

Application No: 13/4603N

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

Proposal: Outline application for up to 40 dwellings (resubmission of 13/1223N)

Applicant: Wainhomes (Northwest) Ltd

Expiry Date: 29-Jan-2014

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

The application is a resubmission of application 13/1223N, which is currently the subject of an Appeal against non-determination. The Strategic Planning Board resolved at its meeting on 11th September 2013 to contest the Appeal on the following grounds:

- 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.*

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
Core Strategy Presubmission Draft
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

Sustrans

If this land use is approved by the council's planning committee our comments are as follows:

- Due to the current traffic conditions on the south side of Nantwich we suggest the development should contribute towards improvements to the
- pedestrian/cycling network on Audlem Road itself, and into the town centre, and to the railway station.
- The design of any smaller properties without garages should include storage space for residents' buggies/bikes.
- We would like to see travel planning with targets and monitoring for such a site.

Environment Agency

No objection subject to the following conditions

- The discharge of surface water from the proposed development is to mimic that which discharges from the existing site. If a single rate of discharge is proposed, this is to be the mean annual run-off (Q_{bar}) from the existing undeveloped greenfield site. The maximum discharge rate however is not to exceed the Q_{bar} rate.
- For discharges above the allowable rate, attenuation for up to the 1% annual probability event, including allowances for climate change.
- The discharge of surface water by Sustainable Drainage Systems (SuDS).
- Submission, approval and implementation of a scheme to limit the surface water run-off generated by the proposed development,
- The site layout is to be designed to contain any such flooding within the site to ensure that existing and new buildings are not affected.
- Submission, approval and implementation of a scheme to manage the risk of flooding from overland flow

Greenspaces

- Recommend commuted sum payment (£20,000) for the purposes of resurfacing the car park at the Shrewbridge Lake

United Utilities

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

- 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

Highways

- The proposal for up to 40 dwellings to the rear of 144 Audlem Road does not indicate a safe site access. The applicant seeks to improve visibility (to a standard below that advised in MfS) but in doing so reduces the available width of the A529 to 5.5m. Existing on-street parking would result in the A529 only being able to cater for traffic in one direction at a time over the considerable distance of carriageway narrowing proposed.
- The SHM recommends REFUSAL of this planning application on the grounds of highway safety relating to the access proposal and in terms of safety and the reduction in traffic carrying capacity of the A529 as a result of the proposals.

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 construction Environmental Management Plan
- Submission, approval and implementation of a travel plan
- 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 $7 \times 11919 \times 0.91 = \text{£}75,924$ 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 objects to this development for the following reasons:

- This site was not identified in the Town Strategy and is not a Preferred Site in the Core Strategy
- development will add to the overall housing figure for the town in excess of the proposed requirement in the Core Strategy
- The proposed access will lead to problems of highway safety on Audlem Road.

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.

- 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.
- Developers only have regard for profits
- The market town and historic character of the town is being ruined by developers
- The application has been refused before
- Development intrudes into Green Belt – change of use should not be permitted and its status should be preserved.
- Green Belt land is being steadily eroded by incremental housing developments in and around Nantwich
- The number of new dwellings being proposed for Nantwich is out of control, and Council/ local objections are being overridden by late submission of documentation.
- Views of the general population should be taken into account
- CE has it's Housing commitment for the next five years.
- The area should remain undisturbed for flora and fauna
- 12 affordable houses will have no impact on the number needed.
- The proposed development site is open space/agricultural land, full of typical Cheshire character, full of wildlife. It is adjacent to a private wildlife preserve as well as a privately owned wood, which houses some wonderful wildlife and give pleasure to many people. These valuable commodities far outweigh the negatives of an unproven demand for housing supply in this area.
- Would set a precedent to demolish other houses and build behind
- Already have over 200 houses being built on the former Stapeley Water Gardens site which is only a mile away

Highways and traffic (General)

- 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 – road is gridlocked twice a day
- 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
- Planning permission has been refused to other planning applications on the grounds that access on to the main road is too dangerous.
- Will generate approximately 80 vehicles in a small, concentrated rural area.
- Traffic incidents occur daily
- School vehicles are unable to get safe access
- 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.

