

Application No: 16/0015N

Location: LAND TO REAR OF, 46, CHESTNUT AVENUE, SHAVINGTON ,  
CREWE, CHESHIRE, CW2 5BJ

Proposal: Outline application for the demolition of no. 46 Chestnut Avenue,  
Shavington and erection of 44 dwellings (including access) and  
associated works.

Applicant: Oscar Planning

Expiry Date: 18-Apr-2016

## **SUMMARY**

The proposed development would be contrary to Policies NE.2, NE.4 and RES.5 and the development would result in a loss of open countryside and Green Gap. However as Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites policies NE.2, NE.4 and RES.5 are out-of-date for the purposes of paragraph 49 of the NPPF. The presumption in favour of sustainable development applies at paragraph 14 of the Framework where it states that LPA's should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

The development would provide benefits in terms of affordable housing provision, delivery of housing, POS provision and significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in Shavington.

The development would have a neutral impact upon education, protected species/ecology, flood risk/drainage, trees, residential amenity/noise/air quality/contaminated land and highways.

The adverse impacts of the development would be the loss of open countryside (limited weight), the little harm to the Green Gap, limited landscape impact of the development and limited weight through the loss of an employment site (although it should be noted that there will be no loss in jobs as the business are planning on relocating together to a larger more suitable site).

However, the benefits of approving this development (as listed above) would significantly and demonstrably outweigh the adverse impacts of the development. As such the application is recommended for approval.

## **RECOMMENDATION**

**APPROVE** subject to the completion of a S106 Agreement and the imposition of planning conditions

## **REASON FOR DEFERRAL**

This application was deferred at the Southern planning Committee meeting on 29<sup>th</sup> June 2016 for the following reasons;

*RESOLVED – That the application be DEFERRED for the following:*

- *Details of the accessibility of the local schools by foot*
- *Clarification on the numbers at Shavington Primary and Secondary Schools*
- *Further information in relation to the loss of employment*
- *To enable an Education Officer to attend Southern Planning Committee when the application is considered*

## **PROPOSAL**

This is an outline planning application for the demolition of 46 Chestnut Avenue and the erection of 44 dwellings. Access is to be determined at this stage with all other matters reserved.

The proposed development includes a single access point onto Chestnut Avenue which would be located to southern boundary of the site.

During the course of this application a revised indicative plan was received and this now shows the provision of 3 bungalows to the south-west corner of the site.

## **SITE DESCRIPTION**

The site comprises 1.64ha of land located on the northern edge of Shavington. The site lies to the east of the Wainhomes development which was approved at appeal as part of two phases.

The site includes 46 Chestnut Avenue which is a modern two-storey detached dwelling set within a large curtilage. The main part of the site is currently in equine use and the eastern part of the site includes areas of hardstanding, two large stable buildings, a horse walker and a manege. To the west the land levels drop down to an existing tree lined watercourse. The western part of the site is undeveloped and the land is divided into a number of small paddocks used for the keeping of horses.

The site is bound by existing fencing and hedgerows, some of which contain trees. In addition, there are two hedgerows which project into the site.

Existing residential development lies to the south of the site fronting Chestnut Avenue. Northfield Place. The site is located within the Green Gap.

## **RELEVANT HISTORY**

### The application site

7/11097 - Detached 4 bedroom house with garage – Approved 7<sup>th</sup> June 1984

7/10076 - One detached dwelling and garage – 7<sup>th</sup> June 1983

### The adjacent site

15/4967N - Reserved Matters application seeking consent for appearance, landscaping, layout and scale following the approval of 14/3267N - Construction of up to 53 dwellings including details of access – Approved 9<sup>th</sup> March 2016

14/3267N - Construction of up to 53 dwellings including details of access (outline) – Refused 25<sup>th</sup> September 2014 – Appeal Lodged – Appeal Allowed 6<sup>th</sup> August 2015

14/1534N - Variation of condition 1 (plans) attached to planning application 13/1021N. Land off Rope Lane, Shavington, Crewe, Cheshire CW2 5DA Development proposed for the erection of up to 80 dwellings – Approved 20<sup>th</sup> May 2014

13/2299N - Approval of details of the appearance, landscaping, layout and scale as required by condition 1 attached to the outline planning permission 11/4549N – Refused 30<sup>th</sup> May 2013

13/1021N - Approval of details of the appearance, landscaping, layout and scale as required by condition 1 of 11/4549N attached to the outline planning permission – Appeal Against Non Determination – Appeal Allowed 22<sup>nd</sup> January 2014

11/4549N - Outline Planning Permission for Erection of Up to 80 Dwellings Including Details of Access Land – Refused 21<sup>st</sup> March 2012. Appeal Lodged. Appeal Allowed 28<sup>th</sup> November 2012

## **NATIONAL & LOCAL POLICY**

### **National Policy**

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

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 site, under policy NE.2, as open countryside and as Green Gap under Policy NE.4.

