

Application No: 13/1841N

Location: 187A, CREWE ROAD, SHAVINGTON CUM GRESTDY, CREWE, CW2 5AH

Proposal: Outline application with some Matters Reserved for 30 residential units

Applicant: G Scott

Expiry Date: 21-Aug-2013

#### **SUMMARY RECOMMENDATION**

**REFUSE**

#### **MAIN ISSUES**

**Impact of the development on:-**

**Principal of the Development**

**Location of the Site**

**Landscape**

**Affordable Housing**

**Highway Implications**

**Amenity**

**Trees and Hedgerows**

**Design**

**Ecology**

**Public Open Space**

**Education**

**Flood Risk and Drainage**

#### **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 0.9 ha and is located to the west of Crewe Road. The site is located to the north of properties which front onto Chestnut Avenue. The majority of the site is within the open countryside and Green Gap as defined by the Crewe and Nantwich Replacement Local Plan although the proposed access is located within the Shavington Settlement Boundary.

The rear portion of the site appears to include a paddock. There are a number of trees and hedgerows to the boundaries of the site.

To the south of the site is residential development which fronts Chestnut Avenue. To the east of the site are residential properties fronting Crewe Road. To the north of the site is open countryside/Green Gap and to the east of the site is curtilage to dwellings which front Newcastle Road.

To the front of the site is an area of land which has planning permission for the construction of 5 dwellings under application P04/1382. At the time of the case officer's site visit these dwellings were under construction.

## **2. DETAILS OF PROPOSAL**

This is an outline application for residential development with access to be determined at this stage.

The proposed development would be served via a single access point off Crewe Road. The indicative plan shows that the development would involve the creation of a T-shaped cul-de-sac with the 30 two storey dwellings sited around this cul-de-sac.

## **3. RELEVANT HISTORY**

P04/1382 - Discharge of condition 2 on application P04/1382- Erection of 5 dwellings – Approved 16<sup>th</sup> December 2004

## **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)

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

## **Cheshire East Local Plan Strategy – Submission Version**

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 providing that the following conditions are met:

- The site must be drained on a separate system.

**Strategic Highways Manager:** The proposal for up to 30 dwellings at 187A Crewe Road, Shavington is considered to be supported by a safe access, albeit it may be slightly overdesigned and full details of the road alignment giving direct access to the dwellings has yet to be finalised. Neither do the submissions indicate likely parking layouts and levels, which will be considered at the reserved matters stage. Accessibility by sustainable modes of travel is considered reasonable and the traffic impact of this development cannot be considered severe.

The following conditions are suggested:

1. Further details of the proposed access arrangements to be submitted with reserved matters application(s) and agreed by the LPA. The access to Crewe Road will be a minimum 5.5m width with two x 2.0m footways and visibility of at least 2.4m x 59m in each direction.
2. Details of the proposed refuse collection are to be submitted with reserved matters application(s) and agreed with the LPA.

**Environmental Health:** Conditions suggested in relation to construction management plan, external lighting and dust control. An informative is suggested in relation to contaminated land.

**Public Open Space:** Would like to see a commuted sum of £24,000 paid for extra/replacement play equipment at the Wessex Close children's play area in Shavington, in lieu of onsite provision.

**Education:** A development of 30 dwellings will generate 5 primary and 4 secondary aged pupils.

The primary schools are forecast to be oversubscribed and therefore a contribution will be required = £54,231

There is no requirement for a secondary school contribution.

**Environment Agency:** No objection

**PROW:** The development does not appear to affect a PROW.

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

**Shavington Parish Council:** The Parish Council has major concerns over the proposed access to the site and feels that this will create a hazardous junction with Crewe Road at a location which already suffers from visibility difficulties with vehicles parked on both sides of the carriageway and up to the proposed junction. The number of vehicle movements created by 30 properties will be significant, and coupled with poor visibility at this location in Crewe Road will lead to a marked reduction in highway safety.

