verges
- The Dingle/Clay lane is used as a rat run
- Cycleway improvements should be secured

#### Heritage issues

- The site contains former field boundaries and furrows dating from medieval or post-medieval period
- The ridge and furrow earthworks are a rare feature and should be taken into consideration as the site is of local-regional significance

#### Green Issues

- The hedgerows are historically significant together with the ridge and furrow.
- Loss of wildlife

#### Infrastructure

- The local schools are full
- Doctors surgeries are full
- The development will prevent the future enlargement of The Dingle Primary School

#### Amenity Issues

- Increased noise
- Increased air pollution
- The contamination report does not relate to this site
- Loss of light
- Loss of privacy
- The open aspect should be maintained for this village school

- Construction of the development will disrupt the outside uses at the school

#### Design issues

- Three storey dwellings would not respect the character of the area
- The design is not in keeping with Haslington
- Over dense development

#### Other issues

- Loss of agricultural land
- Drainage and sewerage infrastructure problems in this area
- Mains gas is located in the area
- The horses who live on the site will lose their territory
- Difficulty selling existing houses in this area
- Lack of consultation on the amended plans

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

### **8. APPLICANT'S SUPPORTING INFORMATION**

To support this application the application includes the following documents:

- Flood Risk and Drainage Strategy (Produced by Waterco)
- Design and Access Statement (Produced by WCE Properties)
- Planning Statement (Produced by Roman Summer)
- Tree Report (Produced by Atmos)
- Ecological Assessment (Produced by Atmos)
- Code for Sustainable Homes Assessment (Produced by Code Green)
- Undergrounding Utilities report (Produced by Cornerstone)
- Affordable Housing Statement (Produced by Peter Glover)
- Agricultural Land Assessment (Produced by ADAS)
- Transport Statement (Produced by DTPC)
- Archaeological Assessment (Produced by Archaeological Research Services Ltd)
- Ground Investigation Report (Produced by Strata Surveys Ltd)
- Landscape and Visual Appraisal (Produced by PDP)

These documents are available to view on the application file.

### **9. OFFICER APPRAISAL**

#### **Main Issues**

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

#### **Principle of Development**



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

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

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

### ***Housing Land Supply***

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

*"identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land"*.

The NPPF clearly states at paragraph 49 that:

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

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

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

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

Appeal decisions in October 2013 concluded that the Council could not conclusively demonstrate a five year supply of deliverable housing land. This was founded on information with a base date of 31 March 2012 selectively updated to 31 March 2013.

In response, in February 2014 the Council published a 5 Year Supply Position Statement which seeks to bring evidence up to date to 31 December 2013. The Position Statement set out that the Borough's five year housing land requirement as 8,311. This is based on the former RSS housing target of 1150 homes pa – mindful that the latest ONS household projections currently stand at 1050 pa. This was also calculated using the 'Sedgefield' method of apportioning the past shortfall in housing supply across the first five years. It included a 5% buffer, which was considered appropriate in light of the Borough's past housing delivery performance and the historic imposition of a moratorium.

The current deliverable supply of housing was therefore assessed as being some 9,757 homes. With a total annual requirement of 1,662 based on the 'Sedgefield' methodology and a 5% 'buffer' the *Five Year Housing Land Supply Position Statement* demonstrated that the Council has a 5.87 year housing land supply. If a 20% 'buffer' was applied, this reduced to 5.14 years supply.

Members will be aware that the Housing Supply Figure is the source of constant debate as different applicants seek to contend that the Council cannot demonstrate a five year supply. This has been the source of the many and on-going appeals as the Council's defends its position against unplanned development. Despite the high number of appeals only a limited number of decisions have been determined at this time, but they in themselves demonstrate the apparent inconsistency of approach.

