

Application No: 14/2586N

Location: SHAVINGTON LODGE, WESTON LANE, SHAVINGTON CUM GRESTDY,
CREWE, CHESHIRE, CW2 5AT

Proposal: Outline application, all matters reserved, for the development of 12 no.
affordable residential dwellings on land off Weston Lane, adj Shavington
Lodge, Shavington, Crewe, CW2 5AT

Applicant: Phillip Thompson

Expiry Date: 22-Aug-2014

SUMMARY:

The application seeks outline planning permission for an affordable 'rural exceptions' scheme for 12 dwellings. The site is outside of, but immediately adjacent to, the Shavington Settlement Boundary.

In accordance with the presumption in favour of sustainable development, planning permission should be granted for the development unless the adverse impacts of doing so would significantly and demonstrably outweigh any benefits.

The delivery of affordable housing will bring social and economic benefits which should be given weight in the assessment of the planning balance.

The benefits must be balanced against the environmental impacts of the proposal. In this case, the site forms part of the setting of two Grade II Listed Buildings, Shavington Lodge and Shavington Hall. The agricultural landscape surrounding these buildings is an integral part of the setting of these buildings. The proposal will erode and urbanise the immediate area and fail to preserve the setting of the Listed Buildings. Regard has been made to the recent appeal decision concerning residential development on land adjacent to Shavington Hall which was dismissed because of the harm resulting to the setting of the Hall and upon protected trees.

While this is an outline application, there is insufficient information to enable the impact of the proposal upon the area, including trees, hedges and Great Crested Newts, which are a European Protected Species to be properly assessed. There is limited information in terms of the access in terms of its safety. It is unclear whether the site comprises of Best and Most Versatile agricultural land (BMV).

The benefits of the development are not sufficient to significantly and demonstrably outweigh the harm identified by the development. The proposal would fail to protect and enhance the historic and natural environment and accordingly the application is recommended for refusal.

RECOMMENDATION:

Refuse

PROPOSAL

Outline planning permission is sought for the erection of 12 affordable dwellings on land to the west of Shavington Lodge, Weston Lane. All matters are reserved for future approval. A revised indicative site layout plan (Rev.5) has been provided with the proposal which shows 6 pairs of semi detached dwellings located behind an internal access road leading to Weston Lane. A new hedge is proposed to the southern boundary.

SITE DESCRIPTION

The application site is a roughly rectangular greenfield site which lies outside of the Shavington Settlement Boundary. The site is approximately 0.9 hectares in area and it is covered by a blanket Tree Preservation Order.

A mature hedgerow is located on the roadside frontage and there are several mature trees close to the frontage and within the site. To the east of the site lies Shavington Lodge, a Grade II listed building. The site is within the ownership of this property. To the west, the site abuts the side garden of 46 Weston Lane. To the north lies land associated with Shavington Hall together with a number of bungalows towards the western edge of the site. To the south, there are fields beyond.

RELEVANT HISTORY

No planning applications in relation to the application site.

14/5902T: Concerned works to trees at the site and this application was part approved and part refused on the 3 March 2015. Consent has been granted to fell a horse chestnut close to the proposed access and a Lime towards the western boundary of the site. Consent was refused to fell a further Horse Chestnut along the frontage.

Of interest is the appeal decision in relation to residential development to the west of Shavington Hall which is on the other side of the road, 12/3300N refers. The appeal for this development was dismissed on the 9th January 2015.

NATIONAL & LOCAL POLICY

National Policy

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

Of particular relevance are paragraphs:

- 14. Presumption in favour of sustainable development.
- 17. Core planning principles

32. Achieving a safe and suitable access
50. Wide choice of quality homes
55. Sustainable development in rural areas
56-68 Requiring good design
69-78. Promoting healthy communities
109, 117 -120 Biodiversity
126 – 136 Heritage Assets

Development Plan

The Development Plan for this area is the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011.

