

Application No: 14/3962N

Location: Land North of POOL LANE, WINTERLEY, CHESHIRE

Proposal: Outline planning permission for the construction of up to 79no. dwellings

Applicant: Footprint Land and Development

Expiry Date: 20-Nov-2014

### **SUMMARY**

The proposed development would be contrary to Policies NE.2 and RES.5 and the development would result in a loss of open countryside. However as Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites and the presumption in favour of sustainable development applies at paragraph 14 of the Framework where it states that LPA's should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

The development would provide benefits in terms of affordable housing provision, delivery of housing, POS provision and LEAP and significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in Winterley/Haslington.

The development would have a neutral impact upon education, protected species/ecology, drainage, highways, trees residential amenity/noise/air quality/contaminated land and landscaping could be secured at the reserved matters stage.

The adverse impacts of the development would be the loss of open countryside and the loss of agricultural land.

There would be few adverse impacts in approving this development and they would not significantly and demonstrably outweigh the benefits of the development. The contribution of the development of this site towards the housing need of the Borough is considered to be significant and the presumption in favour of sustainable development applies. As such the application is recommended for approval.

### **RECOMMENDATION**

**Approve subject to conditions and a S106 Agreement**

## **PROPOSAL**

This is an outline planning application for the erection of up to 79 dwellings. Access is to be determined at this stage with all other matters reserved.

The proposed development includes a single access point onto Crewe Road which would be located to the western boundary of the site.

The western portion of the application site has outline planning permission for the erection of up to 45 dwellings following the appeal decision for application 13/4632N.

## **SITE DESCRIPTION**

The site of the proposed development extends to 2.89 ha and is located to the northern side of Pool Lane and the eastern side of Crewe Road, Winterley. The site is within Open Countryside. To the northern boundary of the site is an agricultural field and residential development fronting Crewe Road. To the east of the site is ribbon development fronting Pool Lane and to the south of the site is Pool Lane with residential properties to the opposite side. To the west are residential properties.

The land is currently in agricultural use and split into two fields. There are a number of trees and hedgerow to the boundaries of the site. Two trees onto the southern boundary of the site with Pool Lane are protected by a Tree Preservation Order as is a third tree to the south-east corner of the site.

The application site is relatively flat.

## **RELEVANT HISTORY**

14/3393N - Outline planning permission for the construction of up to 45no. dwellings (Resubmission of 13/4632N) – Refused 25<sup>th</sup> September 2014

13/4632N - Outline planning permission for the construction of up to 45no. dwellings – Refused 1th March 2014. Appeal Lodged. Appeal Allowed

Reasons for refusal as follows:

*1. The proposed residential development is unsustainable because it is located within the Open Countryside contrary to Policies NE.2 (Open Countryside), NE.12 (Agricultural Land Quality) and RES.5 (Housing in the Open Countryside) of the Crewe and Nantwich Replacement Local Plan, Policy PG5 of the emerging Cheshire East Local Plan Strategy – Submission Version and the principles of the National Planning Policy Framework, which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it and creates harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land in accordance with the National Planning Policy Framework and consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.*

2. *The proposal would result in loss of the best and most versatile agricultural land and given that the Authority can demonstrate a housing land supply in excess of 5 years, the applicant has failed to demonstrate that there is a need for the development, which could not 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.*

## **NATIONAL & LOCAL POLICY**

### **National Policy**

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs:

- 14. Presumption in favour of sustainable development.
- 50. Wide choice of quality homes
- 56-68. Requiring good design

### **Development Plan**

The Development Plan for this area is the Borough of Crewe and Nantwich Replacement Local Plan 2011, which allocates the site, under policy NE.2, as open countryside.

The relevant Saved Policies are:

- NE.2 (Open countryside)
- NE.5 (Nature Conservation and Habitats)
- NE.8 (Sites of Local Importance for Nature Conservation)
- 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)
- RT.9 (Footpaths and Bridleways)
- TRAN.3 (Pedestrians)
- TRAN.5 (Cycling)

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

### **Cheshire East Local Plan Strategy – Submission Version (CELP)**

The following are considered relevant material considerations as indications of the emerging strategy:

- 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

**Supplementary Planning Documents:**

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

**CONSULTATIONS**

**Environment Agency:** The Environment Agency has no objection in principle to the proposed development but suggests a condition in relation to contaminated land.

**United Utilities:** Drainage condition suggested.

**NHS England:** No comments received.

**Strategic Highways Manager:** The principle of development on the site has been established at appeal and the Strategic Highways Manager does not consider that the additional units proposed in this application provides such a material difference in traffic impact to warrant an objection on traffic grounds. Subject to the satisfactory relocation of the bus stop on Crewe Road no objections are raised.

