

Application No: 13/3688N

Location: Land to north of Moorfields, Willaston

Proposal: Outline application for development of up to 170 no. dwellings and associated infrastructure and open space provision

Applicant: Richborough Estates

Expiry Date: 06-Dec-2013

SUMMARY RECOMMENDATION

Minded to Refuse

MAIN ISSUES

Impact of the development on:-

Principal of the Development

Green Gap

Location of the Site

Renewable Energy

Landscape

Affordable Housing

Highway Implications

Amenity

Trees and Hedgerows

Design

Ecology

Public Open Space

Education

Flood Risk and Drainage

Planning Balance

REASON FOR REFERRAL

This application is referred to the Strategic Planning Board due to the size of the site and a departure from the Local Plan.

1. DESCRIPTION OF SITE AND CONTEXT

The site of the proposed development extends to 6.31 ha and is roughly rectangular in shape and is located to the northern side of Moorfields and to the east of Wistaston Road. The site is within

open countryside and Green Gap. To the south and west of the site is residential development (fronting Moorfields and Wistaston Road). To the north and east is agricultural land.

The site is flat and is currently in agricultural use and there are a number of trees and hedgerow to the boundaries of the site with a large Oak tree at the centre of the site. The trees to the south-west corner of the site are protected by a Tree Preservation Order. To the north-east corner of the site is a pond.

2. DETAILS OF PROPOSAL

This is an outline planning application for the erection of up to 170 dwellings (26.9 dwellings per hectare). Access is to be determined at this stage with all other matters reserved. The site would be accessed via a single vehicular access point which would be located between 47 and 51 Moorfields, a pedestrian access point would provide access onto Wistaston Road.

The dwellings would mainly be detached and semi-detached properties. The site would include the provision of 30% affordable housing and 1.09 hectares of public open space.

The majority of the proposed dwellings would be two-stories in height with those at the centre of the site being up to two and a half storeys.

An appeal has been lodged for the non-determination of this application. Therefore this report is to consider how the Council would have been minded to determine the application.

3. RELEVANT HISTORY

14/0365N - Development of up to 170 no dwellings with associated infrastructure and open space provision- RESUBMISSION – Application undetermined.

13/2717S - EIA Screening Opinion - Residential Development – EIA not required

4. POLICIES

National Policy

National Planning Policy Framework

Local Plan policy

NE.2 (Open countryside)

NE.4 (Green Gap)

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)

Other Considerations

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

Interim Planning Statement Release of Housing Land

Cheshire East Development Strategy

Cheshire East SHLAA

SHMA Update 2013

Cheshire East Local Plan Strategy – Submission Version

PG2 – Settlement Hierarchy

PG3 – Green Belt

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

5. CONSULTATIONS (External to Planning)

United Utilities: No objection to the proposal provided that the following conditions are met:

- This site must be drained on a total separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the existing watercourse as stated in the submitted flood risk assessment.
- For the avoidance of doubt, no surface water from this development should be allowed to discharge to the public sewer network either through direct or indirect means.

Environment Agency: No objection subject to the imposition of the following conditions:

- A scheme to limit surface water run-off

- A scheme to manage the risk of flooding from overland flow
- Contaminated land

Strategic Highways Manager: The Strategic Highways Manager raises no objection to the proposal, subject to the provision of the following;

- The developer will provide phased funding for the Authority's highway improvement schemes on the A51 corridor in the total sum of £170,000. This sum of monies will be secured via a Section 106 agreement and phased as the development builds out and will be provided in two equal tranches triggered by completion of the 50th and 100th dwelling. This should allow full contribution within a 5-year timescale which aligns with the Authority's ambition for improvement of the A51 corridor.
- As part of any detailed application, the applicant will provide a detailed and safety-audited scheme for the provision of traffic signals at the junction of Wistaston Road and Crewe Road, for approval by the highway authority. Prior to completion of the 100th dwelling, the approved scheme shall be implemented through an Agreement under S278 of the Highways Act.

Environmental Health: Conditions suggested in relation to construction management plan, hours of operation, bin storage, external lighting, contaminated land, electric vehicle infrastructure, dust mitigation and a travel plan. An informative is suggested in relation to contaminated land.

Cheshire Fire & Rescue: General comments relating to buildings regulations and water main installation.

Public Open Space: The proposed LEAP needs to be a LEAP for a development of this size. The equipped play area needs to cater for both young and older children - 6 pieces of equipment for young, plus 6 pieces for older children. A cantilever swing with basket seat would also be desirable, plus a ground-flush roundabout, as these are very popular, and cater for less able-bodied children. All equipment needs to be predominantly of metal construction, as opposed to wood and plastic, for durability.

All equipment must have wetpour safer surfacing underneath it, to BS EN 1177, to comply with the critical fall height of the equipment. The surfacing between the wetpour needs to be bitmac, with some ground graphics. The play area needs to be surrounded with 16mm diameter bowtop railings, 1.4m high, hot dip galvanised, and polyester powder coated in green. Two self-closing pedestrian access gates need to be provided (these need to be a different colour to the railings). A double-leaf vehicular access gate to the same specification as the railings also needs to be provided with lockable drop-bolts. Bins, bicycle parking and appropriate signage should also be provided.

Public Rights of Way: The Illustrative Masterplan indicates a proposed footpath link to Wistaston Road. This would be the main trajectory for cyclists accessing the site as well as pedestrians and should be designed to accommodate both categories of user. Any increase in traffic or resultant upgrade works at the Wistaston Road/Crewe Road junction and the Peacock Roundabout should accommodate the needs of pedestrians and cyclists.

The legal status, maintenance and specification of the proposed pedestrian and cyclist routes within the site would need the agreement of the Council as Highway Authority.

The developer should be tasked to provide new residents with information about local walking and cycling routes for both leisure and travel purposes.

Archaeology: The generally low archaeological potential of the site is accepted and there is no objection to the development on archaeological grounds or any necessity for further pre-determination evaluation of the site. There are, however, a small number of locations within the development where the archaeological assessment has identified features which do merit further targeted mitigation. These consist of the site of a former barn in the north-west corner of the site which is depicted on the Tithe Map of 1840 and a County map of 1819. In addition, an extant field boundary in the southern part of the settlement is depicted on the early maps and incorporates a slight bank. This will be cut at several points by new route ways and a section should be recorded through the hedge, bank, and any associated ditch in order to obtain a record of its form. A condition is suggested.

Natural England: Statutory nature conservation sites – No objection. Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

Protected landscapes - Having reviewed the application Natural England does not wish to comment on this development proposal.