In addition the Parish Council feels that the proposals for 30 houses are an overdevelopment of the site and will also lead to overlooking of properties in the adjacent Chestnut Avenue which currently have an open aspect.

If it were to be approved the application makes no mention of what monies would be made available by the developer under a s106 agreement to improve local infrastructure.

## **7. OTHER REPRESENTATIONS**

Letters of objection have been received from 74 local households raising the following points:

### Principal of development

- Difficulty selling existing dwellings in Shavington
- Erosion of the Green Gap
- The developers are unable to complete the existing development
- The site is located outside the settlement boundary

### Highways

- Local roads cannot cope with this increased population
- The highway network is in a poor state of repair
- Inadequate parking on the site
- Increased traffic generation

- The proposed access is dangerous

#### Green Issues

- Impact upon protected species
- Impact upon Owls
- Impact upon Great Crested Newts
- Loss of wildlife

#### Design issues

- The density of the development is too high
- The layout of the development is out of keeping with the area
- Light pollution

#### Infrastructure

- Drainage infrastructure problems exist in the area
- The site floods

#### Amenity Issues

- Noise and disruption
- Loss of privacy
- Security concerns from the rear access
- Overlooking
- Visual amenity
- Safety/fire risk issues
- Loss of amenity during the construction period

#### Other issues

- Late submission of plans

The full content of the objections is available to view on the Council's Website.

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

To support this application the application includes the following documents:

- Design and Access Statement (Produced by Willard Willard)
- Highway Statement (Produced by Cameron Rose Associates)
- Extended Phase 1 Habitat Survey dated February 2014 (Produced by SDC)

These documents are available to view on the application file.

## **9. OFFICER APPRAISAL**

### **Main Issues**

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, design, 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."*

Since the publication of the Housing Position Statement in February 2014 there have now been 5 principal appeal decisions (as of 1st August) which address housing land supply.

Each have concluded that the Council cannot demonstrate a five year supply of housing land, albeit for different reasons. Matters such as the housing requirement, the buffer and windfalls have all prompted varying conclusions to be made.

This demonstrates that there is not a consistent approach to housing land supply. The Planning Minister in a letter dated 14 July, noted that “differing conclusions” had been reached on the issue and requested that the Inspector in the Gresty Road appeal (Inquiry commenced 22 July) pay “especial attention” to all the evidence and provide his “considered view” on the matter.

The Planning Minister clearly does not consider the housing land supply position to be settled – and neither do the Council.

Given that some Inspectors are opting to follow the emerging Local Plan, the Council considers it essential that the correct and up to date figures be used. These are 1180 homes pa for “objectively assessed need” – and a housing requirement of 1200 homes pa, rising to 1300 homes pa after 2015. In future, calculations will be made on this basis.

Following the Planning Minister’s letter and in the absence of a consistent and definitive view, the Council will continue to present a housing land supply case based on the most up to date information. On this basis it is considered a 5 year supply is capable of being demonstrated. This position is supplemented with the knowledge that the Council continues to boost its housing land supply position by supporting planned developments and utilising brownfield land wherever possible.

### 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.

### **Green Gap**

Policy NE.4 of the Local Plan states that *“approval will not be given for the construction of new buildings or the change of use of existing buildings or land which would either:*

- result in erosion of the physical gaps between built up areas or;
- adversely affect the visual character of the landscape.

*Exceptions to this policy will only be considered where it can be demonstrated that no suitable alternative location is available"*

A development of the scale proposed will clearly erode the physical gap between Shavington and Crewe. It is impossible to see how building 30 houses on an open site could do anything other.

At paragraph 14.2.5 of the Local Plan First Review Inspectors report it states that *"moving to the point of looking at the extent of the Green Gap land I believe that, in general, the Council is right to avoid the trap of looking in detail at the edges of the built-up areas. It would be too easy to allow those edges to be nibbled away, eroding the extent of the gaps, and through a cumulative process eventually negating their purpose"*.

It is acknowledged that the gap between Shavington and Crewe is substantial. The dwellings south of the site along Chestnut Avenue represent a line of ribbon development with the application site projecting into the gap, with views between properties.