- Services at Methodist Church exacerbate problems
- Residents cannot get out of their drives
- If the Muller development is accepted as a consequence of Council negligence there will be a further 1000 plus houses using the Audlem Road.
- There is a development of 1100 homes to take place on Kingsley Fields. There are proposals for 189 houses off Audlem Road plus another 142 houses Maylands farm as well as this proposal. This means there will be at least an additional 330 vehicles using this stretch of road from those two developments alone. At 1 ½ cars per household 465 vehicles per day at only one journey per day on top of the 60 vehicle movements per day from the development site in question. These figures assume only one journey per car per day. Take into account the school run and these figures can almost be quadrupled.
- There are many more planning applications for ‘small’ developments various parts of the C & N area. This number can be expected to increase in the immediate areas surrounding approved sites, which implies a hard line must be taken with opportunistic developers because of very serious concerns over the infrastructure of the town.

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, baby care, swimming pools and dentists who are already stretched?
- There are not enough places at High School level and this will not improve.
- There are no local employment opportunities. It is therefore unlikely that any new residents will be employed locally as there are no jobs in Nantwich, which means they will have to commute to further afield causing further congestion.
- 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.
- Extra drainage and road alterations as a consequence of this proposal would have to be funded by the people of Nantwich who have already suffered from excessive redevelopment of housing .

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.
- Poor sewage system in area inadequate for existing homes
- Water table likely to be adversely effected by increase in buildings.

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.
- Loss of ponds
- When houses are built ponds are not cared for as can be seen at both Cronkinson Farm and Stapeley Water Gardens where the natural pool is now full of rubbish and completely uncared for
- The Stapeley site had all its Protected Species ponds replaced with man-made alternatives that do not even hold water in the summer. There is no provision for water to be pumped into the pools and as such are useless
- Replacement ponds waste money and do not serve the purpose of protecting the species
- Loss of important trees and hedgerows
- The Tree Survey report proposes that of the 14 trees surveyed, 8 should be removed immediately to assist development; a further 2 on the footpath should be removed as it would be cheaper to do this before development, thus leaving only 3 of the original trees.
- The agricultural hedgerows which are important wildlife corridors and an important habitat in their own right are considered to be 'not desirable'.

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
- Level crossing at the station is overloaded.
- The railway divides the town in half. with the Emergency services cut off from major proposed development

- It is stated in Certificate B the own all the land subject to the appeal, a statement of which I have doubts. Has the proposal to make a footpath to the dimensions proposed to overcome pedestrian issues been approved by the Highways Agency?
- Would remove the open views from the adjacent schools' playing fields.
- Would also alter the rural landscape character from the adjacent public footpath.
- Dispute the cited results of a traffic survey that found that the average speed of vehicles on this section of Audlem Road was 27 mph.
- Residents experience in both directions down Audlem Road and at all sorts of times, is that most drivers exceed the speed limit. This includes heavy goods vehicles, large tractors with loaded trailers, and public transport.
- Residents have previously discussed with town councillors the danger this poses, particularly as traffic turns an almost right-angled bend from the Audlem direction as it approaches the length of road onto which the proposed development would open.

Revised application / Proposed Road Narrowing

- Plan to narrow Audlem Road from the Globe Pub to near Batherton Lane will make problems worse
- The narrowed section includes the Methodist church where parishioners have to park on the road because there is nowhere else to park.
- The area of narrowed road will also include a bus stop, a post box, and a telephone box, and the on-street parking enjoyed by residents for the past 40 years or more, will also be lost.
- This narrowing is to obtain the 'visual splay', but the splay on the new plan is exactly the same as the splay on the old plan and is still below that recommended by road planners.
- Difficulties faced by Heavy Haulage, Agricultural and Emergency service vehicles that regularly use this already narrow carriage way, will be further impacted by the proposed reduction in carriage way width
- While no doubt meeting the recommendations for planning there will still be significant road safety issues.
- A reason for the Strategic Planning Board's 'minded to refuse' decision for the previous application, (13/1223N), was the substandard visual splay from the proposed access road on to the Audlem Road (the main road numbered A529).
- This new application (13/4603N), has exactly the same substandard visual splay as the previous application; i.e. visual splay north of 2.4m x 37m; visual splay south of 2.4m x 35m
- According to the 'Manual for Streets' (page 92, paragraph 7.6 and table 7.1), the sight stopping distance (SSD) for a vehicle at 28 mph is 39m and for a vehicle at 30 mph the SSD is 43m.
- For this 30 mph speed limited 'A' road, the SSD is well below that advised by the Manual for Streets for both north and south views.
- The applicant wishes to build a footway that will narrow the road from its present width of 7 meters to 5.5 meters. This new version of the application extends the proposed length of the narrowing both north and south of the previous proposal. This application has the southern end of the narrow section starting just south of Batherton Lane to join the existing footway just south of the Globe public house.