*Elworth Hall Farm, Sandbach (11 April 2014).* It was determined that the Council had still not evidenced sufficiently the 5 year supply position, although the Inspector declined to indicate what he actually considered the actual supply figure to be. 1150 dwellings pa was the agreed target figure. The Inspector accepted the use of windfalls but considered a 20% buffer should be employed

Members should note, however, that the Elworth Hall Farm inquiry took place shortly after the publication of the Position Statement with only very limited time available to evidence the case. Since that time, the housing figures have been continuously refined as part of the preparation of evidence for further public inquiries which have taken place during the last few months and more are scheduled to take place within the coming months and against the RSS target, Cheshire East Council can now demonstrate a 6.11 year housing land supply with a 5% buffer or 5.35 year housing land supply with a 20% buffer.

*Dunnocksfold Road, Alsager (14 July 2014).* Inspector considered that the RSS figure was now historic and that the SHMA, SHLAA and populations forecasts were more recent along with the emerging Pre-Submission Core Strategy which proposes a target of 1350 dwellings pa. 1350 should therefore be the target (6750 as a 5 year supply figure). The Inspector also accepted the appellants backlog figure but agreed that a 5% (not 20%) buffer should be applied. However the use of windfalls was rejected. This gave a five year requirement of 10146 dwellings or 2029 pa. This results in a supply figure of 3.62 years. Even using the Council's assessed supply figure of 9897 this only provided 4.8 years of supply.

Members should note that this Inquiry also took place just a few days after the introduction of the position statement when there was little or no time to prepare the full evidence case.

*Newcastle Road, Hough (14 July 2014).* In the absence of evidence to the contrary the Inspector accepted that the position statement and that the Council could demonstrate a five year supply - 5.95 years with 5% and 5.21 with a 20% buffer. It was also considered that the RSS figures of 1150 pa represented the most recent objectively assessed consideration of housing need.

There is hence little consistency over the treatment of key matters such as the Housing Requirement, the Buffer and use of windfalls.

This state of affairs has drawn the attention of the Planning Minister Nick Boles MP who has taken the unusual step of writing to the Inspector for the Gresty Oaks appeal (14 July 2014) highlighting that the Planning Inspectorate have come to differing conclusions on whether Cheshire East can identify a five year supply. While he acknowledges that decisions have been issued over a period of time and based upon evidence put forward by the various parties he asked that “especial attention” to the evidence on five supply is given in the subsequent report to the Secretary of State. It is therefore apparent that the Planning Minister does not consider the matter of housing land supply to be properly settled.

Taking account of the above views, the timing of appeals/decisions the Council remains of the view that it has and can demonstrate a five year supply based upon a target of 1150 dwellings per annum, which exceeds currently household projections. The objective of the framework to significantly boost the supply of housing is currently being met and accordingly there is no justification for a departure from Local Plan policies and policies within the Framework relating to housing land supply, settlement zone lines and open countryside in this area.

### Open Countryside Policy

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

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

### **Landscape**

As part of the application a Landscape and Visual Impact Appraisal has been submitted, this indicates that it follows the Guidelines for Visual and Landscape Assessments as produced by the Landscape Institute and the Institute for Environmental Management and Assessment.

The site is located within the boundary of Character Type 11: Lower Farms and Woods, specifically in the Barthomley Character Area (LFW7) as defined by the Cheshire Landscape Character Assessment. This is a landscape of strong contrasts with many local variations, and in places the relatively dense settlement pattern is very obvious. In many places the relatively flat topography and low field boundaries mean that the landscape appears quite open.

The Councils Landscape Architect feels that although the assessment has undervalued the landscape and visual impacts that the scheme may have, it does now appear to address some of the original concerns, notably the boundary treatment along The Dingle boundary, where the existing hedge will now be retained.

A scheme of landscaping could be secured as part of the planning conditions and this would provide landscape mitigation such as tree and hedgerow planting on the site.

Given the size of the site, the scale of the development, the retention of the existing landscape features (the Oak tree and hedgerow) and the provision of new landscaping on the development the Councils Landscape Officer is satisfied with the landscape impact of this proposed development.

