

Application No: 13/0641N

Location: land to the North of, CHEERBROOK ROAD, WILLASTON

Proposal: Construction of 21 two-storey residential dwellings, new shared access and associated works

Applicant: Wainhomes (North West) Ltd

Expiry Date: 16-May-2013

SUMMARY RECOMMENDATION

REFUSE

MAIN ISSUES

Impact of the development on:-
Principal of the Development
Green Gap
Location of the Site
Renewable Energy
Landscape
Affordable Housing
Highway Implications
Amenity
Trees and Hedgerows
Design
Ecology
Public Open Space
Education
Flood Risk and Drainage

REASON FOR REFERRAL

This application is referred to the Strategic Planning Board as it relates to a departure to the Crewe and Nantwich Borough Local Plan.

1. DESCRIPTION OF SITE AND CONTEXT

The site of the proposed development extends to 0.98 ha and is an L shaped site located to the northern side of Cheerbrook Road, Willaston. The site is within open countryside and Green Gap. To the south and east of the site is residential development (fronting Cheerbrook Road and the Fields). To the north and west is agricultural land.

The land is currently in agricultural use and there are a number of trees and hedgerow to the boundaries of the site.

2. DETAILS OF PROPOSAL

This is a full planning application for the erection of 21 two-storey dwellings. The site would be accessed via a single access point which would be located between 32 and 26a Cheerbrook Road.

The dwellings would mainly be detached properties but would include some semi-detached dwellings and a terrace of three dwellings. The site would include the provision of 30% affordable housing.

3. RELEVANT HISTORY

10/4452N - Extension to Time Limit - P07/1435 - To increase Basement Area of Dwelling – Approved 22nd December 2010
P07/1435 - Resubmission to Increase Basement Area of Dwelling Approved Under Application No P07/0832 – Approved 12th December 2007
P07/1407 - Additional Vehicular Access – Refused 10th December 2007
P07/0832 - Replacement Dwelling – Approved 10th August 2007
P06/1376 - Replacement Dwelling – Withdrawn – 12th January 2007
P05/1628 - Demolition of Existing Bungalow and Garage and Erection of Replacement Dwelling – Refused 31st January 2007 – Appeal Lodged – Appeal Dismissed

4. POLICIES

National Policy

National Planning Policy Framework

Local Plan policy

NE.2 (Open countryside)
NE 4 (Green Gap)
NE.5 (Nature Conservation and Habitats)
NE.9: (Protected Species)
NE.20 (Flood Prevention)
BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
RES.5 (Housing in the Open Countryside)
RES.7 (Affordable Housing)
RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)
TRAN.3 (Pedestrians)
TRAN.5 (Cycling)

Regional Spatial Strategy

DP1 – Spatial Principles
DP2 – Promote Sustainable Communities
DP7 – Promote Environmental Quality
L4 – Regional Housing Provision
L5 – Affordable Housing
RDF1 – Spatial Priorities
EM1 – Integrated Enhancement and Protection of the Regions Environmental Assets

Other Considerations

The EC Habitats Directive 1992
Conservation of Habitats & Species Regulations 2010
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System
Interim Planning Statement Affordable Housing
Interim Planning Statement Release of Housing Land
Cheshire East Development Strategy
Cheshire East SHLAA

5. CONSULTATIONS (External to Planning)

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

- A public sewer crosses this site and UU will not permit building over it. UU will require an access strip width of 6 metres, 3 metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for maintenance or replacement.
- Deep rooted shrubs and trees should not be planted in the vicinity of the public sewerage system.
- This site must be drained on a separate system combining on site just prior to connecting in to the public sewerage system with the surface water flows generated from the new development being limited to a maximum discharge rate of 6.5 l/s as determined by United Utilities.
- Unless otherwise agreed in writing by the local planning authority no building shall be erected within 3metres of any public sewer or 5 metres of the trunk watermain running through the site.
- A 24" Concrete Trunk Water Main crosses the site. UU require access for operating and maintaining it, UU will not permit development in close proximity to the main. The 10m easement strip for the 24" Concrete Trunk Water Main must not be encroached upon and no heavy machinery should be used in the immediate vicinity. This pipe is of paramount strategic importance as it supplies water to over 25000 properties in the Crewe area.