The relevant Saved Policies are:

NE.2 (Open countryside)

NE.4 (Green Gaps)

NE.5 (Nature Conservation and Habitats)  
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)  
TRAN.3 (Pedestrians)  
TRAN.5 (Cycling)

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

### **Cheshire East Local Plan Strategy – Submission Version (CELP)**

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

PG2 – Settlement Hierarchy  
PG5 - Open Countryside  
PG6 – Spatial Distribution of Development  
SC4 – Residential Mix  
SC5 – Affordable Homes  
SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
SE3 – Biodiversity and Geodiversity  
SE5 – Trees, Hedgerows and Woodland  
SE 1 - Design  
SE 2 - Efficient Use of Land  
SE 4 - The Landscape  
SE 5 - Trees, Hedgerows and Woodland  
SE 3 - Biodiversity and Geodiversity  
SE 13 - Flood Risk and Water Management  
SE 6 – Green Infrastructure  
IN1 – Infrastructure  
IN2 – Developer Contributions

### **Supplementary Planning Documents:**

The EC Habitats Directive 1992  
Conservation of Habitats & Species Regulations 2010  
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System  
Interim Planning Statement Affordable Housing

## **CONSULTATIONS**

**United Utilities:** No objection subject to the imposition of conditions.

**NHS England:** No comments received.

**Head of Strategic Infrastructure:** No objection subject to the imposition of a planning condition.

**Natural England:** No comments to make.

**Environment Agency:** No objection subject to conditions.

**CEC Environmental Health:** Conditions suggested in relation to environment management plan, piling, travel plan, electric vehicle infrastructure, dust control and contaminated land. Informatives are also suggested in relation to contaminated land and hours of operation.

**CEC Strategic Housing Manager:** No objection.

**CEC Flood Risk Manager:** No objection subject to the imposition of planning conditions.

**Ansa (Public Open Space):** The D & A states there is a “potential” for future connectivity whereas the Planning Statement states the design “includes a new public footpath that “will” provide bridge connections into the neighbouring site”. This needs to be made clear for this development to work to meet aims and connectivity objectives of the local plan the bridge connections are vital across Swill Brook and a must to connect to the Wain Homes site to the West of the proposed development.

**CEC Education:** The development of 44 dwellings is expected to generate:

8 primary children (44 x 0.19)

7 secondary children (44 x 0.15)

1 SEN children (44 x 0.51 x 0.023%)

The development is forecast to increase an existing shortfall predicted for SEN provision in the locality.

To alleviate forecast pressures, the following contributions would be required:

1 x £50,000 x 0.91 = £45,500 (SEN)

## **VIEWS OF THE PARISH COUNCIL**

**Shavington Parish Council:** Shavington Parish Council objects to the proposed development on the following grounds:

- Egress from the development onto an over-used and under-sized highway will exacerbate the problems already experienced.
- Flooding: There are significant problems of flooding in the parish in respect of previous sites and the flood plain in the area is such that it will add to the problems.
- Traffic from Chestnut Avenue into Crewe Road junction is not wide enough for current traffic flow and the development would exacerbate the situation.
- Erosion of the Green Gap: The development will further erode the Green Gap between the built-up areas of Shavington and Crewe and will adversely affect the visual character of the

landscape which would significantly and demonstrably outweigh the benefits of the scheme, notwithstanding the shortfall in housing land supply. The development is therefore contrary to Policy NE4 (Green Gap) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and guidance in the National Planning Policy Framework.

- The roads in the village are inadequate and unable to cope with the current level of traffic. This development will worsen the situation.
- If this site does not appear in the land allocated for development in the new Cheshire East Local Development Plan, this is a further objection to the application; and
- In the event of the application being approved, Cheshire East Council is asked to add a condition to the effect that any affordable housing should be 'pepper-potted' throughout the site.
- The size of the site is inadequate and it would appear that the development has a potential to encroach onto the Vine Tree Play Area which is owned by the Parish Council. Specific comments in respect of this are:

*The development does not appear to meet the aims and connectivity objectives of the Local Plan. For the development to work, the bridge connections are vital across Swill Brook and must connect to the Wain Homes' site to the west of the proposed development. This will then allow good access to the country-side park and formal play area. The Local Plan standard of 60m<sup>2</sup> x 44 dwellings means that the required POS on site is 2,640m<sup>2</sup>. The developer's proposals of 2,150m<sup>2</sup> leave a shortfall of 490m<sup>2</sup>.*

**Rope Parish Council:** No comments received.

## **REPRESENTATIONS**

Letters of objection have been received from 32 local households raising the following points:

### Principal of development

- There are currently 48 houses for sale in Shavington
- The house prices of new dwellings are too high for first time buyers
- There have been enough approvals in Shavington
- There needs to be a greater proportion of bungalows to serve the older population
- Erosion of the Green Gap between Shavington and Crewe
- Lack of employment in Shavington
- The dwellings will be occupied by commuters
- There is no need for further housing in Shavington
- There are currently 4 housing estates being built in Shavington
- Loss of village character
- Too many executive homes are being constructed in Shavington
- Shavington will merge with Crewe
- The site is within the open countryside
- Previous approvals meet the needs of the area
- Piecemeal form of development (phase 3 of the Rope Lane development)
- 1310 houses have been approved in Shavington
- Shavington has met its housing requirements already
- There are significant development plans at Basford East and Basford West
- The development does not meet the needs of an ageing population
- The provision of bungalows on this site would address the previous concerns relating to loss of light and loss of privacy

- However there is still a strong objection to the location of plots 13-16 and 17-18 which would cause overlooking
- The car-parking on site will cause noise and pollution
- The application requires further amendments

