

Application No: 16/4526N

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

Proposal: Full planning permission for 30 dwelling houses including the demolition of 71 Main Road, Shavington

Applicant: Eleanor Ogilvie, Mulbury Homes (Shavington) Ltd

Expiry Date: 03-Apr-2017

SUMMARY:

The proposed development would be contrary to Policies NE.2, RES.5 and NE.4. The development would result in a loss of open countryside and the erosion of the Green Gap.

However as the Council cannot currently demonstrate a 5 year supply of deliverable housing sites then the presumption in favour of sustainable development applies at paragraph 14. 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 and economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses.

The development would have a neutral impact upon highways, education, protected species/ecology, drainage, trees and residential amenity.

The adverse impacts of the development would be:

- Erosion and of the green gap. Effects that would be all the more marked in the locality given the conclusions of the Landscape Officer
- The loss of open countryside
- The loss of BMV agricultural land

A solution to the housing supply is in hand through the forthcoming adoption of the Local Plan. As a consequence of the Inspectors most recent comments in December increased weight can now be afforded to existing local plan policies, and greater weight can now be given to emerging policies.

Therefore taking a balance of the overall benefits, the current policy position and the scale of harm it is considered that the presumption in favour is outweighed in this case, and the proposal

represents unsustainable development contrary to the development plan. Accordingly the application is recommended for refusal.

Recommendation: REFUSE

PROPOSAL

The application seeks full planning permission for 30 dwellings. The site would have vehicular access from Main Road where No.71 would be demolished to facilitate this.

The development would comprise of a mix of two, three and four bedroom properties with public open space at the northern end of the site.

The applicants have stated that the accommodation would include the provision of 30% affordable housing which equates to 9 affordable homes.

A previous outline application (14/2147N) for up to 43 was refused and an Appeal (APP/R0660/W/16/3147420) was subsequently dismissed on 10 February 2017.

SITE DESCRIPTION

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

The site is bound by hedgerows and mature trees and the existing dwellings on Main Road. There is a line of mature conifers that bisect the site. The land slopes down towards the gardens of 69 and 67 Main Road.

The site is designated as being partially within the Settlement Boundary of Shavington. However, the majority of the land proposed for development is designated as being within the Open Countryside and Green Gap.

RELEVANT HISTORY

14/1669N Outline application for 44 dwellings – Withdrawn.

15/2147N Outline planning permission for the development of up to 43 dwellings of mixed type and tenure with 30% affordable housing provision - Resubmission of 14/1669N - Appeal dismissed 17 February 2017.

NATIONAL & LOCAL POLICY

National Policy:

The National Planning Policy Framework establishes a presumption in favour of sustainable development. Of particular relevance are paragraphs 14 and 47.

Development Plan:

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

The relevant Saved Policies are: -

BE.1 – Amenity
BE.2 – Design Standards
BE.3 – Access and Parking
BE.4 – Drainage, Utilities and Resources
BE.5 – Infrastructure
BE.6 – Development on Potentially Contaminated Land
NE.2 – Open Countryside
NE.4 – Green Gaps
NE.5 – Nature Conservation and Habitats
NE.9 – Protected Species
NE.12 – Agricultural land Quality
NE.17 – Pollution Control
NE.20 – Flood Prevention
RES.7 – Affordable Housing
RES.3 – Housing Densities
RT.3 – Provision of Recreational Open Space and Children’s Playspace in New Housing Developments

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

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

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

Other Considerations:

North West Sustainability Checklist
The EC Habitats Directive 1992
Conservation of Habitats & Species Regulations 2010

Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System
Development on Backland and Gardens SPD (July 2008)

CONSULTATIONS:

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

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

Education: No objection

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

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

Shavington Parish Council: Object on the following grounds;

- Erosion of green gap
- Over-crowding on the site.
- This housing development is not needed. The parish already has more housing than is required by the emerging Cheshire East Local Plan (both built and planned). Moreover, the need, as identified through the emerging Neighbourhood Plan process, could show a need for more bungalows.
- Cumulative effect of development
- The land is the best and most versatile agricultural land.