Strategic Highways Manager: This site would take all vehicular and pedestrian access from Cheerbrook Road. Although the application refers to visibility splays of 2.4 by 43 metres, this is based on the assumption of a 30mph actual speed. It should be confirmed that visibility splays of 2.4 metres by 60 metres are obtainable.

The internal road layout is based on a 4.8 metre shared-use surface. This acceptable in terms of layout. All properties have at least 200% parking provision. However, there is no provision for visitor parking, which could lead to obstruction of the turning head or carriageway. Two visitor parking spaces should be added to the northern section of the access road.

If the Council is minded to approve the application, a developer contribution of £60,000 should be sort towards the improvement of local footways and cycleways, street lighting and bus shelters, in order to mitigate the adverse effect of site-generated traffic on local road safety and to encourage alternatives to the use of the car.

Environmental Health: Conditions suggested in relation to hours of operation, pile foundations, external lighting, and air quality. An informative is suggested in relation to contaminated land.

Public Open Space: A contribution £18,000 should be made towards providing a skate park facility on the Parish Council owned open space on Wybunbury Road, Willaston. Local youngsters have requested the Parish Council for such a facility recently.

Public Rights of Way: The development does not appear to affect a PROW.

Education: A development of 21 dwellings will generate (0.18 x 21) 4 primary aged children and (0.13 x 21) 3 secondary aged children.

Primary schools are forecast to be oversubscribed and therefore a contribution will be required. However there is sufficient capacity within the local secondary schools to accommodate the pupils of this age.

Therefore $4 \times 11919 \times 0.91 = £43,385$ will be required towards primary education.

No contribution is required for secondary school education.

6. VIEWS OF THE PARISH COUNCIL

Willaston Parish Council: Willaston Parish Council strongly objects to this application on the following grounds:

- This site lies within the Green Gap as defined in Policy NE.4 of the saved Borough of Crewe and Nantwich Replacement Local Plan 2011 and also within the Strategic Open Gap as defined in Policy CS 5 of the emerging Cheshire East Local Plan. The application is, therefore, in contravention of both the existing saved local planning policy and the emerging Cheshire East Council planning policy and should be refused on those grounds alone.

- The site fails to meet at least 10 of the criteria on the North West Sustainability Checklist, including some of the key criteria of proximity to schools, medical facilities and transport links. In four of the criteria the site would be rated as "Significant failure to meet minimum standards." Therefore, the proposed development should be considered unsustainable.

- Not only is the local primary school more than 1,000 metres from this site, but it is also already over-subscribed. There have been several cases over recent years when young children living in the village have not been able to gain a place in the local primary school and have had to travel to surrounding areas in order to secure a primary school place.

- The drains and sewers along Cheerbrook Road do not have the capacity to cope with further development and there are grave concerns regarding potential flooding. When The Paddock

development was built on the other side of Cheerbrook Road some of the properties had to have cesspits included as the existing drains and sewers were inadequate.

- There are already significant issues with traffic congestion in the area. The very busy Cheerbrook roundabout at the junction with the A51 Nantwich bypass is at the end of the road and long queues of traffic form at peak times along the A51 between the Cheerbrook, Peacock and Middlewich Road roundabouts. Travel in the opposite direction from the site involves passing through the centre of Willaston village, where congestion occurs due to the narrow roads filled with parked cars. There is a significant lack of parking facilities within the village and this is exacerbated by rows of terraced houses in the village centre with no off road parking.

- Cheerbrook Road itself is a narrow road with no pavement on one side of the road, but being a relatively straight road it is subject to all too frequent speeding by motorists. It is a key area monitored by the local Speedwatch team and a significant number of vehicles are recorded exceeding the speed limit. The proposed entrance to the site is directly opposite to the entrance to another small development and would effectively form a dangerous crossroads.

- There is no public transport at all covering this area of the village.

- There are several wildlife species afforded protection under the Wildlife and Countryside Act 1981 and the European Habitats Directive which have been regularly observed on the site, including barn owls and bats.

- Some of the proposed properties as shown on the Landscape Layout are in very close proximity to existing properties on The Fields and would be overbearing.

