

Application No: 15/5184N

Location: 138 SYDNEY ROAD, CREWE, CW1 5NF

Proposal: Outline planning application for residential development of up to 250 dwellings, open space and associated works, all other matters reserved apart from access. (Resubmission of 15/0184N)

Applicant: Mr C Muller, Muller Property Group

Expiry Date: 16-Feb-2016

SUMMARY:

The proposal is contrary to the 'saved' policies NE2 (Open Countryside) and NE4 (Green Gap) of the Replacement Borough of Crewe and Nantwich Local Plan 2011 and therefore the statutory presumption is against the proposal unless material considerations indicate otherwise.

However the site is now proposed as part of an allocation for 525 dwellings within the Cheshire East Local Plan Strategy Proposed Changes (Consultation Draft): March 2016 as site CS5 Sydney Road, Crewe. This document is the subject of public consultation from 4 March to 19 April 2016.

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 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 provide market and affordable housing to meet an acknowledged shortfall. The proposal would also 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.

Turning to access issues amended plans showing the precise arrangement of the Maw Green Lane access, the design of the junction with Sydney Road is considered to be acceptable. In terms of traffic generation and congestion the impact on Sydney Road bridge and Crewe Green roundabout is acknowledged and will be addressed through significant Section 106 contributions.

There would be an adequate level of POS on site together with a play area which would comply with policy.

Subject to a suitable Section 106 package, the proposed development would provide adequate public open space, the necessary affordable housing requirements, and the requirement for the future maintenance of the open space and playspace on site. It would not generate any shortfall in education capacity locally.

The proposal is considered to be acceptable in terms of its impact upon residential amenity and drainage/flooding. Conditions could be imposed to ensure this. It therefore complies with the relevant local plan policy requirements for residential environments

Whilst the site does not meet all the minimum distances to local amenities and facilities advised in the North West Sustainability toolkit, other developments within the area have been deemed to be sustainably located by both the Council and Inspectors at Appeal. Furthermore, Section 106 contributions can be secured towards the upgrading of the local footpath and cycle network. Therefore it is not considered that a refusal on locational sustainability grounds could be sustained.

The proposal would not result in the loss of any best and most versatile agricultural land, and any impacts on ecological assets can be suitably mitigated.

It is also necessary to consider the negative effects of this incursion into Open Countryside and the erosion of the Green Gap by built development.

Despite the loss of open countryside, on the basis the Council cannot demonstrate a 5 year supply of housing, and the endorsement of the site to be taken forward as a Local Plan strategy site, it is considered that the proposal represents sustainable development and paragraph 14 is not engaged.

SUMMARY RECOMMENDATION:

APPROVE with conditions

DESCRIPTION OF DEVELOPMENT

This planning application seeks outline planning permission for up to 250 dwellings, public open space and associated works. The scheme constitutes phase 2 of development at this location and is a resubmission of a previous application for up to 275 dwellings. That application was “Minded to Refuse” by SPB in January this year, following an appeal against non determination. This application has been submitted following a change in circumstances regarding the Local Plan which are outlined below.

The Phase 1 application was resolved to be granted in December 2013. This application sought approval for up to 240 dwellings and a new access off Sydney Road, Crewe. The Phase 1 scheme envisages the demolition of no.138 Sydney Road, the construction of a new simple priority junction off Sydney Road and the construction of a carriageway on a north – south alignment. This phase 2 application will utilise the approved access point from Sydney Road. Given the additional dwellings proposed, the approved site access for Phase 1 will be upgraded to provide a ghost island right turn lane.

SITE DESCRIPTION:

The site comprises of a rectangular shaped parcel of land situated to the north-east of Sydney Road and to the south-east of the Crewe-Manchester railway line. The site is approximately 9.78ha (24.2 acres) in area.

The site is currently set to pasture. The site is relatively flat with a slight fall towards the northern boundary. Hedges form defensible boundaries on all sides. The site adjoins the settlement boundary of Crewe and is bounded to the south west by approved Phase 1 residential development which was proposed as an allocation for 250 new homes in the Submitted Local Plan Strategy (Site CS5). Maw Green Road lies to the north and beyond the area subject of the approved Phase 1 residential development land lies established residential development, on Sydney Road. The site is bound to the east by open countryside.

The site is bound by hedgerows on all sides. The trees and hedgerows that form the main arboricultural features are situated predominantly within the existing hedge lines and are typical of this type of agricultural landscape. Most of the significant trees have been incorporated into the design and layout of the site and the hedgerows will be retained and reinforced with additional planting along the eastern boundary of the site. The proposed Local Plan Allocation requires additional buffering and planting along the northern, eastern, southern and western boundaries of the whole site, to include buffering and planting that will also ensure that noise and disturbance from the West Coast Mainline is reduced to a level to be agreed at a later date.

The application site is bound to the south west by the recently approved residential development (Phase 1). Further residential properties are located off Maw Green Road to the north and Herbert Street to the south of the application site. The surrounding properties predominantly comprise of 2 storey residential accommodation with some bungalows located along Sydney Road. There are also 2.5 and 3 storey properties located off Herbert Street and Foxholme Court (to the south east of the site).

RELEVANT HISTORY:

13/2055N Outline application for up to 240 residential dwellings, open space and new access off Sydney Road APPROVED August 2015 **PHASE 1**

14/5842N Detailed planning application for an upgraded site access junction and internal spine road and associated works to serve land at Sydney Road, Crewe APPROVED February 2016

15/0184N Outline planning application for up to 275 dwellings open space and associated works, with all detailed matters reserved apart from access. MINDED TO REFUSE January 2016 subject to forthcoming appeal in July 2016.

15/2818N Outline planning application for residential development of up to 12 dwellings, all matters reserved. October 2015 PHASE 1

15/4342D Discharge of conditions 2, 4, 6, 7(a), 7(b), 17, 18 & 22 on approved 13/2055N - Outline application for up to 240 residential dwellings, open space and new access off Sydney Road UNDETERMINED **PHASE 1**

NATIONAL & LOCAL POLICY

National Policy

National Planning Policy Framework

Local Plan policy

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan for Cheshire East currently comprises the saved policies from the Congleton Borough (January 2005), Crewe and Nantwich (February 2005) and Macclesfield Local Plans (January 2004).

Policies in the Local Plan

NE.2 (Open countryside)
NE.5 (Nature Conservation and Habitats)
NE.9: (Protected Species)
NE.20 (Flood Prevention)
NE.21 (Land Fill Sites)
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)
RT.6 (Recreational Uses on the Open Countryside)
TRAN.3 (Pedestrians)
TRAN.5 (Cycling)

National Policy

National Planning Policy Framework

Other Material Policy Considerations

Interim Planning Statement: Affordable Housing (Feb 2011)
Strategic Market Housing Assessment (SHMA)
Strategic Housing Land Availability Assessment (SHLAA)
North West Sustainability Checklist
Article 12 (1) of the EC Habitats Directive
The Conservation of Habitats and Species Regulations 2010.

