

Application No: 15/1210N

Location: Open grass land, Crewe Road, Shavington, Cheshire, CW2 5AH

Proposal: Outline Planning for development of 68 houses including new vehicular entrance, boundaries, infrastructure and landscaping, with primary access from the Crewe Road shown and other matters reserved.

Applicant: J Thompson

Expiry Date: 10-Jun-2015

SUMMARY

Paragraph 49 of the NPPF states that 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 and where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development

It is therefore necessary to make a free-standing assessment as to whether the proposal constitutes “sustainable development” in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

The benefits in this case are housing provision, 30% affordable housing and LEAP provision.

The development would have a neutral impact upon education, protected species/ecology, highways, drainage/flood risk and residential amenity subject to mitigation.

The adverse impacts of the development would be loss of open countryside, loss of agricultural land, inadequate on-site POS provision, erosion of the Green Gap between Shavington and Crewe and adverse impact upon the visual character of the landscape

On the basis of the above, it is considered that the proposal represents unsustainable development and paragraph 14 is not engaged and therefore the proposal should be determined in accordance with the development plan. Notwithstanding this point, even if it were engaged, it is considered that the adverse effects of the scheme significantly and demonstrably outweigh the benefits. Accordingly it is recommended for refusal.

RECOMMENDATION

Refuse

PROPOSAL

This is an outline planning application for the erection of 68 dwellings. Access is to be determined at this stage with all other matters reserved.

The proposed development includes a single access point onto Crewe Road which would be located to the western boundary of the site.

The indicative plans show that a play area would be located to the east of the site.

SITE DESCRIPTION

The site of the proposed development extends to 2.19 ha and is located to the eastern side of Cholmondeley Road. The site is within Open Countryside and Green Gap. To the northern boundary of the site is agricultural land. To the south and south-east of the site is residential development which forms the village of Shavington (fronting Meadow Close, Park Estate, North Way and West Way). To the west of the site is residential development which fronts Crewe Road.

The land is relatively flat and is in agricultural use. There are a number of trees and hedgerow to the boundaries of the site.

Public Right of Way Shavington cum Gresty FP3 runs along the southern boundary of the site.

RELEVANT HISTORY

The site has no relevant planning history.

NATIONAL & LOCAL POLICY

National Policy

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

50. Wide choice of quality homes

56-68. Requiring good design

Development Plan

The Development Plan for this area is the Borough of Crewe and Nantwich Replacement Local Plan 2011, which allocates the site, under policies NE.2 and NE.4, as open countryside and Green Gap.

The relevant Saved Policies are:

NE.2 (Open countryside)
NE.4 (Green Gaps)
NE.5 (Nature Conservation and Habitats)
NE.8 (Sites of Local Importance for Nature Conservation)
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)
BE.7 (Conservation Areas)
BE.15 (Scheduled Ancient Monuments)
RES.5 (Housing in the Open Countryside)
RES.7 (Affordable Housing)
RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)
RT.9 (Footpaths and Bridleways)
TRAN.3 (Pedestrians)
TRAN.5 (Cycling)

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

Cheshire East Local Plan Strategy – Submission Version (CELP)

The following are considered relevant material considerations as indications of the emerging strategy:

PG2 – Settlement Hierarchy
PG5 - Open Countryside
PG6 – Spatial Distribution of Development
SC4 – Residential Mix
SC5 – Affordable Homes
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE3 – Biodiversity and Geodiversity
SE5 – Trees, Hedgerows and Woodland
SE 1 - Design
SE 2 - Efficient Use of Land
SE 4 - The Landscape
SE 5 - Trees, Hedgerows and Woodland
SE 3 - Biodiversity and Geodiversity
SE 13 - Flood Risk and Water Management
SE 6 – Green Infrastructure
IN1 – Infrastructure
IN2 – Developer Contributions

Supplementary Planning Documents:

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

CONSULTATIONS

Environment Agency: Refer to standing advice.

United Utilities: Drainage condition suggested.

CEC Flood Risk Manager: Conditions suggested in relation to surface water drainage and Sustainable Urban Drainage.

