

Application No: 15/2147N

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

Proposal: Outline planning permission for the development of up to 43 dwellings of mixed type and tenure with 30% affordable housing provision - Resubmission of 14/1669N

Applicant: Mr Andrew Gibbs

Expiry Date: 11-Aug-2015

SUMMARY:

The proposal is situated within the Green Gap as designated in the proposals map of the adopted local plan and the development would result in an erosion of the physical gap between Shavington and Crewe.

It is acknowledged that the Council is unable to demonstrate a five-year housing land supply and that, accordingly, in the light of the advice contained in the National Planning Policy Framework, it should favourably consider suitable planning applications for housing that can demonstrate that they meet the definition of sustainable development.

The proposal would satisfy the economic and social sustainability roles by providing for much needed housing close to an existing settlement where there is existing infrastructure and amenities.

Subject to conditions, the proposal is considered to be acceptable in terms of its impact upon highway safety, amenity, ecology, drainage, landscape and design.

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).

In this case, the development would be on a site that is considered to be a sustainable location, would provide additional housing for the Borough and would provide economic benefits in the form of employment and additional custom for businesses in the local area.

Balanced against these benefits must be the loss of land designated in the local plan as open countryside, the erosion of the Green Gap between Shavington and Crewe and the concerns of local residents.

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 the application is recommended for refusal.

RECOMMENDATION:

Refuse

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 43 dwellings and an **indicative** layout has been submitted with the application. Although all matters other than access are reserved for later consideration, the applicants have stated that the accommodation would comprise two, three, four and five bedroom properties with a play area at the northern end of the site.

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

SITE DESCRIPTION

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

The site is bound by hedgerows and mature trees and the existing dwellings on Main Road. 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 the Open Countryside and Green Gap

RELEVANT HISTORY

14/1669N Outline application for 44 dwellings - Withdrawn

NATIONAL & LOCAL POLICY

National Policy:

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

Of particular relevance are paragraphs 14 and 47.

Development Plan:

The Development Plan for this area is the Borough of Crewe and Nantwich Replacement Local Plan 2011, which allocates the site as being within the within Open Countryside.

The relevant Saved Policies 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

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:

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

Other Considerations:

North West Sustainability Checklist
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

CONSULTATIONS:

Highways: Raise no objection subject to a condition relating to visibility splays.

Environmental Protection: Recommend conditions/informatives relating to noise mitigation, construction management plan, lighting, waste, dust air quality and contaminated land.

Education: Require a contribution of £86,770.32 towards primary education.

United Utilities: No objection subject to conditions relating to foul and surface water drainage.

Flood Risk Manager: No objection subject to conditions relating to drainage of the site.

Shavington Parish Council: Object on the grounds of loss of open countryside, contrary to green gap policy, impact on local amenity and the amenity of the occupiers of neighbouring properties, highway safety, car parking and traffic flow and pollution and infrastructure. The full objection letter can be viewed on the website.

REPRESENTATIONS:

Neighbour notification letters were sent to neighbouring properties and a site notice posted.

At the time of report writing 76 representations have been received which can be viewed in full on the Council website. These included an objection from the local MP, 71 objections in total and 5 representations in support of the application. The objections express several concerns including the following:

- Development out of keeping with the character of the area
- More development is not needed in Shavington too much already approved
- Shavington will become a continuation of Crewe
- Shavington will no longer be a village
- Highway safety
- Dangerous access
- Increase in traffic
- Existing traffic chaos/gridlock on Main Road
- On street parking
- Loss of privacy
- Loss of amenity to neighbouring properties including outlook
- Light and noise pollution
- Local infrastructure (doctors/schools) cannot cope
- Inadequate drainage
- Flood risk
- Loss of wildlife
- Impact on trees
- Inappropriate development on open countryside/green gap
- Inaccurate technical reports
- No more development is needed in Shavington
- Shavington already has enough affordable housing from approved developments

- Cumulative effect of developments approved in Shavington
- It is a money making opportunity for the developer
- It would be a haven for joy riders
- Loss of property values

Those in support of the application make the following points:

- A good manageable size of development
- Provision of affordable housing
- Not visible from the street scene
- Good starter homes for young people

APPRAISAL

The key issues to be considered in the determination of this application are set out below.

