

Application No: 12/3747N

Location: LAND BETWEEN AUDLEM ROAD/ BROAD LANE & PETER DESTAPLEIGH WAY, STAPELEY

Proposal: Residential development up to a maximum of 189 dwellings; local centre (Class A1 to A5 inclusive and D1) with maximum floor area of 1800sqm Gross Internal Area (GIA); employment development (B1b, B1c, B2 and B8) with a maximum floor area of 3,700sqm GIA; primary school; public open space including new village green, children's play area and allotments; green infrastructure including ecological area; new vehicle and pedestrian site access points and associated works.

Applicant: Mr Carl Davey, Muller Property Group

Expiry Date: 08-Jan-2013

SUMMARY RECOMMENDATION

- **REFUSE**

MAIN ISSUES

**Planning Policy And Housing Land Supply
Affordable Housing,
Highway Safety And Traffic Generation.
Contaminated Land
Air Quality
Noise Impact
Landscape Impact
Hedge and Tree Matters
Ecology,
Design
Amenity
Open Space
Drainage And Flooding,
Sustainability
Education**

REFERRAL

The application has been referred to Strategic Planning Board because it is a largescale major development and a departure from the Development Plan.

1. SITE DESCRIPTION

The site is 12.43 hectares (30.72 acres) and is generally flat land located to the south of the main built up area of Nantwich. It principally comprises of two fields bounded by native hedgerows with some tree cover within them. There is a field ditch along the northern boundary and a pond close to the Broad Lane access. The majority of the land is currently in agricultural use, primarily arable and some grazing. It is bounded to the north by Peter Destaplegh Way (A5301) and the ecology mitigation/woodland landscape area for the Cronkinson Farm development to the west by Audlem Road, and to the east by the former Stapeley Water Gardens site, (currently undergoing partial redevelopment for residential purposes). The principal length of the southern boundary runs between the northern edge of the Bishops Wood residential development and the south west corner of Stapeley Water Gardens but also extends to Audlem Road/ Broad Lane and a new roundabout access into the site.

To the north of Peter Destaplegh Way is the Cronkinson Farm residential development. This includes a small parade of five shops including a Co-Operative convenience store and a public house. Pear Tree Primary School and a community hall are also situated within this residential development. To the north of the Cronkinson Farm development is the railway line connecting Nantwich / Crewe / Chester and beyond, with the town centre to the north west.

Existing residential development is situated along Audlem Road. It comprises of a mix of properties from different eras. Within this housing is The Globe public house. Boardering the south west of the application site (and accessed off Audlem Road) is Bishops Wood housing development constructed in the 1970s. Audlem Road turns into Broad Lane south of the Bishops Wood cul-de- sac, and has ribbon residential development along it as well as Stapeley Broad Lane Primary School further to the south.

London Road is located to the east of the former Stapeley Water Gardens site and there is residential ribbon development to the south of that site. Further to the south along London Road are more dwellings together with Stapeley Technology Park, a small employment site with a mix of office uses based around the former Stapeley House.

2. DETAILS OF PROPOSAL

The outline application is seeking approval for a mix of open market and affordable housing, employment, retail, education, public open space, allotments and green infrastructure. There are five parcels of residential development delivering up to 189 dwellings comprising of 132 open market and 57 affordable dwellings.

Parcel 1 is on the northwest side of the site and could contain up to 51 dwellings. Parcel 2 is located to its south and could have up to 62 dwellings. Parcel 3 is to the south of the employment area could deliver 15 dwellings; Parcel 4 is along the main southern boundary and could contain up to 36 dwellings. Parcel 5 is on the eastern side of application site and could provide up to 25 dwellings.

The application proposals will be a mix of 2, 3, 4 and 5 bedroom dwellings. The affordable housing mix would be based on 2 bed, and 3 bedroom homes, split between 35% intermediate tenure for sale and 65% social rented.

Parcel 5 forms part of a new village centre. Located around a village square and adjoining the village green, the residential element forms the eastern side of the village centre with the new primary school and local centre forming the western side. The village green will have both general open space (with appropriate pathways and street furniture sited on the edges) and a children's equipped play area in the form of a LEAP.

The local centre comprises of up to 1,800 sqm (19,375 sqft) and would accommodate a range of uses. It is envisaged that the local centre will comprise of 8 – 10 separate units with a single A1 unit of 1,000 sqm (10,764 sqft) and the remaining floorspace split between units ranging from 50 sqm to 150 sqm (538 sqft to 1,615 sqft).

The employment accommodation is situated adjacent to the local centre. Comprising of 3,700 sqm (39,826 sqft) in total, it is envisaged this will be divided into units based on 100 sqm (1,076 sqft).

Located on the south western side of the application site is an allotment area of 0.5 hectares. The allotments will be available to both new and existing residents.

In addition to the public open space there are two principal interlinked areas of green infrastructure. The first is along the northern boundary in the vicinity of the new village centre and the employment area. This will include the planting of a new hedgerow. At its western end, it connects to the second principal green infrastructure area which runs on a north-south axis to the east of residential Parcels 1 and 2. This reflects an existing mature hedgerow.

In terms of access, a new roundabout on Audlem Road/Broad land will be provided. This new roundabout will comprise of three arms, two for the existing highway and one for the new access.

3. RELEVANT PLANNING HISTORY

There are no relevant previous planning applications relating to this site.

4. PLANNING POLICIES

Regional Spatial Strategy

Policy DP 1 Spatial Principles

Policy DP 2 Promote Sustainable Communities

Policy DP 4 Make the Best Use of Existing Resources and Infrastructure

Policy DP 5 Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility

Policy DP 7 Promote Environmental Quality

Policy DP 9 Reduce Emissions and Adapt to Climate Change

Policy RDF 1 Spatial Priorities

Policy RDF 2 Rural Areas
Policy L 1 Health, Sport, Recreation, Cultural and Education Services Provision
Policy L 2 Understanding Housing Markets
Policy L 5 Affordable Housing
Policy RT 2 Managing Travel Demand
Policy RT 3 Public Transport Framework
Policy RT 4 Management of the Highway Network
Policy RT 9 Walking and Cycling
Policy EM 15 A Framework For Sustainable Energy In The North West
Policy EM 16 Energy Conservation & Efficiency
Policy EM 17 Renewable Energy
Policy MCR 4 South Cheshire

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 Policy: Release of Housing Land (Feb 2011)
Interim Planning Statement: Affordable Housing (Feb 2011)
Strategic Market Housing Assessment (SHMA)
Draft Development Strategy
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.

4. OBSERVATIONS OF CONSULTÉES

Cheshire Wildlife Trust

Cheshire Wildlife Trust (CWT) **objects** to this application on the following grounds:

1. The proposed access road alignment encroaches significantly on land which, as far as CWT is aware from previous applications relating to Cronkinson Farm and Stapeley Water Gardens (SWG), was designated as great crested newt (GCN) mitigation land with the intention that it should provide an unbroken corridor linking retained areas of GCN habitat north of Peter Destapeleigh Way with open countryside to the south of Peter Destapeleigh Way, in turn connecting with new GCN ponds to the SW and SE of the former SWG site. Our information derives in part from information previously drawn up by TEP in 2006 (corridor identified as 'Field D') and Planit in 2009.
2. The current proposal (Drawing BIR3790_01-1E) keys residual land in the corridor, which has not been taken up by the new road alignment, as 'Nantwich South GCN Compensation Area'. If, as we understand it to be, this land is existing GCN mitigation land, it cannot be re-designated as GCN Compensation land for the current proposal. Subject to Natural England's views, CWT considers that the same piece of land should not be identified as mitigation for two separate developments because it could not, by definition, be sufficiently improved to mitigate the impacts of each of these developments on GCNs.

Archaeology

- The application is supported by an archaeological desk-based assessment which has been prepared by Matrix Archaeology on behalf of the applicants. This study notes that there are no statutorily-protected Heritage Assets within the application area and that known features are currently restricted to relict ridge and furrow, a marl pit, and a number of metal-detector finds which are the result of casual detecting and appear to be largely post-medieval in date. The report does, however, conclude that the site does have the potential to contain as yet undiscovered archaeological remains, a conclusion based on the number of features of archaeological interest in the immediate vicinity, which have been identified by the present study, and the proven potential of Nantwich and its environs to contain remains of Roman, medieval, and earlier post-medieval date.
- The archaeological potential is not sufficient to justify an objection to the application on archaeological grounds or to lead to a recommendation for further pre-determination work. Instead it is advised that if planning permission is granted, the site should be subject to a programme of archaeological mitigation, the broad scope of which is outlined in Section 8 of the archaeological study. Briefly, this should consist of an initial programme of formal; fieldwalking and supervised metal detecting, in order to identify any concentrations of material. Further investigation may be required where significant concentrations are identified and careful consideration will need to be given to the timing of the fieldwalking, which will require suitable ground conditions. It is also recommended that a record is made of the historic field boundaries and a report on all of the work will be required. This programme of mitigation may be secured by condition,
- The use of such a condition is in line with the guidance set out in Paragraph 141, Section 12 (Conserving and Enhancing the Historic Environment) of the new National Planning Policy Framework. The Cheshire Archaeology Planning Advisory Service does not carry out archaeological work and the applicants will need to instruct their

archaeological consultant to prepare a detailed specification for the mitigation and carry out the fieldwork in the event that planning permission is granted.

Environment Agency

The Environment Agency has no objection in principle to the proposed development but would like to make the following comments.

Flood Risk

- The discharge of surface water from the proposed development is to mimic that which discharges from the existing site. If a single rate of discharge is proposed, this is to be the mean annual run-off (Q_{bar}) from the existing undeveloped greenfield site. If surface water is to discharge to mains sewer, the water company should be contacted for confirmation of the acceptable discharge rate. For discharges above the allowable rate, attenuation will be required for up to the 1% annual probability event, including allowances for climate change.
- The discharge of surface water should, wherever practicable, be by Sustainable Drainage Systems (SuDS). SuDS, in the form of grassy swales, detention ponds, soakaways, permeable paving etc., can help to remove the harmful contaminants found in surface water and can help to reduce the discharge rate. As such we request that the following planning conditions are attached to any planning approval as set out below.
- During times of severe rainfall overland flow of surface water could cause a flooding problem. The site layout is to be designed to contain any such flooding within the site, to ensure that existing and new buildings are not affected.
- Recommend layout of houses so that they are front facing to the watercourse. This will integrate the watercourse into the development better. It will also deter house owners from tipping garden waste into the watercourse which would cause long term damage. Would also encourage the applicant to lay out the development so that green open space is adjacent to watercourse
- Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or groundwater.
- Surface water from car parking areas less than 0.5 hectares and roads should discharge to watercourse via deep sealed trapped gullies. For car parks greater than 0.5 hectares in area, oil interceptor facilities are required such that at least 6 minutes retention is provided for a storm of 12.5mm rainfall per hour. With approved "by-pass" type of interceptors, flows generated by rainfall rates in excess of 5mm/hour may be allowed to by-pass the interceptor provided the overflow device is designed so that oily matter is retained. Lorry parks, scrap yards, off loading areas require full oil interceptor facilities and "by-pass" interceptors are not considered suitable. Segregation of roof water should be carried out where possible to minimise the flow of contaminated water to be treated. Detergents, emulsifiers and solvents must not be allowed to drain to the interceptor as these would render it ineffective.
- No building material or rubbish must find its way into the watercourse.
- No rainwater contaminated with silt/soil from disturbed ground during construction, must drain to the surface water sewer or watercourse without sufficient settlement.

Ecology

- The proposed development will be acceptable if a planning condition is included requiring a scheme to be agreed to protect a 5 metre wide undeveloped buffer zone around the watercourse.
- The National Planning Policy Framework (NPPF), paragraph 109 which recognises that the planning system should aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. The Natural Environment and Rural Communities Act which requires Local Authorities to have regard to nature conservation and article 10 of the Habitats Directive which stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity.
- Paragraph 118 of the NPPF also states that opportunities to incorporate biodiversity in and around developments should be encouraged
- Such networks may also help wildlife adapt to climate change and will help restore watercourses to a more natural state as required by the river basin management plan

Recommended Conditions

- Submission / approval & implementation of a scheme to limit the surface water run-off generated by the proposed development,
- Submission / approval & implementation of a scheme to manage the risk of flooding from overland flow of surface water,
- Submission / approval & implementation of a scheme for the provision and management of a 5 metre wide buffer zone alongside the watercourse. The scheme shall include:
 - *plans showing the extent and layout of the buffer zone.*
 - *details of any proposed planting scheme (for example, native species).*
 - *details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan.*
- The buffer zone shall be measured from the bank top (defined as the point at which the bank meets the level of the surrounding land). This buffer zone shall be free from built development e.g. footpaths, fencing, lighting. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping; and could form a vital part of green infrastructure provision.

Greenspaces

- Would like to see an allotment site provided within this development (minimum of 50 plots).

- This will need a metered water supply, 8 standpipes, 2.4 metre high palisade fence surround, plus tarmac driveways.

Network Rail

- Network Rail is placing an objection on this proposal.
- Whilst it is not next to the railway line, would remind Cheshire East Council of the statutory responsibility under planning legislation (Schedule 5 (f)(ii) of the Town & Country Planning (Development Management Procedure) Order, 2010) to consult the statutory rail undertaker where a proposal for development is likely to result in a material increase in the volume or a material change in the character of traffic using a level crossing over a railway.

Level Crossings

- The applicant's Transport Assessment states that, *"5.7 Pedestrian access to the site will be provided at the same location as the main vehicular access off the A529 Broad Lane."* The A529 leads to the A530 which crosses over Nantwich MCB level crossing at Nantwich Railway Station.
- In light of the above Network Rail is objecting to the proposal for the following reasons:
- The Crewe and Nantwich saved plan which the council is still working to pending adoption of the Local Plan, states,

"8.18. Policies and Proposals

Policy TRAN.1: PUBLIC TRANSPORT

DEVELOPMENT AFFECTING EXISTING RAIL CORRIDORS OR WHICH LIMITS THE SCOPE FOR FUTURE RAILWAY STATIONS THROUGHOUT THE BOROUGH WILL NOT BE PERMITTED.

THE COUNCIL WILL NEGOTIATE WITH DEVELOPERS IN ORDER TO SECURE COMMUTED PAYMENTS TOWARDS PROVIDING OR IMPROVING PUBLIC TRANSPORT, PEDESTRIAN OR CYCLE ACCESS TO A DEVELOPMENT AND REDUCING PARKING."

"Policy BE.1: AMENITY

DO NOT GENERATE SUCH LEVELS OF TRAFFIC THAT THE DEVELOPMENT WOULD PREJUDICE THE SAFE MOVEMENT OF TRAFFIC ON SURROUNDING ROADS, OR HAVE AN ADVERSE IMPACT ON NEIGHBOURING USES."