- The new proposal also shows a redesign of the Batherton Lane junction resulting in a substandard visual splay. The proposed visual splay for this junction would be 2.4 x 32, still well below that as advised by the Manual For Streets.
- The rationale for the proposed narrowing is for traffic calming, for safety of pedestrians and to aid children walking to Brine Leas School. The narrowing of the road in this area will make the road considerably more dangerous.
- The proposal makes no provision for cyclists.
- The applicant says that the footway will aid children from the Bishops Wood estate to walk to Brine Leas School. The applicant has no idea how many children from this estate attend the school as they have not spoken to any local residents. There is however, a perfectly good crossing some 200 yards to the north, almost opposite the school, that children can access without having to cross the A529.
- The applicant says that the narrowing of the road will enhance traffic calming which suggests that traffic in the area needs to be calmed. The applicant has not produced any information to suggest that the traffic in the area needs to be calmed.
- The allowable width for a lorry using UK roads is 2.55 meters, excluding driving mirrors. The width of driving mirrors can vary but a very conservative figure would be that a driving mirror would protrude 0.3 meters each side of the lorry's body, giving an overall width for the lorry of 3.15 meters. On the proposed narrowed section of road, two lorries coming in the opposite direction will not be able to pass each other without the mirrors overhanging the footway. Given the substandard width of the proposed footway (1.5 meters), pedestrians using that footway are at risk of being hit by lorry driving mirrors.
- Far from solving a traffic problem (one that was not there in the first place), this proposal creates a problem and is a danger to cyclists and pedestrians.
- Residents expect the officers of the LPA to be consistent when considering any proposals and also to take on board additional information, consider the feelings and points of view of residents, comments by local agencies and act within the guidelines and regulations of a LPA's remit.
- When additional information comes to hand and it favours common sense and legal requirements it is better to follow that new route.
- The appellant claims they feel they can deliver suitable site access within the land controlled by them. This is doubtful as they are proposing an additional footpath on land owned by the Highway Authority.
- Will the 'deliverable' access be acceptable to residents, highways and the LPA?
- The applicant points out, there is no evidence to support fears over pedestrian safety. Do we need to wait for serious injury or death before this point can be recognised?
- The local residents are more than happy with the current situation and do not require unnecessary ill thought out advice to support a proposed unwanted opportunistic development from a planning partnership who have no regard for the local conditions or local people.

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

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 concerns.

In addressing this, members should be mindful of the key principles of the National Planning Policy Framework

This highlights that the principal objective of the planning system is to contribute to sustainable development. As the Planning Minister states in his preamble:

“*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.”

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

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

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

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

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

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 October 2013 the Cabinet Member agreed the Cheshire East Local Plan Pre-Submission Core 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, an annual average of 1350 homes per year. This figure represents not only the objectively assessed need for housing based on the latest household projections but also a policy “boost” to allow for an enhanced level of economic development once the downturn recedes.

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 dwellings. 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. This calculation took account of the High Court judgement in the Hunston Properties case (subsequently reinforced at the Court of Appeal). For whilst the RSS has clearly been revoked, it remains the only examined housing figure for the current period and itself represented a step change in housing growth when it was adopted (reversing the previous policy of restraint). Accordingly the three Appeal decisions published on 18 October 2013 all use the RSS base.

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’ (Sandbach Road North Appeal)

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, the provisions of paragraphs 49 and 14 apply in this case. It is therefore necessary to carry out a balancing exercise in this case to assess whether the harm 'significantly and demonstrably' outweighs its benefits.

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'

Since then the Council has published the Pre-Submission Core Strategy which is supported by fuller evidence and takes account of the 16,000 comments made during the two consultations in 2013. Accordingly its weight should correspondingly increase in decision making. Never the less, given the stance taken in the above appeals the emerging Local Plan can only be given moderate weight in the determination of this planning application

Countryside Policies

As well as assessing housing supply, the decisions at Sandbach Road North and Congleton Road Sandbach are also significant for clarifying the status and intent of settlement zone line and countryside policies.