#### Highways

- Chestnut Avenue is used as a rat run
- Chestnut Avenue is used by large volumes of traffic
- Increased traffic
- Local highways are in a poor state of repair
- There are a number of errors within the submitted Transport Assessment
- The junction of Main Road and Rope Lane is very busy and is not included within the traffic analysis
- The appendices are missing from the submitted Transport Assessment
- Highway disruption caused during the construction phase of the development
- Lack of parking within the centre of the village
- Chestnut Avenue is too narrow and cars often mount the verge
- Hazard caused by construction traffic
- On-street parking problems on Chestnut Avenue
- Traffic congestion when heading into Crewe during peak hours
- Poor visibility at the site access
- The access to the site could be improved
- Buses struggle to get down Chestnut Avenue

#### Green Issues

- Impact upon wildlife
- Loss of habitat
- Lack of a protected species survey
- Loss of trees
- Landscape impact
- Most of the trees will be lost on this site
- The trees on the site are visible from Chestnut Avenue and have amenity value
- Impact upon protected species
- The site is well used by bird species

#### Infrastructure

- Local infrastructure cannot cope with any further development
- The local schools are full
- Doctors surgeries are full

#### Amenity Issues

- Loss of privacy
- Increased pollution
- Increased dust
- Increased noise
- Increased air pollution
- Noise and disturbance caused by the construction works
- Adverse visual impact
- Light pollution

- Loss of light/overshadowing
- The application site is higher than some of the adjoining dwellings
- Proximity of the access to adjacent dwellings – causing amenity issues
- The development does not meet separation distances

#### Design issues

- The development would not respect the character of Shavington
- Lack of thought in relation to the layout of the houses
- Two-storey development is out of character and would be visible above the bungalows on Chestnut Avenue

#### Other issues

- Risk of flooding from Swill Brook
- Increased risk of flooding
- Sewage infrastructure cannot cope with further development
- Insufficient information relating to surface water run-off from the site
- It is not possible to determine whether SUDS will be possible as part of this outline application
- No open space is provided as part of this application
- Increased risk of flooding to the adjoining dwellings
- Lack of notification as part of this application
- Impact upon the human rights of the existing dwellings
- The site is currently saturated following heavy rain
- Security issues to the existing dwellings
- Stability problems due to land level changes across the site

Letters of objection have been received from 5 local households raising the following points:

- Unable to find suitable housing in Shavington
- Currently having to travel from Staffordshire to work in the area
- Lack of affordable housing in Shavington
- The development will provide much needed family homes
- HS2 will increase the need for more housing in this area
- The site is only a short distance from Crewe Station

## **APPRAISAL**

### **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.

## **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' (CD 9.7) 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 Sedgfield 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.

## **Green Gap**

Policy NE.4 of the Local Plan 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 either:*

- result in erosion of the physical gaps between built up areas or;
- adversely affect the visual character of the landscape.

*Exceptions to this policy will only be considered where it can be demonstrated that no suitable alternative location is available”*

A development of the scale proposed will clearly erode the physical gap between Shavington and Crewe.

At paragraph 14.2.5 of the Local Plan First Review Inspectors report it states that “*moving to the point of looking at the extent of the Green Gap land I believe that, in general, the Council is right to avoid the trap of looking in detail at the edges of the built-up areas. It would be too easy to allow those edges to be nibbled away, eroding the extent of the gaps, and through a cumulative process eventually negating their purpose*”.

However in this case as part of appeal decision for Phase 1 of the Rope Lane development the Inspector finds that:

*‘The appeal site lies within an indentation in the northern boundary of the settlement formed by a spur of residential development on Burlea Drive that extends up to the bridge on Rope Lane over the A500 and residential development at Northfield Place. Thus, in views from Rope Lane and the public footpath that runs from Rope Lane to Vine Tree Avenue whilst there would be a localised loss of openness, the development would not, overall, result in Shavington coming closer to Crewe or increase the visibility of the built-up edge of Crewe. In the above context, the development would not materially reduce the physical or perceived separation of Shavington and Crewe’*

As part of appeal decision for Phase 2 of the Rope Lane development the Inspector finds that:

*‘in my opinion, although the proposed development would physically erode the Green Gap to a limited degree, it would not cause significant harm to the wider functions of the Green Gap in this location, given the extent of the remaining gap between the settlements, the lack of inter-visibility between Shavington and Crewe, the limited harm to the visual character landscape and that the function of this Green Gap in maintaining the definition and separation of these 2 settlements would not be significantly diminished.*

*I conclude, therefore, that although the proposed development would be contrary to Policy NE.4, there would be little harm to the purposes of the Green Gap in this location. As such, I have afforded this breach of policy some weight in my consideration of this appeal’*

In this case it is clear that the arguments relating to Green Gap on the adjacent sites have not been sufficient and both appeals were allowed despite being contrary to Policy NE.4. The development would have a lesser projection into the Green Gap than the Phase 1 and Phase 2 Wainhome developments on Rope Lane and as a result a reason for refusal relating to Green Gap could not be defended as a reason for refusal at appeal.

The loss of Green Gap will be weighed into the planning balance.

