

Application No: 14/5824N

Location: Land to the south of PARK ROAD, WILLASTON

Proposal: Outline planning permission for up to 175 residential dwellings to include access. All other matters reserved for future consideration.

Applicant: Mr A Brown, Stretton Willaston Ltd

Expiry Date: 23-Mar-2015

SUMMARY:

The proposal is contrary to development plan policies NE2 (Open Countryside and NE4 (Green Gap) and therefore the statutory presumption is against the proposal unless material considerations indicate otherwise.

The most important material consideration in this case is the NPPF which states at paragraph 49 that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites and that where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development

It is therefore necessary to make a free-standing assessment as to whether the proposal constitutes "sustainable development" in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

In this case, the development would provide market and affordable housing to meet an acknowledged shortfall. The proposal would also have some economic benefits in terms of jobs in construction, spending within the construction industry supply chain and spending by future residents in local shops.

In terms of traffic generation and congestion, there are a number of areas where further work and information is required and, in the absence of such information, the officers recommend refusal of this planning application at this time.

In terms of Ecology, the development would not have a detrimental impact upon the conservation status of protected species. There would be an adequate level of POS on site together with a play area which would require 5 pieces of equipment to comply with policy.

Subject to a suitable Section 106 package, the proposed development would provide adequate public open space, the necessary affordable housing requirements, and the requirement for the future maintenance of the open space and playspace on site. It would not generate any shortfall in education capacity locally.

The proposal is considered to be acceptable in terms of its impact upon residential amenity and drainage/flooding. Conditions could be imposed to ensure this. It therefore complies with the relevant local plan policy requirements for residential environments

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

Balanced against these benefits must be the loss of a significant area of best and most versatile agricultural land. All of the site will be lost from agriculture, whether built upon or subject to open space. However, much of Cheshire East comprises best and most versatile land and use of such areas will be necessary if an adequate supply of housing land is to be provided. Furthermore, previous Inspectors have attached very limited weight to this issue in the overall planning balance.

It is also necessary to consider the negative effects of this incursion into Open Countryside and the erosion of the Green Gap by built development. Effects that would be all the more marked in the locality given the conclusions of the Landscape Officer. These negative impacts, coupled with the loss of Best and Most Versatile Agricultural Land outweigh the benefits.

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is not engaged. Notwithstanding this, even applying the tests within paragraph 14 it is considered that the adverse effects of the scheme significantly and demonstrably outweigh the benefits.

The application is subject to an Appeal Against Non-determination. Accordingly it is recommended that Members resolve that they would have been minded to refuse the application and to contest the Appeal on the above grounds.

**SUMMARY RECOMMENDATION:
MINDED TO REFUSE**

DESCRIPTION OF DEVELOPMENT

This application seeks outline planning permission for up to 175 dwellings including access, associated infrastructure and green space. The indicative Masterplan also shows an area of land that could be used for a new train station and associated car parking.

The development will provide a mix of housing types with 2-5 bedrooms including provision for 30% affordable housing which equates to 52 affordable homes.

SITE DESCRIPTION:

The application site lies in the Parish of Willaston and adjoins existing residential areas to the north and east. Park Road forms the northern boundary, with existing residential development

to the east, a railway line to the south and the Nantwich by-pass forming the western boundary. The application site extends to an area of 7.05 hectares,

RELEVANT HISTORY:

There are no relevant previous decisions.

NATIONAL & LOCAL POLICY

National Policy

National Planning Policy Framework

Local Plan policy

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan for Cheshire East currently comprises the saved policies from the Congleton Borough (January 2005), Crewe and Nantwich (February 2005) and Macclesfield Local Plans (January 2004).

Policies in the Local Plan

NE.2 (Open countryside)
NE.5 (Nature Conservation and Habitats)
NE.9: (Protected Species)
NE.20 (Flood Prevention)
NE.21 (Land Fill Sites)
BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
RES.5 (Housing In The Open Countryside)
RT.6 (Recreational Uses on the Open Countryside)
TRAN.3 (Pedestrians)
TRAN.5 (Cycling)

National Policy

National Planning Policy Framework

Other Material Policy Considerations

Interim Planning Statement: Affordable Housing (Feb 2011)
Strategic Market Housing Assessment (SHMA)
Strategic Housing Land Availability Assessment (SHLAA)
North West Sustainability Checklist

Article 12 (1) of the EC Habitats Directive
The Conservation of Habitats and Species Regulations 2010.

Cheshire East Local Plan Strategy – Submission Version

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

PG2 – Settlement Hierarchy
PG3 – Proposed Green Belt
PG5 - Open Countryside
PG6 – Spatial Distribution of Development
SC3 – Health and Wellbeing
SC4 – Residential Mix
SC5 – Affordable Homes
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE1 - Design
SE2 - Efficient Use of Land
SE3 – Biodiversity and Geodiversity
SE4 - The Landscape
SE5 – Trees, Hedgerows and Woodland
SE9 –Energy Efficient Development
IN1 - Infrastructure
IN2 – Developer Contributions

CONSULTATIONS:

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

Education

The proposal will not impact on education provision

United Utilities

No objection subject to the following conditions:

- a scheme for the disposal of foul and surface waters for the entire site has been submitted to and approved in writing by the Local Planning Authority. Surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing foul or combined sewerage systems. Any surface water draining to the public surface water sewer must be restricted to a maximum pass forward flow of 7 l/s.
- An access strip of no less than 10 metres, measuring at least 5 metres either side of the centre line of the 24" trunk water main which crosses the site..

Archaeology

- This application is supported by an archaeological desk-based assessment, which has been prepared by Nexus Heritage on behalf of the applicants and is based on the results of a consultation of the Cheshire Historic Environment Record, historic mapping, aerial photographs, and readily-available secondary sources. The report concludes that the site has a low potential for the presence of archaeological remains and, on this basis, it is advised that no further archaeological mitigation would be justified in this instance.
- One feature that may cause comment is the site of Willaston moat (CHER 197/1/1-5), which was partially investigated during the construction of the A500 in the 1990s. This feature, however, lies c 250m to the west of the western boundary of the main development area and will, therefore, not be affected by construction works. The application area boundary does extent along Park Road but, again, there will be no impact on the moat.

Rights of Way

No objection subject to careful consideration of pedestrian / cycle access routes particularly on the new/improved junctions.

