

Application No: 13/1223N

Location: Land to rear of 144, Audlem Road, Nantwich, Cheshire, CW5 7EB

Proposal: Outline application for up to 40 dwellings

Applicant: Wainhomes (Northwest) Ltd

Expiry Date: 21-Jun-2013

SUMMARY RECOMMENDATION

- **REFUSE**

MAIN ISSUES

- **Principle of Development.**
- **Sustainability**
- **Loss of Agricultural Land**
- **Affordable Housing**
- **Contaminated land**
- **Air Quality**
- **Noise Impact**
- **Drainage and Flooding**
- **Design Issues**
- **Open space**
- **Rights of Way**
- **Amenity**
- **Landscape Impact**
- **Trees and Forestry**
- **Ecology**
- **Education**
- **Highway Safety and Traffic Generation.**
- **Impact on Level Crossing**

REFERRAL

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

1. SITE DESCRIPTION

The application site is approximately 1.6 hectares in size and is located on the southern edge of Nantwich. The site comprises one residential plot of land fronting onto Audlem Road (within the settlement boundary) and land to the rear of the properties along the western edge of Audlem Road, which is outside of the settlement boundary. Land to the north is part of Brine Leas High School. Land to the west is playing fields associated with Weaver Vale Primary School with residential development beyond.

The application site is currently a grassed parcel of land bordered by mature hedges and trees. The character of the street scene along Audlem Road consists of predominately two-storey terraced dwellings combined with some bungalows. The properties either side of the site entrance comprise a bungalow (no 146) and a two-storey terraced dwelling (No 142). Further to the north along Audlem Road are two storey semi-detached dwellings.

2. DETAILS OF PROPOSAL

The application seeks outline planning permission for the construction of up to 40 dwellings. Access is submitted as part of the application. Landscaping, appearance, layout and scale would be dealt with through reserved matters.

The proposal would include 30% affordable dwellings and 25% low cost open market housing in accordance with the councils interim planning statement on affordable housing.

The proposed development would be accessed off Audlem Road through the existing residential curtilage of 144 Audlem Road. This property would be demolished to facilitate the access. All of the proposed dwellings within the application site would be served by this one new vehicular access. Audlem Road leads directly to the north with direct links into Nantwich town centre and Crewe to the east.

An area of open space is located on the western part of the site which provides a new public footpath link to the existing footpath which runs along the western boundary.

The illustrative layout submitted with the application identifies how the dwellings could be accommodated on the site.

3. RELEVANT PLANNING HISTORY

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

4. PLANNING POLICIES

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 CONSULTEES

Cheshire Wildlife Trust

- GCN surveys were not carried out in accordance with approved methods or at the right time of year.
- The applicant's ecologist acknowledges that full great crested newt surveys are required.
- The applicant should be requested to provide further information to prove no adverse impacts on a European Protected Species will result from the development of this site.
- Advise that, until this information has been submitted and reviewed, the application should not be determined.

Archaeology

- No further archaeological mitigation is justified in view of the site's relatively limited size, the lack of sites currently recorded on the Cheshire Historic Environment Record from within the application area, and an absence of features of interest on the historic mapping and aerial photographs.
- No further evidence of particular archaeological potential has come to light.

Environment Agency

- In the absence of a flood risk assessment (FRA), object to this application and recommend refusal until a satisfactory FRA has been submitted.

Greenspaces

- The proposal should provide an equipped children's play area. The equipped play area needs to cater for both young and older children - 6 pieces of equipment for young, plus 6 pieces for older children. A cantilever swing with basket seat would also be desirable, as these are very popular, and cater for less able-bodied children. All equipment needs to be predominantly of metal construction, as opposed to wood and plastic.
- 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.
- If POS cannot be provided on site, would like to see this development provide S106 monies of £30,000 for the extension (and maintenance of the new equipment) of the existing children's play area at the nearby Brookfield Park.

Network Rail

- The developer's Transport Assessment directly seeks to shepherd future residents in the direction of public transport and towards Nantwich Railway Station. Network Rail has already made comments in the past relating to the material increase in the type and volume of traffic over the level crossing at Nantwich station as a result of the cumulative impact of development around the Nantwich area.
- Network Rail has already objected to proposals in Nantwich for 189 and 146 dwellings and we would object to the above proposal for 40 dwellings as presenting further cumulative impact upon the Nantwich Station MCB level crossing. There are also plans within the Cheshire East Local Plan for 1000 new dwellings at Kingsley Fields, 60 new dwellings at Snow Hill and 250 dwellings at Stapeley Water Gardens. This makes for a total of 1685 dwellings with potentially two cars per dwelling. This does not include the Nantwich alternative sites put forward in the Cheshire East Local Plan (which would comprise 1900 dwelling sin total plus 27 ha of employment land).
- Network Rail would request that the developer makes an S106 contribution of £1500-£2000 per dwelling towards the cumulative impact of the proposals on Nantwich Railway Station Level Crossing. (This sum has been submitted having reviewed typical highways contributions as a comparison).

