

Application No: 13/5248N

Location: The Printworks CREWE ROAD, HASLINGTON, CW1 5RT

Proposal: Outline application for new residential development of up to 14 dwellings.

Applicant: Georgina Hartley

Expiry Date: 13-Mar-2014

SUMMARY RECOMMENDATION

REFUSE

MAIN ISSUES

Impact of the development on:-

**Planning Policy and Housing Land Supply
Affordable Housing,
Highway Safety and Traffic Generation
Trees and Landscape
Ecology
Design
Amenity
Sustainability
Education**

REASON FOR REFERRAL

This application is referred to the Southern Planning Committee as it relates to a small scale major development and a departure from the development plan.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises a cleared site formerly associated with no. 204 Crewe Road, Haslington, a large detached dwelling and coach house fronting Crewe. The dwelling and application site share a vehicular access from Crewe Road which subdivides within the curtilage of the property. The site was formerly occupied by a commercial building, which was located to the rear of no. 204, approximately 105m back from Crewe Road, this has now been demolished.

The boundaries within the site are defined by established planting predominantly with trees throughout the site, although a significant number of trees have been removed as part of recent works. The site falls within the open countryside as designated in the Local Plan.

The surrounding area is characterised by residential properties set within large gardens. The site is within Open Countryside, as defined in the local plan, albeit only a short distance outside the Haslington Settlement Boundary.

DETAILS OF PROPOSAL

This is an outline application for the erection of up to 14 dwellings on land adjacent to 204 Crewe Road, Haslington. The application is in outline form with all matters reserved apart from access. However an **indicative** site layout plan has been submitted with the application.

Access is proposed from a junction to be created off Crewe Road. The access road shown on the **indicative** layout plan runs straight through the site to a turning head at the end with the dwellings arranged around it.

RELEVANT HISTORY

12/1535N	2012	Non material amendment to application number 12/0325N
12/0325N	2012	Approval for replacement dwelling for previously approved residential conversion.
11/3894N	2012	Withdrawn application for conversion to residential
10/4295N	2010	Approval for residential conversion

POLICIES

National Guidance

National Planning Policy Framework

Local Policy

The relevant policies of the **Cheshire East Local Plan Strategy – Submission Version** are:

Policy SD 1 Sustainable Development in Cheshire East
Policy SD 2 Sustainable Development Principles
Policy SE 1 Design
Policy SE 2 Efficient Use of Land
Policy SE 3 Biodiversity and Geodiversity
Policy SE 4 The Landscape
Policy SE 5 Trees, Hedgerows and Woodland
Policy SE 9 Energy Efficient Development
Policy SE 12 Pollution, Land Contamination and Land Instability
Policy PG 1 Overall Development Strategy
Policy PG 2 Settlement Hierarchy
Policy PG5 Open Countryside
Policy EG1 Economic Prosperity

The relevant policies saved in the **Borough of Crewe and Nantwich Replacement Local Plan 2011** are:

BE.1 – Amenity
BE.2 – Design Standards
BE.3 – Access and Parking
BE.4 – Drainage, Utilities and Resources
BE.5 – Infrastructure
BE.6 – Development on Potentially Contaminated Land
NE.2 – Open Countryside
NE.5 – Nature Conservation and Habitats
NE.9 – Protected Species
NE.17 – Pollution Control
NE.20 – Flood Prevention
RES.7 – Affordable Housing
RES.3 – Housing Densities
RT.3 – Provision of Recreational Open Space and Children’s Playspace in New Housing Developments

CONSULTATIONS (External to Planning)

Environment Agency:

No objection.

Strategic Highways Manager:

Previously the SHM objected to the application, however the applicant has now demonstrated that adequate visibility splays can be demonstrated and that there would not be conflict with the reinstated access to number 204 Crewe Road.

Environmental Health:

Recommend conditions/informatives relating to contaminated land, noise generation, light pollution, electric vehicle infrastructure and travel plans.

Education:

Require a contribution to education of:.

Primary = £32,539

Secondary = £32,685

United Utilities:

No objection.