Principle of Development

The site lies in the Open Countryside as designated in the Borough of Crewe and Nantwich Replacement Local Plan 2011, where Policies NE.2 and RES.5 state that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Residential development will be restricted to agricultural workers dwellings, affordable housing and limited infilling within built up frontages.

The 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 does not fall within any of these exceptions. 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 this proposal represents sustainable development and 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.

Open Countryside Policy

In the absence of a 5 year housing land supply we cannot rely on countryside protection policies to defend settlement boundaries and justify the refusal of development simply because it is outside of a settlement, but these policies can be used to help assess the impact of proposed development upon the countryside. Where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply.

Policy NE.2, seeks to protect the intrinsic character and beauty of the countryside.

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.

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.

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 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.

There are, however, three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

These roles should not be undertaken in isolation, because they are mutually dependent.

ENVIRONMENTAL SUSTAINABILITY

The site is designated as being within open countryside and is not the first priority for development. It is however adjacent to existing residential development and is within walking distance of services and facilities in Shavington.

Landscape

This is an outline application for the development of up to 44 dwellings. The application site is located on land to the north of main Road, to the rear of No 71. The application does not include either a landscape appraisal or an LVIA, and while the application site does not have any landscape designations, the Crewe and Nantwich Borough Council Replacement Local Plan 2011 identifies that it is located within the boundary of the Green Gap, and as such Policy NE4 is relevant to this application.

The Design and Access Statement offers the view that the land is generally flat in nature, that surrounding trees and hedgerows will soften the visual impact, that when viewed from the open countryside the development would be seen against the backdrop of the existing settlement, and that there will be no adverse visual impact on the character and appearance of the locality, but offers no evidence that the application will not have an adverse effect on the visual character of the landscape. The Council's Landscape Officer does not consider that sufficient information has been submitted to show that the proposals will not have an adverse effect on the visual character of the landscape.

Trees and Hedgerows

The submitted Arboricultural Impact Assessment identifies 3 groups of Scots Pine, 3 groups of Spruce, 2 Groups of Cypress and one Cherry group or removal to accommodate the development. The groups vary in age between young and semi mature and provide some boundary screening and wildlife value to the site and have been assessed as moderate (B) and Low (C) category within the defined categories of *BS5837:2012*. Whilst part of these groups can be seen as glimpses between properties along Main Road, none are considered significant in terms of their wider contribution to the amenity of the area it is agreed that in terms of their future growth potential, their relationship and social proximity to existing development is indefensible.

The loss of these trees will result in the loss of some screening to existing properties on Main Road, although their retention and long term protection could not be justified in terms of their contribution to the wider amenity of the area.

There are mature Oak trees within the site and on 24th July 2015, a Tree Protection Order was served, identifying 5 individual and a group of 3 for formal protection, this should be confirmed 6 months from this date.

The Council's Principal Forestry and Arboricultural Officer initially had concerns that the layout could be accommodated within the site without having any adverse impact on trees. As such an amended layout, reducing the number of plots by one was submitted and that has now satisfactorily addressed those issues.

Ecology

The 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.

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

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

Design & Layout

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 has 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.

Highways

An outline application was submitted previously for this site and this application is a resubmission of the previous application for 44 units. There were a number of highway matters raised on the previous application that the applicant has considered in a Technical Note submitted with this application.

The previous submission for the access road was over engineered and the current submission is now 4.8m wide which is an acceptable width to serve the 43 units proposed. The required visibility can be provided at the access point and the splays of 2.4m x 43m would be a condition to be added to any permission.

There have been a number of residential developments approved in the Shavington area and the previous comments requested that the applicant address the cumulative impact of the development proposals along with the committed schemes. The submitted technical note has considered the effects of the cumulative impact but has only looked at the link capacity of the road network but not the capacity of the major junctions. It is very unlikely that link capacity would be exceeded as a result of this development and it is the junctions that have congestion and capacity problems.