The relevant Saved Policies are:

NE.2: Open Countryside
NE.5 Nature Conservation and Habitats
NE.9 Protected Species
NE.12 Agricultural Land Quality
BE.1 Amenity
BE.2 Design Standards
BE.3 Access and parking
BE.9 Listed Buildings
RES.5 Housing in open countryside
RES.8 Affordable housing in rural areas outside settlement boundaries

Except for matters concerning housing supply, 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:

MP1 Presumption in favour of sustainable development
PG1 Overall Development Strategy
PG2 Settlement hierarchy
PG5 Open countryside
PG6 Spatial Distribution of Development
SD1 Sustainable Development in Cheshire East
SD2 Sustainable Development Principles
SC6 Rural exceptions housing for local needs
SE1 Design
SE2 Efficient use of land
SE3 Biodiversity and geodiversity
SE4 The Landscape
SE5 Trees, Hedgerows and Woodland
SE7 The historic environment

Supplementary Planning Documents:

Interim Planning Statement Affordable Housing

Development on backland and gardens July 2008 (in relation to separation distances)

CONSULTATIONS

Highways: Object to the proposal because of insufficient information and comment that a design proposal for the access should be provided. The visibility for the junction could be compromised by the bend in non-leading direction and third party land in the leading direction. Tracking details for refuse vehicles should be provided.

Environmental Health: No objections subject to conditions relating to pile foundations, hours of construction, travel planning, provision of electric vehicle charging point, dust control and and contaminated land.

Housing: No objections.

Education: No contribution is required.

United Utilities: No objections subject to conditions requiring details of surface water and foul drainage. UU note that there are public sewers crossing the site and they will not permit building over them. An access strip of 6m, 3m either side of the sewer will be required. A modification of the layout or a diversion of the sewer at the applicant's expense may be necessary.

Shavington Parish Council: The proposed development is located in open countryside outside of the settlement boundary. They raise concern that there is the potential for a crossroads effect to be created as this site is on the opposite side of Weston Lane to the David Wilson application for 50 dwellings. The need for affordable housing in Shavington is already more than adequately met within the existing large scale housing development approvals in Shavington.

REPRESENTATIONS

Neighbour notification letters were sent to adjacent dwellings, a site notice erected and a press advert placed in the Crewe Chronicle.

16 letters of representation have been received objecting to the proposal on the following grounds:

Information submitted

- Lack of information to enable a reasoned decision to be made;
- Lack of a design and access statement which is a requirement for a major housing application.
- The application lacks information about the impact of the development upon a Heritage asset.
- No information has been put forward on heads of terms or developer contributions.
- The application is contrary to Policy RES.8 as the applicant has not undertaken a survey to demonstrate that the housing will satisfy the specific need of people in local need.
- The applicant details that the site is in the SHLAA. However the site boundary is not consistent with site 2951 in the SHLAA. The SHLAA also details that this site was rejected previously by an Inspector.

- Concern that the supporting statement contains incorrect information regarding the distance to facilities.
- A tree survey has not been provided.

Environmental impacts

- The site is within the open countryside and the proposal is contrary to the Local Plan.
- The development will have an unacceptable impact upon the appearance of the area.
- Concerns with regards to the impact of the development upon protected species/ loss of habitat and a lack of information concerning protected species
- Concern over accuracy of the habitat survey as Badgers have been seen foraging on the field.
- The development would result in the villages of Shavington and Basford being joined;
- Impact upon the country setting of Shavington Lodge and Shavington Hall;
- The development will result in the loss of best and most versatile agricultural land
- The site is within the Green Gap.

Highway safety

- Adverse impact of the development upon highway safety. Inadequacy of the adjacent road due to its narrow width, close to a bend in the road and no footpaths on this side of the road.
- The applicant has not demonstrated a suitable highway proposal at this stage. The indicative layout shown in the application is contrary to the good design requirements of the NPPF and conflict with the character and design of the properties and street scene in the surrounding area.

Amenity

- Loss of privacy
- Noise and disturbance from the development

Other issues

- The Council can demonstrate a 5 year housing land supply and therefore permission should not be granted contrary to the development plan
- The development is a Greenfield site and brownfield sites should be considered first
- Lack of need for further housing/ affordable housing and local targets have been met.
- Lack of play provision on site and the nearest play area is over $\frac{3}{4}$ a mile away.
- The development is at odds with the North West Sustainability checklist and the nearest secondary school is over one mile away.
- The affordable housing would not be integrated into the village and it would have a negative impact upon social cohesion.
- Concern over the cumulative impact of numerous developments.
- The site is opposite a development which has been refused by the Council.
- Land is prone to flooding.