### **Location of the site**

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

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

- Amenity Open Space (500m) – would be provided on site
- Children’s Play Space (500m) – would be provided on site
- Primary School (1000m) – 50m
- Bus Stop (500m) – 200m
- Public House (1000m) – 800m
- Outdoor Sports Facility (500m) – 100m
- Public Right of Way (500m) – 400m
- Community Centre/Meeting Place (1000m) – 100m

The following amenities/facilities fail the standard:

- Supermarket (1000m) – 5000m
- Child Care Facility (nursery or crèche) (1000m) - 1200m
- Convenience Store (500m) – 800m
- Pharmacy (1000m) – 1450m
- Post office (1000m) – 3700m
- Secondary School (1000m) – 3700m
- Medical Centre (1000m) - 1450m

In summary, the site does not comply with all of the standards advised by the NWDA toolkit. However as stated previously, these are guidelines and are not part of the development plan. Owing to its position on the edge of Haslington, there are some amenities that are not within the ideal standards set within the toolkit and will not be as close to the development as existing dwellings which are more centrally positioned. Nevertheless this is not untypical for suburban dwellings and will be the same distances for the residential development in Haslington from the application site. However, the majority of the services and amenities listed are accommodated within Haslington and are accessible to the proposed development on foot or via a short bus journey (the site is located on the main bus route between Crewe and Sandbach). It should also be noted that the site is located on National Cycle Network Route 451 and is easily accessible for cyclists. Accordingly, it is considered that this small scale site is a sustainable site.

This view is considered to be consistent with two recent appeal decisions which were refused on sustainability grounds but allowed at appeal:

- At 4 Audlem Road, Hankelow an application for 10 dwellings (12/2309N) was refused by Southern Planning Committee on 29<sup>th</sup> August 2012 for sustainability reasons. In allowing the appeal the Inspector found that *'The Council has used the North West Sustainability Checklist as a guide to assessing accessibility, albeit that this relates to policies in the now defunct RSS. Nevertheless, this gives a number of useful guidelines, many of which are met. The village has a pub, a church, a village green and a post box and there is a golf club close to the appeal site open to both members and nonmembers. However, the village has no shop or school. Audlem, which has a greater range of facilities, is only a short distance away. The appeal site has good access to 2 bus routes, which serve a number of local destinations. There are footways on both sides of the road linking the site to the village centre and other public rights of way close by. Audlem Road here forms part of the national cycle network. Therefore, whilst the use of the car is likely to predominate, there are viable alternative modes of transport. In locational terms, the appeal site appears to me to be reasonably accessible for a rural settlement'*.
- At land adjacent to Rose Cottages, Holmes Chapel Road, Somerford an application for 25 dwellings (12/3807C) was refused by Southern Planning Committee on 12<sup>th</sup> December 2012 for sustainability reasons. In allowing the appeal the Inspector found that *'it is inevitable that many trips would be undertaken by car as happens in most rural areas. However in this case many such trips for leisure, employment, shopping, medical services and education have the potential to be relatively short. A survey of the existing population undertaken by the Parish Council confirmed that the majority use the car for most journeys. Its results should though be treated with some caution in view of the response rate of only 44%. The survey does not seem to have asked questions about car sharing or linked trips, both of which can reduce the overall mileage travelled. It is interesting to note that use of the school bus was a relatively popular choice for respondents. A few also used the bus and train for work journeys. It also should not be forgotten that more people are now working from home at least for part of the week, which reduces the number of employment related journeys. Shopping trips are also curtailed by the popularity of internet purchasing and most major supermarkets offer a delivery service. The evidence also suggests that the locality is well served by home deliveries from smaller enterprises of various kinds'*

## **Affordable Housing**

The Councils Interim Planning Statement: Affordable Housing states in Settlements with a population of 3,000 or more that the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 15 dwellings or more or larger than 0.4 hectares in size.