- There are three level crossings that could be impacted by the above proposal;
 - Newcastle (our ref SYC 3m, 45ch) eastings 366302 / northings 351942
 - Nantwich MCB (our ref SYC 4m, 19ch) eastings 365252 / 351914 (this is situated at Nantwich Railway Station)

- Shrewbridge Road (our ref SYC 4m, 32ch) eastings 365001 / northings 351813
- Nantwich MCB sits on the road that is the main access point into the centre of Nantwich itself, coming from the south, where this proposal is situated. Shrewbridge Road is another route into the centre of Nantwich which is used by drivers in the local community as they perceive that the half barriers are down for less time than at Nantwich MCB.
- At this moment in time, and in addition to 12/3747N, the council has had planning applications for 146 dwellings at the Water Gardens, Stapeley (12/1381N) which has been granted planning permission despite Network Rail's objection (we would also highlight an objection to the Queens Road, Nantwich development of 270 dwellings which we have objected to on the grounds of its impact upon Green Lane level crossing – 12/2440N).
- Network Rail have stated in responses to the council our objection as the level crossings will potentially see an increase in the type and volume of user at these crossings as a result of the cumulative impact of 12/1381N (146 dwellings) and now 12/3747N (189 dwellings). Network Rail are also aware that the current proposals for the area include a total of between 1015 to 1215 dwellings.
- The Crewe and Nantwich saved plan states:

“Policy BE.5: INFRASTRUCTURE

THE LOCAL PLANNING AUTHORITY MAY IMPOSE CONDITIONS AND/OR SEEK TO NEGOTIATE WITH DEVELOPERS TO MAKE ADEQUATE PROVISION FOR ANY ACCESS OR OTHER INFRASTRUCTURE REQUIREMENTS AND/OR COMMUNITY FACILITIES, THE NEED FOR WHICH ARISES DIRECTLY AS A CONSEQUENCE OF THAT DEVELOPMENT. SUCH PROVISION MAY INCLUDE:

- ☐ *ON SITE FACILITIES*
- ☐ *OFF SITE FACILITIES, OR ALTERNATIVELY*
- ☐ *PAYMENT OF A COMMUTED SUM*

THE INFRASTRUCTURE REQUIREMENTS OF DEVELOPMENT PROPOSALS WILL BE ASSESSED ON THEIR INDIVIDUAL MERITS; BUT IN SOME CIRCUMSTANCES THERE WILL BE A NECESSITY TO VIEW INDIVIDUAL APPLICATIONS COLLECTIVELY IN ASSESSING OFF SITE REQUIREMENTS.”

- The Crewe and Nantwich saved plan which the council is still working to pending adoption of the Local Plan, states,

“8.17. Integrated transport

In considering proposals for new developments which have significant transport implications, the local planning authority will require the production of a Transport Assessment to determine the impact of the local transport network

(The Highways Agency has a separate policy for trunk roads). This may result in a planning application being rejected or the imposition of conditions.”

- The Transport Assessment submitted by the applicant makes no mention of the impact of the increased traffic, both pedestrian and vehicular, at the level crossings, especially Shrewbridge Road and Nantwich station.
- The Crewe and Nantwich saved plan states:

“TRAN.3: PEDESTRIANS

Proposals for new development will only be permitted where appropriate provision is made for pedestrians. The borough council will, where appropriate, seek to improve conditions for pedestrians through the following measures:

Improving an existing footpath where it is relevant to the development proposed”

- At this stage Network Rail believe that the proposal above, combined with a cumulative effect of the previous planning application and the proposed further increases in the number of dwellings at Nantwich to approximately 1200 homes will impact negatively upon the level crossings in the area.
- As a first principle Network Rail would seek to close level crossings and as in line with the Crewe and Nantwich saved policy seek funding from the developer for the full cost of all mitigation measures at the level crossings as deemed necessary by Network Rail. This could include replacement roadbridges and footbridges.
- As Network Rail is a publicly funded organisation with a regulated remit it would not be reasonable to require Network Rail to fund infrastructure improvements necessitated by third party commercial development.
- Draw the attention of Cheshire East Council to a recent appeal decision where a proposal at Princes Risborough (Wycombe Council area) included an increase in the material and volume of traffic going over a level crossing. The inspector and Secretary of State acknowledged that no further planning applications should be considered unless it included the closure of the crossings. I include a copy of the appeal decision for the council’s attention.

Nantwich Railway Station

- The Transport Assessment states:

“5.21 Nantwich Railway station is around a 1600 m walk distance from the centre of the site and there are more than 20 trains per day in each direction using the station. Direct journeys are available to Crewe, Stockport, Manchester, Shrewsbury and Cardiff Central. The northwest mainline passes through Crewe and permits access to Glasgow, Birmingham and London.”
- Network Rail believes that the developer should fund improvements to Nantwich Railway Station as a result of increased footfall from the proposal as well as the

previously approved proposals and forthcoming proposed increase in housing to approximately 1200 dwellings.

- Would re-iterate the following:

“Policy BE.5: INFRASTRUCTURE

THE LOCAL PLANNING AUTHORITY MAY IMPOSE CONDITIONS AND/OR SEEK TO NEGOTIATE WITH DEVELOPERS TO MAKE ADEQUATE PROVISION FOR ANY ACCESS OR OTHER INFRASTRUCTURE REQUIREMENTS AND/OR COMMUNITY FACILITIES, THE NEED FOR WHICH ARISES DIRECTLY AS A CONSEQUENCE OF THAT DEVELOPMENT. SUCH PROVISION MAY INCLUDE:

- ☐ *ON SITE FACILITIES*
- ☐ *OFF SITE FACILITIES, OR ALTERNATIVELY*
- ☐ *PAYMENT OF A COMMUTED SUM*

THE INFRASTRUCTURE REQUIREMENTS OF DEVELOPMENT PROPOSALS WILL BE ASSESSED ON THEIR INDIVIDUAL MERITS; BUT IN SOME CIRCUMSTANCES THERE WILL BE A NECESSITY TO VIEW INDIVIDUAL APPLICATIONS COLLECTIVELY IN ASSESSING OFF SITE REQUIREMENTS.”

- Nantwich railway station has no formal parking or drop off arrangements. Improvements to upside parking, drop off and highway works to the adjacent roadway should all be considered for funding by a developer contribution. The upside area has been subject to past review by the local authority to utilise land for parking however due to costs, third party access and maintenance use of part of the area this was not able to be viably progressed.
- However, extension of the station lease to include part of the upside approach at least for drop off and / or minimal station parking would be provide improvement, subject to maintenance approvals, third party access rights. Minor improvements to ensure access routes meet Equality Act requirements should also be reviewed and considered for developer funded contributions.
- Station lighting and shelters should be enhanced via developer contribution and there is the issue of step free access platform to platform, to address would require a disabled compliant bridge.

United Utilities

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

- This site must be drained on a total separate system with all surface water flows ultimately discharging in to the nearby watercourse in accordance with the FRA submitted and with the consent of the Local Authority.

Natural England

- Natural England objects to the proposed development.
- The Protected Species Impact Assessment (PSIA) and Mitigation Strategy - September 2012 (PSIA) provided by the applicant indicates that great crested newts (*Triturus cristatus*) are using features that are to be affected by the proposed development.
- In the absence of the detailed great crested newt and protected species surveys, referred to in the PSIA report, it is unclear whether the currently proposed mitigation and compensation measures are sufficient to maintain the large population identified in the PSIA report.
- The proposed development may compromise previously agreed great crested newt mitigation schemes and habitat management agreements implemented on adjacent land. Further clarification is therefore required to put in context these proposals in relation to those previously approved schemes and agreements.
- Draw attention to Natural England's guidance on great crested newt master plan requirements for phased or multi-plot development applications. A master plan is used to help assess the overall impacts of the proposed development on the great crested newt population and the future mitigation across the whole project. It will help to ensure that all in-combination effects across the entire site have been considered and that mitigation and compensation measures are sufficient and coherent.
- Unless these issues are addressed, Natural England's view is that granting permission for this permission would be likely to offend against Article 12(1) of the Habitats Directive.
- Natural England would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:
 - local sites (biodiversity and geodiversity)
 - local landscape character
 - local or national biodiversity priority habitats and species.
- This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application.

Highways

Key issues

The key issues for the Strategic Highways Manager (SHM) relate to;

1. Achieving a safe and convenient access to the development site.
2. Ensuring off-site traffic and safety impact is mitigated.
3. Ensuring safe routes to school for new residents of the development.
4. Making sure that the site is well served by sustainable transport infrastructure and services.

Access

The Applicant has put forward a proposed roundabout access to this development as per drawing SCP/10141/GA03 Rev D.

The Applicant indicates that the junction meets all DMRB criteria except forward visibility and they have suggested that provision of visibility at one step below standard is appropriate. The SHM had concerns regarding the use of standards one step below without justification through on site observations. Surveys have since been carried out by the applicant that support the use of these standards, and the SHM is satisfied with the forward visibility shown in SCP/10141/GA01 Rev D.

Necessary entry path curvature is required (mandatory DMRB consideration) in the design, which was raised by the Road Safety Audit and has since been demonstrated to have been achieved by the Applicant.

The Road Safety Audit also questioned the visibility on the southbound exit from the junction, the Designer's Response states that adequate visibility is achieved and this is now demonstrated in SCP/10141/GA01 Rev D.

The Applicant seeks to demonstrate that various vehicles can make certain manoeuvres through the roundabout. The original assumption is that the largest vehicle, or most onerous manoeuvre, that will access the development is that of a refuse lorry. However, it was considered appropriate to test for the largest delivery vehicle and articulated HGV, especially given the potential for the junction to form part of a new through route to Peter De Stapleigh Way. The Applicant has since undertaken tracking of articulated HGVs through the junction to show that these manoeuvres are possible.

Off-site Traffic Impact

Peter De Stapleigh Way/London Road/Elwood Way Junction

The Applicant has indicated that the development would have a significant detrimental traffic impact at the Peter De Stapleigh Way/London Road/Elwood Way traffic signal junction. By way of mitigation the Applicant originally indicated a change to the staging arrangements at the junction. The SHM was of the view that the proposed staging arrangement was not acceptable.

As a result an alternative mitigation measure has been proposed which includes the provision of an additional lane on London Road for the right turn from south to east and the moving of the stopline further north on this arm (Drawing SCP/10141/GA04 Rev B) as well as the reinstatement of kerbside detectors to ensure the efficient operation of the pedestrian junction. This scheme will mitigate against the impact of the traffic generated by the proposed site at this junction, although it is still expected that traffic growth in the Nantwich area will result in the junction operating above its capacity in the future.

Elwood Way/Newcastle Road Junction

Without junction improvements in this location we remain convinced of a material impact of the development at the Elwood Way/Newcastle Way Junction. The original modelling has been amended by the Applicant to more accurately reflect the existing junction layout and operation.

At the existing junction Newcastle Road (E) has a filter arrow for the left turn, however this capacity on movement is frequently starved due to the queuing ahead traffic as the left turn lane is short and narrow, evidence of this is seen on site where traffic has overrun the verge to try and bypass the blocking queue. Also, heavy vehicles turning left are forced to straddle both lanes to make the left turn further impacting on capacity (a frequent movement by HGVs to the Grocontinental site outside Whitchurch). Queues are known to extend back towards Cheerbrook Roundabout of the A51 and A500, and additional traffic is likely to increase the likelihood of this occurring. As well as the impact on the strategic network, the poor accident record at Cheerbrook Roundabout makes this a particular concern.

In order to mitigate the impact of the additional traffic from the development the Applicant has proposed to provide an extended left turn lane which will help prevent the blocking of the filter lane by ahead traffic, as shown in Drawing SCP/10141/GA05 Rev A. The improvement would be subject to agreement to the S278 agreement to carry out the works.

Wellington Road Corridor

There are existing issues in terms of congestion during peak periods along the Wellington Road corridor towards Nantwich town centre from the development site. This route is approaching its capacity and traffic impacts on the local community and at the northern end of the corridor is the Hospital Street Air Quality Management Area. However, despite the proposed development adding traffic onto this route its impact cannot be deemed to be severe, given the volume of traffic predicted to use this route.

The assessments carried out by the applicant are for 2019, the Applicant suggests that the material impact of a design year of 2019 or 2022 is not thought to substantially affect the traffic impact.

Network Rail have also raised concerns regarding the level crossings in Nantwich and have requested a contribution to the upgrade of these, this is subject to agreement with the Applicant.

Transport Sustainability

The site is not particularly well located to local facilities or public transport facilities.

The Applicant has, in response to the Council's concerns, agreed to fund bus stops on Peter De Stapleigh Way and a pedestrian crossing associated to these close to the proposed pedestrian access into the site from this area.

The existing bus service provision for the site is poor, with no service in the morning or evening peak hours serving the site. As a result the SHM would require that services are extended to cover these peak periods to provide access towards Nantwich and Crewe.

Recommendation

The SHM has been in discussion with the Applicant assist in direction towards a transport assessment that covers the required scope for this application. Providing the impact of the traffic generated by the development and the sustainability credentials of the site can be improved by providing the following mitigation measures through S278 or S106 agreements then the SHM recommends APPROVAL of the application:

- Funding for bus stops plus associated maintenance for five years.
- Delivery of a pedestrian crossing of Peter De Stapleigh Way in the vicinity of the site's pedestrian access and proposed bus stops.
- Funding of £60,000 towards bus services to the site in the peak periods for a period of three years.
- The improvement of junction of Peter De Stapleigh Way/Elwood Way/London Road as shown in SCP/10141/GA04 Rev B (moving the stopline on London Road south towards the junction, provision of an additional lane and island on the London Road south arm and upgrade on kerbside detectors to ensure efficient operation of the pedestrian stage), through agreement of S278 agreement.
- The improvement of junction of Elwood Way/Newcastle Road as shown in SCP/10141/GA05 Rev A (inclusion of the 80m left turn lane from Newcastle Road with 3.65m wide lanes), through agreement of S278 agreement.