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

**CEC Drainage:** No objection subject to the imposition of drainage conditions.

**Ansa (Public Open Space):** 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.

**Public Rights of Way:** A need for additional high-quality cycle parking has been previously identified in Haslington village. In order to encourage residents of the proposed development to travel to the services of Haslington by bike, the developer should be tasked to contribute to the provision of these facilities. Such active travel could be further encouraged by means of connecting path(s) for pedestrians and cyclists from the site onto Pool Lane.

It is understood that a refuge island would be constructed in Crewe Road to assist pedestrians and cyclists when entering or leaving the proposed development via the site access.

The developer should be tasked to provide new residents with information about local walking, cycling and public transport routes for both leisure and travel purposes.

**Education:** A development of 79 dwellings will generate 14 primary places and 10 secondary.

Primary schools within a 2 mile radius (Haslington Primary, The Dingle Primary and Wheelock Primary) and secondary schools within a 3 mile radius (Alsager School, Sir William Stanier Community School and Sandbach High school Boys and Girls) have all been taken in to consideration for capacity. It is forecast sufficient capacity for primary places, so no contribution is to be sought.

Secondary places are expected to be insufficient due to committed developments taking place in surrounding areas. On this basis, a contribution of  $10 \times £17959 \times 0.91 = £163,427$  towards secondary education.

**SUSTRANS:** Would like to make the following comments:

- The cul-de-sac heads should allow access onto Pool Lane for pedestrians and cyclists only.
- At the proposed junction with Crewe Road, we would like to see a refuge, of minimum depth 2m, to allow pedestrians and cyclists to cross the road with safety.
- The design of the estate should restrict vehicle speeds to less than 20mph.
- SUSTRANS would like to see secure cycle parking under cover for those smaller properties without garages.
- SUSTRANS would like to see travel planning set up for the site, with targets, monitoring and with a sense of purpose

## **VIEWS OF THE PARISH COUNCIL**

**Haslington Parish Council:** Haslington Parish Council objects to the proposed development with the following issues and concerns, it also supports residents objections to the development. This application is one of a number currently under consideration within the parish of Haslington, their potential impact on our rural communities needs to be considered as both individual applications and cumulatively.

- The application is contrary to policy NE2 and Local Plan submission core strategy PG5, Pool Lane falls outside of the settlement boundary of Haslington and Winterley, therefore should not be considered for development.
- The development will increase the urbanised area of the village, changing its character to the detriment of the existing properties.
- Impact upon Winterley Pool which is listed as a Grade C site with respect to nature conservation: and has significant landscape value.

- Safe route to schools have not been demonstrated within the application. The nearest school "The Dingle" would be via Newtons Lane and Clay Lane, much of which is narrow, used by rat running commuter vehicles and has no footpath or street lighting.
- Winterley has 600 houses and the addition of 70 houses at Kent's Green Farm and 79 houses at Pool Lane (25% village increase) on this development with the potential 250 at Hazel Bank would not comply with any appropriate scaling levels.
- The size of the overall range of developments is unsustainable given the village support services.
- The conservation and enhancement of the built environment has similarly been overlooked.
- The application site is of high landscape value because it makes an important contribution to the intrinsic character and beauty of the countryside and, specifically, to Winterley village's character and sense of place.
- The increase in the size of development from 45 to 79 houses does not appear to include any increase in the amount of land allocated for public open space, or any appropriate formal play space / equipment.
- The proposed development would result in a built up frontage to both sides of Pool Lane, changing the character of this old country lane.
- The Design and Access document includes some 2.5 and 3 storey houses. There is no local precedent for this.
- The revised access/egress proposal is still very close to the junction for Newtons Lane is dangerous, and will give rise to significant vehicular emissions.
- Sewage proposals within the village footprint are under pressure.
- During periods of heavy rain, there is persistent flooding accumulation from the drains on the opposite side of Crewe Road, periodically all the way along from Newtons Lane to the Forresters Arms.
- The application only appears to address flood issues within the site boundary, The community is most concerned at the potential increase in flood risk in the area around Winterley including Winterley Pool alongside the banks of Fowle Book through into Haslington where neighbouring gardens are at increased risk of inundation by flood water.
- Traffic calming measures (bollards and reduced road width) recently installed in Winterley, along with the speed visual (adjacent to the Holly Bush), traffic humps (in Haslington) and periodic police speeding enforcement all suggest the village is already under pressure to provide adequate traffic calming measures. The inclusion of such a significant increase in vehicles would make this unmanageable.
- Rural locations have a higher dependency car usage
- Transport does not take into account the effects of the additional traffic on the most sensitive parts of the network namely the A534 Crewe Green Roundabout and the A534/A533 junction (Old Mill Road/The Hill). The additional traffic generated may not give issues on the immediate network but the queues on the approaches to the roundabouts will effectively increase by a corresponding amount during the AM peak. This will be worse once the approved sites in Haslington are fully developed.
- It should be considered that the main influence in the AM peak would be the local schools, the nearest employment location in Crewe, and M6 Junction 16, all of which will influence right and left turns out of the site and will increase the number of vehicles on the Crewe Road Roundabout. No evidence is apparent to address this by the additional number of cars such a development would generate.
- Due to the distance, it can be assumed that children will be driven to the Dingle Primary School and this will increase significantly the number of vehicles on Kent's Green Lane and Newtons Lane which are narrow roads/lanes approximately 5.5m wide.

