

Application No: 16/6028N

Location: Land West Of, NEW ROAD, WRENBURY

Proposal: Outline planning application for the erection of up to 46 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from New Road. All matters reserved except for means of access.

Applicant: Mr Gladman Developments

Expiry Date: 20-Mar-2017

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 Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites 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 consider 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).

The development would provide benefits in terms of affordable housing provision, delivery of housing, POS, a play area and economic benefits through the usual economic benefits during contraction and through the spending of future occupiers.

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

The adverse impacts of the development would be the loss of open countryside, the impact on the landscape, the loss of agricultural land and the lack of information regarding flooding.

As a result the development is clearly contrary to open countryside policies yet as it stands these are considered out of date. So the presumption in favour of sustainable development applies. However, with reference to the Richborough Court of Appeal weight can be given to those policies.

There is now a solution to the housing supply in hand through the forthcoming adoption of the Local Plan. As a consequence of the Inspectors most recent comments in December increased weight can be afforded to these policies. In addition given the progression of emerging policies towards adoption it is considered that greater weight can now be given to those emerging policies. A further factor that weighs against the scheme is the scale and location of the development which extends further away from the village settlement.

Therefore taking a balance of the overall benefits, the current policy position and the scale of harm it is considered that the presumption in favour is outweighed in this case and a recommendation of refusal is made.

RECOMMENDATION

REFUSE

PROPOSAL

The proposal seeks outline consent with all matters served except access for the erection of up to 46 dwellings

The proposed residential development would be sited on an area of 2.64 hectares which gives a density on the developable area of the site of 17 dwellings per hectare.

The proposed development includes a single access point onto New Road which would be located to the south-eastern boundary of the site.

The land level of the site to the north-west is predominantly flat however the levels fall significantly to the river to the south-west.

The indicative plans show that the site would include provision of an area of open space to the southern boundary.

The proposal would provide contributions to affordable housing and education, an area of public open space and a new footpath on New Road to the north of the site.

SITE DESCRIPTION

The site is located off New Road in Wrenbury. The site is within Open Countryside. To the south-western boundary of the site is the River Weaver with agricultural land beyond. To the north-east of the site is residential development which was approved under 14/5465N. Further agricultural land to the south-eastern boundary and land the north-western boundary is to serve a County Park approved as part of the 14/5465N application with the Llangollen Branch of the Shropshire Union Canal further beyond. The Wrenbury Conservation Area runs 136m to the north-east of the site.

The land is currently in agricultural. There are a number of trees and hedgerow to the boundaries of the site. Some of the trees to the north-western boundary are protected by a Tree Preservation Order (TPO).

Part of the application site is located within Flood Zone 3 as identified by the Environment Agency Flood Maps.

RELEVANT HISTORY

No relevant planning history on the site.

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
Interim Planning Statement Affordable Housing
Interim Planning Statement Release of Housing Land

CONSULTATIONS

Environment Agency: Objection

United Utilities: No objection subject to drainage conditions suggested

CEC Flood Risk Manager: Objection

NHS England: No comments received at the time of writing the report.

Strategic Highways Manager: No comments received at the time of writing the report.

Environmental Health: No objection subject to conditions regarding piling works, dust, construction environmental management plan, travel pack, electric vehicle charging and contaminated land. An informative is also suggested in relation to working hours for construction.

Ansa (Public Open Space): No objection

CEC Public Rights of Way: No objection as the development does not appear to affect a PROW however advisory notes offered to the applicant regarding the proposed footpath.

CEC Education: Contribution of £159,899 required for primary, secondary and SEN school provision.

VIEWS OF THE PARISH COUNCIL

Wrenbury Parish Council: Objection

New Road is a narrow county lane with no pavements or street lighting. It is not suitable for the traffic associated with an additional 46 houses. The junction with Nantwich Road is also unsuitable for the additional traffic that the site will create.

The development site is in designated open countryside and outside the settlement boundary as identified in the Crewe and Nantwich Local Plan, the emerging Cheshire East Local Plan and the emerging Wrenbury-cum-Frith Neighbourhood Plan. Since 2015, 110 houses have been approved within the village, which is a higher figure than previously identified in any local plan.

Whilst each application should be based on its merits, owing to the previous permissions granted over the past two years, any further development is unsustainable for the village services and amenities. This includes the sewerage system within the village, which regularly floods in inclement weather.

As the site is within the Mere and Mosses Nature Improvement Area, there is concern about the effect of the site on the adjacent watercourses. In accordance with the provisions of the National Planning Policy Framework, the applicant is required to identify how it has addressed the requirements of S11(117).

When 11/0041N was built, it was stated that this would not extend the village boundary and enable development along New Road. This development was afforded special circumstances as it was for the provision of affordable housing.

The Parish Council considers this application wholly unsuitable and urges that it is refused.

REPRESENTATIONS

Letters of objection have been received from 4 local households raising the following points:

- Loss of open countryside
- Located on Grade 3 agricultural land
- Outside settlement boundary
- Highway safety/traffic
- Drainage
- Out of character existing development
- Loss of trees/hedgerow
- Impact to ecology

- Village has already exceeded its capacity
- Unsustainable
- School capacity
- No demand for the properties proposed

APPRAISAL

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

On 13 December 2016 Inspector Stephen Pratt published a note which sets out his views on the further modifications needed to the Cheshire East Local Plan Strategy. This note follows 6 weeks of Examination hearings concluding on 20 October 2016.