- The Parish Council would also like to express great concern at the cynical and premature removal of several mature trees at the frontage of the proposed site. This site was previously subject to planning applications for the construction of a single dwelling (application nos. P07/1435 and 10/4452N). Condition 5 of the planning approval to application 10/4452N stated:-

"Prior to the commencement of the development, details of measures to be used to protect the existing trees along the frontage of the site with Cheerbrook Road from damage due to construction work shall be submitted to and approved in writing by the Local Planning Authority, and such measures as approved shall be carried out before the development commences and maintained throughout the period of construction until completion of the development."

- Whilst this is a separate application, the premature removal of these trees prior to the submission of this application is directly defiant of the above condition and is clearly designed to remove a potential obstacle prior to consideration of the application.

7. OTHER REPRESENTATIONS

Letters of objection have been received from 55 local households raising the following points:

Principal of development

- The site is within the Green Gap

- There are many unsold homes in Willaston
- Approving the application would set a precedent
- There is another large scale development within 3 miles of the site
- The development is out of scale with Willaston
- The proposed development is contrary to Policy NE.4
- It would make more sense to concentrate development in areas which will provide the additional infrastructure.
- There are enough large developments in the area to provide sufficient housing for the next 5-7 years
- There is need for affordable housing
- Poor design of the affordable housing
- The development would result in a speculative housing development
- Cheshire East now has sufficient housing sites
- Loss of village identity

Highways

- The access would create a new cross roads
- Cheerbrook Road is too narrow with no pavement
- There is no public transport
- Cheerbrook Road cannot cope with the extra traffic
- Highway safety
- The access to The Fields is poor
- There should be no access to The Fields which is an unadopted road
- Unsafe access
- No construction vehicles should use The Fields
- Impact upon the Cheerbrook Road roundabout
- A second access has previously been refused on this site
- It is dangerous for pedestrians/cyclists to use The Fields access
- There is limited parking within the village
- Visibility at the site entrance is poor
- Cheerbrook Road is used as a rat run

Green Issues

- Impact upon wildlife
- Impact upon protected species
- Trees have been felled without permission
- Loss of Green Land
- The trees on the site should be protected
- The protected species surveys were not undertaken in the correct season

Infrastructure

- The drains are inadequate and there are potential flooding issues
- The sewer system is at capacity
- The local Primary School is already full
- The site is not sustainably located and fails the sustainability checklist
- There is insufficient street lighting along The Fields and this raises safety issues
- Risk of flooding
- Insufficient medical services

Amenity Issues

- Overbearing impact
- Proximity to residential properties along The Fields
- Loss of day light
- Visual impact
- Noise and disruption from construction of the dwellings
- Increased noise

Other issues

- The density and style of development is not appropriate
- The design of the dwellings is out of character
- Loss of property value
- Neighbouring dwellings are not shown accurately on the proposed plans

An e-mail has been received from Cllr Silvester to say that he fully supports the reasons of objection made by the Parish Council.

An objection has been received from the Willaston Green Gap Action Group raising the following points:

- In 2009 the Willaston Parish Plan was published after a consultation period of two years and over 90% of the respondents expressed the view that safeguarding the Green Gap was either important or very important.
- In December 2010 the Willaston Green Gap Action Group delivered 1231 letters from residents of Willaston all of whom expressed the wish to preserve the Green Gap.
- The E-Petition created within Willaston attracted significant support.
- In 2012 we delivered a further 1100 letters from the residents of Willaston which further urged the retention of the Green Gap.
- Residents have regularly attended public meetings in Willaston to express the same view.
- The site lies within the Green Gap as defined in Policy NE.4 of the saved Borough of Crewe and Nantwich Replacement Local Plan 2011 and, further, lies within the Strategic Open Gap as defined in Policy CS.5 of the emerging Cheshire East Local Plan. The application should, therefore, be refused on those grounds alone and to grant it would be to make a decision which is entirely inconsistent with Cheshire East's current and proposed policies.
- To grant the application would be to undermine the concept of localism which is to be a guiding principle in the decision making process – particularly in the light of the draft Supplementary Planning Document approved by Willaston Parish Council and submitted to Cheshire East Council.
- The site fails to meet at least 10 of the criteria on the North West Sustainability Checklist including key criteria relating to proximity to schools, medical facilities and transport links. There is "Significant failure to meet minimum standards" in four of the criteria and the proposed development is unsustainable.
- The local primary school is more than 1000 metres from the site; is close to being over-subscribed; and cannot – even now – guarantee a place to all local children.
- The infrastructure including drainage and traffic is already inadequate in the village with significant problems in both areas. Accordingly, a development of this magnitude would impose an intolerable and unnecessary burden which would significantly and demonstrably outweigh the benefits.
- Protected wildlife species would be at risk;

- There is no public transport covering this part of Willaston and this would only exacerbate the existing transport problems to which we have alluded.