- Although there have currently been no collisions recorded resulting in injury during the past 5 years in the vicinity of the site, consideration should be given to the whole length of Crewe Road through Haslington and Winterley, as there are locations that such collisions do occur.
- Access/egress to Swan Lake restaurant and takeaway is continuously busy, and to assume an entranceway to properties directly adjacent to this is dangerous.
- Current drainage is already unable to cope with water runoff, consequently the accumulation of this, alongside any increase in wet weather would add to that risk.
- Cumulative impact upon secondary school education.
- The primary admissions at both The Dingle and Haslington schools are currently oversubscribed by small numbers (3 and 1 respectively in 2013).
- Winterley is deemed as an unsustainable village by its lack of infrastructure around shops, education and services, therefore a collective range of proposals to build both this development and any of the additional proposal submissions currently underway cannot be considered sustainable development.
- The submission core strategy proposes a requirement for employment land allocated for “other settlements and rural areas” this application does not address this issue. Any new residential housing is likely to require employment opportunities for the new occupiers.

## **REPRESENTATIONS**

Letters of objection have been received from 61 local households raising the following points:

### Principal of development

- The site is within the open countryside
- Intrusion into the open countryside
- Loss of agricultural land which is BMV
- There is support for the earlier refusals on this site
- There is no need for further development
- The development could be half built as there is no need for new housing in Winterley
- Lack of facilities in Winterley
- Winterley would see a 19% increase in size if all the applications are approved
- Due to its size the development cannot be classed as infill
- Contrary to Local Plan Policies
- The development will urbanise Winterley
- Haslington and Winterley will end up merging into one settlement
- The cumulative impact of developments in the village
- The development is out of scale compared to Winterley
- The size of the development is unsustainable
- Winterley is an unsustainable village
- Loss of village identity
- Approving the application will result in further applications in Winterley
- Speculative housing development
- The development is not commensurate to the size of Winterley
- There are no jobs in the village
- The development is not essential and is contrary to the Local Plan
- The development is contrary to the NPPF
- Landscape impact
- Loss of green land
- There are many unsold homes in the area

- The development is contrary to the NPPF
- The three storey properties would be out of character
- Brownfield sites should be developed first

### Highways

- Increased traffic
- Pedestrian safety
- The proposed access point would be opposite Newtons lane and is not safe
- There are no safe walking routes to local schools
- Cumulative highways impact from other developments in the area
- There is existing high volumes of traffic using Crewe Road
- The proposed access in at a dangerous location on a bend in the road
- Increased use of Pool Lane as a rat run
- Pool Lane is too narrow for any additional traffic
- The traffic statement does not consider the wider traffic impacts (Crewe Green Roundabout and Old Mill Road/The Hill)
- The transport assessment makes no reference to the transport capabilities of the villages. A robust TA is required
- Increased traffic on country lanes
- There are a number of accidents along Crewe Road within Haslington and Winterley
- Drivers do not keep to the speed limit along Crewe Road
- The position of the access is not safe
- Existing difficulties accessing the M6
- Traffic problems when there is an accident on the M6 and the bypass
- There would be no increase in public transport
- Traffic speed through the village
- Insufficient visibility at the site access point
- Increased rat running through country lanes
- Footpaths and cycleways along Crewe road are inadequate
- Increased traffic will make the traffic management measures through the village unmanageable
- Pedestrian/cyclist/horse rider safety