Natural England: No comments to make on this application.

CEC Head of Strategic Infrastructure: The HSI is satisfied that the development proposals can be safely accommodated on the adjacent highway network; accordingly, the HSI has no objection to the planning application subject to the imposition of planning conditions.

CEC Environmental Health: Conditions suggested in relation to noise mitigation, piling works, bin storage, travel plan, electric vehicle infrastructure, dust control and contaminated land. An informative is also suggested in relation to contaminated land.

Ansa (Public Open Space): The proposal should provide an equipped children's play area. The equipped play area needs to cater for younger children with 5 pieces of equipment.

CEC Strategic Housing Manager: No objection.

CEC Archaeology: The Archaeologist is mindful of the size of the affected area and the limited results from a number of recent investigations on similar sites in the area, it is advised that further archaeological work would be difficult to justify. Consequently, no further mitigation is recommended in this instance.

Mid-Cheshire Footpaths Society: No representations to make. However it is requested that the footpath is not converted into a fenced walkway that may become an unsocial area or diverted onto estate roads. Should the application be approved the applicant should be made aware of his obligations to keep Shavington cum Gresty FP3 open and walkable at all times.

CEC Countryside Access: The site should be permeable and accessible to pedestrians and cyclists. Properties should have adequate and best practice cycle storage facilities and all highway designs should incorporate accessibility for cyclists. The developer should be asked to contribute towards the improvement of facilities for cyclists between the site and the town centre in order to minimise the impact of additional vehicular traffic arising as a result of the proposed development.

The developer should be tasked to provide new residents with information about local walking and cycling routes for both leisure and travel purposes, with key routes signposted

CEC Public Rights of Way: Whilst the route is shown on the layout plan and stated that it will be accommodated within the site, insufficient consideration as to how this is to be achieved has been given at this stage. The path is partly shown along pavement at one point then running along the length of two gardens. This would not comply with Secure by Design policies as there is no natural surveillance and the path will become enclosed and hidden. This route will also become entirely urbanised and in order to best serve the new residents it should be a tarmacked 2 metre wide route within a green corridor. An informative should be attached to the decision notice.

Education: No education contribution is being sought for this application.

VIEWS OF THE PARISH COUNCIL

Shavington Parish Council: Object to the application on the following grounds:

- All of the proposed houses are located outside of the Settlement Boundary and within Open Countryside. The development would be contrary to Local Plan Policy NE.2.
- 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.
- The development would be contrary to Green Gap Policy NE.4 green gaps.
- Clearly the proposed development encroaches further into the green gap between Shavington alongside the A500 and would impact on character of the landscape on the northern edge of Shavington Village.
- The development of 68 houses at the proposed site will increase the number of cars using Crewe Road substantially and further add to congestion.
- The A500 junction is 200m from the proposed access point and this stretch of road is the main route into the Village.
- The traffic egress and entering the site will further increase the cumulative effect of greatly increased numbers from the 1,200+ homes already approved for Shavington, many of which are currently already under construction.

REPRESENTATIONS

Letters of objection have been received from 72 local households raising the following points:

Principal of development

- The site is within the open countryside
- Loss of village identity
- Another step in Crewe and Shavington merging into one
- Cheshire east should look at other locations for housing development
- The site is designated as Green Gap
- Brownfield sites should be developed first
- Shavington is not a sustainable village
- The site should be retained as a buffer to the Basford employment sites
- There are no jobs in Shavington
- No more houses are needed/wanted in Shavington
- The existing approved developments will meet the needs of Shavington
- Lack of shops and facilities within the village
- The site is not identified within the Local Plan

- The development would be contrary to numerous local plan policies
- Recent appeal decisions have supported the retention of Green Gaps

Highways

- Increased traffic congestion
- Speeding vehicles along Crewe Road
- Pedestrian safety
- Roads are in a poor state of repair
- The access is located at a dangerous bend in the road
- Parking problems within the village
- Proximity of the site to the junction with the A500
- Lack of public transport to serve Shavington