It goes on to state the exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion of affordable housing for any site will normally be 30%, in accordance with the recommendation of the 2010 Strategic Housing Market Assessment. The Affordable Housing IPS states that the tenure mix split the Council would expect is 65% rented affordable units (these can be provided as either social rented dwellings let at target rents or affordable rented dwellings let at no more than 80% of market rent) and 35% intermediate affordable units. The affordable housing tenure split that is required has been established as a result of the findings of the Strategic Housing Market Assessment Update 2013.

The Strategic Housing Market Assessment Update 2013 shows that for the sub-area of Haslington and Englesea there is a need for 44 new affordable homes per year, made up of a need for 1 x 1 beds, 11 x 2 beds, 19 x 3 beds, 10 x 4+ beds, 1 x 1 bed older persons unit and 1 x 2 bed older persons unit.

There are currently 72 applicants on our housing register applying for social rented housing who have selected Haslington as their first choice, these applicants require 27 x 1 beds, 25 x 2 beds, 13 x 3 beds and 6 x 4 beds, (1 applicant hasn't specified how many bedrooms they need).

Therefore as there is affordable housing need in Haslington there is a requirement for affordable housing to be provided at this site, 30% the total dwellings on site should be provided as affordable, this equates to 10 affordable homes and the tenure split of the affordable dwellings should be 65% social or affordable rent (7 units) and 35% intermediate tenure (3 units), the affordable housing should be provided on site.

According to the amended plans the development would provide 10 affordable units which meet the requirement in terms of the number of affordable units. The affordable mix is 4 x 1 bed apartment and 6 x 2 bed semi detached dwellings. The tenure split will be 65% rented and 35% intermediate tenure which meets the Councils IPS.

The applicants have confirmed that the affordable units will meet the HCA Design and Quality Standards and Code for Sustainable Homes Level 3 which is required by the IPS.

The location of the affordable units is considered to be acceptable and they should be provided no later than the sale or let of 50% of the market dwellings.

## **Highways Implications**

### Access

The proposed development would be accessed via a simple priority junction. The highways officer has commented that the junction geometry is compromised in terms of the proposed kerb radii.

The Highways Officer has also commented that the proximity of the proposed junction to the The Dingle Primary School access would present a hazard in terms of the inter-related turning movements particularly at school arrival and dispersal times whilst there would be a displacement in parking provision at the front of the site all of which would be harmful to highway safety.

### Traffic impact

The proposed development would generate a maximum of 27 two-way trips during the peak hour. This traffic generation will be distributed across the highway network in both directions. The traffic generation figure is below the threshold of 30 two-way trips contained within the Department for Transport document entitled 'Guidance on Transport Assessment' and as a result an operational assessment is not required for the trunk road network.

There are local concerns over the impact upon the highway network and Crewe Green roundabout and there is a scheme of CEC improvements in this location. In this case it is considered that the development would not have a severe impact upon this junction and as such no mitigation will be required from this development.

The only other committed development within the Parish of Haslington is at Vicarage Road (44 dwellings). Given the scale of the developments there is not considered to be a cumulative highways impact associated with this development.

### Parking

The proposed development would not provide a sufficient level of parking for the proposed dwellings on the site. As a result the development would result in vehicles parking on the highway which would be detrimental to highways safety and the appearance of the site.

### Public Transport

The application site is within easy reach of bus stops on Crewe Road with hourly connections to Crewe, Sandbach, Winsford, Northwich and Macclesfield throughout the day.

### Highways Conclusion

Although the development would not have a detrimental impact through traffic generation it is considered that the proximity of the access to the school access would result in a conflict of vehicle turning movements at peak times together with the displacement of parking at the site entrance and compromised junction geometry. As a result the proposed access would have a detrimental impact upon highway safety.