Protected species - It is noted that a survey for European Protected Species has been undertaken in support of this proposal. Natural England does not object to the proposed development. On the basis of the information available to us, our advice is that the proposed development would be unlikely to affect great crested newts and bats.

For advice on all other protected species refer to the Natural England standing advice.

Sustrans: If this land use is supported by the local community and the council's planning committee, Sustrans comments are as follows:

- The traffic flows from the estate will be significant on the adjacent roads of Moorfields and Wistaston Road. There could be delays for example to the 84 bus service on the latter due to higher levels of traffic trying to pass parked vehicles.
- For an estate of this scale Sustrans would like to see several pedestrian/cycle connections away from traffic to the adjacent local roads, particularly to Wistaston Road.
- The transport assessment (10.1.4) refers to signals being provided at the Crewe Road/Wistaston Road junction. Sustrans would support this as long as pedestrian measures are included and feeder lanes/advanced stop areas are provided for cyclists.
- The Transport report (10.1.3) refers to a contribution to changes at the Peacock junction. Any changes at this junction should incorporate safe crossing points for pedestrians/cyclists on both arms of the A51 on their 'desire' line, and not just leave them to cope with traffic on dual lane entries and exits.
- The design of the estate should restrict vehicle speeds to less than 20mph.
- Travel planning is mentioned in the transport statement (10.1.7). How will Cheshire East Council ensure this is carried out with a sense of purpose and is monitored against targets?

Education: Assuming that the development of 170 dwellings includes 14 x 1 bed dwellings then 156 will be considered as being family dwellings. Based on this there will be a requirement for a contribution of £303,696 towards primary school education.

There is sufficient capacity in the local secondary school to accommodate the anticipated number of pupils of this age. However the primary schools are forecast to be cumulatively oversubscribed.

On this basis a contribution of £303,696 would be required towards primary education.

No contribution is required for secondary school education.

6. VIEWS OF THE PARISH COUNCIL

Willaston Parish Council: Willaston Parish Council strongly objects to the above planning application on the following grounds:-

- This site lies within the Green Gap as defined in Policy NE.4 of the saved Borough of Crewe and Nantwich Replacement Local Plan 2011 and also within the Strategic Open Gap as defined in Policy CS 5 of the emerging Cheshire East Local Plan. Policy CS 5 states *"New development will not be permitted in these areas and exceptions to this policy will only be considered where it can be demonstrated that no suitable alternative location is available."* As Cheshire East Council has already identified alternative sites to meet the council's housing land supply requirements any exception to the policy does not apply. The application is, therefore, in contravention of both the existing saved local planning policy and the emerging Cheshire East Council planning policy and should be refused on those grounds alone.
- The site fails to meet several of the criteria on the North West Sustainability Checklist, including some of the key criteria of proximity to secondary schools, medical facilities and transport links. The nearest medical centre is in Shavington and is reached via a narrow country lane with no pavement and no public transport service. It is also already operating beyond capacity and existing patients have difficulty contacting the surgery to arrange appointments.
- The local primary school is also already over-subscribed. There have been several cases over recent years when young children living in the village have not been able to gain a place in the local primary school and have had to travel to surrounding areas in order to secure a primary school place.
- The applicant's reports show Shavington High School as the closest secondary school to the proposed development site and Brine Leas as an alternative. Neither of these schools fall within the secondary school catchment area. The nearest school within the catchment area is Malbank, which is 4.3km from the proposed development site.
- The drains and sewers in this area of Willaston do not have the capacity to cope with further development and there are grave concerns regarding potential flooding. There have already been several developments in this area over recent years without any improvement to the infrastructure.
- There are already significant issues with traffic congestion in the area. Access to the site would have to be via Wistaston Road, which is a narrow road full of parked cars due to the lack of off road parking associated with rows of terraced housing. Agreement has already been reached with Cheshire East Council for a review of parking in Willaston and this proposed development of 170 houses would result in another 300 vehicles emerging on to the already very congested Wistaston Road. The increased traffic congestion is also likely to cause significant delays to the local bus service, with higher volumes of vehicles attempting to pass parked cars.
- The applicant's own report identifies that the site consists largely of Grade 2 agricultural land. This is not something which should be given up lightly in times of concern over the sustainability of food supplies.

Rope Parish Council: Rope Parish Council strongly objects to this application because it lies within the Green Gap as defined in policy NE.4 of the saved Borough of Crewe and Nantwich plan which has been redefined as Strategic Open Gap in the emerging Cheshire East plan. If this development were allowed it would further weaken this policy. The more the policy is weakened the more likely there are to be further applications within the green gap. There has been a considerable amount of consultation between Cheshire East, parish councils and the public over several years which has led to the Green Gaps being retained as Strategic Open Gaps in the emerging plan. There is a strong and widespread opinion that the gaps should be retained in their entirety, local democracy should be respected.

Wistaston Parish Council: Object to the application on the following grounds:

- The site is not included in Cheshire East Councils Local Plan for development.
- Strategic Open Green Gaps should be preserved this proposal is located in a Strategic Open Green Gap and on prime agricultural land.
- It does not offer anything towards existing community amenities and would have a severe impact on the already oversubscribed schools and medical services of the catchment areas.
- The development would create a significant increase in the volume of traffic at Crewe Road, Wistaston, in close proximity to existing junctions.
- The increased traffic density will have a detrimental impact on the narrow Moorfields Road and its junction with Wistaston Road, Willaston.

7. OTHER REPRESENTATIONS

Letters of objection have been received from approximately 302 local households raising the following points:

Principal of development

- The site is within the Green Gap
- At this point the Green Gap is at its narrowest
- The proposal is contrary to the Councils emerging plan
- Urban sprawl
- Approving the development would be undemocratic
- Cheshire East now has a 5 year housing land supply
- The site is not sustainable as some facilities are not within the required distances (secondary schools, medical centres, transport infrastructure)
- Loss of Grade 2 Agricultural Land
- Opportunistic development
- Willaston is already over populated
- Loss of separation between Willaston and Wistaston
- A previous application was refused off Cheerbrook Road due to the impact upon the Green Gap
- Brownfield sites should be developed first
- The proposed development is contrary to Policy NE.4
- There is no need for any additional housing
- The Green Gap is under siege
- Impact upon the well being of the local society
- Loss of village identity
- Willaston will become a suburb of Crewe or Nantwich
- The development is over dense

- Over development of the site
- There are plenty of properties for sale within the village
- There are plenty of brownfield sites available in Crewe
- Inaccuracies contained within the planning application
- Cheshire East now has sufficient housing sites

