

Application No: 14/2915N

Location: Land West Of, Broughton Road, Crewe.

Proposal: Outline Planning Application for Erection of up to 53 no residential units with associated infrastructure and ancillary facilities in Outline with access defined.

Applicant: MG and LF Ltd

Expiry Date: 16-Sep-2014

SUMMARY

The proposal is contrary to development plan policies NE2 (Open Countryside) and RES5 and therefore the statutory presumption is against the proposal unless material considerations indicate otherwise.

The most important material consideration in this case is the NPPF which states at paragraph 49 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

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. It would provide a public open space facility for proposed and existing residents, and the development would provide significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses.

Balanced against this are the adverse impacts of the development including the loss of open countryside, the loss of agricultural land and the moderate landscape impact.

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.

SUMMARY RECOMMENDATION

Approve subject to conditions and s106 agreement

REASON FOR REPORT

The application is a major development and a departure from the Development Plan, and therefore requires a Committee decision.

PROPOSAL

The application seeks outline planning permission for the erection of up to 53no. residential units with associated infrastructure and ancillary facilities with all matters reserved except for access.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises an open area of agricultural land situated between Broughton Road to the east and the railway line to the west. To the north and south there is further open agricultural land with residential properties running along Broughton Road. The site is located within the Open Countryside as identified in the Congleton Borough Local Plan.

RELEVANT HISTORY

P06/0108 – Construction of 8 dwellings and access road – refused 20.03.2006

10/4356N - Change of use for the keeping of Horses, Livery Stables and Associated Works such as Access and Hard Standing – Not determined

NATIONAL & LOCAL POLICY

National Policy

The National Planning Policy Framework (the Framework) establishes a presumption in favour of sustainable development. The Framework sets out that there are three dimensions to sustainable development: economic, social and environmental. These roles should not be undertaken in isolation, because they are mutually dependent.

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 whole site as open countryside

The relevant Saved Policies are:

NE.2 (Open countryside)

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)
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)

Cheshire East Local Plan Strategy – Submission Version

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
PG6 Spatial Distribution of Development
SD1 Sustainable Development in Cheshire East
SD2 Sustainable Development Principles
IN1 Infrastructure
IN2 Developer contributions
EG1 Economic Prosperity
EG3 Existing and allocated employment sites
SC1 Leisure and Recreation
SC2 Outdoor sports facilities
SC3 Health and Well-being
SC4 Residential Mix
SC5 Affordable Homes
SE1 Design
SE2 Efficient use of land
SE3 Biodiversity and geodiversity
SE4 The Landscape
SE5 Trees, Hedgerows and Woodland
SE6 Green Infrastructure
SE9 Energy Efficient Development
SE12 Pollution, Land contamination and land instability
SE13 Flood risk and water management
CO1 Sustainable Travel and Transport
CO4 Travel plans and transport assessments

Other Material Considerations

Interim Planning Statement: Affordable Housing
Strategic Housing Market Assessment (SHMA)

Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994

CONSULTATIONS (External to Planning)

Environment Agency – Responsibility for ordinary watercourses and surface and ground water flooding with Lead Local Flood Authorities

Flood Risk Manager – No objections subject to conditions relating to disposal and management of surface water

United Utilities – No objection subject to conditions relating to drainage

Environmental Health – No objections subject to conditions relating to submission of an Environmental Management Plan, lighting details, noise mitigation scheme, travel planning, electric vehicle infrastructure, dust control and contaminated land.

Public Rights of Way – Proposed development may present an opportunity to improve walking and cycling facilities in the area for both travel and leisure purposes. The developer should provide contributions towards this.

Head of Strategic Infrastructure – No objections

Education – Financial contributions required towards accommodating pupils generated by the development.

Housing Strategy & Needs Manager – No objections subject to 30% affordable housing provision and tenure split in accordance with IPS

Ansa – Open space comments awaited

Crewe Town Council - Object on the following grounds:

- Increased traffic congestion
- Strain being put on existing infrastructure such as doctors and schools
- No apparent commitment to affordable housing provision
- Concern about the ground conditions and the loss of natural drainage which may affect surrounding properties.
- If approved, s106 money should be spent on improvements to the current road network and encouragement for sustainable methods of transport

OTHER REPRESENTATIONS

Approximately 40 letters of representation have been received from local residents and a petition signed by 240 residents, objecting to the proposal on the following grounds:

- Loss of view
- Impact on wildlife
- Other applications refused for highways reasons
- Already enough housing for Coppenhall area for next 5-10 years
- Impact on highway safety

- Increased congestion
- Drainage and flooding concerns
- Increase in pollution and noise
- Impact on infrastructure – hospitals, doctors, schools etc
- Inadequate car parking
- No additional employment for additional residents
- Existing on street parking restricts visibility
- Loss of house value
- Access for emergency vehicles
- Not sustainable development
- Out of character
- Landscape impact
- HS2 to be located to rear of the development
- Loss of privacy
- Empty homes in Crewe
- Broughton Road is already used as a rat run

Two local groups make the following general observations on the proposal:

- Wider carbon footprint should be considered in design of the building – solar panels etc.
- Secure storage for bicycles and or prams should be provided
- There should be cycle and pedestrian short cut access to the site
- Traffic management measures on Broughton Road from North Street junction should be incorporated to restrict vehicle speeds
- Contribution to improving pedestrian/cycle conditions should be made
- Travel planning set up with targets and monitoring

APPLICANT'S SUPPORTING INFORMATION

The applicant has submitted an Arboricultural report; a land contamination report; a design & access statement; an ecology assessment; a Flood Risk assessment; a transport statement and a supporting planning statement.

The planning statement outlines:

- Site is located in highly sustainable location.
- There will be no significant and demonstrable adverse impacts
- Degree of harm to the character and appearance of the Open Countryside, given that it is surrounded by man made built form, is not significantly and demonstrably adverse given the low grade of the agricultural land and its sustainable location
- Benefit of affordable housing provision
- The housing shortfall has consistently been found to hold great material weight in favour of approving housing sites within the Borough due to the significance of the shortfall.
- Direct and indirect economic benefits from the process of construction and from expenditure from future residential occupiers
- No five year housing supply
- Site is suitable, available and deliverable for development

APPRAISAL

Given that the application is submitted in outline, the main issues in the consideration of this application are the suitability of the site, for residential development having regard to matters of planning policy and housing land supply, affordable housing, highway safety and traffic generation, contaminated land, air quality, noise impact, landscape impact, hedge and tree matters, ecology, amenity, and sustainability.

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.

The most important material consideration in this case is the NPPF which states at paragraph 49 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).

SOCIAL SUSTAINABILITY

Housing Land Supply

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

This 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 (NPPG) indicates that information provided in the latest full assessment of housing needs should be considered as the benchmark for the housing requirement.

The last Housing Supply Position Statement prepared by the Council employs the figure of 1180 homes per year as the housing requirement, being the calculation of Objectively Assessed Housing Need used in the Cheshire East Local Plan Submission Draft.

The Local Plan Inspector published his interim views based on the first three weeks of Examination in November 2014. He concluded that the Council's calculation of objectively assessed housing need is too low. He also concluded that following six years of not meeting housing targets, a 20% buffer should also be applied.

Given the Inspector's Interim view that the assessment of 1180 homes per year is too low, officers no longer recommend that this figure be used in housing supply calculations. The Inspector has not provided any definitive steer as to the correct figure to employ, but has recommended that further work on housing need be carried out. The Examination of the Plan was suspended on 15th December 2014.

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 in the form of the "Cheshire East Housing Development Study 2015 – Report of Findings June 2015" produced by Opinion Research Services, has now taken place.

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.

The definitive methodology for buffers and backlog will be resolved via the Development Plan process. However the indications from the work to date suggests that this would amount to an identified deliverable supply target of around 11,300 dwellings.

This total would exceed the total deliverable supply that the Council is currently able to identify. As matters stand therefore, the Council remains unable to demonstrate a 5 year supply of housing land. On the basis of the above, the provision of housing land is considered to be a substantial benefit of the proposal.

Spatial Distribution

The Southern Planning Committee has previously resolved to refuse a number of applications which include the contention that the development would exceed the spatial distribution of housing in the southern part of the Borough with reference to paragraphs 70 – 80 of the Inspector's Interim views on the Local Plan.

Paragraphs 70 – 80 of the Inspector's Interim Views concern the settlement hierarchy and spatial distribution of development; the Inspector was satisfied with the proposed settlement hierarchy but concluded that "the proposed distribution may not fully address the development needs and opportunities at all towns and settlements, particularly those in the north of the district" and that "some further work may be required to justify the proposed spatial distribution of development, particularly to address the development needs and opportunities of the Green Belt settlements in the north of the district."