### Green Issues

- Impact upon wildlife
- Impact upon protected species
- Winterley Brook is a Grade C Nature Conservation site and the development will put tourists off from visiting this site
- The development will cause pollution to Winterley Pool
- Increased flooding
- Inadequate assessment of flood risk within the application
- Flood risk also impacts upon wildlife, flora and fauna
- Impact upon Winterley Pool
- Increased air pollution
- Impact upon TPO trees
- Impact upon hedgerows

### Infrastructure

- The local schools are full
- There impact upon local schools will be exacerbated by the approved developments in the area

- Drainage/Flooding problems
- Internet access will not support this development
- Lack of medical facilities in the village
- Doctors surgeries are full
- The local Primary School is already full
- Insufficient capacity at the high schools in Sandbach
- Sewage infrastructure is not adequate
- Impact upon electricity infrastructure
- No shops in the village

#### Amenity Issues

- The development would have a negative impact upon the occupants of Crewe Road, Newtons Lane, Nesfield Drive, Fisherman's Close and Pool Lane
- Visual impact
- Loss of outlook
- Increased dust
- Increased noise
- Increased air pollution
- There are existing foul drainage problems in this area
- Increased noise and disturbance

#### Design issues

- The development would be highly visible and would detract from the character of Winterley
- The suburban nature of the development would be harmful to the area
- The landscape strategy for the site is not acceptable
- The site is elevated and the proposed three-storey dwellings would be out of character
- Affordable Housing is squeezed onto the site
- The indicative plans shows housing side onto Crewe Road which is not an acceptable design solution
- Three storey dwellings would not respect the character of Winterley
- Little details on the outline application

#### Other issues

- Impact upon property value

### **APPRAISAL**

#### **The key issues are:**

- Loss of open countryside
- Impact upon nature conservation interests
- Design and impact upon character of the area
- Landscape Impact
- Amenity of neighbouring property
- Highway safety
- Impact upon local infrastructure

#### **Principle of Development**

The site lies largely in the Open Countryside as designated by the Borough of Crewe and Nantwich Replacement Local Plan 2011, where policy NE.2 states 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.

It should also be noted that following a recent appeal decision the principle of residential development has previously been accepted on part of this site.

### **Housing Land Supply**

Paragraph 47 of the National Planning Policy Framework requires that Council's identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements.

The calculation of Five Year Housing supply has two components – the housing requirement – and then the supply of housing sites that will help meet it. In the absence of an adopted Local Plan the National Planning Practice Guidance indicates that information provided in the latest full assessment of housing needs should be considered as the benchmark for the housing requirement.

Following the suspension of the Examination into the Local Plan Strategy and the Inspectors interim views that the previous objectively assessed need (OAN) was ‘too low’ further evidential work has now taken place and a fresh calculation made.

Taking account of the suggested rate of economic growth and following the methodology of the NPPG, the new calculation suggests that need for housing stands at 36,000 homes over the period 2010 – 2030. Although yet to be fully examined this equates to some 1800 dwellings per year.

The 5 year supply target would amount to 9,000 dwellings without the addition of any buffer or allowance for backlog. The scale of the shortfall at this level will reinforce the suggestion that the Council should employ a buffer of 20% in its calculations – to take account ‘persistent under delivery’ of housing plus an allowance for the backlog.

While the definitive methodology for buffers and backlog will be resolved via the development plan process this would amount to an identified deliverable supply of around 11,300 dwellings.

This total exceeds the total deliverable supply that the Council is currently able to identify – and accordingly it remains unable to demonstrate a 5 year supply of housing land.

## **Spatial Distribution**

The Southern Planning Committee has previously resolved to refuse a number of applications which include the contention that the development would exceed the spatial distribution of housing in the southern part of the Borough (including Haslington) with reference to paragraphs 70 – 80 of the Inspector’s Interim views on the Local Plan.

Paragraphs 70 – 80 of the Inspector’s Interim Views concern the settlement hierarchy and spatial distribution of development; the Inspector was satisfied with the proposed settlement hierarchy but concluded that “the proposed distribution may not fully address the development needs and opportunities at all towns and settlements, particularly those in the north of the district” and that “some further work may be required to justify the proposed spatial distribution of development, particularly to address the development needs and opportunities of the Green Belt settlements in the north of the district.”

There is nothing in these paragraphs of (or elsewhere in) the Inspector’s Interim Views to justify their deployment in support of refusing applications in the Southern part of the Borough. As such a reason for refusal on these grounds could not be sustained.

