

Application No: 14/5841N

Location: LAND SOUTH OF QUEENS DRIVE, NANTWICH, CHESHIRE

Proposal: Outline planning permission for a residential development comprising of up to 118 residential dwellings (including 30% affordable housing), structural planting and landscaping, informal public open space, surface water attenuation and associated ancillary works, with all matters reserved for future determination with the exception of access

Applicant: Gladman Developments Ltd

Expiry Date: 24-Mar-2015

SUMMARY:

Paragraph 49 of the NPPF 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 and that where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development

It is therefore necessary to make a free-standing assessment as to whether the proposal constitutes “sustainable development” in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

There is an environmental impact in the locality due to the loss of open countryside and agricultural land and the proposal will represent an intrusion into the open countryside.

However, the proposal would satisfy the economic and social sustainability roles by providing for much needed housing adjoining an existing settlement where there is existing infrastructure and amenities. The proposal would provide policy compliant levels of affordable housing (for which there is significant demand), as well contributions to education. In addition it would also provide appropriate levels of public open space both for existing and future residents.

The boost to housing supply is an important benefit – and this application achieves this in the context of a deliverable, sustainable housing land release.

Local concerns of residents are noted, particularly in respect of highway matters but the impact is not considered to be severe under the NPPF test. An appropriate quality of design can be secured at reserved matter stage as can any impacts on amenity.

Subject to conditions, the proposal is considered to be acceptable in terms of its impact upon highway safety, amenity, flood risk, drainage, landscape and ecology.

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph

14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits. Accordingly it is recommended for approval subject to a legal agreement and conditions.

SUMMARY RECOMMENDATION:
APPROVE subject to conditions and Section 106 Agreement.

PROPOSAL:

This application seeks outline planning permission for

- Up to 118 new, mostly family, homes (including affordable housing delivered in accordance with planning policy);
- New access arrangements including an informal footpath/cycle link to extend the Nantwich Riverside Park into the site; and
- New structural landscaping
- 1.15ha of formal and informal open space

SITE DESCRIPTION:

The site of the proposed development is located approximately 1.2km south west of Nantwich town centre. The site covers a total area of approximately 6 hectares. It is currently a greenfield site comprising of pasture fields. The natural topography of the site is generally flat.

The site is bound to the north by the properties on Queens Drive. Open agricultural land borders the site to the south west. The east of the site is bound by the Crewe to Shrewsbury railway line running in a northeast to southwest direction. Towards the centre and eastern boundary of the site lies buildings and an equestrian exercise ground associated with Fields Farm. The red line boundary of the application site excludes the buildings associated with Fields Farm.

The current proposal will form an extension to the consented scheme (Queens Drive Phase 1) which is located to the west of the site and gained planning consent by Appeal in July 2013 (Appeal Ref: APP/R0660/A/12/2187264). The site will be accessed via that development and the consented access onto Queens Drive. The site access to the existing farming facilities is accessed via Queens Drive to the north of the site.

RELEVANT HISTORY:

There is specific planning history of relevance to the current application site. However, it sits alongside and takes access from the Phase 1 scheme for which Reserved Matters have now been granted.

- Gladman Developments Ltd. Date Registered: 29-Jun-2012; Ref: 12/2440N; Outline Application - Proposed Residential Development; Land off Queen's Drive, Nantwich; Appeal Allowed: 18 July 2013.

- Bovis Homes & Barratt Homes; Date Registered: 11-Apr-2014; Ref: 14/1823N; Reserved Matters application for erection of 268 residential dwellings including 29 apartments and associated infrastructure and facilities; Land off Queen's Drive, Nantwich; Granted: 11 July 2014

NATIONAL & LOCAL POLICY

National Policy

National Planning Policy Framework

Local Plan policy

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan for Cheshire East currently comprises the saved policies from the Congleton Borough (January 2005), Crewe and Nantwich (February 2005) and Macclesfield Local Plans (January 2004).

Policies in the Local Plan

NE.2 (Open countryside)
NE.5 (Nature Conservation and Habitats)
NE.9: (Protected Species)
NE.20 (Flood Prevention)
NE.21 (Land Fill Sites)
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)
RT.6 (Recreational Uses on the Open Countryside)
TRAN.3 (Pedestrians)
TRAN.5 (Cycling)

National Policy

National Planning Policy Framework

Other Material Policy Considerations

Interim Planning Statement: Affordable Housing (Feb 2011)
Strategic Market Housing Assessment (SHMA)
Strategic Housing Land Availability Assessment (SHLAA)
North West Sustainability Checklist
Article 12 (1) of the EC Habitats Directive

The Conservation of Habitats and Species Regulations 2010.

Cheshire East Local Plan Strategy – Submission Version

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

PG2 – Settlement Hierarchy
PG3 – Proposed Green Belt
PG5 - Open Countryside
PG6 – Spatial Distribution of Development
SC3 – Health and Wellbeing
SC4 – Residential Mix
SC5 – Affordable Homes
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE1 - Design
SE2 - Efficient Use of Land
SE3 – Biodiversity and Geodiversity
SE4 - The Landscape
SE5 – Trees, Hedgerows and Woodland
SE9 –Energy Efficient Development
IN1 - Infrastructure
IN2 – Developer Contributions

CONSULTATIONS:

United Utilities - no objection to the proposed development provided that conditions are attached to any approval requiring a scheme for the disposal of foul and surface waters for the entire site to be submitted and approved. Surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing sewerage systems.

Highways – No objection subject to the following conditions:

- A detailed TM scheme to be submitted and agreed by the LPA and delivered via a S278 Agreement.
- A S106 contribution of 25k for the TRO's and consultation.
- No development to commence prior to introduction of the traffic management scheme.
- Submission of a Construction Management Plan

Archaeology - The application is supported by an archaeological desk-based assessment, which has been produced by CgMs Consulting and appears as Chapter 13 in the Environmental Statement produced by Wardell Armstrong. Paragraph 13.6 concludes that no further archaeological mitigation is required and I'm inclined to accept the judgement in this instance, in view of the relatively limited area affected, the lack of known archaeological sites and potential, and the fact that no archaeological mitigation was advised with regard to the development to the west.

Rights of Way - The development is to affect Public Footpath No.'s 2, 3 and 4 Edleston, as recorded on the Definitive Map of Public Rights of Way held at this office.

From the site layout plan (Drawing LE12512-003) on the northern boundary of the site, FP3 Edleston appears to be shown slightly to far to the south. The definitive map shows the line of the footpath closer to the site boundary. Although it is noted that this footpath is not part of the developable area and should not therefore be affected by the proposal.

The line of Footpath No.2 Edleston was incorrectly shown on the plan, it was brought to my attention that it should be shown on the eastern side of the boundary. It would appear that the line of the footpath has been consistently shown on the east side and as far as I am aware that is how it has always been on the ground.

Also suggest to the developer that they consider applying for an extinguishment order as part of the planning process for this section of FP2, as this footpath is a cul-de-sac and appears to serve no useful purpose. There are two other footpaths (FP3 & FP4 Edleston) that form a link with the remainder of FP2.

Natural England

- Standing Advice should be used to assess impacts on protected species
- Natural England would encourage the incorporation of GI into this development.
- The authority should consider securing measures to enhance the biodiversity of the site from the applicant,
- GIS tool should be used to assess Impact Risk Zones for Sites of Special Scientific Interest

Environment Agency

No objection in principle to the proposed development but would like to make the following comments.

We note potential sources of contamination exist at the site and in the vicinity of the site including railway land, historical infilled ponds and the potential for historical chemical storage, fuel tanks, bunds and waste to be present at the farm. We agree with the requirement for site investigation to be undertaken at the site. Please ensure that trial pits undertaken on the site extend to a minimum of 4.00mbgl depth. If boreholes are not undertaken as part of the site investigation, sufficient justification for this decision will need to be provided within the Phase 2 Site Investigation Report.

The application should consider the hydrogeology of the area, if impacts are identified mitigation methods must be put in place. The final planning application should be accompanied by a scheme to dispose of foul and surface water. There should be no infiltration of surface water on contaminated land or any discharge of any contaminated water to ground.

Therefore we request that the following planning conditions are attached to any approval as set out below.