APPRAISAL

The key issues are:

- The principle of the development
- Housing land supply
- Need for a rural exceptions site
- The impact of the development upon the setting of listed buildings
- The impact of the development upon trees at the site
- Protected species
- The impact of the development upon the appearance of the area
- Highway safety considerations

Principle of Development

The site lies outside of, but is immediately adjacent to, the Shavington Settlement Boundary. The site is therefore defined as open countryside in the Borough of Crewe and Nantwich Local Plan. In such areas, residential development has previously been strictly controlled and limited to certain forms of development. These include agricultural workers dwellings, rural affordable 'exceptions' sites and infilling.

The application seeks outline planning permission for a rural exceptions site as provided for by Policy RES.8 of the Local Plan. This policy allows for the provision of affordable housing in sustainable locations adjacent to existing settlement boundaries provided that it meets an identified local need. The policy is intended to allow the release of sites to meet local need which could not otherwise have been met through the provisions of the Local Plan. The policy basis for providing affordable housing on the edges of settlements through 'exceptions' policies is well established subject to certain criteria being met and the impacts of the proposal being considered acceptable.

Housing land supply

It should be noted that the applicant's case for this proposal does not revolve around matters of housing land supply. However, it is acknowledged that 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.

Where an authority is unable to demonstrate a 5 year housing land supply, the Framework advises that housing applications should be considered in the context of sustainable development.

There are benefits which will flow from delivering additional housing and in particular affordable housing and these factors are given weight in the assessment of the planning balance. The Framework details that where local plan policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh these benefits. The benefits and impacts of the proposal are assessed below.

SOCIAL SUSTAINABILITY

Provision of an ‘exceptions’ site

The application seeks to provide 100% affordable housing under the Council’s rural exceptions policy. No information is provided at this stage as to arrangements for delivery or the Registered Provider that would be involved.

Policy RES.8 details that the planning permission may be granted for the provision of affordable housing as an exception to Policy NE.2 (Open Countryside) where certain criteria are met:

The housing will meet the needs of people previously shown to be in local need in a survey specifically undertaken for that purpose;

While the applicant has not supplied a specific survey, the Council’s Strategic Housing Market Assessment Update 2013 (SHMA) identifies a requirement for 270 new affordable homes between 2013/14 – 2017/18 in the Wybunbury & Shavington sub-area.

This 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 52 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 27 x 1 bed, 18 x 2 bed and 7 x 3 bed properties.

To date, there has been delivery of 16 affordable housing units in the Wybunbury & Shavington sub-area within the 2013/14 – 2017/18 period of the SHMA Update 2013.

Concerns have been raised locally over the need for additional affordable homes in Shavington given the various housing developments which have received permission. However it is unlikely that these sites will deliver all of the target affordable homes within the SHMA plan period which runs between 2013-2018.

The Strategic Housing team have advised that they have no objections with regards to the development and have also confirmed that while there is anticipated delivery of over 270 affordable homes in Shavington and Wybunbury, they are unlikely to come forward in the 2013/14 – 2017/18 SHMA period.

In the event that the application is approved, the Strategic Housing Team has advised that the dwellings should be delivered as 65% affordable or social rented and 35% as intermediate tenure dwellings which is the tenure split identified in the Interim Planning Statement. Based on the proposal for up to 12 dwellings this equates to a requirement for 8 as social or affordable rent and 4 as intermediate tenure. A mixture of property types and sizes would be required to meet the need identified in the SHMA, this would include one bed properties for rent and some properties suitable for older people.

The site is in a sustainable location immediately adjacent to an existing settlement boundary or, exceptionally, within or adjoining the built area of other rural settlements

The application site is on the edge of a sustainable settlement which has a range of local facilities. It is noted that locational sustainability was not raised as an issue for the proposed housing site at Shavington Hall. In reaching a decision on the appeal, the Inspector detailed that the development would add to the supply of housing in an edge of settlement location which was not disputed to be sustainable in terms of access to facilities and services. Given that locational sustainability was not raised on this appeal decision as a material factor, it is considered that it would be difficult to raise this as an issue with regards to this proposal although it is acknowledged that the site is at the periphery of the village.

The scale, layout and design of the scheme is appropriate to the character of the settlement.