United Utilities

No objection to the proposal providing that the following conditions are met:

- The applicant must discuss full details of the site drainage proposals with John Lunt via: planning.liaison@uuplc.co.uk

- This site must be drained on a total separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the nearby 1050 dia Surface Water Sewer at a discharge rate not exceeding 12L/S.
- A public sewer crosses this site and we will not permit building over it. We will require an access strip width of 10 metres, 5 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"

Natural England

- The proposal is unlikely to affect any statutorily protected sites or landscapes.
- The protected species survey has identified that the following European Protected Species may be affected by this application: Great Crested Newts and Bats.
- Natural England does not consider that there are suitable features (eg buildings, trees or other structures) on or in the vicinity of the application site for bats to use as roosts.
- Advise that the application is unlikely to affect the species, through disturbance to individuals or from damage or destruction of a roost.
- Consider that there are suitable habitats on or in the vicinity of the application site for great crested newts
- Advises that the Great Crested Newt survey has not been carried out at the right time of year using recognised techniques.
- Advise that further survey effort is required in accordance with the Great Crested Newt mitigation guidelines, with further information to be requested from the applicant before determination of the application.

Highways

- In highway terms, the acceptability of this site is entirely dependent on the ability to provide adequate visibility onto the A529 Audlem Road.
- The proposed layout provides visibility splays by reducing the carriageway width on Audlem Road to 5.5 metres. At present there is only a footway on the east side of Audlem Road. The buildout would provide a short section of footway 1.5m wide on the west side where currently property boundaries extend to the carriageway.
- In their supportive information, the consultants for the applicant include results of a speed survey on Audlem Road. This gives an estimated 85%ile wet-weather speed of 27mph (the actual limit is 30mph). From this speed distribution a required visibility splay length of 37 metres has been adopted by the applicant on the basis of Manual for Streets.
- From site observations, it is plain that speeds are hindered by parked vehicles. As a result, there is a cluster of speeds around 20mph as a consequence of drivers having to give way to oncoming traffic. Where this does not arise, speeds are around 30mph or more. Thus the computed 85%ile speed, while mathematically correct, does not bring out that a substantial number of vehicles are travelling at 30mph or more. Also narrowing the main road carriageway will render it less likely to be used for parking, so resulting in higher traffic speeds.
- Accordingly, considering the size of the development and volume of traffic on Audlem Road, the appropriate sight-distance is 45 metres from a 2.4m setback. However, even

the 37 metre sight-distance projected by the applicant does not appear to be achievable within land either controlled by the applicant or lying within the highway.

- Given the volume of traffic on Audlem Road and the number of properties proposed, it is not considered that the attainable visibility is adequate. There are also concerns over pedestrian safety on substandard-width footways adjacent to a carriageway of 5.5 metres or less carrying an appreciable number of commercial vehicles. In addition there would be an effective loss of on-street parking for neighbouring properties due to the carriageway narrowing.
- Although the development is acceptable in other respects, it is considered that the substandard visibility at the A529 to be unacceptable in terms of road safety and therefore the Strategic Highways Manager recommends that the application be REFUSED.

Environmental Health

No objection, subject to the following conditions:

- The hours of construction works taking (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 restricted to: Monday – Friday 09:00 – 17:30 hrs Saturday 09:00 – 13:00 hrs Sunday and Public Holidays Nil
- Submission, approval and implementation of a piling method statement
- Submission, approval and implementation of details of external lighting
- Submission and approval of an acoustic assessment report to assess the level of traffic noise from A529 Audlem Road, as well as the noise from adjacent school and playing fields and implementation of any mitigation
- Any mitigation shown as part of the report must achieve the internal noise levels defined within the “good” standard within BS8233:1999.
- Submission, approval and implementation of a scheme to minimise dust emissions arising from demolition / construction activities on the site
- Submission and approval of a Phase II contaminated land site investigation and implementation of any mitigation

Public Rights of Way

- The development has the potential to affect Public Footpaths Nantwich No. 28 and Batherton No. 1, as recorded on the Definitive Map of Public Rights of Way
- Recommend that the standard advisory notes should be added to the planning consent

Education

- A development of 40 dwellings will generate 7 primary aged pupils and 5 secondary aged pupils.
- The local capacities have been checked on primary schools within a 2 mile radius and secondary schools within a 3 mile radius of the centre of the site.
- The local primary schools when considered with already approved development in this area are forecast to be oversubscribed once already approved development is

considered. Therefore a contribution of $7 \times 11919 \times 0.91 = £75,924$ will be required towards primary education. This contribution will be required to be paid on occupation of the site.

- The local secondary schools are forecast to have some surplus capacity. However there are several development subject to planning applications and / or appeals which impact on the same schools. On the basis of this, the service will need to reassess sums which have previously been advised as required on other applications.

5. VIEWS OF THE PARISH / TOWN COUNCIL

Nantwich Town Council

The Town Council strongly objects to this development for the following reasons:

- The site was not identified in the Town Strategy and development will add to the overall housing figure for the town.
- Cheshire East has demonstrated that it has more than 5 years supply of land in the Borough
- The proposed access will lead to problems of highway safety on Audlem Road
- The proposed access is opposite the Methodist Chapel and there are already issues associated with on street parking
- The site is south of the Brine Leas school site and may preclude any expansion of this site in the future.

Stapeley Parish Council

The Parish Council has objected to the above application on the following grounds:

- The narrowing of Audlem Road will exacerbate problems already experienced with traffic congestion. Moreover, the traffic from the new dwellings will result in additional traffic congestion. Traffic congestion had already been identified as a problem within Stapeley area and can be evidence by the Parish Council's review of traffic data which accompanied the Muller Group Homes planning applications Nos. 12/3746N and 12/3747N, a copy of which has already been provided to CEC Planning.
- The resultant narrowing of the road will also cause access problems for emergency service vehicles (eg ambulance, fire and police). There is highway parking at present, which only allows for one vehicle at a time to have passage, and the narrowing will worsen this situation.

