

Application No: 14/3053N

Location: The Woodlands, Whitchurch Road, Aston, Nantwich, CW5 8DB

Proposal: Erection of 33 No. dwellings with associated garages, car parking, landscaping, means of access and site infrastructure, including construction of replacement garage of existing bungalow.

Applicant: Elan Homes Ltd

Expiry Date: 26-Sep-2014

## **SUMMARY RECOMMENDATION**

### **REFUSE**

### **MAIN ISSUES**

#### **Impact of the development on:-**

**Principal of the Development**

**Housing Land Supply**

**Location of the Site**

**Landscape**

**Affordable Housing**

**Highway Implications**

**Amenity**

**Trees and Hedgerows**

**Design**

**Ecology**

**Public Open Space**

**Education**

**Flood Risk and Drainage**

**The Planning Balance**

## **REASON FOR REFERRAL**

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

## **DESCRIPTION OF SITE AND CONTEXT**

The site comprises 1.2ha of gently undulating undeveloped, unkempt open land located on land to the rear of the Woodlands and Greenways on Whitchurch Road in Aston.

The village of Aston has seen various phases of growth over many years, with the result that it has properties of a variety of ages and designs. It includes modern bungalows and houses as well as the older, original properties of the settlement. The village stands on the junction of the A530, Whitchurch Road, and Sheppenhall Lane/Wrenbury Road, although the majority of the village lies to the south of Whitchurch Road, including the more recent development on Sheppenhall Grove.

Existing residential development lies to the south of the site in Sheppenhall Grove. No connection into Sheppenhall Grove is intended via either car or pedestrian access. Aston Cricket Ground adjoins the Western boundary and the eastern boundary is open agricultural land. There is no evidence that the site has ever been used agriculturally.

## **DETAILS OF PROPOSAL**

This is a fully detailed application for a residential development of 33 dwellings with associated garages, car parking, open space/landscaping, access and site infrastructure and a replacement garage for the existing bungalow at the Woodlands.

The dwellings are two storey and comprise 10 semi detached and 23 detached units accessed via a single access via Whitchurch Road over part of the garden of an existing bungalow at the Woodlands. 670m<sup>2</sup> of open space are included in a central area of open amenity and play space

The site comprises part garden area to the side and rear of the Woodlands, the rear of Greenways and part unkempt open land.

## **RELEVANT HISTORY**

None of relevance

## **POLICIES**

### **National Policy**

National Planning Policy Framework

### **Local Plan policy**

NE.2 (Open countryside)

NE.5 (Nature Conservation and Habitats)

NE.9: (Protected Species)

NE.20 (Flood Prevention)

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)

RES.5 (Housing in the Open Countryside)

RES.7 (Affordable Housing)

RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)

TRAN.3 (Pedestrians)

TRAN.5 (Cycling)

### **Other Considerations**

The EC Habitats Directive 1992

Conservation of Habitats & Species Regulations 2010

Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System

Interim Planning Statement Affordable Housing

Interim Planning Statement Release of Housing Land

Cheshire East Development Strategy

Cheshire East SHLAA

### **Cheshire East Local Plan Strategy – Submission Version**

PG2 – Settlement Hierarchy

PG5 - Open Countryside

PG6 – Spatial Distribution of Development

SC4 – Residential Mix

SC5 – Affordable Homes

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

SE3 – Biodiversity and Geodiversity

SE5 – Trees, Hedgerows and Woodland

SE 1 - Design

SE 2 - Efficient Use of Land

SE 4 - The Landscape

SE 5 - Trees, Hedgerows and Woodland

SE 3 - Biodiversity and Geodiversity

SE 13 - Flood Risk and Water Management

SE 6 – Green Infrastructure

IN1 – Infrastructure

IN2 – Developer Contributions

### **CONSULTATIONS (External to Planning)**

**United Utilities:** No objection subject to conditions concerning foul water, surface water drainage and 6 metres access strip as a sewer easement. A public sewer crosses this site and we will not permit building over it. 3 metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for maintenance or replacement.

Therefore a modification of the site layout, or a diversion of the affected public sewer at the applicant's expense, may be necessary. To establish if a sewer diversion is feasible, the applicant must discuss this at an early stage with UU - a lengthy lead in period may be required if a sewer diversion proves to be acceptable. Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems.