Green Issues

- Impact upon wildlife
- Loss of habitat
- Impact upon protected species
- Loss of Trees

Infrastructure

- Local infrastructure cannot cope
- Primary schools are full in the village
- Impact upon medical infrastructure
- Water run-off and flooding issues
- Drainage/sewer systems cannot cope with further development
- Increased risk of flooding

Amenity Issues

- Air pollution
- Light pollution
- Noise pollution
- Loss of privacy
- Loss of outlook
- Loss of light
- Noise and disturbance from the dwellings

Design issues

- The development does not respect the character and appearance of the area
- The development appears too dense
- A suburban development would be out of keeping with the village

Other issues

- Loss of agricultural land
- There is a lack of information in relation to the proposed land levels
- Residents posters raising awareness of this application have been removed
- Difficulty in selling houses in Shavington
- The site includes a well used PROW
- No benefits to local residents
- Impact upon house prices in the area

- Lack of facilities for young people within the village
- The site is well used by dog walkers
- Lack of consultation
- Concern about the location of the site notice
- The PROW should be retained within its current position

A letter of objection has been received from Edward Timpson MP raising the following points:

- Over 600 dwellings have already been approved in the locality and this represents a 30% increase. Proposals for another 100 are awaiting a decision.
- The local infrastructure cannot sustain further developments
- As part of his decision to dismiss application 13/2874N the SoS concluded that the Gresty oaks development would pre-empt the local plan
- This application is not wanted, sustainable and does not meet any acceptable planning criteria and should be refused

A representation has been received from Cllr Edgar which states that the residents wish to raise the following material planning concerns:-

- This site is designated Green Gap (CNBC Interim Policies) in the Open Countryside.
- The site extends beyond the settlement boundary of Shavington Village.
- The outline plans have clustered all affordable housing at the end of the site – they say this is contrary to the policy of ‘pepper-potting’ affordable housing across developments to prevent unnecessary segregation.
- Plans show and refer to a development at Shavington Hall that has been refused. The reasons stated for refusal on that application are relevant to this site and should be closely referred to in the interests of consistency of approach.
- Plans show and refer to a development north of the site. No permission for this site has been granted. Furthermore there is a proposed access road that presupposes that planning consent will be granted to the other plot in the north. They say that this is misleading.
- Plans show and refer to trees that have recently been chopped down. Further remedial landscaping and tree replacement will be necessary.
- The entrance to this site is compromised by its proximity to traffic lights and by the business park opposite. It is close to the junction with the A500 slip road and roundabout which has been designed to meet the needs of the Basford West development on the opposite side of the road and which will also now have to cope with the additional traffic flows of the many other large housing developments in Shavington. Another development so close to this important access junction to the A500 will interfere with these cumulative traffic flows and create a significant hazard especially at peak commuter and school transport times.
- The development of this site pre-empts the local plan (ref Edward Timpson MP letter), and has been cited by the Secretary of State as a legitimate reason for dismissing other applications in the Green Gap (eg: HIMOR 2015).
- The Local Plan Inspector stated in October 2014 that housing allocation strategies in Cheshire East were basically sound, but that there was insufficient housing in the north of the borough. It would therefore be inappropriate to build more in the south on this site.
- Permission to build in Shavington has already been granted to the developments on Rope Lane, Shavington East and the Shavington Triangle. Add to this the major building projects at Basford East and West, there is already a substantial building plan in place, with many homes already under construction. Further building that extends the Village settlement boundaries cannot therefore be justified.

- Residents consider that local infrastructure (local roads, schools, doctors and facilities) are not adequate to support more development. Services are already having to be adjusted to cope with new residents moving into current housing developments and it is recognised that current facilities cannot continue to be 'stretched'.
- There is a major concern regarding the fact that there was no public consultation document produced.
- The statutory notices were inadequately displayed.
- The applicant has stated that there have been no previous planning applications when in fact planning had been applied for in 1999/2000.
- Inconsistencies in the panoramic view photographs of the site
- Errors on the plan in the positioning of a footpath
- A misleading statement that the plot is 'bounded on 3 sides' by development. This leads the reader to infer that the site almost surrounded when in fact the site is only 47% bounded.
- The title of the site 'Shavington Park' has already been allocated to the planned development on the Shavington Triangle near Wybunbury.

