

Application No: 15/1552N

Location: Land Off, EAST AVENUE, WESTON

Proposal: Outline Planning Permission for Residential development for up to 99 dwellings (Use Class C3), with public open space, vehicular access and associated infrastructure.

Applicant: Gladman Developments Ltd

Expiry Date: 25-Jun-2015

## **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 and LEAP and significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in Weston.

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

The adverse impacts of the development would be the loss of open countryside, the loss of agricultural land and the scale of the development relative to Weston.

An update will provided in relation to contaminated land.

The adverse impacts in approving this development would significantly and demonstrably outweigh the benefits of the development and as such the application is recommended for refusal.

## **RECOMMENDATION**

**REFUSE**

## **PROPOSAL**

This is an outline planning application for the erection of up to 99 dwellings. Access is to be determined at this stage with all other matters reserved.

The proposed development includes a single access point onto East Avenue which would be located to the northern boundary of the site.

The indicative plans show that the site would include a country park which would extend to 1.36 hectares.

## **SITE DESCRIPTION**

The site of the proposed development extends to 5.2 ha and is located to the southern side of East Avenue. The site is within Open Countryside. To the southern boundary of the site is agricultural land. To the north of the site is residential development which forms the village of Weston (fronting Meadow Avenue, Fairview Avenue, Mere Road, West Avenue and East Avenue). A watercourse (Basford Brook) runs to the west of the site and drainage ditches run along the western and part of the southern boundaries of the site.

The land is currently in agricultural use and forms one large field. There are a number of trees and hedgerow to the boundaries of the site. Including some trees which are located within the centre of the site.

Two PROW (Weston FP7 and Weston FP8) cross the north-east corner of the site.

## **RELEVANT HISTORY**

14/5328S - Environmental Impact Assessment Request for a Screening Opinion for Outline Application with means of access to be considered for residential development of up to 100 dwellings (use class C3), access, open space and associated infrastructure – EIA Not Required.

## **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)  
BE.7 (Conservation Areas)  
BE.15 (Scheduled Ancient Monuments)  
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

## CONSULTATIONS

**Environment Agency:** The site is within Flood Zone 1. Refer to the standing advice.

**United Utilities:** No objection. Drainage condition suggested.

**CEC Flood Risk Manager:** No objection. Conditions suggested.

**Natural England:** Statutory sites – no objection. For guidance on protected species refer to the standing advice.

**Head of Strategic Infrastructure:** The use of East Avenue as access to the site has been examined in highway technical terms and is of a standard that can accommodate the additional units proposed. A number of local junctions have been assessed in regards to capacity and none of the modelled forecasts indicate that the local junction will be operating over capacity. With regard to the impact on the wider road network, given the relatively small numbers of peak hour traffic generation from the development that will use the strategic road network it is simply not possible to demonstrate that this particular development will have such a detrimental impact to be considered severe.

The application does not raise sufficient highway problems that would warrant refusal of the application.

**Environmental Health:** Conditions suggested in relation to construction management plan, travel plan, electric vehicle infrastructure and dust control.

Objection raised in relation to contaminated land as insufficient information has been submitted with the application relating to the development in order to assess adequately the impact of the proposed development having regard to land contamination issues. In the absence of this information, it has not been possible to demonstrate that the proposal would comply with material planning considerations.

**Ansa (Public Open Space):** The LAP proposed is too small for a development of this size. A Locally Equipped Area of Play (LEAP) on the open space will be required for this site.

**CEC Archaeology:** No further mitigation required.

**CEC PROW:** Informative suggested in relation to the PROW which cross the site.

The site should be permeable and accessible to pedestrians and cyclists. Properties should have adequate and best practice cycle storage facilities and all highway designs should incorporate accessibility for cyclists. The most northerly access point is shown on the Development Framework plan as being for pedestrians only. It could be anticipated that this access point be a main desire line for cyclists to and from the proposed development, as it would lead to Cemetery Road and then Croatia Mill Road which will in turn have a connection to the shared use pedestrian/cyclists route alongside the Crewe Green Link Road. This route would therefore form the main desire line to the

facilities of Crewe and should be designed to best practice to accommodate both pedestrians and cyclists. It is noted, however, that the lane to which this access point connects may not be recorded as public highway so could not be used for public access. The status of the lane would need to be confirmed or an alternative access point identified.