**Strategic Highways Manager:** No objection subject to conditions. Conditions suggested in respect of speed reduction scheme in form of Vehicle Actuated Signage, provision of new footway on Whitchurch Rd

**Environment Agency:** No objection and no suggested conditions

**Environmental Health:** Conditions suggested in relation to construction management plan, hours of operation, external lighting, noise mitigation, travel plan, electrical vehicle infrastructure and dust control. An informative is suggested in relation to contaminated land.

**Natural England:** This application is in close proximity to the Sound Heath Site of Special Scientific Interest (SSSI). Satisfied that the application, if implemented in accordance with the details will not have any adverse impact upon this SSSI

Refer to Natural England standing advice in relation to protected species.

**Public Open Space:**

**Education:** No comments at time of writing report. Previously advised that contribution likely to be required for secondary education provision. To be reported via Update report

**Strategic Housing Manager:** No objection subject to the provision of 30% affordable housing in a 65:35 split.

**Sustrans:** Offer the following comments

- 1) Can this development make a contribution to traffic management measures on the A530 through Aston?
- 2) We would like to see travel planning set up with targets, monitoring and a sense of purpose.

## **VIEWS OF THE PARISH COUNCIL**

**Newall Parish Council:** Makes the following statement -

Does the application meet current National Planning Policy Guidelines?

Consideration must be given in order to sustain local services within the Parish in relation to Schools, Doctors, Sewers etc and a full review of such implications should be considered.

Concern was expressed over the A530 with regard to traffic, and it is requested that a full appraisal should be undertaken of current traffic levels. Further it was asked that access from this proposed site meets Highway recommendations.

If such an application is approved, its close proximity to the Cricket Club will have an impact on them, and as such the Parish Council request that a section 106 be implemented to provide some funding for their benefit.

The Parish Council request to be afforded the opportunity to speak at the Planning Meeting, and would be grateful if the Planning Office would inform the Parish Council of the date and time of such a meeting.

## **OTHER REPRESENTATIONS**

Letters of objection have been received from 58 local households raising the following points:

### **Principal of development**

Loss of open space and open countryside in a rural village  
Increase in population putting pressures on local services i.e. schools, doctors etc  
Potential significant loss of mature trees and green habitat  
Impact upon the cricket club

### **Highways**

Increased traffic generation  
Increased traffic within already dangerous road area, likelihood of serious injury/death of road users  
Whitchurch Road is on a red route and the 5th most dangerous in the County

### **Infrastructure**

Impact on drainage and other infrastructure  
Local infrastructure cannot cope with additional housing

### **Other Matters**

Aston Cricket Club and a number of their members have objected to the proposal on grounds of the potential impact on the Cricket Club by virtue of the introduction of residential properties on the Cricket Ground. They state that on average 8 cricket balls per week are hit into the application site as a result of their cricket use of the Ground adjacent and given that the cricket ground is already adjoining residential development to all other boundaries, this proposal will increase their insurance premiums. No Insurance Company will cover a "known" risk. We would be liable and could not take that risk. They are concerned that this will lead to the Cricket Club having to leave the area. Club is an asset to the local community in their view.

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

## **APPLICANT'S SUPPORTING INFORMATION**

To support this application the application includes the following documents:

- Design and Access Statement
- Planning Statement
- Statement of Community Involvement
- Air Quality Assessment
- Transport Statement
- Flood Risk Assessment
- Ecology Survey and Assessment
- Noise Assessment

- Energy Report
- Utilities Connection report
- Ground Investigations report

These documents are available to view on the application file.

## 9. OFFICER APPRAISAL

### Main Issues

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

### Principle of Development

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

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

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

The National Planning Policy Framework (NPPF) confirms at paragraph 47 the requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

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

The NPPF 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.”*

Since the publication of the Housing Position Statement in February 2014 there have now been 5 principal appeal decisions (as of 1st August) which address housing land supply.

Each have concluded that the Council cannot demonstrate a five year supply of housing land, albeit for different reasons. Matters such as the housing requirement, the buffer and windfalls have all prompted varying conclusions to be made.

This demonstrates that there is not a consistent approach to housing land supply. The Planning Minister in a letter dated 14 July, noted that “differing conclusions” had been reached on the issue and requested that the Inspector in the Gresty Road appeal (Inquiry commenced 22 July) pay “especial attention” to all the evidence and provide his “considered view” on the matter.