It is considered that there are a number of issues arising from this proposal in terms of its impact upon the area and these are discussed further below.

ENVIRONMENTAL SUSTAINABILITY

Impact on setting of Listed Building

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard is given to the desirability of preserving a Listed Building or its setting. Policy BE.9 of the Local Plan which deals with extensions and alterations to listed buildings, also requires that proposals should not detract from the setting of a listed building.

The NPPF details at paragraph 132 that great weight should be given to the conservation of a heritage asset. Significance of the asset can be harmed or lost through development within its setting.

The applicant has provided a Heritage Statement post submission.

The site forms part of the setting to Shavington Lodge which is to the immediate east of the site and within the ownership of the applicant. The development also forms part of the setting to Shavington Hall which has a historic access opposite with attractive gateposts. Both buildings are Grade II listed.

While these buildings do not appear to be set within a formally designed landscape, the Hall and Lodge are surrounded by fields and set within an agricultural landscape. The effect of new houses at close proximity to the boundary of the Lodge and opposite the gateway and access track to the Hall is likely to erode the agricultural setting of the listed buildings. This view is underpinned by the findings contained within the appeal decision concerning residential development adjacent to Shavington Hall. Here the appeal Inspector detailed that the surrounding open fields and rural landscape were intrinsic to the setting of the listed building and that the development would significantly increase urbanisation close to the Hall. The presence of buildings in place of the open field would harm the setting of the building to an extent that would diminish its character. The Inspector found the proposal to be contrary to Policy BE.9 and national policy and gave significant weight to this in the assessment of the planning balance. It is considered that similar issues apply with regards to this proposal which lacks information and provides no assurance as to the quality of the likely development. The indicative plans present a suburban layout, pressing close to the boundary with the Lodge. It is considered that the development would urbanise the land immediately adjacent to the Lodge and opposite the access to the Hall and as a consequence the development would fail to preserve the setting of the listed buildings. The development would result in serious harm to the significance of a heritage asset and be contrary to Policy BE.9 and national policy in this regard.

Impact upon the appearance of the area/ open countryside

Policy RES.8 (rural exceptions) and Policy BE.2 (design standards) detail that the scale, layout and design of the proposal should be appropriate to the character of the settlement.

It is acknowledged that the plans submitted are indicative only. However, the level of information provided on the scheme, given that it forms part of the setting of two listed buildings and is covered by a group Tree Preservation Order is considered to be limited. The plans show a linear arrangement of dwellings set behind an internal driveway. The layout is considered to be urban in form and it does not respond to the context of the site. The proposal is considered to lack information to enable the impact of the development upon the area to be fully assessed and in this regard, the development is considered to be contrary to Policies RES.8 and BE.2 together with advice contained within the Framework which advises that achieving good design is a key aspect of sustainable development.

Impact upon trees

Policy NE.5 of the Local Plan details the need to ensure that proposals protect, conserve and enhance the natural conservation resource. The site is covered by the blanket Weston Lane, Shavington Tree Preservation Order which was served in 1979. There is also an individually protected tree T12, a Horse Chestnut on site. There is a group of off-site protected trees (Group G3) which are also affected by the proposals. Two trees on the frontage will be removed in order to create the access – these are in existing poor structural condition.

The application is accompanied by a Tree Survey and Tree Constraints Plan which have been reviewed by the Council's Forestry and Arboricultural Officer. There remains concern over the lack of detail with this application given that the site is subject to a Tree Preservation Order. A specification for the access has not been provided and therefore it is not clear how much of the roadside hedge will have to be removed to provide any required splays.

The Forestry and Arboricultural Officer has commented that while the revised layout (Rev.5) provides an indication of the broad location of the protected trees, it does not appear accurate. The tree survey and constraints plan has not been used as a means of informing the layout. There remain a number of issues to be resolved with regards to the internal access road which is shown as being a no-dig construction. Given the number of properties served, it is not clear whether such specification would meet highway requirements which could lead to further tree loss. The position of two of the dwellings on the indicative layout is in proximity to the retained trees. It is advised that while it may be possible to design a scheme that ensures an acceptable impact upon trees, the layout, access and plot positions require further consideration. As submitted the proposal is considered to lack sufficient detail to enable the impact of the proposals upon protected trees to be fully considered.

