

Application No: 14/1669N

Location: LAND TO REAR OF 71, MAIN ROAD, SHAVINGTON, CREWE, CHESHIRE

Proposal: Outline application for the demolition of 71 Main Road and a residential development of up to 44 houses of mixed type and tenure.

Applicant: Mr Andrew Gibbs

Expiry Date: 14-Jul-2014

## **SUMMARY RECOMMENDATION**

### **REFUSE**

### **MAIN ISSUES**

#### **Impact of the development on:-**

**Planning Policy and Housing Land Supply  
Affordable Housing,  
Highway Safety and Traffic Generation  
Landscape Impact  
Hedgerow and Tree Matters  
Ecology  
Design  
Amenity  
Sustainability  
Education**

## **REASON FOR REFERRAL**

This application is referred to the Strategic Planning Board as it relates to a major development and a departure from the development plan.

## **DESCRIPTION OF SITE AND CONTEXT**

The application site is 1.3 hectares in size and comprises the house (71 Main Road), garden, outbuildings and a paddock.

The site is bounded by hedgerows and mature trees and the existing dwellings on Main Road and there is a line of mature conifers that bisect the site. The land slopes down towards the gardens of 69 and 67 Main Road.

The site is designated as being partially within the Settlement Boundary of Shavington. However the majority of the land proposed for development is designated as being within Open Countryside and a Green Gap in the adopted local plan.

## **DETAILS OF PROPOSAL**

The application is in outline form with only access to be determined at this point, all other matters are reserved for later consideration.

The application is for up to 44 dwellings and an indicative layout has been submitted with the application. Although all other matters other than access are reserved for later consideration, the applicants have stated that the accommodation would comprise 22 detached properties with 3, 4 and 5 bedrooms, 9, three bedroom, semi-detached properties and thirteen affordable houses with 2 and 3 bedrooms. A children's play area is shown at the northern end of the site on the indicative layout plan.

The site would have vehicular access from Main Road where number 71 would be demolished to facilitate this.

## **RELEVANT HISTORY**

No relevant planning history relating to this site.

## **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** 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.4 – Green Gaps  
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 formal comments to make but refer to their standing advice on developments such as this that require a flood risk assessment.

### **Flood Risk Manager:**

Whilst there are no objections in principle to this development proposal on flood risk grounds, it is considered essential that matters regarding disposal of surface water from this site are addressed in detail. The submitted flood risk assessment (FRA) by Bob Hindaugh , October 2014, clearly identifies the need for surface water discharges from the site to mimic existing pre-development greenfield run-off (restricted surface water discharges to apply) and the need for on-site attenuation and storage to cater for extreme 1 in 100 year storm events including allowances for climate change. These are matters to be addressed in detail at the appropriate stage as outlined in the above FRA and prior to any development commencing.

### **Strategic Highways Manager:**

Recommend refusal on the grounds of insufficient information due to conflicting information contained within the submitted documentation.

#### **Environmental Health:**

Originally recommended refusal of the application on the grounds of lack of information relating to noise. This information has now been received and is considered satisfactory. Conditions are recommended relating to a Major Development Construction Phase Environmental Management Plan and lighting and an informative relating to hours of construction.

#### **United Utilities:**

No objection subject to conditions.

#### **Education:**

None received at the time of report writing.

#### **VIEWS OF THE PARISH COUNCIL**

The Parish Council has considered the content of the above planning application and has instructed me to submit the following objections to the proposals.

The Parish Council has received the views of a number of residents of Main Road including those whose boundary adjoins the proposed site. It wholeheartedly agrees and supports the objections contained in the representations from residents of Main Road and reflects these in this objection.

Concern has been expressed by a number of adjoining land owner residents that that had not received any notification of the planning application, and had to rely on local word of mouth to be informed. This is clearly an unacceptable situation for such a potentially large development which would have a major impact on local amenity and services. The Parish Council would endorse the residents' views that every property in Main Road should have received notification.