### **Amenity**

The main property affected by this proposed development would be the property known as 'The View' which has a side elevation facing plot 10. There would be a separation distance of approximately 11 metres between the side elevation of The View and the blank side elevation of Plot 10. This relationship and separation distance is considered to be acceptable.

Plots 9 and 16 would be off-set with greater separation distance to The View and given the angle proposed the separation distance is considered to be acceptable.

To the rear of The View there would be a separation distance of approximately 50 metres to the rear of Plot 24. This separation distance is considered to be acceptable.

To the north-east there would be a separation distance of approximately 30 metres from the rear of Plot 25 to the side elevation of a dwelling known as bank Farm. This separation distance is considered to be acceptable.

The Environmental Health Officer has requested conditions in relation to hours of operation, piling works, external lighting, and contaminated land. These conditions will be attached to any planning permission.

## **Air Quality**

The proposed development is not close to any air quality management areas (AQMA) and an air quality assessment was not deemed necessary. However, it is likely that some small impact would be made in the Nantwich Road AQMA and that when combined with the cumulative impacts of other committed and proposed developments in the Crewe area the significance is increased. Conditions would be attached in relation to dust control and low emission vehicle charging points. The requirement for a travel plan is not considered to be reasonable given the scale of the development.

## **Trees and Hedgerows**

### Trees

The application is supported by a Tree Survey Report by Atmos Consulting. The report indicates that the assessment has been carried out in accordance with the recommendations of British Standard BS5837:2012 Trees in relation to design, demolition and construction. The report has been carried out to assess the environmental and amenity values of all trees on or adjacent to the development area and the arboricultural implications of retaining trees with a satisfactory juxtaposition to the new development.

The British Standard identifies at para 5.2 *Constraints posed by Trees* that all relevant constraints including Root Protection Areas (RPAs) should be plotted around all trees for retention and shown on the relevant drawings, including proposed site layout plans. Above ground constraints should also be taken into account as part of the layout design

The submitted plans and particulars illustrate which trees are suggested for retention and are cross referenced with their Root Protection Areas and respective Tree protection details. As a consequence it is possible to determine any direct or indirect impact of the proposed layout on retained trees.

The Councils Tree Officer is of the view that the submitted arboricultural detail does provide the level of detail required to adequately assess the impact of development on existing trees.



The site contains a single large mature Oak (CAT A) tree identified as T1 in the submitted arboricultural detail. The tree has been retained as part of the development proposals within what appears to be an open space area. All construction works would be located outside the trees RPA, with the adjacent dwelling presenting a side elevation relationship, mitigating any potential issues of light and nuisance. Ground levels within the Oaks RPA are relatively undulating. It's important that these are preserved in their present context. This should be feasible with the protective fencing as detailed. Formal protection of the Oak will be instigated but this should not be seen as a restriction to development.

Three other trees located on the various boundaries have been identified within the tree report. Two (T3 & T4) have been noted as being high value (Cat A) specimens, with T2 a second Oak (Cat B) of moderate value. As an overview all three trees are considered to present at best in terms of BS5837:2012 only moderate value, none considered worthy of formal protection.

### Hedgerows

The amended plans show that the hedgerows which bound the site would be retained as part of this development.

### **Design**

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

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

In this case the proposal would have a density of 27 dwellings per hectare this is consistent with the surrounding residential areas of Haslington.

As part of this application there have been negotiations with the applicant in relation to the design and layout of the proposal and the following amendments have been secured as part of this application:

- The 2.5 storey dwellings have been reduced in height to 2 storeys. All dwellings are now 2-stories in height.
- The urban appearance of the development from The Dingle has been reduced with the retention of the hedgerow and the driveways and dwellings set behind the hedgerow.
- Design improvements when viewing the site from the junction of The Dingle and Clay Lane due to concerns that rear/side elevations were prominent from this side.
- A reduction in the formality of the street design with the introduction of home zones and shared surfaces.
- An increase in the amount of soft landscaping on the site.
- The introduction of plots with dual frontages

In terms of the detailed design of the dwellings the units are of a modern appearance with a traditional pitched roof design. The design includes modern design detailing in terms of

fenestration design and pattern. It is considered that the design approach which is simple but modern is appropriate on this site and would comply with Policy BE.2 (Design Standards) and guidance contained within the NPPF.