- Submission of a sustainable urban drainage scheme for surface water
- Remediation Strategy for contaminated land

Education:

118 dwellings, generating 21 (118 x 0.18) primary and 15 (118 x 0.13) secondary

21 x 11,919 x 0.91 = £227,772.09 primary education

15 x 17,959 x 0.91 = £245,140.35 secondary education

Total = £472,912.44

Network Rail

No objection subject to:

- condition requiring footpath diversion and closure of level crossing
- provision of additional information relating to the balancing pond close to the railway boundary
- condition requiring details of all excavations and earth works to be submitted
- submission of a risk assessment and method statement to Network Rail
- landscaping to include no trees adjacent to railway boundary and only evergreen species
- Provision of suitable trespass proof steel palisade fence of at least 1.8m in height adjacent to Network Rail's boundary
- Approval of any acoustic fence and its foundation design by Network Rail
- The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail land and its infrastructure or undermine or damage or adversely affect any railway land and structures.
- There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil.
- any noise/ vibration impacts caused by the proximity between the proposed development and the existing railway, which must be assessed in the context of the National Planning Policy Framework (NPPF) and the local planning authority should then use conditions as necessary.

Environmental Health

No objection subject to the following conditions:

- Piling Method Statement to be submitted
- Restriction on hours of piling
- Environmental Management Plan to be submitted
- Hours of construction
- Details of Lighting to be submitted
- Noise Mitigation to be submitted
- Travel Plan to be submitted
- Details of Electric Vehicle Infrastructure to be submitted
- Phase 2 contaminated land investigation to be submitted

Nantwich Town Council objects strongly to this proposed development. The site is not a preferred site in the Nantwich Town Strategy or the Cheshire East Core Strategy and was not supported in the consultation on the Local Plan. Access is through a site which was also not a preferred site. The development will add a further 118 dwellings to the Core Strategy total for the Nantwich area thus leading to a considerable over supply over the local plan period. The

effect may be to delay development of sites which were preferred within the strategy and a delay in associated infrastructure benefits to the town.

The only access to the site is from the top of Queens Drive and the combined traffic flows from this site and the site under construction will lead to problems of highway safety at the junction and along the length of Queens Drive.

Acton and Henhull Parish Council

- This council objects to this development as the access of one single point plus an emergency access is insufficient for this development along with the site already being developed to the west. In addition this proposal would make worse the impending traffic problems at the junction of Queens Drive and Welsh Row. At no stage has this site been considered appropriate for development in the work to date on the local plan. If the council is minded to approve the application opportunity should be taken to improve the circular walk around Nantwich by the building of a footway of suitable rural character between the canal bridge at Marsh Lane and Dig Lane as identified in the Acton, Edleston & Henhull Parish Plan and supported by Cheshire East previously.
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Nantwich Civic Society - OBJECT to this proposal.

Despite the current problems with CEC's Local Plan, caused by National government's badly revised National Planning guidance - the free for all that is ensuing makes a mockery of both Localism and good Planning. The community is dispirited and disappointed by the current chaos in housing sites coming forward.

The site is adjacent to the current land which gained permission against the wishes of local people.

This was for good reasons that seem to have been largely cast aside.

The same reasons apply here:

- The extension of the built up area into an area of countryside that does not form a natural extension of the built up area. It makes the blot bigger.
- The Access is through the only access point to the first site, on to Queens Drive, close to the old Canal humped bridge.
- The increase in traffic using this single access point will create a danger for emergency and large vehicles, serving hundreds of dwellings. Fire tenders and ambulances will struggle to gain swift access through this large estate.
- The increased traffic through Marsh lane and Queens Drive onto Welsh Row, will be simply too much for this historic road system to cater for efficiently.
- The application again proposes a few junction improvements, a possible one way system on Welsh Row and improved Traffic lights at Waterlode/Welsh Row Bridge.
- The one way direction should not take people away from the town centre, out to the Aqueduct and the long way round via Waterlode, past a bus school at Malbank.
- They will have a significant detrimental effect on local people not just near the site but all along the new routes being proposed.
- Longer car journeys will be necessary, through currently quiet residential streets. This is not sustainable, making longer journeys and more fuel being burned.
- The proposal also shows some improvements to the Traffic lights at Welsh Row/Waterlode. The technical notes are impossible for lay people to understand.
- The new intelligent scheme needs to ensure the changes are faster than the current slow phasing, makes allowances for turns from other directions in addition as just one direction.
- Pedestrian button causes all the lights to be delayed, whether pushed on one post or all. The delays are very long.
- The pedestrian lights need to be intelligent and also have a count down to tell walkers how long they have to get across -to deter late decisions that cause traffic to have to wait for late pedestrians.
- Basically, this junction needs to be speeded up, made easier to see by both pedestrians and vehicles. There is plenty of room within the junction .

In conclusion such road and control changes show a significant element of convoluted desperation to try to make the effect of such increases in traffic work - or at least to persuade the LPA and Highways Engineers that it is not worth them refusing. Even more houses and traffic should be refused .

REPRESENTATIONS:

Principle of development

- Development is not in the local plan
- Not supported by the people of Nantwich
- Not supported by the Strategic Housing Land Availability Assessment, which says it is not currently developable.
- The housing already being built at the top of Queen's Drive was a development rejected by the Council and by the people of Nantwich. It is regrettable it went to appeal and they were powerless to stop something decided for our town, its local community and visitors by people who see only their own profit and don't have to live with the impact this housing
- There are other earmarked sites: Stapeley- brownfield site, Kingsley Fields and the land sold by Reaseheath College. Those 3 sites will satisfy housing requirements in Nantwich,
- This is not a planning permission that Cheshire East Council wanted to permit.
- Contrary to the Nantwich Town Strategy and Cheshire East Core Strategy, neither of which have indicated that this is a preferred site for housing development.
- Not supported in the consultation in the local plan.
- The development will add a further 118 dwellings to the Core Strategy total for the Nantwich area thus leading to a considerable over supply over the local plan period.
- This is another predatory speculative application being made due to lack of adoption of the Cheshire East core strategy.
- Applicant has no interest in the long-term evolution of Nantwich in line with the intentions of the town or Cheshire East plans.
- Until such time that the Core Strategy is ratified, there should be a moratorium in granting consent to speculative planning applications for housing that do not align to the intentions of the Nantwich Town Strategy or the Cheshire East Core Strategy
- Will delay development of sites which were preferred within the strategy and a delay in associated infrastructure benefits to the town.
- This cynical and speculative application has been made because of the failure of Cheshire East council to adopt a Local Plan.
- As a result developers have declared a free for all in East Cheshire for unsuitable housing development.
- Threatens to change the character of Nantwich as a small market town. There have already been significant numbers of new houses approved around the town and this is just one step too far.
- Understand that these houses are to be built in order to provide affordable housing. If there is really a shortage of this housing in Nantwich (which I doubt) then why does the development that has just started further up Queens Drive not include solely 'affordable housing'?
- Over last 25 years very large housing developments built on previously rural sites: next to Marsh Lane, opposite Malbank school, behind Malbank school and in Stapeley. More recently Stapeley Water Gardens, once billed as the top tourist attraction in the North West, has been replaced by more houses and another large development has started next to the canal at the top of Queens Drive.
- Houses should be built on existing sites (such as the current redevelopment of the Millfields pub site) rather than on previously undeveloped fields.
- There are many more such sites in the Crewe and Nantwich area, not to mention the rest of East Cheshire, that could be used for this purpose.