Public Rights of Way: No objection subject to;

- Careful consideration of pedestrian / cycle access routes particularly on the new/improved junctions.
- Properties should have adequate and best practice cycle storage facilities
- The developer to provide new residents with information about local walking and cycling routes for both leisure and travel purposes, with key routes signposted.
- facilities for walking and cycling, including routes, destination signage and information materials, are completed and available for use prior to the first occupation of any property
- The legal status, maintenance and specification of the proposed paths in the public open space of the site would need the agreement of the Council as the Highway Authority. If the routes are not adopted as public highway or Public Right of Way with the provision of a commuted maintenance sum, the route would need to be maintained for use under the arrangements for the management of the open space of the site.
- The proposed link path from the site to the adjacent Public Footpath would increase the permeability of the site to pedestrians.
- Recommend inclusion of standard informative relating to the protection of the right of way and its users during the construction process.

REPRESENTATIONS:

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

26 representations have been received which can be viewed in full on the Council website. These included an objection from the Edward Timpson MP, 24 objections in total and 2 representations in support of the application. The objections include the following concerns:

- Objections still stand to the original scheme which was refused (and subsequently dismissed on appeal).
- Application is contrary to the Local Plan and emerging policies of the Local Plan Strategy.
- Erosion of the green gap between Shavington, Willaston and Crewe and contrary to policy NE.4
- Loss of open countryside
- Loss of best and most versatile agricultural land.
- Adverse impact on visual character of the landscape
- There are alternative sites available to meet housing supply
- More development is not needed in Shavington as too much already approved
- Cumulative effect of developments approved in Shavington
- Shavington will become a continuation of Crewe and no longer a village
- Development out of character with village
- Local infrastructure cannot cope with doctors and /schools oversubscribed)
- Exacerbate existing highway safety problems
- Dangerous access
- Increase in traffic
- Existing traffic chaos/gridlock on Main Road
- Main Road, busy, narrow, lacks pavements and subject to on-street parking
- Loss of privacy
- Loss of amenity to neighbouring properties including outlook
- Light and noise pollution
- Inadequate drainage and flood risk
- Loss of wildlife
- Impact on trees
- Inaccurate technical reports
- Loss of property values

Those in support of the application make the following points:

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

APPRAISAL

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

Principle of Development

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

The site is also subject to Policy NE.4 (Green Gaps) and this policy states that approval will not be granted for the construction of new buildings which result in the erosion of the physical gaps between the built up areas or adversely affect the visual character of the landscape.

The proposed development does not fall within any of these exceptions. As a result, it constitutes a “departure” from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined “in accordance with the plan unless material considerations indicate otherwise”.

The issue in question is whether this proposal represents sustainable development and whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy objection.

Housing Land Supply

On 13 December 2016 Inspector Stephen Pratt published a note which sets out his views on the further modifications needed to the Cheshire East Local Plan Strategy. This note follows 6 weeks of Examination hearings concluding on 20 October 2016.

This note confirms that his previous endorsement for the core policies on the plan still stands and that *“no new evidence or information has been presented to the examination which is sufficient to outweigh or alter my initial conclusions”*. This signals his agreement with central issues such as the ‘Duty to Cooperate’, the overall development strategy, the scale of housing and employment land, green belt policy, settlement hierarchy and distribution of development.

The Inspector goes on to support the Council’s approach to the allocation of development sites and of addressing housing supply. He commented that the Council: *“seems to have undertaken a comprehensive assessment of housing land supply, and established a realistic and deliverable means of meeting the objectively assessed housing need and addressing previous shortfalls in provision, including assessing the deliverability and viability of the proposed site allocations”*

The Inspector went on to state that the development strategy for the main towns, villages and rural areas appeared to be “appropriate, justified, effective, deliverable and soundly based.” As a consequence there was no need to consider other possible development sites at this stage.