Environmental Health

Construction Phase

- The hours of construction (and associated deliveries to the site) shall be restricted to: Monday – Friday 08:00 to 18:00 hrs; Saturday 09:00 to 14:00 hrs; Sundays and Public Holidays Nil
- All Piling operations shall be undertaken using best practicable means to reduce the impact of noise and vibration on neighbouring sensitive properties. All piling operations shall be restricted to: Monday – Friday 09:00 – 17:30 hrs Saturday 09:00 – 13:00 hrs Sunday and Public Holidays Nil
- The applicant shall submit a method statement, to be approved by the Local Planning Authority. The method statement shall include the following details:
 1. Details of the method of piling
 2. Duration of the pile driving operations (expected starting date and completion date)
 3. Prior notification to the occupiers of potentially affected properties
 4. Details of the responsible person (e.g. site manager / office) who could be contacted in the event of complaint
- The piling work shall be undertaken in accordance with the approved method statement:

- An Environmental Management Plan shall be submitted and agreed by the planning authority. The plan shall address the environmental impact in respect of air quality and noise on existing residents during the construction phase. In particular the plan shall show mitigation measures in respect of;
 - Noise and disturbance during the construction phase, vibration and noise limits, monitoring methodology, screening, a detailed specification of plant and equipment to be used and construction traffic routes;
 - Waste Management: There shall be no burning of materials on site during demolition / construction
 - Dust generation caused by construction activities and proposed mitigation methodology.
- The Environmental Management Plan above shall be implemented and in force during the construction phase of the development.

Lighting

- Prior to its installation details of the location, height, design, and luminance of any proposed lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall ensure the lighting is designed to minimise the potential loss of amenity caused by light spillage onto adjoining properties. The lighting shall thereafter be installed and operated in accordance with the approved details.

Noise

- From looking at the noise report, noise from road traffic and the proposed school, local centre and employment units has been considered and recommendations have been provided in relation to mitigation measures, to protect the proposed occupants from noise.
- The noise report specifies several mitigation measures including:
 - BB93 should be used regarding the design of the proposed school.
 - Mitigation measures have been detailed for the houses overlooking Peter Destaplaigh Way
 - Mitigation measures have been detailed for the houses at a greater distance from the road and not overlooking Peter Destaplaigh Way
 - Gardens should be either positioned away from the road with screening provided by the housing and suitable close boarded fencing; or positioned at a greater distance from the road with suitable fencing or designed with a combination of these measures.
 - In relation to potential noise from the multi-use areas a number of measures have been discussed and will need to be agreed with this Department. Proposed hours of operation for the local centre and employment units will need to be discussed. The cumulative effect of plant and equipment noise from the various sources should be no more than the background noise level as detailed in the report, in line with BS4142.
- This application is an outline application, so exact details are not known at this moment in time. However when the full application is submitted, a detailed noise mitigation scheme taking into account all of the above, will need to be submitted and agreed. This is to protect the amenity of the occupants of the proposed dwellings from noise.

Air Quality Comments

- The requested air quality assessment has now been submitted to support the planning application. The assessment looks at construction and operational impacts of the proposed development.
- The assessment uses the IAQM guidance to estimate the significance of the dust impacts due to various construction activities. The assessment highlights the importance of mitigation to dust impacts from earthworks, construction and track out. There is a discrepancy between the statement in Section 5.1 that "with mitigation, the significance of effects ... is slight adverse or negligible" and the information in Table 12 which shows all the activities being estimated as negligible significance. However, officers would consider that the development is acceptable from a dust impacts perspective should a suitable condition for mitigation be in place.
- Therefore, no development shall take place until a scheme to minimise dust emissions arising from construction activities on the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development. The construction phase shall be implemented in accordance with the approved scheme, with the approved dust suppression measures being maintained in a fully functional condition for the duration of the construction phase.
- The assessment uses ADMS Roads to model the nitrogen dioxide (NO₂) impacts from the predicted additional road traffic associated with this proposal and other permitted developments. However, it does not appear to include the cumulative impacts from other 'non committed' proposals in the area including further housing developments. Traffic data has been sourced from consultants and the Department for Transport but does not include a traffic flow for the Air Quality Management Area (AQMA) of Hospital Street in Nantwich. Cheshire East Council Highways Department has a traffic count on Hospital Street which shows significantly higher flows than the estimate used in the assessment. The model performance on Hospital Street may have been better should the correct traffic flow have been used although street canyon effects are also likely to be significant here. Environmental Health Officers have also assumed that the Highways Department accept the assumptions and predictions made in the road transport assessment. Should this not be the case then they would expect that the air quality assessment would need to be revised.
- However, the verification process calculated a model adjustment factor to amend the under estimate of the model. It is considered that this adjustment is acceptable for all receptors in Hospital Street with the exception of CE219 which still shows a -35% under estimate following adjustment. This underestimate could result in a significant underestimate of the impacts from this proposal at this receptor. Therefore, the sensitivity of ambient air quality in sections of Hospital Street where street canyon conditions exist due to relatively small increases in traffic flow is unclear. It is therefore recommended that the worst case impact in Hospital Street is re-calculated. This does not necessarily mean that the whole model and report will need to be revised.
- Notwithstanding this, the model indicates that at receptors where there is already an exceedance of the national NO₂ annual mean limit, additional small increases in the annual mean NO₂ levels will result as a consequence of this proposal. As mentioned above, this does not include other non-committed planning proposals in the area with the potential to cause further increases in traffic flows. Considering this, the predicted increases and the significant underestimate of the levels at receptor CE219 it is

strongly recommended that mitigation measures are put forward to lessen the impacts of air pollution increases in Hospital Street before we can recommend acceptance of this planning proposal.

Contaminated Land

- The Contaminated Land team has no objection to the above application subject to the following comments with regard to contaminated land
 - The application area has a history of agricultural use and there are former ponds on site which may have been infilled. Therefore the land may be contaminated.
 - The application is for new residential properties which are a sensitive end use and could be affected by any contamination present.
 - The applicant has submitted a Preliminary Risk Assessment for contaminated land with the planning application. Although the report refers in places to out of date and superseded guidance, the conclusions and recommendations are justified.
 - As such, and in accordance with the NPPF, recommend that the standard contaminated land Phase II report conditions are attached.

Public Rights of Way

- The Transport Assessment describes pedestrian and cyclist access to and from the proposed development site being located on the northern boundary opposite Hawksey Drive (although the Indicative Masterplan only shows this as pedestrian access). The Transport Assessment also notes the importance of the cycleway/footway facility on the northern side of Peter de Stapleigh Way to the sustainability and permeability of the site. It is therefore essential that this facility can be accessed and crossing facilities for both pedestrians and cyclists to cross Peter de Stapleigh Way need to be created at this junction.
- That said, consideration needs to be given as to whether this access is in the most sensible location. It should be anticipated that residents of the proposed development will seek the shortest and quickest route into and out from the site. As a large proportion of journeys will be to and from the town centre, and as the Design and Access Statement states the aim of maximizing sustainable route connections to the town centre, the most direct route along this trajectory is from the north-western corner of the development site. The pedestrian and cyclist link should therefore be considered at this location rather than or in addition to that opposite Hawksey Drive.
- The planning application for the northern access road to this site (12/3746N) proposes a cycleway/footway facility alongside the spine road. This facility would need to be continued through this development site, thereby creating the off-road link between the current and new communities of Stapeley and Broad Lane School, a request which was registered under consultation for the Council's statutory Rights of Way Improvement Plan (ref. T19 and T75). It is unclear from the Illustrative Masterplan whether such a facility is proposed.

- The Design and Access Statement, under the heading Accessibility, proposes an 'enhancement and extension of the existing public rights of way network as an integral part of the development'. Clarification is requested on this item as there are no recorded Public Rights of Way within the current development site, as correctly stated within the Transport Statement. The Stapeley Parish Plan identified the need for the development of local, circular walks for residents to build healthy activity into their daily routines, so provision of such paths within the green infrastructure of the site may be appropriate. This aspiration was logged under the Rights of Way Improvement Plan (ref. W10). This aspiration would fit with the stated Summary of the development which refers to an 'extensive green infrastructure network...whilst allowing improved public access across the site and to the wider pedestrian network'. It is noted, however, that limited pedestrian/cyclists routes are proposed within the green infrastructure plan of the Design and Access Statement.
- Destination signage for cyclists and pedestrians to local facilities, including schools, the town centre and railway station, should be provided at junctions of the cycleway/footway and highway facilities. The transport assessment should include an assessment of whether adequate, cycle parking is available at key destinations in the town, including the railway station, bus station and town centre, and should include provision for works to address any identified shortfall. It is noted that travel planning, to include walking and cycling opportunities is proposed so that prospective residents are fully informed.

Education

- Including the numbers expected from the Stapeley site then the primary schools are forecast to be oversubscribed.
- Bearing in mind that this is for 189 dwellings a development of this size would not warrant a new school and if the "greater" site is not the preferred option in the town strategy meaning a new school would not be supported. In this case education would be seeking a s106 contribution instead of the new school site offered in the event that the application on its own does ultimately get approval.
- However, if the "greater" site is ultimately developed for housing a new school would be required
- If there is the possibility of an either or clause then that would be ideal.
- On the basis of 189 dwellings alone a contribution of £347,081 towards primary education would be required.

5. VIEWS OF THE PARISH / TOWN COUNCIL

Nantwich Town Council

- Object – The Town Council considers that development to the south of Peter de Staple Way should only be considered in the context of the emerging Core Strategy and Draft Town Strategy. Consultation on the Town Strategy has recently been concluded and there appears to be little support for this option.

- This application is clearly a device to bypass the consultation exercise and is premature. It should await the approval of the Core Strategy.

Stapeley Parish Council

The Parish Council has considered the applications and makes the following comments numbered 1 -3, together with a summary of the technical highway appraisal carried out by Bob Hindhaugh Associates Limited on behalf of the Parish Council. The company's summary appraisal is included below.

The Parish Council requests that the Borough Council take into account the observations made and recommends that both applications be refused for the reasons given.

1. Objections on highways grounds as detailed in the consultant's report summarised below.
2. Crewe and Nantwich Borough Council's Adopted Replacement Local Plan 2011 which was also adopted by Cheshire East Council (Pending the development and adopted of a new Local Plan) states under RES.5 (Housing in the Open Countryside) pages 61/62 that:

"Outside settlement boundaries all land will be treated as open countryside. New dwellings will be restricted to those that:

- A) *Meet the criteria for infilling contained in Policy NE.2; or*
- B) *Are required for a person engaged full-time in agriculture or forestry in which case planning permission will not be given unless:*
 - *Applicants can demonstrate that a location in the open countryside is essential for the efficient working of the enterprise.*
 - *It can be demonstrated that the new dwelling cannot be accommodated within a defined settlement.*
 - *There is no suitable, existing dwelling on the site or nearby*
 - *There are no suitable buildings on the site or nearby which could be converted into a dwelling.*
 - *Where possible, the new dwelling is sited within a nearby group of existing dwellings or a farm/building complex*
 - *The new dwelling is of a form, bulk, design and materials which reflects the locality's rural character and the needs of the enterprise; and*
 - *The new dwelling should be neither unusually large in relation to the size of the holding, nor too expensive to construct in relation to its income.*

The land which is the site of the application is outside the settlement boundary and the Parish Council considers that none of the criteria apply.

3. The current drainage system is already inadequate and additional development will exacerbate the problem.

4. 3 major reports have been submitted by Singleton Clamp Consulting Engineers in support of the application. The Parish Council has obtained independent professional advice to provide a detailed analysis of these documents. The key findings are summarised below and clearly demonstrate that there are a number of serious and fundamental flaws which have major impact on the local area.

The applicant's traffic count was 10% lower at the Newcastle Road / Elwood Road junction. This would provide some explanation as to why the application used an evening peak hour count of 16.45 -1745 instead of the traditional peak of 17.00 – 18.00. This would account for the consultant's traffic flow data being represented in a lower number and providing a full and proper account of the actual traffic situation on the local highway network around Stapeley. This, of course, is only one of the four junctions very close to the application site which gives the general public and the Parish Council grave concerns that the traffic assessment is flawed.

If after considering all the objection responses to these applications, the local planning authority is still minded to recommend approval of the applications, the Parish Council would want to see and be allowed to comment on what would be expected to be an extensive list of mitigation measures and improvements, which would demonstrate that with these measures would make the situation better for road users, or at the very least, make it no worse.

It is Members opinion as a Parish council that together with a number of other objections from the residents of the Parish m, that these proposal in their current form would cause severe impact on the local highway network and would be detrimental to that already congested flow of traffic and not in the interests of highway and pedestrian safety.

The Parish Council would urge the Local Planning Authority to recommend refusal of both these applications in the interests of public safety.

Summary of Technical Highway Appraisal by Bob Hindhaugh Associates Limited on behalf of Stapeley Parish Council

- 1.1 *The Muller Group provided the following major documents and reports as part of their planning submissions for applications, 12/3746N and 12/3747N.*

- **TRANSPORT ASSESSMENT (TA) for 12/3747N**
- **TRANSPORT STATEMENT (TS) for 12/3746N**
- **A51 ROUTE STUDY for 2/3746N and 12/3747N.**

1.2 *This document is a summary of the three main sections taken from the Technical Highways Appraisal document prepared by Bob Hindhaugh Associates on behalf of Stapeley & District Parish Council 13th November 2012.*

2.0 SUMMARY OF THE TRAFFIC ASSESMENT (FOR APPLICATION 12/3747N)

2.1 THE ROUNDABOUT LAYOUT

2.2 *The design principles of this roundabout are inappropriate, as the A529 at Broad Lane is a classified road and as such should come under the design manual for roads and bridges, not Manual for Streets. Broad Lane is on the edge of the built-up area, rural in nature and has an 85th percentile speed reading higher than the existing speed limit of 30 mph. For these reasons the proposed roundabout should have been designed in accordance with TD 16/07 DMRB.*

2.3 *No speed data was supplied within the TA but this was obtained on behalf of the Parish Council by Access hdpc. The results of the speed survey showed a higher average speed than the existing speed limit of 30 mph along Broad Lane close to the location of the proposed roundabout.*

2.4 *A swept path analysis drawing should have been provided as part of the planning application 12/3747N as the proposed access is to be considered with all remaining elements outline, coming forward as reserve matters applications.*

2.5 *Pedestrian and cyclists crossing facilities are inadequate for the speed and type of road at the proposed access on Broad Lane. When considering that 1215 dwelling and mixed-use site is proposed near to a primary school, already suffering with traffic-related issues, a PUFFIN or TOUCAN should have been considered to offer pedestrians and cyclists safe passage.*

2.6 *In view of the lack of information in support of an achievable safe working compact roundabout to serve all road users safely.*

RECOMMENDATION: I recommend that the Local Planning Authority refuses planning application 12/3747N on highways safety grounds and lack of information.

2.7 *In addition to the roundabout concerns, the site does not embrace or consider in any detail sustainability. There are no recommendations as to how sustainable links will reduce the reliance of car-borne journeys from this site with no mitigation measures or improvements suggested. On this point alone I consider the application can be recommended for refusal as it does not meet with current sustainable policies or requirements of the adopted Local Plan.*

2.8 *In view of the lack of supporting evidence in terms of available peak time road capacity at and around the development site and adjacent major traffic corridors and priority junctions,*

RECOMMENDATION: I recommend that the Local Planning Authority refuse planning application 12/3747N.