Highways

- The ongoing, already approved, development at the top of Queens Drive is already causing major traffic congestion and this will only get worse as the houses are occupied.
- Inadequate emergency vehicle access to a development that, if extended, is significant.
- One access point is unsafe.
- As most home owners have at least one car and most have two cars and If the current proposal is for 118 houses, then there will be between 118-236 extra cars on Queens Drive daily, which will filter onto Welsh Row. Also, it is important to note the already approved development adjacent has been approved for 380 houses, which has a potential for 380 – 760 cars on Queens Drive. $236 + 760 = 996$ extra cars daily on Queens Drive.
- If a road user is turning left onto Marsh Lane they have to traverse a small canal bridge. Busy traffic will lead to road traffic accidents
- Drivers tend to treat Queens Drive as a high speed route in and out of town and speeds already regularly exceed 30 mph.
- Loss of control on the bend adjacent to Riverside Park is a real worry for us as parents of young children due to the frequency of poor driving.
- Children currently play in and around the park and along the road. Clearly such use of the road as a social space will become highly dangerous.
- residents of the new developments will not use alternative routes into or through Nantwich. The friction of distance will lead them to choose to drive the shorter route down Queens Drive.
- To ensure the development is sustainable and traffic minimised the footpaths and cycle paths must extend into Riverside Park and link with pathways over the river and into town.
- Existing paths should be upgraded to provide an attractive and safe car free route into town.
- Family cycling on the canal will be impeded unless the adjacent roads are safe to cycle on. Cycle paths must be linked up to enable a traffic free route into town when (and if) traffic is increased on Marsh Lane and Queens Drive.
- The traffic assessment submitted with this planning application clearly states that the current road network, in particular the Welsh Row/Waterlode traffic lights junction would be at 'over practical and theoretical capacity' (long queues of traffic) in 2019. Any person who uses these roads now will confirm that this is the current situation, prior to the additional traffic generated by the imminent 380 dwellings of Malbank Waters adds to the queues. A further 118 dwellings worth of traffic is unacceptable.
- The report also states that by implementing either one of two proposed one-way schemes the problem will be just moved to adjacent road junctions. Although these 'negative' points have been totally omitted from the conclusion.
- The traffic assessment is out of date as its software models used the traffic priority island in the Welsh Row/Queens Drive which has now been removed following an embarrassing number of vehicle collisions.
- Any 166 page report assessing the local traffic situation which omits the terms 'queues' and 'gridlock', which fails to conclude on its own findings and which has been paid for by the developers is so biased as to be considered as misleading.
- Before the Saltmeadows estate was built Queens Drive and Marsh Lane were considered inadequate for its associated traffic. Permission for the Saltmeadows estate was granted on the condition that a through road (Sir Edmund Wright Way) was built

linking it to the Welsh Row/Chester Road traffic lights. The developers and the council did not make this happen. Since then many new dwellings have been built on Marsh lane, many dwellings are nearing completion on Marshfield pub site and 380 dwellings are being constructed on the Malbank Water estate with no action or even a plan of action being taken to improve the road network.

- There is already a stationary/crawling stream of traffic for several hours each day on Marsh Lane, Queens Drive, Welsh Row and Waterlode.
- The implications to further traffic congestion caused by this proposal and all the other imminent additional housing in the area should be reviewed publicly and independently prior to any planning approval is granted.
- The cycle/Public foot path which runs along the private access track to Fields Farm and surrounding dwellings will become the main pedestrian and cycle route for the majority of almost 500 dwellings to and from the town centre. The track will also have to be crossed to access the public space adjacent to the railway line. This narrow single lane track is used by vehicles for several houses, farm traffic, railway service vehicles and emergency vehicles it has no passing places. Vehicles often have to reverse to allow for oncoming traffic which can only be seen by the drivers when they are part way along the track. The mix of reversing bin lorries, kids on bikes, parents with prams, horse boxes and probably a dog or two on a track not wide enough for any of these combinations to pass each other safely is an accident waiting to happen.
- the construction traffic will be added to the lethal mix of cars, children, pedestrians and utility service vehicles.
- The access route also includes historic, vulnerable Welsh Row once described as “the best street of Nantwich” by the historian and writer Nikolaus Pevsner. There is already a problem with queuing traffic along here as well as vehicles parked along the road.
- The construction vehicles cause vibration felt from inside houses on Queen’s Drive so there is concern also for the old buildings of Welsh Row.
- Gladman think the “area could incorporate the proposed development without concerns for highway layout and safety.” (Environmental statement para 7.8.16). This is a theoretical conclusion made before the completion of almost 500 new houses with all the extra car and utility traffic this will produce. This statement doesn’t reflect reality and doesn’t consider near misses and of course, unreported incidents.
- Most of the children attending Malbank School walk or cycle the length of Welsh Row to and from school. This road is already dangerous to cross because parked cars make visibility poor and there are various bus stopping points along the route. The junction at Queen’s Drive is especially busy and dangerous with traffic turning in and out and pedestrians crossing. Comparatively few children would walk from Taylor Drive or Acton to make use of the only crossing – the Toucan near the Aquaduct (cited as mitigating road danger in paragraph 7.9.10 of Gladman’s Environmental Statement.
- The Transport Assessment document considers options for traffic flow along Queens Drive/Marsh Lane/Welsh Row and through the Saltmeadows estate. Examples of one-way systems are put forward but there are other options which should have been considered. It would also be possible to maintain the 2-way traffic flow along Welsh Row, but have a no-entry system/physical blockage in the vicinity of Kings Lane/The Oddfellows Arms. In doing so, Edmund Wright Way and Marsh Lane would remain the access and egress points to the A534W and Waterlode from the area to the west side of town. Marsh Lane should be made 1-way from Welsh Row to the junction of Millfields/Edmund Wright Way, improving safety outside Millfields Primary School in the process. Edmund Wright Way from this junction would be 2-way and the remainder of Marsh Lane remains as 2-way.

This would force traffic arriving from the A51 under the canal bridge to use Waterlode past the football ground rather than travel E down Welsh Row and those cars leaving the residential areas to do the same. It would reduce a heavy traffic flow from W-E down Welsh Row to the lights at the river crossing and improve road safety in the vicinity of Malbank School on Welsh Row due to a reduced traffic volume. The Queens Drive junction with Welsh Row would then also have reduced traffic flow because the road is shut-off near Kings Lane. This means that traffic turning right from Queens Drive onto Welsh Row would be able to do so more safely due to little/no traffic travelling W-E toward town down Welsh Row and also the majority of traffic travelling E-W up Welsh Row from the river would be turning left down Queens Drive. This would become a safer junction. Traffic from the existing consented Bovis/Barratt development at the top of Queens Drive/Marsh Lane should then use Edmund Wright Way to access Waterlode as the primary route out of town and to the by-pass. Travelling down Queens Drive to Welsh Row would only be for town access. The physical barrier itself on Welsh Row could be a raising bollard system to permit emergency vehicle access both ways up and down Welsh Row.

- In deciding the road layout, consideration also needs to be given to the future core strategy development in the Kingsley Field area. The options should also consider the viability of both sets of traffic lights at Welsh Row (the canal bridge and river bridge). Either the timing of the light signals may need to be changed or why not consider a roundabout at Waterlode/A534/Welsh Row/Edmund Wright Way junction to improve traffic flow?
- The current proposal is that the main traffic flow should be along Marsh Lane, Edmund Wright Way and Taylor Drive to the traffic lights by the aqueduct, but part of Marsh Lane is very narrow and two lorries or buses would find it difficult to pass there.
- Another proposal is to make Welsh Row one way. However this would cause considerable inconvenience to drivers. At present a lot of visitors to the shops, pubs and restaurants along Welsh Row enter from Waterlode and park on First Wood Street or St Anne's Lane car parks. When they have finished their visit they return to Waterlode across the bridge. If it were one way then they would have to make a long detour along Welsh Row to the aqueduct and then round Waterlode to the traffic lights. That adds at least a mile to their journey, using more fuel and causing more pollution. One result of this could be that customers are deterred from visiting Welsh Row. Moreover more and more people are moving into the new houses on St Anne's Lane and they will have to make the same one mile detour if they are travelling to the town centre, the south or the M6. And of course the 84 bus from Chester to Crewe would have to be diverted via Waterlode, missing out all the stops on Welsh Row.
- Making Welsh Row one way would be a bad move. There are sometimes long delays for traffic emerging onto Welsh Row from Queens Drive, but a better solution to this problem would be a mini roundabout at the junction, which would give these drivers priority over traffic travelling west along Welsh Row. However this would not solve the problem completely so if this new application were approved it would result in more unnecessary congestion at this point.
- If the application were to be approved, one of the conditions should be that there will be no road connection to the site from the present access track from Queens Drive to Fields Farm.
- A weight restriction was introduced into Welsh Row in recent years to try to restrict heavy vehicles due to the historical nature of this area and the age and nature of the road bridge

- Given that St Annes Close now has additional properties where the Gas Works used to be so there are more vehicles flowing around Welsh Row, causing tailbacks from the lights to Queens Drive, further inhibiting egress, which can already be time consuming,.