Despite the omission of the junction capacity modelling, the distribution of traffic on the local road network from the 43 units development some 30 peak hour two way trips would result in very small increases in flow at the junctions and a refusal on grounds of severe traffic impacts could not be justified.

The cumulative impact of development is potentially a significant problem in Shavington and the Council is currently undertaking a study to assess the strategic highway impact of the approved developments in and around Shavington. However, at this time there is no current policy or study that provides a robust basis to support refusal of the application on cumulative traffic impact grounds.

The revised access is a more appropriate design to provide access to the 43 units proposed and it is an acceptable design. This is an outline application and there are no comments made on the indicative internal layout submitted.

There have been a number of developments approved in the Shavington area and there are capacity problems and queues at the principal junctions but to reject the application a severe impact (as defined in NPPF) needs to be evidenced. In this particular application, once the generated traffic is distributed on the road network the number of trips using the junctions will be very small when compared to the level of traffic already using them and it is not considered that this will constitute a severe impact.

Therefore subject to visibility conditions on the access, the Head of Strategic Infrastructure raises no objection to the application.

Flood Risk/Drainage

The site is located in flood zone 1 and Environment Agency surface water flood maps indicate very low risk of surface water flooding at the existing site.

The discharge of surface water from the proposed development should mimic that which discharges from the existing site. If a single rate of discharge is proposed, this is to be the mean annual run-off (Q_{bar}) from the existing undeveloped greenfield site. For discharges above the allowable rate, attenuation will be required for up to the 1 in 100 annual probability event, including a 30% allowance for climate change. The discharge of surface water should, wherever practicable, be by Sustainable Drainage Systems (SuDS). It is noted from the submitted flood risk assessment dated October 2014 that it is proposed to discharge surface water from the developed site into the ordinary watercourse to the north - agreement with adjacent landowners may therefore be required. In addition, if the construction of an outfall has the potential to alter the flow of the watercourse in any way, consent will be required under the Land Drainage Act 1991 from Cheshire East Council as Lead Local Flood Authority.

Conditions should be imposed requiring details of surface water drainage.

ECONOMIC SUSTAINABILITY

The Framework includes a strong presumption in favour of economic growth.

Paragraph 19 states that:

'The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth'

Given the countryside location of the site, consideration must also be given to one of the core principles of the Framework, which identifies that planning, should recognise:

'the intrinsic character and beauty of the countryside and supporting thriving rural communities within it'.

Specifically, in relation to the rural economy the Framework identifies that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

‘support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings’

The economic benefits of the development need to be balanced against the impact upon the open countryside.

With regard to the economic role of sustainable development, the proposed development would 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.

Agricultural Land

An Agricultural Land Classification Report was submitted with the application. This gives the results of research and tests carried out on site. The conclusions were that the land is predominantly Grade 3a, with a corner of the land to the north being Grade 2.

As the report has identified the land as being the ‘Best and Most Versatile’ agricultural land Policy NE.12 needs to be given consideration. This policy states that development will not be permitted on agricultural land of Grades 1, 2 and 3a. This will form a reason for refusal.

SOCIAL SUSTAINABILITY

Residential Amenity

The proposal is for up to 43 dwellings on this site. It would be possible to achieve adequate separation distances between the existing and proposed dwellings, which would be demonstrated and secured at reserved matters stage.

Adequate private residential amenity space could be provided within the domestic curtilage of the properties to provide recreational space and bin storage.

Should the application be approved a condition should be imposed relating to piling operations.

Housing

The site falls within the Wybunbury and Shavington sub-area for the purposes of the SHMA update 2013. This identified a net requirement for 54 affordable homes per annum for the period 2013/14 – 2017/18. This equates to a need for 8 x 1 bed, 20 x 2 bed, 7 x 3 bed and 12 x 4+ bed general needs units and 1 x 1 bed and 7 x 2 bed older persons accommodation. Information taken from Cheshire Homechoice shows there are currently 47 applicants who have selected the Shavington lettings area as their first choice. These applicants require 12 x 1 bed, 23 x 2 bed, 10 x 3 bed and 2 x 4+ bed units.