- Properties should have adequate and best practice cycle storage facilities and all highway designs should incorporate accessibility for cyclists.
- 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.
- Recommend inclusion of standard informative relating to the protection of the right of way and its users during the construction process.

Highways

The Head of Strategic Infrastructure does not have any 'in principle' objection to the proposal to build 175 dwellings on the land south of Park Road, Willaston.

However, as this response outlines, there are a number of areas where further work and information is required and, in the absence of such information, the Head of Strategic Infrastructure would have to recommend refusal of this planning application at this time.

Environmental Health

Recommend refusal due to impacts of vibration on residential amenity from rail movements. If development is approved recommend the following conditions:

- Submission / approval and implementation of Construction Environmental Management Plan
- Demolition / construction works taking place during the development (and associated deliveries to the site) to be restricted to:
 - § Monday – Friday 08:00 to 18:00 hrs
 - § Saturday 09:00 to 14:00 hr
 - § Sundays and Public Holidays Nil

COMMENTS OF PARISH COUNCIL

Willaston Parish Council

- The proposal is unsustainable as it fails to meet a number of key criteria including: proximity to schools, medical facilities and transport links, accessibility, the provision of houses where required and supporting strong, vibrant and healthy communities.
- The local primary school is already over-subscribed and there have been several cases in recent years of children having to travel to surrounding villages to obtain a primary school place. With a further 230 dwellings already approved on 3 sites across the village this situation will only be exacerbated.
- The proposal is contrary to Policy 'BE1 – Amenity' as the development would generate levels of traffic that would prejudice the safe movement of traffic on surrounding roads and will have an adverse impact on neighbouring uses.
- The proposal would result in loss of the best and most versatile agricultural land. 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
- The proposed development is considered likely to give rise to severe traffic impacts, contrary to paragraph 32 of the NPPF. The principal concern is the impact this development will have on Park Road which is already a very busy road linking the village to the junctions of the A51 Nantwich bypass and A534 Crewe Road at the very busy Peacock roundabout. Park Road is a narrow and winding road with poor sight lines. Access to and from the site via Park Road will create a significant traffic hazard in itself.
- The proposal is located within the Green Gap and would result in erosion of the physical gaps between built up areas as well as adversely affecting the visual character of the

landscape, and given that there are other alternative sites, which could be used to meet the Council's housing land supply requirements, the proposal is contrary to Policy NE.4 of the Borough of Crewe and Nantwich Replacement Local Plan, the National Planning Policy Framework and the emerging Core Strategy.

- This application together with application 14/5825N for 120 new dwellings in the adjacent field which is currently under consideration would result in a substantial incursion of some 300 new houses within the Green Gap. In refusing the appeal for the Gresty Oaks application 13/2874N the Secretary of State acknowledged that “the Green Gap has been part of a long established and well recognised local policy which forms part of sustainable development.” He goes on to say that “a decision to allow development on the appeal site could reasonably be seen to pre-empt or prejudice the outcome of the Local Plan Examination.” That principle equally applies to this application.
- Willaston has grown over recent years from a small village to a small township of currently circa 1,400 dwellings without any improvement in the infrastructure. As mentioned above, approvals are already in place for a further 230 dwellings and the current proposals under this application and application 14/5825N would add another 300. This would represent a 38% increase in the size of the already expanded settlement, serviced by totally inadequate infrastructure, and resulting in a complete loss of identity.

REPRESENTATIONS:

Cllr Silvester (Ward Councillor at the time that the application was consulted upon)

- Willaston residents are reeling after being hit with two big planning applications for a total of 300 houses in the village in just 10 days.
- In the last year alone over 200 houses have been passed in the Green Gaps that surround Willaston. In the Willaston part of my Ward there are about a 1000 houses and if this application and the recent one in Cheerbrook Road for 125 houses, gets passed, it will mean that the number of houses will have gone up by an unbelievable 50%. Willaston will be just overwhelmed if these developments go ahead. The proposed housing is just not sustainable.
- There are many valid planning reasons for the refusal of this application.
- Recently the Secretary of State refused an appeal for 880 houses, in Rope and Shavington because it was premature due to the fact that the Local Plan has not yet been adopted and in the meantime the Green Gaps should be preserved.
- This site lies within the Green Gap as defined in Policy NE.4 of the saved Borough of Crewe and Nantwich Replacement Local Plan 2011 and also within the Strategic Open Gap as defined in Policy CS 5 of the emerging Cheshire East Local Plan. The application is, therefore, in contravention of both the existing saved local planning policy and the emerging Cheshire East Council planning policy and should be refused on those grounds alone.
- The proposal is located within the Open Countryside and Green Gap and would result in erosion of the physical gaps between built up areas, and given that there are other alternative sites, which could be used to meet the Council's housing land supply requirements, the proposal is considered to be contrary to Policies NE2 and NE.4 of the Borough of Crewe and Nantwich Replacement Local Plan, the National Planning

- The site fails to meet at least 10 of the criteria on the North West Sustainability Checklist, including some of the key criteria of proximity to schools, medical facilities and transport links. In four of the criteria the site would be rated as "Significant failure to meet minimum standards." Therefore, the proposed development should be considered unsustainable.
- Not only is the local primary school some considerable distance from the proposed housing site, but it is also already over-subscribed. There have been several cases over recent years when young children living in the village have not been able to gain a place in the local primary school and have had to travel to surrounding areas in order to secure a primary school place.
- The drains and sewers in Willaston do not have the capacity to cope with further development. There has been flooding in the village and there are grave concerns regarding potential further flooding especially if developments like this go ahead.
- There are already significant issues with traffic congestion in the area. long queues of traffic form at peak times along the A51 between the Cheerbrook, Peacock and Middlewich Road roundabouts. There is a significant lack of parking facilities within the village and this is exacerbated by rows of terraced houses in the village centre with no off road parking.
- Park Road itself is a winding road with no pavement on one side of the road It is subject to all too frequent speeding by motorists. It is a key area monitored by the local Speedwatch team and a significant number of vehicles are recorded exceeding the speed limit. The road is frequently used as a "rat run" to avoid congestion elsewhere.
- The extra traffic movement from the probable 300 additional cars generated by this development will worsen the already congested roads and polluted air in the village.