6. OTHER REPRESENTATIONS

Local Residents

Principle of Development and Housing Need

- The site is not a preferred option in the local emerging plan but appears to be an opportunist ploy to land bank.
- The developer has not made a case for housing need.

- The housing need for Nantwich is more than catered for by developments at the former Stapeley Water Gardens, the recent permissions for Queens Drive and the Reaseheath/Mosaic plans for 1,000 houses to the north of Nantwich.
- There are already too many planning applications for building houses on agricultural land/green belt in and around Nantwich.
- There is a brownfield site at the former Stapeley Water Gardens that must be developed before any green field sites are lost for housing.
- The parcel of land is too small for 40 homes. The area is clearly going to be too built up.
- Paragraph 3.2.13 of the Transport Statement says *"The proposed site access shown on Plan 4 has been submitted to, and approved by the Local Highway Authority in advance of the planning application."* This is not correct. In his email of 23rd October 2012, Mr N Jones, Principal Development Officer said, *"in principle the design put forward is acceptable"*. The proposed site access has **not** been approved.
- Inappropriate use of valuable agricultural land.
- This site is located on greenfield land outside the settlement boundary which is designated as Open Countryside. It is therefore contrary to saved policy NE.2 of the Borough of Crewe and Nantwich Replacement Local Plan (CNRLP) 2011
- The development of the site would result in the loss of agricultural land.
- It is a greenfield site which should be preserved.

Highways and traffic

- Significant traffic problems at peak AM and PM hours
- Narrow / restricted movement up and down the street caused by parked cars
- New houses will result in additional traffic
- Danger turning right from new access
- Proposal to build a footway makes a narrow road even narrower
- Traffic Congestion
- Issues at school time
- Will increase traffic pressure in Wellington road and Nantwich generally
- Will exacerbate parking pressure in town
- Potential for conflict with church directly opposite and its users
- Narrow access will create accidents

Infrastructure

- Another 40 houses also means more children and over the past few years it has been difficult to place children in Brine Leas particularly as it is already oversubscribed. As a parent of Brine Leas children this is another reason for me to object.
- Has any thought been to the knock onto services within the area such as schools, doctors and dentists who are already stretched?
- There are not enough places at High School level and this will not improve.
- There is simply no local employment opportunities.
- Properties in the vicinity suffer poor water flow rates from the existing Water main. Additional housing will mean a significant demand on a system that is already on its knees.

- Owing to the sites proximity to Brine Leas school, this site should be reserved for future expansion to the school. This will undoubtedly be required if development continues at its current rate.

Flooding

- The site is liable to flooding. Any building on this land may affect the flood risk to properties in the area.
- The land where the houses are to be built is about 4 ft higher than our rear garden so if the houses are built this land will be covered in concrete and tarmac so any heavy or prolonged rain water will naturally run to the lowest point which is the rear gardens along Audlem Road.
- The land is liable to flooding. During the recent winter months the field was so saturated it actually flooded the path which runs from Brine Leas to the larger field.

Ecology and Wildlife

- Development of the site will have an adverse affect on the ecology and wildlife in the area.
- Residents have recorded Great Crested bats badgers and 115 different species of bird species in the area.

Other

- The owners of no 146 Audlem Road are concerned that the application for the construction of 31 houses at the rear and more significantly the demolition of the house next door in order to afford access to the site will have a detrimental affect on their property.
- The beauty of Nantwich is being spoilt by unnecessary development
- There seems to be no sense in further destruction of the character of Nantwich, for unnecessary housing purely to line developers pockets.
- The character of the area is going downhill rapidly, it is turning into an urban blurb-with no incentive for visitors or tourism.
- Development is destroying the character of both the parish of Stapeley and the town of Nantwich.
- Will affect existing householder's privacy and noise levels

7. APPLICANT'S SUPPORTING INFORMATION:

- Newt Survey
- Floor Risk Assessment
- Drainage Strategy
- Contaminated Land Desk top Study
- Ecological Survey
- Planning, Design and Access Statement
- Landscape Visual Assessment
- Tree Survey

- Drainage Statement
- Transport Statement
- Ecological 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 principle of development, sustainability, loss of agricultural land, affordable housing, contaminated land, air quality, noise impact, drainage and flooding, design issues, open space, rights of way, amenity, landscape impact, trees and forestry, ecology, education, highway safety and traffic generation and impact on level crossing.

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 was considered by the Strategic Planning Board on 8th February and the Portfolio Holder on 11th February 2013.

Policy in this area is constantly changing 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 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 is not included within the Development Strategy or the Nantwich Town Strategy as a preferred option.

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.