3.0 THE TRANSPORT STATEMENT

- 3.1** *I do not consider the correct pm peak hour has been used in this case. The traditional peak in 17.00 -18.00 and not 16.45 – 17.45 as used in the TS. In my view this does not give an accurate reflection of full traffic operations on the link. The key quartile 17.45 – 18.00 is omitted and this is when the link is at its most congested.*
- 3.2** *The TS makes no attempt to discuss any mitigation measures required to ensure reasonable sustainable links other than a footway link opposite Hawksey Drive; although this application is solely for access there is no indication as to how this footway will be achieved.*
- 3.3** *In my professional view, planning application No 12/3746N should have come forward for consideration for an access for both pedestrians and vehicles in the first instance and as part of an outline planning application, where all the principles for future development mentioned could have been considered at this stage, Along the same lines as the Broad Lane application.*
- 3.4** *In view of the lack of information in support of sustainable links, **I recommend that the Local Planning Authority refuse planning application 12/3746N on highways safety grounds and lack of information.***
- 3.5** *In view of the lack of supporting evidence in terms of available peak time road capacity at and around the development site and adjacent major traffic corridors and priority junctions, **I recommend that the Local Planning Authority refuse planning application 12/3746N.***

4.0 SUMMARY OF SECTION 5.0 – THE A51 ROUTE STUDY

- 4.1** *Having looked in detail at both the Singleton Clamp and Mouchel studies it is quite clear that the main areas of concern identified within the independent Mouchel report have not been fully considered in the Singleton Clamp report. They do not mention the key findings of the Mouchel report! (ie that the A51/A500 as a regional route, has a high collision rate and that the collision severity indices is above the National Average, 5.1.3 Mouchel Report 2010). In addition HGV collision rates on the route are also significantly above the National average.*
- 4.2** *In view of the lack of supporting evidence in terms of available peak time road capacity at and around the development site and adjacent major 'A' road corridors and priority junctions, **I recommend that the Local Planning Authority refuse planning application 12/3746N and 12/3747N.***

5.0 SUMMARY OF AREAS OF MAJOR CONCERN

- *The roundabout is not designed in accordance with the relevant design manual and specification.*

- *The complete lack of any provision or measures to support alternative modes of travel and encourage sustainability.*
- *It is evident that congestion occurs at every peak time and this is confirmed in the Mouchel (A500/M6 2010) document on this route. We also have photographic evidence to the extent of the queue lengths causing congestion at all the relevant junctions and 'A' road corridors.*
- *I fail to accept that the traffic generation from the development proposals will not significantly worsen the capacity of the local highway network, as a result of the proposed development coming forward, as set out in 10.11 of the Singleton Clamp transport assessment.*

Based on the findings contained with the technical highways report and summary above, I would recommend that the Parish Council formally objects to planning applications 12/3746N and 12/3747N. These proposed developments would have a significant detrimental impact on the local highway network, resulting in increased congestion to priority junctions, impacting onto the A530 and A51 corridors as well as the A500 and M6 at junction 16.

All of the above is classed as "Severe" as mentioned in the National Planning Policy Framework (NPPF) and on that basis alone should be recommended for refusal.

6. OTHER REPRESENTATIONS

Reaseheath College

- The Application represents a first phase of the proposed urban extension to Nantwich at Stapeley, referred to as Nantwich South and as such is a poor choice for the future growth of Nantwich.
- The site offers little benefit to the community and the town.
- The transport issues have not been properly addressed in the linked application 12/3746N nor have they modelled the future requirements for this major scheme.
- The proposal deals with the site's own infrastructure problems but does not address the needs of the wider area and problems that would arise elsewhere as a result of this development.
- The proposed access off the Audlem Road will create major traffic congestion at the junction of Audlem Road and Peter DeStapleigh Way especially at peak periods and during school drop off and pick up times.
- The key to a development such as this, particularly with the indication of proposals for future phases, would be sustainability. The development provides no meaningful resolution to the requirements for sustainable development. There is no direct

pedestrian access into the town centre and the scheme would generate additional car movements with very little opportunity for pedestrian footfall.

- The scheme does not offer the town any substantive traffic movement improvements nor does it open up recreational and amenity features to the benefit of the town.
- As such the requirements of the National Planning Policy Framework are not satisfied in that development in this locality does not represent sufficiently sustainable development when compared with the alternative available strategic location at North West Nantwich which meets sustainable development requirements in respect of economic, social and environmental dimensions.
- In contrast the development at North West Nantwich would provide:-
 1. Improvements to the A51 both on site at The Green and through a contribution to the Burford Crossroads.
 2. A new North South link between the A51 and Waterlode providing traffic relief for the town centre.
 3. The delivery of a riverside walk between A51 and Waterlode in conjunction with land owned by Cheshire East Council.
 4. Development within walking distance of Nantwich Town Centre.
 5. Employment opportunities which compliment the strategic investment planned at Wardle and Basford.
 6. Enhanced public accessibility to the Shropshire Union Canal.
 7. Significant capital benefits to Reaseheath College which will allow major further investment in facilities for enhanced education and training and for community use. The positive economic impact of Reaseheath on its community in 2011 has been calculated through an external independent assessment of over £60 million for the year. Unlike other proposals the development of College land within North West Nantwich will bring substantial financial benefits to the Town and local community year after year.
- Development that would open a first phase of the unsuitable Nantwich South scheme would be prejudicial and the application is premature within the context of the current review to determine the growth points for Nantwich. The current application and the linked application 12/3746N should be refused.

Objection Report by M Williams BSc, MSc

An extensive and detailed objection report has been received from Mr M. Williams, the executive summary of which states:

1. *The proposed speculative development is not plan-led and is not included in Cheshire East Council's Draft Development Strategy therefore it fails to comply with Paragraph 17 of the National Planning Policy Framework which states that planning should 'be genuinely plan-led, empowering local people to shape their surroundings....'.*
2. *The Regional Spatial Strategy still forms part of the development plan and does not define Nantwich as a spatial priority for growth and development. Cheshire East*

Council's Draft Development Strategy requires Nantwich to accommodate 1,500 houses for the period 2010-2030, not including the 189 dwellings in this proposal therefore the 189 dwellings are not required in order for Nantwich to satisfy the requirement for 1,500 dwellings from 2010-2030.

- 3. According to a February 2013 press release, Cheshire East Council now has a five-year housing land supply. The development proposed in this planning application is speculative, not plan-led and is not required in light of the council securing a five-year housing land supply.*
- 4. This planning application proposes 189 dwellings, however, since the application was lodged 240/270 dwellings have been permitted on land off Queen's Drive in Nantwich (which may or may not be included in the 1,500 figure referred to in point 2 above). It is considered that the 240/270 recently permitted dwellings will meet the present housing needs of Nantwich. Consequently, the 189 dwellings proposed in this application are surplus to requirement, as reinforced by points 2 and 3 above.*
- 5. The summary of the technical critique of the TA commissioned by Stapeley Parish Council states, amongst other things, that the proposed development 'would have a significant detrimental impact on the local highway network, resulting in increased congestion to priority junctions', classifies the impacts as 'severe' (as defined in the NPPF) before going on to say that on that basis alone the application 'should be recommended for refusal'. I consider that the proposed development is not sustainable.*
- 6. One of the application documents alleges that the application site is 'classified as Grade 3 by the Agricultural Land Classification (ALC)'. Grade 3 agricultural land is split into Grade 3a (Best and Most Versatile) and Grade 3b (not Best and Most Versatile) and the applicant has not indicated the split between Grade 3a and 3b or whether the site is all Grade 3a or all Grade 3b. This is a serious omission and in the absence of any evidence to the contrary, the council should assume the worst-case scenario, that is, that BMV land could be impacted upon by this development.*
- 7. Brownfield land at the nearby former Stapeley Water Gardens allocated for mixed-use development under policy S.12.5 of the Borough of Crewe and Nantwich Replacement Local Plan with extant planning permission for B1 office/light industry has not yet been brought forward. The proposed development would jeopardise the delivery of this allocation and the regeneration of the former Stapeley Water Gardens. Brownfield land in the immediate locality should be the priority for development, in line with the council's 'Brownfield First Policy' advocated in a February press release.*
- 8. The full text of the report can be read on the Council's website*

Local Residents - Objection

Principle of development and housing need

- Plans have been submitted prior to the adopting of Cheshire East Council's local plan and therefore at odds with one of the core planning principles that planning should be 'genuinely plan-led'.

- Why is development under way – site cleared, foundations pegged out etc – when planning consent has not been given.
- The residents of Nantwich have just taken part in a consultation process regarding the town strategy. Shouldn't the allocation of housing be as a result of this process and not prior to it?
- The motivation for the development seems to be the development of the Basford sidings site into an employment/technology park. Would it not make sense to create housing nearer to that site?
- Developers currently hold planning permission to develop over 10,000 houses across Cheshire East which have yet to be built (this is indicative of 'land-banking') and these provisions should be fulfilled / built before any further provision is allocated.
- The proposal includes provision of up to 39,826 sq ft of business units. There is currently 78,000 sq ft of vacant office space in Nantwich and 208,000 sq ft of commercial and light industrial space in the locality and already approved plans for additional commercial developments in the local area . There is no demand for more of these units.
- There is a total of 78,170 sq ft of office space available around Stapeley across 19 sites.
- Commercial and light industrial space totals 793,340 sq ft within a 15 minutes drive. Of this 584,813 sq ft is concentrated in two large distribution centres. Setting this aside there are 208,530 sq ft of space across about 18 sites.
- If there is a requirement in the area for workshop space it could be accommodated at Stapeley Technology Park.
- The need for housing cited in the application is based on the Strategic Housing Market Assessment document rather than the more accurate Regional Spatial Strategy document recently used by the Draft Nantwich Town Strategy.
- SHMA is based on 2009 survey representing less than 5% of the population of Cheshire East.
- Data used extracted from sources of varying time periods.
- Fails to take into account the migration out-flow
- Makes no allowance for the diverse nature of the two separate towns of Crewe and Nantwich.
- According to policy RDF1 of the RSS Nantwich is not defined as a spatial priority for growth and development.

- There is a significant number of houses on the open market and available for let at any one time in Nantwich and the local area (including Crewe) for which there is clearly low demand.
- Saturation point has been reached in Nantwich as far as houses are concerned.
- Out of proportion and out of character for a small market town.
- The site offers little benefit to the community or town.
- The development provides no meaningful resolution to the requirements for sustainable development.
- Unless there is employment growth within the area the development becomes a dormitory development.
- The current economic climate is unlikely to provide a timely completion of such a large estate thus leaving an unfinished development that will unfairly suppress the extended housing market for an extended period, making it more difficult for existing residents to pursue their relocation needs.
- No need for further retail units.
- The development will result in the ruination of Stapeley and Nantwich and the surrounding area.
- When and how was it decided that Nantwich needed to expand?
- Nantwich is a small market town and if we want larger facilities we go to Crewe. Earl Street Retail Park has reduced Crewe to a gridlock most weekends. If there is to be an employment boom at Basford perhaps Crewe needs more attention than Nantwich.
- Since the submission of the application the housing supply has changed, permissions having been granted for 240 houses on Queens Drive Nantwich and 400 houses on the Shavington Triangle. Therefore there is now no need for this further 189 houses.
- Table 2 of the application document fails to take into account the number of homes that are released onto the market by 'out-migration'.

Greenfield

- The application is located on greenfield land outside the settlement boundary which is designated as open countryside under saved policy NE2 of the Borough of Crewe and Nantwich Replacement Local Plan (CNRLP) 2011. The application does not comply with NE2.

- Brownfield land at the former Stapeley Water Gardens allocated for mixed use development under policy S12.5 of the CNLP with extant planning permission for B1 office/light industry (P06/1011) has not yet been brought forward. The proposed development would jeopardise the development of the above mixed use allocation and the regeneration of the former Stapeley Water Gardens. Brownfield land in the immediate locality should be the priority for development.
- The numerous brownfield sites available across Nantwich Crewe and other parts of Cheshire East should be developed before greenfield sites.
- This land is classified as Level 5 in the Nantwich Town Strategy Draft Report paragraph 6.8, the least supported site for development. It is currently farmed, productive land. Furthermore the land has been classified as Grade 3 Agricultural Land (according to Defra Agricultural Land Classification). Poorer quality land should be used in preference to that of higher quality (PPS7).
- The development will result in the loss of open land.
- Once the land is developed it cannot be brought back into agriculture.

Infrastructure (Health, schools)

- This Phase 1 of a potential 1,100 house development would not be a sustainable development for Nantwich owing to the pressure it would put on the roads, local schools, doctor's surgeries and Leighton Hospital.
- Stapeley (and Nantwich) are already overdeveloped following 10 years of intensive house building activity. Any further development would put excessive pressure on local services such as schools, roads and doctors.
- The proposal deals with the site's own infrastructure problems but does not address the needs of the wider area and problems that would arise elsewhere.
- The pressure on schools may cause resentment by existing residents which is the opposite of positive integration.
- The developer has stated that they will not build a school on the proposed development.
- Another primary school is not needed as there are sufficient already in the area which are not full to capacity.
- There are insufficient school places within a reasonable distance to accommodate the 184 primary-aged and 132 secondary-aged children anticipated.

- The Applicant states that the existing doctor's surgeries can take another 3000 patients. With other applications going in not yet passed this figure could rise to about 10,000
- Which senior school will all the children go to?
- Has provision been made for so many houses without it affecting the water pressure of the existing houses?

Highways / Traffic

- The initial phase would put unsustainable pressure on the roads.
- There is no direct pedestrian access into the town centre and the scheme would generate additional car movements with very little opportunity for pedestrian footfall.
- The permissible exit points from this site are severely restricted, with no direct pedestrian or vehicular access to Peter DeStapeley Way at this point in time (which is a material consideration) contrary to the suggestions of the Transport Assessment. Therefore, the entire basis of the Transport Assessment, especially with regard to pedestrian routes and access to public transport, is incorrect, resulting in a gross underestimation of vehicle trips on an already congested network which result in an unsustainable development.
- Some of the key claims and assumptions referred to in the Transport Assessment with regard to impact on the local road network are unrealistic for an area such as Stapeley e.g. the assumption that people will walk to amenities within 800m to 2km such as the local shops and the railway station (which has no practical connections to serve working people for reaching their places of work, even in major commuter areas such as Manchester, London and Birmingham).
- The proposed development will lead to increased traffic movements along Broad Lane which is already highly congested during a.m. and p.m. peaks.
- There are already traffic incidents on a nearly daily basis during these periods and significant traffic jams (as evidenced by the 20 films and over 100 photographs available online)
- The increase in traffic of nearly 50% as described in the documents supporting the application places an even greater strain on public safety. Studies by the HSE show a strong correlation between increased traffic levels and the number of incidents for a given area. There are traffic jams and other traffic incidents and it would lead to an unacceptable increase in the risk of injury to road users and pedestrians.
- A traffic count on Broad Lane performed by members of the public following the same methodology and data collection guidelines used by SCP clearly demonstrates the existence of a third peak. The Transport Statement has failed to consider the existence of an additional afternoon peak period when children are collected from four primary schools and one secondary school in the area.