Ecology

Policy NE.9 of the Local Plan details that development will not be permitted for proposals that have an adverse impact upon protected species. The Framework also details that if significant harm cannot be avoided, adequately mitigated or compensated for, planning permission should be refused.

The application was submitted with an extended Phase 1 Habitat Survey. Further reports have also been submitted post submission including a Great Crested Newt Impact Assessment, Botanical Survey, Bat Survey, Outline Great Crested Newt Method Statement. These have been considered by the Nature Conservation Officer.

Great Crested Newts (GCN's)

There are no breeding ponds on site but there are 2 ponds located within 250m of the site boundary and the submitted survey details that the terrestrial habitat of the site provides opportunities for GCN's.

The Nature Conservation Officer has confirmed that in the absence of mitigation, the development is likely to have an adverse impact upon the favourable conservation status of GCN's. The applicant has submitted further mitigation details have been submitted but these are not considered to be sufficiently detailed to enable appropriate mitigation to be secured. The nature conservation officer has commented that sufficient efforts have not been made to date to compensate for the loss of territorial habitat or to address the impacts associated from isolation of habitats.

Brief proposals for the provision of compensatory habitat have been submitted but these seem to be to the south of the development. The development would therefore be located between the ponds and the compensatory habitat. The submitted strategy relies on newts being able to use existing hedgerows as a means of commuting through the site. The use of retained hedgerows which will be incorporated into gardens cannot be relied upon in terms of providing suitable habitat for great crested newts. Further work is needed to address GCN mitigation to show how connectivity can be maintained through the site and the proposals should be strengthened so that wildlife corridors of semi natural habitat are provided.

It is considered that the proposal lacks sufficient information to enable the impacts of the development upon GCN's to be properly assessed. The indicative plans for the development are basic in nature and in order to ensure that wildlife corridors and habitat are provided, a more detailed plan would be required. As submitted the proposal is considered to be contrary to Policy NE.5 and advice in the Framework as there is insufficient information to enable the impacts and any necessary mitigation to be assessed.

Bats and trees

No evidence of roosting bats has been recorded and the level of bat activity on site is low. No further action is therefore required in respect of bats.

Other Protected Species

Local residents have advised that other protected species have been seen on site and in the vicinity of the area. The survey does not point to the presence of any setts on site. No concerns have been raised by the Council's Nature Conservation Officer with regards to other protected species.

Hedgerows

Hedgerows are a Biodiversity Action Plan priority habitat and hence a material consideration. It is likely that the development of this site would result in the loss of hedgerows to facilitate access to the site. The Nature Conservation Officer advises that in the event that outline consent is granted it must be ensured that any loss of hedgerow is compensated for by means of additional native hedgerow planting at the detailed design stage.

Grassland Habitats

The grassland habitats on site have been described as being semi-improved in nature. Based upon the further botanical survey report the grasslands do not qualify as being a priority habitat and would not qualify for selection as a local wildlife site.

The grassland habitats on site are of relatively low value and do not present a significant constraint upon development. The grassland habitats support a small number of plant species which are characteristic of higher quality grasslands and so the development proposals may still result in an overall loss of biodiversity. If the application was to be recommended for

approval, it is suggested that a commuted sum of £5000 is secured to fund offsite habitat creation/enhancement potentially within the Meres and Mosses Nature Improvement Area.

Brown Hare

This may occur on site on an occasional basis, however the development is unlikely to have a significant adverse impact upon the conservation status of the species.

Provision of a safe and suitable access

The submitted indicative layout plan shows the potential point of access onto Weston Lane but lacks information as to its specification, need for visibility splays and any footways. While it is acknowledged that this application is submitted in outline with matters of access reserved for future approval, the Strategic Highways Manager has objected to the proposal because of the lack of information. Additionally there are concerns over visibility with the site being close to a bend in the road and the deliverability of any splays required. It is considered that it is not possible to fully assess the impact of the development upon matters of highway safety or fully appreciate the implications of the proposed access upon trees/ hedging on the basis of the information provided to date. The proposal is therefore contrary to Policy BE.1 and BE.3 together with guidance in the Framework.

Impact on residential amenity

Policy BE.1 of the Local Plan details that developments should not prejudice the amenity of adjacent dwellings by reason of overshadowing, overlooking, visual intrusion, noise and disturbance or odour or any other way.