In the recent Secretary of State decision at 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 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 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	AUDLEM ROAD
Open Space:	Amenity Open Space (500m)	0m
	Children's Play Space (500m)	0m
	Outdoor Sports Facility (500m)	1100m
Local Amenities:	Convenience Store (500m)	1000m
	Supermarket* (1000m)	1400m
	Post box (500m)	31m
	Playground / amenity area (500m)	1300m
	Post office (1000m)	1800m
	Bank or cash machine (1000m)	1000m
	Pharmacy (1000m)	1400m
	Primary school (1000m)	750m
	Secondary School* (1000m)	400m
	Medical Centre (1000m)	2200m
	Leisure facilities (leisure centre or library) (1000m)	2100m
	Local meeting place / community centre (1000m)	26m
	Public house (1000m)	170m
	Public park or village green (larger, publicly accessible open space) (1000m)	1100m
	Child care facility (nursery or creche) (1000m)	2000m
Transport Facilities:	Bus stop (500m)	23m
	Railway station (2000m where geographically possible)	1300m
	Public Right of Way (500m)	0m
	Any transport node (300m in town centre / 400m in urban area)	1300m

Disclaimers:

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

** Additional parameter to the North West Sustainability Checklist*

Measurements are taken from the centre of the site

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

The site fails against 11 criteria in North West Sustainability checklist, 8 of which are 'significant' failures. However, these facilities are within the town, albeit only just outside minimum distance and Nantwich is a key service centre in the emerging Core Strategy where development can be expected on the periphery. Development on the edge of a town will always be further from facilities in town centre than existing dwellings but, if there are insufficient development sites in the Town Centre to meet the 5 year supply, it must be accepted that development in slightly less sustainable locations on the periphery must occur.

Similar distance exist between the town centre and the existing local plan allocation at Stapeley and the proposed development site at Kingsley Fields and, although the latter would probably be large enough have own facilities, not all the requirements of the checklist would be met on site.

Accessibility is only 1 aspect and sustainability and the NPPF defines sustainable development with reference to a number of social, economic and environmental factors. These include the need to provide people with places to live and, on this basis, it is not considered that the Council would not be successful in defending a reason for refusal on the grounds of lack of sustainability.

Furthermore, highways have commented that it is possible to improve the non-car mode accessibility through suitable Section 106 contributions, including upgrading the public right of way which runs past this site. This is discussed in more detail below.

Previous Inspectors have also 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.

No details has been provided within the Design and Access Statement, and other supporting documentation with regard to sustainable design principles and there appears to be very little commitment in respect to the scheme.

No consideration appears to have been given to 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. However, this is an outline application and it is acknowledged that 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 to lose it in order to provide a 5 year housing land supply, 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”.

A survey has been provided to by the applicant which indicates that the site is grade 3a agricultural land. Previous Appeal decisions 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 makes the scheme less sustainable since it results in a loss of open countryside when there is no necessity to do so in housing land supply terms. The proposal is therefore considered to be contrary to policy NE.12 and the provisions of the NPPF in respect of loss of agricultural land.

Affordable Housing

The Strategic Housing Market Assessment 2010 (SHMA) shows that in the Nantwich sub-area there is a requirement for 73 new affordable units each year between 2009/10 – 2013/14, made up of a requirement for 21 x 1 beds, 20 x 2 beds, 10 x 3 bed, 17 x 4/5 beds and 6 x 1 or 2 bed older persons accommodation.

In addition to this information taken from the SHMA 2010, Cheshire Homechoice: which is used as the choice based lettings method of allocating social and affordable rented accommodation across Cheshire East, indicates that there are currently 587 applicants who have selected one of the Nantwich housing areas as their first choice. The number of bedrooms that these applicants need are 211 x 1 bed, 215 x 2 bed, 111 x 3 bed and 10 x 4 bed. (40 applicants have not specified how many bedrooms they require).

The Interim Planning Statement on Affordable Housing (IPS) states that on all sites over 15 units the affordable housing requirement will be 30% of the total units. The tenure split required is 65% rented affordable units, 35% intermediate tenure as per the recommendations of the SHMA 2010. The application indicates that the proposed development would be for up to 40 dwellings with 12 of these being affordable, which is 30% of the total dwellings and is therefore acceptable. 8 of these units need to be rented (either social rent or affordable rent) and 4 need to be intermediate tenure. A mix of 2 and 3 bed

affordable homes would be acceptable on this site. These requirements could be secured through the Section 106 Agreement.

The IPS requires that the affordable units should be tenure blind and pepper potted within the development. The external design, comprising elevation, detail and materials, should be compatible with the open market homes on the development, thus achieving full visual integration.

The Affordable Housing IPS also states that 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 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 Affordable Housing Interim Planning Statement 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

“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.”

Finally the Affordable Housing 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.

Given that the proposal is submitted in outline, there is no requirement to provide this level of detail with this application. However, the requirements of the IPS as set out above can be secured at reserved matters stage through the Section 106 Agreement.

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. However, the site is not located in close proximity to any Air Quality Management Areas, and given the relatively small number of properties proposed, it is not considered that any significant adverse effects would occur.

Environmental Health Officers are satisfied that there will be no unacceptable impacts in respect of air quality from construction, subject to conditions relating to provision of appropriate dust mitigation measures during the building works.

Noise Impact

Environmental Health Officers have commented that there is insufficient information contained within the application to determine whether there will be a loss of amenity caused by noise from road traffic and the nearby schools.

In order to ensure that future occupants of the development do not suffer a substantial loss of amenity due to noise, the applicant is required to submit an acoustic assessment report to assess the level of traffic noise from A529 Audlem Road, as well as the noise from adjacent school and playing fields. Any mitigation shown as part of the report must achieve the internal noise levels defined within the “good” standard within BS8233:1999. The scheme must also include provisions for ventilation that will not compromise the acoustic performance of any proposals whilst meeting building regulation requirements. The agreed scheme shall be implemented, and maintained throughout the use of the development. This can be secured by condition.

