



Matter 2: Planning for Growth

Examination of the Cheshire East Local Plan Site
Allocations and Development Policies Document

for Messrs Silvester & Rigby

Emery Planning project number: 17-087

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1. Introduction

1.1 This hearing statement addresses the Inspector's questions 38 to 40 in relation to safeguarded land on behalf of Messrs Silvester & Rigby.

2. Matter 2 – Planning for Growth – Strategic Green Gap Boundaries (Policy PG 13)

38. Is the methodology for the definition of detailed boundaries for the Strategic Green Gaps (SGGs), as set out in the SGG Boundary Definition Review (SGGBDR), soundly based?

2.1 No. Please refer to our representations made on behalf of Messrs Silvester & Rigby (pages 16-24).
In summary:

- The proposed detailed boundaries of the SGGs closely follow the extent of the hatched areas shown on figure 8.3 of the CELPS. However, these were not examined at the CELPS stage;
- The detailed extent of the Green Gaps was to be fully reviewed by the SADPD stage and this has not been carried out.

39. With particular reference to the SGGBDR, have the principles and criteria used to inform the definition of detailed SGG boundaries been consistently applied and are the resulting detailed boundaries justified, based on proportionate evidence?

2.2 Please refer to our answer to Q38 above.

40. Is there any substantive evidence to demonstrate that any of the proposed detailed boundaries to the SGGs are not justified?

2.3 Yes. The Council has not provided any detailed consideration of the specific points made in our previous representations regarding the detailed boundaries to the north of Shavington.

2.4 Our clients' land is located in the broad location of the Willaston / Rope / Shavington / Crewe Strategic Gap. We object to the proposed boundaries, and consider that the land north of Shavington should be excluded from the Strategic Green Gap, with the boundary aligning with the A500 to the north. A plan showing the land that we consider should be removed from the Strategic Green Gap boundary is appended at EP6 to our representations.

2.5 The land is assessed within the Green Gap Boundary Definition Review (ED 08) under boundary section SGG 14. The recommendations section states:

“This section of the SGG boundary follows the boundary of residential development which is a defensible and recognisable boundary.”

2.6 It then continues to only propose amendments to reflect existing planning permissions to the north of Shavington. We consider that this assessment is fundamentally flawed, and fails to have due regard to a number of appeal decisions which have assessed the impact of residential development on the purposes of the Green Gap between Shavington and the A500 to the north.

2.7 The A500 is a very strong physical boundary to the north. The settlement of Crewe is not visible from the land south of the A500 due to the treeline and planting lining the road. The Council's assessment of boundary section SGG 14 in ED 08 makes no reference to the A500 and the existing commercial development that's runs along the western side of Crewe Road. Whilst the report references the planning permissions / built out developments on land within the Green Gap, it fails to assess the strategic implication of these decisions, which is that the residual undeveloped land between the north of Shavington and south of the A500 is surrounded by significant development on all sides, and serves no strategic function or role in maintaining the physical or perceived separation of Shavington and Crewe.

2.8 There is previously developed land located along Crewe Road, including our client's site at 199 Crewe Road (see Call for Sites submission) and a large depot to the north. This depot was used in the construction of the A500 and is previously developed land, containing a significant amount of hard standing within its curtilage.

2.9 There is already significant built development along both Crewe Road to the east and Rope Lane to the west. The removal of this land from the Green Gap, even if developed, would not extend built the form beyond the extent of the adjacent development at Rope Lane or that on Crewe Road to the east in relation to the A500. A green buffer could be retained to the A500 as is included within the Rope Lane Phase 2 development to the west (LPA ref: 14/3267N).

2.10 There are five appeal decisions adjacent to the appeal site where the impact on the open countryside and Green Gap were assessed. These are shown on the plan below. The appeal site with the most recent decision is highlighted red.



(Site 1 above) Appeal Decision – Land at Rope Lane, Shavington 2012

2.11 Phase 1 of the Wainhomes development was consented by an appeal dated 28th November 2012. This confirmed outline permission for 80 dwellings within the open countryside and within a Green Gap on the north edge of Shavington. In allowing the appeal the Inspector stated at paragraph 20 that:

“Although there would be limited harm to the character and appearance of the area through the localised loss of openness, the scheme would not materially affect the degree of separation between Shavington and Crewe. In this case, I consider the limited harm to the character and appearance of the area does not significantly and demonstrably outweigh the acknowledged benefits of the proposed development”.

2.12 Whilst the development would move this part of Shavington northwards, as with the above appeal, there would be no material harm to the separation between Shavington and Crewe and therefore the proposed development would not fundamentally undermine the Green Gap objectives.

(Site 2 above) Appeal Decision - Land at Rope Lane, Shavington 2015

2.13 An application was submitted seeking outline planning permission for the construction of up to 53 dwellings including details of the access. This was Phase 2 of the Wainhomes development. All other matters were reserved for subsequent approval. The application was given reference 14/3267N and was refused on 30 September 2014. An appeal was subsequently lodged which was allowed on 6 August 2015. In that decision the Inspector gave detailed consideration on the impact on both the landscape and the Green Gap.