Highways

- Existing congestion at the railway crossing in the village
- Moorfields is too narrow
- Moorfields is in a poor state of repair
- The junction with Crewe/Nantwich Road is an accident blackspot
- Moorfields cannot cope with the extra traffic
- Highway safety
- Traffic congestion
- Existing on-street parking along Moorfields
- The junction at Moorfields and Wistaston Road is dangerous
- Limited play facilities for children in the village
- Pedestrian/Cyclist safety
- Unsafe access
- Buses and refuse vehicles struggle to move through the village
- Speeding is a problem in the village
- There is limited parking within the village
- Emergency vehicles have difficulty entering the village

Green Issues

- Impact upon wildlife
- Impact upon protected species
- Loss of habitat
- Loss of Green Land
- Loss of habitat
- There is a Badger sett on site
- There are Great Crested Newts on the site

Infrastructure

- The drains are inadequate and there are potential flooding issues
- The sewer system is at capacity
- The local Primary School is already full
- Water run-off and flooding
- Impact upon local secondary schools which are at capacity
- The site is not sustainably located and fails the sustainability checklist
- Increased pressure on GP services
- Impact upon Leighton Hospital
- Impact upon water pressure
- Any land level changes will impact upon residential amenity

Amenity Issues

- Proximity to surrounding residential properties
- Loss of privacy
- Visual impact

- Loss of light
- Loss of outlook
- Noise and disruption from construction of the dwellings
- Increased noise
- The proposed pedestrian link will cause privacy/security issues
- Light pollution
- Increased pollution

Other issues

- Impact upon property value
- The design of the dwellings is out of character
- There is a high level of local opposition to this development

A letter of objection has been received from Edward Timpson MP raising the following points:

- You will be aware that as an MP I have no influence or formal role within the planning system. However, where there is a clear, unambiguous and consistent local opinion then my role is to represent that view. It is abundantly clear from the meetings I have had with the Willaston Green Gap Action Group, from the residents I have spoken to and from the sheer volume of correspondence I have received that this development is not wanted.
- There are a number of very valid reasons why residents object to the application, but primarily because the development would be within the Green Gap and is contrary to the draft Local Plan and the Willaston Parish Council's Local development Plan. Furthermore, it is felt that the access is totally unsuitable and residents are, quite rightly, concerned that the local infrastructure will not support the increase in population. There are also genuine concerns about the loss of wildlife habitats.
- I would be grateful if you could ensure that my constituent's views and my wholehearted support of them are taken into account at any determination.

An objection has been received from Cllr Silvester to say that he fully supports the reasons of objection made by the Parish Council and the Green Gap Action Group. The letter also makes the following points:

- Cheshire East has let down local residents by not having a local plan in place
- The Willaston area is under siege from developers
- Impact upon the open countryside and Green Gap
- Increased traffic congestion
- Increased parking problems in the village
- Increased accidents
- Increased pollution
- The primary school is over subscribed
- Drainage problems in the village

An objection has been received from the Chair of Governors at Willaston Primary School raising the following points:

- We have a small village school which is now full bar 2 places - this has been little changed over the last 5 years and numbers are not expected to drop in the future.
- We have been informed that the number of extra children requiring school places as a result of this development would initially be approx 20 (sounds very low?).

- We do not have the facilities for this number of extra children, and will be forced to combine classes or increase class sizes above 30. This is not something the governing body wish to do as it will adversely affect the learning potential of all children within the school.
- We have a great school which is carefully managed to maintain the ethos and values of a small village school – extra development will destroy the identity of both the village and the school and must be avoided.

The full content of the objections is available to view on the Councils Website.

8. APPLICANT'S SUPPORTING INFORMATION

To support this application the application includes the following documents:

- Air Quality Report (Produced by Smith Grant)
- Flood Risk Assessment (Produced by BWB)
- Design and Access Statement (Produced by MPSL)
- Planning Statement (Produced by Barton Willmore)
- Desk Study Report (Produced by ASL)
- Economic Impact Report (Produced by Regeneris)
- Transport Assessment (Produced by PTB Transport Planning)
- Travel Plan (Produced by PTB Transport Planning)
- Ecological Assessment (Produced by JW Ecological Ltd)
- Foul Water and Utilities Report (Produced by BWB)
- Tree Survey (Produced by Midland Forestry)
- Archaeology Assessment (Produced by Northamptonshire Archaeology)
- Ecological Method Statement (Produced by Just Ecology)
- Ecological Mitigation Strategy (Produced by Just Ecology)
- Hedgerow Assessment (Produced by Just Ecology)
- Statement of Community Involvement (Produced by Barton Willmore)
- Landscape and Visual Impact Assessment (Produced by Pegasus)
- Agricultural Land Assessment (Produced by Soil Environment Services Ltd)
- Affordable Housing Delivery Plan (Produced by Bridgehouse Property Consultants)

These documents are available to view on the application file.

9. OFFICER APPRAISAL

Main Issues

Given that the application is submitted in outline, the main issues in the consideration of this application are the suitability of the site, for residential development having regard to matters of planning policy and housing land supply, affordable housing, highway safety and traffic generation, contaminated land, air quality, noise impact, landscape impact, hedge and tree matters, ecology, amenity, open space, drainage and flooding, sustainability and education.

Principle of Development

Housing Land Supply

The National Planning Policy Framework (NPPF) confirms at paragraph 47 the requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

“identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”.

The NPPF clearly states at paragraph 49 that:

“housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means:

“where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
- *specific policies in the Framework indicate development should be restricted.”*

A number of recent appeal decisions have concluded that the Council has not conclusively demonstrated a five year supply of deliverable housing land, founded on information with a base date of 31 March 2012 selectively updated to 31 March 2013. However, the Council has recently published a 5 Year Supply Position Statement which seeks to bring evidence up to date to 31 December 2013. The approach taken to the Statement has been informed by policy requirements and by consultation with the Housing Market Partnership.

The Borough's five year housing land requirement is 8,311. This is calculated using the 'Sedgefield' method of apportioning the past shortfall in housing supply across the first five years. It includes a 5% buffer, which is considered appropriate in light of the Borough's past housing delivery performance and the historic imposition of a moratorium.

A standard formula of build rates and lead-in times has been applied to most housing sites, unless more detailed site-specific information is available. Those considered deliverable within the five year supply have been 'sense-checked' and assumptions altered to reflect the circumstances of the particular site. The criticisms made of the yields from certain sites in the recent appeals, particularly those in the emerging Local Plan, have also been taken on board.

Sources of supply include sites under construction; sites with full and outline planning permission; sites awaiting Section 106 Agreements; selected Strategic Sites which are included in the emerging Local Plan; sites in adopted Local Plans; and small sites. This approach accords with

the *National Planning Policy Framework*, existing guidance and the emerging *National Planning Policy Guidance*.