The local residents are anxious that misrepresentation of important elements of this application should be highlighted so that you as planning officers and Planning Committee members are able to make sound judgements based on factual evidence. For all of the reasons cited above, they have requested that this application is recommended for refusal.

Cllr Edgar states that these comments are not expressing any opinion of his own and he does not wish to fetter his discretion should the application be called to a committee meeting.

APPRAISAL

The key issues are:

- Loss of open countryside
- Impact upon the Green Gap
- Impact upon nature conservation interests
- Design and impact upon character of the area
- Landscape Impact
- Amenity of neighbouring property
- Highway safety
- Impact upon local infrastructure

Principle of Development

The site lies largely in the Open Countryside as designated by the Borough of Crewe and Nantwich Replacement Local Plan 2011, where policy NE.2 states 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

Paragraph 47 of the National Planning Policy Framework requires that Council’s identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements.

The calculation of Five Year Housing supply has two components – the housing requirement – and then the supply of housing sites that will help meet it. In the absence of an adopted Local Plan the National Planning Practice Guidance indicates that information provided in the latest full assessment of housing needs should be considered as the benchmark for the housing requirement.

Following the suspension of the Examination into the Local Plan Strategy and the Inspectors interim views that the previous objectively assessed need (OAN) was ‘too low’ further evidential work has now taken place and a fresh calculation made.

Taking account of the suggested rate of economic growth and following the methodology of the NPPG, the new calculation suggests that need for housing stands at 36,000 homes over the period 2010 – 2030. Although yet to be fully examined this equates to some 1800 dwellings per year.

The 5 year supply target would amount to 9,000 dwellings without the addition of any buffer or allowance for backlog. The scale of the shortfall at this level will reinforce the suggestion that the Council should employ a buffer of 20% in its calculations – to take account ‘persistent under delivery’ of housing plus an allowance for the backlog.

While the definitive methodology for buffers and backlog will be resolved via the development plan process this would amount to an identified deliverable supply of around 11,300 dwellings.

This total exceeds the total deliverable supply that the Council is currently able to identify – and accordingly it remains unable to demonstrate a 5 year supply of housing land.

Green Gap

In this case, the application site is within the Green Gap. Therefore, as well as being contrary to Policy NE2 (Open Countryside) it is also contrary to Policy NE.4 (Green Gaps) of the Local Plan which 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:

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

A development of the scale proposed will clearly erode the physical gap between Shavington and Crewe. It is also considered that it will adversely affect the visual character of the landscape. This is discussed in greater detail below.

Policy NE.4 goes on to state that exceptions to this policy will only be considered where it can be demonstrated that no suitable alternative location is available. It is considered that there are many other sites within Cheshire East which, although designated as Open Countryside, are not subject to Green Gap policy and can be used to address the Council's housing land supply shortfall and which would not contravene policy NE4.

Turning to the question of whether, in the light of the lack of a 5 year supply, Policy NE4 should be considered to be a housing land supply policy and / or out of date, Green Gap policy has a specific planning purpose – to avoid settlements merging. This is not a housing supply policy purpose. Whilst Open Countryside areas also have specific roles (including the protection of the Countryside for its own sake, in accordance with NPPF paragraph 17.(v)) open countryside policy does not have the special, additional function of ensuring that two settlements remain separate (that is the function of Green Gaps). Hence Green Gaps are not a function of Open Countryside policy; rather Green Gaps have their own specific function.

The Courts have ruled that the interpretation of policy is a matter of law, and the above stance is supported by Ousley J in the Barwood case who draws a distinction between general open countryside policy and policies which protect gaps between settlements. It has also been the approach taken by the Secretary of State in the Gresty Oaks and Church Lane Wistaston Appeal cases and Mrs Justice Lang in the High Court decision which led to the quashing of the decision to allow the appeal at Moorfields in Willaston.