The Inspector’s recommendations on Main Modifications mean that under paragraph 216 of the Framework the emerging policies of the Cheshire East Local Plan Strategy can be attributed a greater degree of weight – as the Plan as revised is at an enhanced stage, objections are substantially resolved and policies are compliant with National advice.

The Inspector's recommendations on housing land supply, his support for the Cheshire East approach to meeting past shortfalls (Sedgepool 8) indicate that a remedy is at hand to housing supply problems. The Council still cannot demonstrate a 5 year supply of housing at this time but it will be able to on the adoption of the Local Plan Strategy. This is highly relevant to the assessment of weight given to housing supply policies which are deemed out of date by the absence of a 5 year supply. Following the Court of Appeal decision on the Richborough case, the weight of an out of date policy is a matter for the decision maker and could be influenced by the extent of the shortfall, the action being taken to address it and the purpose of the particular policy.

Given the solution to housing supply now at hand, correspondingly more weight can be attributed to these out of date policies. In addition given the progression of emerging policies towards adoption greater weight can now be given to those emerging policies. The scale of the development may also be a factor that should be weighed in the overall planning balance as to the degree of harm experienced.

In respect of the appeal (3147420) which was dismissed on 10 February 2017 for residential development on this site, the Inspector importantly states;

“The emerging LPS is at an advanced stage in the adoption process. The December 2016 interim letter is of considerable importance because it includes the examining Inspector's views on housing land supply and the Green Gap. It takes account of the public consultation on modifications relating to these matters and concludes that the means by which the council intends to meet its objectively assessed housing need, including over the next 5 years, is soundly based. The appeal site is not required for this purpose and for the present time is shown to remain within the Green Gap. The policy relating to that designation has also been supported by the LPS Inspector. Even though the LPS will be subject to a further round of public consultation and there are legal issues to resolve, it seems reasonable to surmise that the matters on which this appeal decision turns are unlikely to materially change before the plan is adopted. In the circumstances I consider that substantial weight should be afforded to the conflict with the emerging LPS and the relevant draft policies therein. “

This position is considered to equally apply to this application. Therefore substantial weight can be given to the conflict with the emerging local plan strategy which clearly shows that this site will remain as open countryside within the Green Gap.

Green Gap

In this case, the application site is within the Green Gap. Therefore, as well as being contrary to Policy NE2 (Open Countryside) it is also contrary to Policy NE.4 (Green Gaps) of the Local Plan which states that approval will not be given for the construction of new buildings or the change of use of existing buildings or land which would:

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

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

Policy NE.4 goes on to state that exceptions to this policy will only be considered where it can be demonstrated that no suitable alternative location is available. It is considered that there are many other sites within Cheshire East which, although designated as Open Countryside, are not subject to Green Gap policy and can be used to address the Council's housing land supply shortfall and which would not contravene policy NE4.

Turning to the question of whether, in the light of the lack of a 5 year supply, Policy NE4 should be considered to be a housing land supply policy and / or out of date, Green Gap policy has a specific planning purpose – to avoid settlements merging. This is not a housing supply policy purpose. Whilst Open Countryside areas also have specific roles (including the protection of the Countryside for its own sake, in accordance with NPPF paragraph 17.(v)) open countryside policy does not have the special, additional function of ensuring that two settlements remain separate (that is the function of Green Gaps). Hence Green Gaps are not a function of Open Countryside policy; rather Green Gaps have their own specific function.

It is therefore concluded that contravening the Green Gap policy renders the proposed development unsustainable and consequently, it does not benefit from the presumption in favour under Paragraph 14 of the NPPF.