Furthermore, it is the fact that the edge of the built development steps in and out, which helps to create the perception of width to the gap in the areas where it is narrowest. To reduce the gap to its common denominator and to form a wall of development, along that line, would undoubtedly reduce its effectiveness. Had this been an acceptable or reasonable proposition, the boundaries of the gap could have been drawn in this way.

Other land within the Green Gap is also under pressure from development, just as it was at the time of previous Local Plan Inspectors report. An Appeal against non-determination of a scheme for 880 dwellings at land between Crewe Road, Rope Lane, Gresty Lane and the A500 is under consideration by the Inspectorate at the moment, along with a site at Church Lane, Wistaton. Planning consent was granted on appeal for the land off Rope Lane and recently at Moorfields whilst an Inquiry into refusal of planning permission for a proposed development at Weston Lane is part heard. The cumulative effect of these proposals, coupled with the Appeal scheme would be to gradually eradicate the Green Gap with piecemeal development proposals.

The position is simply that this land is protected against all development which would erode the gap. 30 dwellings would erode the gap and therefore the proposed development is not in accordance with the development plan.

### **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:



- Post office (1000m) – 965m
- Public House (1000m) – 804m
- Cash Point (1000m) – 965m
- Primary School (1000m) – 804m
- Local meeting place (1000m) – 800m
- Convenience Store (500m) – 160m
- Bus Stop (500m) – 145m
- Public Right of Way (500m) – 100m

Where the proposal fails to meet the standards, the facilities / amenities in question are still within a reasonable distance of those specified and are therefore accessible to the proposed development. Those amenities are:

- Amenity Open Space (500m) – 643m
- Children's Play Space (500m) – 643m
- Post Box (500m) – 965m
- Leisure Centre (1000m) – 1126m
- Outdoor Sports Facility (500m) – 1126m
- Secondary School (1000m) – 1126m
- Child Care Facility (nursery or crèche) (1000m) - 1126m

The following amenities/facilities fail the standard:

- Supermarket (1000m) – 3540m
- Medical Centre (1000m) - 1770m
- Pharmacy (1000m) – 1770m

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 Shavington, 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 a sustainable village (Shavington is classed as a local service centre in the Cheshire East Local Plan Policy Principles document) and will be the same distances for the residential development on Newcastle Road from the application site. However, all of the services and amenities listed are accommodated within Shavington, Nantwich or Crewe and are accessible to the proposed development via a short bus journey. Accordingly, it is considered that this small scale site is a sustainable site.

## **Landscape**

The site of the proposed development is a parcel of agricultural land bounded by residential development to the south, west and east with agricultural land to the north. The site boundaries are formed by hedgerows with hedgerow trees and varying styles of fencing. Apart from the access, the body of the site is within an area designated as Green Gap and Open Countryside as identified the Adopted Replacement Crewe and Nantwich local plan 2011.

The submission does not include any appraisal of landscape character or visual impact.

In the Cheshire Landscape Character Assessment the main body of the site other than the access is located within Type 10 Lower Farms and Woods, specifically LFW7 Barthomley. The site is relatively level and well contained. Whilst characterised by the boundary hedgerows and trees, it is influenced by the surrounding residential development, to the south and east in particular.

Development of the site would extend the built form of Shavington into Open Countryside and Green Gap. The Council's Landscape Architect has not identified any public viewpoints into the site from the open countryside. Nonetheless, it will be readily visible from the rear of a number of adjacent residential properties and there would be adverse effects on views for the occupiers of these properties. Where possible, and in consideration of the site being located in Open Countryside/Green Gap, green edges should be used to allow the proposed development to sit more comfortably on the urban edge and assimilate more easily into the wider rural landscape.

### **Affordable Housing**

The Interim Planning Statement: Affordable Housing states that in areas with a population exceeding 3,000 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 than 0.4 hectare in size.