## **SOCIAL SUSTAINABILITY**

## **Affordable Housing**

This is a proposed development of 44 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 13 dwellings to be provided as affordable dwellings. The SHMA 2013 shows the majority of the demand in Wybunbury and Shavington is for 8 x 1 bedroom, 20 x 2 bedroom, 7 x 3 bedroom and 12 x 4+ bedroom dwellings. Also there is a need for Older Persons dwellings for 1 x 1 bedroom and 7 x 2 bedrooms. The majority of the demand on Cheshire Homechoice is for 9 x 1 bedroom, 1 x 2 bedroom, 13 x 3 bedroom, 2 x 4 bedroom and 1 x 5 bedroom dwellings. Therefore 1 and 2 bedroom units on this site would be acceptable with 9 units should be provided as Affordable rent and 4 units as Intermediate tenure. As the need for 3 bedrooms is shown then the Intermediate Tenure should be allocated as 3 Bedroom units.

The exact details of the affordable housing will be provided at reserved matters stage. This will be secured as part of a S106 Agreement.

## **Public Open Space**

Policy RT.3 states that where a development exceeds 20 dwellings the Local Planning Authority will seek POS on site.

Using Policy RT.3 the required level would be 1,540sq.m and using Policy SE.6 of the Cheshire East Local Plan the required level would be 2,640sq.m.

The indicative plan shows that the developer will provide 2,150sq.m of public open space within the site. As such the level of open space meets the Development Plan requirement under Policy RT.3. It should be noted that as policy SE.6 is still subject to examination and may change that it can be only given moderate weight.

The level of open space would clearly exceed the requirements of Policy RT.3 and this would be a benefit of this development.

In terms of children's play space Policy RT.3 states that if farther than 400 metres from an easily accessible playground then the LPA will require the provision or contribution towards play equipment. In this case the development would not be farther than 400 metres from the proposed play area within the countrypark on the Wain Homes site to the west of the site and would be within 400 metres of the existing play area at Vine Tree Avenue.

In order to ensure that the proposed country park and play area as part of the Wain Homes development on Rope Lane is accessible from this development it is necessary to attach a planning condition to secure the provision of bridges over the watercourse to link into the adjacent open space.

## **Education**

An application of 44 dwellings is expected to generate 8 primary aged children, 7 secondary aged children and 1 SEN child.

Following the deferral of the application from the Southern Planning Committee meeting on 29<sup>th</sup> June 2016 the figures referred to below have been rechecked by the Councils Education Officers who have confirmed that they reflect the latest position.

In terms of primary school education, the proposed development would be served by 12 local primary schools. The Education Department have confirmed that there is capacity to accommodate the children generated by this development and there is no requirement for a primary school contribution. The details can be seen in the table below;

Primary Schools	PAN Sep-15	PAN Sep-16	Net Cap May-15	Revised Net Cap 2016	Pupil forecasts based on October 2014 School Census				
					2015	2016	2017	2018	2019
Wistaston Church Lane	60	60	420	420	421	422	418	418	417
Gainsborough	60	60	420	420	418	417	412	411	409
Wistaston Academy	60	60	420	420	392	387	387	381	375
Edleston	30	30	210	210	213	211	208	208	207
Pebble Brook	45	45	315	315	256	273	284	286	285
Shavington ( catchment School)	30	30	210	210	224	277	330	363	385
St Mary's	90	90	630	630	572	572	560	548	536
Vine Tree	30	30	210	210	209	210	206	205	203
Weston	38	38	266	266	257	262	265	267	272
Willaston	30	30	210	210	216	224	235	242	246
The Berkeley	60	60	330	420	377	383	391	393	390
Wynbunbury Delves	30	30	209	209	193	200	200	200	197
Developments with S106 funded and pupil yield included in the forecasts				202					
Developments with no S106 funded and pupil yield not included in the forecasts									17
Children expected from development									8
Overall total				4,142	3748	3838	3896	3922	3947
Overall surplus places projections					394	304	246	220	195

In terms of the table above the Education Department only considers capacity at schools within a 2 mile radius for primary aged children and 3 miles for secondary aged children. This distance is taken as a straight line from a point at the centre of the development (as the crow flies).

When walking distances are considered it is clear that some schools listed above would be greater than the 2 miles quoted above. Three schools listed above would not be eligible for school transport given their proximity to the site (The Berkeley, Shavington and Wistaston Church Lane).

In terms of secondary schools, there are six schools which would serve the proposed development. The Education Department have confirmed that there is capacity to accommodate the children generated by this development and there is no requirement for a secondary school contribution. The details can be seen in the table below;

	PAN Sep-15	PAN Sep-16	Net Cap May-15	Revised Net Cap 2016	Pupil forecasts based on October 2014 School Census						
					2015	2016	2017	2018	2019	2020	2021
Secondary Schools											
Brine Leas	215	215	1050	1050	1117	1142	1180	1192	1203	1204	1203
Sir William Stanier	210	210	1050	1,050	836	872	919	996	1,058	1,100	1,143
Kings Grove	156	156	780	780	547	551	539	546	600	602	621
St Thomas More	128	128	642	642	642	646	656	673	686	685	693
Ruskin	140	140	666	666	470	459	476	492	497	507	525
Shavington Academy	170	170	850	850	542	597	645	670	713	739	755
Developments with S106 funded and pupil yield included in the forecasts				4							
Developments with no S106 funded and pupil yield not included in the forecasts											35
Children expected from development											7
Overall total				5,042	4154	4267	4415	4569	4757	4837	4982
Overall surplus places projections					888	775	627	473	285	205	60

Although there are no tables available for SEN education provision the Councils Education department have confirmed that children in the Borough cannot be accommodated under current provision and some children are currently being educated outside the Borough. A contribution of £45,500 is required based on the increase in population and this will be secured as part of a S106 Agreement.