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

8. APPLICANT'S SUPPORTING INFORMATION

To support this application the application includes the following documents:

- Planning, Design and Access Statement (Produced by Emery Planning Partnership)
- Transport Statement (Produced by Wain Homes)
- Ecological Survey and Assessment (Produced by ERAP Ltd)
- Drainage Statement (Produced by REFA Consulting Engineers)
- Geo-Environmental Investigation Report (Produced by REFA Consulting Engineers)
- Arboricultural Survey (Produced by HELMRIG Ltd)
- Landscape and Visual Impact Assessment (Produced by Barnes Walker)

These documents are available to view on the application file.

9. OFFICER APPRAISAL

Principle of Development

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

The National Planning Policy Framework (NPPF) states at paragraph 47 that there is a 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.

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 Policy NE.2 which protects Open Countryside is not out of date and the provisions of paragraphs 49 and 14 do not apply in this case.

Emerging Policy

The Crewe Town Strategy considered a number of development options around the town and these were subject to consultation that closed on the 1st October 2012. The results of this consultation was considered at a meeting of the Strategic Planning Board on the 6th December 2012. The current application site was not considered as part of the Development Strategy.

These sites have now been carried forward into the Draft Local Plan (development strategy), now the subject of consultation. 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 decision’s in Doncaster MBC 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.

However, the 5 year supply is a minimum provision and not a maximum and, given that there remains presumption in favour of sustainable development which according to the NPPF “*should be seen as a golden thread running through both plan-making and decision-taking*”, it is still necessary to consider whether the proposal would constitute sustainable development and whether there would be any significant adverse impacts arising from the proposal.

Conclusion

- The site is within the Open Countryside where under Policy NE.2 there is a presumption against new residential development.
- The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development 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.
- However, the 5 year supply is a minimum requirement and the NPPF carries a presumption in favour of sustainable development. It is therefore necessary to consider whether the proposal is sustainable in all other respects.

Green Gap

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

- result in erosion of the physical gaps between built up areas;
- adversely affect the visual character of the landscape.

In allowing a recent Appeal relating to a site at Rope Lane, which was also located within the Green Gap, the Inspector determined that Policy NE.4 is not a freestanding policy; its genus is in Policy NE.2 and if Policy NE.2 is accepted as being out-of-date, then it must follow that Policy NE.4 must also be considered out-of-date for the purposes of applying Framework policy.

However, given that the Council now has a 5 year supply of housing land, it is no longer considered that Policy NE.2 is out of date and therefore, following the Inspector's logic, Policy NE.4 must also still stand.

A development of the scale proposed will clearly erode the physical gap between Willaston and Nantwich and the proposal would therefore clearly be contrary to Policy NE.4. The impact on the landscape is discussed in greater detail below.

Policy NE.4 goes on to state that exceptions to this policy will only be considered where it can be demonstrated that no suitable alternative location is available. Through the emerging Development Strategy it has been demonstrated that there are a number of sites on the periphery of Crewe which, although designated as Open Countryside, are not subject to Green Gap policy and can be used to address the Council's housing land supply shortfall and which would not contravene the provisions of Policy NE.4.