In addition, Environmental Health Officers have requested conditions relating to hours of construction and foundation piling, as well as the submission of a piling method statement. Subject to the imposition of these conditions, it is considered that the proposal would comply with Policy BE1 (Amenity) in respect of noise impact.

Drainage and Flooding

United Utilities and the Environment Agency have been consulted on the application. United Utilities have raised no objections subject to the imposition of appropriate planning conditions. However, the Environment Agency originally objected on the grounds that no Flood Risk Assessment (FRA) had been provided.

The applicant has now submitted the required FRA. In summary, it states that the site is Floodzone 1, above the 1 in 1000 year risk level of the Weaver. New surface water runoff will be limited to the existing 1 in 1 year Greenfield runoff rate of 5l/s. When ground data is obtained an assessment of sustainable opportunities will be made. A public trunk surface water sewer passes through the site and an appropriate width easement will be kept clear of houses to allow for future maintenance.

This report has been forwarded to the Environment Agency for consideration. Comments were awaited at the time of report preparation. A further update on this matter will be provided prior to the Strategic Planning Board meeting.

Design Issues

Site layout is reserved for subsequent approval. However an indicative layout has been submitted which shows a single cul-de-sac arrangement. Properties are shown fronting on to the road through the site, as well as the public open space which is proposed to the western end. This ensures active frontages and natural surveillance of all public areas.

The position of the proposed Public Open Space links well with the Right of Way running along the western boundary of the site and softens the edge to the open countryside.

The properties are predominantly large detached houses although there are two blocks of mews style dwellings proposed. The lower density development of the larger properties is shown adjacent to the rural edge and the higher density development is in the centre of the site. This also softens the impact of the development on the surrounding grounds. Due to the generally well spaced character of the development, parking is predominately provided in integral garages and to the side of properties and there is ample space for landscaping to plot frontages. Therefore, car dominated street scenes are avoided. The only exception to this is the parking area to the front of the mews properties. However it is considered that there is capacity to break this up through additional landscaping and this can be addressed at the reserved matters stage,

Turning to elevational detail, the surrounding ribbon development along Audlem Road comprises a mixture of ages and architectural styles. Notwithstanding this, there is consistency in terms of materials with most dwellings being finished in simple red brick, and grey / brown slates / concrete / clay tiles. The predominant roof forms are gables although some are hipped.

Although external appearance and design are reserved matters, the applicant has submitted indicative elevations which show typical, house types. These have been influenced by the form and mass of surrounding residential properties. The house types include traditional features such as, brick and stone window heads and cills, bay windows, pitched roof half-dormer features and canopy porches, all of which helps to break up the massing of the buildings and maintain visual interest.

On this basis it is considered that an appropriate design can be achieved, which will sit comfortably alongside the mix of existing development within the area.

Rights of Way

A public right of way runs along the western site boundary. This route would not be adversely affected by the proposed development and would integrate well with the area that has been indicated for public open space. Therefore, the Rights of Way Officer has raised no objection subject to the standard informatives reminding the developer of their responsibility to maintain the safety and accessibility of the right of way throughout the development, being attached to the decision notice.

Furthermore, the Countryside Access Development Officer has noted the prospective importance of this footpath as a safe, off-road route for people from the proposed development site and surrounding properties to the schools and town centre facilities. In

order to bring the footpath to a standard which could support the anticipated footfall on a year-round basis, they proposed laying a tarmac surface, making the barrier arrangement adjacent to Brine Lees School more accessible, and addressing a flooding issue adjacent to the proposed pond within the proposed development site. The estimate for these works would be £28k-30k.

The developer has agreed that the proposed improvements to the footpath in question will be of real benefit to the footpath network, and will encourage potential future residents of the site to use this facility to access the local services and town centre. It will also encourage existing residents that do not currently have easy access to this path, to also use the route.

With regards to the need to potentially raise a short section of the path to prevent issues with seasonal flooding of the land from the pond on site, the developer advises that they are in the process of submitting mitigation details as part of their ecology submissions, to improve this seasonal pond by increasing the depth of the same to allow for an all year round pond feature. By doing this, not only do they consider that there are ecological benefits but they will increase the capacity of the pond to take additional surface water during heavy rainfall periods. This should therefore significantly, if not totally remove the problem of flooding to this section of footpath.

Notwithstanding the above, the developer has agreed to pay a sum of £30,000 towards improvement works to footpath 28 in relation to the proposed development. These improvements could be secured through a s106 agreement with a trigger of commencement of development, in order to ensure that the facility is available to new residents as they relocate.

Amenity

The site is surrounded by open countryside and school playing fields to the north, west and south. The only adjoining dwellings are those fronting on to Audlem Road to the east.

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.

The layout and design of the site are reserved matters. However, the indicative layout which indicates that these distances can be maintained to the dwellings in Audlem Road. Therefore no concerns regarding the amenity of existing neighbouring dwellings are raised. Furthermore the layout also demonstrates the required distance standards can be achieved within the site.

It is also considered that a minimum private amenity space of 50sq.m for new family housing should be provided. This has also been achieved within the submitted indicative layout.