Edward Timpson MP – There are a number of significant reasons that this application should be refused. Firstly, this is the second application within a fortnight for a total of three hundred houses in this area and in recent months applications for two hundred houses have already been approved.

The site is within the Green Gap as defined in Policy NE4 of the Crewe and Nantwich Replacement Local Plan 2011 and the draft Cheshire East local Plan. Accordingly this application infringes those policies.

My constituents believe that the local infrastructure will not sustain further development on this scale. I refer you to the Secretary of State for Communities and Local Government recent comments when refusing planning permission for Application 13/2874N and I note his view is that a decision to allow development could reasonably be seen to pre-empt or prejudice the outcome of the Local Plan examination.

It is clear that this application is neither wanted nor does it meet any acceptable planning criteria and should therefore be refused.

Local Residents: have raised the following objections:

The Open Countryside and Green Gaps

- The green gaps should be preserved as defined in policy NE.4.
- Located within open countryside

- the Green Gap has been part of a long established and well recognised local policy which forms part of sustainable development and that a decision to allow development on the site could reasonably be seen to pre-empt or prejudice the outcome of the Local Plan Examination
- There will be a loss of grade 3 agricultural land.
- Fears that there will no longer be green edges and areas around Willaston.

Sustainability

- The site fails to meet at least 10 of the criteria on the North West sustainability
- Significant failure in transport links, schools and medical services.
- The local primary school is already over-subscribed.
- The local doctors in Shavington are over-subscribed.
- No Doctors, Post office, supermarkets in Willaston.
- Willaston services, such as the primary school are already struggling to cope with the demand of current houses.
- Willaston has grown over recent years from a small village to a small township of currently circa 1400 dwellings without any improvement to the infrastructure but a significant imposition to its residents
- The local primary school is not interested in expanding and cannot build anymore classrooms within the grounds so therefore will not have room for anymore children.
- Willaston would be far too densely populated.
- There are only 14 available school places within the local area.

Utilities/Sewerage:

- The drains and sewers in Willaston do not have the capacity to cope with further development
- High flood risk due to inadequate drainage system
- The land where the development is proposed is prone to water run-off onto Park Road at times of heavy rain. Drainage is an issue here and if the land is built on there is a danger the run-off would worsen.

Highways

- Already significant traffic issues.
- There is currently insufficient parking facilities
- Park Road is too narrow and only a country lane which would not cope with any extra traffic or heavy goods vehicles.
- With at least 4 four railway crossings in the area, how do you propose to prevent queues?
- The conditions of the surrounding roads in the area must be some of the worst in the country and therefore unable to cope with an increased number of traffic.
- The increased traffic would be a hazard to pedestrians
- The increased number of cars on the local roads will lead to an increased number of traffic incidents.
- There is a blind bend within the area and with increased traffic this will lead to more road accidents.
- Many concerns regarding the number of vehicles requiring access to Park Road.

Access and safety

- The applicant has failed to demonstrated a safe and satisfactory means of access to the site, contrary to the provisions of Policy BE3 (Access) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the National Planning Policy Framework.
- Lack of traffic management proposed with the scheme
- The proposed new playground is not situated in a safe location for children.

Visual Amenity

- Loss of the current view and changing the visual appearance forever.
- It is currently an amenity used for walking; this is at risk of being lost.
- Fears that the village will merge into Nantwich and Crewe.
- Fears that there will be a loss of village identity.
- There will no longer be nice surroundings in a rural village.

Heritage

- Keep the small, historic villages that Cheshire is known for.
- Do not want to lose the village distinction.
- At risk of merging into Nantwich and Crewe if further developments occur and no green gaps are preserved.
- The sheer volume of proposed new dwellings is not in keeping with the character of the local area.
- Willaston Hall is a Grade II listed building and the development would result in considerable detrimental impact to this historical building.

Ecology and wildlife

- There is a family of buzzards in the trees adjacent and also the very rare woodpeckers that are now seen in this area which will be disturbed with all the building of these sites.
- On the located development site there is an abundance of wildlife including; foxes, rabbits and a variety of birds.
- Habitats and wildlife within Willaston are at risk of people lost forever.
- Loss of trees and the associated habitats.
- Additional houses will all be heated using gas heating (and cooking) giving yet more pollution

Type of proposed dwelling and scale and design

- The planned three storey houses will loom up on this planned area.
- Why are the developments only to cater for larger families? Should they not also cater for the older generation, perhaps the introduction of granny flats?
- Any new housing developments should be capped at 100 homes.
- The application does not show enough information about the proposed design and layout for the scheme.

Policy and location

- There are alternative sites available within Cheshire East for housing supply.
- The proposal is contrary to policy NE.4 of the Crewe and Nantwich B.C replacement plan.

- The proposal is contrary to Policy 'BE1 – Amenity' as the development would generate levels of traffic that would prejudice the safe movement of traffic on surrounding roads and will have an adverse impact on neighbouring uses.

During Construction

- Noise pollution
- Dust and fumes from construction.
- When the building takes place the area will be congested by works traffic including heavy lorries and lots of mud.

Visual and health impacts:

- Light pollution from more dwellings
- Increased population will result in increased co2 emissions.
- The development will be of detriment to the living conditions of local people.

APPRAISAL:

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

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

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

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

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

Social Sustainability

The first dimension to sustainable development is its social role. In this regard, the proposal will provide up to 70 new family homes, including 30% affordable homes, on site public open space and residents would use local education and health provision.

Housing Land Supply

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

This 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 (“the NPPG”) indicates that information provided in the latest full assessment of housing needs should be considered as the benchmark for the housing requirement.

The last Housing Supply Position Statement prepared by the Council employs the figure of 1180 homes per year as the housing requirement, being the calculation of Objectively Assessed Housing Need used in the Cheshire East Local Plan Submission Draft.

The Local Plan Inspector published his interim views based on the first three weeks of Examination in November 2014. He concluded that the Council’s calculation of objectively assessed housing need is too low. He also concluded that following six years of not meeting housing targets, a 20% buffer should also be applied.

Given the Inspector’s Interim view that the assessment of 1180 homes per year is too low, officers no longer recommend that this figure be used in housing supply calculations. The Inspector has not provided any definitive steer as to the correct figure to employ, but has recommended that further work on housing need be carried out. The Examination of the Plan was suspended on 15th December 2014.

