

Application No: 13/3762N

Location: Land To The North Of Cheerbrook Road, Willaston, Nantwich, Cheshire, CW5 7EN

Proposal: Construction of 21 two-storey residential dwellings, new shared access and associated works (resubmission 13/0641N)

Applicant: Wainhomes (North West) Ltd

Expiry Date: 06-Dec-2013

SUMMARY RECOMMENDATION

Approve with conditions

MAIN ISSUES

Impact of the development on:-

Principal of the Development

Green Gap

Location of the Site

Renewable Energy

Landscape

Affordable Housing

Highway Implications

Amenity

Trees and Hedgerows

Design

Ecology

Public Open Space

Education

Flood Risk and Drainage

Planning Balance

REASON FOR REFERRAL

This application is referred to the Strategic Planning Board 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.

This application includes an identical layout to the scheme refused under application 13/0641N which was refused for the following reason:

'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'

3. RELEVANT HISTORY

13/0641N - Construction of 21 two-storey residential dwellings, new shared access and associated works – Refused 7th May 2013 – Appeal Lodged – Awaiting Public Inquiry Date
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 comments received but as part of the last application they stated that:

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: The submitted plans are unchanged from the earlier application. The site plan (Revision L) shows a visibility splay of 2.4 metres by 60 metres. This is considered to be appropriate for the size of development and speed of traffic on Cheerbrook Road and necessary on grounds of road safety. However, it is not wholly convincing that this splay can be achieved within land controlled by the applicant. Even if planning approval is granted, the Council cannot be obliged to enter the necessary agreement under S278 of the Highways Act for the provision of the access until this provision is shown to be met.

If the Council is minded to approve the application, a developer contribution of £20,000 should be sought to improve local footways and cycling facilities, 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. On the earlier submission, 13/0641N, the developer intimated that such a contribution would be acceptable.

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: No comments received but as part of the last application they stated that:

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.

Sustrans: Sustrans have Identified Cheerbrook Road as a quiet route, forming part of National Cycle Network route 551 (Newcastle - Shavington - Willaston - Nantwich). Therefore Sustrans would not be in favour of a development of this scale at this location.

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 £40,999 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.

- This is a re-submission of application 13/0641N which has already been refused by Cheshire East Council for the following reason:

"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 alternative 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."

Those same reasons for refusal still apply to this application and there is no reason for that decision to be changed.

- 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.
- In response to the original application (13/0641N) the Parish Council expressed 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."

"Reason: To ensure that these trees which make a significant contribution to the visual character of the area are not prejudiced by the development. This is in accordance with Policies NE.5 (Nature Conservation and Habitats) and BE.2 (Design Standards) of the Borough of Crewe and Nantwich Replacement Local Plan 2011."

- These trees had been cut down prior to the submission of application 13/0641N, directly in defiance of the above condition, and in a move clearly designed to remove a potential obstacle prior to determination of that application. It has now come to light that the tree stumps are still alive and are sending out shoots, effectively coppicing the tree. Any further damage to these trees should, therefore, be avoided.

Rope Parish Council: Rope Parish Council strongly object to this application because it lies within the Green Gap as defined in policy NE4 of the saved Borough of Crewe and Nantwich plan which has been redefined as Strategic Open Gap in the emerging Cheshire East plan. If this development were allowed it would further weaken this policy. The more the policy is weakened the more likely there are to be further applications within the green gap. There has been a considerable amount of consultation between Cheshire East, parish councils and the public over several years which have led to the Green Gaps being retained as Strategic Open Gaps in the emerging plan. There is a strong and widespread opinion that the gaps should be retained in their entirety, local democracy should be respected.

7. OTHER REPRESENTATIONS

Letters of objection have been received from 21 local households raising the following points:

Principal of development

- The site is within the Green Gap
- There are many unsold homes in Willaston
- There are enough approvals in Shavington and Nantwich
- The previous application was refused

- The development is contrary to the emerging local plan
- Brownfield sites should be developed first
- The proposed development is contrary to Policy NE.4
- Over development of the site
- The site is not sustainable
- Cheshire East now has sufficient housing sites

Highways

- The access would create a new cross roads
- Vehicles speed along Cheerbrook Road
- 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
- Pedestrian/Cyclist safety
- 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
- 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
- Loss of habitat
- The trees that were removed are still alive and should be protected
- The trees on the site should be protected

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
- Increased pressure on GP services

Amenity Issues

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

Other issues

- The density and style of development is not appropriate
- The design of the dwellings is out of character
- Increased flooding
- There is a high level of local opposition to this development
- Drainage problems

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

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 Royal Haskoning)
- 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.