#### *Loss of Open Countryside*

All of the proposed houses are located **outside of the Settlement Boundary** and within Open Countryside. Local Plan Policy NE2 states: *"..... Within open countryside 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. An exception may be made where there is the opportunity for the infilling of a small gap with one or two dwellings in an otherwise built up frontage."*

Over the last three years Shavington has experienced enormous interest from large scale housing developers with well over 1,000 additional dwellings already approved despite local objections and largely due to the absence of a demonstrable housing land supply in the Local Plan. Conservative estimates show that the size of the Parish is likely to increase by over 50% in coming years with it inevitable adverse impact on local amenities, traffic flow and

infrastructure. In addition to this a number of planning applications which have been refused are now at the appeal stage (including Gresty Oaks (880 dwellings) and Shavington East (275 dwellings)) so this figure could increase even more significantly. Any perceived demand for this number of additional houses in Shavington has already been more than satisfied by the applications already approved.

*Contrary to Green Gap Policy*

NE.4 green gaps states: *"Within these areas, which are also subject to policy NE.2, approval will not be given for the construction of new buildings or the change of use of existing buildings or land which would:*

- *Result in erosion of the physical gaps between built up areas; or*
- *Adversely affect the visual character of the landscape."*

Clearly the proposed development encroaches further into the green gap and would impact on character of the landscape on the north western edge of Shavington.

*Impact upon local amenity and amenity of the occupiers of neighbouring properties*

Policy BE.1 Amenity requires proposals to be compatible with surrounding land uses and states that they must not prejudice the amenity of future occupiers or the occupiers of adjacent properties. Proposals must not generate such levels of traffic which would prejudice the safe movement of traffic on surrounding roads. Also new developments should not lead to an increase in air, noise or water pollution.

- The layout does not provide sufficient information of its relationship to neighbouring properties and buildings. It is not therefore possible to properly assess its impact upon them.
- The design of the proposed development is not in keeping with the character of the surroundings.
- The close proximity of the proposed access road to the adjacent houses will cause harm to the amenity of the occupiers of both properties in terms of increased noise and disturbance from vehicular and pedestrian movements.
- More than 29% of the proposed houses are proposed in a row adjacent to the site's south western boundary with the private rear garden of an adjacent residential property. No account has been taken within this layout of its impact upon the amenities of the occupiers of the adjacent property.
- The layout has urban, car dominated frontages whilst providing insufficient car parking for many of the four bedroomed houses. This suggests that the proposals for the site would result in its overdevelopment.

*Highway safety, car parking, traffic flow*

Policy BE.3 permits new developments as long as they provide safe pedestrian and vehicle access and adequate parking.

- The development of 44 houses at the proposed site will increase the number of cars using Main Road substantially and further add to severe traffic congestion.
- Main Road is narrow, and many houses have no off street parking, therefore many cars are parked on the road. In practice, this means that there is only space for one lane of traffic to move at a time. An increase in traffic on Main Road will therefore result in even longer queues of cars waiting to pass along the road, and increase the risk to pedestrians

from cars and buses mounting the pavement in order to avoid oncoming traffic (dangerous events that occur already). The parked cars on Main Road will also reduce the visibility of traffic emerging from the new access road to the proposed development, increasing the risk of accidents to both pedestrians and car occupants.

- Traffic speed along this section of Main Road regularly exceeds 30 mph. In view of the scale of the development proposed, the junction and visibility standards should not be designed to the bare minimum. Increased visibility should be provided in the leading direction in order to ensure safe access and egress.
- The No. 6 bus comes along Main Road every 30 minutes and the carriageway and pavements are narrow. Large vehicles already have to mount the pavement to get past parked vehicles, and due to the long lines of parked vehicles motorists regularly speed to try to get past before meeting an on-coming vehicle.
- The appropriate level of visibility required may require third party land outside the red line boundary of the application site which cannot be delivered.

#### *Pollution and infrastructure*

There is an on-going and serious issue with the existing sewerage system along Main Road which has been unable to cope with excess rainwater and has flooded the carriageway with effluent on a number of occasions. The developer states that the proposed dwellings will be connected to the existing main drainage system so this will not only add further pressure to a sewerage system already unable to cope, but will increase the risk of flooding (due to the additional hard landscaping of the site) and therefore increase the risk of overspill from the sewerage system. Concerned residents of Main Road have been in contact with United Utilities on numerous occasions and have received correspondence from the Company to say that the existing system cannot be upgraded and that a new pumping station needs to be built, and that this work is not imminent.