The Planning Minister clearly does not consider the housing land supply position to be settled – and neither do the Council.

Given that some Inspectors are opting to follow the emerging Local Plan, the Council considers it essential that the correct and up to date figures be used. These are 1180 homes pa for “objectively assessed need” – and a housing requirement of 1200 homes pa, rising to 1300 homes pa after 2015. In future, calculations will be made on this basis.

Following the Planning Minister’s letter and in the absence of a consistent and definitive view, the Council will continue to present a housing land supply case based on the most up to date information. On this basis it is considered a 5 year supply is capable of being demonstrated. This position is supplemented with the knowledge that the Council continues to boost its housing land supply position by supporting planned developments and utilising brownfield land wherever possible.

### Open Countryside Policy

Countryside policies in existing local plans can be considered as consistent with NPPF and are not housing land supply policies in so far as their primary purpose is to protect the intrinsic value of the countryside in accordance with paragraph 17 of the NPPF– and thus are not of date, even if a 5 year supply is not in evidence. However, it is acknowledged that where the Council cannot demonstrate a 5 year supply, they may be out of date in terms of their geographical extent, in that the effect of such policies is to restrict the supply of housing. 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.

Therefore, the proposal remains contrary to Open Countryside policy regardless of the 5 year housing land supply position in evidence at any particular time and a judgement must be made as to the value of the particular area of countryside in question and whether, in the event that a 5 year supply cannot be demonstrated, it is an area where the settlement boundary should be “flexed” in order to accommodate additional housing growth.

## **Sustainable Development**

Paragraph 34 of the NPPF states that decisions should ensure that developments that generate travel movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. In order to access services, it is unlikely that future residents and travel movement will be minimised and due to its location, the use of sustainable transport modes maximised.

Paragraph 55 of the NPPF refers to the promotion of sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and Local Planning Authorities should avoid new isolated homes in the Countryside.

In addressing sustainability, 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.”

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.

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

The toolkit sets maximum distances between the development and local amenities. These comprise of:

- a local shop (500m),
- post box (500m),
- playground / amenity area (500m),
- post office (1000m), bank / cash point (1000m),
- pharmacy (1000m),
- primary school (1000m),
- medical centre (1000m),
- leisure facilities (1000m),
- local meeting place / community centre (1000m),
- public house (1000m),
- public park / village green (1000m),
- child care facility (1000m),
- bus stop (500m)
- railway station (2000m).

In this case the development meets the standards in the following areas:

- post box - 204m Wrenbury Road
- bus stop 130m
- Bhutfore Inn Wrenbury Rd Aston (965m)
- Local meeting place Church 1km Wrenbury Road
- Amenity Open Space (500m) – Provided on site

A failure to meet minimum standard (with a significant failure being 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) exists in respect of the following:

- primary school – Wrenbury 1.9km
- playground / amenity area - 1.93 km Wrenbury Recreation Ground
- post office / bank / cash point - 1.9 km Wrenbury Rd
- pharmacy - 1.9 km Wrenbury
- Wrenbury railway Station 2092m
- shop – 1.9km Wrenbury Rd
- medical centre – 1.93km Wrenbury
- leisure facilities – 1.93 km Wrenbury Recreation Ground
- public park – 8.3 km Nantwich

Clearly, existing residents in the area would have to travel the same distance to most everyday services.

The principal bus service passing through the Whitchurch Road/Wrenbury Road junction is the service 72. This operates 6 services per day from Nantwich and 4/5 services per day from Whitchurch, Marbury and Wrenbury. There is a service linking the crossroads (Departs 08:05) to Nantwich (arrives 08:23) for the morning commute and in the evening there are services leaving Nantwich (16:35 and 17:35) and serving the crossroads (16:53 and 17:53). The service is infrequent as it is 2 hourly during the day during weekdays but does not run on Sundays.

A school bus service does operate for children to go to the secondary school. Whilst most services are in Wrenbury, the next village over, the bus service does serve the site and therefore in location terms this site must be regarded as being generally sustainable.