The SHMA Update 2013 identified a requirement for 270 new affordable homes between 2013/14 – 2017/18 in the Wybunbury & Shavington sub-area, which is made up of a requirement for 8 x 1 bed, 20 x 2 bed, 7 x 3 bed, 12 x 4+ bed and 1 x 1 bed older persons dwelling & 7 x 2+ older persons dwellings.

There are currently 53 applicants on the housing register with Cheshire Homechoice (which is the choice based lettings system for allocation social & affordable rented housing in Cheshire East) who have selected Shavington as their first choice, these applicants require 23 x 1 bed, 17 x 2 bed, 9 x 3 bed & 3 x 4 bed properties (1 applicant hasn't set the number of bedrooms they require).

There is an affordable housing requirement of 30% of the total dwellings with 65% provided as affordable or social rented dwellings and 35% as intermediate tenure dwellings. The affordable housing requirement equates to 9 affordable dwellings of which 6 should be rented and 3 should be intermediate.

The submitted application does not identify the percentage of affordable units to be provided on site, the type/size/location of the units, the tenure split or confirmation that the units would be constructed in accordance with the Homes and Communities Agency Design and Quality Standards (2007) and achieve at least Level 3 of the Code for Sustainable Homes (2007).

As a result the lack of affordable housing provision will form a reason for refusal.

### **Highways Implications**

In terms of the highway impact of development the NPPF states that:

*'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'*

The proposed access to the site is on stretch of Crewe Road that is subject to a 30mph speed limit and the road is lit. The Applicant has provided a proposed site access plan but not a Transport Statement, which would not necessarily be required for a site of this scale.

The Applicant proposes that the site access will be a 6.0m carriageway with two x 2.0m footways and 6.0m radii with Crewe Road. Visibility splays have been indicated on plans submitted by the Applicant at 4.5m x 60m to both the left and right of the proposed site access. No speed surveys have been supplied by the Applicant on which to base visibility splay requirements. However, given the 30mph speed limit and the splays indicated by the Applicant, the SHM considers that visibility requirements for actual speeds will be met at this location.

There are a number of development proposals in the Crewe Road/Gresty Road corridor and the SHM has previously expressed concerns (including at Public Inquiry) regarding the cumulative impact of development on the corridor.

This development is likely to generate about 20 peak hour vehicular trips in any peak hour. The site access in this location will safely and conveniently deal with traffic turning to and from it without undue impact on the Crewe Road. The level of traffic from this development is unlikely to unduly impact on the capacity of the Crewe Road/Gresty Road and its contribution to cumulative impact cannot be considered severe.

## **Amenity**

In terms of the surrounding residential properties, the main properties affected are those to the east which front onto Crewe Road and those to the south which front onto Chestnut Avenue.

The indicative plan shows that the proposed dwellings to the south of the site would have a rear garden depth of between 5-12 metres with a distance between principal elevations varying from 31 metres to 38 metres. Although the proposed rear garden length would be short on two plots these dwellings could be re-orientated at the Reserved Matters stage to address any amenity concerns. The separation distance exceeds the separation distance of 21 metres between principle elevation as set out in the SPD on Development on Backland and Gardens. The impact upon the properties which front Chestnut Avenue is therefore considered to be acceptable.

To the east the proposed access would pass between the dwellings at 187 and 191 Crewe Road. This relationship is considered to be acceptable and the scale of the development would not raise any significant noise and disturbance issues.

Due to the separation distances involved, no other residential properties would be affected.

The Environmental Health Officer has requested conditions in relation to construction management plan, dust control and external lighting. These conditions would be attached to any decision notice if the application was to be approved.

## **Trees and Hedgerows**

### Trees

The submission contains no arboricultural information. Without such information, the submission does not accord with the guidelines contained within *BS5837:2012 Trees in relation to design, demolition and Construction – Recommendations* and it is not possible to make an informed assessment of either the impact of the development on trees or the feasibility of accommodating the number of dwellings proposed. This issue will form a reason for refusal.