Location of the site

The site is considered by the SHLAA to be sustainable. To aid this assessment, there is a toolkit which was developed by the former North West Development Agency. With respect to accessibility, the toolkit advises on the desired distances to local amenities which developments should aspire to achieve. The performance against these measures is used as a "Rule of Thumb" as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

The accessibility of the site shows that following facilities meet the minimum standard:

- Amenity Open Space (500m) – 350m
- Children's Play Space (500m) – 350m
- Public House (1000m) – 600m

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

- Primary School (1000m) – 1300m
- Bus Stop (500m) – 650m
- Outdoor Sports Facility (500m) – 600m
- Community Centre/Meeting Place (1000m) – 1200m
- Public Right of Way (500m) – 650m
- Convenience Store (500m) – 650m

The following amenities/facilities fail the standard:

- Post office (1000m) – 2414m
- Supermarket (1000m) – 2,400m
- Secondary School (1000m) – 2090m
- Medical Centre (1000m) - 2090m
- Child Care Facility (nursery or crèche) (1000m) - 1600m
- Pharmacy (1000m) – 2090m

In summary, the site does not comply with all of the standards advised by the NWDA toolkit. However as stated previously, these are guidelines and are not part of the development plan. Owing to its position on the edge of Willaston, there are some amenities that are not within the

ideal standards set within the toolkit and will not be as close to the development as existing dwellings which are more centrally positioned. Nevertheless this is not untypical for suburban dwellings and will be the same distances for the residential development on Cheerbrook Road from the application site. However, all of the services and amenities listed are accommodated within Crewe and are accessible to the proposed development on foot or via a short bus journey. Accordingly, it is considered that this small scale site is a sustainable site.

Renewable Energy

RSS (Policy EM18) policy 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. This would be secured through the use of a planning condition.

Landscape

The application site is an irregular shaped field bound to the south by properties along the northern side of Cheerbrook Road and to the east by The Fields, along the eastern side of which are a number of residential properties. To the north the site is bound by agricultural land and to the west by the extended gardens of a number of properties located along Cheerbrook Road.

As part of the application a Landscape and Visual Impact Assessment has been submitted. This correctly follows the Guidelines and methodology outlined in the Guidelines for Landscape and Visual Impact Assessment 2nd Edition 2002. There are no landscape designations on the application site and the assessment offers a baseline landscape assessment which the Councils Landscape Architect feels is accurate and correctly identifies the application site as being located within Type 10 Lower Farms and Woods, specifically LFW7 Barthomley. The Councils Landscape Architect agrees with the assessment of the landscape and visual impacts as described.

The application site is a relatively level agricultural landscape, characterised by hedgerows and a number of mature hedgerow trees, but influenced by the surrounding residential developments. 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 surrounding agricultural landscape. The green edges would be retained on this site and this will allow the proposed development to sit more comfortably on the urban edge and assimilate more easily into the wider rural landscape. The assessment indicates that all hedgerows will be retained and also protected during the construction works and that the treeless hedgerows along the north and eastern boundaries will also have trees added to as part of the proposals.

Affordable Housing

Willaston is located in the Crewe sub-area for the Strategic Housing Market Assessment 2010 (SHMA), which shows that for the sub-area there is a requirement for 1280 new affordable units between 2009/10 – 2013/14, this equates to a net requirement for 256 new affordable units per year made up of 123 x 1bed, 20 x 2bed, 47 x 3bed, 40 x 4/5bed and 26 x 1/2 bed older persons units.

In addition to this information taken from the SHMA 2010, Cheshire Homechoice is used as the choice based lettings method of allocating social rented accommodation across Cheshire East, there are currently 43 applicants who have selected Willaston as their first choice, the number of bedrooms these applicants need are 15 x 1bed, 14 x 2bed, 10 x 3bed and 2 x 4bed units (2 applicants have not specified the number of bedrooms they require).

To date there has been no delivery of affordable housing between 2009/10 – 2013/14 in Willaston and the SHMA sub-area of Crewe has not seen the required number of affordable homes delivered. Therefore, as there is affordable housing need in Willaston and the SHMA sub-area of Crewe, there is a requirement that 30% of the total units at this site are affordable, which equates to 6 dwellings. The Interim Planning Statement on Affordable Housing (IPS) also states that the tenure mix split the Council would expect 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 SHMA. This would equate to 4 rented units and 2 intermediate units on this site.