SUSTAINABILITY

The National Planning Policy Framework definition of sustainable development is:

“Sustainable means ensuring that better lives for ourselves don't mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment”

Locational Sustainability

Accessibility is a key factor of sustainability that can be measured. A methodology for the assessment of walking distance is that of the North West Sustainability Checklist, backed by the Department for Communities and Local Government (DCLG) and World Wide Fund for Nature (WWF). The checklist has been specifically designed for this region and relates to current planning policies set out in the North West Regional Spatial Strategy for the North West (2008).

The checklist can be used to review good practice and demonstrate the sustainability performance of their proposed developments. Planners can also use it to assess a planning application and, through forward planning, compare the sustainability of different development site options.

The criteria contained within the North West Sustainability Checklist are also being used during the Sustainability Appraisal of the Cheshire East Local Plan. With respect to accessibility, the toolkit advises on the desired distances to local facilities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

The toolkit sets maximum distances between the development and local amenities.

These comprise of:

- post box (500m),
- local shop (500m),
- playground / amenity area (500m),
- post office (1000m), bank / cash point (1000m),
- pharmacy (1000m),
- primary school (1000m),
- medical centre (1000m),
- leisure facilities (1000m),
- local meeting place / community centre (1000m),
- public house (1000m),
- public park / village green (1000m),
- child care facility (1000m),
- bus stop (500m)
- railway station (2000m).
- secondary school (2000m)
- Public Right of Way (500m)
- Children's playground (500m)

An assessment was submitted by the applicant in support of the previous proposal on this site as follows:

• Post box	Not specified but within 500m
• Local shop	482m
• Playground / amenity area	Not specified
• Post office	321m
• Pharmacy	804m
• Primary school	965m
• Medical centre	804m
• Leisure facilities	1287m
• Local meeting place/community centre	965m
• Public house	482m
• Public park	Not specified
• Child care facility	Not specified
• Bus stop	46m
• Railway station	3219m
• Secondary school	1287m
• Public right of way	Immediately adjacent
• Children's playground	Not specified

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. It is

considered that as the site lies adjacent to existing residential development in Shavington, and within easy walking distance of facilities within the village centre. Accordingly, it is considered that this is a locationally sustainable site.

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

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

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

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

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

ENVIRONMENTAL SUSTAINABILITY

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

Landscape

This is a full application for a residential development of 30 dwellings including the demolition of 71 Main Road. 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. This assessment identifies the baseline landscape of the application site and surrounding area, these are the National Character Areas as identified by Natural England, and the Lower Farms and Woods, LFW7 Barthomley character area, as identified in the Cheshire Landscape Character Assessment 2008.

The application site is located to the South of Crewe at Shavington, in an area designated in the Borough of Crewe and Nantwich Replacement Local Plan 2011 as Green Gap. It covers an area of 1.3 hectares of agricultural land, currently used as grassland. The field boundaries include established hedgerows but with some gaps with a number of hedgerow trees, with a Public Right of Way - Footpath 3 Rope, following a route just beyond the eastern site boundary. The site is located in what is currently an area of agricultural land that extends between Shavington and Crewe. The appeal site forms a roughly rectangular shape, with the part of the application site on which 71 Main Road is currently located, forming an extension that serves to

link the wider site to Main Road. The topography of the site falls from east to west, with an AOD of approximately 61.01m AOD at the far eastern extent and a level of approximately 55.70m AOD at the westernmost extent of the application site. The western part of the site is partly separated from the rest of the site by a line of conifers and there are a number of additional conifers and derelict structures towards the western part of the application site. The Curtilage of 71 Main Road lies outside the Green Gap boundary.

As part of the submitted LVIA, the landscape assessment indicates that the site value is low, that it has medium susceptibility and a low-medium sensitivity. The assessment identifies that the proposals would have a low change on the wider Barthomley LCA, resulting in a moderate adverse effect during construction and a minor adverse effect after 15 years. The visual assessment indicates that the worst visual effects, along Footpath 3 Rope, adjoining the site, will be temporary high adverse during construction, reducing to moderate-minor adverse after 15 years. Private residents overlooking the site are considered to have temporary high adverse effects during construction, reducing to moderate-minor adverse after 15 years, and for vehicular users effects are identified as temporary moderate adverse during construction, reducing to minor adverse after 15 years.