### Hedgerows

Where proposed development is likely to result in the loss of existing agricultural hedgerows which are more than 30 years old, it is considered that they should be assessed against the criteria in the Hedgerow Regulations 1997 in order to ascertain if they qualify as 'Important'. Should any hedgerows be found to be 'Important' under any of the criteria in the Regulations, this would be a significant material consideration in the determination of the application. Hedgerows are also a habitat subject of a Biodiversity Action Plan. The Regulations require assessment on various criteria including ecological and historic value.

In this case the retention of the hedgerows could be secured through the use of a planning condition.

## **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 density of the site at 33 dwellings per hectare is appropriate and is consistent with that of the surrounding area of Shavington.

The application is in outline form and the indicative layout shows that the development would be designed around a simple T-shaped cul-de-sac. There is no reason to dispute that an acceptable design and layout could not be negotiated at the Reserved Matters stage.

It is considered that the development would comply with Policy BE.2 (Design Standards) and the NPPF.

## **Ecology**

### Habitats

#### *Grassland Habitats*

The grassland habitats present on site are described by the submitted habitat survey as 'mown amenity grassland', a number of plant species are however present which are indicative of restorable semi-improved grassland habitats. Grassland of this type may qualify as a Local Wildlife Site. The habitat survey was undertaken in February which is a poor time of year to undertake such surveys. The Councils Ecologist advises that the Council has insufficient information to assess the nature conservation value of the grassland habitats on site.

To enable a confident assessment of the grassland habitats present on site to be made the Councils Ecologist recommends that the applicant submits a further botanical survey. The survey should be undertaken by a suitable experienced ecological consultant at the optimal time of year. The report of the required survey should include a full botanical species list for the grasslands and DAFOR abundance ratings (Dominant Abundant Frequent Occasional Rare) for each species recorded.

### Great Crested Newts

A number of ponds have been identified within 250m of the proposed development and the desk study undertaken in support of the submitted habitat survey has identified the historical presence of this species in the locality.

The submitted Phase One habitat survey recommends that a full great crested newt survey be undertaken. The Councils Ecologist advises that the Council currently has insufficient information to assess the potential impacts of the proposed development on this protected species in accordance with its policy and statutory obligations.

The Councils Ecologist advises that the applicant must undertake and submit a detailed great crested newt survey prior to the determination of the application. The survey should be undertaken by a suitably qualified ecological consultant using standard best practice methodologies at the optimal time of the year.

### Reptiles

The Councils Ecologist advises that reptile species are not reasonably likely to be significantly affected by the proposed development.

### Hedgerows

Hedgerow 1 located on the northern boundary of the application site is of sufficient quality to qualify as UK Biodiversity Action Priority Habitat. This hedgerow would therefore be a material consideration during the determination of this application, in this case a condition could be attached to secure the retention of this hedgerow.

## **Breeding Birds**

In order to safeguard breeding birds the Councils Ecologist has suggested the use of conditions relating to the timing of works and bird boxes.

## **Public Open Space**

Policy RT.3 states that, where a development exceeds 20 dwellings, the Local Planning Authority will seek POS on site. The Policy does also state that where sufficient recreational open space is already available in close proximity, the LPA may require the developer to enhance that Open Space instead.

In terms of children's play space Policy RT.3 states that the local planning authority will accept a contribution towards play equipment if easily accessible from the site.

In this case there is POS and children's play space within the village. This area is easily accessible from the application site and the POS Officer has suggested a contribution of £24,000 towards upgrading this site. This would be secured as part of a S106 Agreement.

## **Education**

The proposed development would generate 5 primary school pupils and 4 secondary school pupils.

In terms of primary school education, the proposed development would generate 5 new primary places. As there are capacity issues at the local primary schools, the education department has requested a contribution of £54,231. This would be secured via a S106 Agreement.

In terms of secondary school education, there are no capacity issues at the local secondary school.

## **Flood Risk and Drainage**

In this case the application site does is less than 1 hectare in size and located within flood zone 1. As a result there are no flooding issues associated with this site whilst details of drainage would be secured at the Reserved Matter stage.