Some have sought to argue that as settlement boundaries effectively contain the built area of a town or village – and so define the area in which development is usually concentrated – that accordingly they should be viewed as housing supply policies. This subsequently could mean that those policies, along with normal countryside policies, should be considered “out of date” if there is no five year supply of housing land. This view is derived from paragraph 49 of the framework which states that:

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

There are appeal decisions that appear to support this perspective, although those in Cheshire East have generally taken a different approach.

The recent appeal decisions consider this matter in some detail. It was noted by the Inspector that the settlement zone lines serve a variety of purposes – and take account of land allocated for development up to a particular point (in this case 2011). However, the Inspector considered that settlement zone lines were not driven by the need to identify land for development, but rather are based on the objective of protecting countryside once development land is identified. Consequently, he concluded that the related policy (Policy PS4 of the Congleton Local Plan) was *“not sufficient directly related to housing land supply that it can be considered time expired for that purpose.”* Instead the Policy is *“primarily aimed at countryside & green belt protection”*. These objectives are largely in conformity with the NPPF and attract *“significant weight”*. In both appeals conflict with countryside policies were acknowledged.

This means that these policies remain important in the planning balance – but are not necessarily determinative. The two decisions pinpoint that much depends on the nature and character of the site and the individual circumstances pertaining to the application. At Congleton Road, the Inspector considered that the objective to boost significantly the supply of housing outweighed the “relatively moderate” landscape harm. In contrast, at Sandbach Road North the provision of housing was viewed as an “important and substantial” material consideration, but there would also be serious harm resulting from the impact on the character and appearance of the countryside. On this occasion that identified harm, combined with the significant weight attributed to countryside policies, outweighed the benefits in terms of housing supply.

In reaching this conclusion, the Inspector memorably noted that:

“the lack of a 5 year supply of housing land does not provide an automatic ‘green light’ to planning permission”.

Therefore, countryside policies in existing local plans can be considered as consistent with NPPF and are not housing land supply policies – and thus not of date, even if a 5 year supply is not in evidence. They accordingly need to be played into the planning balance when decisions are made. Where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply.

Conclusion

- The site is subject to Policy NE.2 (Open Countryside) where 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 for the supply of housing 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 moderate 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.

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
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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.

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.

Accessibility is only 1 aspect and sustainability and the NPPF defines sustainable development with reference to a number of social, economic and environmental factors. 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 detail 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, is not considered to be sustainable but, provided that there are no other substantial and demonstrable adverse effects, it is considered that this would be outweighed by the need to provide for the 5 year housing land supply requirement, and the 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. Therefore, the proposal will result in the loss of land which falls

predominantly into the best and most versatile categories. However, 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. Accordingly, it is considered that the previous reason for refusal relating to loss of agricultural land is now no longer sustainable when viewed in the planning balance against housing provision.

Affordable Housing

The Strategic Housing Market Assessment Update 2013 (SHMA) shows that in the Nantwich sub-area there is a requirement for 78 new affordable units each year between 2013/14 – 2017/18, made up of a requirement for 40 x 1 beds, 15 x 3 bed, 35 x 4+ beds and 16 x 1 bed older persons accommodation. (There is an oversupply of 2 bed accommodation).

In addition to this information taken from the SHMA, data from Cheshire Homechoice, which is used as the choice based lettings method of allocating social and affordable rented accommodation across Cheshire East shows that there are currently 483 applicants who have selected one of the Nantwich re-housing areas as their first choice. The number of bedrooms these applicants need are 204 x 1 bed, 185 x 2 bed, 75 x 3 bed and 8 x 4 bed. (9 applicants haven't 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.

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 Homes and Communities Agency Design and Quality Standards (2007) and should achieve at least Level 3 of the Code for Sustainable Homes (2007).

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.

As this is an outline application it is only possible to comment on the information which the applicant has submitted.

According to the Application Form and the Design and Access Statement the applicant has submitted they are offering 30% of the total dwellings (12 units) as affordable housing which is the correct amount. 8 of these units would be rented (either social rent or

affordable rent) and 4 would be intermediate tenure, which is acceptable. A mix of 2 and 3 bed affordable homes would be acceptable on this site.