A discount has been applied to small sites, and a windfall allowance included reflecting the applications which will come forward for delivery of small sites in years four and five.

A number of sites without planning permission have been identified and could contribute to the supply if required. However, these sites are not relied upon for the five year supply at present.

The current deliverable supply of housing is assessed as being some 9,757 homes. With a total annual requirement of 1,662 based on the 'Sedgefield' methodology and a 5% 'buffer', the *Five Year Housing Land Supply Position Statement* demonstrates that the Council has a 5.87 year housing land supply. If a 20% 'buffer' is applied, this reduces to 5.14 years supply.

In the light of the above the Council will demonstrate the objective of the framework to significantly boost the supply of housing is currently being met and accordingly there is no justification for a departure from Local Plan policies and policies within the Framework relating to housing land supply, settlement zone lines and open countryside in this area.

Additionally, the adverse impacts in terms of conflict of this proposal with the emerging draft strategy of releasing this site for housing development would, in the planning balance, outweigh the benefits of the proposal in terms of housing land supply, since the site is not relied upon with the emerging Core Strategy or the Assessed Housing land supply.

Therefore, the site is not required for the 5 year housing land supply plus buffer.

Open Countryside Policy

As well as assessing housing supply, the recent Appeal decisions at Sandbach Road North Congleton Road Sandbach, the Moorings/Goldfinch Close in Congleton and Crewe Road, Gresty Green are also significant for clarifying the status and intent of settlement zone line and countryside policies within the existing Plan.

Some have sought to argue that as settlement boundaries effectively contain the built area of a town or village – and so define the area in which development is usually concentrated – that accordingly they should be viewed as housing supply policies. This subsequently could mean that those policies, along with normal countryside policies, should be considered “out of date” if there is no five year supply of housing land. This view is derived from paragraph 49 of the framework which states that:

“Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”.

There are appeal decisions that appear to support this perspective, although the recent appeals in Cheshire East (mentioned above) have generally taken a different approach.

The recent appeal decisions consider this matter in some detail. It was noted by Inspectors decisions” that the settlement zone lines serve a variety of purposes – and take account of land

allocated for development up to a particular point (in this case 2011). However, the Inspector considered that settlement zones lines were not driven by the need to identify land for development, but rather are based on the objective of protecting countryside once development land is identified. Consequently, he concluded that the related policy (Policy PS4 of the Congleton Local Plan) was *“not sufficient directly related to housing land supply that it can be considered time expired for that purpose.”* Instead the Policy is *“primarily aimed at countryside & green belt protection”*. These objectives are largely in conformity with the NPPF and attract *“significant weight”*. In both appeals conflict with countryside policies were acknowledged.

This means that these policies remain important in the planning balance – but are not necessarily determinative. The two decisions (Congleton Road and Sandbach Road North) pinpoint that much depends on the nature and character of the site and the individual circumstances pertaining to the application. At Congleton Road, the Inspector considered that the objective to boost significantly the supply of housing outweighed the “relatively moderate” landscape harm. In contrast, at Sandbach Road North the provision of housing was viewed as an “important and substantial” material consideration, but there would also be serious harm resulting from the impact on the character and appearance of the countryside. On that occasion that identified harm, combined with the significant weight attributed to countryside policies, outweighed the benefits in terms of housing supply and notwithstanding the housing supply position previously identified by Inspector Major, the appeal was dismissed.

In reaching this conclusion, the Inspector memorably noted that:

“the lack of a 5 year supply of housing land does not provide an automatic ‘green light’ to planning permission”.

Accordingly, countryside policies in existing local plans can be considered as consistent with NPPF and are not housing land supply policies – and thus not of date, even if a 5 year supply is not in evidence. They accordingly need to be played into the planning balance when decisions are made. Where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply. Therefore, the proposal remains contrary to Open Countryside policy regardless of the 5 year housing land supply position in evidence at any particular time.

Green Gap

As well as lying within the Open Countryside, the application site is also within the Green Gap. Therefore, as well as being contrary to Policy NE.2, it is also contrary to Policy NE.4 of the Local Plan which states that approval will not be given for the construction of new buildings or the change of use of existing buildings or land which would:

- result in erosion of the physical gaps between built up areas; (in this case the Willaston/Rope gap)
- adversely affect the visual character of the landscape.

Exceptions to the policy will only be considered where it can be demonstrated that no suitable alternative location is available.

It could be considered that the Policy is a Housing Land Supply Policy and therefore out of date. This was the case for the Rope Lane, Shavington appeal (for 80 dwellings) when in allowing the appeal at Rope Lane, which was also located within the Green Gap, the Inspector determined that:

'In my view Policy NE.4 is not a freestanding policy; its genus is in Policy NE.2 and I agree with the appellant that if Policy NE.2 is accepted as being out-of-date, then it must follow that Policy NE.4 must also be considered out-of-date for the purposes of applying Framework policy'

However, it has to be remembered that the policy is contained in the natural environment chapter, not a housing one and the reason for NE.4 is not heavily related. As such, in the October 2013 appeals (Alsager and Sandbach), the Inspector held that these policies were not housing related and therefore had weight.

Within the natural environment chapter, policies relating to the following issues are addressed, none of which are directly housing related.

- Green Belt
- Open Countryside
- Special County Value
- Green Gaps
- Nature Conservation and Habitats
- Internationally Important Nature Conservation Sites
- Locally Important for Nature Conservation Sites
- Protected Species
- Woodland Planting and Landscaping
- River and Canal Corridors
- Agricultural Land Quality
- Rural Diversification
- Agricultural Buildings
- Conversion of Agricultural Buildings
- Pollution Control
- Telecommunications Development
- Renewable Energy
- Flood Prevention
- Landfill Sites

This further backs up this point that Green Gap policy as with Countryside policy is still up to date and should be weighed in the planning balance.

In considering the Green Gap the Inspectors Report into the Local Plan, he found that:

'The width necessary to achieve adequate separation is a matter of judgement and I see no benefit in a detailed analysis of the (Green Gap) boundary unless there is a specific identified need to do so – for example if it were not possible to meet the CRSP (Cheshire Replacement Structure Plan) housing provision. This is not the case in this review of the Local Plan'

This echoed by the Inspector at Rope Lane where he found that Policy NE.4 was qualified by references to an adequate supply of housing and as this position has now changed the Inspector attached limited weight to the Policy.