It should be noted that part of this site has outline planning permission for the erection of 45 dwellings following a recent appeal decision. This proposed development would result in the addition of 34 dwellings to the east of the appeal site. This scale of development is not harmful to the settlement of Winterley and would represent sustainable development. The previous conclusions made by the Inspector on part of this site apply to this application and are as follows:

*‘The proposed development would constitute sustainable development for which the Framework contains a presumption in favour. On the evidence placed before this inquiry, the lpa cannot demonstrate a 5-year supply of deliverable housing sites. Whilst there would be some limited conflict with the relevant provisions of RLP Policies NE.2, NE.12 and RES.5, elements of Policies NE.2 and RES.5 are out of date and the weight to be attached to these policies is reduced. The conflict with these policies in terms of loss of countryside and loss of B&MV agricultural land, having regard to the Framework presumption in favour of sustainable development, is significantly and demonstrably outweighed by the benefits of this development. Accordingly, this appeal is allowed’*

## **SOCIAL SUSTAINABILITY**

### **Affordable Housing**

The site falls within the Haslington and Englesea sub area for the purposes of the SHMA update 2013. This identified a net requirement for 44 affordable homes per annum for the period 2013/14 – 2017/18. This comprises a need for 1 x 1 bed, 11x 2 bed, 19 x 3 bed & 10 x 4+ bed general needs units and 1 x 1 bed and 1 x 2 bed older persons accommodation.

The Affordable Housing Interim Planning Statement (IPS) states that on all sites of 3 units or over in settlements with a population of 3,000 or less will be required to provide 30% of the total units as affordable housing on the site with the tenure split as 65% social or affordable rent and 35% intermediate tenure. This equates to a requirement of 24 affordable units in total on this site, split as 16 for social or affordable rent and 8 for intermediate tenure.

The exact details of the affordable housing will be provided at reserved matters stage. This will be secured as part of a S106 Agreement.

### **Public Open Space**

Policy RT.3 states that where a development exceeds 20 dwellings the Local Planning Authority will seek POS on site. In this case the level would be 2,765sq.m and the indicative plan shows that the developer will provide 3,221sq.m of public open space. As such this would exceed the amount required on this site.

In terms of children's play space this would be provided on site and the applicant has indicated that they are willing to provide a LEAP with 6 pieces of equipment. This would be an acceptable level given the number of dwellings on the site and would comply with Policy RT.3. This would provide an important benefit to the residents of Winterley which do not currently have a formal children's play area.

### **Education**

In terms of primary school education, the proposed development would be served by Haslington Primary, The Dingle Primary and Wheelock Primary. The Education Department have confirmed that there is capacity to accommodate the children generated by this development and there is no requirement for a secondary school contribution.

In terms of secondary schools, there are four which would serve the proposed development (Alsager School, Sir William Stanier Community School and Sandbach High school Boys and Girls) and the proposed development would generate 10 new secondary places which cannot be accommodated. As there are capacity issues at these local schools the education department has requested a contribution of £163,427. This will be secured via a S106 Agreement should the application be approved.

### **Health**

A number of the letters of objection raise concerns about the impact upon health provision in this area. At the time of writing this report a consultation response was awaited and an update will be provided in relation to this issue.

### **Location of the site**

To aid this assessment, there is a toolkit which was developed by the former North West Development Agency. With respect to accessibility, the toolkit advises on the desired distances to local amenities which developments should aspire to achieve. The performance against these measures is used as a "Rule of Thumb" as to whether the development is addressing

sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

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

- Amenity Open Space (500m) – would be provided on site
- Children's Play Space (500m) – would be provided on site
- Bus Stop (500m) – 50m
- Public House (1000m) – 350m
- Public Right of Way (500m) – 500m
- Child Care Facility (nursery or crèche) (1000m) - 200m
- Community Centre/Meeting Place (1000m) – 200m

The following amenities/facilities fail the standard:

- Supermarket (1000m) – 3800m
- Outdoor Sports Facility (500m) – 1600m
- Convenience Store (500m) – 1700m
- Primary School (1000m) – 1700m
- Pharmacy (1000m) – 2000m
- Post office (1000m) – 2000m
- Secondary School (1000m) – 3700m
- Medical Centre (1000m) - 2000m

In summary, the site does not comply with all of the standards advised by the NWDA toolkit. However as stated previously, these are guidelines and are not part of the development plan. Owing to its position on the edge of Winterley, there are some amenities that are not within the ideal standards set within the toolkit and will not be as close to the development as existing dwellings which are more centrally positioned. Nevertheless this is not untypical for suburban dwellings and will be the same distances for the residential development in Winterley from the application site. However, the majority of the services and amenities listed are accommodated within Haslington and are accessible to the proposed development on foot or via a short bus journey (the site is located on the main bus route between Crewe and Sandbach). It should also be noted that the site is located on National Cycle Network Route 451 and is easily accessible for cyclists. Accordingly, it is considered that this small scale site is a sustainable site.