While the Council's Landscape Officer would agree with the submitted assessment's comments regarding the effect on the wider Barthomley character area, it is considered that the landscape effects will be far more adverse on the site itself. It is considered that the landscape sensitivity of the site and the surrounding area to this type of development will be medium-high, that the magnitude of direct landscape impacts (for the site) will be high, that the magnitude of indirect landscape impacts from areas will vary with distance, but will generally be within the range of medium-high. The landscape impacts for the landscape will be of Moderate-substantial adverse on both the site and immediate setting of the site. The Landscape Officer's assessment identifies that the landscape effects will be localised, a point considered not to be fully appreciated in the Appeal Inspectors decision (ref. APP/R0660/W/16/3147420), and fully concurs with the Inspector's comments as follows;

'Whilst the change would be a permanent one and result in an adverse landscape impact, this would be localised in terms of the wider landscape area and the GG and a whole'(20). While the inspector also noted that sufficient attention was not paid to mitigation planting to reduce the impacts over time (26), The Landscape Officer's assessment of landscape effects would apply to both the construction and completion phases of the proposed development and that these effects would also continue beyond a period of 15 years. The proposed development would completely change the character and appearance of the landscape permanently, and as the Inspector noted

'there is no doubt that the appeal proposal would result in a substantial change to the site itself. This large open piece of land would be replaced by a small housing estate'(20). The landscape Officer considers that the submitted proposals and mitigation identified on the Strategic Landscape Masterplan (Drwg: 10310/P09) would be effective even after a period of 15 years.

Visually it is considered that the sensitivity of both the site and the surrounding Landscape Character Area with visual connectivity to the site, to this type of development will be high. The magnitude of visual impacts from areas with visibility of the site varies, but for the majority of receptors within close proximity of the site it will be major and that visual impacts will be of substantial-moderate for the majority of receptors in close proximity of the site and that even after 15 years, it would cause a noticeable difference to the visual character and quality of the landscape. The Landscape Officer's assessment noted the localised nature of the visual

impacts and 6 of the 8 viewpoints which were provided are in close proximity to the site. The Appeal inspector noted that;

'the development would result in a substantial change in the view of those using this footpath (FP13 Rope) on the left had side for about 135m (21), and that;

'Those living in the houses adjoining the site would experience considerable change'(25), concluding that ' The appeal proposal would result in an adverse effect on the visual character of the landscape'(33).

It is concluded that the proposed development would result in adverse landscape and visual effects, and while the proposed landscape masterplan identifies some mitigation proposals, these will not reduce the impacts even after a period of 15 years. 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 there will be adverse effects, the proposals are contrary to Policy NE.4 Green Gap, a policy that was considered and supported in an interim letter issued by the LPS Inspector.

Trees and Hedgerows

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

The Tree officer considers that the proposed layout adequately retains the mature protected Oak trees to the north and whilst there will be a loss of a number of lower category groups of Pine and Norway Spruce to the south of the site, this can be offset by compensatory planting.

There is minor intrusion into Root Protection Areas (RPA's) as a consequence of the position of the proposed turning head and access to Plot 11, however the Tree Officer is satisfied that this can be adequately addressed by a suitable method statement.

The Tree Officer recommends that conditions should be attached in respect of tree retention, a scheme for tree protection and a method statement/construction specification.

Ecology

The Council's Ecologist considers that the applications supported by an acceptable ecological assessment

The grassland habitats on site are unlikely to be of significant ecological value. A number of ponds are located within 250m of the proposed development site. The applicant has submitted an acceptable Great Crested Newt assessment. The Council's ecologist considers that the proposed

development is unlikely to significantly affect Great Crested Newts. No further action is required in respect of this species.