- Assuming that each house in the proposed development has one car and does 2 school runs and one shopping trip per day this equates 6 journeys per car per day(3 there and 3 back) 6966 journeys. At 1.5 cars per household the number increases to 8127 journeys and at 2 cars per household it is 9288
- Extra road trips made to ferry children of school age to schools outside the area places further pressure on the road system.
- If the application is agreed Muller Group should pay for a pelican crossing on Wellington Road and an upgrade on the existing crossing which services Brine Leads and Weaver to a pelican crossing.
- The town is already in need of better parking and visitor and resident amenities and to inflict higher traffics volumes on the town would be disastrous.
- The Broad Lane roundabout is not designed to the correct criteria for this type of road. The location of the proposed roundabout is unacceptable.
- The impact on nos. 24 and 26 Broad Lane is described as 'major adverse' both during and after the construction process.
- Visibility from drives is severely restricted by the bend in the road.
- Roundabouts have little calming effect on traffic.
- A roundabout is not deemed suitable in a residential area where it directly blocks access to residential properties, as it will in this case. The approach to this roundabout would create an S-bend effect on the left hand side of Broad Lane making it difficult for lorries and agricultural vehicles to negotiate.
- Wybunbury Lane will become a 'rat run' to avoid the congestion at Peter DeStapeley Way and Elwood Way.
- The Transport assessment draws a number of unsubstantiated conclusions about the relief traffic on Dig Lane which is misleading.
- As scant regard is being given to where employment is being generated in the local area significant travel will be required for residents.
- The construction traffic will cause congestion.
- Residents have trouble getting out of their drives at the present time and this proposal would make things worse.
- The Transport Assesment assumes that residents will walk or use public transport but the evidence does not support this.

- Assumptions set out in the Transport Assessment regarding pedestrian routes, access to public transport and the impact on local road network are not correct. They will give rise to an underestimation of the number of vehicle trips.
- At certain times Nantwich is already gridlocked.
- From the south Nantwich town is only accessible by 3 routes each restricted by a level-crossing.
- There are several chicanes causing non-free flowing traffic already existing in Wellington Road, Audlem Road and Broad Lane. Increased traffic will make the problem worse.
- It is not unusual to spend 15 minutes travelling 100 yards down Audlem Rd.
- Drivers have been forced onto the pavement several times on the approach to First Dig Lane and have complained many times.
- Roads around the school are hazardous.
- No provision to turn right into the very busy London Road from Peter DeStapleigh Way.
- Traffic travelling along Audlem Rd is restricted by a 'pinch-point' at the Toll House in conjunction with residential and school parking leading to severe traffic flow problems at peak times.
- Any further development to the south of Nantwich should be deferred until it can have a dedicated connection to a robust ring-road system.
- Until the roads are improved and maybe a by-pass built for industrial traffic the development will do Nantwich more harm than good.
- The Council should consider ways in which walking and cycling can be promoted for everyday journeys such as shared footway/cycles paths, improved pedestrian/cycle crossings of Park Road and Water Lode and across Peter DeStapleigh Way at several locations.
- Speed limits should be reduced to under 20 mph.
- The potential access road to the proposed development site, Broad Lane, is an upgraded country lane, narrow in parts, which could not support increased traffic flow with its existing surface and drainage problems.
- Broad Lane has no pedestrian crossing and the majority of the housing is on the side of the road with no footpath. The footpath on the other side is very narrow and this will make it an extremely dangerous route for children walking to Broad Lane School and Brine Lease School.

- The infrastructure cannot cope with new houses creating havoc at rush hour.
- The existing routes into and out of Nantwich across railway crossings can barely cope on most days.

Flooding

- The water table along Broad Lane appears to be very high for much of the year. Some houses along Broad Lane, which would be affected by Option 3 (which suggests draining into a ditch adjacent to Broad Lane), flooded some years ago. The ditch was only ever intended to drain an area of open countryside, not an impervious estate with tarmac and concrete roads, drives and paths. Many houses along Broad Lane are below both road and field level and will be at extra risk if more houses are built.
- The Flood Risk Assessment concedes that 'There is insufficient topographical survey and development layout information accessible to verify that gravity drainage is feasible'

Trees / hedges

- A group of mature Scots Pine Trees and a copper beech alongside Broad Lane will be cut down to make way for a roundabout. The trees have an outstanding amenity value and Tree Preservation Orders should be placed on them.

Ecology

- A significant proportion of the land edged red on the application is located within the area identified as 'new terrestrial habitat' to the south of what is now Peter DeStapeley Way in the Ponds and Amphibians Plan dated July 1998. It appears that the land is already existing GCN migration land associated with the Cronkinson Farm development. The land should remain undisturbed as it appears to be existing terrestrial habitat for GCN's.
- The fields up to Deadmans Lane is in a beautiful area of nature and should not be destroyed.
- The countryside around Stapeley has an abundance of wildlife and it would be criminal to destroy it.
- The increase in traffic would cause noise and air pollution.
- There would be an increase in light pollution from the new street lighting.
- Would destroy habitat for local wildlife.

Other

- The new houses will devalue the existing houses.
- The design is overpopulated with too many houses for the size of the plot. I cannot see 2000 cars being able to park on this land never mind building houses as well.
- The privacy of the dwellings bordering the proposed roundabout will be severely impaired due to queuing traffic.

Local Residents - Support

- It will create much needed affordable homes, shops and school.
- It will bring investment to support the Nantwich.
- Nantwich has thrived over recent years due to the increasing population which supports business and shopping in the town.
- The proposal will provide places for children to play, allotments and green spaces as well as a new school.
- A relief road to alleviate traffic problems on Broad Lane, Audlem Road and Brine Lease School is good.
- If east Cheshire needs new homes as we are told, let's have them in Nantwich where we can benefit from the investment and trade and keep the money in the town.
- Construction, investment and development are the key to economic recovery.
- It would be advantageous if a percentage of the workforce was to be from the local area.
- Development on small and brownfield sites has not so far addressed the shortage of affordable housing. The only way to address this shortage is to approve larger scale deliverable housing on Greenfield site.
- Young people have little opportunity to enter the housing market due a shortage of new affordable housing locally.

7. APPLICANT'S SUPPORTING INFORMATION:

- Air Quality Report
- Arboriculture Report
- Noise Assessment
- Great Crested New Survey

- Protected Species Survey
- Contaminated Land Report
- Site Setting (photo)
- Transport Assessment
- Viewpoints (photos)
- Flood Risk Assessment
- Assessment Matrix
- Landscaping and Visual Impact Assessment
- Travel Plan
- Transport Assessment
- Planning Statement
- Statement of Community Involvement
- Retail Statement
- Design and Access Statement
- Nantwich Housing Market Report
- Archaeological Report

8. OFFICER APPRAISAL

Main Issues

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

Principle of Development.

Policy Position

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

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

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

Members should note that on 23rd March 2011 the Minister for Decentralisation Greg Clark published a statement entitled 'Planning for Growth'. On 15th June 2011 this was supplemented by a statement highlighting a 'presumption in favour of sustainable development' which has now been published in the National Planning Policy Framework (NPPF) in March 2012.

Collectively these statements and the National Planning Policy Framework mark a shift in emphasis of the planning system towards a more positive approach to development. As the minister says:

"The Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy".

Housing Land Supply

Whilst PPS3 'Housing' has been abolished under the new planning reforms, the National Planning Policy Framework (NPPF) reiterates at paragraph 47 the requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

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

The NPPF states that, Local Planning Authorities should have a clear understanding of housing needs in their area. This should take account of various factors including:

- housing need and demand,
- latest published household projections,
- evidence of the availability of suitable housing land,
- the Government's overall ambitions for affordability.

The figures contained within the Regional Spatial Strategy proposed a dwelling requirement of 20,700 dwellings for Cheshire East as a whole, for the period 2003 to 2021, which equates to an average annual housing figure of 1,150 dwellings per annum. In February 2011 a full meeting of the Council resolved to maintain this housing requirement until such time that the new Local Plan was approved. In December 2012, the Cabinet agreed the Cheshire East Local Plan Development Strategy for consultation and gave approval for it to be used as a material consideration for Development Management purposes with immediate effect. This proposes a dwelling requirement of 27,000 dwellings for Cheshire East, for the period 2010 to 2030, following a phased approach, increasing from 1,150 dwellings each year to 1,500 dwellings.

It is considered that the most up-to-date information about housing land supply in Cheshire East is contained within the emerging Strategic Housing Land Availability Assessment (SHLAA) February 2013. The SHLAA has put forward a figure of 7.15 years housing land supply. This document is to be considered by the Strategic Planning Board on 8th February and the Portfolio Holder on 11th February 2013.

Policy change is constantly occurring with new advice, evidence and case law emerging all the time. However, the Council has a duty to consider applications on the basis of the information that is pertinent at any given time. Consequently, it is recommended that the application be considered in the context of the 2013 SHLAA.

Paragraph 47 of the NPPF requires that there is a five year supply of housing plus a buffer of 5% to improve choice and competition. The NPPF advocates a greater 20% buffer where there is a persistent record of under delivery of housing. However, for the reasons set out in the report which was considered and approved by Strategic Planning Board at its meeting on 30th May 2012, these circumstances do not apply to Cheshire East. Accordingly, once the 5% buffer is added, the 2013 SHLAA shows that the Borough has an identified deliverable housing supply of 7.15 years.

The NPPF clearly states at paragraph 49 that:

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

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

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

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

However, given that Cheshire East can now demonstrate a five year supply of housing land it is not considered that policies NE.2 and RES.5, which protect Open Countryside, are not out of date and the provisions of paragraphs 49 and 14 do not apply in this case. Therefore, the presumption in favour of the development from the NPPF does not apply, but the presumption against the development under the adopted local plan policy is applicable. On this basis the application should be refused.

Emerging Policy

The Nantwich Town Strategy considered a number of development options around the town and these were subject to consultation that closed on 1 October. The results of that

consultation were considered at a meeting of the Board on 6 December. The resolution at that meeting was that the future housing needs of Nantwich are met by two sites – one at Stapeley Water Gardens (around 300 homes) and the other at Kingsley Fields (around 1000 homes).

These sites have now been carried forward into the Draft Local Plan (development strategy) and are now the subject of consultation. The site under consideration in this application forms part of a larger site, which has been included as an alternative option known as “Site Nantwich 4 (Alternative) - Land to the south of Nantwich”. This option includes:

- Provision of 1,000 new homes (at about 30 dwellings per hectare);
- To include 'housing to meet local needs' in line with Policy SC4 in the Emerging Policy Principles document;
- 2 hectares of employment land;
- A new mixed-use local centre comprising:
 - Retail to meet local needs;
 - 1 new primary school;
 - Community facility / place of worship;
 - Public house / take away / restaurant;
 - Sports and leisure facilities;
- Incorporation of Green Infrastructure, to include: equipped children's play area; outdoor gym; Multi Use Games Area; facilities for teenagers; allotments; community woodland;
- The improvement of existing and the provision of new pedestrian and cycle links to new and existing residential areas, employment areas, shops, schools and health facilities; and
- On site provision, or where appropriate, provision of appropriate contributions education, health, Green Infrastructure, open space and community facilities.

The NPPF consistently underlines the importance of plan –led development. It also establishes as a key planning principle that local people should be empowered to shape their surroundings. Regrettably, the Secretary of State has often chosen to give less weight to these factors within his own guidance – and comparatively more to that of housing supply. These inconsistencies feature within the legal action that the Council is taking elsewhere.

In the recent Secretary of State decisions in Doncaster MBC (APP/R0660/A/12/2173294 refers), it was found that a development was to be premature even though the Development Plan was still under preparation. Important to this decision was the finding that a five year supply of housing land was available. There is nothing in national guidance to suggest prematurity and housing supply should be linked in this way, and logic might question how the two are interlinked, but this factor was evidently influential in this case. Given that the Council now has a 5 year supply of housing, it is considered that a pre-maturity case can be defended in this case.

Conclusion

- The site is within the Open Countryside where under Policy PS8 and H6 there is a presumption against new residential development.

- The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
 - specific policies in the Framework indicate development should be restricted.
- The 2013 SHLAA shows that the Borough has an identified deliverable housing supply of 7.15 years and therefore the presumption in favour of the proposal does not apply.
- The proposal does not accord with the emerging Development Strategy. Previous Appeal decisions have given credence to such prematurity arguments where authorities can demonstrate a five year supply of housing land.
- Consequently, on this basis, the application should be refused.

Sustainability

The National Planning Policy Framework definition of sustainable development is:

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

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

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

The North West Sustainability Checklist is supported by Policy DP9: Reduce Emissions and Adapt to Climate Change of the Regional Spatial Strategy for the North West, which states that:

“Applicants and local planning authorities should ensure that all developments meet at least the minimum standards set out in the North West Sustainability Checklist for Developments (33), and should apply ‘good’ or ‘best practice’ standards wherever practicable”.

The Regional Spatial Strategy for the North West currently remains part of the Development Plan for Cheshire East.

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

Category	Facility	STAPELEY SITE
Open Space:	Amenity Open Space (500m)	0m
	Children's Play Space (500m)	0m
	Outdoor Sports Facility (500m)	760m
Local Amenities:	Convenience Store (500m)	0m
	Supermarket* (1000m)	934m
	Post box (500m)	654m
	Playground / amenity area (500m)	0m
	Post office (1000m)	696m
	Bank or cash machine (1000m)	1078m
	Pharmacy (1000m)	2075m
	Primary school (1000m)	0m
	Secondary School* (1000m)	1005m
	Medical Centre (1000m)	2464m
	Leisure facilities (leisure centre or library) (1000m)	1005m
	Local meeting place / community centre (1000m)	0m
	Public house (1000m)	0m
	Public park or village green (larger, publicly accessible open space) (1000m)	1541m
	Child care facility (nursery or creche) (1000m)	1334m
Transport Facilities:	Bus stop (500m)	589m
	Railway station (2000m where geographically possible)	1796m
	Public Right of Way (500m)	357m
	Any transport node (300m in town centre / 400m in urban area)	357m
Disclaimers:		
<i>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.</i>		
<i>* Additional parameter to the North West Sustainability Checklist</i>		
<i>Measurements are taken from the centre of the site</i>		

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).