### **OTHER REPRESENTATIONS**

At the time of report writing, approximately 36 objections and 10 expressions of support have been received relating to this application. These can be viewed on the application file. The objectors express concerns about the following:

- Highway safety
- Inadequate parking provision
- Access issues
- Transport Statement fails to provide solutions to existing problems on Main Road
- Surrounding road network is already overcrowded
- Narrow road faced with dangerous conditions
- Main Road could not cope with additional traffic
- Traffic noise would be unbearable
- Loss of privacy
- Overlooking
- Loss of a green outlook
- Impact on local amenity and the amenity of neighbours
- Development is not needed in Shavington
- Village does not have the amenities to support the development
- Shavington has already experienced disproportionate expansion

- Shavington is besieged by housing applications
- Does not respect the village character
- Too many houses crammed on to the land
- There is very little local employment
- Lack of infrastructure (doctors/schools)
- Noise and light pollution
- Development in the Green Gap/Open Countryside should not be allowed
- Brownfield sites should be developed first
- Loss of agricultural land
- Existing issues with drainage
- Adverse impact on wildlife including protected species
- Lack of consultation
- Inadequate technical reports
- House price devaluation
- Would be a haven for joy riders and other criminals
- Opportunistic developer just wanting to make money

The local MP has also written in to support the objections to the proposal.

The expressions of support are as follows:

- The houses would be hidden away
- Preferable to have smaller developments such as these approved
- This is a large area in the centre of the village
- Would avoid the need for mass estate planning
- I am a first time buyer looking for a property in this area
- Young people are struggling to find properties in the village

All comments 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 site is also subject to Policy NE.4 (Green Gaps) and this policy states that approval will not be granted for the construction of new buildings which result in the erosion of the physical gaps between the built up areas or adversely affect the visual character of the landscape.

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.”*

A number of principal appeal decisions have previously 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. This has also been recognised by the Planning Minister who had noted that in a letter to the Inspector in the Gresty Road appeal that “differing conclusions” had been reached on such appeals.

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 14 October 2014, the Council issued a Five Year Housing Land Supply Position Statement with a base date of 31<sup>st</sup> March 2014. This document brings the evidence up to date and shows



progression in terms of delivering supply by supporting planned developments and utilising brownfield land wherever possible.

As of 31<sup>st</sup> March 2014, based on 1180 dwellings per annum Cheshire East had a total deliverable housing land supply of 10,562 dwellings, with a 5% buffer, this equates to 6.08 years supply of deliverable housing land and with a 20% buffer this equates to a 5.32 years supply of deliverable housing land.

To bring the housing land supply fully up to date the Position Statement illustrates that as of 31<sup>st</sup> August 2014, Cheshire East is able to demonstrate a continued increase in supply. This analysis shows that Cheshire East now has a total deliverable housing land supply of 11,051 dwellings, with a deliverable supply of housing land of **6.36 years (5% buffer)** and **5.57 years (20% buffer)**.

On this basis it is considered a 5 year supply is capable of being demonstrated.

### **Open Countryside and Green Gap Policies**

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)

The applicant has submitted an assessment as follows:

- |                             |               |
|-----------------------------|---------------|
| • Post box                  | Not specified |
| • Local shop                | 482m          |
| • Playground / amenity area | Not specified |
| • Post office               | 321m          |
| • Pharmacy                  | 804m          |
| • Primary school            | 965m          |
| • Medical centre            | 804m          |

• Leisure facilities	1,287m
• Local meeting place/community centre	965m
• Public house	482m
• Public park	Not specified
• Child care facility	Not specified
• Bus stop	46m
• Railway station	3,219m
• Secondary school	1,287m
• Public right of way	Immediately adjacent
• Children's playground	Not specified

It is considered that as the site lies adjacent to existing residential development in Shavington, it would therefore be difficult to uphold a reason for refusal on the grounds of the site not being in a sustainable location.