Cheshire East Local Plan Strategy – Submission Version

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

PG2 – Settlement Hierarchy
PG3 – Proposed Green Belt
PG5 - Open Countryside
PG6 – Spatial Distribution of Development
SC3 – Health and Wellbeing
SC4 – Residential Mix
SC5 – Affordable Homes
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE1 - Design
SE2 - Efficient Use of Land
SE3 – Biodiversity and Geodiversity
SE4 - The Landscape
SE5 – Trees, Hedgerows and Woodland
SE9 –Energy Efficient Development
IN1 - Infrastructure
IN2 – Developer Contributions

CS5 – Sydney Road Crewe (Allocation for Phase 1 for 250 houses)

The site is now proposed as part of an allocation for 525 dwellings within the Cheshire East Local Plan Strategy Proposed Changes (Consultation Draft): March 2016, forming an enlarged site CS5 Sydney Road, Crewe. This document is the subject of public consultation from 4 March to 19 April 2016.

CONSULTATIONS:

Brine Board

- The Board has considered the above application and information in the Board's possession indicates that this site is in an area which has previously been heavily affected by brine subsidence, and the possibility of future ground movements cannot be completely discounted.
- Large-scale geological mapping clearly shows a subsidence hollow and a major fault crossing the proposed development area and our records indicate that the Board have recommended raft foundations for all newbuild on adjacent sites.
- The Engineer's report submitted with the application has flagged up the risk of potential settlement but has indicated that "subject to further consultations with the Brine Board, allowance should be made for reinforced foundations comprising ring beams or rafts".
- Therefore recommend that the following informative is included, should outline permission be granted:
- In consideration of the significant impact of historical brine pumping, the Cheshire Brine Subsidence Compensation Board require structural precautions to be utilised in all infrastructure such as:

- Foundations
 - use reinforced foundations and floor slabs e.g. strip acting as a ring beam, or raft foundations
 - strengthen pad foundations and reinforce floor slabs in commercial buildings
- Services
 - use flexible materials in service runs
 - maximise gradients of drainage systems
 - provide flexible joints where services penetrate floor slabs and walls
 - avoid creating concentrated infiltration/soakaway points
- Superstructure
 - incorporate flexibility wherever possible (e.g. flexible couplings within portal frames in commercial buildings)
 - maximise use of movement joints

Natural England

Although the site is close to a SSSI (Sandbach Flashes) it is not considered the development will have an adverse impact if carried out as proposed. As such they raise no objections subject to conditions relating to Sustainable Urban Drainage, and consideration of local issues in accordance with standing advice.

Environment Agency

No objections subject to conditions including a scheme to limit surface water run off, management of surface water flow and disposal of foul drainage.

Network Rail

No objections subject to dealing with issues of railway trespass, risk and railway noise. Finally all work should be carried out within the developers land ownership only.

Public Open Space

- Would like to see on-site provision of open space in line with the Local Plan.
- A children's play area should be provided within the development, plus a contribution for off-site improvements (say £20,000) specifically for the children's play area on Lansdowne Road.

Education

Comments are awaited and will need to be reported in the update report, however their comments on the previous scheme for 275 dwellings were as follows:

- 275 dwellings are expected to generate 52 primary (275×0.19) 41 secondary (275×0.15) and 4 SEN children ($275 \times 0.51 \times 0.03\%$)
- Forecasts show that the development will impact primary and SEN education within the immediate vicinity, but not secondary.
- Therefore a contribution for primary and SEN is required to mitigate the impact.

- $52 \times £11,919 \times 0.91 = £564,007.08$ (primary)
- $4 \times £50,000 \times 0.91 = £182,000$ (SEN)
- Total education contribution (£746,007.08)

For 250 dwellings the contributions would presumably be reduced pro rata.

United Utilities

No objection subject to the following condition:

- Notwithstanding any indication on the approved plans, no development approved by this permission shall commence until a scheme for the disposal of foul and surface waters for the entire site has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing sewerage systems. The development shall be completed, maintained and managed in accordance with the approved details.

Archaeology

This application is supported by an archaeological desk-based assessment which has been prepared by Museum of London Archaeology. This report is based on a consideration of data held in the Cheshire Historic Environment Record and an examination of the historic mapping, aerial photographs, and readily-available secondary sources. It concludes that the archaeological potential of the site is limited and the main point of interest is the extensive pattern of ridge and furrow which is visible on the aerial photographs dating from 1946. Sadly, this evidence for past agricultural use has been much reduced by recent ploughing and only limited remains survive today. In these circumstances it is concluded that further archaeological work would be difficult to justify and no further mitigation is advised.

The one possible area of interest lies in the south-west corner of the site, which is currently occupied by Thorney Field Farm. The arrangement of agricultural buildings has changed over the years but the farmhouse is depicted on the Tithe Map of 1840, although it is absent from Burdett's map of 1777. This matter is, however, more relevant to the historic built environment and, if this does raise any issues, it has been agreed that these will be addressed by colleagues in Heritage and Design.

Environmental Health

No objection subject to the following conditions:

- Submission / approval and implementation of a Construction Environmental Management Plan
- Limit on hours of construction.
- Details of Lighting to be submitted and agreed
- The detail of the glazing, ventilation and roof design for the final proposed layout should be submitted and agreed in the reserved matters application.
- Implementation of Noise Mitigation Measures.
- Travel Plan
- Electric Vehicle Charging Points

- Dust Control Measures
- Contaminated Land

Rights of Way

- The development, if granted consent, would affect Crewe Public Footpath No.4, as recorded on the Definitive Map and Statement, the legal record of Public Rights of Way.
- Although the indicative site layout plan is annotated to read 'green corridor along footpath', it appears from the plan that the Definitive alignment of the Public Footpath would be obstructed by the development; the Definitive Map alignment of the Public Footpath does not run tight to the site boundary at all times. The developer is urged to ensure that they depict the Definitive alignment of the Public Footpath on all plans. Without a commitment to the realignment of either the proposed housing or highways, Rights of Way would be obliged to object to any Reserved Matters application on the basis of the depiction in the indicative site layout plan.
- It should be noted that *"any alternative alignment [of a Public Right of Way] should avoid the use of estate roads for the purpose wherever possible and preference should be given to the use of made up estate paths through landscaped or open space areas away from vehicular traffic"* (Defra Rights of Way Circular (1/09), Guidance for Local Authorities, Version 2, October 2009, para 7.8). Further, Public Rights of Way and other paths should be afforded natural surveillance and designed using Crime Prevention through Environmental Design principles.
- The Public Rights of Way team would seek a number of conditions to be applied to any planning consent granted, with on-site and off-site improvements to the existing footpaths.

Highways

The principle of residential development (Phase 1) has been agreed in a previous application, this application is a further extension of the site. The road infrastructure access is proposed to be upgraded to provide access to the further development, the main access design that is proposed as a ghost island right turn facility that would increase capacity in order to accommodate the further development proposed and the already committed developments using Sydney Road.