On the basis of the above assessment the proposal does appear to be generally sustainable in purely locational terms.

Previous Inspectors have determined that accessibility is but one element of sustainable development and it is not synonymous with it. There are many other components of sustainability other than accessibility. These include, meeting general and affordable housing need, reducing energy consumption through sustainable design, and assisting economic growth and development.

Policy DP9 of the RSS relates to reducing emissions and adapting to climate change. It requires:

- proposals to contribute to reductions in the regions' carbon dioxide emissions from all sources;
- take into account future changes to national targets for carbon dioxide and other greenhouse gas emissions
- to identify, assess and apply measure to ensure effective adaptation to likely environmental social and economic impacts of climate change.

RSS (Policy EM18) policy also necessitates that, in advance of local targets being set, large new developments should secure at least 10% of their predicted energy requirements from decentralised and renewable or low-carbon sources, unless it can be demonstrated that this is not feasible or viable.

According to the Design and Access Statement, the following sustainable design principles have formed part of the development concept.:

- Provision of a mix of uses which cater for the everyday needs of the new residents including work, education, leisure, recreation and retail activities;
- Provision of a range of house types, tenures and sizes in order to cater for choice and a variety of households;
- Provision of Sustainable Urban Drainage Systems as part of the drainage attenuation proposals;
- In-built 'robustness' – the ability of the development, including individual buildings, to adapt to changes such as use, lifestyle and demography over time;
- Make efficient use of land through proposing a development with an appropriate density.
- Establish a framework which can deliver a wider residential development beyond the application boundary within the established principles, ensuring a holistic design approach.

Whilst the above comments are noted, the Design and Access Statement does not provide any indication as to how the requirements of RSS Policy EM18 would be met within the development.

The Council's Urban Design Officer has commented that with regard to sustainable design there appears to be very little commitment in respect to the scheme. As this is part of the promotion of a large scale scheme circa 1000 homes plus other uses then de-centralised energy and other resource management needs to be properly considered and potential future proofed. Given the mix of uses and the potential size of the scheme, this is an ideal opportunity to this a highly sustainable development.

Other issues are: proper consideration of passive environmental design, setting standards for performance in terms of building fabric, water use performance of spaces, climate change adaptation, sustainable urban drainage and other elements of sustainable design relating to waste and recycling, sustainable procurement and waste reduction etc.

The applicant has commented that they will build dwellings to code 4 (which encapsulates a range of sustainable design strategies). This is referenced in the assessment of proposals section of the planning statement submitted with the application. Furthermore, this is an outline application and a detailed scheme to achieve this could be secured through the use of conditions.

With regard to the issue of economic development, an important material consideration is the Written Ministerial Statement: Planning for Growth (23 March 2011) issued by the Minister of State for Decentralisation (Mr. Greg Clark). It states that "Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', *except where this would compromise the key sustainable development principles set out in national planning policy.*"

The Statement goes on to say "*when deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development.*" They should:

- consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession;
- take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing;
- consider the range of likely economic, environmental and social benefits of proposals;
- ensure that they do not impose unnecessary burdens on development.

The proposed development will bring 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.”

In conclusion, the loss of open countryside, when there is no need in order to provide a 5 year housing land supply requirement, is not considered to be sustainable and it is considered that this outweighs any sustainability credentials of the scheme in terms of its location, meeting general and affordable housing need, reducing energy consumption through sustainable design and assisting economic growth and development.

Loss of 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”.

Paragraph 4.17 and Drawing SP(90)10 of the Landscape and Visual Impact Assessment submitted in support of the application states that the site is Grade 3. However, no detailed survey has been provided to determine whether the land is Grade 3a or 3b, and therefore whether the scheme is in compliance with Policy NE.12 or not.

Appeal decisions, both locally and nationally, have considered the loss of best and most versatile agricultural land but have shown the lack of a 5 year housing land supply would outweigh the loss of agricultural land on the Appeal sites and therefore a reason for refusal could not be sustained on these grounds.

The Appeal decisions referred to in this report make it clear that in situations where authorities have been unable to demonstrate a 5 year supply of housing, the need for housing land outweighs the loss of agricultural land.

However, given that Cheshire East has a 7.15 year supply of housing, it is considered that this argument does not apply and that the loss of the agricultural land contributes to the unsustainability of using open countryside when there is no necessity in housing land supply terms.

In the absence of the survey information referred to above, it is considered that the applicant has failed to demonstrate that the proposal will not result in loss of the best and most versatile agricultural land and given that the Authority can demonstrate a housing land supply in excess of 5 years, the applicant has also failed to demonstrate that there is a need for the development, which could not be accommodated elsewhere.

Impact on Level Crossing

There are three level crossings in the vicinity of the site at Newcastle Road, Nantwich Railway Station and Shrewbridge Road that could be impacted by the above proposal due to increased vehicular and pedestrian traffic. Network Rail has placed a holding objection on the scheme due to concern that increased traffic at these crossings will result in an increase risk of accidents, particularly at two of the crossings which are the “half-barrier” type. Through subsequent discussions, Network Rail have confirmed that these safety concerns could be overcome, if the “half-barrier” crossings were upgraded to the “full-barrier” type. It is therefore considered that the impact of the scheme could be overcome through a Section 106 contribution to these works.

With regard to the size of the contribution, going forward for the current and any future proposals in/around Nantwich, Network Rail have based our calculation on recent planning applications for development in our Western route. Bearing these in mind, they would expect developers to contribute £1500 per dwelling towards the upgrade costs. They consider that this figure is reasonable and proportionate, albeit there will obviously be a considerable gap that will need to be met to achieve the total cost of c£4m to upgrade the two crossings.

On the basis of the above, it is considered that the Network Rail objection can be overcome and that it does not provide sustainable, additional grounds for refusal.

Affordable Housing

The Councils Interim Planning Statement for Affordable Housing states that the Council will seek affordable housing on all windfall sites and that the general minimum proportion of affordable housing required will be 30%.

The Strategic Housing Market Assessment 2010 shows that for the sub-area of Nantwich, there is a requirement for 73 new affordable units per year and that this is made up of a need for 21 x 1 beds, 20 x 2 beds, 10 x 3 beds, 17 x 4/5 beds and 6 x 1/2 bed older persons units.

In addition to the housing need information from the SHMA 2010, information taken from Cheshire Homechoice (which is the Choice Based Lettings system used to allocate social rented housing across Cheshire East), shows that for the areas of Nantwich close to and including Stapeley there are currently 523 applicants. These applicants require 183 x 1 beds, 181 x 2 beds, 92 x 3 beds and 17 x 4 beds (50 applicants have not specified how many bedrooms they require)

Therefore, as there is affordable housing need in Nantwich, there is a requirement that 30% of the total units at this site are affordable, which equates to up to 57 affordable dwellings. The Affordable Housing IPS also states that the tenure mix split the Council require is 65% rented affordable units (either social rented dwellings let at target rents or affordable rented dwellings let at no more than 80% of market rents) and 35% intermediate affordable units. The affordable housing tenure split that is required has been established as a result of the findings of the Strategic Housing Market Assessment 2010.

The information submitted suggests that the affordable housing being offered is 30%, split as 65% social rented and 35% intermediate tenure. This meets the requirements of the Interim Planning Statement: Affordable Housing, and would equate to up to 57 affordable dwellings, with 37 being provided as social rented and 20 as intermediate tenure for sale. The applicant also indicates that the affordable homes would be 2 and 3 bed homes in order to meet housing need. Although the overall percentage of affordable housing provision and tenure mix is acceptable, if the application is approved Council Housing Officers would like to see a wider range of affordable housing unit type being provided including some 1 bed & possibly a small number of 4 bed properties. This could be secured through an appropriate Section 106 legal agreement in the event that Members were minded to approve the scheme.

The IPS requires that the affordable homes should be provided no later than occupation of 50% of the open market units, unless the development is phased and there is a high degree of pepper-potting in which case the maximum proportion of open market homes that may be provided before the provision of all the affordable units may be increased to 80%.

All the affordable homes should be constructed in accordance with the standards proposed to be adopted by the Homes and Communities Agency and should achieve at least Level 3 of the Code for Sustainable Homes (2007). The Affordable Homes should also be integrated with the open market homes and not be segregated in discrete or peripheral areas.

It is the Council's preference that the affordable housing is secured by way of a S106 agreement, which requires the developer to transfer any rented affordable units to a Housing Association and includes the requirement for the affordable house scheme to be submitted at reserved matters and also 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. This is in accordance with the Affordable Housing IPS which 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)"

It also goes on to state that

“in all cases where a Registered Social Landlord is to be involved in the provision of any element of affordable housing, then the Council will require that the Agreement contains an obligation that such housing is transferred to and managed by an RSL as set out in the Housing Act 1996”

Contaminated land

The Council's Environmental Health officers have commented that the application is an outline application for new residential properties which are a sensitive end use and could be affected by any contamination present. As such, a Phase I desk study and walkover survey have been submitted with the application which recommends a Phase II site investigation. In accordance with the NPPF, it is recommended that conditions are imposed to secure a Phase II investigation.

Air Quality

The proposal has the potential to create short and long term air quality impacts as a result of dust from construction and air pollution from vehicles respectively. Environmental Health Officers initially expressed concern that insufficient information had been submitted with the application in order for the air quality impact to be considered. It was requested that the applicant submit an air quality assessment completed by a suitably qualified person/s, to determine the impacts of the development on local air quality.

This has now been received and officers are satisfied with its conclusions in respect of air quality impacts from construction, subject to conditions relating to provision of appropriate dust mitigation measures during the building works.

In respect of air quality impacts from increased traffic, Environmental Health Officers have concluded that the some impacts on the Hospital Street, Air Quality Management Area, may have been underestimated. They have therefore recommended that the worst case impact in Hospital Street is re-calculated.

Notwithstanding this, Environmental Health have stated that at receptors where there is already an exceedance of the national NO₂ annual mean limit, additional small increases in the annual mean NO₂ levels will result as a consequence of this proposal. This does not include other non-committed planning proposals in the area with the potential to cause further increases in traffic flows. Considering this, alongside the significant underestimate of the impacts as referred to above, Environmental Health have commented that mitigation measures to lessen the impacts of air pollution increases in Hospital Street are required before they can withdraw any objection to this proposal.

This matter has been brought to the attention of the developer and a response was awaited at the time of report preparation, and a further update will be provided to Board in respect of this matter prior to their meeting.

Noise Impact

Similarly, initially the Environmental Health Officer had expressed concern that there was insufficient information contained within the application to determine whether there will be a loss of amenity caused by road noise or noise arising from the local centre and employment area. The applicant was made aware of this issue and has now submitted an acoustic assessment report completed by a suitably qualified person/s to determine the impacts of the development and the existing roads network, on the future occupants of the development.

This has been considered by Environmental Health Officers who have commented that, as the application is an outline application, exact details are not known at this moment in time. However, when the full application is submitted, a detailed noise mitigation scheme taking into account all of the above, will need to be submitted and agreed. This can be secured by condition. Subject to this provision, they have raised no objection on noise grounds.

Drainage and Flooding

The applicant has submitted with the application, a detailed Flood Risk Assessment (FRA). In summary, it states that:

- The site lies within the Environment Agency (EA) Flood Zone 1 which is at little or no risk of fluvial flooding. However, in accordance with Planning Policy, a flood risk assessment (FRA) appropriate to the scale, nature and location of the development is required for all developments greater than 1 ha in size.
- It has been demonstrated that surface water from the proposed development can be managed by a drainage system without increasing risk of flooding to the future site occupants or the surrounding area. There are options, described in the report to discharge surface water to the ground or to the River Weaver.
- It has been shown that the drainage scheme can be designed to meet SUDS, EA and UU requirements to limit flow from site to Greenfield rates and to allow for future climate change. Design of the optimum working drainage solution(s) can be undertaken post planning in accordance with SUDS manual, Ciria C697, Building Regulations and Sewers for Adoption 6th Edition.
- The optimum surface water drainage design of the site will depend on further ground investigations prior to the construction stage with consideration to economic viability of off-site drainage works. This is likely to be a combination of infiltration drainage and attenuated drainage. The position of attenuation can be designed to suit the final site master plan layout. During the working design stage, the surface water modelling of the whole drainage pipe network and time concentrations will enable refinement of the attenuation design.
- The implementation of the following mitigation measures will ensure that flood risks to and from the proposed development are addressed:
 - Finished Ground floor levels in residential dwellings to be at a minimum of 150mm above surrounding ground level.
 - Flood risk to surrounding properties should and can be addressed by ensuring all hardstanding areas are drained away from neighbouring land.

- Surface water drainage of the proposed development should and can be managed to mitigate any risk of flooding from the site. The drainage should be designed prior to the construction stage as described in section 6 of this report.

United Utilities and the Environment Agency have considered the report and raised no objections subject to the imposition of appropriate planning conditions. It is therefore concluded that the proposed development will not adversely affect onsite, neighbouring or downstream developments and their associated residual flood risk.

Design Issues

Numbers and Density

The Council's Urban Design Officer has examined the proposal and commented that with regard to numbers and density no testing layout has been furnished. Therefore, there is concern that the numbers are overly optimistic. The density indicated in the Design and Access Statement should be tested to ensure that the layout can be delivered to an appropriate quality and test the concepts and principles in the Design and Access Statement or reconsider the upper number.

Whilst these concerns are noted, the developer has pointed out that the Town And Country Planning (Development Management Procedure) (England) Order 2010 applicable at the time of submission does not prescribe the need for every building to be shown on a master plan at the outline stage and it is not required or necessary to 'test' an outline application master plan in such a way. Exact building positions will be the subject of reserved matter applications. The accompanying design and access statement and indicative master plan give the required (as per item 4(3) of the order) 'approximate location of buildings, routes and open spaces included in the development proposed'.

Furthermore, as of the 31st January a revised order 2010 becomes applicable with the requirement to state the approximate location of buildings, routes and open spaces within a development as part of an outline application being removed. This clearly indicates the government's stance towards an applicable level of detail.

The developer has argued that overall the density is within recognisable parameters and achieves an average net density of 30.4 dwellings per hectare (dph). This density will allow for the formation of differing densities across the development, including higher density towards the existing urban areas in the north and around the local centre and lower densities near landscape sensitive areas. Overall, the density results in the efficient use of the site, whilst at the same time promoting densities which are appropriate to the local area and which will help assimilate the development into the surrounding areas.