VIEWS OF THE PARISH COUNCIL

Haslington Parish Council objects to the proposed development with the following objections and concerns, it also supports residents objections to the development. This application is one of a number currently under consideration within the parish of Haslington, their potential impact on our rural communities needs to be considered as both individual applications and cumulatively.

The application is contrary to Policy NE2 and pre submission core strategy Policy PG5, 'The Printworks' falls outside of the settlement boundary of Haslington and Winterley, therefore should not be considered for development

it will increase the urbanised area of the village, changing its character to the detriment of the existing properties.

The pre submission core strategy outlines that applicants need to demonstrate a location in open countryside is essential for agriculture etc. this is not the case for this application.

Safe route to schools have not been demonstrated within the application. There is no footpath on the Printworks side of the busy Crewe Road putting all children at increased risk during their journey to school by foot, or via bus.

The Local Plan statement 'Development will be confined to small scale infill and the change of use or conversion of existing buildings' has been blatantly ignored in favour of low density new build. It also outlines that developments in the settlements will only be permitted when on a scale commensurate with that of the village. Haslington has 2300 houses and the addition of an additional 14 houses to the already proposed 250 houses at the nearby Hazel Bank development with a further 44 approved properties at Vicarage Road; a possible 34 on The Dingle, 70 at Kent's Green Farm, and 45 on Pool Lane Winterley would not comply with any appropriate scaling levels.

The Printworks building has been demolished, the site should be returned to Open Countryside, there is no existing rural building to be converted or reused on the site.

The size of the overall range of developments is utterly unsustainable and as such is against Cheshire East Council's current Local Plan replacement, which states it will "avoid loading development onto the periphery of existing constrained settlements"

The conservation and enhancement of the built environment has similarly been overlooked, and the Local Plan outlines a target of 'ensuring that new development does not result in any overall net loss to the man-made heritage'. The proximity of this development to the Grade 1 Listed Haslington Hall, and a number of Victorian Farm buildings on Holmshaw Lane is unacceptable, and non-compliant with the local plan requirements

This proposal is outside the village curtilage, infringes the separation between the two villages of Haslington and Winterley, and erosion of green space. The proposals are not adjacent to the existing settlement boundary so cannot be considered as a logical extension to the boundary.

Sewage and surface water do not appear to have been considered for this site. The streams feeding into Fowle Brook around Haslington have become increasingly liable to flooding in recent years, with gardens becoming inundated with flood water and contaminated farm effluent. It is vital that any new development proposal in and around Haslington and Winterley fully address drainage issues.

The current catchment secondary provision schools of Sandbach School and Sandbach High School are already oversubscribed, (through data provided from Cheshire East School Admissions department) and remain so for the foreseeable future. These too will be exacerbated by the current developments underway in Ettiley Heath and Wheelock, and the recent planning outcome for Abbeyfields development, consequently these proposals would further exacerbate this situation, as no strategic plans are in place to provide for increased secondary educational growth on the current bus routes to the catchment schools. The solution of children attending out of area schools is unacceptable, unrealistic and unsustainable.

The current primary admissions at both The Dingle and Haslington schools are currently oversubscribed by small numbers (3 and 1 respectively in 2012). However it is highly likely that the development of a wider selection of family sized properties will easily require primary education. With the recent approval alone of 44 properties in Vicarage Road, it can be assumed that these properties occupants would easily fill any vacant future spaces. No proposals have been put forward to resolve this position, and indeed the position requires far wider strategic, and long term consideration of need, as under consultation within the Local Plan Core Strategy process, and which outlines in its draft for no further development around the settlements of both Haslington and Winterley.

Haslington Parish Council also notes:

The proposed site is in a very prominent position and would create a new entrance / gateway to the built up area of the village. There are no substantial details of how the proposed houses would be designed. It is very dangerous to approve any sort of permission without more detail given the sensitive nature of the location.

The phase 1 desk study from 2011 relates to the now demolished Printworks building and does not cover the full area of the outline planning application. It covers an area outside the SHLAA Site 4247 boundary. Much of the report is generic and of no direct relevance to the proposed

development site. So the report appears to be out of date and fails to cover the full application site.