Whether a proposed development falls within the definition of “*sustainable*” development is a question of fact for the decision maker's assessment in the circumstances of any individual case. However, as it is located within Green Gap, this case profits from a very clear reflection on the meaning of that expression applied to similar circumstances, and this is to be found in Bloor Homes East Midlands Ltd. V. SOSCLG [2014]:

“On any sensible view, if the development would harm the Green Wedge by damaging its character and appearance or its function in separating the villages of Groby and Ratby, or by spoiling its amenity for people walking on public footpaths nearby, it would not be sustainable development within the wide scope drawn for that concept in paragraphs 18 to 219 of the NPPF”.

It is therefore concluded that contravening the Green Gap policy renders the development unsustainable and consequently, it does not benefit from the presumption in favour under Paragraph 14 of the NPPF.

SOCIAL SUSTAINABILITY

Affordable 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 47 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 12 x 1 bed, 23 x 2 bed, 10 x 3 bed, 1 x 4 bed and 1 x 5 bed properties.

If this application is approved there would be a requirement for a proportion of the dwellings to be provided as affordable dwellings, this should be as 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 68 dwellings this equates to a requirement for 21 affordable dwellings, with 14 provided as social or affordable rent and 7 provided as intermediate tenure.

The Planning Statement offers 30% of the total dwellings as affordable however there is no confirmation of the tenure split. The Planning Statement states that there will be 14 x 2 bed, 1 x 3 beds and 6 x 4 beds. The Strategic Housing Manager is not satisfied that Cheshire Homechoice shows a need for 4 bed properties in Shavington and as such would like to discuss the mix of affordable units at reserved matters stage if this application is approved. Also, the impact of Welfare Reform changes will impact on the need for larger rented accommodation.

Public Open Space

Policy RT.3 states that where a development exceeds 20 dwellings the Local Planning Authority will seek POS on site. In this case the level would be 2,380sq.m and the indicative plan shows that the developer will provide 675sq.m of open space which would comprise a play area (the narrow strips of land around the boundaries of the site would not constitute useable recreational open space and has not been included). As such the submitted plans do not demonstrate that the site could accommodate the 68 dwellings proposed together with the required open space requirement. As such this issue will form a reason for refusal.

In terms of children's play space there would be provision on this site and this would be secured as part of a S106 Agreement together with a scheme of management.

Education

The impact of this development has been considered by the Council's Education Department who consider that local primary and secondary schools have capacity to serve this development. As such no education contribution is required for this application.

Health

Although no consultation response has been received from the NHS there are 6 medical centres within 3 miles of the site and according to the NHS choices website they are all currently accepting patients indicating that they have capacity.

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
- Children’s Play Space (500m) – would be provided on site

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
- 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 Crewe 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.

ENVIRONMENTAL SUSTAINABILITY

Residential Amenity

The main residential properties affected by this development are those to the south and south east fronting Meadow Close, Park Estate, North Way and West Way and those to the west fronting Crewe Road.

An illustrative layout has been provided with this application. However it should be noted that the detailed layout will be determined at the reserved matters stage and it is considered that an acceptable scheme could be secured that would not have a detrimental impact upon residential amenity.

Noise

The site is in close proximity to the A500 and B5071 link road. In addition there are some nearby commercial/industrial uses which could also cause a noise impact, and as such there is potential for future occupants of the site to suffer adverse impacts, loss of amenity and harm to health by virtue of noise from the road traffic.

A noise report has been submitted in support of the application. In the report it is noted that the final site layout has not been agreed (this being an outline application) and as such noise mitigation measures have been calculated based on expected worst case positions.

It is also noted that the report considers all land within the Blue Line boundary shown on the location plan. This particular application concerns the red line boundary and as such is a quieter part of the development.

The methodology and conclusions of the report are agreed by the Councils Environmental Health Officers.

The applicant has submitted a scheme of acoustic insulation with the application. The report recommends mitigation designed to ensure that occupants of the properties / are not adversely affected by noise from road traffic.

The Environmental Health Officer has raised no objection to this development subject to the imposition of a planning condition.