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

The legal status, maintenance and specification of the proposed paths on site would need the agreement of the Council as the Highway Authority.

**CEC Strategic Housing Manager:** No objection

**Education:** This development of 99 dwellings is expected to generate 19 primary and 15 secondary aged pupils.

There is sufficient capacity in the local secondary schools but a need in the primary sector.

$19 \times £11,919 \times 0.91 = £206,079.51$  primary contribution

## **VIEWS OF THE PARISH COUNCIL**

**Weston and Basford Parish Council:** Object to the application on the following grounds:

- The site lies wholly outside the Weston Village envelope as defined on the Proposals Map of the Crewe and Nantwich Adopted Local Plan 2011. The development of 99 dwellings in this location clearly doesn't comply with Policy NE2. In the Weston & Basford Parish Plan over 70% of the residents questioned said 'no' when asked 'do you agree with the future development of open space'.
- Weston Village is already under pressure for more development and Weston & Basford Parish more so. The applicants make no reference to the Strategic Sites proposed as part of the emerging Local Plan within the Parish. The Parish Council has accepted in principle the Strategic Sites of Basford East and the proposed South Cheshire Growth Village which together could potentially provide up to 1800 dwellings. This in itself represents 150% increase over the existing number of dwellings within the Parish which numbers around 1200. The application site is not included within the emerging Local Plan. The Parish, which is small compared with most others in the borough, is accepting more than its fair share of housing during the Local Plan period and in doing so is punching well beyond its weight! It is considered totally unacceptable to have an additional development of the scale now proposed imposed upon the parish.
- Weston Village alone contains approximately 400 dwellings. The addition of a further 99 will represent around a 25% increase. This scale of increase will in the Parish Council's judgement completely destroy the character of the Village and be seriously detrimental to the amenities and quality of life currently enjoyed by its residents many of whom are elderly. A primary aim of the Parish Council's representation to the emerging Local Plan is to retain the character of the existing communities which make up the parish. This in so far as Weston Village was concerned was strongly reflected in the Parish Plan and will form a cornerstone of the Neighbourhood Plan for the Parish which is currently under preparation.

- The application site is very open in character, the only physical boundary to the south being a raised hedge line. This lack of containment will in the Parish Council's opinion leave the site wide open to future 'development creep' across a very large open field towards Weston Hall and physically link the Village with the Wychwood Developments.
- The proposed vehicular access into the site is to be from East Avenue, a narrow estate cul de sac serving Weston Primary School and flanked on one side by elderly persons bungalows. East Avenue is extremely congested and often gridlocked, particularly at peak school times, and has little or no off street parking space. Uninhibited access for emergency vehicles is already extremely difficult. The same comments apply to the section of Cemetery Road which is the main feed from the proposed development on to the primary road network. (See attached photos). Cemetery Road is also used as a rat run for motorists to and from the Shavington direction seeking to avoid congestion on the primary road network. The only other potential access to this site is from Meadow Avenue which is again part of a narrow estate road network, totally unsuited to accommodating additional development of the scale now proposed. In summary 99 new houses equates to 238 new residents and a minimum of 238 new cars (the applicants figure). The existing road system within the village is totally incapable of satisfactorily and safely accommodating a development of this scale.
- Foul and Surface Water drainage is already a significant problem in this part of Weston. The applicants propose to connect into the existing system. The Parish Council question whether this is capable of coping satisfactorily with this extra demand.
- Weston Village is in the Parish Council's opinion totally unsustainable when factors such as lack of facilities - school already operating at capacity, inadequate bus service, remote medical practice and only one small shop – along with congestion are taken into account. This application does nothing to address such issues which will be greatly exacerbated if a development of the scale proposed is allowed to proceed.