## Health

A number of the letters of objection raise concerns about the impact upon health provision in this area. Although no consultation response has been received from the NHS a search of the NHS Choices website shows that there are 5 GP practices within 3 miles of the application site and all are accepting patients indicating that there is capacity to serve this development.

## Location of the site

To aid this assessment, there is a toolkit which was developed by the former North West Development Agency. With respect to accessibility, the toolkit advises on the desired distances to local amenities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

The accessibility of the site shows that following facilities meet the minimum standard:

- Post office (1000m) – 480m
- Post Box (500m) – 480m
- Public House (1000m) – 320m
- Cash Point (1000m) – 595m
- Primary School (1000m) – 804m
- Local meeting place (1000m) – 643m
- Convenience Store (500m) – 480m
- Bus Stop (500m) – 320m
- Public Right of Way (500m) – 100m
- Secondary School (1000m) – 320m
- Medical Centre (1000m) - 700m
- Pharmacy (1000m) – 700m
- Children’s Play Space (500m) – Provided on site
- Leisure Centre (1000m) – 320m

- Outdoor Sports Facility (500m) – 320m
- Child Care Facility (nursery or crèche) (1000m) - 500m
- Amenity Open Space (500m) – Provided on site

The following amenities/facilities fail the standard:

- Supermarket (1000m) – 4000m

In summary, the site does not comply with all of the standards advised by the NWDA toolkit. However, as stated previously, these are guidelines and are not part of the development plan. Owing to its position on the edge of Shavington, 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. Nevertheless, this is not untypical for a sustainable village (Shavington is classed as a local service centre in the Cheshire East Local Plan Policy Principles document) and will be the same distances for the residential development on Chestnut Avenue from the application site. However, all of the services and amenities listed are accommodated within Shavington, Nantwich or Crewe and are accessible to the proposed development via a short bus journey. Accordingly, it is considered that this small scale site is a sustainable site.

## **ENVIRONMENTAL SUSTAINABILITY**

### **Residential Amenity**

The application is in outline form and the indicate plans show that the proposed dwellings would have a separation distance of between 40m and 70m to the existing dwellings which front Chestnut Avenue.

To the south-west of the site the indicative plans show that that would be the following separation distances;

- 31 metres between 14a Northfield Place and the proposed dwellings on plots 15-18
- 21 metres between 19 Northfield Place and the proposed bungalow on plot 19
- 17 metres between 19a Northfield Place and the proposed bungalow on plot 23

There would be adequate separation distances to the dwellings on the existing development on Rope Lane.

The indicative plans show that an acceptable layout can be achieved at reserved matters stage.

The Environmental Health Officer has requested conditions in relation to hours of construction, external lighting, and an environment management plan.

### **Air Quality**

Whilst this scheme itself is of a relatively small scale, and as such would 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 development in a particular area. In particular, the impact of transport related emissions on Local Air Quality.

The transport assessment 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.

## **Contaminated Land**

The application area has a history of stables and horticultural use and therefore the land may be contaminated. Furthermore there is a former pond on the south of the site which may have been previously infilled. Depending on the nature of any infill, there is the potential for localised contamination and ground gas issues.

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.

A pre-determination questionnaire for contaminated land was submitted in support of the application. This provided some information about the site, the provided information indicated there is likely to be a quantity of made ground on site due to the site's historical redevelopment. In addition, the site was previously used as an orchard, there is the potential for pesticide/herbicide residues to be present on the site as a result of this previous use.

As such, and in accordance with the Councils Environmental Health Officer recommends that a standard contaminated land condition is attached to any approval.

## **Public Rights of Way**

There are no PROW located on the application site.

The indicative plans show that the development would link into the footpath network and community park on the approved Wainhomes development. This is a positive aspect of the scheme.

## **Highways**

### Access

It is proposed to locate the access off Chestnut Avenue and to provide a carriageway width of 5.5m with 2m footways either side, linking to existing footways on Chestnut Avenue. The access radii will be 6m and the access as shown on the submitted plan accords with standards.

Footway and cycle access is available to the wider area of Shavington and local amenities. Bus stops are also within 400m of the site and footway access to them is available, providing access to other areas of Shavington, Crewe and Nantwich.

Three footbridges across the stream have been proposed, increasing pedestrian connectivity with the neighbouring development that has recently been approved.

### Access Safety

Traffic speeds have been measured on Chestnut Avenue and have indicated 85<sup>th</sup> percentile speeds of just under 30mph. The required visibility splay of the proposed access of 43m is achievable.

An accident analysis of the local area has been carried on the local area including Rope Lane/Vine Tree Avenue junction, Chestnut Avenue/Crewe Road junction and Crewe Road/Link Road (to A500) signal junction. The accident data also covered the whole of Chestnut Avenue, Vine Tree Avenue and Crewe Road section between Chestnut Avenue and the Link Road (to A500). The accidents are summarised in the table below.