The Interim Planning Statement: Affordable Housing (IPS) and Policy SC5 in the emerging Local Plan states that in this location the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing.

The IPS also states the exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion of affordable housing for any site will normally be 30%, in accordance with the recommendation of the 2010 Strategic Housing Market Assessment. The preferred tenure split for affordable housing identified in the SHMA 2010 was 65% social or affordable rented and 35% intermediate tenure.

The Affordable Housing IPS requires that the affordable units should be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration and also that the affordable housing should be provided no later than occupation of 50% of the open market dwellings (unless the development is phased with a high degree of pepper-potting, in which case the affordable housing can be provided no later than occupation of 80% of the market dwellings).

The application form states that 8 units will be provided as social/affordable rent and that 5 units will be provided as intermediate tenure. This is the correct amount and tenure split in accordance with the IPS. The indicative residential mix proposed 2 and 3 bed units. It is accepted that at this stage the mix is only indicative, however further clarification at reserved matters would be required. In addition the affordable units should be 'pepper-potted' within the site.

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 1,505sq.m and the indicative plan shows that the developer will provide 658sq.m of open space which would comprise a play area and the narrow strip of land around the northern boundary of the site which would not constitute useable recreational open space. As such the submitted plans do not demonstrate that the site could accommodate the 43 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 an update will be provided when the comments of the POS officer have been received.

Education

A development of 43 dwellings would be expected to generate 8 primary aged pupils and 7 secondary pupils. There is a shortage of primary school places available in the area; therefore a contribution to primary education would be required. The contribution to primary education would be £86,770.32.

There is sufficient secondary school provision, therefore no contribution would be necessary.

Health

There are nine GP surgeries within 3 miles of the site which are all accepting patients and therefore not at capacity. No contributions will be required for health provision.

Response to Objections

The representations of the members of the public have been given careful consideration in the assessment of this application and the issues raised are addressed within the individual sections of the report. In particular loss of open countryside, design, highway safety, flooding and residential amenity, have been assessed by Officers and found to be acceptable.

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, a contribution of £86,770.32 towards primary education provision is required. It is necessary to secure contribution. This contribution is directly related to the development and is fair and reasonable.

As explained within the main report, POS and children's play space 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 children's play space. 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.

Conclusion – The Planning Balance

Taking account of Paragraphs 49 and 14 of the NPPF there is a presumption in favour of the development provided that it represents sustainable development unless there are any adverse impacts that significantly and demonstrably outweigh the benefits.

The development would have some economic benefits in terms of jobs in construction, spending within the construction industry supply chain and spending by future residents in local shops.

It is also necessary to consider the negative effects of this incursion into Open Countryside by built development. Nevertheless, it is not considered that this is sufficient to outweigh the benefits in terms of housing land supply in the overall 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 that 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).

In this case, the development would be on a site that is considered to be a sustainable location, would provide additional housing for the Borough and would provide economic benefits in the form of employment and additional custom for businesses in the local area.

Balanced against these benefits must be the loss of land designated in the local plan as open countryside and the concerns of local residents.

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14, it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits. Accordingly it is recommended for approval.

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 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.

3. The proposal would result in loss of the best and most versatile agricultural land and given that the Authority can demonstrate a housing land supply in excess of 5 years, the applicant has failed to demonstrate that there is a need for the development, which could not be accommodated elsewhere. The use of the best and most versatile agricultural land is unsustainable and contrary to Policy NE.12 of the Borough of Crewe and Nantwich Replacement Local plan 2011 and the provisions of the National Planning Policy Framework.

In the event of any changes being needed to the wording of the Committee’s decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) has delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee’s decision.

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 a contribution of £86,770.32 towards primary education.**
- 3. Provision of POS and a LEAP and a scheme of management**