## REPRESENTATIONS

Letters of objection have been received from 180 local households raising the following points:

### Principle of development

- The site is within the open countryside
- Intrusion into the open countryside
- The development is unwanted
- The development will result in urban sprawl
- Cumulative impact of developments upon this area with Basford East, Gorstyhill Golf Course and Crewe South Village which is too much for the area
- Inappropriate development within the village of Weston
- Brownfield sites should be developed first
- The development would provide no benefits to the village of Weston
- This development could lead to further applications for residential development
- Impact upon the landscape
- The development would be disproportionate to the size of Weston
- The site is within a gap between Weston and Wychwood Park
- Weston only has 270 houses and this development would represent an increase to the size of the village by 27%
- The site is not identified within the Cheshire East Local Plan
- The development would be contrary to numerous local plan policies

- The development is too large compared to Weston village
- The application is premature
- The application site is designated as Green Belt
- Weston is becoming a satellite town
- Weston is not a sustainable location and lacks local facilities
- There is no demand for additional housing in Weston
- Weston is a small community and cannot cope with a development of this scale
- Future occupants will not spend money in the local economy
- Basford East is a better solution for housing development

### Highways

- Increased traffic
- Traffic congestion at rush hour times
- Lack of public transport in Weston
- Construction traffic will cause a health and safety risk for local school children and elderly residents
- Parking problems
- The access to the site is not safe
- Existing roads within Weston are used as a rat run
- The development will add to existing queues along Main Road
- Existing access problems for the school bus, emergency vehicles and delivery vehicles
- East Avenue is not suitable to serve a development of this size
- A new access is required to bypass the village
- The submitted Travel Plan is inadequate
- The development will be dependent on the use of the car

### Green Issues

- Loss of ecology and habitat
- Impact upon wildlife
- Impact upon numerous bird species
- Construction works could damage trees on and adjoining the site
- Construction works could cause pollution which would damage native bluebells within the adjacent woodland
- The site is in close proximity to a nature conservation area
- The application is proposing the removal of trees which are not in the ownership of the applicant

### Infrastructure

- Local infrastructure cannot cope
- The local school is full
- No medical facilities within the village
- Pre-school facilities do not have further capacity
- The existing sewage system floods
- Drainage infrastructure is unable to cope with additional dwellings
- The doctors surgeries are full
- The sewers cannot cope with the additional dwellings
- The cemetery is now full

### Amenity Issues

- Increased noise pollution
- Increased air pollution
- Increased light pollution
- Impact upon the health of local residents
- Loss of privacy
- Loss of outlook
- Loss of light
- Overbearing impact
- Concerns about how land levels will be treated on this site

#### Design issues

- Visual appearance of this development and its impact upon the village
- Loss of village character

#### Other issues

- Loss of local culture
- Increased litter
- Increased crime and social problems
- Loss of agricultural land
- The site includes well used PROW
- Loss of a view
- There are a number of inconsistencies contained within this application
- No benefits to local residents

An objection has been received from Edward Timpson MP raising the following points:

- There are a number of significant reasons why this application should be refused
- This is one of a number of unwanted applications in this area. Local residents do not believe that the local infrastructure can sustain further development on this scale
- The area is already heavily congested with traffic from Wychwood Park and village and this development will result in significantly increased traffic, noise and pollution
- The site does not form part of the Cheshire east Local Plan submission
- The site is within the open countryside and is contrary to the Crewe and Nantwich Local Plan
- The SoS recently refused planning permission as part of application 13/2874n and his view that the development would pre-empt or prejudice the outcome of the Local Plan could apply here
- The application is neither wanted nor does it meet any acceptable planning criteria and should therefore be refused.