However the most up to date position on the Councils 5-year housing land supply figure is following the recent appeal decisions. As part of the consideration of the Congleton Road and Sandbach Road North decisions the Inspector found that the housing land supply over 5 years is 5750 dwelling. It is necessary to add to this figure the existing backlog 1750 dwellings and a 20%

buffer for a record of persistent under delivery which gives a total requirement of 9000 dwellings over 5 years or 1800 per annum.

In terms of the existing supply the Inspector found that there is currently:

‘a demonstrable supply, taking the generous approach to Council estimates, which is likely to be in the region of 7000 to 7500 dwellings at most’

This demonstrable supply therefore equates to a figure of 4.0 to 4.2 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.”*

As it has been found that Cheshire East cannot demonstrate a five year supply of housing land, it is not considered that Policy NE.2 which protects Open Countryside is out of date and the provisions of paragraphs 49 and 14 apply in this case. It is therefore necessary to carry out a balancing exercise in this case.

Emerging Policy

Clarification has been given on the weight which can be attributed to the emerging Local Plan as part of recent appeal decisions for Abbeyfields, Sandbach and Congleton Road, Sandbach and Sandbach Road North, Alsager. As part of the decision for the Abbeyfields site the SoS stated that:

‘As the emerging LP is still at an early stage the Secretary of State accords it limited weight in his decision making’

As part of the appeal decision for Congleton Road, Sandbach and Sandbach Road North, Alsager the Inspector found that:

‘There is a draft Local Plan, variously described as the Core Strategy and Development Strategy, which is moving towards a position in which it can be submitted for examination. The Council is seeking to achieve this in late 2013. The

current state of the plan is pre submission. It is not disputed that there are many outstanding objections to the plan, and to specific proposals in the plan. Hence it cannot be certain that the submission version of the plan will be published in the timescale anticipated. The plan has already slipped from the intended timetable. In addition there can be no certainty that the plan will be found sound though I do not doubt the Council's intentions to ensure that it is in a form which would be sound, and I acknowledge the work which has gone into the plan over a number of years.

Nonetheless I cannot agree that the draft Local Plan should attract considerable weight as suggested by the Council. There are many Secretary of State and Inspector appeal decisions which regard draft plans at a similar stage as carrying less weight. The Council's own plan has been afforded little weight in the earlier months of 2013, and although the plan has moved on to an extent, it has not moved on substantially. For these various reasons I consider that the draft Local Plan can still attract no more than limited weight in this case'

Given the above the emerging Local Plan can only be given limited weight in the determination of this planning application.

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.
- Cheshire East has a housing land supply figure of in the region of 4.0 to 4.2 years
- Only limited weight can be applied to the emerging Local Plan.
- As the Council cannot demonstrate a 5 year housing land 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 as part of the planning balance.

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 terms of the extent of Green Gap within the Inspectors Report into the Local Plan, it states that the Councils justification for the Green Gap Policy is set out in an appendix to the Housing Topic Paper prepared for the Housing Round Table. As a result, it is considered that the Policy is Housing Land Supply Policy and therefore out of date.

In allowing a recent Appeal relating to a site at Rope Lane, which was also located within the Green Gap, the Inspector determined that:

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

As part of the Inspectors Report into the Local Plan, he found that:

'The width necessary to achieve adequate separation is a matter of judgement and I see not benefit in a detailed analysis of the (Green Gap) boundary unless there is a specific identified need to do so – for example if it were not possible to meet the CRSP (Cheshire Replacement Structure Plan) housing provision. This is not the case in this review of the Local Plan'

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

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

'I have concluded that the existing boundaries of the Green Gap designations continue to be appropriate for this plan period' (Up to 2011)

Given that the Council cannot demonstrate a 5 year supply of housing land, it is considered that Policy NE.2 and NE.4 are out of date.

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
- Child Care Facility (nursery or crèche) (1000m) - 500m
- Community Centre/Meeting Place (1000m) – 300m

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
- 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
- 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.

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. The north the site is bound by agricultural land and to the west is bounded 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.

It is not considered that the development would result in Willaston coming closer to Nantwich or increase the visibility of the built-up area from Nantwich. It is not considered that any localised loss of openness would weigh significantly against the development.

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
- The tenure proposals for the affordable units
- 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).
- 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.
- 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. A condition will be attached to ensure that the visibility splays are provided prior to the commencement of development and thereafter retained.