There is a significant capacity problem at Crewe Green roundabout and Sydney Road Bridge and without mitigation this development would have a material impact at these junctions and is a reason to refuse the application. As there are major improvements planned at this junction a contribution of £1.6m on the basis of the amount of contribution secured on 13/2055N is required for this application.

Therefore, subject to a financial contribution being secured the Strategic Highways Manager does not raise objections to the application.

Housing

30% affordable housing should be provided on site in line with the requirements of the SHMA and IPS. Their comments are incorporated in the affordable housing section below.

Crewe Town Council

Object to this proposal on following grounds:

- 1) The cumulative adverse impact of this proposal together with other existing and approved developments on traffic flows along the Sydney Road corridor
- 2) Encroachment on the Green Gap. The site is within the area allocated as Green Gap in the adopted Borough of Crewe and Nantwich Replacement Local Plan 2011 (Policy NE4). The purpose of this policy is to maintain the definition and separation between Crewe and Haslington. The Town Council supports this approach and therefore objects to the proposed development as it would reduce the Green Gap.
- 3) Whilst welcoming the recognition that there is need for a second access to a development of this size, considers that permanent access to Maw Green Lane is unacceptable unless substantial improvements are made to Maw Green Lane in the vicinity of the railway overbridge to ensure the safety of additional road users.
- 4) The development is in an unsustainable location because of the absence of shopping facilities nearby and need for additional education provision.

REPRESENTATIONS:

2 representations have been received, one supporting the application, the other expressing highway safety concerns about using Maw Green Lane as an access.

APPRAISAL:

There are 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.

Social Sustainability

The first dimension to sustainable development is its social role. In this regard, the proposal will provide new family homes, including 30% affordable homes, on site public open space and residents would use local education and health provision.

Housing Land Supply

Following the receipt of the Further Interim Views in December 2015, the Council has now prepared proposed changes to the Local Plan Strategy (LPS), alongside new and amended strategic site allocations, with all the necessary supporting evidence. The proposed changes have been approved at a Full Council meeting held on the 26 February 2016 for a period of 6 weeks public consultation which commenced on Friday 4 March 2016.

The information presented to Full Council as part of the LPS proposed changes included the Council's 'Housing Supply and Delivery Topic Paper' of February 2016.

This topic paper sets out various methodologies and the preferred approach with regard to the calculation of the Council's five year housing land supply. From this document the Council's latest position indicates that during the plan period at least 36,000 homes are required. In order to account for the historic under-delivery of housing, the Council have applied a 20% buffer as recommended by the Local Plan Inspector. The topic paper explored two main methodologies in calculating supply and delivery of housing. These included the Liverpool and Sedgefield approaches.

The paper concludes that going forward the preferred methodology would be the 'Sedgepool' approach. This relies on an 8 year + 20% buffer approach which requires an annualised delivery rate of 2923 dwellings.

The 5 year supply requirement has been calculated at 14617, this total would exceed the total deliverable supply that the Council is currently able to identify. The Council currently has a total shortfall of 5,089 dwellings (as at 30 September 2015). Given the current supply set out in the Housing Topic Paper as being at 11,189 dwellings (based on those commitments as at 30 September 2015 the Council remains unable to demonstrate a 5 year supply of housing land. However, the Council through the Housing Supply and Delivery Topic paper has proposed a mechanism to achieve a five year supply through the Development Plan process.

National Planning Policy Guidance (NPPG) indicates at 3-031 that deliverable sites for housing can include those that are allocated for housing in the development plan (unless there is clear evidence that schemes will not be implemented within five years).

Accordingly the Local Plan provides a means of delivering the 5 year supply with a spread of sites that better reflect the pattern of housing need however at the current time, the Council cannot demonstrate a 5 year supply of housing.

Affordable Housing

The Council's Interim Planning Statement: Affordable Housing (IPS) states in Settlements with a population of 3,000 or more that we will negotiate for the provision of an appropriate

element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 15 dwellings or more or larger than 0.4 hectares in size. The desired target percentage for affordable housing for all allocated sites will be a minimum of 30%, in accordance with the recommendations of the Strategic Housing Market Assessment carried out in 2013 and Policy SC5 of the LPS proposed changes. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

This is a proposed development of 250 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 75 dwellings to be provided as affordable dwellings. 49 units should be provided as Affordable rent and 26 units as Intermediate tenure

The SHMA 2013 shows that the demand in Crewe is for 50 x 1 bed, 149 x 3 beds, 37 x 4 beds, 12 x 1 bed older person and 20 x 2 bed older persons (it showed an oversupply of 2 bed accommodation). The demand on Cheshire Homechoice is for 371 x 1 bed, 378 x 2 beds, 174 x 3 beds and 21 x 4 beds. Therefore on this site a mixture of 1, 2 and 3 bed units would be acceptable. It would also be beneficial for the site to provide some older persons accommodation in line with the information from the SHMA.

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

The affordable housing should meet the HCA's housing quality indicator (HQI) standards.

Preference is that the affordable housing is secured by way of a S106 agreement, which: -

- requires them to transfer any rented affordable units to a Registered Provider
- provide details of when the affordable housing is required
- includes provisions that require the affordable homes to be let or sold to people who are in housing need and have a local connection. The local connection criteria used in the agreement should match the Councils allocations policy.
- includes the requirement for an affordable housing scheme to be submitted prior to commencement of the development that includes full details of the affordable housing on site.

Public Open Space

Policy RT.3 of the Borough of Crewe and Nantwich Replacement Local Plan requires that on sites of 20 dwellings or more, a minimum of 15sqm of shared recreational open space per dwelling is provided and where family dwellings are proposed 20sqm of shared children's play space per dwelling is provided. This equates to 3750sqm of shared recreational open space and 5000sqm of shared children's play space. This totals 8750 sq.m or 0.87 ha (2.14 acres) based on up to 250 family homes (2-4 bed units).

The Greenspaces Officer (commenting on the previous application) stated that the proposal should provide an equipped children's play area. This can be secured through the Section 106 Agreement. He has also requested a financial contribution towards off-site improvements.

However, it is not considered that the latter would be CIL Regulations compliant given that the open space requirements of the development could be met, and would be exceeded on site.

Infrastructure

Policy GR19 of the Local Plan advises that the Local Planning Authority may impose conditions and/or seek to negotiate with developers to make adequate provision for any access or other infrastructure requirements and/or community facilities, the need for which arises directly as a consequence of that development. It is advised that such provision may include on site facilities, off site facilities or the payment of a commuted sum.

Policy IN1 of the Cheshire East Local Plan Strategy Proposed Changes (Consultation Draft): March 2016 advises that the Local Planning Authority should work in a phased co-ordinated manner to secure funding and delivery of physical, social, community, environmental and any other infrastructure required to support development and regeneration.