Overall, the proposal complies with Policy BE1 (Amenity) of the adopted Local Plan.

Landscape Impact

The application site occupies an area of approximately 1.5 hectares and is located on the southern edge of Nantwich within the boundary of land defined in the Crewe and Nantwich Replacement Local Plan 2011 as Open Countryside.

The application site is currently rough grassland, bounded to the south by the wider agricultural landscape, and to the west by a footpath (Footpath 28 Nantwich, which becomes Footpath 1 Batherton, at the southern boundary of the application site). To the north are the extensive playing fields associated with Weaver Primary School and Brine Leas High School. Further to the north is the southern residential extent of Nantwich, which also extends along the east of the application site as ribbon development along the Audlem Road.

The baseline information does include reference to the National Character Areas as defined by Natural England in their revised study of the countryside Character Series (1998), where the application area is defined as Character Area 61; Shropshire, Cheshire and Staffordshire Plain. The study also refers to the Cheshire Landscape Assessment 2008, adopted March 2009 which identifies that this site is located in Landscape Type 7: East Lowland Plain 10; within this character type the application site is located within the Ravensmore Character Area: ELP1.

The Landscape and Visual Assessment states that it has been carried out with reference to and using aspects of the guidance found within the 'Guidelines for Landscape and Visual Assessment' (GLVIA) published by the Landscape Institute and the Institute of Environmental Management and Assessment 2002).

The Council's Landscape Officer has expressed concerns with the methodology used in this assessment, since it states in Para 1.3.2 that:

'this iterative approach ensures that the development which is considered by this assessment includes the necessary mitigation measures which have been designed to omit or ameliorate any significant anticipated landscape and visual impacts'.

This assessment therefore assesses the landscape and visual impact of the development with extensive landscape mitigation works already incorporated (as described by the indicative landscape layout Drawing M2183.08).

The problem with this methodology is that this is an outline application. The indicative landscape layout is purely indicative and relates to an illustrative layout plan based on 32 dwellings. However, the outline application is for up to 40 dwellings. It is not acceptable to base an assessment of an outline application on hypothetical landscape mitigation details that may or may not be achievable or practical. Consequently, the landscape impact brought about by these proposals would be more adverse than the assessment indicates. While the Landscape Officer agrees that the sensitivity is high, he does not agree with the magnitude of change or the significance of impact, which would be more likely to be major/moderate, rather than negligible at year 1. Since this is an outline application and the mitigation proposals are purely illustrative, it is difficult to comment with any accuracy on the significance of impact after 15 years.

The impact on the landscape character of the site has also been assessed (Para 1.6.15), based on the illustrative layout submitted. While the impact on the landscape character would be more significant than the assessment states, these impacts are based on the illustrative layout and will inevitably vary, depending on a final detailed design layout.

The Landscape Officer agrees broadly with the visual impacts as shown in the assessment, but feels that the visual impacts from Footpath 28 Nantwich and Footpath 1 Batherton would be more adverse than indicated.

Although a number of the impacts would be more adverse than indicated, the assessment is based on an outline and illustrative layout. Therefore, these impacts could potentially be reduced with robust landscape proposals, as indicated in Para 1.5.3, namely:

- the creation of 'desired soft edge' which would help in the mitigation of the proposed development, including the implementation of hedgerow and tree planting along the northern boundary with the school and western edge with the proposed open space.
- the retention and improvement to the southern hedge,
- additional tree planting as well as extensive tree planting throughout the proposed development.

Consequently, it is not considered that a refusal on landscape impact grounds could be sustained.

Trees and Forestry

This application is supported by a Tree Survey which includes an Arboricultural Implications Assessment (AIA), Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP). The survey has conflicting statements which refer to the new 2012 British Standard *Trees in Relation to Design, Demolition and Construction* and the old 2005 Standard (section 13.4). The Tree Survey Schedule makes reference to trees on an aerial survey (Maps 1 and 2). This is not consistent with the requirements of BS5837:2012 which require trees to be plotted accurately on a plan, visually referenced from a topographical survey, showing accurate stem positions and canopy spreads.

It should be noted that no reference has been made to the status of the hedgerows within the proposed application site. Consideration needs to be given to whether hedgerows are deemed to be 'Important' under the criteria within the Hedgerow Regulations 1997.

There is also some conflict with Map 2 (T10) which identifies this tree for removal, yet this tree is shown as not hindering development and outside the application site.

Two trees have been identified in the submitted Tree Survey as highly desirable for retention (T1 Birch and T2 Oak) located to the south east corner of the site. In terms of the illustrative layout submitted, both these trees appear to be unaffected by the proposal. A third tree (9a leaning Oak T9) located in the south west corner of the site appears to stand outside the application site boundary and would overhang the area of proposed public open space.

The submitted Tree Report identifies one tree for removal, a small Apple tree (T5) located within the boundary hedgerow which forms the northern boundary of the application site.

This tree is a modest specimen of no outstanding contribution to the wider amenity of the area and its removal is not considered significant in this respect.

In conclusion, there are no potential significant impacts on existing tree cover and tree losses are minimal, although the fact that the supporting Arboricultural Report relies on aerial photographs rather than a detailed topographical survey is not ideal.

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 made the following comments.