There is nothing in these paragraphs of (or elsewhere in) the Inspector's Interim Views to justify their deployment in support of refusing applications in the Southern part of the Borough. As such a reason for refusal on these grounds could not be sustained.

Indeed, despite referring to the local plan Inspector's interim views within his decision letter, the Inspector who recently allowed the 124 dwellings on the opposite side of Broughton Road to the application site, made no reference to this as an issue.

Other appeals that have specifically considered the issue of spatial distribution have generally concluded that it does not justify the refusal of an otherwise sustainable form of development which meets housing needs.

Affordable Housing

The SHMA shows that for the sub-area of Crewe, within which the site lies, there is a need for 217 new affordable homes per year, made up of a need for 50 x 1 beds, 149 x 3 beds, 37 x 4+ beds, 12 x 1 bed older persons units and 20 x 2 bed older persons units. (There is an oversupply of 2-bed general needs accommodation).

There are currently 1586 applicants on the housing register applying for social rented housing who have selected one of the sub-areas of Crewe as their first choice, these applicants require 528 x 1 beds, 614 x 2 beds, 346 x 3 beds, 56 x 4 beds and 2 x 6 beds (40 applicants have not specified how many bedrooms they need).

Therefore as there is affordable housing need in Crewe there is a requirement for affordable housing to be provided at this site, 30% of the total dwellings on site should be provided as affordable, this equates to up to 16 affordable homes and the tenure split of the affordable dwellings should be 65% social or affordable rent (up to 10 units) and 35% intermediate tenure (up to 6 units), the affordable housing should be provided on site.

According to the Planning Statement the applicant is offering 30% affordable housing at this site with a tenure split to be agreed at Reserved Matters. The tenure split highlighted above will be required, which will be secured as part of a s106 agreement.

The provision of affordable housing in a location where there is an identified need is a substantial benefit of the scheme.

Public Open Space (POS)

Policy RT.3 states that where a development exceeds 20 dwellings the Local Planning Authority will seek POS on site. There is therefore a requirement for open space as part of the proposal. The indicative layout indicates an area of open space within the site; however comments from Ansa are awaited regarding the specific requirements for this scheme and will be provided as an update.

Education

A development of up to 53 dwellings would be expected to generate 10 primary and 7 secondary pupils.

The assessment of primary schools within 2 miles and secondary schools within 3 miles of the site has been undertaken which has shown that the primary schools are cumulatively forecast to be oversubscribed and the high schools are also expected to be oversubscribed based on already committed development expected to take up the current slack (397 pupils expected from approved development).

On this basis the following contributions will be required, which will be secured via the s106 agreement:

$10 \times 11919 \times 0.91 = \text{£}108,463$ towards primary education

$7 \times 17959 \times 0.91 = \text{£}114,399$ towards secondary education.

Residential Amenity

The indicative layout shows the proposed dwellings to be some quite distant from the existing dwellings on Broughton Road. The closest relationship appears to be plot 1 which is over 12 metres from the nearest point of the blank gable of number 129 Broughton Road. Plots 2 and 3 are over 27 metres from the dwelling at 155 Broughton Road, and to the rear of this property a substantial outbuilding sits 4 metres from the side elevation of plot 53.

New residential developments should generally achieve a distance of between 21m and 25m between principal windows and 13m to 14m between a principal window and a blank elevation. This is required to maintain an adequate standard of privacy and amenity between residential properties.

The layout and design of the site are reserved matters and it is considered that the dwellings could be accommodated on the site, whilst maintaining these distances between the proposed dwellings within the new development and adequate amenity space could be provided for each new dwelling. No further significant amenity issues are raised at this stage.

ENVIRONMENTAL SUSTAINABILITY

Air Quality

Whilst this scheme itself is relatively small scale, and as such does 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 (regardless of their individual scale) has the potential to significantly increase traffic emissions and as such adversely affect local air quality for existing residents by virtue of additional road traffic emissions.

The transport statement submitted with the scheme makes reference to the accessibility of public transport, walking and cycling routes. 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. Appropriate conditions are therefore recommended.

Noise

The applicant has submitted a noise assessment with this application that demonstrates the site can be made suitable for residential development providing a scheme of noise mitigation measures are put into place.