The proposals appear to be very much outline with very little detail included with the application. Plots 1 and 2 are very close to Crewe Road and are forward of the building line established by neighbours at 204 and 212 Crewe Road.

The part of the site was reviewed as a SHLAA Site 4247 in the most recent update where room for 19 houses was proposed on only part of the site - this application is for a much lower density on a larger area of land. The SHLAA site 4247 did not include the Printworks building.

OTHER REPRESENTATIONS

At the time of report writing, approximately 45 objections have been received relating to this application. These can be viewed on the application file. They express concerns about the following:

- Highway safety
- Inadequate parking provision
- Access issues particularly pedestrian access
- Noise generation
- Disruption during development
- Site is outside the settlement boundary (contrary to NE.2 and RES.5)
- Not in the Parish Plan or the emerging local plan
- There are plenty of empty homes available
- Brownfield sites should be used
- Erosion of the green gap between Haslington and Winterley
- Opportunist application
- Over development of the site
- Poor layout out of character with the area
- Misleading information contained in the application
- Schools and doctors are over subscribed
- Lack of affordable housing
- Impact on wildlife
- Approval would set a precedent for future development
- Loss of trees
- Inadequate drainage
- Flooding
- Adverse impact on heritage assets
- Loss of views
- Impact on house prices
- Waste and materials falling into Fowle Brook
- Increase in crime
- Haslington is under siege by developers

These can be viewed on the application file.

OFFICER APPRAISAL

Principal of Development

The site lies within 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.

Sustainability

The National Planning Policy Framework definition of sustainable development is:

“Sustainable means ensuring that better lives for ourselves don’t mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment”

Accessibility is a key factor of sustainability that can be measured. A methodology for the assessment of walking distance is that of the North West Sustainability Checklist, backed by the Department for Communities and Local Government (DCLG) and World Wide Fund for Nature (WWF). The Checklist has been specifically designed for this region and relates to current planning policies set out in the North West Regional Spatial Strategy for the North West (2008).

The Checklist can be used by both developers and architects to review good practice and demonstrate the sustainability performance of their proposed developments. Planners can also use it to assess a planning application and, through forward planning, compare the sustainability of different development site options.

The criteria contained within the North West Sustainability Checklist are also being used during the Sustainability Appraisal of the Cheshire East Local Plan. With respect to accessibility, the toolkit advises on the desired distances to local facilities 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 toolkit sets maximum distances between the development and local amenities.

These comprise of:

- post box (500m),
- local shop (500m),
- playground / amenity area (500m),
- post office (1000m), bank / cash point (1000m),
- pharmacy (1000m),
- primary school (1000m),
- medical centre (1000m),
- leisure facilities (1000m),
- local meeting place / community centre (1000m),
- public house (1000m),
- public park / village green (1000m),
- child care facility (1000m),
- bus stop (500m)
- railway station (2000m).
- secondary school (2000m)
- Public Right of Way (500m)

- Children's playground (500m)

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). Accordingly, it is considered that this small scale site is a sustainable site.

Affordable Housing

The site is located within Haslington which falls within the Haslington and Englesea sub area for the Strategic Housing Market Assessment (SHMA) update 2013. The SHMA identified an annual requirement of 44 affordable homes in the period 2013/14 – 2017/18. This is made up of a need for 1x 1bd, 11x 2bd, 19x 3bd, 10x 4/5bd general needs units and 1x 1bd and 1x 2bd older person's accommodation.

In addition to this, information taken from Cheshire Homechoice, identifies a housing need. There are currently 72 applicants who have selected the Haslington lettings area as their first choice; these applicants require 27x 1bd, 25x 2bd, 13x 3bd and 6x 4bd properties (1 applicant did not specify their bedroom requirement).

The Council's Interim Planning Statement on Affordable Housing (IPS) outlines that on sites of 15 dwellings or more or more than 0.4 hectares in size, the Council will normally seek an on-site provision of 30% affordable housing, with 65% provided as social or affordable rent and 35% intermediate. This is the preferred tenure split identified in the SHMA and highlighted in the Interim Planning Statement on Affordable Housing (IPS).