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 in the form of the “*Cheshire East Housing Development Study 2015 – Report of Findings June 2015*” produced by Opinion Research Services, has now taken place.

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.

The definitive methodology for buffers and backlog will be resolved via the Development Plan process. However the indications from the work to date suggests that this would amount to an identified deliverable supply target of around 11,300 dwellings.

This total would exceed the total deliverable supply that the Council is currently able to identify. As matters stand therefore, the Council remains unable to demonstrate a 5 year supply of housing land.

On the basis of the above, the provision of housing land is considered to be a substantial benefit of the proposal.

Affordable Housing

This site is located in the Willaston Parish, for the purposes of the Strategic Housing Market Assessment Update 2013 (SHMA) the Willaston Parish is included in the Crewe sub-area. In the SHMA the Crewe sub-area shows a net need for 217 new affordable homes per year between 2013/14 and 2017/18 (50 x 1 beds, 149 x 3 beds, 37 x 4+ beds and 12 x 1 bed & 20 x 2+ beds older persons accommodation. (The SHMA identified an oversupply of 51 x 2 beds)

In addition to the information taken from the SHMA Housing Officers have also checked the number of applicants on Cheshire Homechoice and there are currently 17 applicants on the housing register who require social or affordable rented housing and have Willaston as their first choice, these applicants require 6 x 1 beds, 7 x 2 bed and 4 x 3 beds.

The proposal in this application is for 52 affordable units which is acceptable. The application form shows 30% affordable housing will be provided on site with 34 social rent (affordable rent is acceptable) and 18 intermediate units. The tenure split proposed is what the policy requires (65% social or affordable rent and 35% intermediate).

Given the established need for affordable housing in the locality, and that the proposal complies with policy requirements, the provision of affordable housing is considered to be a substantial planning benefit which should be weighed into the overall planning balance.

As this is an outline application it is not possible to comment further at this stage. However if the application is recommended for approval my preference is for the affordable housing to be secured by way of a s106 agreement as per the IPS, which requires an affordable housing scheme to be submitted with –

- 30% of the total dwellings to be provided as affordable housing
- 65% of the affordable dwellings to be provided as either social rent or affordable rent
- 35% of the affordable dwellings to be provided as intermediate tenure
- Affordable housing to be provided on site
- Affordable rented or Social rented dwellings to be transferred to a Registered Provider
- The affordable dwellings to be provided as a range of property types to be agreed with Housing
- Affordable housing to be pepper-potted in small groups, with clusters of no more than 10 dwellings.
- The affordable housing to be provided no later than occupation of 50% of the open market dwellings, or if the development is phased and there is a high degree of pepper-potting the affordable housing to be provided no later than occupation of 80% of the open market dwellings.
- Affordable dwellings transferred to an RP to be built in accordance with the HCA Design and Quality Standards or the latest standards applied by the HCA.

Public Open Space

Policy RT.3 of the Borough of Crewe and Nantwich Replacement Local Plan requires that on sites of 20 dwellings or more, a minimum of 15sqm of shared recreational open space per dwelling is provided and where family dwellings are proposed 20sqm of shared children's play

space per dwelling is provided. This equates to 2625sqm of shared recreational open space and 3500sqm of shared children's play space. The indicative layout shows 13,887 sqm of open space including children's play space. The proposal therefore exceed the policy requirement.

The Greenspaces Officer has stated that 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.

This can be secured through the Section 106 Agreement.

Infrastructure

Policy GR19 of the Local Plan advises that the Local Planning Authority may impose conditions and/or seek to negotiate with developers to make adequate provision for any access or other infrastructure requirements and/or community facilities, the need for which arises directly as a consequence of that development. It is advised that such provision may include on site facilities, off site facilities or the payment of a commuted sum.

Policy IN1 of the emerging Cheshire East Local Plan Strategy – Submission Version, advises that the Local Planning Authority should work in a co-ordinated manner to secure funding and delivery of physical, social, community, environmental and any other infrastructure required to support development and regeneration.

The Council's Education Officer, in response to a consultation to ascertain the impact of the proposed development on nearby schools has advised that no contribution will be required from this development.

Environmental Sustainability ***Green Gap***

In this case, the application site is within the Green Gap. Therefore, as well as being contrary to Policy NE2 (open countryside) it is also contrary to Policy NE.4 of the Local Plan which states that approval will not be given for the construction of new buildings or the change of use of existing buildings or land which would:

- result in erosion of the physical gaps between built up areas;
- adversely affect the visual character of the landscape.

A development of the scale proposed will clearly erode the physical gap between Willaston and Nantwich. It is also considered that it will adversely affect the visual character of the landscape. This is discussed in greater detail below.

Policy NE.4 goes on to state that exceptions to this policy will only be considered where it can be demonstrated that no suitable alternative location is available. It is considered that there are many other sites within Cheshire East which, although designated as Open Countryside, are not subject to Green Gap policy and can be used to address the Council's housing land supply shortfall and which would not contravene policy NE4.

Turning to the question of whether, in the light of the lack of a 5 year supply, Policy NE4 should be considered to be a housing land supply policy / and or out of date, Green Gap policy has a specific planning purpose – to avoid settlements merging. This is not a housing supply policy purpose. Whilst Open Countryside areas also have specific roles (including the protection of the Countryside for its own sake, in accordance with NPPF paragraph 17.(v)) open countryside policy does not have the special, additional function of ensuring that two settlements remain separate (that is the function of Green Gaps). Hence Green Gaps are not a function of Open Countryside policy; rather Green Gaps have their own specific function.

The Courts have ruled that the interpretation of policy is a matter of law, and the above stance is supported by Ousley J in the Barwood case (see Appendix 15) who draws a distinction between general open countryside policy and policies which protect gaps between settlements. It has also been the approach taken by the Secretary of State in the Gresty Oaks and Church Lane Wistaston Appeal cases and Mrs Justice Lang in the High Court decision which led to the quashing of the decision to allow the appeal at Moorfields in Willaston.

Whether a proposed development falls within the definition of “*sustainable*” development is a question of fact for the decision maker’s assessment in the circumstances of any individual case. However, as it is located within Green Gap, this case profits from a very clear reflection on the meaning of that expression applied to similar circumstances, and this is to be found in Bloor Homes East Midlands Ltd. V. SOSCLG [2014]):.