The Councils Affordable Housing Officer has suggested that an Affordable Housing Statement will be required. This would include the following:

- Highlighting which units will be affordable (including which are rented and which are intermediate). The Application Form states that there will be 6 social rented units (2x 2 bed and 4x 3 bed), even though it cannot be certain exactly which are affordable units it can still determine that the affordable units are all on the same part of the site and are not 'pepper potted' as required by the IPS.
- The tenure proposals for the affordable units including social or affordable rent and which intermediate tenure. As well as demonstrating how the affordable units for sale will be at affordable levels in perpetuity.
- Confirmation that the affordable units are tenure blind and the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration.
- Confirmation that the affordable units are 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 design and construction of affordable housing should also take into account forthcoming changes to the Building Regulations which will result in higher build standards particularly in respect of ventilation and the conservation of fuel and power.
- The IPS states that no more than 50% of the open market dwellings are to be occupied unless all the affordable housing has been provided, with the exception that the percentage of open market dwellings that can be occupied can be increased to 80% if the affordable housing has a high degree of pepper-potting and the development is phased.
- The affordable housing should be secured by way of a S106 agreement.
- Any social or affordable rented properties that are provided will need to be transferred to a Registered Provider to own and manage.

In this case it is considered that all of these issues could be dealt with through the use of an affordable housing condition. The use of such conditions has been accepted elsewhere

within Cheshire East by the Planning Inspectorate (Land off Warmingham Lane, Middlewich and Land at Loachbrook Farm, Congleton).

Highways Implications

The development would have a single vehicular and pedestrian access point onto Cheerbrook Road (with no pedestrian or vehicular access onto The Fields).

The design of the access accords with Manual for Streets and the applicant has provided an amended plan to show that visibility splays of 2.4m x 60m can be achieved. This visibility splay exceeds the requirement for Cheerbrook Road which is a 30mph road where visibility splays of 2.4m x 43m are required according to Manual for Streets.

The internal road layout and parking provision of 200% plus 2 visitor parking spaces meets with the Highways Officers recommendation and is considered to be acceptable.

In terms of increased vehicle movements, the Transport Assessment submitted with the application identifies that the site would generate 11 two-way trips during the morning peak hour and 12 two-way trips during the evening peak hour. This would not have a material impact upon the highway network and complies with the NPPF which states that

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

A number of the objections refer to a driveway opposite the proposed access which would result in the creation of a cross-road. The driveway opposite serves a limited number of dwellings and the vehicular movements from this access and the proposed access would be minimal and would not raise a highway safety issue.

It is accepted that there is a footway on just one side of Cheerbrook Road but it is located on the application side of Cheerbrook Road and this would give access to the range of services and facilities within Willaston.

A number of objections have referred to a previous refusal for an access at this site. This application is not considered comparable as it was for an ‘in and out’ driveway for a single dwelling where the former trees would have potential obscured visibility. This application needs to be determined on its own merits in accordance current planning guidance and, as discussed above, it is not considered that there are any safety issues associated with this access.

The Highways Officer has suggested a contribution of £60,000 should be secured towards the improvement of cycleways, footways, street lighting and bus shelters. This suggestion has not included a scheme of works or costings and as a result it does not meet the CIL Regs. The CIL Tests are the contribution should be:

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

In this case the request for the contribution does not meet any of these tests and cannot be secured.

Amenity

In terms of the surrounding residential properties, these are mainly to the south and east of the site.

Plot 1 would be set at an angle and would face down the access drive and towards the side elevation of No 26a Cheerbrook Road which has only obscure glazed windows to its side elevation. To the side elevation facing No 32 Cheerbrook Road there would just be a ground floor door to the side of plot 1 and due to the off-set nature of plot 1, it is considered that the development would not have a detrimental impact upon residential amenity. The siting of plot 1 is considered to be acceptable in terms of its impact upon residential amenity.

To the south of the site, the properties which front onto Cheerbrook Road have relatively long rear gardens. There would be a separation distance of over approximately 37 metres between the proposed dwellings and those fronting Cheerbrook Road. Plot 21 would have a side elevation with a single en-suite window at first floor level facing south. This property would have a separation distance of 37 metres to the rear elevation of No 26 Cheerbrook Road.

To The Fields there would be a separation distance of approximately 25 metres from the front elevation of plots 12-14 and the front elevation of No 12 The Fields. From Plot 11 there would be a separation distance of approximately 27 metres to the front elevation of No 18 The Fields (both measurements exclude the single storey additions).

As no residential properties are located to the west of the site, there would be minimal impact upon the very long rear gardens to this side.