Infrastructure

- Increased pressure on schools and potential traffic increase if children are placed in schools that are not a realistic walking distance. Only Millfields is really local and is full.
- Lack of community facilities. In particular the developer's initial consultation included a play area but we believe this is now missing.
- The infrastructure of the town (doctors, schooling, parking) is already at full capacity. Further additional housing without prior expansion in the infrastructure will exasperate this situation.

Right of Way

- The right of way Edleston FP3 is different to that which the footpath officers suggest.
- The right of way Edleston FP2 is used by the public and should not be suggested for Extinguishment.

Amenity Issues

- Residents backing on to the development we are extremely concerned by the plan to build on countryside and the subsequent loss of outlook.
- In relation to 199 Queens Drive, concern about the proximity to the border of the house planned behind. As 119 is set back and so closer to the border than neighbour's homes, occupants are concerned that building will have a particular effect in reducing our outlook and privacy. It will also overshadow garden.
- To reduce impact on outlook and to protect wildlife, it is essential that the existing tree and hedge line is retained IN FULL, not just protected trees.
- Loss of privacy and overlooking.
- The development proposed would totally surround existing dwellings which are currently surrounded by open countryside.
- Gardens would become over shadowed and the current outlook of open countryside would be lost.
- Loss of open countryside.
- The development is outside of the Nantwich town boundary, and would eat into Edleston.
- The development would destroy the outlook of open countryside for the many people and dog walkers who enjoy the current easy escape from suburbia via the public footpaths on the proposed land.
- The proposed development of housing and would generate additional noise and pollution.

Ecology

- Local wildlife found in gardens (and presumably therefore in the proposed development area) include grass snakes and squirrels. Loss of habitat will reduce local biodiversity. Grass snakes are protected under the Wildlife and Countryside Act 1981 and classified as a priority species in the UK Biodiversity Action Plan.

- This is green space used for grazing, home to wildlife and places people enjoy to walk and find a sense of wellbeing. Gladman's photographs attempt to show that from the Lake, no-one would see the new houses. These pictures are taken from behind deciduous shrubs! In the winter, with no leaves the houses will be seen from this tourist attraction - not to mention the noise from 118 (plus 380) houses.

Public Open Space

- The location of a public area next to a railway line and a pedestrian railway crossing must be considered hazardous both to the trains from objects which may be thrown over any fence by rogue individuals, and to the public themselves, some of who may venture through any damaged barrier between them and the railway or via the crossing.
- The public area adjacent to the railway is isolated from and has limited access to the housing areas of the proposal. It should not be considered as open space within the development.
- The isolated location of the public area would make it unattractive to any developers interested in purchasing the housing areas of this proposal. It should be clearly stated who would undertake the tree planting, fencing and future maintenance of this area should permission be granted.
- The isolated location, size and shape of the public area would make it attractive for even more housing in the future. Its status as a public space would need to be protected.

Other issues

- The proposed development is centred around 'affordable housing'. Yet, the homes developed to date are not 'affordable' for most young people and families in Nantwich. Doubt the development will serve those most in need.
- As a general measure of local residents feeling towards this development quote Gladman's own document. "over the last 18 months, this forum of consultation has progressively become less informative and a trend towards aggressive, vocal and adversarial engagement has been experienced". Gladman have not held a public meeting for this application for fear of allowing the public to openly express their opinion.

APPRAISAL:

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

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

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

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

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

Social Sustainability

The first dimension to sustainable development is its social role. In this regard, the proposal will provide up to 118 new family homes, including 30% affordable homes.

Housing Land Supply

Paragraph 47 of the National Planning Policy Framework requires that Council's identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements.

The calculation of Five Year Housing supply has two components – the housing requirement – and then the supply of housing sites that will help meet it. In the absence of an adopted Local Plan the National Planning Practice Guidance indicates that information provided in the latest full assessment of housing needs should be considered as the benchmark for the housing requirement.

Following the suspension of the Examination into the Local Plan Strategy and the Inspectors interim views that the previous objectively assessed need (OAN) was 'too low' further evidential work has now taken place and a fresh calculation made.

Taking account of the suggested rate of economic growth and following the methodology of the NPPG, the new calculation suggests that need for housing stands at 36,000 homes over the period 2010 – 2030. Although yet to be fully examined this equates to some 1800 dwellings per year.

The 5 year supply target would amount to 9,000 dwellings without the addition of any buffer or allowance for backlog. The scale of the shortfall at this level will reinforce the suggestion that the Council should employ a buffer of 20% in its calculations – to take account 'persistent under delivery' of housing plus an allowance for the backlog.

While the definitive methodology for buffers and backlog will be resolved via the development plan process this would amount to an identified deliverable supply of around 11,300 dwellings.

This total exceeds the total deliverable supply that the Council is currently able to identify – and accordingly it remains unable to demonstrate a 5 year supply of housing land.

Affordable Housing

The site falls adjacent to the existing Nantwich settlement boundary. The SHMA update 2013 identified for the Nantwich sub-area there is a net requirement for 78 affordable homes per annum. This equates to a need for 40x 1bd, 15x 3bd, 35 x 4+bd general needs units and 16x

1bd older persons accommodation. The SHMA identified an over-supply of 2 bed general needs and older persons units. Information taken from Cheshire Homechoice shows there are currently 431 applicants who have selected the Nantwich lettings area as their first choice. These applicants require 162x 1bd, 178x 2bd, 72x 3bd and 13x 4+bd units. Therefore there is an identified housing need.

The applicant has stated in their accompanying Planning Statement that 30% of the dwellings will be affordable equating to 35 units. This is acceptable. These should be provided in line with the tenure split identified in the IPS, equating to 23 rented and 12 intermediate tenure units.

The applicant has detailed that the tenure and mix will be determined at Reserved Matters stage. Whilst it is satisfactory to reserve the residential mix of the affordable units, the tenure split will need to be secured at this stage via s106 agreement. The applicant has also provided a draft heads of terms which includes affordable housing to be 30% however this isn't clear on what the tenure split between affordable rented and shared equity is. The units should be provided in line with the tenure split identified in the IPS.

The IPS states that: -

"The Council will require any provision of affordable housing and/or any control of occupancy in accordance with this statement to be secured by means of planning obligations pursuant to S106 of the Town and County Planning Act 1990 (as amended)

The applicant has proposed that the affordable housing is secured by condition, our preference is that the affordable housing is secured by way of a S106 agreement, which: -

- secures 30% of the dwellings as affordable in perpetuity and 65% as social or affordable rent and 35% as intermediate tenure.
- requires them to transfer any rented affordable units to a Registered Provider
- provide details of when the affordable housing is required
- includes provisions that require the affordable homes to be let or sold to people who are in housing need and have a local connection. The local connection criteria used in the agreement should match the Councils allocations policy.
- includes the requirement for an affordable housing scheme to be submitted at reserved matters stage that includes full details of the affordable housing on site including location by reference to a plan, type, size and tenure.
- Requires the affordable units which will be transferred to a Registered Provider to be constructed to HCA Design and Quality Standards (2007) or the latest standards the HCA are applying to their grant funded programme.

Public Open Space

Policy RT.3: Provision of recreational open space and children's playspace in new housing developments, of the Replacement Crewe and Nantwich Local Plan, 2011 requires that

"in new housing developments with more than 20 dwellings, with the exception of sheltered housing, the local planning authority will seek the provision of a minimum 15 sq m of shared recreational open space per dwelling. Where the development includes family dwellings (i.e. those with two or more bedrooms) an additional 20 sq m of

shared children's play space per family dwelling will be required as a minimum for the development as a whole”.

This policy requirement equates to a requirement of 1770 sqm shared recreational open space and 2360 sqm shared children's play space which is a total of 4130sqm open space.

The indicative proposals for the site include 1.15ha of formal and informal open space and therefore the shared recreational requirements of the development are considerably exceeded. No children's playspace is shown on the indicative masterplan. However, clearly 2360 sqm of the 1.15ha could be dedicated to children's play whilst still allowing 1770 sqm shared recreational open space to remain.