Finally the Inspectors Report for the Local Plan states at paragraph 143.2.1 that:

'I have concluded that the existing boundaries of the Green Gap designations continue to be appropriate for this plan period'

Whilst the green gap policy wraps around the southern edge of Crewe more than anything else it is intended to ensure that the towns of Crewe and Nantwich do not merge. These settlements have a very different character and history. Nantwich traces its origins to the Roman era and until the mid 19th century remained the pre-eminent urban centre in south Cheshire. In contrast Crewe grew rapidly from the 1840's following the completion of the Grand Junction Railway. To this day the towns retain their distinctive identity. This is a key objective of the existing development plan – and also the emerging Cheshire East Local Plan. This proposes an extension of the North Staffordshire Green Belt into the area between the two urban areas. The separation of Crewe & Nantwich is thus considered to be an important strategic objective – and one that is of enduring relevance. It is also pertinent that additional development can be accommodated in the Crewe & Nantwich area without impinging on the green gap as a whole – and certainly on the most sensitive areas within it.

The impact on the Green Gap is therefore a matter of judgement to be weighed in the balance taking account of the current housing supply position.

The impact upon the landscape is considered below, but this concludes that the landscape impact would not be significant. The second test for Green Gap is whether it would result in the physical gap between built up areas being eroded and whether it would result in a significant erosion that would be detrimental (in this instance) between Willaston and Rope. This particular part of the Gap is quite wide but there would be an erosion of the physical gap contrary to NE.4.

The scale of the development of up to 170 dwellings must also be material in this instance as the erosion of the Gap and the will consequence be significantly larger than some other sites that Members will be aware have been approved. This must also be weighed in the planning balance.

Policy NE.4 also states that exceptions should be considered where no suitable alternative location is available. Given the number of other housing applications that are currently with the Council (in the light of the Housing Supply position) it is considered that other alternatives are available that would avoid large areas of Green Gap being used.

The emerging Local Plan as indicated above carries only moderate weight at this time. However, given that the Council is seeking to maintain and enhance the principle of Green Gap through Green Belt reviews and assessment to prevent Crewe merging into Nantwich housing supply should be boosted where possible without undermining this objective.

Landscape

The application site is flat and roughly rectangular shaped area covering two fields, one large and one small, bound to the west to the rear gardens of dwellings along Wistaston Road and to the south by the rear gardens of gardens of properties along Moorfields along the western part of the southern boundary, and a thin strip of agricultural land outside the application site along the eastern part of the southern boundary. There are agricultural fields to the north and east of the application site, there are no public footpaths or publicly accessible open views towards the site.

As part of the application a Landscape and Visual Impact Assessment has been submitted, the assessment indicates follows the Guidelines and methodology outlined in the Guidelines for Landscape and Visual Impact Assessment 3rd Edition 2013. There are no landscape designations on the application site and the assessment offers a baseline landscape assessment which is accurate and correctly identifies that the application site as being located within the National Character Area, Area 61 – Shropshire, Cheshire and Staffordshire Plain/Cheshire Sandstone Ridge, and also in the Cheshire Landscape Character Assessment 2009, which identifies the application as being located within Type 10 Lower Farms and Woods, specifically LFW7 Barthomley Character Area; the application area is very characteristic of this landscape type.

The assessment identifies baseline landscape and visual characteristics of the application site. The landscape impact assessment indicates that the sensitivity of this landscape character type is medium, and that it is considered to be of low sensitivity; it is considered that this has been underestimated and that in reality the landscape character of the site would be greater than a low sensitivity and may be of a medium sensitivity.

There are no landscape designations on the site, but there are intermittent views of the site from the area to the front of properties bordering the site, although there are longer views across the site from further east from the Public Footpath; nevertheless residential properties located along the western boundary –Wistaston Road and the southern boundary Moorfields do overlook the whole of the application site and the wider open countryside beyond the application site.

With reference to the sensitivity of private views, the assessment indicates that properties along part of Moorfields Road, parts of Wistaston Road and parts of Meadow View would be affected. The assessment then indicates that the planning system does not serve to protect private interests; however the Guidelines do indicate that private viewpoints can be included in an assessment and that they can be particularly susceptible to change.

In conclusion the significance of effect on the landscape character has been underestimated and that the effect on the local landscape character will also be greater than predicted, although not significantly so.

This is a locally valued landscape, although an undesignated landscape. In this case the assessment indicates that the proposed development would be visually well contained by the existing built form and associated boundary vegetation, in reality the proposals would extend the built form into what is currently an agricultural landscape. It is not considered that the landscape harm would be so significant as to warrant the refusal of this application.

Location of the site

The site is considered by the SHLAA to be sustainable. 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:

- Amenity Open Space (500m) – would be provided on site
- Children’s Play Space (500m) – would be provided on site
- Child Care Facility (nursery or crèche) (1000m) - 480m
- Community Centre/Meeting Place (1000m) – 800m
- Public House (1000m) – 350m
- Bus Stop (500m) – 480m
- Primary School (1000m) – 850m

Where the proposal fails to meet the standards, the facilities / amenities in question are still within a reasonable distance of those specified and are therefore accessible to the proposed development. Those amenities are:

- Outdoor Sports Facility (500m) – 700m
- Public Right of Way (500m) – 700m
- Convenience Store (500m) – 650m

The following amenities/facilities fail the standard:

- Post office (1000m) – 1400m
- Supermarket (1000m) – 3500m
- Secondary School (1000m) – 2570m
- Medical Centre (1000m) - 2570m
- Pharmacy (1000m) – 2570m

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 Willaston, 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 suburban dwellings and will be the same distances for the residential development on Wistaston Road and Moorfields from the application site. However, all of the services and amenities listed are accommodated within Crewe and are accessible to the proposed development on foot or via a short bus journey. Accordingly, it is considered that this small scale site is a sustainable site.

Affordable Housing

This site is located in the Willaston Parish, for the purposes of the Strategic Housing Market Assessment Update 2013 (SHMA) the Willaston Parish is included in the Crewe sub-area. In the SHMA the Crewe sub-area shows a net need for 217 new affordable homes per year between 2013/14 and 2017/18 (50 x 1 beds, 149 x 3 beds, 37 x 4+ beds and 12 x 1 bed & 20 x 2+ beds older persons accommodation. (The SHMA identified an oversupply of 51 x 2 beds)

In addition to the information taken from the SHMA on Cheshire Homechoice there are currently 44 applicants on the housing register who require social or affordable rented housing and have Willaston as their first choice, these applicants require 16 x 1 beds, 14 x 2 bed, 9 x 3 beds and 3 x 4 beds (2 applicants have not specified how many bedrooms they require).