This note confirms that his previous endorsement for the core policies on the plan still stand and that “*no new evidence or information has been presented to the examination which is sufficient to outweigh or alter my initial conclusions*”. This signals his agreement with central issues such as the ‘Duty to Cooperate’, the overall development strategy, the scale of housing and employment land, green belt policy, settlement hierarchy and distribution of development.

The Inspector goes on to support the Council’s approach to the allocation of development sites and of addressing housing supply. He commented that the Council:

“seems to have undertaken a comprehensive assessment of housing land supply, and established a realistic and deliverable means of meeting the objectively assessed housing need and addressing previous shortfalls in provision, including assessing the deliverability and viability of the proposed site allocations”

The Inspector went on to state that the development strategy for the main towns, villages and rural areas appeared to be “*appropriate, justified, effective, deliverable and soundly based.*” As a consequence there was no need to consider other possible development sites at this stage.

The Inspector's recommendations on Main Modifications mean that under paragraph 216 of the Framework the emerging policies of the Cheshire East Local Plan Strategy can be attributed a greater degree of weight – as the Plan as revised is at an enhanced stage, objections are substantially resolved and policies are compliant with National advice.

The Inspector's recommendations on housing land supply, his support for the Cheshire East approach to meeting past shortfalls (Sedgepool 8) indicate that a remedy is at hand to housing supply problems. The Council still cannot demonstrate a 5 year supply of housing at this time but it will be able to on the adoption of the Local Plan Strategy. This is highly relevant to the assessment of weight given to housing supply policies which are deemed out of date by the absence of a 5 year supply. Following the Court of Appeal decision on the Richborough case, the weight of an out of date policy is a matter for the decision maker and could be influenced by the extent of the shortfall, the action being taken to address it and the purpose of the particular policy.

Given the solution to housing supply now at hand, correspondingly more weight can be attributed to these out of date policies. In addition given the progression of emerging policies towards adoption greater weight can now be given to those emerging policies. The scale of the development may also be a factor that should be weighed in the overall planning balance as to the degree of harm experienced.

Attention is also drawn to a recent appeal decision regarding a site in Cheshire East ref APP/R0660/W/16/3156959 where the inspector gave a view on the status of the Councils Merging Local Plan

“This plan is now at an advanced stage of preparation, with the consultation on the main modifications having started on 6 February 2017. It was indicated that apart from a minor modification to the wording of the supporting text, the Local Plan Inspector has not suggested any modifications to this policy. As such, it is proposed that it would be adopted in its current format. In the light of this, and in accordance with paragraph 216 of the National Planning Policy Framework (the Framework), I consider that substantial weight can be given to this policy”

SOCIAL SUSTAINABILITY

Affordable Housing

The Councils Interim Planning Statement: Affordable Housing (IPS) states in Settlements with a population of less than 3,000 that we 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 10 dwellings or more or a combined housing floor space including garages larger than 1000sqm in size.

The desired target percentage for affordable housing for all allocated sites will be a minimum of 30%, in accordance with the recommendations of the Strategic Housing Market Assessment carried out in 2013. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

This is a proposed development of 46 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 14 dwellings to be provided as affordable dwellings.

The SHMA 2013 shows the majority of the demand in the Wrenbury area until 2018 is for 15 x two bedroom and 12 x four bedroom dwellings for General Needs per year. The SHMA also states the need of 2 x one bedroom Older Persons Dwellings per year again until 2018. The majority of the demand on Cheshire Homechoice is for 2 x one bedroom, 2 x two bedroom and 1 x three bedroom dwellings therefore the 6 x one bedroom and 8 x two bedroom shown in the Affordable Statement reflects the Housing Need in this area.

The Affordable Housing Statement proposes 9 Affordable rent and 5 Intermediate Tenure dwellings which has been considered to be acceptable by the Councils Housing Team.

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. The proposal seeks to provide up to 46 dwellings therefore the proposal requires 1,610sqm. The indicative plan shows that the developer will provide open space to the southern corner of the site.

In terms of children's play space, a LAP is proposed to the north of the open space to offer toddler and child play provision.

ANSA have been consulted regarding the proposal and have advised that they have no objections to the proposal as the quantity of public open space is being over provided in the form of a LAP play facility that should have a low level guard rail or planting to define the area.

An attenuation/balancing pond is located approximately 6m away from the LAP. Appropriate safety measures should be taken to ensure safety of the public especially small children who will be using the adjacent LAP.

Given that the proposal is submitted in outline, details requested by ANSA regarding location of fencing and buffer zones would be addressed at reserved matters stage.

Education

A development of 46 dwellings is forecast to generate 9 primary school children and 7 secondary school children and 1 Special Educational Needs (SEN) child.

