

Southern Planning Committee

Date of Meeting: 06 March 2019

Report Title: Update Report following an appeal being lodged for application 18/1250N - Full Planning for development 15 new dwellings comprising 11 4/5-bedroomed detached and 4 3-bedroomed semi-detached affordable dwellings, together with associated garages, parking and access road at Land to the rear of Oakleaf Close, Shavington, Crewe, CW2 5SF

Senior Officer: David Malcolm, Head of Planning (Regulation)

1. Report Summary

- 1.1. An appeal has now been lodged against the refusal of application 18/1250N. The Case Officer is currently preparing his appeal statement to defend this appeal and negotiations are underway to secure a S106 Agreement should the appeal be allowed.
- 1.2. Reason for refusal 4 relates to the failure to provide a range of affordable housing units. The latest Homechoice data identifies a fairly equal need for rented units [63 x two beds, 42 x three beds]. In this case the appellant is offering 5 x three bed units only. Although the preference is for a mix of unit sizes the appellants offer would meet a need identified in the latest Homechoice data. On this basis it is recommended that reason for refusal 4 is not defended at this appeal. Reasons for refusal 1, 2, 3, and 5 will be defended as existing.

2. Recommendation/s

- 2.1. To defend the appeal in relation to reasons for refusal 1, 2, 3 and 5 as existing.
- 2.2. Not to contest reason for refusal 4 on the basis of the proposed affordable housing provision.

3. Reasons for Recommendation/s

- 3.1. Reason for refusal 4 related to a failure to address the identified local housing need for a range of housing sizes for the affordable housing provision.
- 3.2. The Housing Officer has stated that the preference would be to have both 2 and 3 beds so the development provides a mix of affordable housing on site. However the latest Homechoice data for Shavington shows a fairly equal need for rented units [63 x two beds, 42 x three beds].
- 3.3. As the latest Homechoice data is showing a need for 3 bed units, the Housing Officer has advised that the affordable housing provision as proposed (5 x 3 bedroom bungalows) is acceptable. On this basis it would not be possible to defend reason for refusal 4 due to the latest need figures contained within the Homechoice data.

4. Other Options Considered

- 4.1. The only other option available would be to defend the reason for refusal at appeal. However this would run the risk of an award of costs against the Council for unreasonable behaviour.

5. Background

- 5.1. The site of the proposed development extends to 0.9 ha and is located to the west of Crewe Road. The site is located to the north of properties which front onto Chestnut Avenue. The majority of the site is within the Open Countryside and Green Gap as defined by the Crewe and Nantwich Replacement Local Plan although the proposed access is located within the Shavington Settlement Boundary.
- 5.2. The rear portion of the site appears to include a paddock. There are a number of trees and hedgerows to the boundaries of the site. To the south of the site is residential development which fronts Chestnut Avenue. To the east of the site are residential properties fronting Crewe Road. To the north of the site is Open Countryside/Green Gap and to the east of the site is curtilage to dwellings which front Newcastle Road.
- 5.3. 18/1250N was a full planning application for the erection of 15 new dwellings. It should be noted that the description of development is not correct (as quoted in the report title). The refused plan shows the following housing mix; 9 x three bed units and 6 x four bed units.

- 5.4. Southern Planning Committee resolved to refuse planning application 18/1250N on 8th August 2018. The minutes from this meeting are as follows;

(a) That, for the reasons set out in the report and the written update, the application be REFUSED for the following reasons:

1. The Local Planning Authority considers that the proposed development is unacceptable as the application site lies within the Open Countryside which should be protected for its own sake and where there is a presumption against inappropriate forms of new development. The proposal does not meet any of the exceptions contained with Policy PG 6 (Open Countryside). The proposed development would therefore be contrary to Policy PG 6 (Open Countryside) of the Cheshire East Local Plan Strategy and the guidance contained with the NPPF.

2. In the opinion of the Local Planning Authority, the proposed development would contribute to the erosion of the Green Gap between the built up areas of Shavington and Crewe which would significantly and demonstrably outweigh the benefits of the scheme. The development is therefore contrary to Policy PG5 (Strategic Green Gaps) of the Cheshire East Local Plan Strategy and Policy NE4 (Green Gaps) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the guidance contained with the NPPF.

3. The Local Planning Authority considers that the layout and design of the proposed development, by virtue of the relationship with the edge of the countryside and its detailed design and layout, does not make a positive contribution to the surrounding area and fails to achieve a sense of place that would enhance the distinctiveness and character of the area. This is contrary to Policy SE 1 (Design) of the Cheshire East Local Plan, the Cheshire East Residential Design Guide and the guidance contained with the NPPF.

4. The Local Planning Authority considers that whilst 30% affordable housing is proposed, all the affordable units are 3 bedroomed. This fails to address the identified local housing need for a range of housing sizes for affordable provision. In addition, no Affordable Housing Scheme has been provided and as a result it is considered that the proposal would fail to address identified local housing need and fails to create a sustainable, inclusive, mixed and balanced community, contrary to Policy SC 5 (Affordable Homes) of the Cheshire East Local Plan and the guidance contained with the NPPF.

5. *The Local Planning Authority considers that insufficient information has been submitted to inform the impact of the proposed development on any protected species present (specifically the impact on Great Crested Newts, bats, water voles and bluebells) as well as the impact on grassland and hedgerow habitats. The development is therefore contrary to Policy SE 3 (Biodiversity and Geodiversity) of the Cheshire East Local Plan Strategy, Policies NE.5 (Nature Conservation and Habitats) and NE.9 (Protected Species) of the Crewe and Nantwich Replacement Local Plan 2011 and the guidance contained within the NPPF.*

(b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Planning (Regulation), in consultation with the Chairman (or in his absence the Vice Chairman) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, before issue of the decision notice.

(c) That, should this 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. A contribution of £32,539.00 to Primary School Provision

3. Open Space/wildflower garden to be maintained by a private management company

- 5.5. Following the determination of the application an appeal has been lodged and a draft Section 106 is being prepared in line with the above. The purpose of this report is to consider the affordable housing provision in the light of a live appeal against the refusal of application 18/1250N.
- 5.6. As stated above the latest Homechoice data has identified a need for three bed affordable units. The affordable housing offer would go towards meeting this need.

6. Implications of the Recommendations

6.1. Legal Implications

- 6.1.1. The S106 would secure the affordable units should the appeal be allowed. There is a need for three bed affordable units and as such there are no legal implications.

6.2. Finance Implications

- 6.2.1. The risk or pursuing reason for refusal 4 is that an award of costs may be made against the Council for unreasonable behaviour.

6.3. Equality Implications

- 6.3.1. There are no equality implications as the latest Homechoice data shows a need for 42 three bed units in Shavington.

6.4. Human Resources Implications

- 6.4.1. N/A

6.5. Risk Management Implications

- 6.5.1. N/A

6.6. Rural Communities Implications

- 6.6.1. There are no direct implications for rural communities.

6.7. Implications for Children & Young People

- 6.7.1. There are no direct implications for children and young people.

6.8. Public Health Implications

- 6.8.1. There are no direct implications for public health.

7. Ward Members Affected

- 7.1. The site is within the Shavington ward and Cllr Edgar has been informed.

8. Consultation & Engagement

- 8.1. Consultation has been undertaken with the Councils Housing Officer as part of the S106 Agreement negotiations.

9. Access to Information

- 9.1. N/A

10. Contact Information

- 10.1. Any questions relating to this report should be directed to the following officer:

Name: Edward Cratchley

Job Title: Senior Planning Officer

Email: Edward.Cratchley@cheshireeast.gov.uk