Air Quality

Whilst this scheme itself is of a relatively small air quality impact, and as such would not require an air quality impact assessment, there is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality.

The cumulative impact of a number of developments in the area around Crewe and the Air Quality Management Areas (AQMA), regardless of their individual scale, has the potential to significantly increase traffic emissions and as such could adversely affect local air quality for existing residents by virtue of additional road traffic emissions. This proposal is likely to have

some, albeit very small, impact upon the Nantwich Road AQMA. For the protection of human health, it is the significance of these cumulative impacts the LPA must take into to consideration when recommending mitigation measures and not the impacts of each individual proposal.

The accessibility of low or zero emission transport options has the potential to mitigate the impacts of transport related emissions. However it is felt appropriate to ensure that uptake of these options is maximised through the development and implementation of a suitable travel plan.

In addition, modern Ultra Low Emission Vehicle technology (such as all electric vehicles) are expected to increase in use over the coming years (the Government expects most new vehicles in the UK will be ultra low emission). As such it is considered appropriate to create infrastructure to allow home charging of electric vehicles in new, modern properties.

These measures will be secured through the imposition of a planning condition.

Contaminated Land

The submitted Contaminated Land Report in support of the application has adequately assessed and characterised the potential risks posed at the site to the development. It has been concluded that no remedial measures are required and has recommended that a Discovery Strategy be produced for unexpected contamination. The Councils Environmental Health Officer is in agreement with this approach.

Public Rights of Way

PROW Shavington cum Gresty FP3 crosses this site and the indicative layout shows that this would be retained. However final details will not be known until the Reserved Matters stage.

Highways

Access

Access to the site is taken from a new priority controlled junction with Crewe Road, the layout is comprised:

- A site access carriageway width of 5.5m;
- Corner radii of 6.0m;
- Visibility splays of 2.4m x 59m;
- Uncontrolled pedestrian crossings with dropped kerbs and tactile paving across the site access at its junction with Crewe Road and across Crewe Road to link the site to the bus stop opposite; and
- The footway on Crewe Road running alongside the site boundary is currently substandard in width and in a poor state of repair; the footway will be re-constructed and upgraded in width to 2.0m.

In terms of junction geometry, layout and visibility; the access proposals are considered to be an acceptable solution to serve a development of 68 dwellings.

Traffic Impact

A development of 68 dwellings would be expected to generate less than 50 two-way trips during the morning and evening commuter peak periods; this level of traffic generation would not be expected to have a material impact on the operation of the adjacent or wider highway network.

An operational assessment of the proposed site access / Crewe Road junction has been undertaken for the future year 2030 and includes the following committed development:

- Basford East & Basford West Regional Investment Site;
- Rope Lane (Shavington) Residential Development;
- Shavington Triangle Residential Development;
- Gresty Lane Residential Development;
- Crewe Road Residential Development; and
- Shavington East Residential Development.

The results of the assessment indicate that even in 2030 the proposed junction will operate with significant reserve capacity and should, therefore, operate safely.

Highways Conclusion

In conclusion the proposed development would have an access of an acceptable design with adequate visibility. The traffic impact upon the local highway network would be limited and would be acceptable. It is therefore considered that the development complies with the local plan policy BE.3 and the test contained within the NPPF which states that:

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

Trees and Hedgerows

Trees

The site has hedgerows to sections of the boundary and there are a small number of trees around the periphery.

The application is supported by a tree report which includes a survey of trees on the site and a wider site area. The report covers 8 trees on the application site, and indicates that the indicative proposal would impact upon one tree, a category C Sycamore where an internal access road and parking space would encroach into the RPA of the tree. Use of a no-dig construction method is suggested. In addition, minor pruning works are proposed, together with tree protection measures. Reference is also made to possible conflict between a public footpath and tree protection on the southern boundary

As an outline application with only access included, the full arboricultural impacts of development would only be realised at reserved matters stage. Nevertheless, it appears that with appropriate protection measures, the indicative layout could be achieved with limited arboricultural impacts.