The report specifies that the development will require the garden fences to be 2.5 metres high along the sites eastern and southern boundaries and partly along the northern boundary. Following concerns being raised about the visual impact of such a fence, the applicant's acoustic consultants have come back to confirm a 1.8 metre high fence will be adequate for noise mitigation purposes. Confirmation is awaited from environmental health that the proposed 1.8 metre high fence will adequately protect the properties from railway noise, and will be reported as an update.

The report also recommends that any habitable room on the first floor and above, which directly or obliquely faces the railway line, will require enhanced levels of glazing providing 40 dB Rw of sound attenuation and alternative (trickle) ventilation providing approximately the same level of sound attenuation. The window units should also incorporate a difference in thickness between the two outer most panes, of at least 30% to prevent the ingress of lower frequency noise associated with diesel powered freight engines. Sufficient levels of ventilation will be required; if this cannot be achieved by trickle ventilation the applicant will need to submit a scheme of mechanical or alternative means of ventilation that will satisfy Part F of Building Regulations.

Any mitigation shown as part of the report must achieve the internal and external noise levels defined within BS8233:2014. A detailed scheme of noise mitigation measures on a plot by plot basis will need to be submitted prior to first occupation of the site.

Public Rights of Way

There are no PROW located on the application site. In relation to the request for cycleway improvements, noted above in the consultations, it is not considered that the suggestions would be CIL compliant.

Highways

The Head of Strategic Infrastructure has provided the following comments on the proposal.

Visibility

The visibility splays have been derived from the speed survey on Broughton Road and the splays provided are 2.4m x 43m these are considered to be an acceptable level of visibility provision.

Traffic Impact

With regard to the traffic impact of the proposal, the trip rates submitted by the applicant are on the low side predicting 23 trips in the evening peak. Whilst these rates are not accepted the CEC analysis of trips rates indicate that 36 trips would be the likely generation in the peak hour.

It is then necessary to consider how the traffic is to be distributed on the road network, the applicant has indicated that there is a 70% -30% split in favour of the town centre. This is a realistic assessment of how the trips will be distributed from the site. Therefore, the traffic turning towards Crewe at the Bradfield Road Junction can be expected to be approximately 25 trips in the peak hour.

There have been a number of large developments approved along the B5076 corridor namely Coppenhall East, Parkers Road, Maw Green and the recent appeal opposite the application site, and these will all add to the traffic levels using this route. Improvements have been secured for the corridor from all of these applications, but even with improvements in place there remains capacity concerns at some of the key junctions.

This application is likely to have an impact on the roundabout junctions of Broad Street / Remer Street and Middlewich Street. Although there are improvements and contributions secured for these junctions, further improvements works are necessary to not only deal with the current approvals but to allow further development to come forward. Whilst this development will only add to the traffic levels using the B5076 corridor, the current transport policy in the Framework needs to be taken into account and also numerous recent appeal decisions.

Given the very small impact that the development will produce in the peak hours on the junctions above, it is not considered that a refusal based on traffic impact can be sustained. Due regard should also be given to appeal decisions relating to proposals with much larger traffic impacts that have been considered acceptable.

Accessibility

An accessibility assessment has been provided in the Transport Statement, the site can be accessed by footways on both sides of Broughton Road and there are a range of local facilities within walking distance of the site. With regard to public transport, there are a

number of bus services that can be accessed within a reasonable walking distance from the site.

At the recent appeal for the 124 dwellings on the opposite side of Broughton Road, the Inspector agreed with the Council's view that the site was sustainable in terms of its location on the northern edge of Crewe in an area that hosts a range of shops and local services.

Therefore, in summary whilst the proposed development will only add traffic to a congested road network, the development will only produce such a small traffic increase it would be very difficult indeed to support a refusal based on traffic impact. As all other matters are acceptable, no objections are raised on highways grounds.

It should be noted that the applicant is aware of local concerns relating to the impact of the proposal on the local highway network, and has stated that they would be willing to make a contribution towards local highway improvements, in exchange for a reduced level of affordable housing, should Members be particularly concerned regarding the highways impact of the proposal.

Trees / landscape

An arboricultural impact assessment which identifies the impact of the proposal upon trees both within and adjacent to the site, in accordance with the provisions of BS5837: 2012.

The proposed development will require the removal of a number of existing trees and hedgerows, all of which appear to be low grade. Comments from the Forestry officer are awaited and will be reported in an update.