Great Crested Newts

Great Crested Newts have been identified at two ponds within 250m of the proposed development. In the absence of mitigation, the potential impacts of the proposed development are moderate. However, the habitat value of the site depends greatly on the frequency of grass cutting undertaken. During the visits made by the applicant's ecologist, the grassland habitats on site did not provide significant opportunities for the species. However, from his experience of the site, the grasslands have in the past remained uncut for periods of time, increasing its value for amphibian species.

To mitigate the potential impacts of the proposed development upon this species, the applicants ecologist proposes to maintain the grassland on site in a close mown state through regular mowing and the adoption of 'Reasonable Avoidance Measures' during the construction phase. To compensate for the loss of habitat associated with the development the existing small pond on site will be retained and enhanced for Great Crested Newts and the open space area associated with the development will be maintained in a condition suitable for Great Crested Newts.

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected the proposed development the planning authority must have regard to whether Natural England would be likely to subsequently grant the applicant a European Protected species license under the Habitat Regulations. A license under the Habitats Regulations can only be granted when:

- the development is of overriding public interest,
- there are no suitable alternatives and
- the favourable conservation status of the species will be maintained.

The Council's ecologist advises that if planning consent is granted the proposed mitigation and compensation will be adequate to maintain the favourable conservation status of great crested newts.

A condition will be required to ensure that the proposed development is implemented in accordance with the submitted report.

Water Voles

A water vole survey was undertaken in February. This is a suboptimal time of year for undertaking this type of survey. However, it is noted that this pond will be retained as part of the proposed development and the Councils ecologist is satisfied that this species, whilst not particularly likely to be present, would not be affected by the proposed development in the event that it was present on site. Therefore, in this instance, further survey work is not considered to be necessary.

Habitats on site

Grassland

A detailed botanical survey has been undertaken by the applicants ecologist, which was unfortunately completed after the grassland had recently been cut. However, the Councils

ecologist was able to visit the site prior to the cutting of the grass. Based on his own assessment and the report submitted by the applicant, he advises that, whilst the grassland on site is of some nature conservation value, it falls below the threshold for designation as a Local Wildlife Site.

Therefore, the grassland habitats on site do not present a significant constraint upon development. However, the loss of grassland habitat to this development would, still result in an overall loss of biodiversity.

It is recommended that the loss of biodiversity associated with the development be 'off set' by means of a commuted sum, which could be utilised to fund habitat creation/enhancement offsite. The following method can be used for calculating an appropriate commuted sum. This is based on the Defra report 'Costing potential actions to offset the impact of development on biodiversity – Final Report 3rd March 2011'):

- The loss of habitat amounting to roughly 0.5ha.
- Cost of land purchase for habitat creation - including admin, management planning and transactional costs (0.5ha x £17,298 cost per ha) = £8,649.00 (Source RICS rural land market survey H1 2010)
- Cost of creation of Lowland Grassland 0.5ha x £4,946 (cost per ha) = £2473 (Source UK BAP habitat creation/restoration costing + admin costs)

Cost of land acquisition and habitat creation would therefore be £11,122.00.

Hedgerows

Native species hedgerows are a UK BAP priority species and hence a material consideration. In addition, Hedgerow 1 on site has been identified as being "Important" under the Hedgerow Regulations. The submitted plan indicated the retention of the existing hedgerows and the creation of a new hedgerow along the northern boundary of the site. This approach is supported, although it is recommended that the details of the hedgerow planting and retention be dealt with by means of a condition attached to any planning permission granted.

In summary, if planning consent is granted, the following conditions will be required:

- Reserved matters application to be supported by detailed ecological mitigation proposals in accordance with the strategy submitted in support of the outline application.
- Reserved matters application to be supported by a 10 year habitat management plan including proposals for the ecological monitoring of the site.
- Submission of proposals for the incorporation of features for roosting bats and breeding birds.

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 600sqm of shared recreational open space and 800sqm of shared children's play space.

The indicative layout shows 2975sqm of open space within the site. However, in accordance with the advice of the Council's ecologist, as set out above, this area will be required for wildlife mitigation and habitat enhancement. This would be incompatible with the use of the area as shared recreational or children's play space.

Therefore, the Greenspaces officer has agreed that in this case, it would be acceptable to provide a commuted sum in lieu of on-site provision of public open space. He has stated that he would like to see this development provide £30,000 for the extension (and maintenance of the new equipment) of the existing children's plays area at the nearby Brookfield Park.

A private resident's management company would be required to manage the greenspace on the site as a wildlife mitigation area.

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

Education

The Council's Education Officer has examined the application and commented that the development will give rise to a contribution of £75,924 will be required towards primary education.

At present, the local secondary schools (excluding sixth form provision) are forecast to have sufficient surplus capacity to accommodate the pupils generated by this development. However, there are a number of other planning applications and appeals in the area which are currently pending consideration. If all these sites were to come forward additional capacity would be required. Therefore whilst the Education Officer is not requesting any secondary education contributions from this scheme, in the event of approval or the scheme not being built in the near future, he may need to revise his comments in respect of other sites to take into account changing circumstances.

Highway Safety and Traffic Generation.