Notwithstanding this, the developer argues that the playspace requirements are met through the provision of the play area and MUGA on the adjacent Phase 1 site, which exceed the appropriate amount. A view as to whether the playspace requirements could be met on the adjacent development was being sought from greenspaces at the time of report preparation and an update in respect of this matter will be provided to committee prior to their meeting.

A private management company would be required to manage the greenspace on the site. However, this could be easily secured through the Section 106 Agreement.

Impact on Railway

In 2013, Network Rail were involved in responding to a planning application for 240 dwellings which would impact upon the level crossing at Green Lane and Fields Farm. The developer is now proposing another 118 dwellings in addition to the 240 and on this occasion are proposing in the Transport Assessment that:

3.3 Pedestrian/Cycle Access

3.3.1 The proposed highway access onto Queens Drive and through the consented residential development will include 2m wide footways on both sides.

3.3.2 An existing public footpath extends into the proposed site via the existing farm access and it is proposed that this would provide a pedestrian/cycle link to the eastern extent of Queens Drive towards Nantwich town centre.

3.3.3 It can be seen from the indicative masterplan 4973-PH2-L-02 in Appendix C that it is the intention to deliver a permeable development scheme with pedestrian routes throughout which provide access to existing footpaths across the proposed and adjacent site.

The site plan as submitted shows the pedestrian and cycle routes which link into the existing routes over Fields Farm Level Crossing and also over Green Lane level crossing. It appears therefore that the developer intends for future residents to utilise the walking / cycling routes in, around and adjacent to the site, which would lead pedestrians and cyclists as part of these routes over Green Lane and Fields Farm Level Crossing.

Accordingly Network Rail objected to the scheme on the grounds that the developers are seeking 118 dwellings in this application to add to a further 240 dwellings which have already

been approved, making a total of 358 dwellings adjacent to the operational railway and Green Lane level crossing and Fields Farm level crossing leading to a substantial increase in the use of these crossings.

Network Rail is also concerned that with the developer promoting cycling over a public footpath and a bridleway, that this may be seen an opportunity by the LPA to use these routes as an adopted cycling route.

In addition to the above Network Rail raised concerns regarding the proposed balancing pond. Due to the close location of the balancing pond to the railway boundary and the potential risk this is likely to place on Network Rail's assets the holding objection also applies to this section of the application. Network Rail therefore requested additional information regarding the balancing pond including:

- a) The level of the pond in relation to the existing ground levels and our boundary fence
- b) The average depth of the pond, and a detail design including any information regarding survey, ground investigation and geotechnical analysis work
- c) Information regarding the drainage system and maintaining the pond will also be required
- d) Network Rail would also ask whether the pond location could be moved further from the railway boundary

This has now been provided by the Applicant to Network Rail. Furthermore, Network Rail, have now met with the landowner, developer, and the Cheshire East Public Rights of Way Manager and have agreed to drop their objection subject to a condition as follows:

"The diversion of Footpath FP2 from Field's Farm level crossing to the adjacent underpass shall be implemented in accordance with a timetable that has first been submitted to and approved in writing by the local planning authority."

All other matters raised by Network Rail can be adequately addressed through appropriate conditions.

Education

The Council's Education Officer, in response to a consultation to ascertain the impact of the proposed development on nearby schools has advised that a contribution of £472,912.44 will be required. This can be secured through the Section 106 Agreement

Environmental Sustainability

Landscape

This is an outline application for a residential development of up to 118 dwellings on land to the south of Queens Drive, Nantwich. The application site is located on the southern edge of Nantwich. The Shropshire Union Canal is located at short distance to the west of the application site, the Crewe to Shrewsbury Railway is located to the east. Fields Farm is

located along the eastern boundary of the application site. As part of the application a Landscape and Visual Impact Assessment has been submitted, this indicates that it is based on the principles described in 'Guidelines for Landscape and Visual Impact Assessment' 3rd Edition. This assessment identifies the baseline landscape of the application site and surrounding area, these are the National Character Areas as identified by Natural England, the East Lowland Plain, ELP1 Ravensmoor, as identified in the Cheshire Landscape Character Assessment 2008.

The application site extends over a number of fields which is predominantly grazing land with hedgerows and hedgerow trees. There is a small block of woodland in the north eastern corner, a stream runs along the northern boundary and there are two ponds located towards the southern part of the application site. The topography of the site falls from west to east. The Illustrative Masterplan indicates that the residential element of the development will be located in the central part of the site, with open space to the north and south. Access to the site would be by a road linking through to Phase 1 of the Queens Drive development, which has already been permitted to the west of the application site.

As part of the visual assessment 20 photo viewpoints have been assessed, the assessment then identifies visual effects on Residential properties and settlement, Recreation and Public Rights of Way and Public Roads. I would broadly agree with the visual assessment that has been undertaken. The assessment also identifies the landscape effects on the national character area, the county level, the immediate site context and at the site level, giving the impact at year zero and at 15 years. I would also broadly agree with the landscape assessment.

The application includes an Indicative Masterplan Proposal and I feel that any potential landscape and visual impacts can be mitigated with appropriate design details and landscape proposals. This could be ensured through the reserved matters, appropriate conditions and the S106 agreement.

Amenity

In terms of the surrounding residential properties, the site is adjoined by the rear gardens of the existing properties in Queens Drive to the north, the phase 1 development to the west and the existing farmhouse, which sits in the middle of the application site but excluded from the red line boundary.

The existing dwellings in Queens Drive have substantial rear gardens and the new development to the west will be bounded by a landscape buffer, there is also a significant curtilage around the farm buildings. Therefore it is considered that a layout could be achieved that could comply with the separation distances as outlined in the Borough of Crewe and Nantwich Supplementary Planning Guidance. Accordingly, there would be minimal impact upon residential amenity.

The Environmental Health Officer (amenity and contaminated land) has requested conditions in relation to an environmental management plan, external lighting, noise mitigation and contaminated land.

Air Quality

An air quality impact assessment has been submitted with this application and considers the effects of estimated construction and operational impacts.

Construction activities would give rise to dust emissions and these should be mitigated through a planning condition. A robust impact assessment of the additional road traffic associated with the proposed development has been carried out and is accepted. The assessment takes into consideration the cumulative impacts of a number of developments in the Nantwich area.

There are predicted to be small adverse impacts in the Air Quality Management Area in Hospital Street, Nantwich as well as in the area surrounding the development. As a result mitigation measures have been proposed. These have been considered and are reflected in the proposed planning conditions set out below.

The accessibility of low or zero emission transport options has the potential to mitigate the impacts of transport related emissions, however it is felt appropriate to ensure that uptake of these options is maximised through the development and implementation of a suitable travel plan.

In addition, modern Ultra Low Emission Vehicle technology (such as all electric vehicles) are expected to increase in use over the coming years (the Government expects most new vehicles in the UK will be ultra low emission). As such it is considered appropriate to create infrastructure to allow home charging of electric vehicles in new, modern properties.

Ecology

Designated Sites

The proposed development is located within 5km of The Midland Meres and Mosses Phase 1 Ramsar and west Midland Meres and Mosses SAC. From their consultation comments Natural England advise that the proposed development is not likely to have an adverse impact any designated sites.

Under regulation 61 of the Habitat Regulations the Council is required to undertake an 'Assessment of Likely Significant effects' on European designated sites. This assessment has been undertaken by the applicant and forms part of their submitted Ecological Assessment. The assessment concludes that the proposed development is not likely to have a significant impact upon the features for which the statutory site was designated. Consequently, a more detailed Appropriate Assessment is not required.

The Council's ecologist has recommended that Council adopts the submitted assessment and the conclusions of the assessment which states:

SACs are strictly protected sites, designated under the Habitats Directive, which contain habitats and/or species (excluding birds) considered to be most in need of conservation at a European level.

Ramsar Sites are strictly protected sites designated under the 1971 Convention on Wetlands of International Importance especially as Waterfowl Habitat. Wetlands are designated, protected and promoted in order to stem encroachment upon and/or loss of wetlands, such as marsh, fen, peat land, and open water habitats.

Guidance on International sites is provided by the National Planning Policy Framework and Government Circular: Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System. In brief the circular states that the competent authority (the local planning authority (LPA)) must establish if any proposals not directly connected to or necessary for the management of the international site, either alone or in combination, are likely to have a significant effect on the interest feature of the site. If, on a precautionary basis, there is a risk that there may be a significant effect upon the international site then a further appropriate assessment may be required.