The Council's Education Officer, in response to a consultation to ascertain the impact of the proposed development on nearby schools advised that based on the original 275 dwellings, they would be expected to generate 52 primary, 41 secondary and 4 Special Educational Needs (SEN) children. Forecasts showed that the development will impact primary and SEN education within the immediate vicinity, but not secondary. Therefore a contribution of £564,007.08 for primary and £182,000 SEN is required to mitigate the impact. This will be updated when formal comments are received.

Environmental Sustainability ***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 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 Crewe and Haslington. It is also considered that it will adversely affect the visual character of the landscape. This is discussed in greater detail below.

Policy NE.4 goes on to state that exceptions to this policy will only be considered where it can be demonstrated that no suitable alternative location is available.

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 (see Appendix 15) 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.

As Members will be aware this situation is still being digested, as a recent High Court Decision *Richborough Estates Partnership LLP v Cheshire East Borough Council and Secretary of State for Communities and Local Government*, has determined that any policy which restricts the supply of housing could be seen as being out of date if the Council cannot show a 5 year supply of housing. This clearly has implications for the Green Gap Policy.

The site is now proposed as part of an allocation for 525 dwellings within the Cheshire East Local Plan Strategy Proposed Changes (Consultation Draft): March 2016 as site CS5 Sydney Road, Crewe. This document is the subject of public consultation from 4 March to 19 April 2016. As part of the site selection process, all sites that were considered for inclusion in the Local Plan Strategy Proposed Changes (Consultation Draft) were subject to a Site Selection Methodology (SSM). This site was subject to the SSM and as part of that process a large number of factors were considered which included the impact of the site on the Green Gap. The conclusion, in relation to the impact of the development of this site on the Green Gap is contained within paragraph 7.146 of the Crewe Town Report and is as follows:

‘Development of this site will erode the physical gap between the two settlements however at this point the Green Gap between Haslington and Crewe is not at its narrowest and it is considered that, with appropriate landscaping mitigation the visual impact of development on this additional area of land could be reduced.’

Landscape

This is an outline application for up to 250 residential dwellings on land to the east of Maw Green Road and to the north of Sydney Road, Crewe. The application site is located on the northern boundary of Crewe and is currently agricultural land that covers a number of fields, extending to an area of 9.78ha. the application site has a network of hedgerows and a number of hedgerow trees. The Crewe to Manchester railway line is located a short distance to the west; to the north is the wider rural landscape. To the south is an already consented residential site. Footpath 4 Crewe follows the southern boundary of the application site.

As part of the application a Landscape and Visual Impact Assessment has been submitted, this indicates that it is based on the principles described in ‘Guidelines for Landscape and Visual Impact Assessment’ 3rd Edition. The baseline information does include reference to the National Character Areas as defined by Natural England in their revised study of the countryside Character Series (1998), where the application area is defined as Character Area 61; Shropshire, Cheshire and Staffordshire Plain. The study also refers to the Cheshire Landscape Assessment 2008, adopted March 2009 which identifies that this site is located in Landscape Type 7: East Lowland Plain; within this character type the application site is located within the Wimboldsley Character Area: ELP5.

The assessment identifies that the application site is located within the boundary of the Green Gap (Policy NE.4) of the Borough of Crewe and Nantwich Replacement Local Plan 2011. Since the submitted assessment also identifies that there will be both adverse landscape and visual impacts, it appears that the proposals are contrary to policy NE.4 Green Gap. However as part of the LPS allocation, the policy requires additional planting to mitigate these impacts.

Amenity

In terms of the surrounding residential properties, there are a number of existing properties on Sydney Road adjoining the access road. However, given that this part of the site already benefits from planning approval no additional amenity concerns are raised. Whilst there are a small number of dwelling adjoining the northern part of the site on Maw Green Road it is considered that a layout could be achieved that could comply with the separation distances as outlined in the Borough of Crewe and Nantwich Supplementary Planning Guidance. Accordingly, there would be minimal impact upon residential amenity.

In order to protect the amenity of neighbouring occupiers during the construction period Environmental Health have recommended conditions requiring the submission, approval and implementation of a Construction Environmental Management Plan as well as limits on the hours of construction.

Contaminated Land

The Contaminated Land team has no objection to the above application subject to the following comments with regard to contaminated land:

- The application area has a history of agricultural use and therefore the land may be contaminated.
- This site is within 250m of a known landfill site or area of ground that has the potential to create gas.
- The application is for new residential properties which are a sensitive end use and could be affected by any contamination present or brought onto the site.
- Reports submitted in support of the application recommend a Phase II ground investigation be undertaken in order to further assess identified potential contaminant linkages.

As such, and in accordance with the NPPF, Contaminated Land recommends that the standard conditions, reasons and notes be attached should planning permission be granted.

Odour

The proposed site is located near the active Maw Green Landfill site and there is some potential for adverse impacts. The assessment considers the likelihood of odour impacts. Essentially this would require the coincidence of the failure of the site Odour Management Plan (an integral part of its Environmental Permit) and unfavourable weather conditions. The likelihood of this occurring is not considered significant based on complaints history however

the recommended mitigation measures of phasing and planting should be adopted and addressed in the reserved matters application.

Noise and Vibration

The vibration assessment considers impacts on proposed residential dwellings from the railway. The assessment shows that adverse impacts are not likely.

Noise impacts from the roads and railway are assessed and are such that noise mitigation design is required for proposed units closest to these noise sources. The detail of the glazing, ventilation and roof design for the final proposed layout should be submitted and agreed in the reserved matters application.

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

The mitigation levels recommended in this report shall be detailed in the reserved matter application to meet the following criteria:

For facades facing Maw Green Road and the rail way line the following strategy has been recommended:

- 42dB Dne,w acoustic ventilation unit and 40dB Rw double glazed window units are required to facades overlooking Maw Green Road to meet 'desirable' internal noise levels in habitable spaces during the daytime (07.00hrs – 23.00hrs) and night-time (23.00hrs – 07.00hrs) period.

For facades with line of sight of Maw Green Road and the rail line

- 39dB Dne,w acoustic ventilation unit and 34dB Rw double glazed window units are required to facades overlooking Maw Green Road to meet 'desirable' internal noise levels in habitable spaces during the daytime (07.00hrs – 23.00hrs) and night-time (23.00hrs – 07.00hrs) period.

For all other facades the following strategy has been recommended:

- 31dB Dne,w trickle ventilation unit and 31dB Rw double glazed window units are required for facades with no direct line of Maw Green Road and rail line for a 'desirable' internal noise levels in habitable spaces during the daytime (07.00hrs – 23.00hrs) and night-time (23.00hrs – 07.00hrs) period.

This can be secured by condition along with

Air Quality

Whilst this scheme itself is of a relatively small air quality impact, there is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality.

The cumulative impact of a number of developments in the area around Crewe and the Air Quality Management Areas (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. For the protection of human health, it is the significance of these cumulative impacts that we must take into to

consideration when recommending mitigation measures and not the impacts of each individual proposal.

