

CHESHIRE EAST COUNCIL

SOUTHERN PLANNING COMMITTEE REPORT

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| Date: | 28 th October 2015 |
| Report of: | Daniel Evans – Principal Planning Officer |
| Title: | 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 (15/1210N) |
| Site: | Open Grass Land, Crewe Road, Shavington |

1.0 Purpose of Report

- 1.1 Southern Planning Committee resolved to refuse planning application 15/1210N on 8th July 2015 for the following reasons:

a) That the application be REFUSED 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.

b) 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.

c) 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

- 1.2 Following the determination of the application further information has been submitted in relation to reasons for refusal 2 and 3. The purpose of this report is to consider this additional information in advance of an appeal against the refusal of application 15/1210N.

2.0 Decision Required

- 2.1 To consider the additional information which has been submitted in relation to reasons for refusal 2 and 3 in advance of an appeal which the applicant intends to lodge.

3.0 Background

- 3.1 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.

- 3.2 The land is relatively flat and is in agricultural use. There are a number of trees and hedgerow to the boundaries of the site.
- 3.3 Public Right of Way Shavington cum Gresty FP3 runs along the southern boundary of the site.

4 Proposed Development

- 4.1 15/1210N is an outline planning application for the erection of 68 dwellings. Access formed part of the application with all other matters reserved. The application includes a single access point onto Crewe Road which would be located to the western boundary of the site.

5 Officer Comment

- 5.1 In relation to BMV agricultural land an assessment has now been undertaken in relation to the quality of land on this site. This has identified that the site is Grade 3a and as a result is classed as BMV. The submitted report states that the land is not versatile in its agricultural use and is restricted to seasonal grazing of cattle. It also states that the loss of BMV in this case would not be significant and the economic benefits would be limited (the land would be expected to generate a gross margin of £2,000 per annum and this has to cover significant sums of money associated with addressing the problems caused by the sites location for example in repairing water supplies, fencing and clearing litter). Finally the report states that any development around Shavington would result in the loss of BMV agricultural land).
- 5.2 The reason for refusal related to a lack of information in relation to agricultural land and the quality of the land has now been identified. However it is still considered that this issue should form part of the planning balance and it is recommended that the appeal is defended based on the updated wording below:

The proposal would result in loss of the best and most versatile agricultural land and 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.

- 5.3 In relation to reason for refusal 3 the applicant has now provided an amended indicative plan. This plan shows an amended scheme with a development of 64 dwellings and 2972sq.m of open space (including a 6 piece LEAP). This would be an overprovision of open space based on both a development of 68 dwellings and as such reason for refusal number 3 has now been addressed.

6 Conclusion

- 6.1 On the basis of the above, in terms of the open space provision the applicant has now demonstrated that the application site can accommodate the number of dwellings proposed and the required level of POS and LEAP.
- 6.2 However, the proposal is not considered to be sustainable as it would result in the loss of BMV agricultural land, open countryside and would have an unacceptable impact on the Green Gap. Consequently, the presumption in favour of sustainable development is not engaged. Notwithstanding this, even if it were considered that paragraph 14 should be applied, the adverse impacts identified above would significantly and demonstrably outweigh the benefits including the provision of market and affordable housing and economic benefits arising from construction.

7 Recommendation

- 7.1 To defend the appeal in relation to reason for refusal 1 as existing and reason 2 on the following grounds:

The proposal would result in loss of the best and most versatile agricultural land and 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.

- 7.2 Not to contest reason for refusal 3 on the basis of the amended indicative plan.

8 Financial Implications

- 8.1 There are no financial implications.

9 Legal Implications

- 9.1 The Borough Solicitor has been consulted on the proposals and raised no objections

10 Risk Assessment

- 10.1 There are no risks associated with this decision.

11 Reasons for Recommendation

- 11.1 For the purpose of defending the appeal based on the additional information which has been provided.

For further information:

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Background Documents:

- *Application 15/1210N*