The Interim Planning Statement: Affordable Housing advises – *that for Windfall sites in settlements with a population of 3,000 or more the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified ‘windfall’ sites of 15 dwellings or more or than 0.4 hectare in size. It also advises that the exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion of affordable housing for any site will normally be 30%, in accordance with the recommendation of the 2010 Strategic Housing Market Assessment.*

Therefore there should be provision of 30% of the total dwellings as affordable, with 65% provided as social or affordable rent and 35% intermediate. This is the preferred tenure split identified in the SHMA and highlighted in the Interim Planning Statement on Affordable Housing (IPS). This equates to a requirement for up to 51 affordable dwellings on this site, with up to 33 provided as social or affordable rented dwellings and 18 provided as intermediate tenure.

The Affordable Housing Delivery Plan submitted with the application confirms that 30% affordable housing will be provided on this site with a 65% rented and 35% intermediate split which is acceptable.

The Affordable Housing Delivery Plan (AHDP) gives a breakdown of the sizes of affordable housing proposed. Further information would be required by providing details in an affordable housing scheme to be submitted at reserved matters stage and the scheme to meet the affordable housing requirements detailed above and in the Council's IPS. Including the following: -

- 30% of the total dwellings to be provided as affordable housing
- 65% of the affordable dwellings to be affordable or social rented, 35% to be intermediate
- The affordable dwellings to be pepper-potted across the site
- Affordable homes to meet CFSH Level 3 and to be built in accordance with the Homes & Communities Agency Design & Quality Standards. (This is required for intermediate units as well as rented units, the AHDP confirms that only the rented units will be built to the required standard)
- The affordable dwellings to be provided no later than occupation of 50% of the open market dwellings.

The proposed development is considered to be acceptable in terms of its affordable housing offer.

Highways Implications

Access

The development would have a vehicular and pedestrian access point onto Moorfields with a secondary pedestrian/cycle access being provided onto Wistaston Road.

The access onto Moorfields allows only one 2-metre wide footway alongside a 5.5m entry carriageway width. Normally a footway would be required on both sides of the access. However, given that the main pedestrian desire-line and movements will be on this one side, and a second pedestrian access is proposed onto Wistaston Road, it is considered that the access to the site is acceptable.

The proposed access would be provided at the point of the existing turning head on Moorfields. The traffic speeds along this road demonstrate that the required visibility splays at the site access are 2.4m x 33m in both directions which can be achieved.

Parking surveys were undertaken by the applicant along Moorfields in the AM peak hour on two days and the results indicate that there were a maximum of eight vehicles parked on the existing highway. It is not considered that parking on the highway would cause any significant issues.

In terms of the junction of Moorfields/Wistaston Road/Gladstone Street the submitted Transport Assessment demonstrates that the junction will operate within capacity with the addition of the proposed development traffic with no requirement to mitigate the junction.

Therefore the proposed access point is considered to be acceptable.

Impact upon surrounding junctions

The relevant test contained within the NPPF states that

‘Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe’

The existing traffic flows are as follows:

Wistaston Road

AM peak northbound = 80 vehicles; southbound = 60 vehicles;
PM peak northbound = 55 vehicles; southbound = 151 vehicles.

Moorfields

AM peak westbound = 17 vehicles; eastbound = 11 vehicles;
PM peak westbound = 10 vehicles; eastbound = 20 vehicles.

The site is expected to generate the following movements:

Wistaston Road, north of Moorfields:

AM peak northbound (from site) = 32 vehicles; southbound (to site) = 11 vehicles;
PM peak northbound (from site) = 17 vehicles; southbound (to site) = 30 vehicles.

Wistaston Road, south of Moorfields:

AM peak northbound (to site) = 15 vehicles; southbound (from site) = 44 vehicles;
PM peak northbound (to site) = 41 vehicles; southbound (from site) = 24 vehicles.

These flows, whilst not in themselves high, will result in a proportional increase on Wistaston Road of something like a third.

Beyond the extents of Wistaston Road traffic splits to various destinations so the overall impact is reduced. About 16 movements in each peak will use the Peacock Roundabout and 45 trips the Cheerbrook Roundabout. Although these represent a small proportion of the total movements at these major junctions, they will nevertheless add to existing levels of congestion.

The submitted Transport Assessment has evaluated the junctions based on expected traffic levels in 2023 (i.e. in ten years time). The following junctions were tested and the impact is also given below:

- Wistaston Road/ Coppice Road – The junction will operate well within capacity with the addition of the proposed development.
- Wistaston Rd/ Moorfields Road - The junction will operate well within capacity with the addition of the proposed development.
- A534 Crewe Road/ Coppice Road – Minimal impact to the operation of this junction
- Wistaston Road/ Park Road - The junction will operate well within capacity with the addition of the proposed development.
- Wybunbury Road/ Eastern Road - The junction will operate well within capacity with the addition of the proposed development.
- Wybunbury Road/ Cheerbrook Road/ Green Lane - The junction will operate well within capacity with the addition of the proposed development.
- A534 Crewe Road/ Church Lane - Church Lane entry near practical capacity
- A534 Crewe Road/ Wistaston Road - capacity issues on Wistaston Road, particularly PM with increased queues

It should also be noted that the development will send more traffic over the level crossing on Wistaston Road. On the basis of existing queue lengths and expected traffic increase, queues and delays to traffic are not expected to increase significantly.

The developers recognise the impact of the development on the Wistaston Road/ Crewe Road junction and have offered to fund the provision of traffic signals at this location. This will remove the difficulties of traffic egressing Wistaston Road whilst maintaining sufficient capacity for the Crewe Road arms. Pedestrian crossing facilities would be included. As the need for the signals arises directly from the increase in Wistaston Road traffic arising from the development, this improvement would be most appropriately funded by the developer under S278 of the Highways Act. The requirement for such an Agreement would need to be attached to any detailed application should this outline application be approved.

The traffic from the site will disperse over various routes but a considerable proportion will use or cross the A51 via the Cheerbrook (A51/A500), Peacock (A51/A534) and Alvaston (A51/A530) roundabouts. These junctions experience congestion with the latter two already over capacity at

peak periods. Therefore whilst the impact may be small in terms of vehicle numbers it will be significant in terms of queues and delay.

CEC has improvement schemes for these junctions in the Infrastructure Plan, costed at £705,000 (Peacock) and £1,493,000 (Alvaston). The Strategic Highways Manager considers that a contribution to enhancements on the A51 corridor is justified by the traffic impact of the development and would be CIL-compliant. A S106 contribution of £170,000 is therefore sought. This has been agreed by the applicant.

Amenity

In terms of the surrounding residential properties, these are mainly to the south and west of the site fronting Wistaston Road and Moorfields.

From the indicative plan the separation distances that would be achieved exceed those contained within the SPD on Development on Backland and Gardens. Therefore, it is not considered that the development would have a detrimental impact upon neighboring residential amenity. Further details would be obtained at the reserved matters stage.