This view is considered to be consistent with two recent appeal decisions which were refused on sustainability grounds but allowed at appeal and considered sustainability in the context of the three strands of sustainability referred to in the NPPF:

- At 4 Audlem Road, Hankelow an application for 10 dwellings (12/2309N) was refused by Southern Planning Committee on 29<sup>th</sup> August 2012 for sustainability reasons. In allowing the appeal the Inspector found that *'The Council has used the North West Sustainability Checklist as a guide to assessing accessibility, albeit that this relates to policies in the now defunct RSS. Nevertheless, this gives a number of useful guidelines, many of which are met. The village has a pub, a church, a village green and a post box and there is a golf club close to the appeal site open to both members and nonmembers. However, the village has no shop or school. Audlem, which has a greater range of facilities, is only a short distance away. The appeal site has good access to 2 bus routes, which serve a number of local destinations. There are footways on both sides of the road linking the site to the village centre and other public rights of way close by. Audlem Road here forms part of the national cycle network. Therefore, whilst the use of the car is likely to predominate, there are viable alternative modes of transport. In locational terms, the appeal site appears to me to be reasonably accessible for a rural settlement'*.

- At land adjacent to Rose Cottages, Holmes Chapel Road, Somerford an application for 25 dwellings (12/3807C) was refused by Southern Planning Committee on 12<sup>th</sup> December 2012 for sustainability reasons. In allowing the appeal the Inspector found that *'it is inevitable that many trips would be undertaken by car as happens in most rural areas. However in this case many such trips for leisure, employment, shopping, medical services and education have the potential to be relatively short. A survey of the existing population undertaken by the Parish Council confirmed that the majority use the car for most journeys. Its results should though be treated with some caution in view of the response rate of only 44%. The survey does not seem to have asked questions about car sharing or linked trips, both of which can reduce the overall mileage travelled. It is interesting to note that use of the school bus was a relatively popular choice for respondents. A few also used the bus and train for work journeys. It also should not be forgotten that more people are now working from home at least for part of the week, which reduces the number of employment related journeys. Shopping trips are also curtailed by the popularity of internet purchasing and most major supermarkets offer a delivery service. The evidence also suggests that the locality is well served by home deliveries from smaller enterprises of various kinds'*

There are, in addition, 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. There are many other components of sustainability other than accessibility. These include, meeting general and affordable housing need, an environmental role in protecting and enhancing the natural environment, reducing energy consumption through sustainable design, and assisting economic growth and development. The proposal would also generate Government funding through the New Homes bonus from the 33 units.

An Energy report has been submitted with the application. This concludes that required 10% reduction in energy use can be achieved by achieving Code Level 3 and the use of improved technologies eg shower water recovery systems in each dwelling.

No economic benefit analysis has been provided as part of the application, however, it is accepted that the construction of a housing development of this size would bring the usual economic benefit to the closest shops for the duration of the construction, and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain. There would be some economic and social benefit by virtue of new resident's spending money in the area and using local services and as a result of the New Homes Bonus. Affordable housing is also a social benefit and the new residents would utilise medical and education facilities thereby sustaining the overall numbers within the catchment.

To conclude, the benefits include the provision of affordable housing and continuing housing delivery and the monies spent in the local economy, however, these benefits do not outweigh the harm caused by virtue of the loss of the open countryside in this area.

## **Landscape**

The site is a flat field enclosed by native hedgerows with some mature trees on and around the boundaries. The site sits behind and between existing residential properties with the cricket ground on the western boundary.

The rural character of the village is dominated to some extent by the large, conspicuous HJ Lea Oakes grain mill located nearby on the other side of Sandy Lane. The local road network appears to be heavily used by HGVs going between the A530 and the mill. Despite the rural location, this part of the village is not considered to have a particularly rural character due to the proximity to the A530 and the mill traffic.

The Council's Landscape Officer has made some comments about the detailed design of the landscape layout which require minor modification, however this is considered to be achievable by amending conditions.

On this basis it is considered that a layout can be accommodated on this site without adverse impact upon the landscape.

### **Affordable Housing**

The proposal is for 33 dwellings, therefore there is a requirement for 10 affordable units, with 6 to be provided as affordable/ social rented and 4 to be provided as intermediate tenure. The applicant in their Design and Access Statement is offering 10 no 2 and 3bd houses as affordable.

The site falls within the Audlem sub area for the purposes of the Strategic Housing Market Update (SHMA) 2013. This identified a net requirement for 22 affordable units per annum for the period 2013/14 – 2017/18. Broken down this is a requirement for 4x 1bd, 16x 3bd, 4x 4bd general needs units and 3x 2bd older persons accommodation. The SHMA showed an over-supply of 2 bed units.