Layout

With regard to layout, the Urban Design Officer has pointed out that aspects of the site only make sense or are acceptable if the site is part of a larger scheme (as indicated as future phases on the illustrative Masterplan). However, that is not part of the application and may not come forward. A case in point is the southern edge of housing (block R4) which directly abuts the southern edge of the site. If this were to remain as the southern edge of the site it

would lead to a very abrupt edge to countryside and the substantial loss of an important hedge line that would make a more logical southern boundary to the site.

The access arrangement off Broad Lane, again only makes sense if the wider area is developed. If it is not, then the access would appear inappropriate given its incursion through rural landscape. Whilst it is noted that another application is proposed for access from Peter Destaplegh Way, that is subject to a separate application. This access would be preferable for this phase, given the adjoining proposed development.

The developer has responded by stating that the ability of the development to acceptably stand alone was considered at the design stage including:

- A lower density approach to the southern development parcels (item 6.55 of das)
- Village green and associated play area located to provide a green setback in the developments southern edge.
- The allotments provide a 'soft' landscape interface.
- At the reserved matter stage where there is housing adjoining the boundary, there will be supplementary planting along the sites boundaries.

They consider that the merits of the Broad Lane access point are explained in the highways consultants reports, and that the additional connectivity as a part of an aspiration to relieve traffic on Audlem Road has advantages for sustainable movement in the area plus the ability to connect to Peter Destaplegh Way was deliberately allowed for and not prejudiced in this context.

Character, Open Space and Landscape

The Council's Urban Designer has commented that the site is in essence open countryside and therefore needs to be designed to create a gradual transition. The Design and Access statement makes considerable play about working with and utilising established landscape features. However, in reality how much Green Infrastructure is being retained/created in this proposed development. For example, the hedge on the southern side of the site creates a strong edge that could be compromised by development in this part of the site. On the eastern edge of the site it indicates housing backing onto the GCN compensation area with associated issues about relationship to it. In terms of ecological enhancement, there is a sense that spaces could be better connected to create a green network.

Nevertheless, the developer has argued that the development indicative masterplan actively works around the existing features to allow retention and whilst the proposed development would result in some unavoidable tree loss, the vast majority of the significant trees can be retained and this is promoted in the Design and Access Statement. Furthermore, discussions with the ecologist have confirmed that the houses backing onto the GCN compensation is not a problem, and in many ways preferable as it will promote garden areas that adjoin and compliment the GCN area. They consider that spaces are well connected with existing and proposed planting running through the development.

The Urban Designer has commented that, whilst he supports the objectives in terms of creating sense of place, there is a little concern that what is being suggested is slightly out of tune with the wider area and could appear grafted into the landscape, rather than genuinely taking a lead from it. However, it is acknowledged that it is a difficult issue to balance

between creating a place with distinctive character and it properly integrating into the rural setting of the site.

In response, the developer has stated that housing and the influence of an urbanised edge is an existing characteristic of the site and development will be a logical extension to this form. Furthermore, the development edge broadly follows the east / west, north / south disjointed grid of the existing field pattern and is complementary and in 'tune' with the patchwork of development in the area.

The positioning of the village green and the village centre has also given some concern to the Council's Urban Designer as it only makes sense as part of the wider proposal. In relation to the application site, it is peripheral and therefore not positively situated. There is also an argument to say that it should extend south to better balance the wider site, if that were to come forward. He goes on to say that the character is generally vernacular recreation which has to be executed extremely well in order to be effective. There are some nearby housing developments that have adopted similar approaches, which have been executed unsatisfactorily. This approach needs to extend throughout the townscape if it is to work in terms of layout of buildings and spaces, the integration of streets, the design of the landscape and the architecture of buildings. In order to achieve this, a form of coding will be necessary. This would be particularly important if the wider area were to be developed, with the potential for a substantial area of housing to the south east.

The developer has explained that positioning of the village green and village centre is led by the need for a prominent edge of road location co-located with the school as a community focus. There is also the need to avoid existing properties being disturbed by such mixed use activity and school drop off etc, hence pulling the location away from the Peter Destaplegh Way and the western Audlem Road edge towards the eastern side of the development. The location within a development of this size is within convenient walking and cycling distance of properties in any event.

The developer has also pointed out that the Design and Access Statement includes only indicative elevations and building typology details and at this outline stage, it would be normal and acceptable for a condition requiring a design code to be applied. They consider that a wider scheme could be designed to complement the application and that the Design and Access Statement shows how a wider scheme could come forward.

The philosophy of creating focal locations and opportunities comprising built and natural features and spaces is supported by the Urban Design Officer, but is partly compromised by the issues discussed above. There needs to be the potential to at least create bespoke design opportunities in these key locations but ideally more widely, to make it a genuinely responsive scheme. However, the developer does not see how the creation of recognisable spaces is compromised in any way by these issues and considers that there is an opportunity at the reserved matters stage to create a bespoke responsive scheme.

The Urban Design Officer has commented that the allotment provision is welcomed. The local growing theme could be taken further by creating the potential for community orchards and also informal opportunities within areas of open space (as has happened at Todmorden in Yorkshire). This could be part of re-branding Nantwich as a local produce town, building on existing events such as the Nantwich Food and Drink and ensuring it is a key feature of

any new developments that come forward. The developer has confirmed that this is something that could be explored at the reserved matters stage, and that the outline approval would not restrict this ambition.

Pedestrian movement

The developer has pointed out that in the access scenario where a vehicular connection is provided onto Peter Destapleigh Way, controlled pedestrian crossings will be provided on all arms of the Peter Destapleigh Way / Pear Tree Field junction, providing strong pedestrian links between the site and established facilities within the town centre. In the access scenario where no vehicular connection is provided onto Peter Destapleigh Way, a separate pedestrian / cycle link will be provided onto Peter Destapleigh Way opposite Hawksey Drive. At this location an uncontrolled crossing point will be provided, including dropped kerbs / tactile paving. This form of crossing is considered acceptable given that the pedestrian access falls within a 30mph zone and pedestrians will only be required to cross a single carriageway road.

It is noted that the Public Rights of Way Officer has commented that it is essential that facilities for both pedestrians and cyclists to cross Peter de Stapleigh Way are created at the junction with Hawksey Drive. In addition, crossing facilities should be provided at the north-western corner of the development site which provides more direct access to the town centre.

The cycleway/footway facility alongside the spine road from northern access proposed under 12/3746N should continue through the site to link to the community of Stapeley to Broad Lane School. The development should also make provision for new circular walking paths and cycle routes within the green infrastructure and destination signage for cyclists and pedestrians to local facilities, including schools, the town centre and railway station should be provided at junctions of the cycleway/footway and highway facilities. Cycle parking should be provided within the development and contributions should be made to addressing cycle parking shortfalls at nearby destinations such as the railway station. In addition, a travel plan should be produced for the site.

It is considered that all of these matters could also be addressed through the use of appropriate conditions and Section 106 contributions.

Street Hierarchy and Parking

It is considered that the information is helpful in interpreting the movement strategy and defining character for different street types. It is positive that many areas are to be de-formalised and that on-street parking is suggested as being designed in as part of coherent street designs.

Mix of Uses

The mix of uses is positive in creating a local centre for the development, there is some concern regarding the relationship of housing to the employment area. However, as the developer has pointed out, it is not unusual for housing to back onto employment, in many

ways this clearly defined boundary is preferable to avoid ambiguous definition of access and parking arrangements.

The Urban Designer has suggested that the mixed use area could also include a modest number of residential units above commercial premises to further diversify the residential offer. Live/work opportunities could also be integrated, perhaps to create a buffer between employment only use and residential properties.

The developer has expressed concern, that there are commercial viability issues with this (that may ultimately constrain delivery of other community elements), albeit the intention of the employment element is to support local business and encourage a sustainable mix of uses.

Contribution Towards Sustaining The Town Centre

The Urban Design Officer has commented that this is potentially a significant scheme and it should contribute toward reinforcing the town centre (as part of reinforcing the scheme's sustainability). There is a revised Conservation Area Appraisal for much of the town centre and forthcoming management plan. A forthcoming public realm strategy is proposed within the Town Plan for Nantwich, which is likely to be progressed in 2013. Therefore, there will be viable projects to which such contributions could be targeted within a reasonable timeframe, concurrent with the development of this scheme.

The developer considers that additional housing will promote more spending in the town. The school, employment, open space allotments and community facilities will further enhance the facilities available to the people of Nantwich. The applicant, Muller Property Group, would be happy to engage with officers to consider an appropriate commuted sum payment as a contribution towards public realm improvements in the town centre. However, given that, at the present time, there is no planning policy to support such a request, it is not considered that a contribution, would meet the requirements of the C.I.L. Regulations.

Having considered the responses of the developer to his initial concerns, the Urban Design Officer has confirmed that he has no objection in principle to the proposal and that the majority of the matters raised above can be addressed at the Reserved Matters stage. However, a condition requiring a Design Code to be submitted and approved prior to the submission of the first Reserved Matters should be attached to the permission. The developer has confirmed that this would be acceptable. On this basis it is considered that that a refusal on design grounds could not be sustained.

Open space

Policy RT.3 of the Borough of Crewe and Nantwich Replacement Local Plan requires that on sites of 20 dwellings or more, a minimum of 15sqm of shared recreational open space per dwelling is provided and where family dwellings are proposed 20sqm of shared children's play space per dwelling is provided. This equates to 2,835sqm of shared recreational open space and 3,780sqm of shared children's play space, which is a total of 6,615sqm of open space.

It is stated by the applicant that 2.52ha of open space will be provided.

In addition, the proposal should provide an equipped children's play area. A Local Equipped Area for Play is proposed. All equipment needs to be predominantly of metal construction, as opposed to wood and plastic. All equipment must have wetpour safer surfacing underneath it, to comply with the critical fall height of the equipment. The surfacing between the wetpour needs to be bitmac, with some ground graphics. The play area needs to be surrounded with 16mm diameter bowtop railings, 1.4m high hot dip galvanised, and polyester powder coated in green. Two self-closing pedestrian access gates need to be provided (these need to be a different colour to the railings). A double-leaf vehicular access gate also needs to be provided with lockable drop-bolts. Bins, bicycle parking and appropriate signage should also be provided.

The remaining open space provision should include an area of allotments. It is noted that an area is shown on the plan. However, it is not stated how many plots there will be. The allotments would need to be surrounded by 2.4m high metal palisade fencing painted green. The site would also need to have bitmac surfaced roadways within it, plus a metered water supply, with one standpipe per plot.

Green Infrastructure should also be provided throughout the site, not just in the form of open space provision but also as links within the development, (for example through the use of street trees). Green corridors within the development site should be sufficiently wide and landscaped, not narrow alleys. They should be interlinked and connected, both to on and off-site networks.

To integrate the site pedestrian and cycle routes should be provided, in north-south and east-west trajectories, to link with the future (committed) development site at Stapeley Water Gardens (to the east); the Cronkinson Farm housing area (to the north) and Audlem Road (to the west) and onward to Stapeley Broad Lane Primary School and to the south (the site is bordered by Deadmans Lane). Requests have also been made for circular walks to be created in this area.

A private resident's management company would be required to manage all of the greenspace on the site (including the allotments.)

All of the above requirements could be easily secured through the Section 106 Agreement and through the Reserved Matters application process.

Amenity

It is generally regarded that a distance of 21m between principal windows and 13m between a principal window and a flank elevation are required to maintain an adequate standard of privacy and amenity between residential properties. It is also considered that a minimum private amenity space of 50sq.m for new family housing should be provided.

The layout and design of the site are reserved matters and, in the absence of a testing layout, it is difficult to determine whether the proposed number of dwellings could be accommodated on the site, whilst maintaining these minimum distances between existing and proposed dwellings. It is also difficult to establish whether the same standards can be achieved between proposed dwellings within the new estate.

However, the comments made by the applicant, referred to above, regarding the information requirements for outline applications are noted and it is considered that this issue would need to be addressed in detail as part of the reserved matters application. It may be necessary to reduce the number of dwellings within the scheme at that stage, in order to meet the required amenity standards.

Landscape Impact

Although the site is an attractive relatively level agricultural landscape, characterised by a number of fairly large fields, its landscape character is strongly influenced by the surrounding settlement edge uses and activities. The site is largely enclosed on three sides by existing residential development, apart from a triangular area that has been planted along the northern boundary and the land to the east and south east that is still agricultural.

There are no landscape designation on the application site and the Landscape and Visual Impact Assessment correctly identifies the baseline landscape character, and that it is largely located within the boundary of Character Type 7: East Lowland Plain, specifically in the Ravensmoor Character Area (ELP1). The area to the west, including a narrow strip along the western part of the site is located within the Nantwich Urban character type, as is the proposed access point from Audlem Road to the south. Although the area to the north is also located with the Ravensmoor Character Area (ELP1), and would presumably historically have been part of that character area, it has been physically isolated from the wider landscape type because of the development of housing in recent years.

The existing remaining hedgerows and field boundaries are generally in good condition and the Council's Landscape Officer, who has examined the application, would agree with the assessment's view that the existing landscape is in a good condition. The Landscape Officer would also broadly agree with the Landscape and Visual Assessment methodology and significance of landscape and visual impacts. He does consider that the site has the landscape capacity to accommodate future residential development, providing that this is well planned and designed and takes due account of the existing landscape characteristics and features of the site.

This is an outline application and although an Indicative Masterplan (BIR.3790_12) has been included. In the further development of a site Masterplan, a number of objectives should be addressed, namely:

- Respect existing landscape and townscape characteristics of the site (principally the mature trees and hedgerows) ;
- Conserve and enhance the vast majority of the existing mature trees and any notable hedgerows as an integral and structuring part of the Landscape Framework;
- Minimise any potential adverse landscape or visual effects through the application of best practice design principles and careful attention to design through all stages of the development process – particularly, attention to design and specification of landscape boundary treatments to the existing surrounding properties;
- Create a high quality and robust new Landscape Framework, including public open space, new trees, structure planting, hedgerows and other mixed habitats and open spaces;

- Adopt an appropriate landscape management and maintenance regime to ensure the successful establishment and continued thriving of the existing and new planting and landscape areas.

However, these requirements could be secured by condition or Section 106 agreements and could be given further consideration at the reserved matters stage. In summary, the Landscape Officer does not feel that the proposals as shown will have a significantly adverse landscape or visual impact. Consequently it is not considered that refusal on landscape or visual grounds could be substantiated.

Trees and Forestry

The proposed access off Broad Lane will result in the loss of a group of 9 A2 Category Scots Pine trees (T176-184) and a B1 Category Beech T185) tree located within the grounds of 'The Maylands', Broad Lane. The Arboricultural report also indicates that there will be further losses from within the site to facilitate the development, although these will be mainly restricted to C Category trees.