It is the Council's preferred option that the developer undertakes to provide the social or affordable rented units through a Registered Provider who are registered with the Homes and Communities Agency to provide social housing. All of the above could be secured by either condition or 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 and construction Environmental Management Plan (EMP). 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

The applicant has submitted a Flood Risk Assessment with the application. 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.

United Utilities and the Environment Agency have been consulted on the application and they have raised no objections subject to the imposition of appropriate planning conditions.

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 applicant's 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 originally showed 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 £20,000 for the purposes of resurfacing the car park at the Shrewbridge Lake

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, revised comments maybe needed in respect of other sites to take into account changing circumstances.

Highway Safety and Traffic Generation.

Background

The Strategic Highways Manager (SHM) has assessed this application and commented that vehicular access is proposed from a simple priority junction to be created following the removal of an existing residential dwelling. Audlem Road is subject to a 30mph speed limit in this location. This application is a resubmission of applicaiton13/1223N which was refused planning permissions; one of the reasons for refusal was on highway grounds.

The Application is in outline and an illustrative site layout has also been submitted. Given that the proposal is in outline the SHM has not commented on site layout at present but reserves the right to do so at a later date.

Key issues

1. Achieving a safe and convenient site access strategy.
2. Ensuring that the proposed access and residential access road are built to an adoptable layout and standard and are suitable for use by pedestrians and cyclists as well as vehicular traffic including refuse lorries.
3. Maintaining the free flow of traffic on the A529 Audlem Road.
4. Ensuring that the site is well connected to local facilities and sustainable transport used on a day-to-day and weekly basis.

Site Assessment

Site Location and The Highway Network

The site is located to the south of Nantwich and the proposed access to the site is on stretch of Audlem Road that is subject to a 30mph speed limit and the road is lit. The Applicant has provided a Transport Statement and that report indicates wet weather design speeds of 26mph northbound and 27mph southbound.

There are currently no footways on the frontage of the site and to the north and south of it until a point some 100m to the north.

There are no traffic regulation orders banning parking along Audlem Road in the vicinity of the site and parking is noted, particularly on the opposite side of the road from the site access.

The TS provided by the applicant recognises at paragraph 2.2.2 that;

“Audlem Road forms part of the A529 which provides one of the major routes into Nantwich from the south.”

The route is clearly an important radial route into Nantwich from the south and has an important traffic carrying function in the highway network.

Site access

The Applicant proposes that the site access is 'pushed out into' the existing carriageway, narrowing it to 5.5m, and that footways are to be provided on the western side of Audlem Road to the north and south. The purpose of the proposed narrowing of the A529 Audlem Road appears to be in order to create improved visibility at the proposed site access as, without it, the visibility would be minimal.

On the basis of the observed speeds the Applicant indicates that visibility splays of 2.4m x 35m are required to/from the south and 2.4m x 37m are required to/from the north, on the basis of MfS guidance. The implication is that the applicant is treating the A529 as an MfS type of road. The SHM accepts that, for the purposes of speed and visibility requirements, such an approach is acceptable. However, the SHM is also mindful of the importance of the A529 as a traffic carrying route in the highway network.

On the basis of the proposed access (with footway build-outs) the applicant suggests that visibility of 2.4m x 35m can be achieved to/from the north and 2.4m x 37m can be achieved to/from the south.

The SHM has reviewed the data provided by the applicant including; land ownership plans, highway plans, and the AutoCAD drawing files, and the SHM finds that visibilities of 2.4m x 30m can be achieved to/from the north and 2.4m x 29m to/from the south. The visibilities indicated by the applicant, from their own submissions, appear to pass through third party land. In other words, they cannot be relied upon. The visibilities that can be achieved with the revised width of carriageway on the A529 are not acceptable in safety terms.

We currently have no data from the applicant regarding the use of the access by larger vehicles, for example refuse lorries. The SHM is concerned that the applicant is proposing 5m radii kerbs at the site access. When indicated to the applicant that Cheshire East Council's standard sets are 4m and 6m the applicant has indicated that 4m radii kerbs will be provided. This will make turns to and from the site more difficult for refuse and delivery vehicles. This will impact upon the free flow of traffic on the A529 and its traffic carrying ability and capacity.

Capacity of the A529

There are no parking restrictions on the A529 in the vicinity of the proposed site access. Vehicles are typically parked in the vicinity of the access on the eastern side of the A529. However, the vehicles do not restrict the two-way traffic carrying ability of the highway at least as far as two-way cars movements are concerned.