“On any sensible view, if the development would harm the Green Wedge by damaging its character and appearance or its function in separating the villages of Groby and Ratby, or by spoiling its amenity for people walking on public footpaths nearby, it would not be sustainable development within the wide scope drawn for that concept in paragraphs 18 to 219 of the NPPF”.

It is therefore concluded that contravening the Green Gap policy renders the development unsustainable and consequently, it does not benefit from the presumption in favour under Paragraph 14 of the NPPF.

Landscape

The application site is located on the south eastern edge of Willaston, and to the east of Nantwich. The northern boundary of the site is formed by Park Road, north of which is agricultural land, Willaston Hall and an area of residential development; the Nantwich bypass forms the western boundary, beyond which is the wider agricultural landscape; the southern boundary is formed by the railway line, beyond which is agricultural land; the eastern boundary is formed by the edge of Willaston.

As part of the application a Landscape and Visual Impact Assessment has been submitted, this indicates that it is based on the principles described in ‘Guidelines for Landscape and Visual Impact Assessment’ 3rd Edition. This assessment identifies the baseline landscape of the application site and surrounding area, these are the National Character Areas as identified by Natural England, and the Lower Farms and Woods, LFW7 Barthomley character area, as identified in the Cheshire Landscape Character Assessment 2008.

The application site extends over an area of approximately 7.05 hectares and is arable agricultural land, surrounded by hedgerows and a number of hedgerow trees. Footpath 10 Willaston follows the western boundary, crossing over the railway line via a footbridge. The topography of the site generally falls from approximately 53.0m AOD along the northern boundary to 53.0m AOD along the southern boundary. The Indicative Landscape Masterplan indicates a green corridor along the route of Footpath 10 Willaston and the possibility of a railway station and car park towards the southern part of the footpath.

As part of the visual assessment a number of viewpoints have been assessed and a ZTV identified, although this is also identified as a ZVI. The assessment identifies that there will be adverse effects on a number of the receptors identified. The Council's Landscape Officer has examined the proposal and would agree with this. The assessment identifies the landscape effects, stating that the character of this area will change from an open landscape to residential land use and that there will be adverse effects..

The assessment identifies that the application site is located within the boundary of the Green Gap (Policy NE.4) of the Borough of Crewe and Nantwich replacement Local Plan 2011. Since the assessment identifies that there will be adverse effects, it appears that the proposals are contrary to Policy NE.4 Green Gap.

Amenity

In terms of the surrounding residential properties, whilst there are a small number of dwellings adjoining the northern part of the site on Park Road it is considered that a layout could be achieved that could comply with the separation distances as outlined in the Borough of Crewe and Nantwich Supplementary Planning Guidance. Accordingly, there would be minimal impact upon residential amenity.

The Environmental Health Officer has raised no objection on the grounds of contaminated land or air quality and has requested conditions in relation to an environmental management plan, and hours of construction. However they have objected on the grounds that insufficient information has been submitted with the application relating to the impacts of rail vibration in order to assess adequately the acceptance of the proposed development having regard to residential amenity. In the absence of this information, it has not been possible to demonstrate that the proposal would comply with material planning considerations and accordingly they recommend refusal.

Ecology

Hedgerows

Hedgerows are a priority habitat and a material consideration. The proposed development is likely to result in the loss of hedgerow to facilitate the site access. There are considerable opportunities presented by the linear open space area to establish native species hedgerows to compensate for those lost. This matter should be dealt with by means of a condition if outline consent is granted.

Bats and Trees

A single tree has been identified on site that has the potential to support roosting bats. This tree is likely to be retained within the linear open space area.

Badgers

Evidence of badger activity has been recorded on the application site however there is no evidence of a sett being present and the application site does not appear to be particularly important for badgers. As the status of badgers on a site can change within a short time scale the Council's ecologist advises that if outline planning consent is granted a condition should be attached requiring the submission of an updated badger survey in support of any future reserved matters planning application.

Ecological Enhancement

The linear open space area provided considerable opportunities for ecological enhancement. The Council's ecologist recommends that if outline planning consent is granted a condition should be attached requiring detailed design proposals for the open space area to be submitted in support of any future reserved matters application.

Urban Design

The proposed development site is a gently undulating piece of land situated between Park Road and the railway line (connecting Crewe to Chester), with a localised high point to the west and steeper gradients toward the railway. Willaston FP 10 runs north/south to the immediate western edge of the application site. The site is 7 hectares in extent.

To the north of Park Road, situated behind new housing is Willaston Hall a grade II* listed building, set within the remainder of its grounds orientated to the west. The Heritage Assessment also identifies several non-designated asset in the vicinity of the site including locally listed buildings to the west (on the opposite side of the Nantwich bypass), the moated site of the Old Hall and within the red line boundary, the remnant historic post medieval field system, which will be lost as a consequence of the development.

The proposal is for up to 175 dwellings and a plan described as a development masterplan has been produced. The Council's Urban Design Officer has commented that it is not a Masterplan as such but more a development principles/blocks plan. Given the number of units proposed and the lack of definition and the block form of this plan, it would have been highly desirable to secure an informal testing layout to see how a scheme of this number could be accommodated within the proposed block structure. This creates a little uncertainty about the deliverability of this number whilst still achieving quality development given its relative lack of detail. There is also the question of whether this forms the Parameters plan defining developable and open spaces etc. He is thus a little uneasy about this plan being the approved plan for several reasons:

- The layout seems fundamentally designed around the site constraints, namely footpath alignment and the easement in the south western corner.
- The street hierarchy and inherent legibility is unclear based on this plan.
- All of the open space (circa 1.4 hectares) is located on the west, whilst this provides a positive landscape edge, it could lead to a very urban and quite hard character within

the developable part of the site itself. The remaining developable area is 5.6 hectares which equates to a net density of 31 dph.

The offsite footpath connection seems excessive at 4m. Whilst the plan indicates this as behind the hedgerow it could appear a little alien in the rural landscape.

In the event of a recommendation for approval, or, in the context of the appeal he would suggest this plan is excluded from being part of the approved detail and that prior to reserved matters a design development stage be built into the design process, secured by condition. This will enable further design development work before the reserved matters are submitted and determined (this type of condition has been attached on schemes elsewhere).