In addition to this, information taken from Cheshire Homechoice shows there is currently one applicant who has selected the Newhall lettings area as their first choice, this applicant requires a 1 bed unit.

The IPS outlines that in order to ensure full integration with open-market homes the affordable units should not be segregated in discrete or peripheral areas and therefore should be pepper-potted within the development and that the affordable units will be provided not later than the sale or let of 50 % of the open market homes. The external design, comprising elevation, detail and materials should be compatible with open-market homes on the development.

Furthermore the affordable homes should be constructed in accordance with Homes and Communities Agency Design and Quality Standards (2007) and should achieve at least Level 3 of the Code for Sustainable Homes (2007).

The IPS states that: -

“The Council will require any provision of affordable housing and/or any control of occupancy in accordance with this statement to be secured by means of planning obligations pursuant to S106 of the Town and County Planning Act 1990 (as amended) It also goes on to state

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

It is the Council's preference that any affordable or social rented units are transferred to a Registered Provider of social housing to own and manage.

### **Highways Implications**

Policy BE3 states that proposals for development requiring access, servicing or parking facilities will only be permitted where a number of criteria are satisfied. These include adequate and safe provision for suitable access and egress by vehicles, pedestrians and other road users to a public highway.

Paragraph 32 of the National Planning Policy framework states that:-

'All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment and that any plans or decisions should take into account the following;

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.
- Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

This is a fully detailed application with a single access point to Whitchurch Road.

Whitchurch Road is a red route and the Highways Manager is aware of the concerns expressed by neighbours with regard to the safety of the access onto Whitchurch Rd.

The key highways and transport issues associated with the application are as follows:

- 1) Achieving sufficient visibility from the site access road onto Wrenbury Road
- 1) Off-site Highway Impact
- 2) Ensuring accessibility by non-car modes
- 3) Appropriateness of highway network to access residential development

The applicant proposes that highway access to the site would be provided from Whitchurch Road via a new priority junction.

According to the Transport Statement, observed 85<sup>th</sup> percentile speeds (with wet weather adjustment) were 41mph in the northbound direction, and 42.3mph in the southbound direction. Based on Manual for Streets (MfS) calculations, such speeds would equate to required visibility splays of 68m to the left (towards northbound traffic) and 71m to the right (towards southbound traffic).

Drawing 1372 submitted with the application indicates that achievable visibility splays from the site access measured to the nearside kerb are 90m to the left and 58m to the right, as measured to the nearside kerblines. Therefore, visibility to the left can be achieved to above the required standard, while visibility to the right is 13m short of the required standard to the right, when measured to the nearside kerblines.

Drawing 1372 also indicates that additional visibility is likely to be achievable if the visibility splay were measured to the path of an oncoming vehicle, rather than to the kerblines. Furthermore, the applicant has proposed to make a financial contribution to cover the cost of a speed reduction scheme in the vicinity of the site entrance.

The Transport Statement provides the outputs of PICADY modelling at the proposed site access onto Whitchurch Road, and does not indicate any likely capacity issues associated with the new junction.

In light of the limited magnitude of difference between the achievable visibility and the ordinarily required visibility splay and the evidence presented regarding visibility into the path of an oncoming vehicle, the Strategic Highways Manager advises that he would not be minded to object to the proposals on the basis of visibility, subject to the applicant delivering a speed reduction scheme prior to first development. This could be achieved by condition

## **Off-Site Impact**

The Transport Statement quotes typical trip rates for a residential development in this location, which would be equivalent to between approximately 23 and 22 vehicles entering or leaving the site in the peak hours.

In the absence of significant capacity issues at junctions in the vicinity of the site, it is accepted that the traffic generated by the site is unlikely to have a significant adverse impact on off-site highway capacity.

## **Accessibility by Sustainable Modes**

The Transport Statement provides evidence of existing local services within a reasonable walking distance of the site, in addition to existing public transport services. However, pedestrian footways in the immediate vicinity of the site are presently limited.

Drawing 1372 indicates that footways would be provided on both sides of the proposed site access. On the south-western side of the proposed site access, the new footways into the site would connect to an existing footway on the south-western side of Whitchurch Road. On the north-eastern side of the proposed site access, the new footways would connect to new footways which would be provided by the applicant on the south-eastern side of Whitchurch Road.