The guidance associated with assessing the significance of impacts of the developments has been revised since the air quality assessment was completed. There is greater emphasis on the cumulative impacts of developments in an area and best practice of mitigation measures. Using the updated methodology the cumulative impacts of this development and others in the area in the worst case receptors (in the Earle Street AQMA) could be classified as 'moderate' rather than 'negligible' as given in the report. It is therefore considered essential that air quality mitigation measures are incorporated as part of any planning permission.

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.

It is therefore recommended that conditions are attached to any approval requiring submission, approval and implementation of travel plans and electric vehicle infrastructure.

Ecology

Commenting on individual species:

Lesser Silver Diving Beetle and Mud snail

Surveys have been carried out on site and have found no evidence of the two species. However as they are known to be present in the area, when conditions could be different, should planning permission be granted then a condition should be attached requiring a reserved matters stage application to be supported by an updated survey for the two species, and reinstatement of one of the ditches on site which could form suitable habitat.

Great Crested Newts

A medium sized great crested newt population has been identified as breeding at a pond located to the north of the application site. In the absence of mitigation the proposed development would result in the loss of a significant area of 'average' quality terrestrial habitat and pose the risk of killing or injuring any newts present on the application site during the construction process. The submitted great crested newt appraisal advises that the proposed development would have a medium to high negative adverse impact upon great crested newts in the absence of mitigation.

In order to address the impacts of the proposed development upon great crested newts the applicant is proposing the enhancement of an existing pond, that is currently not suitable for newts, and the provision of 2ha of enhanced terrestrial habitat. This would take the form of 1.5ha of shrub/tree planting and 0.5ha of wildflower/rough grassland habitat together with the

creation of new native species hedgerows along the western and northern boundary of the mitigation area. To mitigate the risk of great crested newts being killed or injured during the construction process newts will be removed and excluded from the site using standard best practice methodologies under the terms of a Natural England license.

As a requirement of the Habitat Regulations there three tests are outlined below:

EC Habitats Directive

Conservation of Habitats and Species Regulations 2010

ODPM Circular 06/2005

The UK implemented the EC Directive in the Conservation (natural habitats etc.) regulations which contain two layers of protection:

- A licensing system administered by Natural England which repeats the above tests
- A requirement on local planning authorities (“lpas”) to have regard to the directive’s requirements.

The Habitat Regulations 2010 require local authorities to have regard to three tests when considering applications that affect a European Protected Species. In broad terms the tests are that:

- The proposed development is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment
- There is no satisfactory alternative
- There is no detriment to the maintenance of the species population at favourable conservation status in its natural range.

Current case law instructs that if it is considered clear or very likely that the requirements of the directive cannot be met because there is a satisfactory alternative, or because there are no conceivable “other imperative reasons of overriding public interest”, then planning permission should be refused. Conversely, if it seems that the requirements are likely to be met, then there would be no impediment to planning permission be granted. If it is unclear whether the requirements would be met or not, a balanced view taking into account the particular circumstances of the application should be taken.

Overriding Public Interest

The provision of mitigation would assist with the continued presence of Great crested Newts.

Alternatives

There is an alternative scenario that needs to be assessed, this is:

- No Development on the Site

Without any development, specialist mitigation for Great crested Newts would not be provided which would be of benefit to the species. Other wider benefits of the scheme need to be considered.

Detriment to the maintenance of the species

The Council's Nature Conservation Officer has advised that with appropriate mitigation, as proposed, there should be no harm to Great crested Newts. It is however noted that this would consist of rough grassland which would not be suitable for public open space provision. A condition is recommended requiring an updated mitigation strategy.

Bats and Barn Owls

No evidence was found of either species, and it was considered that the buildings and trees only offer limited potential for roosts. An updated survey report should be submitted with any future reserved matters application.

Grassland habitats

The submitted phase one habitat report has identified the grassland habitats on site as being 'Improved' and of low nature conservation value. The photographs incorporated into the report tend to support this assessment, however no botanical survey data has been provided to substantiate this determination. It is not however considered to be a major deficiency of the assessment.

Flood Risk and Drainage

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

Urban Design

The submitted indicative Masterplan illustrates the potential form and layout of the development. It shows a one point of access from Sydney Road via the approved phase 1, blocks of development with an area of Public Open space and landscape buffer to the open countryside to the north.

Subject to a suitable detailed layout and design, reflecting Manual for Streets principles, which can be secured at reserved matters stage, it is considered that this cul-de-sac form of development is appropriate and will reflect the character of the existing suburban development to the south and east of the site. Draft Policy CS5 includes a requirement for a design code and masterplan for the site.

However, no testing layouts have been provided, and therefore, the applicant has not demonstrated that the maximum number of dwellings proposed 250 can be accommodated on the site in addition to public open space requirements, whilst maintaining an adequate standard of residential amenity for existing and proposed occupiers and a layout of sufficiently high quality in urban design terms.

However, there is no requirement to provide this level of information at the outline stage, and it can be addressed as part the reserved matters. However, it may be necessary to reduce

the total number of units on the site below 250, in the final layout in order to produce a scheme of suitable quality.

To turn to the elevational detail, the surrounding development comprises predominantly modern bungalows arranged in a ribbon development along Sydney Road. To the south is a large estate accessed via Rochester Crescent and Lansdown Road, which is made up of 1960, 70's and 80's 2 storey detached and semi-detached houses and bungalows. To the east of the site is Mayfair Drive, which comprises 2 and three storey properties built within the last 10 to 15 years. .

Although external appearance and design are also reserved matters, it is considered that an appropriate design can be achieved, which will sit comfortably alongside the mix of existing development within the area.

Policy CS5 of the Proposed Changes consultation Document reads:

“j. The development of the site will be masterplan-led, including a design code, which will be informed by its location, constraints and opportunities.”

This would need to be addressed at the Reserved Matters stage.

Access to facilities

Accessibility is a key factor of sustainability that can be measured. One 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 can be used by both developers and architects 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 toolkit sets maximum distances between the development and local amenities. These comprise of everyday services that a future inhabitant would call upon on a regular basis, these are:

Category	Facility	Sydney Road
Open Space:	Amenity Open Space (500m)	295m
	Children's Play Space (500m)	953m
	Outdoor Sports Facility (500m)	723m
Local Amenities:	Convenience Store (500m)	1050m
	Supermarket* (1000m)	2018m
	Post box (500m)	1596m
	Playground / amenity area (500m)	953m
	Post office (1000m)	1596m
	Bank or cash machine (1000m)	1639m
	Pharmacy (1000m)	1694m
	Primary school (1000m)	1400m

	Secondary School* (1000m)	1409m
	Medical Centre (1000m)	1694m
	Leisure facilities (leisure centre or library) (1000m)	1409m
	Local meeting place / community centre (1000m)	2217m
	Public house (1000m)	623m
	Public park or village green (larger, publicly accessible open space) (1000m)	953m
	Child care facility (nursery or creche) (1000m)	427m
Transport Facilities:	Bus stop (500m)	581m
	Railway station (2000m where geographically possible)	2501m
	Public Right of Way (500m)	87m
	Any transport node (300m in town centre / 400m in urban area)	87m

Rating	Description
	Meets minimum standard
	Fails to meet minimum standard (Less than 60% failure for amenities with a specified maximum distance of 300m, 400m or 500m and 50% failure for amenities with a maximum distance of 1000m or 2000m).
	Significant failure to meet minimum standard (Greater than 60% failure for amenities with a specified maximum distance of 300m, 400m or 500m and 50% failure for amenities with a maximum distance of 1000m or 2000m).