Heritage

The heritage assessment acknowledges change within the setting of Willaston Hall but comments the impact will be limited by the intervening landscape features. It should be noted that Willaston Hall historically was situated in an isolated position but this has been eroded by the relationship to the village as it has grown to meet the Hall from the east. The proposed site will increase the sense of this encroachment but not to a significant degree and therefore, with the benefit of landscaping on the western fringe, there will be some discernible change but visually it will not detract significantly from the Hall's setting.

If the development was to encroach further west however, there would be a significant worsening of the relationship of development to the Hall, seeming to enclose it and further substantially erode its openness to the west. In this respect the footpath line on the western edge of the application site should define the limits of development on this approach into Willaston. There is a case therefore for including the future station parking within the main body of the site, east of the public footpath.

The assessment also highlights changes within the setting of non-designated assets, again partly mitigated by intervening landscape. For those non – designated assets to the west, the open space on the western edge will further mitigate the impact on their setting and the Conservation Officer would agree that any impact would be modest.

In respect to the remnant post medieval field pattern, this will be lost as a consequence of the development. However, it has been severely eroded already by loss of hedges and modern farming practices. Its significance has therefore been eroded. This development would however lead to the loss of a non-designated heritage asset, which obviously causes harm in heritage terms. This needs to be weighed in the balance, in accordance with the advice at para 134.

In conclusion, and in full regard of statutory provisions within the Planning (Listed Buildings and Conservation Areas) Act 1990, although there will be some impact on both designated and non-designated assets in their settings, the extent of this is considered to be low.

Flood Risk and Drainage

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

Access to facilities

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.

Accessibility is a key factor of sustainability that can be measured. One methodology for the assessment of walking distance is that of the North West Sustainability Checklist, backed by the Department for Communities and Local Government (DCLG) and World Wide Fund for Nature (WWF). The Checklist has been specifically designed for this region and can be used by both developers and architects to review good practice and demonstrate the sustainability performance of their proposed developments. Planners can also use it to assess a planning application and, through forward planning, compare the sustainability of different development site options.

The toolkit sets maximum distances between the development and local amenities. These comprise of everyday services that a future inhabitant would call upon on a regular basis, these are:

Category	Facility	AUDLEM ROAD
Open Space:	Amenity Open Space (500m)	On site
	Children's Play Space (500m)	On site
	Outdoor Sports Facility (500m)	On site
Local Amenities:	Convenience Store (500m)	800m
	Supermarket* (1000m)	2250m
	Post box (500m)	90m
	Playground / amenity area (500m)	600m
	Post office (1000m)	2250m
	Bank or cash machine (1000m)	2570m
	Pharmacy (1000m)	2090m
	Primary school (1000m)	600m
	Secondary School* (1000m)	2250m
	Medical Centre (1000m)	2090m
	Leisure facilities (leisure centre or library) (1000m)	2415m
	Local meeting place / community centre (1000m)	600m
	Public house (1000m)	600m
	Public park or village green (larger, publicly accessible open space) (1000m)	645m

	Child care facility (nursery or creche) (1000m)	600m
Transport Facilities:	Bus stop (500m)	645m
	Railway station (2000m where geographically possible)	2735m
	Public Right of Way (500m)	160m
	Any transport node (300m in town centre / 400m in urban area)	645m

Rating	Description
	Meets minimum standard
	Fails to meet minimum standard (Less than 60% failure for amenities with a specified maximum distance of 300m, 400m or 500m and 50% failure for amenities with a maximum distance of 1000m or 2000m).
	Significant failure to meet minimum standard (Greater than 60% failure for amenities with a specified maximum distance of 300m, 400m or 500m and 50% failure for amenities with a maximum distance of 1000m or 2000m).

In summary, whilst the site does not comply with all of the standards advised by the NWDA toolkit, as stated previously, these are just guidelines and are not part of the development plan.

Owing to its position on the edge of Nantwich, 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 the vicinity of the application site. However, the majority of the services and amenities listed are accommodated within Nantwich and are accessible to the proposed development on foot or via a short bus journey. Accordingly, it is considered that this is a locationally sustainable site.

Renewable Energy

Paragraphs 96 and 97 of the Framework deal with decentralised and renewable energy supply. The aim is to secure a proportion of predicted energy requirements for new developments from decentralised and renewable or low carbon sources. This could be dealt with by condition in the interests of sustainable development.

Highways

Wider Transport Aspects

The Head of Strategic Infrastructure has not been made aware of any existing wider issues that might be specifically affected by traffic and transport; for example, existing noise and air quality conditions in the vicinity of the site.

Analysis of Transport Submissions

The appellant's transport consultant, SCP, has submitted a Transport Assessment and Travel Plan in support of this development proposal.

The proposed site access strategy for the development is from a single priority junction off Park Road. No speed data has been presented to support the access design and visibility splays of 2.4m x 56m. Although the road is in a 30mph speed limit area, it is semi-rural in nature and speed observations should be provided to support the proposed visibilities (or provide 2.4m x 59m).

The applicant proposes that the development will include a footway/cycleway running behind the existing hedging sandwiching the hedge between two highways (the carriageway and the footway). Although the hedging and verge may provide a good buffer from the main road for pedestrians and cyclists, CEC would not wish to adopt the hedging and unless the proposal is for a management company to be responsible for the hedging the proposals are not acceptable in this respect.

The applicant also proposes that the existing variable width of Park Road is realigned to provide a constant 5.5m carriageway width. This is acceptable.

The access strategy of a single point of access is likely to lead to a distance of 400m to the furthest property within the development. This is not acceptable from a single point of access and an emergency access doubling as a pedestrian/cycle link needs to be provided towards the eastern side of the site.

In terms of the geographic scope of the development proposal this is considered too narrow. A wider scope had previously been agreed for the application site adjacent (to the south) for a lower level of development. It is considered appropriate that the application should consider a scope as follows;

1. Site access with Park Road
2. Wybunbury Road/Wistaston Road/Park Road
3. A51 Peacock Roundabout
4. A51 Alvaston Roundabout
5. A51 Cheerbrook Roundabout
6. Wybunbury Road/Cheerbrook Road/Green Lane (but nothing assigned this way)
7. Wybunbury Road/Wistaston Road level crossing (but nothing assigned this way)
8. A534 Crewe Road/Wistaston Road
9. Parking consideration along Wistaston Road

It is noted, however, that no traffic has been assigned by the applicant through points 6 and 7. The assignment is considered reasonable (see below) and, on that basis, items 6 and 7 would need no further consideration.