## **Ecology**

### **Bats**

A tree on site has been identified as having potential to support roosting bats however this tree is retained within the proposed open space area associated with the development. The Council's Ecologist advises that the proposed development is unlikely to have a significant adverse impact upon bats.

### **Breeding Birds**

If planning consent is granted the conditions are required to safeguard breeding birds and to ensure some additional provision is made for nesting birds and roosting bats.

### **Other Protected Species**

No evidence of other protected species has been recorded on site. However the woodland block located to the south of the application boundary has the potential to support a sett. In this case the applicant was unable to obtain access to this woodland to survey the area.

Given the findings of the original survey that recorded no evidence on the site the Council's Ecologist has concluded that Badgers are not reasonably likely to be present or affected by the development.

### **Hedgerows**

Hedgerows are a UK BAP priority habitat and hence a material consideration. The proposed development will require the removal of a section of species poor defunct hedgerow to facilitate the site entrance. The Council's Ecologist recommends that if planning consent is granted it must be ensured that this loss is compensated for through the enhancement of the remaining hedgerows on site and the planting of additional hedgerows as part of the detailed landscaping of the site.

The existing tall hedgerows on site have potential to support foraging and commuting and foraging bats consequently the Council's Ecologist recommends that the hedgerows are maintained in their current form as part of the landscaping scheme for the site.

### **Reptile habitat/semi improved grassland**

A small area of habitat located on the site's eastern boundary has been identified as having potential to support reptile species. This area will be retained as part of the proposed development and this issue could be controlled through the use of a planning condition.

## **Public Open Space**

Policy RT.3 states that where a development exceeds 20 dwellings the Local Planning Authority will seek POS on site. In this case the level would be 1,190sq.m and the layout plan shows that the developer will provide 1,600sq.m of public open space. This would exceed the requirement for Policy RT.3 by a considerable margin and is considered to be acceptable.

In terms of children's play space this should be provided on site. It is not considered that the POS Officers request for improvements to the Gutterscroft play area can be secured as no costs or approval by the Parish Council have been provided by the POS Officer despite the request of the case officer. It should also be noted that a contribution to improve the Gutterscroft play area will be provided as part of the development on Vicarage Road which has recently commenced development.

In this case the provision of a LEAP with 6 pieces of equipment would be an acceptable level given the number of dwellings on the site and would comply with Policy RT.3.

## **Archaeology**

A number of the representations make reference to the archaeological potential of the application site and an Archaeological Assessment has been submitted in support of this application.

This report considers the archaeological implications in the light of an examination of data held in the Cheshire Historic Environment Record. It also benefits from an examination of the historic mapping, aerial photographs, and readily-available secondary sources. The report concludes that the archaeological potential of the site is limited but does note that the line of a former trackway crosses the northern part of the site and that there is evidence of cultivation marks, in the form of ridge and furrow, across much of the site. Some further mitigation is proposed on these features.

It should be noted, however, that the report was prepared without access to the detailed master plan of the development. This shows that the northern part of the site will remain as open ground. A footpath will cross the area and a play area is proposed but the retention of an extant tree and the limited extent of these features means that the level of disturbance is unlikely to justify further archaeological mitigation in the is area. With reference to the ridge and furrow, the Councils Archaeologist has discussed the matter with the archaeological consultants and they have agreed that the narrow, regular nature of the ridges suggests a late date and that their description in the desk-based assessment represents an adequate consideration of these particular features.

As a result the Councils Archaeologist states that no further archaeological mitigation is required with regard to this development.