The separation distances that would be achieved exceed those contained within the SPD on Development on Backland and Gardens and therefore it is not considered that the development would have a detrimental impact upon neighboring residential amenity.

The Environmental Health Officer has requested conditions in relation to noise during construction, pile driving, external lighting and air quality. These conditions will be attached to the planning permission.

Trees and Hedgerows

The application is supported by a tree survey which includes an arboricultural impact assessment. The Council's Tree Officer does not agree with all the categories afforded to trees in the tree survey schedule. She considers some specimens proposed for retention have limited value and others proposed for removal to have longer life expectancies than suggested. Nevertheless, she does not consider any of the specimens merit TPO protection. With appropriate protection measures, the proposed layout could be accommodated without harm to hedgerows or significant trees. Replacement planting could be secured for trees removed as part of a landscape scheme. As a result, the impact upon the trees on the site is considered to be acceptable.

It is apparent trees have recently been felled from the Cheerbrook Road frontage and this issue is raised as part of the letters of objection. These specimens were not subject to TPO protection, although a condition of planning application 10/4452N required a scheme for their protection.

However as planning permission 10/4452N was not implemented the condition cannot be enforced and the LPA has no control over the loss of these trees. If the application were to be approved a scheme of replacement planting would be secured through the use of a planning condition.

Hedgerows

In this case the boundary hedgerows would be retained and supplemented with additional tree planting. As a result, the impact upon boundary hedgerows is considered to be acceptable.

Design

The importance of securing high quality design is specified within the NPPF and paragraph 61 states that:

“Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”

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

The layout shows that the properties on the site would overlook the highway and parking areas. The properties located at corner plots would have dual-frontages. A strong and prominent scheme of tree-planting within the site would create an avenue effect which would add quality to the appearance of the development. The tree planting would also help to screen the development to the adjoining residential properties.

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

As part of the negotiations with this application, amendments have been negotiated to the layout to secure the following:

- Garage to Plot 1 located to the rear of the plot with the dwelling moved further forward to provide a better entrance into the site
- Alteration to plots 3, 5, 6 19 and 20 to ensure that the garaging is less prominent within the street scene.
- The plots which are located close to The Fields have been re-orientated so that they now face The Fields rather than being side-on. This would improve the relationship to this side.
- Parking areas have been broken up with more landscaping.

In terms of the detailed design of the dwellings, they would include detailing such as bay windows, chimneys, timber panelling to gables, porch details, and headers and sills to windows. The detailed design is considered appropriate and would not appear out of character in this part of Willaston.

It is considered that the amendments have improved the design and layout of the scheme and that it would comply with Policy BE.2 (Design Standards) and the NPPF.

Ecology

Habitats

Hedgerows

Hedgerows are a Biodiversity Action Plan priority habitat. The landscaping plan submitted in support of the application shows the existing hedgerows being retained and enhanced as part of the proposals. This is considered to be acceptable.

Grassland Habitats

The grassland habitats on site have been identified as being 'semi-improved' in character. Whilst the time of year when the survey was undertaken means that a full appraisal of the grassland habitats cannot be undertaken' the Councils Ecologist advises that it is unlikely that the grassland habitats are important. The grassland habitats do however have some biodiversity value that would be lost as a result of the proposed development.

Protected and priority species

The site is likely to support a number of bird species, potential including a number of Biodiversity Action Plan priority species, which are a material consideration for planning.

The site also potentially provides foraging habitat for Barn Owl which are known to occur in this locality. Similarly, polecat and hedgehog which are also BAP priority species may also occur on site at least on a transitory basis.

The Councils Ecologist advises that whilst the habitats on site are of relatively low value and do not present a significant constraint upon development they do have some biodiversity value and could potentially support a number of BAP priority species. Consequently the development proposals could potentially result in an overall loss of biodiversity. The Councils Ecologist therefore recommended that the applicant undertakes and submits an assessment of the residual ecological impacts of the proposed development using the Defra 'metric' methodology.

In this case the Councils Ecologist has carried out an assessment and has suggested a contribution of £9,000 towards habitat creation within the Meres and Mosses Natural Improvement Area to the south of Nantwich. This would be spent on the creation of additional lowland grassland habitat to mitigate this development and the developer has agreed to make this payment which would be secured as part of a S106 Agreement.