Severity	2011	2012	2013	2014	2015	Total
Fatal	0	0	0	0	0	0
Serious	0	1	0	0	0	1
Slight	4	0	2	1	0	7

There has been 1 serious accident due an alcohol impaired driver failing to look properly whilst turning into Chestnut Avenue from Crewe Road. There have been no fatalities, indicating no accident trends or issues in the local road network.

Sections of Chestnut Avenue are in poor condition. Chestnut Avenue has been included in the CEC Highway Investment Programme for 2016/17 for treatment and improvement of the road surface.

### Network Capacity

The number of trips that the development would generate was predicted using UK industry standard software TRICS. A residential development of this size would produce approximately 1 vehicle trip every 2 minutes during each of the peak hours.

Junction capacity assessments have been carried out on the surrounding junctions using UK industry standard junction capacity assessment programs Junctions8 and Linsig. The impact of the vehicle trips generated from the proposal was assessed, alongside committed residential developments off Rope Lane and Newcastle Road.

The capacity assessments concluded that the development would not have a severe impact on the local road network.

### Highways Conclusion

The proposal is for 44 dwellings with all matters reserved except for access. The proposed access and footways are of acceptable widths and the visibility on exiting onto Chestnut Avenue will adhere to standards.



Footway access will be available onto Chestnut Avenue and the wider area, and to bus stops providing access to other areas of Shavington and to Crewe and Nantwich.

There have been 8 accidents over the last 5 years on the surrounding local road network with no fatalities and just 1 serious accident which was not down to the road layout.

The number of trips that would be generated from the site will be less than 1 every 2 minutes during each of the peak hours and trip generation is therefore considered minor.

## **Trees/Hedgerows**

The application is supported by an Arboricultural Statement which identifies 14 individual trees, 19 Groups of trees and 8 hedgerows within and immediately adjacent to the application site.

Access to the site will be off Chestnut Avenue by the demolition of No.46 Chestnut Avenue which will require the removal of a young poor quality Cypress, a poor quality Silver Birch and group of low quality Silver Birch, Cherry and Apple within the front garden. Whilst these trees present some limited contribution to visual amenity within the immediate area, their quality and contribution to the wider amenity is not considered significant. A formal Holly hedge along the front garden boundary fronting the adjacent highway will also require removal to accommodate the proposed access.

The proposed internal site layout will require the removal of 10 groups of trees, which have been identified as relatively low quality. A moderate (B category) group of two Hawthorn located to the northern boundary of the site (part of a former hedgerow) will require removal to accommodate the proposed internal access and footpath. The loss of this group is not considered significant in the wider amenity context.

Whilst the proposal will require the loss of trees to accommodate the proposed access and internally within the site, most present a limited contribution to the wider amenity and it is considered there is sufficient scope within the site to offset their loss by replacement planting as part of the overall landscaping of the site.

Trees along the western site boundary along Swill Brook and a high quality group of Beech, Ash, Willow and Birch located immediately offsite to the north east are to be retained within open space provision. Some minor ingress into root protection areas of retained trees is anticipated to facilitate the location of internal access roads and car parking provision. However it is not anticipated that this will have a significant impact on the long term safe well being of trees and any special construction measure can be dealt with by condition.

The D & A Statement indicates that some remodelling of the land will be required to accommodate the development which may impact upon trees. It is not anticipated that this will be a major issue; however it would be appropriate to include the submission of levels detail as a condition on any reserved matters submission.

As a result there are no objections in terms of the tree implications from this development.

## **Design**

The importance of securing high quality design is specified within the NPPF and paragraph 61 states that:

*“Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations.*

*Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”*

In this case the proposal would have a density of 26.8 dwellings per hectare this is consistent with the surrounding residential areas of Shavington.

In this case an indicative layout has been provided in support of this application and this shows that an acceptable layout can be achieved and that the areas of open space and all highways would be well overlooked. It is considered that an acceptable design/layout that would comply with Policy BE.2 (Design Standards) and the NPPF could be negotiated at the reserved matters stage.

## **Landscape**

As part of the application a Landscape and Visual Appraisal has been submitted with reference to and using aspects of the guidance found within ‘Guidelines for landscape and Visual Impact Assessment’ 3<sup>rd</sup> Edition, this correctly identifies the baseline landscape of the application site and surrounding area. Landscape Appraisal also identifies the National Landscape Character Area and the Cheshire Landscape Character Assessment, which identifies that the application site is located with the Lower farms and Woods character Type, and specifically within the LFW7 Barthomley Character Area.

The appraisal identifies that the value of the key existing landscape features along Swill Brook is considered to be high, but low for other features within the site. That the magnitude of change will be low for features along Swill Brook, but medium to High for other features. The appraisal offers the opinion that the landscape effects will be Minor beneficial at year 1 and that the sensitivity of the landscape will be minor/moderate adverse at year 1. is also high and offers as assessment of effect on landscape features that is minor beneficial, and assessment of significance of landscape effect on the landscape character as minor adverse, for year one. The appraisal indicates that on the landscape character area, the overall sensitivity is medium, the magnitude of change is medium to high and that for the application area the significance of effect will be moderate adverse.