An objection has been received from Cllr Edgar raising the following points:

- The village of Weston is gridlocked every morning with commuters, school buses and service vehicles. This development will exacerbate the situation.
- Cemetery Road is used as a rat run
- Whites lane is used as a rat run
- Increased traffic congestion along Main Road which is not included within the submitted Traffic Assessment
- Lack of capacity at the local primary school
- No doctors surgery within the village
- Oversubscribed pre-school facilities
- The sewage system already floods

- This application will eventually result in 200+ dwellings being built on the site
- Builders traffic will cause years of disruption
- The site is outside the settlement boundary of Weston
- Loss of agricultural land
- Air pollution
- Noise pollution
- Overcrowding and over burdening of the village
- There is already proposed development at Wychwood Village, Wychwood Park, Basford East, Basford West, the South Cheshire Village, Shavington East and Wybunbury Triangle.

## **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.

### **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.

### **Scale of Development**

Weston is classed as an 'other settlement' the lowest tier under the settlement as identified by policy PG2 of the Cheshire East Local Plan Submission Version. Policy PG2 states that in other settlements development should be confined to small scale infill and the change of use existing buildings in order to sustain local services.

Policy PG6 states that other settlements and rural areas will be expected to accommodate 2,000 new homes for the plan period (an average of 100 each year). However it should be noted that this figure may increase and the proposed approach is to increase the distribution to 2,950 dwellings for the plan period for other settlements and rural areas (including Alderley Park) which would leave a shortfall of 570 dwellings.

In this case it is considered that a development of 99 dwellings adjacent to Weston would be of a scale that would not respect this small rural settlement. The submitted representations identify that this development would represent an increase in the size of Weston village by 27% and as such it is not considered that this scale of development would comply with the spatial distribution of development or Policy PG2 which states that development should be confined to small scale infill or change of use. The development would not represent a sustainable form of development for this rural village and as such this weighs against this proposed development.

The representations submitted as part of this application make reference to the cumulative impact of other developments within the village of Weston. However this is only given limited weight as the only site with a resolution to approve is Basford East which is an extension to Crewe and would be reliant on the services and facilities within Crewe. The application at

Gorstyhill Golf Course is still under consideration and no application has been received the South Cheshire Growth Village.

## **SOCIAL SUSTAINABILITY**

### **Affordable Housing**

The site falls within the Haslington and Englesea sub area for the purposes of the Strategic Housing Market Assessment update 2013. This identified a net requirement of 44 affordable homes per annum for the period 2013/14 – 2017/18. This equates to a need for 1 x 1 bed, 11 x 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.

In addition to information from the SHMA, Cheshire Homechoice shows there are currently 3 applicants who have selected the Weston lettings area as their first choice. These applicants require 1 x 1 bed and 2 x 2 bed units.

The Interim Planning Statement: Affordable Housing (IPS) states that in areas with a population of less than 3,000 the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 3 dwellings or more than 0.2 hectare in size. For areas with a population of over 3,000 the threshold is 15 units or 0.4 hectare.

The proposal is for up to 99 dwellings and the developer has confirmed that the development would be policy compliant with 65% rented and 35% intermediate tenure. The affordable housing provision 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 3,465sq.m and the indicative plan shows that the developer will provide 13,600sq.m of open space. As such there would be an over provision of open space as part of this development.

In terms of children's play space the Councils Open Space officer has requested the provision of a LEAP with 5 different pieces of equipment. This would be provided and could be secured as part of a S106 Agreement.

### **Education**

In terms of primary school education, the Councils Education Department have confirmed that there are capacity issues at the local schools that would serve this development. The proposed development would generate 19 new primary school places which cannot be accommodated. As there are capacity issues at these local schools the education department has requested a contribution of £206,079.51. This will be secured via a S106 Agreement should the application be approved.

In terms of secondary school education, the Councils Education Department have confirmed that there are no capacity issues at the local secondary schools that would serve this development.

## Health

Although no consultation response has been received from the NHS there are 4 medical centres within 3 miles of the site and according to the NHS choices website they are currently accepting patients indicating that they have capacity.