A Tree Preservation Order was served on 5th February 2013 to protect those trees identified as significant amenity features within the locale and around the settlement of 'The Maylands'.

The revised documents now include the tree constraints overlaid onto an indicative master plan to outline areas of possible conflict to demonstrate that there is flexibility in the site to accommodate important trees (para 6.7 of report) and to show Indicative Landscape Areas. The Report recognises the importance of the function of the group of protected Scots Pine (para 6.9) and proposes that new planting (comprising of formal or semi formal planting of large maturing trees) would take place along the new access road to replace those trees proposed to be removed.

Indicative Landscape Areas are also shown to the north of the site adjacent to the Great Crested Newt Compensation Area, to the rear of existing planting along Peter Destapeleigh Way, along the western boundary of the site and within a proposed Village Green. Whilst it is accepted that the landscaped areas would provide some enhancements to the development as a whole, it is slightly disingenuous to argue that this will fully mitigate for the loss of protected trees. The loss of the existing mature tree cover, which are an attractive feature in the landscape and contribute significantly to the existing character of Broad Lane and 'The Maylands' settlement cannot be replaced in the short term. The suggestion that the amenity can be restored reasonably quickly (para 6.9) with trees of fast initial growth rates, does not consider either the character of the area, nor the existing trees located within it and should not be considered a satisfactory approach to providing long term landscape benefits.

Whilst it is noted from the Planning Statement that as part of the Public Consultation process, the access was relocated away from Bishops Wood, such considerations should be weighed against the substantial harm to amenity due to the loss of important trees and as previously stated, mitigation should first be addressed by avoidance or minimising any adverse impacts, which would involve seeking alternatives to its location.

The Landscape Officer, has carefully considered the proposal and is of the view that the scheme, as presented, will result in an immediate loss of trees that contribute significantly to the amenity and landscape character of the area and that the proposed indicative mitigation measures for this loss do not satisfactorily establish the benefits required by local and national policy. Accordingly, the scheme should be refused on this basis.

Ecology

Article 12 (1) of the EC Habitats Directive requires Member states to take requisite measures to establish a system of strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites and resting places. Art. 16 of the Directive provides that if there is no satisfactory alternative and the derogation is not detrimental to the maintenance of the populations of the species at a favourable conservation status in their natural range, then Member States may derogate *"in the interests of public health and public safety or for other imperative reasons of overriding public interest, including those of a social and economic nature and beneficial consequences of primary importance for the environment"* among other reasons.

The Directive is then implemented in England and Wales : The Conservation of Habitats and Species Regulations 2010. ("The Regulations"). The Regulations set up a licensing regime dealing with the requirements for derogation under Art. 16 and this function is carried out by Natural England.

The Regulations provide that the Local Planning Authority must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of their functions.

It should be noted that, since a European Protected Species has been recorded on site and is likely to be adversely affected by the proposed development, the planning authority must have regard to the requirements for derogation referred to in Article 16 and the fact that Natural England will have a role in ensuring that the requirements for derogation set out in the Directive are met.

If it appears to the planning authority that circumstances exist which make it very likely that the requirements for derogation will not be met, then the planning authority will need to consider whether, taking the development plan and all other material considerations into account, planning permission should be refused. Conversely, if it seems from the information that the requirements are likely to be met, then there would be no impediment to planning permission in this regard. If it is unclear whether the requirements will be met or not, a balanced view taking into account the particular circumstances of the application should be taken and the guidance in the NPPF. In line with guidance in the NPPF, appropriate mitigation and enhancement should be secured if planning permission is granted.

In this case the Council's Ecologist has examined the application and commented that the proposed development is supported by a protected species impact assessment report and further details of the ecological survey work undertaken have now been submitted to the Council.

Great Crested Newts

The proposed development is located within any area supporting a significant great crested newt meta-population.

In the absence of mitigation the proposed development will result in the loss of one pond with some potential to support breeding great crested newts together with a significant area of relatively low quality great crested newt terrestrial habitat. The submitted ecological assessment has identified the potential impacts of the proposed development in the absence of mitigation/compensation as being 'High'.

To compensate for the loss of the on-site pond the applicant's consultant has recommended the construction of a new larger pond. The creation of a newt habitat compensation area is also proposed together with the provision of amphibian crossings to reduce the fragmentary impacts of the development. Newts will also be cleared and excluded from the development site using standard best practise methodologies under license by Natural England.

The proposals for the clearance of newts from the development site to mitigate the risk posed to individual newts are satisfactory. In addition the provision of a replacement pond is also acceptable. However it is noted that the proposed pond is also annotated on the submitted development master plan as potentially being utilised for attenuation purposes. The Council's Ecologist advises that to maximise the ponds ecological value and for amphibians in particular this pond must be used solely for nature conservation purposes.

In response to initial concerns the submitted indicative plan and mitigation strategy have been amended to show an area of additional newt compensatory habitat being provided along the eastern edge of the proposed development and to include proposals for the fencing of the proposed pond to deter interference.

If planning consent is granted the proposed mitigation strategy is acceptable to maintain the favourable conservation status of Great Crested Newts at this site.

Badgers, bats, water vole and barn owls

The proposed development is unlikely to have a significant impact on these species.

Breeding birds

If planning consent is granted standard conditions will be required to safeguard breeding birds.

Ditch

The ditch adjacent to the proposed development has not been identified as supporting protected species. However the submitted report recommends that it is safeguarded by an 8m buffer zone. This matter could be secured by condition.

Hedgerows

Hedgerows are a Biodiversity action plan priority habitat and hence a material consideration. It appears likely that the proposed development will result in the loss of some sections of hedgerow. However it is likely that a satisfactory level of replacement hedgerow planting could be incorporated into the final layout for the site.

Natural England's Consultation response

The Council's Ecologist has had further discussions with Natural England with regard to their consultation response. Natural England raised three areas of concern in respect of applications 12/3746n and 12/3747n. There were:

- Lack of a detailed protected species survey report
- The proposed development of land subject to a section 106 agreement for nature conservation
- The lack of a masterplan detailing any future development proposals.

The first of these concerns has been addressed by the submission of a detailed survey report. With regard to the second Natural England advise that this matter sits with the Council. In respect of the third Natural England advised that as no masterplan is currently available the Council should seek assurance from the applicant's ecologist that the current mitigation strategy has been formulated with the potential impacts of future development to the south in mind. This has now been provided.

Conditions

If planning consent is granted the following conditions will be required:

- Implementation of submitted protected species mitigation unless varied by a subsequent Natural England license.
- Safeguarding of breeding birds
- Provision of bat and bird boxes
- Design of proposed pond including fencing to prevent public access.
- New pond to be for nature conservation purposes only.
- 8m bufferzone adjacent to ditch.
- Proposals for in perpetuity management of the retained and newly created habitat areas.

Education

The proposal includes a new primary school. According to the Planning Statement, the primary school would be a one form entry school in line with the advice from the Education Authority. The area set aside for the school building and its curtilage (e.g. parking/playing field) is designed around the Department for Education requirements.

The Council's Education Officer has examined the application and commented that a scheme for 189 dwellings would not warrant a new school. It would only generate a requirement for a contribution towards improvements elsewhere. However, if the "greater" site, (which is being pursued through the local plan process, and is an alternative option in the Draft Development Strategy), were to come forward, a new primary school would be required.

It is therefore considered that the Section 106 Agreement should make provision for this eventuality by stating that the developer shall either provide a contribution of £347,081 towards primary education or a new single form entry primary school within the site. This shall be determined by the Local Planning Authority on occupation of the 100th dwelling.

Highway Safety and Traffic Generation.

A Transport Assessment has been submitted with the application which states that:

- *The overall site has potential to provide up to 1015 homes plus retail, employment and local centre uses which is anticipated to be brought forward in a number of phases. The current application is for the first phase of the development and will provide approximately 189 dwellings and a local centre aimed at accommodating the day-to-day needs of residents.*
- *Vehicular access to the first phase of the site will be provided from the A529 Broad Lane through the introduction of a new compact roundabout located approximately 70m to the east of Maylands Farm. Whilst providing safe and adequate access to the site, the introduction of the roundabout will also provide the following benefits to the existing users of A529 Broad Lane:-*
 - *The roundabout and associated entry path deflection will help to naturally calm traffic speeds and therefore improve road safety;*
 - *It will enable a wider footpath to be introduced on the southern side of A529 Broad Lane along with crossing facilities on the splitter islands of the roundabout; and*
 - *It will provide improved visibility from existing driveways on the southern side of A529 Broad Lane.*
- *Pedestrian and cycle access to the site will be provided at the same location as the vehicular access. In addition, a separate pedestrian / cycle link will be provided to the north of the site onto the A5301 Destapleigh Way opposite Hawksey Drive. The site will therefore be extremely permeable for pedestrians and cyclists travelling from the north and south which will be of benefit to both the residents of the site itself and for people routing through the local area.*
- *The personal injury accident data for the most recently available five year period for the most recently available five year period has been reviewed and does not represent a material concern in the context of the proposed development.*
- *The development is compliant with local, regional and national policy as it will promote sustainable modes of travel and reduce the number of car trips to local facilities.*
- *It has been demonstrated that the development is sustainable with good accessibility to the site provided to those travelling by foot and by bicycle. A reasonable bus service is available within acceptable walk distance of the site. Policies to encourage travel by sustainable modes are developed further within the Interim Travel Plan that accompanies this application*
- *The impact of the traffic arising from the scheme has been tested in detail at all junctions along the length of the A5031 Peter Destapleigh Way / Elwood Way. The assessments show that at the majority of the junctions there is either sufficient spare capacity to accommodate the proposed development or the development will not have a material impact on the operation of these junctions.*

- *The proposed development was found to have a material impact on the operation of the A5031 Peter Detapleigh Way / London Road junction and mitigation measures are proposed in the form of improvements to the staging of the junction. The proposed improvements to the staging result in the junction operating better than it would if the proposed development and improvements to the staging did not take place.*
- *A separate application has been submitted to the north of the site which seeks planning permission for a new access from the A5301 Peter Destapleigh Way. This access would connect the A5301 Peter Destapleigh Way to the northern boundary of the site and provide an additional access option for residents of the site and users of the proposed local centre as well as 'future proofing' development over further phases that will be known as 'Nantwich South'.*
- *The provision of this access will result in a different distribution of development trips on the local network, compared to that in the one access scenario, and as such sensitivity assessments have been undertaken to assess the impact of the development on the local highway network in the two access scenario. These assessments demonstrate that the two access scenario does not materially change the conclusions of the analysis of the one access scenario in that there is no reason to believe that with the mitigation measures proposed, there will be any significant worsening of the capacity of the local network as a result of the proposed development coming forward.*
- *It is therefore concluded that there is no reason on highway or transport grounds why the development proposals should not be granted planning permission.*

The Strategic Highways Manager has examined the application and the transport assessment and has provided a detailed consultation response set out above. In summary, following discussions with the applicant and their consultant, and clarification of a number of points, he has concluded that subject to appropriate conditions and Section 106 provisions, the proposals would not result in any "severe" impacts in terms of highway safety or congestion. On this basis the scheme complies with the provisions of both local plan policy and the NPPF. The required highways improvements are as follows:

- Funding for bus stops plus associated maintenance for five years.
- Delivery of a pedestrian crossing of Peter De Stapleigh Way in the vicinity of the site's pedestrian access and proposed bus stops.
- Funding of £60,000 towards bus services to the site in the peak periods for a period of three years.
- The improvement of junction of Peter De Stapleigh Way/Elwood Way/London Road as shown in SCP/10141/GA04 Rev B (moving the stopline on London Road south towards the junction, provision of an additional lane and island on the London Road south arm and upgrade on kerbside detectors to ensure efficient operation of the pedestrian stage), through agreement of S278 agreement.
- The improvement of junction of Elwood Way/Newcastle Road as shown in SCP/10141/GA05 Rev A (inclusion of the 80m left turn lane from Newcastle Road with 3.65m wide lanes), through agreement of S278 agreement.

9. CONCLUSIONS

The site is within the Open Countryside where under Policies NE.2 and RES.5 there is a presumption against new residential development, which would be harmful to its open character and appearance, which in the absence of a need for the development should be protected for its own sake. The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development. However, the 2013 SHLAA shows that the Borough has an identified deliverable housing supply of 7.15 years and therefore the presumption in favour of the proposal does not apply. The proposal does not accord with the emerging Development Strategy. Previous Appeal decisions have given credence to such prematurity arguments where authorities can demonstrate a five year supply of housing land. The development of open countryside, where there is no established need to do so, is considered to be fundamentally unsustainable.

Furthermore, the proposal would result in the loss of Grade 3 agricultural land. The applicant has failed to demonstrate whether this is Grade 3a, which is some of the best and most versatile agricultural land, or whether it is the poorer quality Grade 3b. In the absence of this information, and any established need to develop the site in order to meet housing land supply requirements, it is considered that the benefits of development would not outweigh the loss of agricultural land.

The proposal would also result in an immediate loss of trees that contribute significantly to the amenity and landscape character of the area and that the proposed indicative mitigation measures for this loss do not satisfactorily establish the benefits required by local and national policy.

Following the successful negotiation of a suitable Section 106 package, the proposed development would provide adequate public open space, highways improvements, level crossing mitigation, the necessary affordable housing requirements and provision of primary school education.

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

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

However, these are considered to be insufficient to outweigh the harm that would be caused in terms of the impact on the open countryside. As a result the proposal is considered to be unsustainable and contrary to Policies NE.2 and RES.5 of the local plan and the provisions of the NPPF in this regard.

10. RECOMMENDATION

REFUSE for the following reasons:

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside, where according to Policies NE.2 and RES.5 of the adopted Borough of Crewe and Nantwich Replacement Local Plan there is a presumption against new residential development. Such development would be harmful to its open character and appearance, which in the absence of a need for the development should be protected for its own sake.. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework. As such the application is also premature to the emerging Development Strategy. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.**
- 2. In the absence detailed survey information the applicant has failed to demonstrate that the proposal will not result in loss of the best and most versatile agricultural land (Grade 3a) and given that the Authority can demonstrate a housing land supply in excess of 5 years, the applicant has also failed to demonstrate that there is a need for the development, which could not be accommodated elsewhere. The use of the best and most versatile agricultural land is unsustainable and contrary to Policy NE.12 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the provisions of the National Planning Policy Framework.**
- 3. The scheme as presented will result in an immediate loss of trees that contribute significantly to the amenity and landscape character of the area and that the proposed indicative mitigation measures for this loss do not satisfactorily establish the benefits required by local and national policy. The proposal is therefore contrary to Policy NE.5 (Nature Conservation and Habitats) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the provisions of the National Planning Policy Framework.**

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