Hedgerows

The submitted hedgerow report indicates that the surveyor does not believe the roadside hedge can be classed as 'Important' under the Hedgerow Regulations 1997.

The findings in the hedgerow report, and comments in the previously submitted ecological report, indicate the hedge has few woody species and is judged to have limited ecological value. Although these are questions over the historical value of the hedgerow.

In this case the hedgerow would be largely retained apart from a short loss for the formation of the access point.

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 an indicative layout has been provided in support of this application and this shows that and although there are weaknesses with this layout it is considered that an acceptable design/layout that would comply with Policy BE.2 (Design Standards) and the NPPF could be negotiated at the reserved matters stage.

Impact upon Built Heritage

Given the separation distances involved and the intervening residential development it is not considered that the development would have an impact upon the setting of the listed building at Shavington Hall.

Archaeology

No features are recorded from within the application area and an examination of the historic mapping and aerial photographs does not suggest any particular archaeological potential. As such the Councils Archaeologist raises no objection to this development.

Landscape

The application site lies to the north of Shavington and covers an area of approximately 2.19 hectares. The application site is agricultural land with hedgerows and a number of hedgerow trees, bound to the west by Crewe Road, to the north by open countryside, beyond which is the A500; open countryside extends from the northern part of the eastern boundary, the southern part extends along the rear of residential properties located along North Way and the southern boundary is adjacent to the residential edge of Shavington. Footpath 3

Shavington cum Gresty extends from Crewe Road along much of the southern boundary of the application site.

The application includes neither a Landscape Appraisal or a Landscape and Visual Impact Assessment, nor does it refer to the Landscape Character Assessment of Cheshire 2009, which identifies that the application site is located within the Lower Farms and Woods landscape type and more specifically that it is located within the Barthomley Character area (LFW7). The Design and Access statement does include a paragraph on Visual Analysis (2.05), which states that the application site is grassland bordered with native hedgerows. The Planning Statement includes a paragraph on Landscape, which states that the landscape of the site is dominated by the built development and that the landscape and visual impact of the development will no more than complete the development in this part of Shavington by rounding it off. The Councils landscape Architect has stated that he would disagree with both comments.

The application site is located beyond the settlement boundary of Shavington and within the boundary of the Green Gap. Policy NE4 of the Borough of Crewe and Nantwich replacement Local Plan 2011 is relevant to this application, this policy indicates that 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 area; or adversely affect the visual character of the landscape. Although no assessment using the recognised methodology has been undertaken, it is considered that the proposals would be contrary to Policy NE4.

Ecology

Great Crested Newts

This protected species is known to breed at a number of ponds within 250m of the proposed development. The habitats affected by the proposed works are, with the exception of the hedgerows, of relatively low quality for this species. The submitted ecological assessment advises that there is a reasonable probability of Great Crested Newts being present within the development area or the habitats adjacent to it.

In the absence of mitigation the proposed development will result in the loss 2.12 hectares of poor quality terrestrial habitat, which would be likely to have a low level of adverse impact on the local Great Crested Newt population. The proposed works would also pose a low risk of killing or injuring any newts present on site when the works were undertaken.

The detailed great crested newt method statement includes proposals for the creation of additional habitat in the form of two small ponds and an area of rough grassland habitat associated with a SUDS pond located just outside the red line of the application site but within the blue line which identifies other land controlled by the applicant. The Councils Ecologist advises that this is acceptable to address the loss of low value habitat associated with the development.

In order to address the risk of great crested newts being killed or injured during the construction phase the applicant has submitted an acceptable suite of reasonable avoidance measures.

The Councils Ecologist advises that, considering the nature of habitats to be lost, the distance between the application site and the ponds and the quality of the habitats located around the ponds, the risk of an offence occurring in respect of Great Crested Newts is low in the absence of mitigation. Provided the proposed mitigation measures are implemented the proposed development would be highly unlikely to result in a breach of the Habitat Regulations. Consequently, it is not necessary for the Council to have regard to the Habitat Regulations during the determination of this application.