The TA indicates that the proposals will include land dedicated to a potential future railway station and car park. The potential station and car park do not form part of the development proposals, are not supported by any technical work, and are therefore not considered in this response. Further details are required of the methodology applied in arriving at the growth factors applied.

The residential trip rates are generally considered reasonable, taking the proposal as a whole and assuming that four and five bedroom dwellings do not take up a disproportionate proportion of the development as higher trip rates would be expected for such dwellings.

The proposed distribution and assignment is considered acceptable for the purposes of junction assessment within the TA. (Note: The proposed development north of Moorfields is not considered committed and therefore neither can junction improvements associated with that proposal be considered as committed; i.e. improvements to traffic signals at the A534 Crewe Road/Wistaston Road junction are not committed).

The TA has provided consideration of; the site access, Peacock Roundabout, Wybunbury Road/Wistaston Road/Park Road and the impact on the level crossing.

It is accepted that the site access will operate within capacity. It is also accepted that the Wybunbury Road/Wistaston Road/Park Road junction will operate within capacity. The TA acknowledges issues in relation to the operation of the Peacock Roundabout and proposals to potentially improve the roundabout as part of contributions from recently approved developments.

The TA suggests that land can be made available within the applicant's control to facilitate such improvements and possibly enhance them if required. The proposals for the improvement of Peacock roundabout are, as stated, dependent on contributions from large developments in the area, with the contribution for improvement from NW Nantwich likely to come (when the s106 is finalised) when the 1,000th dwelling is occupied. This is likely to be some time in the future and the TA fails to consider the how development of the Park Road site might come forward in the absence of such improvements or enhanced improvements. The comment applies equally to other A51 junctions.

The TA suggests no impact on the level crossing as no vehicular traffic is assigned in this direction. It is agreed that it is likely that little traffic from the development proposal will travel through the crossing given the nature of the highway network in the area.

There certainly are likely to be issues at Alvaston and Cheerbrook roundabouts to at least some extent in the absence of improvements and impact needs to be tested at these locations at an appropriate future year.

The level of traffic forecast to use Wistaston Road and the A534/Wistaston Road junction requires impact assessment; two-way flow restriction and capacity, respectively.

In terms of sustainable transport and location in relation to local facilities; the site seems to be within reasonable reach of a number of facilities and, although not ideally located in terms of walk distance to public transport, measures could be promoted to encourage its use instead of the private car.

The Travel Plan offers targets but not remedial measures. There are no solid proposals in it and we recommend provision of single public transport voucher for each household (on request) to the value of a six-month travelcard for local services. Dwellings should include cycle storage in line with CEC standards.

The Travel Plan will require annual reporting and this should continue through the development and dwelling occupation programme which might last up to five years. A Travel Plan monitoring fee will be payable for five years totalling £5,000.

There is insufficient detail to comment on on-site layout at this time.

Conclusion and Recommendation

The Head of Strategic Infrastructure does not have any 'in principle' objection to the proposal to build 175 dwellings on the land south of Park Road, Willaston.

However, as this response outlines, there are a number of areas where further work and information is required and, in the absence of such information, the Head of Strategic Infrastructure would have to recommend refusal of this planning application at this time.

Trees & Hedges

The application is supported by a Tree Quality Survey and Development Implications Assessment (Ref 2152-R02a-JJ-AS) dated November 2014 by Tyler Grange Arboricultural Consultancy. The report indicates that the assessment has been carried out in accordance with the recommendations of British Standard BS5837:2012 Trees in relation to design, demolition and construction). The report has been carried out to assess the environmental and amenity values of all trees on or adjacent to the development area and the arboricultural implications of retaining trees with a satisfactory juxtaposition to the proposed new development, within the constraints of an outline application.

BS5837:2012 Trees in relation to design, demolition and Construction – Recommendations no longer refer to Arboricultural Implications Assessments, but to Arboricultural Impact Assessments (sub section 5.4 of the Standard). The assessment should evaluate the effects of the proposed design, including potentially damaging activities such as proposed excavations and changes in levels, positions of structures and roads etc in relation to retained trees. In this regard BS5837:2012 places greater robustness and level of confidence necessary to ensure the technical feasibility of the development in respect of the successful retention of trees.

The British Standard identifies at para 5.2 *Constraints posed by Trees* that all relevant constraints including Root Protection Areas (RPAs) should be plotted around all trees for retention and shown on the relevant drawings, including proposed indicative site layout plans. Above ground constraints should also be taken into account as part of the layout design

The submitted plans and particulars illustrate which trees are suggested for retention and are cross referenced with their Root Protection Areas. As a consequence it is possible to determine the direct or indirect impact of the outline application on retained trees.

The site is presently laid down to an arable crop with existing mature trees located around the periphery of the site and through the central spine as a linear group, which original formed part of a field dividing hedgerow. It is accepted that as part of modern agricultural practices and the location of some of the trees immediately adjacent to roadside locations some minor

impact on trees in terms of rooting mass and development will have occurred, but any reduction in vitality is considered to be minimum. The identified Category A & B trees are visually prominent from a number of public vantage points including adjacent highways and the public footpath which divides the site. The proposed point of access has no direct impact on any tree but does require the removal of a section of existing mature hedgerow. Whilst the presence of hedgerows has been acknowledged within the submitted arboricultural detail there does not appear to have been an assessment made under the Hedgerow Regulations 1997; this needs to be expedited.

Subject to the satisfactory submission of the requested hedgerow detail, the openness of the location should be able to accommodate development and the requirements of the retained tree aspect associated with the site. A detailed site wide AIA / AMS and Tree Protection Plan all in accordance with BS5837:2012 will be required should this site proceed to Reserved Matters.

Economic Sustainability

Supporting Jobs and Enterprise

The Framework includes a strong presumption in favour of economic growth.

Paragraph 19 states that:

‘The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth’

Given the countryside location of the site, consideration must also be given to one of the core principles of the Framework, which identifies that planning should recognise:

‘the intrinsic character and beauty of the countryside and supporting thriving rural communities within it’.