The Environmental Health Officer has requested conditions in relation to a construction management plan, hours of operation, bin storage, external lighting and contaminated land. These conditions will be attached to any planning permission.

Air Quality

The air quality assessment submitted with the planning proposal indicates that there would be an adverse impact in the Nantwich Road Air Quality Management Area (AQMA) in Crewe and to a lesser extent the Hospital Street AQMA in Nantwich. Any increase in air pollutants in an AQMA is considered significant as it is in direct conflict to the objectives of preserving public health as part of the Local Air Quality Management duties.

In addition, the cumulative impact of a number of developments in the area (regardless of their individual scale) has the potential to significantly increase traffic emissions and as such adversely affect local air quality for existing residents by virtue of additional road traffic emissions

One of the twelve core planning principles contained within the NPPF states that planning should:

‘contribute to conserving and enhancing the natural environment and reducing pollution’

To prevent unacceptable risks from air pollution, planning decisions should ensure that new development is appropriate for its location. The NPPF states that the effects of pollution on health and the sensitivity of the area and the development should be taken into account and paragraph 124 states that:

‘Planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan’

The air quality impacts from this development could be mitigated against through the implementation of a travel plan, suitable electric vehicle charging infrastructure and dust mitigation during the construction phase. Subject to the mitigation measures being secured the Environmental Health Officer has no objection to the development on air quality grounds.

Trees and Hedgerows

Trees

A Tree Preservation Order; the Borough of Crewe and Nantwich - Land to the rear of 100-134 Wistaston Road, Willaston Tree Preservation Order 2007 protects a number of trees along the rear garden boundaries of Meadow Way and the southern boundary of the site to the rear of properties along Moorfields.

The submitted Tree Survey has identified 42 individual trees, 1 group and 13 hedgerows located across the site. All high (A) and moderate (B) category trees should be regarded as principle landscape asset which means there should be a presumption for their retention unless it can be demonstrated that there is an overriding justification for their removal and that any such losses can be adequately mitigated.

The survey has identified a total of 5 (A) category trees (4 Oak and 1 Ash) and 19 individual (B) category trees (comprising of Oak, Ash, Copper Beech, Larch, Hawthorn, Hazel and Cypress) and 1 group (B) category (Ash). Three trees have been identified as unsuitable for retention (U) category.

The illustrative site layout indicates that all A and B category trees (including those protected by the TPO) will be retained, although a number of Low (C) category trees will require removal to accommodate the internal access and layout arrangements. Most high and moderate category will be located within open space provision, with a small number within the rear garden boundaries of properties.

The retention of High (A) and Moderate (B) category trees is to be welcomed. However any future reserved matters application will need to be supported by an Arboricultural Implications Assessment (AIA). The assessment will need to evaluate the direct and indirect impact of the proposed design and layout on the retained trees.

Hedgerows

A Hedgerow Assessment (Just Ecology Ltd dated August 2013) has been submitted to inform the application and to assess whether hedgerows within the site are deemed to be important under the Hedgerow Regulations 1997 and what mitigation measures should be recommended. The survey identifies a total of 22 hedgerows of which 7 are outside the application site. Twelve hedgerows form boundaries to domestic properties and are therefore exempt from the Hedgerow Regulations. Three hedgerows, hedgerows 13 (northern site boundary), 15 (eastern site boundary) and 17 (southern boundary section) have been identified as forming an integral part of a field system pre-dating the Inclosure Acts and therefore qualify as 'Important' under criterion 5 of the Regulations. All three 'Important' hedgerows are proposed to be retained as shown on the proposed Illustrative Masterplan.

A section of hedgerow 17 will require removal to accommodate access into the site off Moorfields. It is recommended in the Assessment that the hedgerows be protected during the development process and enhanced by additional native planting to create a species rich hedgerow.

As a result, the impact upon boundary hedgerows is considered to be acceptable.

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 density of the site is appropriate and is consistent with that of the surrounding area of Willaston.

The indicative layout shows that the properties on the site would overlook the open space, highway and parking areas. The properties located at corner plots would have the potential for dual-frontages. A strong and prominent scheme of tree-planting within the site would create an avenue effect which would add quality to the appearance of the development.

To all sides of the site, a boundary hedgerow would be provided/retained to act as a green buffer to the open countryside and surrounding residential properties.

It is considered that the indicative scheme is acceptable and that an appropriate design solution could be negotiated at the reserved matters stage. The proposal would comply with Policy BE.2 (Design Standards) and the NPPF.

Ecology

Protected Species

Bats

Bat activity surveys undertaken on the site have recorded foraging activity by a number of bat species. The Council's Ecologist advises that the site is not particularly important for foraging bats and the level of recorded activity is relatively low.

A number of trees have been recorded on site that have significant potential to support roosting bats. There is however no evidence at present to suggest that a bat roost occurs within the trees on site. Based on the amended indicative layout plan it appears to be feasible to retain all of the trees identified as having high bat roosting potential. The impact upon bats is therefore considered to be acceptable.

Great Crested Newts

A small population of Great Crested Newts has been identified at a pond some distance from the proposed development site. Due to the distance between the pond and the development site (approximately 160 metres) and the intervening housing it is not anticipated that the proposed development would have a significant impact upon this protected species.

Breeding birds

The application site has the potential to support a number of breeding bird species including House Sparrow and Bullfinch which are both BAP priority species and a material consideration. The Councils Ecologist advises that the retention of hedgerows and mature trees within the site layout and the proposed open space would at least partially mitigate the potential impacts of the development upon breeding birds. The submitted ecological mitigation also recommends the provision of a number of additional features for nesting birds these features would be secured by condition.

Other Protected Species

A sett is present on northern boundary of the application site and the site provides suitable foraging habitat for this species. The sett is currently used by rabbits, however the Councils Ecologist advises that it is likely that the sett could be reused by badgers in the future.

The submitted mitigation method statement proposes the retention of the sett within a 30m undeveloped 'buffer' and the provision of a 10m wildlife corridor along the northern and western boundaries of the site. The undeveloped buffer areas will be planted with fruit bearing trees to provide an alternative source of badger foraging habitat. The Councils Ecologist advises that these proposals are adequate to mitigate the potential impacts of the development upon badgers.

Habitats

Grasslands

The Councils Ecologist advises that the grassland habitats on site are of relatively low nature conservation value and do not present a significant planning constraint upon the development of the site. A number of plant species however have been recorded which are indicative of better quality grassland habitats. The development proposals would result in the loss of much of the grassland habitat and potentially result in an overall loss of biodiversity. Therefore the Councils Ecologist recommended that the applicant undertakes and submits an assessment of the residual ecological impacts of the proposed development using the Defra 'metric' methodology.