## **Agricultural Land Quality**

Policy NE.12 of the Local Plan states that development on the best and most versatile agricultural land (Grades 1, 2 and 3A) will not be permitted unless:

- The need for the development is supported by the Local Plan
- It can be demonstrated that the development proposed cannot be accommodated on land of lower agricultural quality, derelict or non-agricultural land
- Other sustainability considerations suggest that the use of higher quality land is preferable

The National Planning Policy Framework highlights that the use of such land should be taken into account when determining planning applications. It advises local planning authorities that, 'significant developments' should utilise areas of poorer quality land (grades 3b, 4 & 5) in preference to higher quality land.

In this case the Agricultural Land Assessment indicates that the whole of the site is Grade 3b and as a result is not classed as best and most versatile agricultural land.

## **Education**

In this case there are capacity issues at local primary schools and mitigation could be secured through the provision of a contribution of £65,078. This would be secured through a S106 Agreement should the application be approved.

There are no capacity issues at the local secondary schools.

## **Flood Risk and Drainage**

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps. Flood Zone 1 defines that the land has less than 1 in 1000 annual probability of flooding and all uses of land are appropriate in this location. As the application site is more than 1 hectare, a Flood Risk Assessment (FRA) has been submitted in support of the application.

The submitted FRA identifies the following:

- Groundwater flooding is considered to be the main source of flooding on this site. There are no records of flooding on this site.
- The existing site is currently greenfield. The proposed development increases the impermeable area of the site by approximately 45% through the introduction of new buildings, paved areas and roads. Surface water run-off calculations have shown that this results in increased surface water run-off rates and volumes.
- The increase will be taken into account in the surface water drainage design by including an attenuation tank and /or oversized pipes. Surface water run-off will be discharged into the Fowle Brook at a (provisional) maximum discharge rate of 6.33l/s.
- Foul flows will be allowed to discharge into the combined sewer adjacent to the Dingle Primary School entrance to the south-west of the site.

The Environment Agency and United Utilities have been consulted as part of this application and have both raised no objection to the proposed development. As a result, the development is considered to be acceptable in terms of its flood risk/drainage implications.

## **Health**

A number of the letters of objection raise concerns about the impact upon health provision in this area. In response to this issue there are 6 medical practices within 3 miles of the site and according to the NHS choices website all are currently accepting patients indicating that they have capacity. Furthermore no practices have closed their list and they are not being forced to accept new patients.

## **10. CONCLUSIONS**

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

The proposed development is considered to be of an acceptable design and would comply with Policy BE.2 of the Local Plan.

The proposed development would not adversely affect the visual character of the landscape, in this location.

The proposed development would not provide a safe access and the development would have a detrimental impact upon highway safety or cause a severe traffic impact. Furthermore there would be inadequate parking provision on the application site.

Subject to conditions to secure mitigation there would be no significant impact upon ecology or protected species.

The proposed development would provide an over provision of open space on site.

The development would comply with the affordable housing requirements.

In terms of the education impact this could be secured through the provision of a contribution to be secured as part of a S106 Agreement. There are no issues at secondary schools within the capacity of the site.

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

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

## **11. RECOMMENDATIONS**

**REFUSE for the following reasons:**

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies NE.2 (Open Countryside) and RES.5 (Housing in Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan, Policy PG 5 of the Cheshire East Local Plan Strategy – Submission Version and the principles of the National Planning Policy Framework and create harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National**

**Planning Policy Framework. As such the application is also contrary to the emerging Development Strategy. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.**

- 2. The proposed vehicular access would be in close proximity to the access which serves The Dingle Primary School. It is considered that the access proposed as part of this application would result in vehicular turning conflicts particularly at school arrival and dispersal times, the displacement of parking and compromised junction geometry to the detriment of highway safety. Furthermore the development would not provide an acceptable level of parking on the application site. As a result the proposed development would be contrary to Policy BE.3 (Access and Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the NPPF.**

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

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