The site is 0.7 hectares in size and therefore a requirement of 30% affordable housing is required on-site. The proposal is for 14 dwellings which equates to 4 affordable units to be provided as 3 for social or affordable rent and 1 for intermediate tenure. Furthermore the following should be met:

- The affordable units should be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration.
- The affordable homes should be constructed in accordance with the Homes and Communities Agency Design and Quality Standards (2007) and should achieve at least Level 3 of the Code for Sustainable Homes (2007).
- The IPS also states: In order to ensure the proper integration of affordable housing with open market housing, particularly on larger schemes, conditions and/or legal agreements attached to a planning permission will require that the delivery of affordable units will be phased to ensure that they are delivered periodically

throughout the construction period. The actual percentage will be decided on a site by site basis but the norm will be that affordable units will be provided not later than the sale or let of 50% of the open market homes.

The affordable housing statement accompanying the application states that the proposal includes 30% affordable dwellings and as such complies with policy. The applicant makes reference to Draft Heads of Terms agreement including a provision of affordable housing submitted with the outline application; however this does not appear to be included.

The affordable housing should be secured by way of a S106 agreement, which:

- secures 30% of the total dwellings to be provided as affordable housing
- secures 65% of the affordable dwellings to be affordable or social rented, 35% to be intermediate
- requires them to transfer any rented affordable units to a Registered Provider
- includes provisions that require the affordable homes to be let or sold to people who are in housing need and have a local connection. The local connection criteria used in the agreement should match the Councils allocations policy.
- includes the requirement for an affordable housing scheme to be submitted at reserved matters application stage that includes full details of the affordable housing on site including location, type and size.
- requires the affordable units to be constructed to HCA Design and Quality Standards (2007) and Level 3 of the Code for Sustainable Homes (2007).

Amenity

The application is in outline form and the site layout submitted is only indicative. Nonetheless, it is considered that the site is capable of accommodating 14 dwellings without having an adverse impact having regard to privacy, light loss or outlook.

Adequate private residential amenity space could be provided within the domestic curtilages of each property.

Should the application be approved conditions should be imposed relating to piling operations, external lighting, noise mitigation, contaminated land and electric vehicle infrastructure.

Highways Implications

The application is for 14 new dwellings on the site of a former printworks and undeveloped land adjacent to a single residential dwelling at 204 Crewe Road. The site currently shares a highway access with 204 Crewe Road, and as part of the application it is proposed that the new dwellings will be served from a new access adjacent to the existing access to 204 Crewe Road.

The Strategic Highways Manager (SHM) has been in discussions with the applicant's highway consultant, regarding the application. The SHM raised an objection to the proposals initially. The most recent consultation response had raised concerns about the site access in relation to visibility measurements, land ownerships and access spacing.

Subsequently, the SHM has been in further discussions with SCP, and additional information has been provided to the SHTM, including a new Proposed Site Access.

The SHM's previous objection identified the following three issues in relation to the access proposal:

- Achieving appropriate visibility measurements to and from the access;
- Providing visibility to/from the access within the available land ownership; and
- Providing sufficient spacing between the access and existing accesses.

The SHM has agreed to accept a 2.4m x 59m visibility splay from the site access, which is based on the stopping sight distance (SSD) for on-street wet weather speeds of up to 38mph. The previous site access drawings received did not demonstrate that a 59m SSD could be achieved.

The latest drawing provides a site access located eastwards of the previously proposed location, and the drawing demonstrates that a 2.4m x 59m visibility splay can be achieved the kerblines in both directions from the revised access location.

In order to obtain visibility to the left of the site access, a sightline across a third party section of land is required. The SHM was previously unable to accept this requirement, as there was no evidence presented that sightlines could be maintained in future.

Land title deeds have subsequently been presented on behalf of the applicant, which demonstrate a legal right to the maintenance of a visibility splay across the section of land affected, on behalf of the Printworks site.

The previous site access drawings showed minimal spacing between the new access (for use by the application site only) and the existing access (which will be used by 204 Crewe Road only). The SHM was concerned about the possibility for collisions between vehicles entering and exiting the two junctions, and requested that the spacing be maximised insofar as reasonably practical.