This view is supported by the Inspectors recent appeal decision on part of this site where he stated that:

*'Whilst not all services are available in Winterley, it is close to other settlements that possess a wider range of services, there is a regular bus service that passes in front of the site and it is within some 20 minutes cycling time of Crewe. In this context, I have no reason to dispute the Statement of Common Ground conclusion regarding the sustainability of the location'*

## **ENVIRONMENTAL SUSTAINABILITY**

### **Residential Amenity**

To the north of the site 326 Crewe Road has a blank side elevation facing the site and the orientation and separation distances shown on the indicative plan show that there would not be a detrimental impact upon the residential amenities of this property.

Due to the separation distances involved to the properties to the south and the intervening highway and boundary treatments there would not be a significant impact to the dwellings to the south on the opposite side of Pool Lane.

To the west the nearest property is a bungalow at 29 Pool Lane which has a number of windows to its side elevation facing the application site. The indicative plan shows that there would be dwellings backing onto this boundary and side onto the boundary at the rear. There is no reason why an acceptable solution could not be negotiated at the reserved matters stage.

The Environmental Health Officer has requested conditions in relation to hours of operation, external lighting, and contaminated land. These conditions will be attached to any planning permission.

### **Air Quality**

The proposed development is not close to any air quality management areas (AQMA) and an air quality assessment was not deemed necessary. However, it is likely that some small impact would be made in the Nantwich Road AQMA and that when combined with the cumulative impacts of other committed and proposed developments in the Crewe area the significance is increased. There is also no assessment of the dust impacts and details of dust control would need to be submitted should planning approval be granted. Conditions would be attached in relation to dust control.

### **Public Rights of Way**

There are no PROW located on the application site.

In response to the comments made by the Councils PROW Officer further pedestrian links onto Pool Lane could be negotiated at the reserved matters stage to improve pedestrian movements from this site.

In relation to the request for cycling parking in Haslington village centre further information has been requested from the PROW Officer in terms of this scheme and any costs. A contribution of £5,000 will be secured as part of the S106 Agreement.

### **Highways**

#### Access

The proposed development is in outline form with access to be determined at this stage. The proposed development would be accessed via a simple priority junction with a 5.5 metre wide carriageway with 2 metre wide footways on both sides and junction radii of 10 metres. The highways officer has commented that this design is typical of a residential development of this scale.

Crewe Road has a 30mph speed limit at this point. In this case the submitted plans indicate that visibility splays of at least 2.4m x 43m can be achieved in both directions. These visibility splays would comply with guidance contained within Manual for Streets.

The submitted Transport Assessment (TA) identifies that the proposed site access would operate with significant spare capacity and the traffic associated with this development can be accommodated onto the local network.

### Traffic impact

The proposed development would generate 44 two-way trips during the AM peak hour and 47 two-way trips during the PM peak hour. This traffic generation will be distributed across the highway network in both directions.

There are local concerns over the impact upon the highway network and Crewe Green roundabout and there is a scheme of CEC improvements in this location. In this case the Highways Officer considers that the development would not have a severe impact upon this junction and as such no mitigation will be required from this development.

The only other committed development within the Parish of Haslington is at Vicarage Road (44 dwellings). Given the scale of the developments there is not considered to be a cumulative highways impact associated with this development.

It should be noted that the recent appeal decision at Land off Crewe Road, Haslington for 250 dwellings does not change this view of the Strategic Housing Manager.

### Public Transport

The application site is site is within easy reach of bus stops in both directions with hourly connections to Crewe, Sandbach, Winsford, Northwich and Macclesfield throughout the day.

### Highways Conclusion

In conclusion the proposed development would have an access of an acceptable design with adequate visibility. The traffic impact upon the local highway network would be limited and was found to be acceptable as part of the recent appeal. Improvements would be secured to the bus stops in the locality. It is therefore considered that the development complies with the local plan policy BE.3 and the test contained within the NPPF which states that:

*'Development should only be prevented or refused on transport grounds where then residual cumulative impacts of development are severe'*

### **Trees**

A tree survey has been submitted in support of this application and this grades all trees on the site and those in close proximity to the site (including those located on the opposite side of Pool Lane). The survey grades 19 trees including the two TPO trees to the Pool Lane boundary and the TPO tree within the curtilage of 29 Pool Lane as Grade A (high quality and value), 13 trees as Grade B (moderate quality and value) and 8 trees as Grade C (low quality and value).