The internal road layout and parking provision of 200% plus 2 visitor parking spaces meets with the Highways Officers standards 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 £20,000 should be secured towards the improvement of cycleways, footways, street lighting and bus shelters. Given the Members previous concerns about sustainability it is considered that this contribution is necessary to mitigate this development.

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. This property only has obscured 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. 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 Councils 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 the last application, amendments were 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. However 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, the education department has requested a contribution of £40,999. 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 were consulted as part of the last application and raised no objection to the proposed development. As a result, the development is considered to be acceptable in terms of its flood risk/drainage implications.

Other issues

Some letters of representation have raised the possibility of a WWII plane crash on the application site. Any definite crash site requires a licence from the Ministry of Defence's Service Personnel and Veterans Agency (Commemorations and Licensing). The persons who have raised this issue will need to do some more research on the precise location and date of the crash and the serial number of the plane involved (at present there are no such details). They will then be able to present information to the agency referenced above in order to ensure that any necessary licence is obtained. This issue will be dealt with under separate legislation and it is not considered that this will affect the determination of this planning application.

Planning Balance

The NPPF states that sustainability gives rise to 3 dimensions: economic, social and environmental.

In terms of the environmental impact the development would result in the loss of Green Gap and Open Countryside. However, the relevant Local Plan policies are considered to be out of date as part of the Rope Lane appeal decision. Furthermore the location of the site is considered to be sustainable being on the edge of Willaston.

In terms of the economic impact the development would bring short term advantages of jobs and in the longer term would add population to the town to increase vitality and viability.

The social aspect would met by the provision of 30% affordable housing which is given significant weight due to the fact that there has been the delivery of 0 units within the 5 year period where there is a requirements for 1280 affordable dwellings.

Therefore the proposed development is considered to be sustainable development.

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.

Given the concerns about the sustainability a contribution of £20,000 has been agreed towards cycleways, footways, street lighting and bus shelters. This would negate the concerns about the sustainability of the site and is therefore necessary, directly related to the development and fair and reasonable.

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. Following the recent appeal decisions, the automatic presumption in favour of the proposal does apply and Policies NE.2 and NE.4 are considered to be out of date.

In this case the emerging development strategy can only be given limited weight.

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. 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.

The planning balance clearly weighs in favour of the proposal and the development is considered to be sustainable.

11. RECOMMENDATIONS

APPROVE subject to completion of Section 106 legal agreement to secure the following:-

- 1. A commuted payment of £9,000 towards habitat creation within the Meres and Mosses Natural Improvement Area to the south of Nantwich**
- 2. A commuted payment of £40,999 towards secondary school education**
- 3. A commuted payment of £20,000 towards cycleways, footways, street lighting and bus shelters**
- 4. A commuted payment of £18,000 should be made towards providing a skate park facility on the Parish Council owned open space on Wybunbury Road, Willaston**

And the following conditions

- 1. Standard time limit 3 years**
- 2. Approved Plans**

3. Hours of construction limited to 08:00 to 18:00 Monday to Friday, 09:00 – 14:00 Saturday and not at all on Sundays
4. Pile driving limited to 08:30 to 17:30 Monday to Friday, 09:00 – 13:00 Saturday and not at all on Sundays
5. Prior to the commencement of development the applicant shall submit a method statement, to be approved by the Local Planning Authority
6. External lighting details to be agreed
7. No development shall take place until a scheme to minimise dust emissions arising from construction activities on the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development. The construction phase shall be implemented in accordance with the approved scheme, with the approved dust suppression measures being maintained in a fully functional condition for the duration of the construction phase.
8. Works should commence outside the bird breeding season
9. Materials to be submitted and approved
10. Landscaping to be submitted and approved
11. Landscaping scheme to be implemented
12. Remove Permitted Development Rights for certain plots
13. Boundary Treatment details
14. Tree and hedgerow retention
15. Tree Protection to be submitted and approved
16. The parking spaces to be provided on the approved plan should be provided
17. Visibility splays of 2.4 metres by 60 metres to be provided before development commences and thereafter be retained.
18. Provision of 30% affordable housing which equates to 4 rented units and 2 intermediate units on this site.
19. Windows to the south-east facing elevation of plot 1 to be obscure glazed. Remove PD for additional windows to the side elevation of Plot 1.
20. No development within 3 metres either side of the centre line of the sewer which crosses the site
21. 10 metre easement strip for the 24" Concrete Trunk Water Main

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.