The applicant must therefore provide new footways on Whitchurch Road between the proposed site access and, as a minimum, Will'O'Bee Cottage to the east, as shown in Drawing 1372.

## **Highways Layout**

A revised site layout has been provided which incorporates a central access road designed in closer accordance with Manual for Streets.

## **Amenity**

A key consideration of the development would be the impact it would have on neighbouring amenity in terms of privacy and overlooking.

The indicative layout suggests that the amenities of neighbours opposite can be adequately safeguarded, in line with the interface standards in the Local Plan.

Whilst this scheme itself is of a relatively small scale, and as such would not require a detailed air quality impact assessment, there is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality.

The cumulative impact of a number of developments in the area around Crewe and the AQMAs (regardless of their individual scale) has the potential to significantly increase traffic emissions and as such adversely affect local air quality for existing residents by virtue of additional road traffic emissions.

The Environmental Health Officer feels it appropriate to ensure that uptake of these options is maximised through the development and implementation of a suitable travel plan.

In addition, modern Ultra Low Emission Vehicle technology (such as all electric vehicles) are expected to increase in use over the coming years (the Government expects most new vehicles in the UK will be ultra low emission). As such it is considered appropriate to create infrastructure to allow home charging of electric vehicles in new, modern properties.

The Environmental Health Officer has raised no objections to the development on air quality grounds subject to the use of conditions.

### Contaminated Land

The Environmental Health Officer has requested an informative in relation to land contamination.

### **Trees and Hedgerows**

#### Trees

There are trees and hedgerows present on the application site.

### **Design**

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

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

In this case the density of the site at circa 34 dwellings per hectare is appropriate and is consistent with that adjacent.

The cul-de-sac layout of houses would be broken-up by the use of differing varieties of house styles within the layout of the dwellings, parking is set mainly behind the building lines and within detached garages. Smaller semi-detached units are spread through the site. Building heights are limited to 2 storey development, which is considered to reflect the existing vernacular in Aston.

It is considered that the development would comply with Policy BE.2 (Design Standards) and the NPPF.

### **Ecology**

In this case Natural England advises that the proposed development is not likely to have an adverse impact upon the features for which the site was designated and they advise that an Appropriate Assessment under the Habitat Regulations is not required.

### Other Protected Species

The Councils Ecologist advises that in relation to the following :

#### Bats

No trees on site have been identified as having high potential to support roosting bats.

The proposed development is unlikely to have a significant adverse impact upon roosting bats. However, if planning consent is granted a condition is required to ensure any lighting scheme developed for the site as part of the detailed design stage for the site is agreed with the LPA prior to the commencement of development.

#### Great Crested Newts

The Councils Ecologist advises that this species is unlikely to be present or affected by the proposed development.

#### Hedgerows

Hedgerows are a UK and Local BAP priority habitat and a material consideration. There is likely to be loss of sections of hedgerow to facilitate site access road. There are however opportunities for suitable replacement hedgerows to be provided as part of the layout of the scheme. The Councils Ecologist recommends the provision of suitable replacement hedgerows be secured through an appropriate landscaping scheme.

#### Breeding Birds

The application site is likely to support a number of species of breeding birds including the more widespread priority species which are a material consideration for planning. If planning consent is granted the Councils Ecologist recommends the use of conditions to safeguard breeding birds.

### **Public Open Space**

Policy RT.3 of the Replacement Local Plan says that in new housing developments with more than 20 dwellings the provision of a minimum of 15sqm of shared recreational open space per dwelling will be sought. It goes on to say that where the development includes family dwellings an additional 20sqm of shared children's play space per family dwelling will be required as a minimum for the development as a whole, subject to various requirements.

The POS (670m) is located to a central part of the site and is overlooked by dwellings, aiding surveillance. The proposal should provide an equipped children's play area. The equipped play area needs to cater for younger children - 5 pieces of equipment. A ground-flush roundabout would be desirable, as these cater for less able-bodied children. All equipment needs to be predominantly of metal construction, as opposed to wood and plastic.

All equipment must have wetpour safer surfacing underneath it, to comply with the critical fall height of the equipment. The surfacing between the wetpour needs to be bitmac, with some ground graphics. The play area needs to be surrounded with 16mm diameter bowtop railings, 1.4m high hot dip galvanised, and polyester powder coated in green. Two self-closing pedestrian access gates need to be provided (these need to be a different colour to the railings). A double-leaf vehicular access gate also needs to be provided with lockable drop-bolts. Bins, bicycle parking and appropriate signage should also be provided.