2.14 In paragraph 39 the Inspector states:

"39. I conclude, therefore, that the proposed development would cause some harm to the visual character of the landscape. However, given the nature of these impacts, I consider that only limited weight should be afforded to the changes to the visual character of the landscape that would result from the proposed development".

2.15 Paragraphs 54 and 55 state:

"54. Indeed, 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 of the landscape and that the function of this Green Gap in maintaining the definition and separation of these 2 settlements would not be significantly diminished.

55. 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".

2.16 Therefore, on both Policy NE2 and NE4 the Inspector was clear that the impact of the development was limited.

(Site 3 above) Appeal Decision – 187A Crewe Road, Shavington

2.17 The third decision is the appeal at 187A Crewe Road, Shavington. This decision was issued on the same day as the Wainhomes decision. However, unlike the Wainhomes decision, this appeal was dismissed. The reason why it was dismissed was due to a range of issues which when considered together outweighed the benefits. As clarified in paragraph 34 of decision the appeal proposal conflicted with policies NE.2, NE.4, NE.5, NE.9, RES.5, BE.5 and RT.3 of the Local Plan. The additional

matters that weighed against that development was harm to biodiversity and the lack of a planning obligation to offset the impact on local infrastructure which was education facilities and off-site open space and play equipment.

2.18 The Inspector also weighed the impact on the open countryside and Green Gap against the benefits. Paragraphs 19 and 20 conclude:

19. Due to the open, undeveloped nature of the site, its development would erode the physical gap between Crewe and Shavington in the terms of Local Plan Policy NE.4. I do, nonetheless, acknowledge that due to the limited width of the site along with the development to the east and west, the proposed scheme would result in only limited erosion of the Green Gap.

20. For these reasons, therefore, the proposed development would have a harmful effect on the character and appearance of the area and would reduce the degree of separation between Crewe and Shavington, albeit that the harm arising would be somewhat limited. Consequently, in these respects, it would conflict with Local Plan Policies NE.2, RES.5 and NE.4.

2.19 The only conclusion to draw from this decision is that the appeal would have been granted, like the Wainhomes appeal, should the Appellant in that case have addressed biodiversity and signed a planning obligation.

(Site 4 above) Appeal Decision – Land rear of 46 Chestnut Avenue

2.20 The fourth decision was an appeal relating to the development of 44 dwellings to the rear of 46 Chestnut Avenue. The appeal decision was issued on the 17th February 2017, and the appeal was allowed. The Inspector concluded at paragraph 30:

“the proposal would conflict with Policy NE.4 of the RLP and Policy PG 4a of the LPS. However, the harm to the purpose of the Green Gap would be limited. Accordingly, I attribute moderate weight to the conflict with these policies.”

Site 5 (as above) – Land east of Crewe Road, Shavington

2.21 The fifth decision relates to an appeal at land to the east of Crewe Road, Shavington. This decision was issued on 7th November 2016 with the appeal allowed for the development of the site for 64 houses with associated works. The Inspector in this case, as with the other cases, fully addressed the matter of the Green Gap and noted that there would be little harm to its purposes as a result of the development. The definition and separation of Shavington and Crewe would be maintained. See paragraphs 68 and 69 below:

"Indeed, 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 Shavington and Crewe and that the maintenance of the definition and separation of these 2 settlements would not be significantly diminished."

"I conclude, therefore, that the proposed development would result in the erosion of the physical gap between the built up areas of Shavington and Crewe, and, as such, it would be contrary to Replacement Local Plan Policy NE.4, in this regard. However, there would be little harm to the purposes of the Green Gap in this location (our emphasis). Although the proposed development would involve a breach of Policy NE.4, given that it is a policy for the supply of housing to which I have afforded limited weight, I have afforded this breach only limited weight in my consideration of this appeal."

- 2.22 With regard to the cumulative impact, five separate Inspectors have judged the impact on the Green Gap in this specific location and judged the impact to be limited. In light of these appeal decisions and the limited role of the remaining land in terms of the objectives and purpose of the Green Gap, we consider that the remaining land between Shavington, Crewe Road and the A500 should be removed from the Green Gap.
- 2.23 We also refer to the Landscape Report at EP7 of our representations, prepared by Barnes Walker in response to the SADPD Issues consultation which took place between February and April 2017. This Statement notes that the development of the land within Mr Silvester's and Mr Rigby's land could be developed with a landscaped buffer along the A500 with no unacceptable harm to the integrity of the Green Gap.
- 2.24 Therefore, to conclude, our client's land to the north of Shavington should be excluded from the Strategic Green Gap. The detailed settlement and Strategic Green Gap boundary should be re-drawn to exclude the land shown at appendix EP6 to our representations, with the A500 forming the long term defensible boundary to the north of Shavington.