It is considered that the proposal does not meet the minimum standards of accessibility in respect of 16 of the facilities listed, of which 10 are significant failures. The site only meets the required distances against 6 criteria in North West Sustainability checklist. However, these facilities are within the town, albeit only just outside minimum distance and Crewe is a principal town in the Local Plan Strategy where development can be expected to take place on the periphery. Development on the edge of a town will always be further from facilities in a town centre than existing dwellings but, if there are insufficient development sites in the Town Centre to meet the 5 year supply, it must be accepted that development in slightly less sustainable locations on the periphery must occur.

Similar distances exist between the town centre and the existing approved sites and proposed local plan allocations at Coppenhall, Leighton and Maw Green, and although two of these sites would probably be large enough have own facilities, not all the requirements of the checklist would be met on site. However, in recent Appeal decisions, such as at Broughton Road, Crewe, Inspectors have determined that similar sites are locationally sustainable.

Furthermore, accessibility is only 1 aspect and sustainability and the NPPF defines sustainable development with reference to a number of social, economic and environmental factors. These include the need to provide people with places to live and, on this basis, it is not considered that the Council would not be successful in defending a reason for refusal on the grounds of lack of sustainability. Previous Inspectors have also determined that accessibility is but one element of sustainable development and it is not synonymous with it.

There are many other components of sustainability other than accessibility. These include, meeting general and affordable housing need, reducing energy consumption through sustainable design, and assisting economic growth and development.

In summary, whilst the site does not comply with all of the standards advised by the NWDA toolkit, as stated previously, these are just guidelines and are not part of the development plan. Owing to its position on the edge of Crewe, there are some amenities that are not within the ideal standards set within the toolkit and will not be as close to the development as existing dwellings which are more centrally positioned. Indeed this is not untypical for suburban dwellings. However, all of the services and amenities listed are accommodated within Crewe and are accessible to the proposed development on foot, by bus or bike and therefore it is not considered that a refusal on locational sustainability grounds could be sustained. Furthermore, it is possible to improve the non-car mode accessibility through suitable Section 106 contributions towards the upgrading of the local footpath and cycle network (discussed in more detail below).

The site is now proposed as part of an allocation for 525 dwellings within the Cheshire East Local Plan Strategy Proposed Changes (Consultation Draft): March 2016 as site CS5 Sydney Road, Crewe. As part of the site selection process, all sites that were considered for inclusion in the Local Plan Strategy Proposed Changes (Consultation Draft) were subject to a Site Selection Methodology (SSM). This site was subject to the SSM and as part of that process a large number of factors were considered, including the Sustainability Appraisal (SA) of all sites. The SA includes an Accessibility Assessment which shows that the site meets the minimum standard in relation to the majority of services and facilities in the Assessment. This is documented in the table on page 49 of the Crewe Town Report.

Renewable Energy

Paragraphs 96 and 97 of the Framework deal with decentralised and renewable energy supply. The aim is to secure a proportion of predicted energy requirements for new developments from decentralised and renewable or low carbon sources. This could be dealt with by condition in the interests of sustainable development.

Highways

Planning History

There is extant consent for residential development of up to 240 dwellings on land fronting this site, access was determined at the outline stage with a priority junction access being agreed to serve the 240 units.

Site description and current application proposal

This application for 250 dwellings is in outline with all matters reserved except for access, the main access to the site is taken from Sydney Road and as the submitted plan is indicative no comments are made on the internal residential road layout. There is a separate application that deals with an upgraded access from Sydney Road to serve this proposed development. (Application 14/5842N refers)

The proposal as submitted shows a secondary access into the site from Maw Green Lane.

Analysis of Transport Submissions

In order to serve the additional development proposed in addition to the existing approved scheme, it is necessary to improve the standard of access and this is dealt with in application 14/5842N. There is also a further access to the site at the north of the site off Maw Green Road, the junction proposed is a normal priority junction.

With regard to the traffic impact, the location of the site lies off the Sydney Road that has a number of capacity constraints, Sydney Road Bridge is close to the site and is currently operating one-way working under signal control and also to west is Crewe Green Roundabout that operates well in excess of capacity. There is no capacity assessments submitted in the Transport Assessment either on Sydney Road Bridge or on Crewe Roundabout as part of this submission. As there are already agreed scheme for improvement that will significantly increase the capacity on Sydney Road Bridge there is no need for an assessment to be undertaken. The applicant has accepted that there are capacity problems at Crewe Green roundabout and indicated that a contribution to improvement works would be provided as part of the application.

The accessibility of the site fronting this site was considered on application 13/2055N and although this site is located further away from Sydney Road it is proposed to be linked to Sydney Road by a footway/cycleway and there are a number of bus services that run along Sydney Road to the town centre. Overall, the site is reasonably accessible and the Strategic Highways Manager would conclude that sustainability is not a reason to reject the application.

Conclusion and Recommendations.

The principle of residential development has been agreed in a previous application, this application is a further extension of the site. The road infrastructure access is proposed to be upgraded to provide access to the further development, the main access design that is proposed as a ghost island right turn facility that would increase capacity in order to accommodate the further development proposed and the already committed developments using Sydney Road.

There is a significant capacity problem at Crewe Green roundabout and Sydney Road Bridge and without mitigation this development would have a material impact at these junctions and is a reason to refuse the application. As there are major improvements planned at this junction a contribution of £1.6m on the basis of the amount of contribution secured on 13/2055N is required for this application.

Therefore, subject to a financial contribution being secure the Strategic Highways Manager does not raise objections to the application.

Public Rights of Way

The Rights of Way team have commented that the development would affect Crewe Public Footpath No.4. Although the indicative site layout plan is annotated to read 'green corridor along footpath', it appears that the route of the path is not accurately plotted and that the

Definitive alignment of the Public Footpath would be obstructed by the development. However, as this is an outline application and the layout plan is only indicative, it is considered that this matter could be adequately addressed at the reserved matters stage.

The Rights of Way team have also requested a number of conditions to protect the footpaths during and after development including details of a scheme of management, details of surfacing, widths, gradients, landscaping and structures which could be added to any approval. Given the increase in use of the footpath network, in particular Crewe Public Footpath No. 4 they have also recommended upgrading of this right of way. This could also be secured through condition.

In addition they have recommended conditions relating to the design and construction of cycle routes signposting of key routes and provision of cycle storage facilities all of which are considered to be acceptable. They have also provision of new residents with information about local walking and cycling routes for both leisure and travel purposes. This could be secured through the travel plan condition.