An assessment of this type would both quantify the residual ecological impacts of the development and calculate in 'units' the level of financial contribution which would be required to 'offset' the impacts of the development to enable the total ecological impacts of the development to be fully addressed in a robust and objective manner. Any commuted sum provided would be used to fund habitat creation/enhancement works locally. The end result of this process is a development proposal that can be confidently assessed as being truly 'sustainable' in terms of ecology. This approach obviously has implications for the determination of the planning application in light of the NPPF.

The results of the Defra metric assessment show that a biodiversity contribution of £25,000 would be acceptable to mitigate this development. This would be secured as part of a S106 Agreement and the sum would be utilised to secure habitat enhancement/creation within the Meres and Mosses Natural Improvement Area (NIA) to the south of Nantwich. Possible ways that the sum would be spent are for land purchase and enhancement of land near to Wybunbury Moss National Nature Reserve in partnership with natural England or management/restoration works of one of a number of Local Wildlife Sites located within the NIA in partnership with Cheshire Wildlife Trust and the NIA board.

Hedgerows

Hedgerows are a Biodiversity priority habitat and hence a material consideration. Additionally, the eastern boundary hedge and a hedgerow to the south of the site qualify as Important under the Hedgerow Regulations.

The direct loss of hedgerows to the proposed scheme would be relatively minor and the impact upon the hedgerows on site is considered to be acceptable.

Education

In terms of primary school education, as there are capacity issues at the local primary schools, the education department has requested a contribution of £303,696. The applicant has agreed to make this contribution and this would be secured via a S106 Agreement.

In terms of secondary education, there are surplus spaces at the local secondary schools and there is no requirement for a secondary school contribution.

Flood Risk and Drainage

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps. This defines that the land has less than 1 in 1000 annual probability of flooding and all uses of land are appropriate in this location. As the application site is more than 1 hectare in size, a Flood Risk Assessment (FRA) has been submitted as part of this application.

The submitted FRA identifies that there is no or a low risk of flooding from all types of flooding apart from pluvial runoff and the potential effect of the development on the wider catchment and in both cases the risk is medium.

In order to mitigate the development the following is proposed:

- Runoff rates for the development will be limited to Greenfield runoff rates
- The site will use swales to provide the majority of the required attenuation storage and these will direct flows to drain towards the existing pond which will provide the rest of the attenuation storage
- Attenuation storage will be designed to accommodate a 1 in 100 year plus climate change event

The submitted utilities statement identifies that UU have confirmed that there is capacity in the local water supply network and the sewer network to serve this development.

The Environment Agency and United Utilities were consulted as part of the last application and raised no objection to the proposed development. As a result, the development is considered to be acceptable in terms of its flood risk/drainage implications.

Public Open Space

Policy RT.3 states that where a development exceeds 20 dwellings the Local Planning Authority will seek POS on site. In this case the level would be 5950sq.m and the indicative plan shows that the developer will provide 1.09 hectares (10,900sq.m) of amenity green space. This would exceed the requirement for Policy RT.3 by a considerable margin and is considered to be acceptable.

In terms of children's play space this would be provided on site and the applicant has indicated that they are willing to provide a LEAP with 12 pieces of equipment as requested by the POS Officer.

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 a survey of the agricultural land quality has been undertaken and this identifies that 5.15 hectares of the land is grade 2, 1.13 hectares is grade 3a and 0.05 hectares is non-agricultural land

Although the development would result in the loss of 6.28 hectares of Grade 2 and Grade 3a land a reason for refusal could not be sustained on these grounds. This is supported by a recent decision made by the Secretary of State at Bishop's Cleeve, Gloucestershire where two developments (one of up to 450 homes and another of up to 550 dwellings) were approved outside the settlement boundary with one being located on the best and most versatile agricultural land. The recent decision at Loachbrook Farm, Congleton also reinforces this point.

Inspector as part of the Sandbach Road North appeal decision where the Inspector states that *'whilst the loss of some Best and Most Versatile (BMV) land is a disbenefit, in the context of this proposal the loss is of minor weight'*.

Archaeology

A supporting Archaeological Assessment has been submitted with this application and this has been assessed by the Council's own Archaeologist who has suggested that further mitigation should be secured by condition if planning permission is granted.

Other issues

Concern has been raised about the potential impact upon health infrastructure and in response to this issue the applicant has responded by stating that the NHS doctors surrounding the site are all accepting new patients. The case officer has obtained information from the NHS choices website which confirms that the 8 practices within 2.5 miles of the site are all accepting new patients.

9. CONCLUSIONS

The site is within the Open Countryside where under Policy NE.2 there is a presumption against new residential development. The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development. The Council can now demonstrate a 5 year housing land supply and as a result the principle of development is not considered to be acceptable and the development would be contrary to Policy NE.2.

The conflict with the designated area of Green Gap is not acceptable, particularly given the scale of the development as detailed and it is considered that it would result in a significant erosion of the physical gap between built up areas of Crewe and Nantwich which is a key component of the emerging Local Plan.

The proposed development would provide a safe access and the development would not have a detrimental impact upon highway safety or cause a severe traffic impact subject to contributions to secure mitigation.

In terms of Ecology it is not considered that the development would have a significant impact upon ecology or protected species subject to the necessary contribution to off-set the impact.

The proposed development would provide an over provision of open space on site and the necessary affordable housing requirements.

The education department has confirmed that there is a requirement for a primary school contribution and this could be mitigated through the suggested contribution. There is no requirement for a secondary school contribution.

The proposal is considered to be acceptable in terms of its impact upon residential amenity and drainage/flooding and it therefore complies with the relevant local plan policy requirements for residential environments

Whilst the site does not meet all the minimum distances to local amenities and facilities advised in the North West Sustainability toolkit, there is not a significant failure to meet these and all such facilities are accessible to the site. The development is therefore deemed to be locationally sustainable.

11. RECOMMENDATIONS

Minded to REFUSE for the following reasons:

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside involving the loss of best and most versatile agricultural land within the open countryside contrary to Policies NE.2, NE.12 and RES.5 of the Crewe and Nantwich Replacement Local Plan 2011, Policy PG5 of the emerging Cheshire East Local Plan Strategy – Submission Version and the principles of the National Planning Policy Framework which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it and creates harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework, consequently the application is premature to the emerging Development Strategy since 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 Willsaton and Rope 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 Planning and Place Shaping Manager has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.

Should this application be the subject of an appeal, authority be delegated to the Planning and Place Shaping Manager in consultation with the Chairman of the Strategic Planning Board to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

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