The submitted Ecological Report does not identify that Bats, Great Crested Newts or other protected species would be affected by the development. The results of this assessment are accepted by the Councils Ecologist.

Public Open Space

Policy RT.3 states that where a development exceeds 20 dwellings the Local Planning Authority will seek POS on site. In this case the level would be 735sq.m. Policy RT.3 does state that where

sufficient recreational open space is already available in close proximity the LPA may require the developer to enhance that Open Space instead.

In terms of children's play space Policy RT.3 states that the local planning authority will accept a contribution towards play equipment if easily accessible from the site.

In this case there is POS and children's play space to the rear of the properties fronting The Fields. This area is easily accessible from the application site and the POS Officer has suggested a contribution of £18,000 towards providing a Skate Park on this site. The applicant has accepted this contribution and this will be secured as part of a S106 Agreement.

Education

In terms of primary school education, the proposed development would generate 4 new primary places. As there are capacity issues at the local primary schools and the education department has requested a contribution of £43,385. The applicant has agreed to make this contribution and this would be secured via a S106 Agreement.

In terms of secondary education, the proposed development would be served by Shavington High School. There are surplus spaces at this school and there is no requirement for a secondary school contribution.

Flood Risk and Drainage

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps. This defines that the land has less than 1 in 1000 annual probability of flooding and all uses of land are appropriate in this location. As the application site is less than 1 hectare, a Flood Risk Assessment (FRA) is not required as part of this application.

A drainage Statement submitted with the application states that the foul water drainage will discharge into the existing combined sewer. United Utilities have been consulted as part of this application and have raised no objection to the proposed development. As a result, the development is considered to be acceptable in terms of its flood risk/drainage implications.

LEVY (CIL) REGULATIONS

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

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

The development would result in increased demand for primary school places in Willaston and there is very limited spare capacity. In order to increase capacity of the primary schools which would support the proposed development, a contribution towards primary school education is required. This is considered to be necessary and fair and reasonable in relation to the development.

The development would result in the loss of habitat which could potentially support BAP species. In order to mitigate this impact in accordance with paragraph 109 of the NPPF a level of contribution has been calculated to provide off-site improvements. This is necessary to make the development acceptable, directly related to the development and fair and reasonable.

As explained within the main report, POS and children's play space is a requirement of the Local Plan Policy RT.3. As no provision would be made on site it is necessary to provide improvements off-site. This contribution is directly related to the development and is fair and reasonable.

As discussed above the requested highways contribution does not meet the CIL tests.

On this basis the S106 recommendation is compliant with the CIL Regulations 2010.

10. CONCLUSIONS

The site is within the Open Countryside where under Policy NE.2 there is a presumption against new residential development. The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development. However, the 2013 SHLAA shows that the Borough has an identified deliverable housing supply of 7.15 years and therefore the automatic 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.

Whilst the proposal would not adversely affect the visual character of the landscape, it would result in erosion of the physical gaps between built up areas, and given that there are other alternatives sites, which are not subject to Green Gap policy which could be used to meet the Council's housing land supply requirements, the proposal is considered to be contrary to Policy NE.4.

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

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

Following the successful negotiation of a suitable Section 106 package, the proposed development would provide an adequate contribution in lieu of open space on site, the necessary affordable housing requirements and monies towards the future provision of primary school education.

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

Whilst the site does not meet all the minimum distances to local amenities and facilities advised in the North West Sustainability toolkit, there is not a significant failure to meet these and all such

facilities are accessible to the site. The development is therefore deemed to be locationally sustainable.

However, these are considered to be insufficient to outweigh the harm that would be caused in terms of the impact on the open countryside and the Green Gap and as a result the proposal is considered to be unsustainable and contrary to policies NE2 and NE4 of the local plan and the provisions of the NPPF in this regard.

11. RECOMMENDATIONS

REFUSE:

- 1. The proposal is located within the Open Countryside and Green Gap and would result in erosion of the physical gaps between built up areas, and given that there are other alternatives sites, which could be used to meet the Council's housing land supply requirements, the proposal is considered to be contrary to Policies NE2 and NE.4 of the Borough of Crewe and Nantwich Replacement Local Plan, the National Planning Policy Framework and the emerging Development Strategy.**

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Management and Building Control has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.

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

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