Specifically, in relation to the rural economy the Framework identifies that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

‘support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings’

The economic benefits of the development include, maintaining a flexible and responsive supply of land for housing, business and community uses as well as bringing direct and indirect economic benefits to the town including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

Similarly, the NPPF makes it clear that:

“the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.”

According to paragraphs 19 to 21:

“Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century. Investment in business should not be overburdened by the combined requirements of planning policy expectations.”

Agricultural land

It is noted that Policy NR8 (Agricultural Land) of the Congleton Borough Local Plan has not been saved. Policy SE2 of the Submission Version of the Local Plan concerns the efficient use of land and states that development should safeguard natural resources including agricultural land.

In addition, the National Planning Policy Framework, states that:

“where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality”.

A study and survey of the circa 17.44 acre situated on Park Road, Willaston has shown that:

- The land has been in continuous maize for 15 years
- The land forms part of a larger 110 acre holding
- The majority of the site is classified as Grade 3a

The site therefore comprises wholly Best and Most Versatile Agricultural Land. The loss of the agricultural land makes the scheme less sustainable and the proposal is therefore contrary to policy NE12 of the adopted Local Plan SE2 of the emerging local plan and the provisions of the NPPF in respect of loss of agricultural land. This weighs significantly against the proposal in the overall planning balance.

Section 106 Agreement / Community Infrastructure Levy (CIL) Regulations

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

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

As explained above, POS and children's play space is a requirement of the Local Plan Policy. It necessary to secure these works and a scheme of management for the open space and children's play space is needed to maintain these areas in perpetuity. Similarly the affordable housing is a policy requirement.

On this basis the open space and affordable housing is compliant with the CIL Regulations 2010.

Planning Balance and Conclusion

The proposal is contrary to development plan policies NE2 (Open Countryside and NE4 (Green Gap) and therefore the statutory presumption is against the proposal unless material considerations indicate otherwise.

The most important material consideration in this case is the NPPF which states at paragraph 49 that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites and that where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development

It is therefore necessary to make a free-standing assessment as to whether the proposal constitutes "sustainable development" in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

In this case, the development would provide market and affordable housing to meet an acknowledged shortfall. The proposal would also have some economic benefits in terms of jobs in construction, spending within the construction industry supply chain and spending by future residents in local shops.

In terms of traffic generation and congestion, there are a number of areas where further work and information is required and, in the absence of such information, the officers recommend refusal of this planning application at this time.

In terms of Ecology, the development would not have a detrimental impact upon the conservation status of protected species. There would be an adequate level of POS on site together with a play area which would require 5 pieces of equipment to comply with policy.

Subject to a suitable Section 106 package, the proposed development would provide adequate public open space, the necessary affordable housing requirements, and the requirement for the future maintenance of the open space and playspace on site. It would not generate any shortfall in education capacity locally.

The proposal is considered to be acceptable in terms of its impact upon residential amenity and drainage/flooding. Conditions could be imposed to ensure this. It therefore complies with the relevant local plan policy requirements for residential environments

Whilst the site does not meet all the minimum distances to local amenities and facilities advised in the North West Sustainability toolkit, there is not a significant failure to meet these

and all such facilities are accessible to the site. The development is therefore deemed to be locationally sustainable.

Balanced against these benefits must be the loss of a significant area of best and most versatile agricultural land. All of the site will be lost from agriculture, whether built upon or subject to open space. However, much of Cheshire East comprises best and most versatile land and use of such areas will be necessary if an adequate supply of housing land is to be provided. Furthermore, previous Inspectors have attached very limited weight to this issue in the overall planning balance.

It is also necessary to consider the negative effects of this incursion into Open Countryside and the erosion of the Green Gap by built development. Effects that would be all the more marked in the locality given the conclusions of the Landscape Officer. These negative impacts, coupled with the loss of Best and Most Versatile Agricultural Land outweigh the benefits.

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is not engaged. Notwithstanding this, even applying the tests within paragraph 14 it is considered that the adverse effects of the scheme significantly and demonstrably outweigh the benefits.

The application is subject to an Appeal against non-determination. Accordingly it is recommended that Members resolve that they would have been minded to refuse the application and to contest the Appeal on the above grounds.

RECOMMENDATION

MINDED to REFUSE for the following reasons

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies NE.2 (Open Countryside) and RES.5 (Housing in Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan, Policy PG 5 of the Cheshire East Local Plan Strategy – Submission Version and the principles of the National Planning Policy Framework and create harm to interests of acknowledged importance. As such the application is also contrary to the emerging Development Strategy. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.**
- 2. In the opinion of the Local Planning Authority, the proposed development would cause a significant erosion of the Green Gap between the built up areas of Willaston and Nantwich and would adversely affect the visual character of the landscape which would significantly and demonstrably outweigh the benefits of the scheme notwithstanding a shortfall in housing land supply. The development is therefore contrary to Policy NE4 (Green Gaps) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within the NPPF.**
- 3. 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 inefficient and**

contrary to Policy NE12 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and Policy SE2 of the emerging Cheshire East Local Plan Strategy - Submission Version and the provisions of the National Planning Policy Framework.

RESOLVE to enter into a Section 106

- **Affordable housing:**
 - **30% of the total dwellings to be provided as affordable housing**
 - **65% of the affordable dwellings to be provided as either social rent or affordable rent**
 - **35% of the affordable dwellings to be provided as intermediate tenure**
 - **Affordable housing to be provided on site**
 - **Affordable rented or Social rented dwellings to be transferred to a Registered Provider**
 - **The affordable dwellings to be provided as a range of property types to be agreed with Housing**
 - **Affordable housing to be pepper-potted in small groups, with clusters of no more than 10 dwellings.**
 - **The affordable housing to be provided no later than occupation of 50% of the open market dwellings, or if the development is phased and there is a high degree of pepper-potting the affordable housing to be provided no later than occupation of 80% of the open market dwellings.**
 - **Affordable dwellings transferred to an RP to be built in accordance with the HCA Design and Quality Standards or the latest standards applied by the HCA.**
- **Equipped children's play area. for younger children - 5 pieces of equipment including a ground-flush roundabout. All equipment needs to be predominantly of metal construction, as opposed to wood and plastic.**
- **Private residents management company to maintain all on-site open space, including footpaths and habitat creation area in perpetuity**