A scheme of management for the POS and LEAP will need to be secured as part of a S106 Agreement if permission were to be granted.

## **Education**

There are 2 primary schools within a 2 mile radius – Sound & District Primary and Wrenbury Primary.

The catchment secondary school is Brine Leas.

There is sufficient capacity within the primary sector however Brine Leas school is over-subscribed therefore a secondary contribution will be required ( $4 \times 17959 \times 0.91 = \text{£}65,371$ ).

## **Flood Risk and Drainage**

A Flood Risk Assessment has been submitted as part of the application.

The advice of the Council's Flood Risk Manager is awaited and will be reported to Committee in an update report.

## **LEVY (CIL) REGULATIONS**

For the purposes of any appeal that may be submitted in the event this application is refused and in order to comply with the Community Infrastructure Levy (CIL) Regulations 2010, it is now necessary for planning applications/appeals with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

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

As explained within the main report, POS and children's play space is a requirement of the Interim Planning Policy and Local Plan Policy RT.3. A scheme of management is required and is directly related to the development and is fair and reasonable.

The development would result in increased demand for school places in the Brine Leas catchment. In order to increase capacity of the school which would support the proposed development, a contribution towards secondary school education is required. This is considered to be necessary and fair and reasonable in relation to the development.

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

## **10. CONCLUSIONS**

The site is within the Open Countryside where under Policy NE.2 there is a presumption against new residential development. The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development. However, the Council can now demonstrate a five year housing land supply.

In terms of the highways impact of the proposal, subject to conditions the Strategic Highways Manager is satisfied that the proposal will not have any impact that would justify a refusal of planning permission.

In terms of Ecology there would be no ecological issues associated with this application.

The detailed design and layout of the site is considered to be in keeping with the existing mixed character of the area.

The education impact could be accommodated within local schools with a contribution to fund additional secondary education provision.

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

Whilst the site does not meet all the minimum distances to local amenities and facilities advised in the North West Sustainability toolkit, there is not a significant failure to meet these and all such facilities are accessible to the site. The development is therefore deemed to be locationally sustainable, however, this is one element of sustainability

The overall benefits of the proposal in terms of the affordable housing and continuing supply of housing to the housing supply chain and the economic contributions new housing would bring are considered to be insufficient to outweigh the harm that would be caused in terms of the impact on the loss of open countryside given the housing land supply position of the Council, in the absence of a need to develop the site in order to meet housing land supply requirements.

The proposal is not essential for the purposes of agriculture, forestry, outdoor recreation, works by statutory undertakers, or other uses appropriate to a rural area; and does not meet the exception of policy NE.2 (Open Countryside) which allows the infilling of a small gap with one or two dwellings in an otherwise built up frontage. The application site would amount to new dwellings within the open countryside. It is therefore considered that the proposed development would have a significantly adverse effect on the open countryside. The development is therefore contrary to Local Plan policies NE.2 (Open Countryside) and RES.5 (Housing in the Open Countryside) and the National Planning Policy Framework and is recommended for refusal accordingly.

As a material consideration the proposal is also contrary to Policy PG5 of the Submission Version of the Local Plan Strategy.

## **11. RECOMMENDATIONS**

**REFUSE for the following reasons:**

**1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies NE.2 (Open Countryside) and RES.5 (Housing in Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan, Policy PG 5 of the Cheshire East Local Plan Strategy – Submission Version and the principles of the National Planning Policy Framework and create harm to interests of acknowledged importance. 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 contrary to the emerging Development Strategy. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.**

**In order to give proper effect to the Board's/Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Strategic & Economic Planning, in consultation with the Chair (or in her absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.**

**Should this application be the subject of an appeal, authority be delegated to the Principal Planning Manager in consultation with the Chair of the Southern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.**

**S106 Heads of Terms:**

**1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:**

- The numbers, type, tenure and location on the site of the affordable housing provision**
- The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing**
- The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved**
- The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and**
- The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.**

**1. Provision of POS and 5 piece LEAP and a scheme of management.**

**2. Commuted Sum payment in lieu of secondary education provision £65,371**

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