One of the two TPO Oaks on the Pool Lane road frontage exhibits signs of reduced vigour and vitality. The site plan is indicative, there will have to be amendments to accommodate the

retained high value trees, but in principle there is no objection from an arboricultural perspective subject to a suitable reserved matters layout plan.

## **Hedgerows**

In this case the indicative plan shows that the hedgerow boundaries to the site would be retained as part of this development apart from a small loss to provide the access point.

## **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 proposal would have a density of 27.3 dwellings per hectare this is consistent with the surrounding residential areas of Winterley

In this case an indicative layout has been provided in support of this application and this shows that an acceptable layout can be achieved.. It is considered that an acceptable design/layout that would comply with Policy BE.2 (Design Standards) and the NPPF could be negotiated at the reserved matters stage.

## **Landscape**

The application has been considered by the Councils Landscape Architect who consider that housing development on this site would not have any significant impacts on the character of the wider landscape area or have any significant visual impacts.

If the application is approved a number of conditions will be attached to protect/enhance the landscape on this site.

This view is supported by the Inspectors comments as part of the recent appeal where he states that:

*‘The development would result in a noticeable change particularly when viewed from Crewe Road. However, change that can be noticed is not in itself necessarily harmful. Having extensively toured the surroundings roads and attempted to view the appeal site from a variety of publicly accessible vantage points, this scheme would result not in material harm to the character and amenity of the countryside’*

## **Ecology**

Winterley Pool Site of Biological Importance (SBI)

The proposed development is located in close proximity to this locally designated site. The Councils Ecologist advises that the proposed development is unlikely to have a significant long term adverse impact upon the ecological features for which Winterley Pool was designated.

### Hedgerows

Hedgerows are a biodiversity action plan priority habitat and hence a material consideration. The greatest majority of the existing hedgerows on site are shown for retention on the submitted illustrative layout plan. There would however be a loss of hedgerow to facilitate the site access and a loss of a section of hedgerows from the interior of the site. If outline planning consent is granted any unavoidable losses of hedgerow should be compensated for through the enhancement of the retained sections of hedgerows and the creation of additional native species hedgerows. This matter could be dealt with as part of a planning condition.

### Arable Field Margins

Arable field margins are a UK Biodiversity Action Plan priority habitat and hence a material consideration. The submitted report identifies the presence of arable field margins on site. However, as the arable field margins recorded on site have been recorded as being 0.5m wide the Councils Ecologist advises they fall outside of the habitat description of this habitat and the habitats located within this 0.5m area should be better regarded as forming part of the hedgerow habitats bordering the site rather than being classified as Arable Field Margins.

### Bats

Two trees have been identified on site as having potential to support roosting bats. Both of these trees are identified as being subject to a TPO and appear to be retained as part of the proposed development. The Council Ecologist advises that the proposed development is unlikely to have a significant adverse impact upon roosting bats. If planning consent is granted a condition should be attached requiring the retention of these two trees.

The potential loss of hedgerows from the site may have a localised adverse impact upon foraging and commuting bats so it is important that any losses are adequately compensated for as described above.

### Breeding Birds

If planning consent is granted conditions are suggested to safeguard breeding birds.

### **Flood Risk**

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps. Flood Zone 1 defines that the land has less than 1 in 1000 annual probability of flooding and all uses of land are appropriate in this location. As the application site is more than 1 hectare, a Flood Risk Assessment (FRA) has been submitted in support of the application.

The submitted FRA identifies the following:

- Flooding - The Environment Agency has stipulated that there are to be no off site surface water flood routes generated by the development during an enhanced 1 in 100 year storm.

- Site Surface Water Drainage – SUDS in the form of soakaways is considered to be a practical option
- Foul Water Drainage – Foul water will be discharged into the existing sewer located beneath Crewe Road subject to the agreement of United Utilities
- Off Site Impacts - All roofed and paved areas are to be drained into the site surface water drainage system. The design of the onsite surface water drainage system will ensure that no off site flood flows are generated by the proposed development in the 1% plus climate change event.
- Residual Impacts - With careful design of the drainage elements, there will be no residual flood related risk remaining after the development has been completed.

The CEC Flood Risk Manager, the Environment Agency and United Utilities have been consulted as part of this application and all have raised no objection to the proposed development. As a result, the development is considered to be acceptable in terms of its flood risk/drainage implications.