The study area does not receive any statutory or non-statutory nature conservation designations such as SAC, SPA, SSSI, or LNR.

Midland Meres and Mosses Phase 1 Ramsar Site and West Midlands Mosses SAC is located approximately 4740m southeast of the study area boundary, and is connected to it via the Crewe & Nantwich Circular Walk which is located immediately adjacent to the study area's southern boundary. The site is designated as a SAC as it consists of two priority habitats: dystrophic lakes and ponds; and transition mires and quaking bogs. Its Ramsar designation is due to its diverse range of wetland habitats from open water to raised bog, and because it supports a number of rare species of plants associated with wetlands, together with an assemblage of rare wetland invertebrates. No priority wetland habitats or rare species are present within the study area.

Given the distance of the site from the SAC and the nature of the important habitats within the site, it is considered that there will be no likely significant effect from increased recreational pressure. No other likely significant effects are predicted.

The boundary of the Meres and Mosses NIA is located approximately 273m to the south of the study area. The southern end of the study area, including the ponds, is to be retained and enhanced. This, alongside strategic planting around its boundaries, particularly along the railway line, will ensure that corridors of movement are retained around the study area, and will provide linkages to the NIA from north to south.

Bridge Farm Flushes SBI is located approximately 493m south of the study area. It is enclosed by fields with no public footpaths or roads adjacent or running through it, and is separated from the proposed development by arable lands. It is considered far enough removed from the development to not be directly or indirectly affected.

Protected Species

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places

(a) in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment, and provided that there is

(b) no satisfactory alternative and

(c) no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK has implemented the Directive in the Conservation (Natural Habitats etc) Regulations 2010 (as amended) which contain two layers of protection (i) a requirement on Local Planning Authorities (“LPAs”) to have regard to the Directive’s requirements above, and (ii) a licensing system administered by Natural England and supported by criminal sanctions.

Local Plan Policy NE.9 states that development will not be permitted which would have an adverse impact upon species specially protected under Schedules 1, 5 or 8 of the wildlife and Countryside Act 1981 (as amended), or their habitats. Where development is permitted that would affect these species, or their places of shelter or breeding, conditions and/or planning obligations will be used to:

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. “This may potentially justify a refusal of planning permission.”

The NPPF advises LPAs to conserve and enhance biodiversity: if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) or adequately mitigated, or as a last resort, compensated for, planning permission should be refused.

Natural England’s standing advice is that, if a (conditioned) development appears to fail the three tests in the Habitats Directive, then LPAs should consider whether Natural England is likely to grant a licence: if unlikely, then the LPA should refuse permission: if likely, then the LPA can conclude that no impediment to planning permission arises under the Directive and Regulations.

In this case specific advice has been sought from the Council’s Ecologist has commented as follows:

Great Crested Newts

Great Crested newts have been identified as breeding at two ponds towards the south of the proposed application site. One pond is located just off site and the second is within the redline boundary.

In the absence of mitigation the proposed development would have an adverse impact upon this species as the result of the loss of an area of lower quality habitat and the risk of newts being killed or injured during the construction phase.

To mitigate the impacts of the proposed development the applicant is proposing to retain and enhance the higher quality habitats located in close proximity to the on-site ponds and also to remove and exclude amphibians from the footprint of the proposed development using stand best practice methodologies under the times of a Natural England license.

If planning consent is granted the Council's Ecologist has advised that the proposed outline mitigation as shown on the submitted indicative master plan is adequate to maintain the favourable conservation status of the local great crested newt population.

If planning consent is granted the Council's Ecologist has recommended that a condition be attached to ensure that any future reserved matters application be supported by an updated protected species assessment and mitigation proposals.

Veteran Trees

A tree (T3) present towards the north western corner of the site has been identified as being a veteran tree. Trees of this type are highlighted by the NPPF as being of significant value. It is advised by the Council's Ecologist that the submitted master plan should be amended to show the retention of this tree with an area of suitable open space. However, as the masterplan is indicative, this could be addressed at the Reserved Matters Stage and an appropriate condition could be imposed to ensure that this takes place.

A further tree (T2) was identified as having moderate bat roosting potential. It appears feasible for this tree to be retained as part of the proposed development.

Hedgerows

Hedgerows are a priority habitat and hence a material consideration. Based upon the submitted master plan it appears feasible to maintain the majority of hedgerows on site. Suitable native planting must however be incorporated into the detailed design for the scheme at the reserved matters stage to compensate for any losses. This could also be secured by condition.

Urban 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.”

The site is a rural edge to Nantwich and there is a necessity to create a townscape/landscape transition between urban and rural. There are also established landscape features that are extremely important to the character of the site, not least the strong hedge line bisecting the site, the ponds at the southern end of the site and the veteran trees within the site.

Matters of layout, appearance and scale are reserved for a future application. However, it will be important to ensure that the final site layout respects the existing features referred to above.

The Framework Plan submitted with the application appears to show the majority of the existing hedge to be retained, with the exception of a small gap being created through it for access. In addition, substantial areas of open space, with new woodland planting bounding the railway are proposed to the south of the site, around the pond and in the north east corner. These will also help to ensure an acceptable soft treatment to the open countryside and avoid any acoustic fencing necessary to protect houses from railway noise impacting on views towards the development from the surrounding fields or the railway itself.

As the plan stands at present, insufficient space appears to have been left around the veteran trees to ensure retention. However, the substantial areas of open space referred to above could be easily reduced slightly in order to provide a further area of open space in this location, without impacting on overall numbers or density. This could be secured by condition.

Careful consideration also needs to be given to the interface with the phase 1 development. At present the boundary between the 2 sites is formed by a post and rail fence, which is bordered by a strip of proposed open space within the approved development. Proposed properties within the phase 2 development will need to be arranged to address this area, rather than backing on to it. This can be addressed at the reserved matters stage, however.

Therefore, on the basis of the above, there is nothing to indicate that the numbers of dwellings proposed on the site could not be accommodated whilst achieving a satisfactory design solution which respects the character of the site and surrounding area, including the phase 1 development and complies with local plan policies and the provisions of the NPPF in this regard.

Flood Risk and Drainage

The Environment Agency and United Utilities have been consulted as part of this application and have both raised no objection to the proposed development subject to various conditions. As a result, the development is considered to be acceptable in terms of its flood risk/drainage implications.

Access to facilities

Accessibility is a key factor of sustainability that can be measured. One methodology for the assessment of walking distance is that of the North West Sustainability Checklist, backed by the Department for Communities and Local Government (DCLG) and World Wide Fund for Nature (WWF). The Checklist has been specifically designed for this region and can be used by both developers and architects to review good practice and demonstrate the sustainability performance of their proposed developments. Planners can also use it as a 'rule of thumb' to assess a planning application and, through forward planning, compare the sustainability of different development site options.

The toolkit sets maximum distances between the development and local amenities. These comprise of everyday services that a future inhabitant would call upon on a regular basis, these are:

Category	Facility	Queens Drive, Nantwich
Open Space:	Amenity Open Space (500m)	400m
	Children's Play Space (500m)	400m
	Outdoor Sports Facility (500m)	725m
Local Amenities:	Convenience Store (500m)	700m
	Supermarket* (1000m)	1815m
	Post box (500m)	700m
	Playground / amenity area (500m)	400m
	Post office (1000m)	700m
	Bank or cash machine (1000m)	700m
	Pharmacy (1000m)	1815m
	Primary school (1000m)	955m
	Secondary School* (1000m)	1403m
	Medical Centre (1000m)	2010m
	Leisure facilities (leisure centre or library) (1000m)	1842m
	Local meeting place / community centre (1000m)	1852m
	Public house (1000m)	1426m
	Public park or village green (larger, publicly accessible open space) (1000m)	725m
Child care facility (nursery or creche) (1000m)	955m	
Transport Facilities:	Bus stop (500m)	240m
	Railway station (2000m where geographically possible)	1880m
	Public Right of Way (500m)	149m
	Any transport node (300m in town centre / 400m in urban area)	149m

Disclaimers:

The accessibility of the site other than where stated, is based on current conditions, any on-site provision of services/facilities or alterations to service/facility provision resulting from the development have not been taken into account.