The appraisal identifies that the proposed development will result in changes to views for a number of receptors.

The Councils Landscape Officer would broadly agree with the appraisal and the significance of effects that are identified. The appraisal does identify that the proposals will result in adverse landscape and visual effects, and this appears to indicate that the proposals would be contrary to Policy NE.4 Green Gap in the Crewe and Nantwich Replacement Local Plan 2011, which states that approval will not be given for construction of new buildings or the change of use of existing buildings or land would:

- Result in erosion of the physical gaps between built up areas: or
- Adversely affect the visual character of the landscape.

Nevertheless, the recent appeal decision for the site to the west of Swill Brook noted that although a proposed development may cause some harm to the visual character of the landscape and physically erode the Green Gap, that only limited weight should be afforded to the changes that would result from the proposed development.

## **Ecology**

### Wybunbury Moss SSSI, Ramsar (midland Meres and Mosses Phase 1), National Nature Reserve, Special Area of Conservation

The proposed development is located approximately 1.9km from Wybunbury Moss which holds a number of statutory designations for its nature conservation value.

In this case Natural England have advised that they have no comments to make on this application.

### Bats

Evidence of bat activity in the form of bat droppings was recorded at 46 Chestnut Avenue during the initial bat survey undertaken in winter. However, no evidence of roosting bats was recorded during the bat activity surveys undertaken this year. It therefore appears likely that whilst bats may have previously roosted within the building there is no evidence to suggest that an active roost is currently present.

At present this property does not currently support a legally protected bat roost. There however remains the possibility that bats may return to roost at the property over the coming years. The applicant's consultant has recommended that the demolition of the property proceeds in accordance with a method statement of precautionary Reasonable Avoidance Measures in order to minimise the potential impacts on bats. The applicant's consultant has also proposed that a bat roost be incorporated into the proposed development.

The Council's Ecologist recommends that a condition should be attached requiring an updated bat survey to be undertaken and a report of this survey including an updated mitigation strategy be submitted as part of any future reserved matters application.

### Swill Brook

Any reserved matters application for the site will need to include the provision of an undeveloped buffer/open space in the vicinity of Swill Brook in accordance with the submitted illustrative layout plan.

### Other Protected Species

Whilst no active setts were recorded on site, other protected species are known to occur in this locality. If planning consent is granted the Council's Ecologist recommends that a condition be attached requiring any future reserved matters application to be supported by an updated survey.

## **Flood Risk**

A narrow strip of the application site is located within Flood Zones 2 and 3 along the boundary with Swill Brook with the majority of the site located within Flood Zone 1. In support of this application a Flood Risk Assessment has been undertaken which recommends that:

- The finished floor levels be set a minimum of 600mm above the adjacent 1 in 100 annual probability plus climate change flood level, or 0.15m above adjacent ground levels whichever is greater
- That the detailed drainage design be developed in accordance with the principles set out within the FRA

The majority of the site is located in flood zone 1 apart from the western boundary due to a main river that issues along the boundary. The risk of flooding from this source will need to be appropriately mitigated.

Any SuDS should be designed so that the capacity takes account of the likely impacts of climate change and likely changes in impermeable area within the development over its lifetime and continues to provide effective drainage for properties.

The Councils Flood Risk Manager, the Environment Agency and United Utilities have all been consulted as part of this application and have 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**

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

### **Agricultural Land Quality**

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 part of the site is developed (stables, hardstanding, horse walker, manege, the dwelling and curtilage) whilst the rest is in equine use. As a result the development would not result in the loss of BMV agricultural land.

### **Loss of Employment**

At the last Southern Planning Committee members raised concerns about the loss of employment from the existing equine businesses on this site. Although it should be noted that this site is not allocated for employment use.

In this case there are 2 businesses located on this site (a veterinary business and a livery business). The applicant has now submitted letters from both businesses.

The letter from the existing veterinary business (Tom Walters Equine Vets) is summarised as follows;

- The veterinary business employs three full time veterinary surgeons and two full time and three part time office staff
- Due to the combination of the access and space related constraints the business is predominantly ambulatory
- Where possible clients are referred to use the onsite facilities for examinations such as lameness diagnosis and procedures requiring multiple vets
- The business is currently restricted to two patients visits per day whilst operating from the current premises
- There is an incentive to move to a larger premises to provide a shift toward a more hospitalised structure which would be more cost effective and increase employment. Furthermore there would be benefits in terms of an improved access to a new premises
- Due to limitations and in order to sustain and support current growth levels then a larger premises will have to be acquired.
- Any relocation would be done together with the existing Livery Business (Walters Equine)

The letter from the existing livery business (Walters Equine) states that;

- There are 3 full time and 4 part time employees on the site
- At any 1 time there are between 14 and 16 horses on site and it is recommended that there should be 1 acre of grazing land per horse. There is currently too many horses on site given that there is only access to 4 acres of grazing land
- There are existing problems with accessing the narrow driveway with a car and horse box and there is limited car-parking on the site
- There are a number of vehicular movements associated with the existing business (horse boxes, hay delivery, manure removal) and difficulties with the narrow nature of the existing access drive is putting clients off visiting the site
- The constraints of the site are having a negative impact upon the business
- The aim is to move to new premises with more land so that the business can grow. It would only be possible to do this in support of the business owners parents (the land owners) and move together with the existing veterinary business (Tom Walters Equine Vets).
- If the applicant is unable to sell the land to a developer there is a possibility that the applicants could not afford a greater amount of land in Cheshire.
- It is very important that the applicants find a local site to move to so that they could keep existing staff and that the majority of business is attracted to the site based upon the local reputation of the site.
- By moving to a new site it is hoped that stabling could be provided for up to 25 horses and this would provide jobs for a further 3 employees.