### **Agricultural Land Quality**

Policy NE.12 of the Local Plan states that development on the best and most versatile agricultural land (Grades 1, 2 and 3A) will not be permitted unless:

- The need for the development is supported by 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
- Other sustainability considerations suggest that the use of higher quality land is preferable

The National Planning Policy Framework highlights that the use of such land should be taken into account when determining planning applications. It advises local planning authorities that, ‘significant developments’ should utilise areas of poorer quality land (grades 3b, 4 & 5) in preference to higher quality land.

In this case the Agricultural Land Assessment indicates that 2 hectares of the site is Grade 2 and 0.7 hectare is Grade 3a. As a result this issue needs to be considered as part of the planning balance.

As part of the recent appeal decision the Inspector found that:

*‘the loss of B&MV agricultural land does not weigh heavily against the development’*

### **ECONOMIC SUSTAINABILITY**

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to Winterley/Haslington including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

### **CIL Regulations**

In order to comply with the Community Infrastructure Regulations 2010 it is necessary for planning applications with planning obligations 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 Local Plan Policy RT.3. It is necessary to secure these works and a scheme of management for the open space and children's play space. This contribution is directly related to the development and is fair and reasonable.

The development would result in increased demand for secondary school places in the area and there is very limited spare capacity. In order to increase capacity of the secondary schools 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.

The development would result in increased cycle movements from Winterley to Haslington.. As a result a cycle storage area within Haslington village centre 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.

## **PLANNING BALANCE**

The proposed development would be contrary to Policy NE.2 and RES.5 and the development would result in a loss of open countryside. However as Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites and the presumption in favour of sustainable development applies at paragraph 14 of the Framework where it states that LPA's should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

The benefits in this case are:

- The development would provide benefits in terms of much needed affordable housing provision and would help in the Councils delivery of 5 year housing land supply.
- In terms of the POS provision and the proposed LEAP this is considered to be acceptable. The provision of a LEAP would provide a facility for future residents and other residents in Winterley and there is no such facility.
- The development would provide significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in the area.

The development would have a neutral impact upon the following subject to mitigation:

- The impact upon education infrastructure would be neutral as the impact would be mitigated through the provision of a contribution.

- The impact upon protected species/ecology is considered to be neutral subject to the imposition of conditions to secure mitigation.
- There is not considered to be any drainage implications raised by this development.
- The proposed development would not have a severe highways impact
- The impact upon trees is considered to be neutral at this stage and further details would be provided at the reserved matters stage.
- The impact upon residential amenity/noise/air quality and contaminated land could be mitigated through the imposition of planning conditions.
- Although there would be a change in the appearance of the site. The landscape impact is considered to be neutral

The adverse impacts of the development would be:

- The loss of open countryside.
- The loss of agricultural land.

The impact upon medical infrastructure will form part of an update report.

There would be few adverse impacts in approving this development and they would not significantly and demonstrably outweigh the benefits of the development. The contribution of the development of this site towards the housing need of the Borough is considered to be significant and the presumption in favour of sustainable development applies. As such the application is recommended for approval.

#### **RECOMMENDATION:**

**APPROVE** subject to completion of Section 106 Legal Agreement to secure the following:-

- 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.
- 2. Provision of Public Open Space and a LEAP (5 pieces of equipment) to be maintained by a private management company (this should include the management of the boundary hedgerows)**
- 3. Secondary School Education Contribution of £163,427**
- 4. Cycle Parking Contribution of £5,000**

And the following conditions:-

- 1. Standard Outline**
- 2. Submission of Reserved Matters**

3. Time limit for submission of reserved matters
4. Approved Plans
5. Details of existing and proposed land levels to be submitted for approval in writing
6. Surface water run-off to be submitted for approval in writing
7. Surface water disposal to be submitted for approval in writing
8. Foul water drainage to be submitted for approval in writing
9. Contaminated land
10. Environment Management Plan for the construction phase of development
11. Travel Plan
12. Submission of revised Ecological Mitigation Strategy
13. Breeding Birds – timing of works
14. Nesting bird and bat mitigation measures
15. The reserved matters application to include replacement hedgerow planting
16. Tree protection measures
17. The first reserved matters application to include an open space scheme including POS and a LEAP
18. Management plan for the POS
19. Details of the relocation of the bus stop and bus shelter to be submitted to the LPA for approval in writing
20. Site access works to be carried out before first occupation
21. Reserved Matters application to include the retention of the Pool Lane boundary hedgerow

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 the application be subject to an appeal, the following Heads of Terms should be secured as part of any S106 Agreement:

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.
2. Provision of Public Open Space and a LEAP (5 pieces of equipment) to be maintained by a private management company (this should include the management of the boundary hedgerows)
3. Secondary School Education Contribution of £163,427
4. Cycle Parking Contribution £5,000

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