## 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) – 400m
- Public House (1000m) – 320m
- Public Right of Way (500m) – located on site
- Child Care Facility (nursery or crèche) (1000m) - 500m
- Community Centre/Meeting Place (1000m) – 320m
- Primary School (1000m) – 200m
- Convenience Store (500m) – 320m
- Post Office (1000m) – 320m
- Outdoor Sports Facility (500m) – 300m

The following amenities/facilities fail the standard:

- Supermarket (1000m) – 5000m
- Train Station (2500m) – 4200m
- Medical Centre (1000m) – 3400m
- Pharmacy (1000m) – 4800m
- Secondary School (1000m) – 4200m

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 Weston, 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 Weston from the application site. However, the majority of the services and amenities listed are accommodated within Crewe and are accessible to the proposed development via a short bus journey (There is a bus service that runs along Main Road between Newcastle and Crewe which is an hourly service). Accordingly, it is considered that this small scale site is a sustainable site.

## **ENVIRONMENTAL SUSTAINABILITY**

### **Residential Amenity**

The main residential properties affected by this development are the dwellings which front onto Meadow Avenue, Fairview Avenue, Mere Road, West Avenue and East Avenue. However it should be noted that the detailed layout will be determined at the reserved matters stage and it is considered that an acceptable scheme could be secured that would not have a detrimental impact upon residential amenity.

### **Air Quality**

The proposed development is not close to any air quality management areas (AQMAs). A condition will be attached in terms of dust control from the construction phase of the development.

### **Contaminated Land**

At the time of writing this report further investigations were being undertaken in relation to contaminated land on this site. This follows consultations with the Councils Contaminated Land Officer and an update will be provided in relation to this issue.

### **Public Rights of Way**

Two PROW (Weston FP7 and Weston FP8) cross the north-east corner of the site. The submitted Development Framework Plan indicates that both PROW would be retained.

The Councils PROW Officer has raised no objection to this development and an informative could be attached to any approval to ensure that the PROW is retained as part of this development.

### **Highways**

#### Access

In considering the suitability of the access to serve the development, East Avenue is approximately 6m wide and has footways on both sides with a highway verge. East Avenue is a cul-de-sac that serves some 30 existing residential units and also Poppy Close which acts as an access to the primary school. The standard of access being 6m wide is technically suitable to serve the proposed additional units and also the junction at Cemetery Road has been assessed in regard to capacity with the development included, the results indicate that the junction will operate well within capacity at the end of the Local Plan period in 2030. Therefore, in regards to the use of East Avenue as access to the development there are no technical reasons to reject the proposals.

#### Highway capacity

An assessment of the traffic impact of this proposal been undertaken in the submitted Transport Assessment and this has looked at a number of local junctions on the road network in regard to

the operational capacity of junctions. There were no identified committed developments in the vicinity of the site that have been considered in the Transport Assessment.

The traffic impact has been derived from the TRICS database and the generation predicted is some 66 trips to and from the site in the worse case PM peak. These figures have been increased to 2030 and used in the junction assessment models to assess the capacity impact of the development. The applicant has assessed local junctions to the site at Main Road/Cemetery Road and Whites Lane/Mill Lane but none of the junctions wider afield at the A5020 or the Newcastle Road roundabout.

In regards to the strategic highway network there are some major congestion concerns on the A5020 and the A500 and at other major junctions in the vicinity of the site. However, once the development traffic is distributed on the road network the level of impact at the junctions is very small indeed and given that the NPPF policy test requires the development impact to be severe, this level of impact could not be considered to have such an impact.

### 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 would be acceptable. 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**

The application is supported by an Arboricultural Assessment. The survey has identified 18 individual trees; 5 groups of trees and six hedgerows within and immediately adjacent to the site. Taking into consideration the quality of trees as defined by the categories stated in Table 1 of the BS5837:2012 the survey has identified 2 individual Moderate (B) category trees and two Moderate category groups. The remaining trees and hedgerows have been placed in the Low (C) category.