In terms of the landscape impact of the proposal, the landscape officer has noted that the application site is located outside the settlement boundary of Crewe in Open Countryside. The Cheshire Landscape Character Assessment 2008, identifies that the site is located within the East Lowland plain character Type and specifically the ELP5 Wimboldsley Character Area. This is characterised as being a predominantly flat, large scale landscape with relatively few hedgerow trees or hedgerows. This combines with a low woodland cover typical of the type to create an open landscape with long views in all directions.

The use of a greenfield site does weigh against the proposal. However the area has no specific landscape designation, whilst its open character is no doubt of value locally, its visual benefit is tempered by the presence of the railway line just beyond the western boundary. Therefore, whilst there will be some resultant harm arising from the urbanisation of the site and the loss of open countryside which has intrinsic character and beauty, the change is not considered to be so significantly adverse to justify a refusal of planning permission in this case.

Design / character

The importance of securing high quality design is specified within the Framework. 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 the proposal would have a density of 31.3 dwellings per hectare, which is considered to be acceptable in the context of the local area. An indicative layout has been provided in support of this application and this shows that an acceptable layout can be achieved and that areas of open space can be provided and would be well overlooked. It is considered that an acceptable design/layout that would comply with Policy BE.2 (Design Standards) and the Framework could be secured at the reserved matters stage.

The application indicates that the dwellings will be 2 to 2.5 storeys in scale. The majority of properties within the immediate area are two-storey. Whilst, they cannot be ruled out at this stage, given character of surrounding dwellings, the introduction of 2.5 storey dwellings will have to be carefully considered and much will depend on the specific form and design put forward in the reserved matters.

Ecology

The nature conservation officer has provided the following comments on the application.

Great Crested Newts

This protected species has previously (in 1999) been recorded at both of the ponds on the application site, also from the two ponds and ditches located to the north of the application site and a further ditch to the south of the application site. This species was also previously recorded at a pond to the south which is located at a distance greater than 250m.

A great crested newt survey has been undertaken in support of this application, which did not record any evidence of this species, however this survey was restricted to just the two ponds on the application site. The submitted report states that no surveys were undertaken of the two ponds to the north as access permission was denied.

Based on the results of the assessments undertaken in support of application 13/5085N, which have been highlighted by the applicants consultant, the nature conservation officer advises that on balance great crested newts are unlikely to be present or affected by the proposed development. There are two remaining ponds which have not been subject to recent surveys, however it is considered that they are located far enough away from the application site that the proposed development would not be likely to pose a significant risk to any populations of great crested newts present.

Lesser Silver Diving Beetle (Hydrochara caraboides)

This protected species was recorded at both of the two ponds present on the application site in 1999. In order to allow the Council to assess the potential impacts of the proposed development upon this species, a survey for this species was required, which has resulted in the delay with this application.

Mudsnail (*Omphiscola glabra*)

This Biodiversity Action Plan priority species is known to occur in the locality of the proposed development. In order to allow the Council to assess the potential impacts of the proposed development upon this species, a survey for this species was required, which again has resulted in the delay with this application.

The surveys for the lesser silver diving beetle and the mudsnail found evidence of both species within the onsite ponds. The proposed mitigation strategy involves creating two additional ponds and a section of ditch offsite. The applicants have identified two potential sites. One is a Council owned section of land and the other is in third party ownership (a local equestrian centre). The nature conservation officer is happy to accept the additional ponds as appropriate mitigation, as opposed to trying to retain these two species on site, which is almost certain to fail.

It is recommended that the third party land is utilised for the mitigation strategy, and a letter has been received from the land owner that they are happy for the ponds to be formed on their land. Despite the letter, there is not considered to be sufficient certainty that the ponds will be provided to allow it to be dealt with by condition, and as such it is recommended that the off site mitigation is secured as part of the s106 agreement. A detailed mitigation method statement will be required but this can be dealt with at the reserved matters stage.

Ponds

Ponds are a Local Biodiversity Action plan priority habitat and hence a material consideration. Based upon the submitted indicative layout the proposed development would result in the loss of two ponds and consequently have a significant adverse impact upon nature conservation interests.

The offsite ponds outlined above required for the lesser silver diving beetle and mud snails will adequately compensate for the loss of these BAP priority habitats.

Hedgerows

Hedgerows are a Biodiversity Action plan priority habitat and hence a material consideration. Based on the submitted illustrative layout the proposed development would result in the loss of a significant length of defunct species poor hedgerow which runs across the middle of the site and also a length of species poor hedgerow on the eastern boundary of the site to facilitate the site entrance.