The Transport Assessment recognises the value of Public Footpath Nos. 3 and 36, which run between Sydney Road and Hungerford Road and act as a route towards the town centre and railway station, for pedestrians (para 5.6) and potentially also cyclists (para. 5.9). Whilst the 'Phase 1' development s106 includes a contribution to improve such routes, the contribution secured would only be sufficient to improve a short section of the whole route. The Rights of Way Team are therefore seeking further contributions from this proposed development within any s106 agreement for the further improvement of this route, and its onward connections, in order to accommodate the increased usage arising as a result of the proposed development.

A precise figure for this contribution was being sought from the relevant team at the time of report preparation and a further update will be provided prior to the Board meeting.

Trees & Hedges

The application is supported by two Arboricultural Implication Assessment (Ref AIA/SRC/03/13) dated 16th March 2013 and (Ref AIA/SRC/11/14 Rev A) dated 26th November 2014 and 14th December 2014 by Shields Arboricultural Consultancy. The reports indicate that the assessments have been carried out in accordance with the recommendations of British Standard BS5837:2012 Trees in relation to design, demolition and construction. The reports have been carried out to assess the environmental and amenity values of all trees on or adjacent to the development area and the arboricultural implications of retaining trees with a satisfactory juxtaposition to the new development.

BS5837:2012 Trees in relation to design, demolition and Construction – Recommendations no longer refer to Arboricultural Implications Assessments, but to Arboricultural Impact Assessments (sub section 5.4 of the Standard). The assessment should evaluate the effects of the proposed design, including potentially damaging activities such as proposed excavations and changes in levels, positions of structures and roads etc in relation to retained trees. In this regard BS5837:2012 places greater robustness and level of confidence necessary to ensure the technical feasibility of the development in respect of the successful retention of trees.

The British Standard identifies at para 5.2 *Constraints posed by Trees* that all relevant constraints including Root Protection Areas (RPAs) should be plotted around all trees for retention and shown on the relevant drawings, including proposed site layout plans. Above ground constraints should also be taken into account as part of the layout design

The submitted plans and particulars illustrate which trees are suggested for retention and are cross referenced with their Root Protection Areas and respective Tree protection details onto the proposed Master Plan. As a consequence it is possible to determine the direct or indirect impact of the proposed layout on retained trees.

The site at present is open agricultural pasture land bordered by hedgerows and individual trees with a limited number of individual and groups of trees within the central aspect of the fields. Access into the site is primarily reflective of a previously approved application, and a secondary access off Maw Green Road. No significant trees require removal to facilitate implementation as presented. The AIA (7.4) identifies none of the hedgerows as being species rich comprising mainly of Hawthorn this negates the 1997 Hedgerow Regulations irrespective of any other considerations.

The indicative site layout plan has been amended from the original submission, with 23 significant and moderate value trees to be incorporated into an acceptable site layout. All the prominent and appropriate trees where possible have been recognised for retention, with only category C low value and un-classified trees identified for removal.

It is imperative should the site proceed to a reserved matters application the advice contained within an updated AIA is adhered to in terms of a definitive layout to ensure issues of infrastructure and social proximity are addressed in accordance with current best practice BS5837:2012.

Economic Sustainability

Supporting Jobs and Enterprise

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 include, maintaining a flexible and responsive supply of land for housing, business and community uses as well as bringing direct and indirect economic benefits to the town including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

Similarly, the NPPF makes it clear that:

“the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.”

According to paragraphs 19 to 21:

“Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century. Investment in business should not be overburdened by the combined requirements of planning policy expectations.”

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 in the ministry of agriculture fisheries and food classification) will not be permitted unless:

- the need for the development is supported in 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; or
- other sustainability considerations suggest that the use of higher quality agricultural land is preferable to the use of poorer quality agricultural land.

This is supported by the National Planning Policy Framework, which states that:

“where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality”.

The applicant has undertaken a survey which confirms that the entire site has been defined as Grade 3b agricultural land. This is not the best and most versatile land and therefore there is no conflict with Policy NE12 or the NPPF in this regard.

Section 106 Agreement / 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.

As explained above, POS and children's play space is a requirement of the Local Plan Policy. It necessary to secure these works and a scheme of management for the open space and children's play space is needed to maintain these areas in perpetuity. Similarly the affordable housing is a policy requirement.

The footpath contribution is necessary to improve the sustainability of the site and to cater for increased usage of the Rights of Way Network. The highway and education contributions referred to above are also necessary to mitigate the impacts of the scheme. On this basis the footpaths highways, education, open space and affordable housing is compliant with the CIL Regulations 2010.

As stated above, the financial contribution towards off-site open spaces improvements is not considered that the latter would be CIL Regulations compliant given that the open space requirements of the development could be met, and would be exceeded on site.

Planning Balance and Conclusion

The proposal is contrary to development plan policies NE2 (Open Countryside and NE4 (Green Gap) and therefore the statutory presumption is against the proposal unless material considerations indicate otherwise. However, the site is now proposed as part of an allocation for 525 dwellings within the Cheshire East Local Plan Strategy Proposed Changes (Consultation Draft): March 2016 as site CS5 Sydney Road, Crewe. As part of the site selection process, all sites that were considered for inclusion in the Local Plan Strategy Proposed Changes (Consultation Draft) were subject to a Site Selection Methodology (SSM). This site was subject to the SSM and as part of that process a large number of factors were considered, including Green Gap. As referred to in the section on Green Gap above, paragraph 7.146 of the Crewe Town Report states: *'Development of this site will erode the physical gap between the two settlements however at this point the Green Gap between Haslington and Crewe is not at its narrowest and it is considered that, with appropriate landscaping mitigation the visual impact of development on this additional area of land could be reduced.'*

The NPPF 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 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 provide market and affordable housing to meet an acknowledged shortfall. The proposal would also 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.

In terms of traffic generation and congestion the impact on Sydney Road bridge and Crewe Green roundabout is acknowledged and will be addressed through significant Section 106 contributions.

There would be an adequate level of POS on site together with a play area which would comply with policy.

Subject to a suitable Section 106 package, the proposed development would provide adequate public open space, the necessary affordable housing requirements, and the requirement for the future maintenance of the open space and playspace on site. It would not generate any shortfall in education capacity locally.

The proposal is considered to be acceptable in terms of its impact upon residential amenity and drainage/flooding. Conditions could be imposed to ensure this. It therefore complies with the relevant local plan policy requirements for residential environments

Whilst the site does not meet all the minimum distances to local amenities and facilities advised in the North West Sustainability toolkit, other developments within the area have been deemed to be sustainably located by both the Council and Inspectors at Appeal. Furthermore, Section 106 contributions can be secured towards the upgrading of the local footpath and cycle network. Therefore it is not considered that a refusal on locational sustainability grounds could be sustained.

The proposal would not result in the loss of any best and most versatile agricultural land, and any impacts on ecological assets can be suitably mitigated.

It is also necessary to consider the negative effects of this incursion into Open Countryside and the erosion of the Green Gap by built development.