The application is submitted in outline. It is considered that it would be possible to achieve a layout which met the Council's minimum separation distances and ensure that the development does not have an adverse impact upon the living conditions of adjacent dwellings at reserved matters stage. Issues relating to noise, dust and any piling of foundations could be mitigated via conditions.

Flood Risk

The site does not lie within an area at risk of fluvial flooding as shown on the Environment Agency flood risk maps. As the site is under 1ha in area no site specific flood risk assessment is required. It is likely that suitable drainage could be achieved by condition if permission was forthcoming.

Inclusion of the site within the Strategic Housing Land Availability Assessment 2012

Reference has been made to the inclusion of the site within the SHLAA. It should be noted inclusion within the SHLAA does not provide a guarantee as to the acceptability of the proposal – this can only be fully considered through the assessment of a planning application where the full impacts of the development can be understood.

Loss of Best and Most Versatile Agricultural Land

The agricultural land classification of the site unknown. To establish the agricultural grade, a survey of the site would have to be undertaken. On the basis of the information submitted, it is not possible to assess whether the proposal would result in the loss of best and most versatile agricultural land in accordance with Policy NE.12.

Lack of play facilities on site

Concern has been raised over the lack of play provision on site. Policy RT.3 of the Local Plan seeks open space and play space provision on sites of over 20 dwellings or more. Therefore the requirements of this Policy would not apply to a development of this scale.

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 including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

PLANNING BALANCE

The application seeks outline planning permission for an affordable housing scheme under the Council's rural exceptions policy RES.8. It is acknowledged that the provision of housing to meet local needs should be given significant weight in the assessment of the planning balance. Further, the Council is currently unable to demonstrate a 5 year housing land supply which is another significant factor in the assessment.

Where housing policies are out of date, the presumption in favour of sustainable development applies at paragraph 14 of the Framework. This states that planning permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

There are considered to be both social and economic benefits arising from this development arising from the delivery of housing. However the environmental impacts are considered to outweigh these benefits. The application is lacking in detail and there are concerns over the level of detail supplied to date in respect of protected trees and mitigation measures for Great Crested Newts to enable an informed decision to be made. There is a lack of information concerning the specification of any proposed access and it is not clear whether a safe access can be secured and the implications of this upon trees and hedging at the site.

The site lies within the setting of two listed buildings and the agricultural landscape around them forms an integral part of their character. While the submitted plans are indicative, they show a suburban linear form of development, pressing close to the boundary of Shavington Lodge. The development will urbanise the land immediately adjacent to the Lodge and opposite the entrance to the Hall. The proposal fails to preserve the setting of a listed building resulting in harm to a heritage asset contrary to Policy BE.9 and the Framework.

While the benefits of delivering additional dwellings is acknowledged, it is considered that the adverse impact of the development upon the setting of the listed buildings together with the

lack of information submitted with this application are considered to outweigh the benefits identified above in the assessment of the overall planning balance.

RECOMMENDATION

The application is recommended for refusal for the following reasons:

- 1. The proposed development fails to preserve the settings of Shavington Lodge and Shavington Hall, which are Grade II listed buildings within proximity of the site. The application site forms part of the agricultural setting of these buildings. While submitted in outline, the indicative proposals contain limited information and it is likely that the development will erode and urbanise the setting of the listed. The development will result in serious harm to the significance of a heritage asset. The development is considered to be contrary to Policy BE.9 of the Borough of Crewe and Nantwich Local Plan 2011 together with paragraphs 126-136 of the National Planning Policy Framework.**
- 2. Insufficient information has been submitted with the application to enable the full impacts of the development to be fully assessed. This includes a lack of information in terms of mitigating any loss of habitat for Great Crested Newts, inadequate details of in terms of achieving a safe access to the site and the implication of any layout and access upon protected trees and hedging at the site. The proposal is considered to be contrary to Policies NE.5, NE.9, BE.2, BE.3, RES.8 of the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011 and guidance contained within the National Planning Policy Framework.**

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 100% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:**
 - The numbers, type, tenure and location on the site of the affordable housing provision**
 - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing**
 - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved**
 - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and**
 - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.**

2. A contribution of £5000 to fund offsite habitat creation/enhancement potentially within the Meres and Mosses Nature Improvement Area.

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