The Arboricultural Assessment is informed by an Illustrative Layout which in design terms respects existing retained trees, the majority of which are located around the boundary of the development site or are just offsite within existing residential gardens. One tree, (T16 Oak B category) stands isolated to the southern central section of the site and is shown for retention within public open space and therefore will not be directly affected by the indicative proposals. The tree has been assessed for bats and had a low potential to support bats. The topography of the land does fall away from East Avenue to the Brook to the southern boundary of the site and in this regard some regarding works may necessary around the southern edge of the built area which will require addressing in terms of the root protection area (RPAs) of retained trees.

Access of East Avenue does not have any implications in terms of retained trees; there are a number of proposed Plots within the northern section of the site (facing trees T3-T6) which could require modification, as their social proximity and relationship to trees will impact upon private garden amenities and living conditions of residents.

None of the hedgerows within and along the boundaries of the site were identified as being 'Important' under the wildlife and landscape criteria of the Hedgerow Regulations 1997 however none of the hedgerows appear to have been assessed under the historical criteria of the Regulations. Two of the hedgerows as defined in the submitted Ecological appraisal are not deemed important as they form the boundary of a residential curtilage.

As a result there are no significant arboricultural implications with this proposal.

## **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.”*

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.

## **Impact upon Built Heritage (Weston Conservation Area and Listed Buildings)**

Given the separation distance to the Conservation Area and Listed Buildings it is not considered that this development would have a detrimental impact upon the setting of the Conservation Area or Listed Buildings within the area.

## **Archaeology**

No sites currently recorded in the Cheshire Historic Environment Record will be affected by the proposed development. In addition an examination of the historic mapping, aerial photographs, and place name evidence has not indicated any areas of particular archaeological potential. In these circumstances, and mindful of the limited results from a number of recent developments in the immediate area, the Councils Archaeologist advises that further work would be difficult to justify and no further mitigation is recommended in this instance.

## **Landscape**

As part of the application a Landscape and Visual Appraisal has been submitted. The application extends over approximately 5.21 hectares and is located to the south of Weston. The southern edge of Weston is located directly to the north of the application site, the western part of the application site is adjacent to Basford Brook and the remainder of the site is surrounded by the wider agricultural landscape. The topography of the application site slopes down from the east towards Basford Brook, with variations in topography across the site. There are two footpaths that cross the eastern part of the application, Footpath 7 Weston and Footpath 8 Weston.

As part of the Assessment the baseline landscape character is given. The National character area has been identified, as well as the character type as identified in the Cheshire Landscape Character assessment 2009 (Lower Farms and Woods –LFW7 Barthomley).

The Landscape and Visual Impact assessment states that approximately 1.36 hectares will be retained as soft landscape in the form of ecological corridors, ponds and meres, wildflower meadows and the retention of boundary hedges and features. The submitted Masterplan indicates that many of the existing mature former hedgerow trees within the site will also be retained, since much of the landscape features within the site are relatively immature, the Councils Landscape Architect considers it important that these mature trees are retained wherever possible. The Councils Landscape Architect states that any potential landscape and visual impacts can be mitigated with appropriate design details and landscape proposals. This could be ensured through the reserved matters, appropriate conditions and the S106 agreement.

## **Ecology**

### Basford Brook and Mere Gutter Local Wildlife Site

The proposed development is located 50m from this local wildlife site. Whilst the construction phase is unlikely to have a direct impact upon the Local Wildlife Site any contamination of the ditch on site has the potential to find its way into the designated site.

If outline planning consent is granted the Councils Ecologist recommends that a condition be attached requiring any future reserved matters application to be supported by a method statement detailing measures designed to minimise the contamination of the adjacent water courses during the construction process.

A similar condition is also required to ensure pollution prevention measures are incorporated into the proposed SUDS scheme for the site in order to minimise any risk of contamination during the operational phase of the development.