### **Affordable Housing**

Shavington is a settlement which has a population exceeding 3,000.

The Interim Planning Statement: Affordable Housing (IPS) 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. It goes on to state that this will normally be 30% which is in line with the Strategic Housing Market Assessment 2010, with a tenure split of 65% social rent (affordable rent would be acceptable on this site) and 35% intermediate housing.

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 56 applicants on the housing register with Cheshire Homechoice (which is the choice based lettings system for allocating social & affordable rented housing in Cheshire East) who have selected Shavington as their first choice, these applicants require 32 x 1 bed, 13 x 2 bed, 7 x 3 bed, 3 x 4 bed and 1 x 5 bed properties.

If this application is approved the Council would require there to be a proportion of the dwellings to be provided as affordable dwellings, this should be as highlighted above 30% of the total dwellings with 65% provided as affordable or social rented dwellings and 35% as intermediate tenure dwellings. Based on the proposal for up to 44 dwellings this equates to a requirement for 13 affordable dwellings, with 8 provided as social or affordable rent and 5 provided as intermediate tenure. The Planning Statement offers 30% of the total dwellings as affordable with the correct 65%/35% tenure split. However, the application form states 65% intermediate tenure and 35% social rent which is not acceptable.

Section 3.3 of the Planning Statement states that there will be 5 x 3 bed houses and 8 x 2 bed houses. It is appreciated at this stage that the mix is only indicative, however this must be resolved at the reserved matters stage if this application is approved, to secure other property types and sizes as the SHMA Update shows a broad range of housing need. Also, the

Cheshire Homechoice information confirms that 1 bed units are in demand due to Welfare Reform changes to Housing Benefit regulations.

The Interim Planning Statement: Affordable Housing requires that affordable housing is pepper-potted, is built in accordance with the Homes & Communities Agency Design and Quality Standards and meets Code for Sustainable Homes Level 3. The indicative layout does not appear to show the affordable properties pepper-potted across the site. This could also be secured at reserved matters stage.

The affordable housing should also be provided no later than occupation of 50% of the open market dwellings. Should the application be approved the affordable dwellings should be secured in line with the Interim Planning Statement: Affordable Housing and to transferred to social or affordable rented dwellings to a Registered Provider.

### **Highways Implications**

Access to the site is to be created by the demolition of No. 71 Main Road, there is one single access to the site and there has been a junction design submitted as part of the Transport Statement (TS).

Clearly, the main highway issue given the location of the site is the traffic impact of the development. Although, a development consisting of 44 units would not normally result in a traffic impact on the road network, there are numerous development sites in the area that either have permission or are currently at appeal. All of the committed developments will add additional traffic to the road network in the vicinity of the site and some of the principal junctions will have capacity problems. The Transport Assessment fails to consider any committed developments and in order to provide a view on the likely impact that the development traffic would have on the road network, this additional information has not been provided despite being requested in July.

The Council is not aware of the methodology used to arrive at the distribution of traffic used in the TS report; the distribution submitted seems to be the opposite to what is described in the text. This also has not been clarified despite being requested.

Considering the details submitted for the access, the design is over engineered for the level of development proposed and a narrower width of carriageway to 4.8m would suffice. The visibility splays indicated on the plan are not correct and splays of 2.4m x 43m are the minimum requirement.

In summary, there are a number of issues that need further information or revised details on, this especially relates to the assessment of the local committed developments on the road network. Therefore the application should be recommended for refusal on lack of information.

### **Amenity**

An indicative layout has been submitted with the application and this shows that minimum separation distances could be achieved between the proposed and existing dwellings adjacent to the site.

Having regard to the amenity of future occupiers of the dwellings, adequate private residential amenity space could be provided, although it is considered that some plots may be dominated by trees that overhang the gardens. However; as this proposal is in outline with all matters other than access to be determined at reserved matters stage; this issue could be addressed at that stage.