Applicant's View

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

- *Visibility splays at the proposed site access would be provided in accordance with the relevant guidance in Manual for Streets for the observed 85th percentile wet weather speeds on Audlem Road*
- *The site access proposals include the provision of a new 1.5m footway on the western side of Audlem Road where no footway is currently provided. It is considered that this would be of particular benefit, in highway safety terms, to the existing Audlem Road residents whose properties immediately abut the carriageway.*

- *The provision of the new footway would result in the narrowing of Audlem Road to 5.5m for a short length in the vicinity of the site. It is considered that this would act as a traffic calming feature, reducing vehicle speeds to the benefit of highway safety.*
- *It has been demonstrated that the site is accessible on foot and by cycle to the whole of Nantwich, where a range of community facilities including employment, education, retail, health and leisure uses are located.*
- *The site is accessible by public transport with regular bus services operating along Audlem Road. In addition Nantwich railway station is located approximately 1.2km to the north of the site where regular services to Crewe and Manchester Piccadilly are accessible.*

The report concludes:

- *The proposed development is forecast to generate a minimal number of vehicular trips and accordingly would have no material adverse impact on the local highway network. The proposed development site is situated in a sustainable location and would be accessible on foot, by cycle and public transport, in line with local and national transport policies.*
- *The proposed site access would be appropriate to serve the likely scale of development and would improve road safety in the vicinity of the site. There would be no material traffic impact on the local highway network. In view of the above positive findings it is considered that the site is acceptable in highway, traffic and transportation terms.*

The Strategic Highways Manager has examined the application and the transport assessment and has recommended refusal on the grounds of inadequate visibility and the site entrance. He has also indicated that there are concerns over pedestrian safety on sub-standard-width footways adjacent to a carriageway of 5.5m or less carrying an appreciable number of commercial vehicles.

Highway Officer's View

The developer's transport consultant has submitted a technical response which can be summarised as follows:

- *The proposed visibility splays fully accord with both MfS1 and MfS2. In fact the splays could be considered as over provision bearing in mind that the road will be narrowed, which will reduce the observed speeds further, which is not reflected in the visibility splays provided. MfS2 states that visibility splays below the recommended levels will not necessarily lead to a significant problem. We are providing full splays.*
- *The proposed site access was approved at the pre-application stage.*
- *The narrowing of the Audlem Road will provide an element of traffic calming, which will improve highway safety by reducing traffic speeds.*
- *The proposed new footway will deliver significant safety benefits for existing local residents and future residents of the new development.*

The Strategic Highways Manager has considered this additional information and commented that although he commented at the pre-application stage that the proposal was 'acceptable in principle', it is only when it is looked at in detail that its deficiencies become apparent.

The question of exactly what sightline is achievable on site can only be determined by direct measurement and he stands by the previous comments in respect of the effect of parked vehicles on traffic speed, and how narrowing of the main road would eliminate this restraint on traffic speed. It is clear from the speed distribution that parked vehicles are forcing many drivers to give way and that narrowing the road and thereby removing parking will (as well as inconveniencing residents) remove a restraint on speed.

The proposed kerb radii at about 4m radius are well below the Council's standard of 10 metres. Such tight radii are undesirable in a location such as this.

The Strategic Highways Manager remains of the view that narrowing the A529 merely as an expedient way to get an acceptable visibility splay is not acceptable. The Council would need to be satisfied that the necessary S278 works were of benefit to the public. On neither the issue of road safety or convenience to the travelling public is there any such benefit, but rather the reverse. Therefore he maintains his stance on the application and recommends refusal.

Whilst The Strategic Highways Manager is pleased to note that Wain Homes will be upgrading the footpath at the rear of the site, this is only what he would expect, as the site residents will be its main users and it does not mitigate the other problems and concerns referred to above.

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 expressed 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, Network Rail have based their calculation on recent planning applications for development in their 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 concerns can be overcome and that impact on level crossings does not provide sustainable, additional grounds for refusal.

9. CONCLUSIONS

The site is within the Open Countryside. 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. 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 agricultural land. The applicant has failed to demonstrate that this is not amongst the best and most versatile grades of land. 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 applicant has also failed to provide adequate information to demonstrate that the proposal will not adversely affect important grassland habitats.

In addition, the applicant has failed to demonstrate adequate visibility at the site access and therefore the proposal is considered to be detrimental to highway safety. There are also concerns over pedestrian safety on sub-standard-width footways adjacent to a carriageway of 5.5m or less carrying an appreciable number of commercial vehicles.

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

The proposal would not have any significant impact in terms of loss of trees or hedgerows and is considered to be acceptable in terms of its impact upon residential amenity. Subject to confirmation from the Environment Agency that the submitted FRA is acceptable, the proposal is not considered to have any adverse impacts in terms of 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, given that the site is located on the periphery of a key service centre and all such facilities are accessible to the site it is not considered that a refusal on these grounds could be sustained. Furthermore, the development would contribute to enhanced walking and cycling provision.

Overall harm would be caused in terms of the impact on the open countryside, loss of agricultural land, highway safety and impact on habitats. As a result the proposal is considered to be unsustainable and contrary to Policies NE.2, BE3, NR5 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. The proposal will result in a loss of Grade 3a agricultural land, which is considered to be amongst the best and most versatile agricultural land and given that the Authority can demonstrate a housing land supply in excess of 5 years, there is no need for the development, and the housing which it would provide could 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. In the opinion of the Local Planning Authority, visibility at the proposed access to the site from the A529 is substandard and would result in a severe and unacceptable impact in terms of road safety contrary to Policy BE.3 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the provisions of the National Planning Policy Framework.**

(c) Crown copyright and database rights 2013. Ordnance Survey
100049045, 100049046.