If outline consent is granted it must be ensured that suitable replacement planting is incorporated into any landscaping scheme produced at the detailed design stage to compensate for this loss.

Reptiles

The submitted ecological assessment states that the application site is superficially suitable for grass snakes. Grass snakes have been recorded 800m to the south east of the

application site, however a detailed reptile survey is not required. The species is known from this broad locality and is likely to occur on the site on a transitory basis. To ensure grass snakes are not killed or injured during the construction phase it is recommended that the applicant submits a more detailed method statement of reasonable avoidance measures which include proposals to ensure that the site remains in a state unsuitable for reptiles prior to the commencement of development.

Contaminated land

The Contaminated Land team has no objection to the proposals subject to the following comments with regard to contaminated land. The site is located on areas of suspected filled ground that has the potential to create gas, and the application is for new residential properties which are a sensitive end use and could be affected by any contamination present.

The submitted contaminated land report recommends that intrusive investigations are required. Therefore, in accordance with the Framework, a condition requiring a phase II site investigation is recommended.

Flooding.

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps. Flood Zone 1 defines that the land has less than 1 in 1000 annual probability of flooding and all uses of land are appropriate in this location. As the application site is more than 1 hectare, a Flood Risk Assessment (FRA) has been submitted in support of the application.

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

ECONOMIC SUSTAINABILITY

Economic Benefits

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

Agricultural Land

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 agricultural land is designated as "Urban" on the Council's constraints maps, which on the Magic Agricultural Land Classification comes below Grade 5 and Non Agricultural. It is therefore considered that the proposal does not involve the development of the best and most versatile agricultural land.

Community Infrastructure Levy (CIL) Regulations

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements 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.

The provision of affordable housing, public open space provision and offsite ecological mitigation is necessary, fair and reasonable to provide a sustainable form of development, to contribute towards sustainable, inclusive and mixed communities and to comply with local and national planning policy.

The development would result in increased demand for school places at the primary and secondary schools within the catchment area which have very limited spare capacity. In order to increase capacity of the schools which would support the proposed development, a contribution towards primary and secondary school education is required based upon the maximum units applied for. This is considered to be necessary and fair and reasonable in relation to the development.

All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of the development

PLANNING BALANCE

The proposal is contrary to development plan policies NE2 (Open Countryside) and RES5 and therefore the statutory presumption is against the proposal unless material considerations indicate otherwise.

The most important material consideration in this case is the NPPF which states at paragraph 49 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

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.
- The development would provide a public open space facility for proposed and existing residents.
- The development would provide significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses.

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

- The impact upon education infrastructure would be neutral as the impact would be mitigated through the provision of a contribution.
- The impact upon protected species/ecology is considered to be neutral subject to the imposition of conditions and the s106 agreement 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 (subject to Forestry comments).
- The impact upon residential amenity/noise/air quality and contaminated land could be mitigated through the imposition of planning conditions.
- Highway impact would be broadly neutral due to the scale of the development

The adverse impacts of the development would be:

- The loss of open countryside.
- The loss of agricultural land.
- Moderate landscape impact

The comments received in representation relating to material planning considerations have been considered in the preceding text. However, 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 subject to comments from outstanding consultees (Environmental Health and Ansa), the following Heads of Terms and the conditions below.

RECOMMENDATION

APPROVE subject to S106 agreement to secure

- **Education contributions of £108,463 (10 places) towards primary accommodation and £114,399 (7 places) towards secondary.**
- **Open space provision and management**
- **Provision and phasing of 30% affordable housing with 65% to be provided as social/affordable rent and 35% provided as intermediate tenure**
- **Offsite ecological mitigation – pond creation**

And the following conditions:

1. Submission of reserved matters
2. Implementation of reserved matters

3. Time limit for submission of reserved matters
4. Commencement of development
5. Development in accord with approved plans
6. Details for disposal of surface water to be submitted
7. Scheme for management of overland flow from surcharging of the site's surface water drainage system during heavy rainfall
8. Environmental Management Plan to be submitted and agreed by the planning authority
9. External lighting details to be approved
10. Noise mitigation scheme to be submitted
11. Travel plan to be submitted
12. Electric vehicle charging point to be provided
13. Phase II site investigation to be submitted
14. Refuse storage facilities to be approved
15. Ground levels to be submitted with reserved matters application
16. Method statement for reasonable avoidance measures for reptiles to be submitted.

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 Planning & Enforcement Manager 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.