### Great Crested Newts

No evidence of Great Crested Newts has been recorded during the submitted surveys. The submitted survey was constrained by poor weather conditions during some of the survey visits. However considering the quality of habitat lost to the proposed development, the distance of the proposals from the pond and the nature of the habitat offered by the pond and immediate surroundings, the Councils Ecologist advises that on balance great crested newts are not likely to be affected by the proposed works.

### Common Toad

This priority species was recorded during the Great Crested Newt survey. However the Councils Ecologist advises that the proposed development would only result in the loss of poor quality habitat for this species.

### Water Vole and Otter

No evidence of Water Voles or Otter was recorded during the submitted surveys. The Councils Ecologist advises that these species are unlikely to be present or affected by the proposed development.

### Onsite Ditch

As well as having potential to support protected species the ditch present on site appears to have some botanical value. Regardless of whether any evidence of protected species is recorded within the ditch the Councils Ecologist advises that it should be retained as part of the proposed development. An undeveloped buffer zone of 5m to the site of the ditch would be required to ensure the ditch is safeguarded during the construction process.

### Hedgerows

Two hedgerows are present on site that are of sufficient quality to be considered as priority habitats. Based upon the submitted master plan it seems feasible to retain these hedgerows as part of the proposed development.

### Other Protected Species

Other protected species were recorded as being active on the application site but no evidence of a sett was recorded. The Councils Ecologist advises that the proposed development is unlikely to have a significant adverse impact upon other protected species. However as the status of other protected species on a site can change within a short time scale the Councils Ecologist advises that if outline consent is granted a condition should be attached requiring any future reserved matters application to be supported by an updated survey.

### **Flood Risk**

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

As shown on the Environment Agency (EA) surface water flood map, parts of the site and surrounding area are at risk of flooding from surface water. As such the Councils Flood Risk Manager supports the proposal to maintain a flow route across the site towards the ordinary watercourse to the south.

A number of the representations from local residents have raised concerns about the capacity of the local sewerage system in this area and that this development would result in flooding. However it should be noted that the submitted FRA considers that this risk would be low and this is supported by the letter of no objection from United Utilities.

The Councils Flood Risk Manager, the Environment Agency and United Utilities have been consulted as part of this application and 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 subject to the imposition of the suggested conditions.

## **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 24% is Grade 2 and 76% is Grade 3a. As a result this issue needs to be considered as part of the planning balance.

## **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 Weston 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 play equipment 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 play equipment. This contribution is directly related to the development and is fair and reasonable.

The development would result in increased demand for primary school places in the area and there is very limited spare capacity. In order to increase capacity of the schools which would support the proposed development, a contribution towards primary school education is required. This is considered to be necessary and fair and reasonable in relation to the development. This contribution would not breach Regulation 123 of the CIL regulations in relation to the pooling of contributions.

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 development would provide significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in Weston.

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 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 scale of development would not respect the existing scale of Weston and would not respect the spatial distribution for development.

An update will be provided in relation to contaminated land on this site.

The contribution of the development of this site towards the housing need of the Borough is noted. However in this instance, the scale of the development, the loss of open countryside, other developments in the Parish having regard to the spatial distribution of planned development and the loss of BMV agricultural land are considered to outweigh the benefits and as such the application will be recommended for refusal.

## **RECOMMENDATION:**

### **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), 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 creates harm to interests of acknowledged importance.**
- 2. The proposal would result in loss of the best and most versatile agricultural land. The use of the best and most versatile agricultural land is unsustainable and contrary to Policy NE.12 of the Borough of Crewe and Nantwich Replacement Local plan 2011 and the provisions of the National Planning Policy Framework.**
- 3. The scale of this development would exceed the spatial distribution for Weston and would not respect the scale of Weston which is at the lowest tier of the settlement hierarchy. The development would be contrary to Policies PG2 and PG6 of the Cheshire East Local Plan Strategy - Submission Version.**

**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 Planning (Regulation), in consultation with the Chair (or in her absence the Vice Chair) of Strategic Planning Board, 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 in perpetuity**
- 3. Primary School Education Contribution of £206,079.51**