## **Trees & Landscape**

The proposal removes a line of Leylandi Cypress which is seen from Main Road; however, the trees of most value are those adjacent to the boundaries. These trees provide screening and shelter functions to the site and are typical landscape features of the local area. The majority of these trees are in adjacent land but their branches overhang the site. In some cases the branches appear to overhang a significant part of the rear gardens of plots, particularly in the northwest section of the proposed layout. This may give rise to trees being cut back / felled due to lack of sunlight / daylight within the gardens and this could impact on the screening value of the tree cover would be in direct contrast to the statements bullet points on page 4 of the D&A regarding the character of the site and in 2.6 of the planning statement.

The tree report identifies a significant amount of felling of existing trees on site, however, the survey plan provided is of poor definition and it is not possible to make out any specific tree numbers on it.

It is not clear from the tree report if the survey includes those trees land adjacent to the site. There is no landscape master plan provided to show how the application would integrate the apparent green infrastructure shown in the proposed layout into the surrounding landscape.

## **Design**

The application is outline with details of scale, layout, appearance and landscaping to be determined at a later date. In support of this planning application, a Design and Access Statement has been provided. In addition an indicative layout and house types have been submitted.

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.”*

Whilst the application is in outline form with access as the only matter to be agreed at this stage, the design and access statement has put forward that the development would be appropriate and in keeping with the area. These issues could be addressed at reserved matters stage.

## **Ecology**

Grassland habitats on site are unlikely to be of significant ecological value.

A number of ponds are located within 250m of the proposed development site. The applicant has submitted an acceptable Great Crested Newt Assessment. The Council's Ecologist considers that the proposed development is unlikely to significantly affect Great Crested Newts. No further action is required in respect of this species.

The mature trees and hedgerows around the site are likely to support roosting and commuting bats. It is considered that any loss of habitat for bats would be at least partly mitigated if these boundary features are retained as part of the development and a sensitive lighting scheme is incorporated into the detailed design for the site. No evidence of roosting bats has been recorded on site.

If planning consent is granted standard conditions will be required to safeguard breeding birds

### **Education**

At the time of report writing, the consultation response of Education has not been submitted. This information will be provided as an update prior to Committee determining the application.

### **Agricultural Land**

Policy NE.12 (Agricultural Land Quality) of the Crewe and Nantwich Replacement Local Plan has been saved. 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.

The supporting statement submitted with the application states does not address this issue. However; given the scale of the proposal and limited size of the site, it is not considered that its loss would be significantly detrimental.

### **CONCLUSIONS**

The site is within the Open Countryside where under Policy NE.2 of the adopted local plan and Policy PG 5 of the emerging local plan, 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 demonstrate a five year housing land supply.

Insufficient information has been provided to demonstrate that there would be no adverse impact on highway safety.

Insufficient information has been provided to demonstrate the impact on trees within and adjacent to the site.

The site is capable of accommodating the proposed dwellings in such a way that would not have any significant adverse impact on residential amenity and there would no significant

adverse impact on matters relating to nature conservation. However these issues do not outweigh the conclusions outlined above.

## **RECOMMENDATIONS**

### **REFUSE FOR THE FOLLOWING REASONS:**

1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policy NE.2 (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 Nantwich and Crewe, in an area that is also designated as being within the designated Green Belt within the Local Plan Strategy – Submission Version and would adversely affect the visual character of the landscape 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 NE.4 (Green Gaps) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and Policy PG3 (Green Belt) of the Local Plan Strategy – Submission Version and guidance contained within the NPPF.
3. Insufficient information has been submitted with the application relating to cumulative traffic impact when considered in combination with housing schemes currently approved in the vicinity of the site, in order to assess adequately the impact of the proposed development having regard to highway safety. In the absence of this information, it has not been possible to demonstrate that the proposal would comply with Development Plan policies and other material considerations.
4. Insufficient information has been submitted with the application relating to trees within and adjacent to the site in order to assess adequately the impact of the proposed development having regard to NE.5 of the Borough of Crewe and Nantwich Replacement Local Plan 2011. In the absence of this information, it has not been possible to demonstrate that the proposal would comply with Development Plan policies and other material considerations.

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 Chairman (or in his absence the Vice Chairman) of

**Strategic Planning Board, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.**



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