From the above it is clear that the existing businesses on the site (Walters Equine and Tom Walters Equine Vets) are planning to move to another site together and this could only be enabled through the sale of the existing site which is constrained by an existing narrow access

drive, limited size with no current possibility of expansion. Whilst no site is identified, the occupiers have advised that they wish to remain in the local area

On this basis with a relocation to an alternative site there would not be any loss of employment in the locality. It is accepted that this small scale site would be lost but as discussed above it is currently constrained and its loss can only be given limited weight.

## **CIL Regulations**

In order to comply with the Community Infrastructure Regulations 2010 it is necessary for planning applications with planning obligations to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

As explained within the main report, POS is a requirement of the Local Plan Policy RT.3. It is necessary to secure these works and a scheme of management for the open space. This is directly related to the development and is fair and reasonable.

The development would result in increased demand for SEN places in the area and there is very limited spare capacity. In order to increase capacity of the SEN schools which would support the proposed development, a contribution towards SEN education is required. This is considered to be necessary and fair and reasonable in relation to the development.

On this basis the S106 recommendation is compliant with the CIL Regulations 2010.

## **PLANNING BALANCE**

The proposed development would be contrary to Policies NE.2, NE.4 and RES.5 and the development would result in a loss of open countryside and Green Gap. However as Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites and the policies NE.2, NE.4 and RES.5 are out-of-date for the purposes of paragraph 49 of the NPPF. The presumption in favour of sustainable development applies at paragraph 14 of the Framework where it states that LPA's should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

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.
- In terms of the POS provision this would provide a facility for future residents and other residents in Shavington
- The development would provide significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in Shavington.

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 to secure mitigation.
- There is not considered to be any flood risk/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.
- The impact upon residential amenity/noise/air quality and contaminated land could be mitigated through the imposition of planning conditions.
- The development would provide a safe and suitable access and would not result in a severe highways impact

The adverse impacts of the development would be:

- loss of open countryside
- harm to the purposes of Green Gap in this location
- changes to the visual character of the landscape that would result from the proposed development
- Limited weight through the loss of an employment site (although it should be noted that there will be no loss in jobs as the business are planning on relocating together to a larger more suitable site and a more suitable site would arguably allow for expansion)

In this case the benefits outweigh the adverse impacts. This conclusion is informed by appeal decisions in the immediate locality that have considered the weight to be given to the relevant key issues. In accordance with paragraph 14 of the Framework the proposal constitutes sustainable development and is recommended for approval.

## **RECOMMENDATION:**

**APPROVE** subject to a S106 Agreement to secure the following Heads of Terms:

**1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:**

- The numbers, type, tenure and location on the site of the affordable housing provision
- The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
- The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
- The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

**2. Provision of Public Open Space to be maintained by a private management company**

**3. SEN Contribution of £45,500**

**And the following conditions:**

- 1. Standard outline 1**
- 2. Standard outline 2**

3. Standard outline 3
4. Approved Plans
5. Electric Vehicle Infrastructure to be submitted and approved
6. Construction Management Plan to be submitted and approved
7. Submission / Approval of Information regarding Contaminated Land
8. Any reserved matters application shall be supported by an Arboricultural Impact Assessment (AIA) in accordance with Section 5.4 of *BS5837:2012 Trees in Relation to Design, Demolition and Construction (Recommendations)* which shall evaluate the direct and indirect impact effect of the proposed design on existing trees.
9. Reserved Matters application to include details of the existing and proposed land levels
10. The development hereby permitted shall not commence until details of the detailed design, implementation, maintenance and management of a surface water drainage scheme have been submitted to and approved in writing by the LPA
11. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA)
12. No development should commence on site until such time as detailed proposals for disposal of surface water (including a scheme for the on-site storage and regulated discharge) have been submitted to and agreed in writing with the LPA
13. Prior to the commencement of development, a scheme for the provision and management of an undeveloped buffer zone (minimum 8 metres wide), between the banktop of Wells Green Brook (also known locally as Swill Brook) and any built development, shall be submitted to and agreed in writing by the local planning authority.
14. Updated survey for Water Vole, Badger and Bats to be undertaken and submitted as part of any reserved matters application
15. Any future reserved matters application to include details of at least 3 pedestrian bridges linking the site with the community park adjacent to the site.

In order to give proper effect to the Board's/Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning (Regulation), in consultation with the Chair (or in her absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

Should the application be subject to an appeal, the following Heads of Terms should be secured as part of any S106 Agreement:

1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:
  - The numbers, type, tenure and location on the site of the affordable housing provision
  - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
  - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
  - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
  - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.



- 2. Provision of Public Open Space to be maintained by a private management company
- 3. SEN Contribution of £45,500