The applicant proposes to narrow the carriageway in this location to 5.5m. There are no proposals by the applicant to displace existing parking and, therefore, the two-way traffic carrying ability of the A529 in this location will be lost with a potentially severe impact on capacity at this location.

The reduction in practical width of the A529, to effectively only allow shuttle movements over a considerable distance in the vicinity of the site access, is not acceptable to the SHM.

Should the narrowing of the road actually discourage parking at this location, and displace it elsewhere (although there is no supporting evidence that this would occur) then the applicant ought to give consideration to what the appropriate design speeds ought to be in such a situation. In the absence of evidence to the contrary, the SHM has considered the situation (indicated above) where existing parking opposite the site access would remain in place following the narrowing of the A529.

Accessibility by Sustainable Modes of Travel

The SHM notes the applicant's submissions with respect to walking, cycling, bus and rail. The SHM accepts that the proposal site is reasonably located to take advantage of available sustainable modes of travel.

The SHM has made the applicant aware of concerns regarding the proposed width of footway around the radii of the proposed site access.

Conclusion

The proposal does not indicate a safe site access. The applicant seeks to improve visibility (to a standard below that advised in MfS) but in doing so reduces the available width of the A529 to 5.5m. Existing on-street parking would result in the A529 only being able to cater for traffic in one direction at a time over the considerable distance of carriageway narrowing proposed. This would result in a severe impact on highway safety and a reduction in the traffic carrying capacity of the A529 which would be contrary to both local plan policy BE3 and the provisions of the NPPF.

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 not commented on this proposal but expressed concern in respect of the previous application 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 grounds for refusal.

Archaeology

No comments have been received from the Council's archaeologist. However, in respect of the previous application, it was stated that 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.

9. CONCLUSIONS

The site is within the Open Countryside where, under Policy NE2, there is a presumption against new residential development. However, the site is identified within the Pre-Submission Core Strategy plus recent appeal decisions have determined that the Council does not have a 5 year supply of housing land.

These are important material considerations, which, in this case are considered to outweigh the local plan policy presumption against this proposal and therefore the presumption in favour of sustainable development should apply in this case.

Furthermore, the proposal would result in the loss of agricultural land. The submitted information indicates that this is amongst the best and most versatile grades of land and that the proposal would also result in the loss of an important hedgerow. However, given the need to develop the site in order to meet housing land supply requirements, it is considered that the benefits of development would outweigh the loss of agricultural land.

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, or ecology 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.

However, 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.

Overall harm would be caused in terms of highway safety, which when added to the loss of open countryside, on balance, outweighs the benefits in terms of increased housing land

supply. As a result the proposal is considered to be unsustainable and contrary to Policies NE.2 and BE3, of the local plan and the provisions of the NPPF in this regard.

10. RECOMMENDATION

REFUSE for the following reason:

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. This severe adverse impact coupled with the location of the site within the Open Countryside, would significantly and demonstrably outweigh the benefits of the scheme notwithstanding a shortfall in housing land supply. The development is therefore contrary to Policies NE2 and BE.3 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and paragraphs 17 and 32 of the National Planning Policy Framework, which recognise the intrinsic character and beauty of the countryside as a core planning principle and states that decisions should take account of whether safe and suitable access to the site can be achieved for all people, respectively.

In the event of any Appeal against the decision, and in respect of the existing Appeal against the non-determination of application 13/1223N DELEGATE authority to the Interim Planning and Place Shaping Manager and Borough Solicitor to enter into a Section 106 Agreement to secure:-

- **Affordable housing:**
 - **12 units (8 rented and 4 intermediate)**
 - **A mix of 2 and 3 bedroom properties**
 - **units to 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.**
 - **constructed in accordance with the Homes and Communities Agency Design and Quality Standards (2007) 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.**
 - **developer undertakes to provide the social or affordable rented units through a Registered Provider who are registered with the Homes and Communities Agency to provide social housing.**
- **Contribution of £75,924 towards primary education. This contribution will be required to be paid on occupation of the site.**
- **£30,000 towards improvement works to footpath 28 in relation to the proposed development payable trigger of commencement of development.**
- **£20,000 for the purposes of resurfacing the car park at the Shrewbridge Lake**

- **£1500 per dwelling towards level crossing improvements in Nantwich**
- **£11,122 towards off-site habitat creation / enhancement**

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