No evidence of roosting bats has been recorded on site. The mature trees and hedgerows around the site provide potential roosting and commuting habitat for bats and it is considered that any loss of foraging habitat for bats, resulting from the loss of existing vegetation, would be at compensated for through the provision of the landscape buffer along the northern boundary. The submitted report however recommends that tree works be undertaken in the winter when bats are unlikely to be present and this should be secured a condition.

A condition is also recommended requiring the approval of a lighting strategy for the site. If planning consent is granted standard conditions will also be required to safeguard breeding birds.

Design & Layout

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.”

It is considered that development is of a scale and design which reflects the character of the locality, which comprises a wide range of properties of varying architectural styles, house types and sizes.

The development will combine two storey detached, semi-detached and terraced units within a cohesive layout. The proposed house types will incorporate architectural elements features including frontage gables, mock Tudor panelling, porches, stone cills and brick headers which are common features of the area. A materials palette of red brickwork and grey roof tiles will also be in keeping with this edge of village location.

The scheme comprises two, three, four and five bed properties. and this overall mix of sizes for both market sale and affordable units is considered acceptable. The density of the scheme and proposed plot sites is comparable with the adjacent residential area.

Proposed properties will front onto public open space located alongside the northern boundary of the site, promoting good natural surveillance of this area. A footway will run through this landscaped area and link with existing public footpath which runs between Main Road and Rope Lane to the north, providing connectivity for new residents to the public rights of way network.

The development ensures private gardens of appropriate size and off street parking is providing for each plot. Parking provision would be achieved via private driveways located to the front and side of the properties, as well as garaging, helping to avoid the development from appearing heavily car dominated.

It is therefore considered that the development is of acceptable layout, and in terms of its scale and design would reflect the character of built form in the locality, in accordance with the requirements of Policy BE.2 (Design Standards) .

Amenity

It is also considered that the layout of the development, has ensured that dwellings have been positioned to avoid overlooking or over-domination of both new and existing properties. The development meets the separation guidance and it is not considered that there would be any significant impact on the amenity afforded to the occupiers of any nearby residential dwelling.

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 a total requirement of 1050 sqm in this case. The site layout shows approximately 1500 sqm of open space being provided which exceeds the policy requirement. The Greenspaces Officer requires the provision to include an equipped children's play area and the public open space would be required to be maintained by a management company, which can be secured through the Section 106 Agreement

The Council's Environmental Protection Team have reviewed the submission and advised that they have no objections, subject to a number of conditions/Informatives, including measures to mitigate the impact of construction work.

As a result of the above reasons the proposal is considered to be acceptable in terms of residential amenity and in compliance with Policy BE.1 (Amenity) of the Local Plan.

Highways

This is a full application with the internal layout to be determined as well as access. The highway impacts arising from 43 units were assessed in the previous application (15/2147N) and it was concluded that the additional traffic would not result in a severe impact on the road network. As this application has reduced the number of units by 13, the traffic impact will be reduced.

The internal roads are of standard carriageway widths and there are adequate turning areas provided for refuse vehicles. Each of the units will have 2 car parking spaces each and this level of parking accords with CEC standards.

In summary, this application is a reduction in numbers compared with the previous application and the level of traffic generated by this proposal will not result in an adverse highway impact.

The Head of Strategic Infrastructure raises no objections to the application.

Subject to condition requiring Visibility Splays (2.4m x 43m) at the site access on to Main Road, and the approval of a Construction Management Statement prior to the commencement of development.

Flood Risk/Drainage

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

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

Conditions should be imposed requiring details of surface water drainage.

United Utilities have also raised no objections to the application, subject to a condition being imposed requiring the proposed development to be implemented in accordance with the submitted Flood Risk Assessment Dated September 2016. and no surface water to drain into the public sewer.