The site is however now proposed as part of an allocation for 525 dwellings within the Cheshire East Local Plan Strategy Proposed Changes (Consultation Draft): March 2016 as site CS5 Sydney Road, Crewe. This site was subject to a Site Selection Methodology which considered those sites to be included in the aforementioned document. Paragraph 7.151 of the Crewe Town report states that: *'On the basis of all the relevant evidence, including sustainability appraisal and the assessment of alternative options, it is now proposed to change the policy that applies to this area and to allocate it for development.'*

Furthermore, at paragraph 7.152 of the Crewe Town report, it is stated that: *'Overall, this site has been progressed as an extension to CS5 because it is considered capable of making a significant contribution to meeting the identified housing need for Cheshire East, in a location adjacent to the existing urban area; it will help to deliver highway infrastructure improvements along the North Crewe Corridor linking the A530 at Leighton to the A500, thereby improving connectivity and traffic flow.'*

Despite the loss of open countryside, on the basis the Council cannot demonstrate a 5 year supply of housing, and the endorsement of the site to be taken forward as a Local Plan strategy site, it is considered that the proposal represents sustainable development and paragraph 14 is not engaged.

RECOMMENDATION

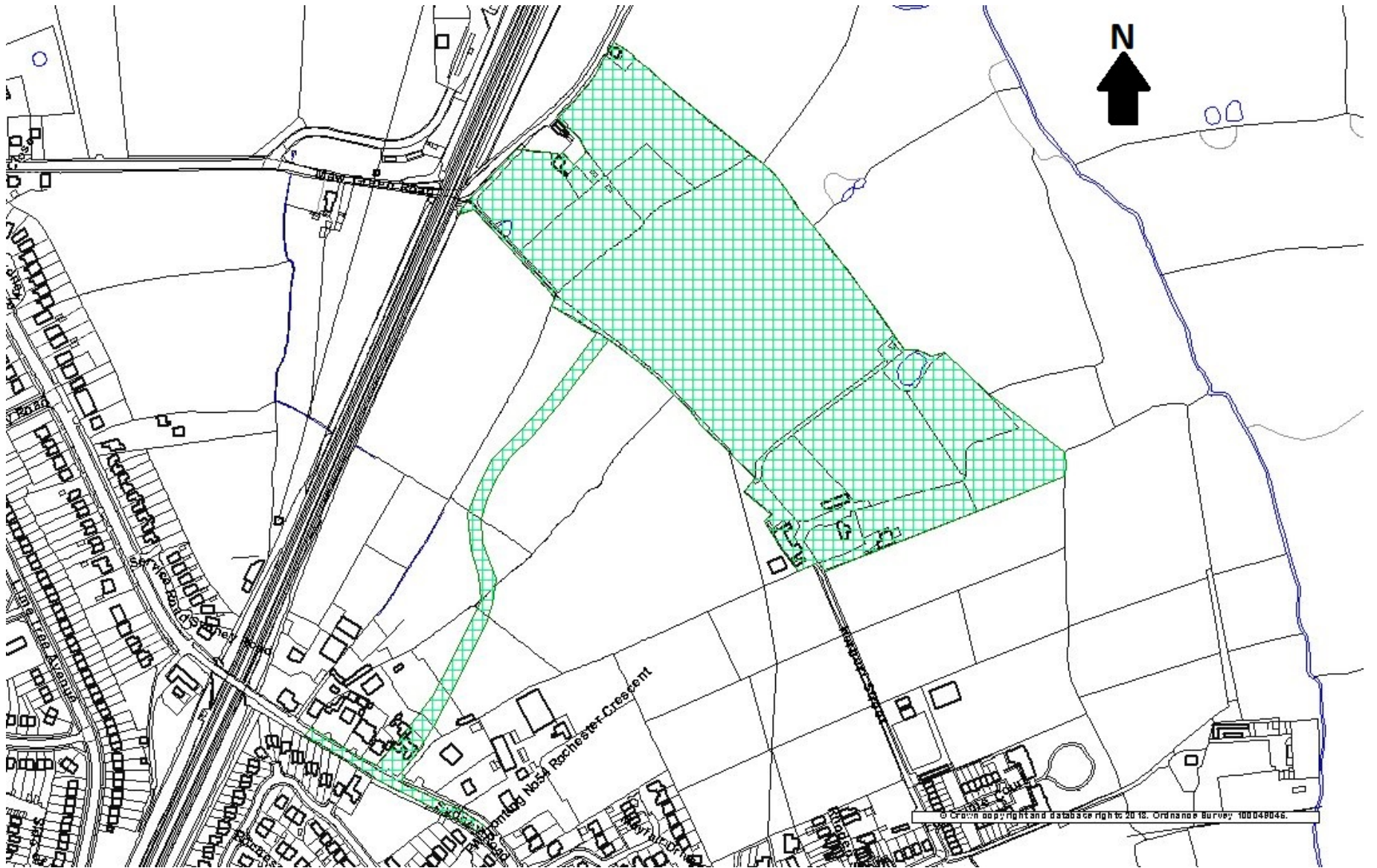
APPROVE subject a Section 106 to secure the following:

- **Affordable housing:**
 - **30% of the total dwellings to be provided as affordable housing**
 - **65% of the affordable dwellings to be provided as either social rent or affordable rent**
 - **35% of the affordable dwellings to be provided as intermediate tenure**
 - **Affordable housing to be provided on site**
 - **Affordable rented or Social rented dwellings to be transferred to a Registered Provider**
 - **The affordable dwellings to be provided as a range of property types to be agreed with Housing**
 - **Affordable housing to be pepper-potted in small groups, with clusters of no more than 10 dwellings.**
 - **The affordable housing to be provided no later than occupation of 50% of the open market dwellings, or if the development is phased and there is a high degree of pepper-potting the affordable housing to be provided no later than occupation of 80% of the open market dwellings.**
 - **Affordable dwellings transferred to an RP to be built in accordance with the HCA Design and Quality Standards or the latest standards applied by the HCA.**
- **Equipped children's play area.**
- **Private residents management company to maintain all on-site open space, including footpaths and habitat creation area in perpetuity**
- **Education Contribution: TBC but based on the numbers set out in the report for 275 dwellings**
- **Highways Contribution of £ 1.6m towards the costs of improvements at Sydney Road Bridge and / or Crewe Green Roundabout.**
- **Rights of Way contribution of £TBC**

And the following conditions

1. Commencement of development (3 years) or 2 from the date of approval of reserved matters.
2. Reserved matters to be approved.
3. Approved plans
4. Materials
5. Landscaping
6. Implementation of landscaping
7. Tree retention/protection in accordance with agreed scheme
8. Further ecological surveys for bats and badgers
9. Surface water drainage

10. Separate systems for drainage
11. Contaminated land verification report
12. Submission / approval and implementation of a Construction Environmental Management Plan, including limiting the hours of construction.
13. Noise mitigation
14. Details of Lighting to be submitted and agreed
15. Travel Plan
16. Electric Vehicle Charging Points
17. Footpath improvements



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