The new site access drawing has increased the junction spacing from approximately 17m to approximately 25m. The new access location is approximately central to the site, and is therefore approximately equidistant to the access to 204 Crewe Road and to a farm gate to the east, meaning that the junction has been located as far as possible from accesses on either side.

At locations where the adjacent accesses were serving more than a single dwelling or a single farm access, the SHM would seek a greater level of junction spacing; however, at this particular location, the SHTM will accept the 25m junction spacing as shown.

Trees & Landscape

This is an outline application for a residential development of up to fourteen dwellings. Although there is a description of the site given in the Design and Access Statement, no landscape appraisal has been submitted.

An illustrative layout has also been submitted and the Arboricultural assessment indicates that a number of trees will need to be removed, as well as a hedge (H1). The Design and Access Statement indicates that trees located on the boundary will be retained, nevertheless three trees, T1, T2 and T3, located along the front of the application site along the Crewe Road frontage will need to be removed, along with a number of others within the site.

Whilst it is not considered that the proposals would result in any significant landscape or visual impacts, it is considered that appropriate landscape conditions should be attached to any planning permission, to both mitigate the losses and to ensure good design.

Design & Layout

This is an outline planning application therefore the layout drawing is only indicative. Should the application be approved, appearance and layout would be determined at reserved matters stage.

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.”

The indicative layout shows a development of a very suburban nature not appropriate to this rural location. Therefore, should the application be approved the reserved matters should take account of this and amend the design accordingly.

Ecology

Habitats and Botanical Value

An area on site described by the original habitat survey report submitted in support of this application as ‘Target Note One - Derelict Orchard Area’ supports the required number of indicator species at sufficient abundances to qualify as a Local Wildlife Site under the ‘Semi-improved grassland’ selection criteria.

During the consideration of this application much of this area of habitat has been destroyed and a revised habitat survey has been submitted which shows the reduced area of this habitat on site. Much of the remaining area of this habitat is shown as being retained on the submitted indicative layout however if planning consent is granted there is likely to be a further loss of this habitat associated with the proposed access road etc. However the Council’s ecologist advises that:

If planning consent is granted it is recommended that conditions be attached to secure the following:

- Retention of the remaining area of semi-improved grassland located in the northern portion of the site as shown on the submitted habitat plan dated August 2014.

- The submission of a method statement for the safeguarding of this area of habitat during the construction process in support of any future reserved matters application.
- The submission of a 10 year habitat management plan in support of any future reserved matters application.

Great Crested Newts

Ponds are present a short distance from the proposed development. However, the Council's Ecologist considers that Great Crested Newts are unlikely to be present or affected by the proposed development.

Habitat

A habitat for protected species has been identified in close proximity to the proposed development. An acceptable outline mitigation method statement detailing how this habitat would be safeguarded as part of the proposed development has been submitted.

It is recommended that if planning consent is granted a condition be attached requiring any future reserved matters application to be supported by an updated protected species survey and a detailed mitigation method statement.

Education

A development of 14 dwellings is anticipated to generate 3 primary and 2 secondary aged pupils.

The local primary schools (i.e. within a 2 mile radius) are cumulatively forecast to be oversubscribed and so a contribution will be required for all of the pupils anticipated.

The local secondary schools (i.e. within a 3 mile radius) currently indicate some surplus capacity, however there are several approved applications and applications with resolution to approve subject to s106 which impact on these schools and in light of this a contribution will be required for the anticipated pupils.

Primary = £32,539

Secondary = £32,685

LEVY (CIL) REGULATIONS

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

As explained within the main report, education contributions and affordable housing provision are directly related to the development and fairly and reasonably related in scale and kind to the development, as required by paragraph 204 of the NPPF.

CONCLUSIONS

The site is within the Open Countryside where under Policies NE.2 and RES.5 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 proposal does not accord with Policy PG5 of the Cheshire East Local Plan Strategy – Submission Version.

RECOMMENDATIONS

REFUSE:

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policy NE.2 (Open Countryside) and Policy RES.5 (Housing in the 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 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.**

In order to give proper effect to the 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/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 30% affordable housing – 65% of the affordable dwellings to be provided as social/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 £32,539 will be required towards primary education and £32,685 towards secondary education.**

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