ECONOMIC SUSTAINABILITY

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

Paragraph 19 states that:

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

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

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

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

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

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

With regard to the economic role of sustainable development, the proposed development would help to maintain a flexible and responsive supply of land for housing as well as bringing direct and

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

Agricultural Land

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

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

The loss of the agricultural land makes the scheme less sustainable and the proposal is therefore contrary to policy NE12 of the adopted Local Plan, policy SE2 of the emerging local plan and the provisions of the NPPF in respect of loss of agricultural land. This weighs against the proposal in the overall planning balance.

SOCIAL SUSTAINABILITY

Housing

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

The site falls within the Wybunbury and Shavington sub-area for the purposes of the SHMA update 2013. This identified a net requirement for 54 affordable homes per annum for the period 2013/14 – 2017/18. This equates to a need for 8 x 1bd, 20 x 2bd, 7 x 3bd and 12 x 4+bd general needs units and 1 x 1bd and 7 x 2bd older persons accommodation. Information taken from Cheshire Homechoice shows there are currently 50 applicants who have selected the Shavington lettings area as their first choice. These applicants require 9 x 1bed, 24 x 2bed, 14 x 3 bed and 3 x 4+bed units.

This is a proposed development of 30 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 9 dwellings to be provided as affordable dwellings. 6 dwellings should be provided as Affordable rent and 3 units as Intermediate tenure. The applicant has advised that the site will provide a policy compliant number and split of affordable housing. However, further details are awaited from the applicant specifying which of the dwellings within the scheme are to be affordable.

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.

Education

Whilst the concerns raised by local residents are understood, following assessment by the Council's Education Team of the proposals and local education provision, it has been determined that a financial contribution is not required towards additional primary or secondary school places in this case. Contributions which have been negotiated on other developments are factored into the forecasts both in terms of the increased pupil numbers and the increased capacity at schools in the area as a result of agreed financial contributions.

Development	Land Rear of 71 Main Road, Shavington				Number of Dwellings		44				
Planning App Number	15/2147N				Primary Yield		8				
Date Prepared	27.7.2016				Secondary Yield		7				
					PUPIL FORECASTS based on October 2015 School Census						
Primary Schools	PAN Sep 16	PAN Sep 17	NET CAP May-16	Any known Changes	2016	2017	2018	2019	2020		
Wistaston Church Lane	60	60	420	420	418	417	413	410	407		
Gainsborough Primary	60	60	420	420	415	415	409	406	405		
Pebble Brook	45	45	315	315	279	292	297	298	304		
Shavington	30	30	210	210	247	310	344	368	392		
ST Mary's	90	90	630	630	601	582	559	537	534		
Vine Tree	30	30	210	210	207	209	206	204	202		
Willaston	30	30	210	210	207	223	231	237	240		
The Berkeley	60	60	420	420	400	405	405	403	400		
Wybunbury Delves	30	30	209	209	194	196	197	195	193		
Developments with S106 funded and pupil yield included in the forecasts				196							
Developments pupil yield not included in the forecasts									0		
Pupil Yield expected from this development									8		
OVERALL TOTAL	435	435	3,044	3,240	2,968	3,049	3,061	3,058	3,085		
OVERALL SURPLUS PLACES PROJECTIONS based on Revised NET CAP					272	191	179	182	155		
					PUPIL FORECASTS based on October 2015 School Census						
Secondary Schools	PAN Sep 16	PAN Sep 17	NET CAP May-16	Any known Changes	2016	2017	2018	2019	2020	2021	2022
Brine Leas	215	215	1,050	1,050	1,118	1,149	1,168	1,190	1,197	1,200	1,212
The Oaks Academy	156	156	780	780	496	490	502	560	559	604	623
Shavington	170	170	850	850	626	715	733	791	829	808	819
St Thomas More	128	128	642	642	657	664	679	697	698	701	694
Ruskin	140	140	666	666	516	543	558	569	581	552	557
Please Note: All figures quoted exclude any allowance for 6th Form Pupils											
Developments with S106 funded and pupil yield included in the forecasts				22							
Developments pupil yield not included in the forecasts											0
Pupil Yield expected from this development											7
OVERALL TOTAL	809	809	3,988	4,010	3,413	3,561	3,640	3,807	3,864	3,865	3,912
OVERALL SURPLUS PLACES PROJECTIONS					597	449	370	203	146	145	98

Health

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

Response to Objections

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

CIL Regulations

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

- (a) necessary to make the development acceptable in planning terms;

- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

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

The provision of 30% affordable housing is a planning policy requirement as set out in the main report.