** Additional parameter to the North West Sustainability Checklist*

Measurements are taken from the centre of the site

Rating	Description
	Meets minimum standard

	Fails to meet minimum standard (Less than 60% failure for amenities with a specified maximum distance of 300m, 400m or 500m and 50% failure for amenities with a maximum distance of 1000m or 2000m).
	Significant failure to meet minimum standard (Greater than 60% failure for amenities with a specified maximum distance of 300m, 400m or 500m and 50% failure for amenities with a maximum distance of 1000m or 2000m).

It is considered that the proposal does not meet the minimum standards of accessibility to the following facilities:

- Supermarket
- Pharmacy
- Medical Centre
- Leisure Facilities
- Community Centre

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.

In summary, whilst the site does not comply with all of the standards advised by the NWDA toolkit, as stated previously, these are just guidelines and are not part of the development plan. Owing to its position on the edge of Nantwich, 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. Indeed this is not untypical for suburban dwellings. However, all of the services and amenities listed are accommodated within Nantwich and are accessible to the proposed development on foot, by bus or bike and therefore it is considered that this small scale site is sustainable.

Highways

Planning permission has been granted at appeal for 270 units on land immediately west of this site with access onto Queens Drive. There is a number of highway mitigation measures agreed as part of the approval of this appeal scheme to deal with the traffic impact of the application.

The site lies to the east of the already approved scheme and is bounded by the railway line, the application is for the construction of up to 118 units. It is proposed that the site will be served through the already approved site and uses the existing access onto Queens Drive, given the number of units proposed there is a need to provide at least an emergency access and this is proposed at the eastern end of the site onto Queens Drive. This access will serve as a permanent pedestrian and cycle access to the site.

An assessment of the traffic impact of this proposal including the committed development has been undertaken in the Transport Assessment and this has looked at a number of local junctions on the road network in regard to the operational capacity of the junctions. The results of the capacity tests show that in the 'Do Minimum' scenario with no change to the

road network the Waterlode signal junction will be operation over capacity as would the Queens Drive/Welsh Row junction. To address these impacts the applicant has modelled two different options:-

Option 1 – Welsh Row One Way eastbound between Queens Drive and Waterlode and also Marsh Lane One Way southbound to Edmund Wright Way.

Option 2 – Welsh Row One Way westbound between Queens Drive and Waterlode and also Marsh Lane One Way southbound to Edmund Wright Way.

Both of the options tested indicate that the Waterlode junction will operate below capacity and there is a benefit in introducing a one way system on Welsh Row. In regard to Marsh Lane and the traffic movements on the road network it is beneficial to restrict traffic to travelling one way southbound from Welsh Row to Edmund Wright Way.

The accessibility of the site to sustainable modes was assessed at the Phase 1 inquiry and was found to be acceptable and as the site is situated slightly closer to the town centre the accessibility of this proposal would be improved.

There has been a considerable amount of committed development in the vicinity of the site in Nantwich and the capacity tests indicate that the Welsh Row has capacity problems as does the traffic signal junction at Waterlode. In order to accommodate this development, there needs to be traffic management changes that reduces the traffic flows on Welsh Row and also improves the operation of the signal junction at Waterlode. Whilst both one way options tested does reduce the congestion and both are options to be considered, it is preferable if Option 1 is implemented with all traffic travelling eastbound on Welsh Row towards Nantwich. This option would not require a turning head to be provided for vehicles travelling along Welsh Row and having to turn around or use Queens Drive.

Marsh Lane is narrow and is not suited to cater for large volumes of traffic, operationally a one way southbound on Marsh Lane from Welsh Row to Edmund Wright Way is preferred. Clearly, the introduction of a one way on this section of Marsh Lane only works if the Taylor Drive link is implemented.

Overall there are benefits in the introduction of a one way system on Welsh Row as this would reduce traffic in the conservation area and also have air quality benefits as well as reducing congestion. Whilst the Strategic Infrastructure Manager (SIM) would support the introduction of a traffic management system in mitigation of the impact, the introduction of a one way system needs to be supported by a TRO and clearly local residents and Members will have to be consulted regarding the changes. Therefore, although the SIM does not raise any objections to the application subject to the introduction of a traffic management scheme and changes to the signal equipment/arrangement at the Waterlode junction it does rely on traffic regulation orders being confirmed that cannot be conditioned on this application. The issue of TRO's will also apply to the proposed changes to Marsh Lane will the introduction of a one way section.

There are identified capacity issues on Welsh Row and at the Waterlode signal junction that this development traffic will exacerbate if the TRO's are not confirmed at this makes providing a recommendation difficult as there is no certainty that the traffic management scheme can be implemented. However, a condition can be attached that requires the implementation of a

scheme of traffic management on Welsh Row prior to commencement of the phase 2 scheme.

Trees

The site comprises agricultural land divided into a number of fields. With the exception of one hedgerow, running north from Pear Tree House, the mid site boundaries are fenced. The northern and southern boundaries are defined by hedgerows with hedgerow trees with the northern boundary separating the site from properties on Queens Drive. There are trees in the vicinity of Pear Tree House and a small number of trees within the site.

The submission is supported by an Arboricultural assessment forming Appendix 10.2 of ES and dated December 2014. The assessment includes a survey covering 19 individual trees, 18 groups of trees and 2 hedgerows and states that it has been carried out in accordance with British Standard 5837:2012 *'Trees in Relation to Design, Demolition and Construction - Recommendations'*

As an outline application with only access included, limited weight can be given to the Arboricultural Impact assessment (AIA) in relation to the development impacts of the submitted Framework Plan. The full impacts of development proposals would only be identified on analysis of a detailed layout in relation to arboricultural constraints at reserved matters stage. Nevertheless, whilst not recognised in the AIA, the Landscape Officer has identified elements on the Framework plan and the indicative layout in the design and access statement which would not be acceptable as they indicate plots with an unacceptable relationship to trees on the northern boundary. A design to overcome these issues may impact on the capacity of the site to accommodate the number of dwellings proposed.

Specific areas of concern identified include the vicinity of tree 14 in the survey which appears to be a veteran specimen. The tree is located on the boundary of this site and the adjacent development where it has been afforded a level of protection by being located within an area of open space. It is also considered that a similar provision needs to be provided on this site. Tree 16, a Grade A Oak would also appear likely to be compromised. The final layout needs, therefore to accommodate veteran tree T14 in open space and to afford tree T16 sufficient separation to avoid conflict. This can be ensured by condition.

For the remainder of the site, the landscape officer is satisfied that provided British Standard 5837:212 is used to inform a detailed design, existing trees should not pose a major constraint to development. There should not be any direct impacts for trees arising from the proposed access into the site, taken from the adjacent site. A section of existing hedge would be removed to achieve an access link road north of the existing farmstead.

The Arboricultural report makes reference to the opportunities for new tree planting as part of the development. Although further planting would be welcomed, the feasibility of some areas shown on the Framework Plan would need to be considered further at reserved matters stage. For example, new woodland strips along the eastern boundary adjacent to the railway. Restrictions on planting placed by Network Rail may prevent this being achieved.

In the event that the principal of development is deemed acceptable, any reserved matters application should be informed and supported by a comprehensive a package of arboricultural information in accordance with BS 5837:2012.

Hedgerows

As indicated above there are hedgerows on the site. The Framework layout as submitted would result in the loss of a section of a mid site hedge to achieve access.

Where proposed development is likely to result in the loss of existing agricultural hedgerows which are more than 30 years old, it is considered that they should be assessed against the criteria in the Hedgerow Regulations 1997 in order to ascertain if they qualify as 'Important'. The Regulations require assessment on various criteria including ecological and historic value. Should any hedgerows be found to be 'Important' under any of the criteria in the Regulations, this would be a significant material consideration in the determination of the application. Hedgerows are also a habitat subject of a Biodiversity Action Plan.

The findings of the submitted ecological survey within the Environmental Statement indicate that none of the hedgerows were found to qualify as important under the ecological and landscape criteria in the Hedgerow Regulations.

There is, however, no specific reference to analysis of the historic value of the hedgerows in relation to the relevant criteria in the Regulations. For completeness, it is recommended that the applicant be asked to confirm the status of the hedgerows in accordance with the relevant criteria. From the 1842 Tithe map, it appears possible the line of hedge running north of the farmstead and the northern boundary line was present.