## **LEVY (CIL) REGULATIONS**

For the purposes of any appeal and 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 development would result in increased demand for primary school places in Shavington where there is very limited spare capacity. In order to increase capacity of the school(s) which

would support the proposed development, a contribution towards primary school education is required. This is considered to be necessary and fair and reasonable in relation to the development.

As explained within the main report, POS and children's play space is a requirement of the Interim Planning Policy and Local Plan Policy RT.3. In this case a contribution for off-site works is required and is directly related to the development and is fair and reasonable.

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

## **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. However, the Council can now demonstrate a five year housing land supply.

The access to the site and the proposed traffic generation is not considered to be severe and complies with the NPPF and Policy BE.3.

The issue of the Public Open Space impact would be dealt with the a contribution for off-site works.

In terms of affordable housing a lack of information has been submitted with this application and this issue will form a reason for refusal.

There is a lack of information in terms of the impact upon the trees to the boundaries of the site and this issue will form a reason for refusal.

In terms of Ecology, insufficient information has been submitted in relation to the impact upon Great Crested Newts and grassland habitat.

In terms of the flood risk/drainage implications the development is considered to be acceptable.

The education impact could be mitigated through the provision of a S106 contributions towards primary school provision.

The proposal is considered to be acceptable in terms of its impact upon residential amenity and design 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. In the opinion of the Local Planning Authority, the proposed development would cause a significant erosion of the Green Gap between the built up areas of Shavington and Crewe which would significantly and demonstrably outweigh the benefits of the scheme notwithstanding a shortfall in housing land supply. The development is therefore contrary to Policy NE4 (Green Gaps) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within the NPPF.**
- 3. The Local Planning Authority considers that insufficient information has been submitted in relation to the affordable housing provision of the site. In this case there no detail in relation to the proportion of affordable housing on the site, tenure proposals for the affordable units including the arrangements for transfer to a Registered Provider, provisions for the units to be affordable in perpetuity and confirmation that the affordable homes to be let or sold to people who are in housing need and have a local connection. The application does not confirm that the affordable units will be built to CFSH Level 3 or to HCA Design and Quality Standards. As a result it is not considered that the proposal would create a sustainable, inclusive, mixed and balanced community and would be contrary to the Interim Planning Policy on Affordable Housing and Policy RES.7 (Affordable Housing) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the National Planning Policy Framework.**
- 4. There are a number of ponds within 250 metres of the site and the submitted Phase 1 Habitat Survey recommends that a full Great Crested Newt Survey is undertaken. No Protected Species Survey has been submitted as part of this application to assess the potential impacts of the development on Great Crested Newts. In the absence of this information, to allow this development would be contrary to Policy NE.9 (Protected Species) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within the NPPF.**
- 5. There are grassland habitats on the application site and there are species present which are indicative of restorable semi-improved grassland habitats. The submitted habitat survey was undertaken in February which is a poor time of year as a result the Council has insufficient information to assess the nature conservation value of the site. To allow the development in the absence of this information would be contrary to**



**Policy NE.5 (Nature Conservation and Habitats) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within the NPPF.**

- 6. There are a number of trees located onto the boundaries of the site and no arboricultural information has been provided to assess the impact upon these trees. Furthermore the indicative layout does not demonstrate that the proposed development can be accommodated on the site without resulting in the loss or future pressures to remove the trees which would be harmful to nature conservation and the character and appearance of the area. The development would be contrary to Policy NE.5 (Nature Conservation and Habitats) 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 her 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.**

**S106 Heads of Terms:**

- 1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:**
  - The numbers, type, tenure and location on the site of the affordable housing provision**
  - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing**
  - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved**
  - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and**
  - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.**
- 2. A commuted payment of £54,231 towards primary school education**
- 3. A commuted payment of £24,000 towards offsite POS and play equipment**

(c) Crown copyright and database rights 2014. Ordnance Survey 100049045, 100049046.