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

CONCLUSION – THE PLANNING BALANCE

The proposed development would be contrary to Policies NE.2, RES.5, NE.4 and NE.12. The development would result in a loss of open countryside and the erosion of the green gap. However as Cheshire East cannot currently demonstrate a 5 year supply of deliverable housing sites then the presumption in favour of sustainable development applies at paragraph 14. 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 be on a site that is considered to be a sustainable location and provide benefits in terms of much needed affordable housing provision and would help in the Councils delivery of 5 year housing land supply.
- The development would provide significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses.

The development would have a neutral impact upon the following;

- Highway safety and traffic congestion subject to conditions
- Education infrastructure as the development would not result in a shortfall of school places.
- The impact upon protected species/ecology and trees is considered to be neutral subject to the imposition of conditions to secure mitigation.
- There is not considered to be any drainage implications raised by this development.
- The impact upon residential amenity noise/air quality could be mitigated through the imposition of planning conditions.

The adverse impacts of the development would be:

- Erosion of the green gap. Effects that would be all the more marked in the locality given the conclusions of the Landscape Officer.
- The loss of open countryside
- The loss of BMV agricultural land

The development is contrary to open countryside policies, but they are considered out of date. So the presumption in favour applies. However, with reference to the *Richborough* Court of Appeal decision, weight can be given to those policies. There is now a solution to the housing supply in hand through the forthcoming adoption of the Local Plan. As a consequence of the Inspectors most recent comments in December increased weight can be afforded to these 'out of date' policies. In addition given the progression of emerging policies towards adoption it is considered that greater weight can now be given to those emerging policies.

Furthermore in dismissing the previous appeal with reference to of the adverse impacts set out above, The Appeal Inspector stated that;

"In this case I consider that the conflict with the emerging development plan and the environmental harm that I have identified are considerations of substantial weight and importance and would significantly and demonstrably outweigh the positive aspects of the scheme. The Framework makes clear that to achieve sustainable development economic, social and environmental gains should be sought jointly and simultaneously. My conclusion overall is that this would not happen in this case and that material considerations do not indicate that the decision should be made other than in accordance with the development plan. The appeal proposal would not be a sustainable form of development and the presumption in its favour would not apply." (38)

Therefore taking a balance of the overall benefits, the current policy position and the scale of harm it is considered that the presumption in favour is outweighed in this case and a recommendation of refusal is made.

RECOMMENDATION

REFUSE for the following reasons

1. The proposed residential development is unacceptable because it is located within the Open Countryside and would result in the loss of the best and most versatile agricultural land, contrary to Policies NE.2 (Open Countryside) RES.5 (Housing in Open Countryside) and NE.12 (Agricultural Land Quality) of the Borough of Crewe and Nantwich Replacement Local Plan, Policies PG 5 and SE 2 of the Cheshire East Local Plan Strategy Submission Version - 2016, and the principles of the National Planning Policy Framework and create harm to interests of acknowledged importance. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.

2. In the opinion of the Local Planning Authority, the proposed development would cause a significant erosion of the Green Gap between the built up areas of Shavington, Willaston and Crewe and would adversely affect the visual character of the landscape which would significantly and demonstrably outweigh the benefits of the scheme notwithstanding a shortfall in housing land supply. The development is therefore contrary to Policy NE4 (Green Gaps) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within the NPPF.

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

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

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