The Archaeological and cultural heritage section of the Environmental Statement indicates that in preparation, pre-application discussions have taken place with the Cheshire Shared Services Archaeologist and Cheshire Archives/Local Studies. These bodies can advise on the relevance of the hedgerows in relation to the criteria.

On the potential loss of historic hedgerow to access the north-eastern field, the developer's heritage consultant has looked at the hedge in question and notes that it is 'Important' in relation to the Hedgerows Regulation 1997, Schedule 1, Part II, Criterion 5a: *The hedgerow "is recorded in a document held at the relevant date (24th March 1997) at a Record Office as an integral part of a field system pre-dating the Inclosure Acts"*.

He states that the phrase 'pre-dating the Inclosure Acts' should be taken to mean before 1845 (whether or not Inclosure Acts exist for the area in question), that being the earliest of the Acts known by the collective title given by the Short Titles Act 1896. As has already been noted the hedgerow is on the 1842 Tithe Map.

The recent appeal decision at Audlem Road, Audlem deals with a very similar situation relating to an outline application within Cheshire East where the inspector concludes that the effects could be suitably mitigated by condition.

In any event, it should be borne in mind that the application is in outline and a wide opening within the hedgerow already exists to accommodate a field-gate to achieve access to the

north eastern field. The Framework Plan shows the majority of the hedgerow for retention with a single gap being created for access between the two parts of the site. Any existing gap, not required for access, could be infilled with replacement planting, such that the historic line of the hedgerow could continue to be traced in the landscape.

However, it would be important to ensure that this was done within an area of public open space rather than between domestic gardens to ensure that future residents did not replace the hedgerow with other forms of boundary treatment.

All of this could be covered by condition and therefore it is not considered that a refusal on the grounds of loss of hedgerows could be sustained.

Economic Sustainability

Supporting Jobs and Enterprise

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

Paragraph 19 states that:

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

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

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

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

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

The economic benefits of the development include, maintaining a flexible and responsive supply of land for housing, business and community uses as well as bringing direct and indirect economic benefits to the town including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

Similarly, the NPPF makes it clear that:

“the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.”

According to paragraphs 19 to 21:

“Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century. Investment in business should not be overburdened by the combined requirements of planning policy expectations.”

Agricultural land

Policy NE.12 of the Local Plan states that development on the best and most versatile agricultural land (grades 1, 2 and 3a in the ministry of agriculture fisheries and food classification) will not be permitted unless:

- the need for the development is supported in 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; or
- other sustainability considerations suggest that the use of higher quality agricultural land is preferable to the use of poorer quality agricultural land.

This is supported by the National Planning Policy Framework, which states that:

“where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality”.

According to the Agricultural Land Assessment produced by the applicant, the soils on site partly give rise to land of sub-grade 3a and it is therefore categorised as ‘best and most versatile’. This reduces the sustainability of the proposal and counts against the proposal in the overall planning balance.

Section 106 Agreement / Community Infrastructure Levy (CIL) Regulations

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

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

As explained above, the affordable housing and public open space are a requirement of the Local Plan Policy. It necessary to secure these works and a scheme of management for the open space is needed to maintain these areas in perpetuity.

The proposal would have an impact upon capacity of the local highway network which would require an engineered solution in the form of off-site improvements. It is considered that any financial contribution to address the capacity issues within the local transport network would be fairly and reasonably related to the impact of this development, as is a contribution towards education provision to cater for the children generated by the development.

On this basis S106 financial contributions to Education Infrastructure, and highways mitigation is compliant with the CIL Regulations 2010.

Planning Balance and Conclusion

The proposal is contrary to development plan policies NE2 and RES5 (Open Countryside) and NE12 (Agricultural Land) and therefore the statutory presumption is against the proposal unless material considerations indicate otherwise.

The most important material consideration in this case is the NPPF which states at paragraph 49 that 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 and that where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development

It is therefore necessary to make a free-standing assessment as to whether the proposal constitutes “sustainable development” in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

There is an environmental impact in the locality due to the loss of open countryside and agricultural land and the proposal will represent an intrusion into the open countryside.

However, the proposal would satisfy the economic and social sustainability roles by providing for much needed housing adjoining an existing settlement where there is existing infrastructure and amenities. The proposal would provide policy compliant levels of affordable housing (for which there is significant demand), as well contributions to education. In addition it would also provide appropriate levels of public open space both for existing and future residents.

The boost to housing supply is an important benefit – and this application achieves this in the context of a deliverable, sustainable housing land release.

Local concerns of residents are noted, particularly in respect of highway matters but the impact is not considered to be severe under the NPPF test. An appropriate quality of design can be secured at reserved matter stage as can any impacts on amenity.

Subject to conditions, the proposal is considered to be acceptable in terms of its impact upon highway safety, amenity, flood risk, drainage, landscape and ecology.

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably

outweighed by the benefits. Accordingly it is recommended for approval subject to a legal agreement and conditions.

RECOMMENDATION

Approve subject to Section 106 Agreement to secure:

- **1770 sqm shared recreational open space and 2360 sqm shared children's play space**
- **Private residents management company to maintain all on-site open space, including footpaths and habitat creation area in perpetuity**
- **Education Contribution- £227,772.09 primary education; £245,140.35 secondary education Total = £472,912.44**
- **Highways contribution of 25k for the TRO's and consultation.**

and the following Conditions.

- 1. Standard Time limit**
- 2. Standard Outline**
- 3. Submission of Reserved Matters**
- 4. Approved Plans**
- 5. Submission, approval and implementation of details of existing and proposed ground levels**
- 6. Submission, approval and implementation of details of materials**
- 7. Submission, approval and implementation of scheme of sustainable surface water drainage**
- 8. Submission, approval and implementation of scheme of foul water drainage**
- 9. Surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing sewerage systems.**
- 10.**
- 11. Submission, approval and implementation of Phase II contaminated land investigation**
- 12. Submission, approval and implementation of Environmental (Construction) Management Plan**
- 13. Submission, approval and implementation of Travel Plan**
- 14. Submission, approval and implementation of electric vehicle infrastructure**
- 15. Piling Method Statement to be submitted**
- 16. Restriction on hours of piling**
- 17. Hours of construction**
- 18. Details of Lighting to be submitted**
- 19. Noise Mitigation to be submitted**
- 20. Submission, approval and implementation of features for use by breeding birds**
- 21. Reserved Matters to make provision for retention of hedges and replacement hedge replanting**
- 22. Submission, approval of scheme of tree protection**
- 23. Implementation of tree protection**
- 24. Arboricultural Survey with each reserved matters**

- 25. Submission, approval and implementation of open space scheme with first reserved matters**
- 26. Submission, approval and implementation of maintenance plan for open space**
- 27. Submission, approval and implementation of scheme of bin storage**
- 28. Submission, approval and implementation of details of boundary treatment**
- 29. Amendment to framework plan / indicative layout to accommodate veteran tree T14 in open space and to afford tree T16 sufficient separation to avoid conflict .**
- 30. The diversion of Footpath FP2 from Field's Farm level crossing to the adjacent underpass shall be implemented in accordance with a timetable that has first been submitted to and approved in writing by the local planning authority.**
- 31. any future reserved matters application be supported by an updated protected species assessment and mitigation proposals.**
- 32. implementation of a scheme of traffic management on Welsh Row prior to commencement.**
- 33. Affordable housing condition which**
 - secures 30% of the dwellings as affordable in perpetuity and 65% as social or affordable rent and 35% as intermediate tenure.**
 - requires them to transfer any rented affordable units to a Registered Provider**
 - provide details of when the affordable housing is required**
 - includes provisions that require the affordable homes to be let or sold to people who are in housing need and have a local connection. The local connection criteria used in the agreement should match the Councils allocations policy.**
 - includes the requirement for an affordable housing scheme to be submitted at reserved matters stage that includes full details of the affordable housing on site including location by reference to a plan, type, size and tenure.**
 - Requires the affordable units which will be transferred to a Registered Provider to be constructed to HCA Design and Quality Standards (2007) or the latest standards the HCA are applying to their grant funded programme.**