Bats

A tree has been identified on site which has the potential to support roosting bats. This tree is located upon the site's southern boundary and so it appears feasible for this tree to be retained as part of the proposed development.

If any arboricultural works are proposed to this tree at the detailed design stage a more detailed bat survey may be required. The Councils ecologist recommends that this matter is dealt with by means of a condition attached to any outline permission granted.

Hedgerows

Hedgerows are a priority habitat and a material consideration. The proposed development is likely to result in the loss of a section of hedgerow along Crewe Road. The Councils Ecologist recommends that the submitted master plan be amended to include proposals for the incorporation of additional replacement native species hedgerow to compensate for that lost.

Flood Risk

Although the site is located in flood zone 1, there is a small area in the west (adjacent to Crewe Road) which is at high risk of flooding from surface water. Appropriate measures will need to be incorporated into the design to mitigate the risk in this area.

In line with the updated Planning Practice Guidance, the developers would need to ensure the design of their surface water drainage scheme takes account of the construction, operation and maintenance requirements of both surface and subsurface components.

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

Agricultural Land Quality

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

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

- Other sustainability considerations suggest that the use of higher quality land is preferable

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

In this case the no Agricultural Land Assessment has been provided and as such this issue will form a reason for refusal.

ECONOMIC SUSTAINABILITY

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to Shavington including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

CIL Regulations

In order to comply with the Community Infrastructure Regulations 2010 it is necessary for planning applications with planning obligations 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, POS and play equipment is a requirement of the Local Plan Policy RT.3. It is necessary to secure these works and a scheme of management for the open space and play equipment. This contribution is directly related to the development and is fair and reasonable.

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

PLANNING BALANCE

Paragraph 49 of the NPPF states that 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 and where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development

It is therefore necessary to make a free-standing assessment as to whether the proposal constitutes "sustainable development" in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

The benefits in this case are:

- The development would provide benefits in terms of much needed affordable housing provision and would help in the Councils delivery of 5 year housing land supply.
- In terms of the LEAP provision this is considered to be acceptable. The provision of the LEAP would provide a facility for future residents and other residents in this part of Shavington
- The development would provide significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in Willaston.

The development would have a neutral impact upon the following subject to mitigation:

- The impact upon education infrastructure would be neutral as no objection has been raised by the Councils Education Department
- The impact upon protected species/ecology is considered to be neutral subject to the imposition of conditions to secure mitigation.
- There is not considered to be any drainage implications raised by this development.
- The impact upon trees is considered to be neutral at this stage and further details would be provided at the reserved matters stage.
- The impact upon residential amenity/noise/air quality and contaminated land could be mitigated through the imposition of planning conditions.
- Subject to conditions the highways impact is considered to be neutral.

The adverse impacts of the development would be:

- The loss of open countryside.
- The loss of agricultural land.
- Erosion of the Green Gap between Shavington and Crewe
- Adverse impact upon the visual character of the landscape
- Inadequate information has been provided in relation to POS provision on this site

On the basis of the above, it is considered that the proposal represents unsustainable development and paragraph 14 is not engaged and therefore the proposal should be determined in accordance with the development plan. Notwithstanding this point, even if it were engaged, it is considered that the adverse effects of the scheme significantly and demonstrably outweigh the benefits. Accordingly it is recommended for refusal for the reasons set out below.

RECOMMENDATION:

REFUSE for the following reasons:

1. 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 and adversely effect 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 NE4 (Green Gaps) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within the NPPF.
2. Insufficient information has been provided to demonstrate that the proposed development would not involve the permanent loss of best and most versatile

agricultural land. The NPPF states that local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. The proposed development is contrary to Policy NE.12 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and Paragraph 112 of the NPPF.

3. Insufficient information has been provided to demonstrate that the site could accommodate the number of dwellings proposed together with the required level of Open Space. As such the proposed development is contrary to Policy RT.3 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within 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 Planning (Regulation), 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 the application be subject to an appeal, the following Heads of Terms should be secured as part of any S106 Agreement:

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. Provision of Public Open Space and a LEAP and a scheme of management in perpetuity