The details of this forecast are contained within the table below:

Development	land west of New Road, Wrenbury				Number of Dwellings	46						
Planning App Number	16/6028N				Primary Yield	8		less 1 SEN				
Date Prepared	16.1.2017				Secondary Yield	7						
					SEN Yield	1						
Primary Schools	PAN Sep 16	PAN Sep 17	NET CAP May-16	Any Known Changes	PUPIL FORECASTS based on October 2015 School Census							
					2016	2017	2018	2019	2020	Comments		
Wrenbury Primary School	20	20	140	140	117	122	129	128	128			
Developments with S106 funded and pupil yield included in the forecasts				0								
Developments pupil yield not included in the forecasts									2			
Pupil Yield expected from this development									8			
OVERALL TOTAL	20	20	140	140	117	122	129	128	138			
OVERALL SURPLUS PLACES PROJECTIONS based on Revised NET CAP					23	18	11	12	2			
Secondary Schools	PAN Sep 16	PAN Sep 17	NET CAP May-16	Any Known Changes	PUPIL FORECASTS based on October 2015 School Census							
					2016	2017	2018	2019	2020	2021	2022	
Brine Leas School	215	215	1,050	1,050	1,118	1,149	1,168	1,190	1,197	1,200	1,212	
				Please Note: All figures quoted exclude any allowance for 6th Form Pupils								
Developments with S106 funded and pupil yield included in the forecasts				20								
Developments pupil yield not included in the forecasts											19	
Pupil Yield expected from this development											7	
OVERALL TOTAL	215	215	1,050	1,070	1,118	1,149	1,168	1,190	1,197	1,200	1,238	
OVERALL SURPLUS PLACES PROJECTIONS					-48	-79	-98	-120	-127	-130	-168	

As such there is a requirement for a contribution from this development towards primary, secondary school and SEN and the sum of £159,899 will be secured as part of a S106 Agreement.

Health

Although no consultation response has been received from the NHS there is a medical centre within 0.2 miles of the site and according to the NHS choices website this practice is 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.

An assessment detailing the proximity of the site to the services within the tool kit has not been provided however a sustainability report has been provided which advises as follows

- Wrenbury is a successful and sustainable settlement. It has an active Parish Council and a number of community facilities including a well utilised village hall, recreation ground and sports pavilion. There are a number of activities taking place in the village that provide opportunities for residents to get involved.
- Wrenbury benefits from good public transport connections on the train and bus to Whitchurch and Nantwich, and on the train to destinations further afield including Crewe and

Shrewsbury. There are a number of Public Rights of Way connecting the village to the surrounding countryside.

- Wrenbury is well served with a pre-school, primary school and medical centre. It has a church, two village pubs, a convenience store and Post Office, and a sports and recreation grounds.
- Wrenbury has a skilled and educated workforce that makes a positive contribution to the local economy. Employment hosting sites are located both in the village and in a number of different surrounding settlements, including Nantwich and Whitchurch, and in other rural villages.
- In Wrenbury a high proportion of the housing stock is owner occupied. The village population has grown at a faster rate of growth than the average across Cheshire East. However, there has been particular growth in the population aged over 45 years.

In summary, the site does not comply with all of the standards advised by the NWDA toolkit. However, these are guidelines and are not part of the development plan. Owing to its position on the edge of Wrenbury, 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 Wrenbury from the application site. However, the majority of the services and amenities listed are accommodated within Nantwich and are accessible to the proposed development via a short bus or train journey. From the back of the site to the bus stop it is 439m which complies with the recommended maximum distance as per the above toolkit. The proposal also seeks to provide a new footpath from the north of the site onto New Road. This would stop 80m shy of the junction of New Road/Cholmondeley Road however users would be able to walk on the existing grass verge to reach the footpath on Cholmondeley Road.

It should also be noted that planning permission has been granted for residential development to the north-east of the site which was considered to be locationally sustainable. Given the close proximity of the site it would be difficult to argue that the current site is not sustainable.

Accordingly, it is considered that this small scale site is locationally sustainable.

ENVIRONMENTAL SUSTAINABILITY

Residential Amenity

The main residential properties affected by this development are properties to the south-east (Brookside and South End), properties to the north-east on St Margarets Close and the future occupiers of the properties approved to the north of the site.

An illustrative masterplan has been provided which shows one possible way in which the site may be developed. Based on this layout the proposal complies with the required interface distances to prevent significant harm to living conditions of neighbouring properties. However it should be noted that the detailed layout will be determined at the reserved matters stage.

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

The application site is within 250m of a known landfill site and has a history of agricultural use and therefore the land may be contaminated. As the application is for new residential properties which are a sensitive end use and could be affected by any contamination present a contaminated land condition will be attached to any approval.

Public Rights of Way

There are no PROW located on the application site.

In response to the comments made by the Councils PROW Officer the pedestrian links onto Cholmondeley Road could be negotiated at the Reserved Matters stage and secured as part of a planning condition.

Highways

The proposal seeks to utilise an existing access of New Road, albeit amendments are required to increase the width to allow for 2 way traffic and to improve the visibility plays.

No comments have been received from the highway engineer at the time of writing the report. These will be provided in the update report or at the committee meeting.

However it would appear that adequate parking and turning areas could be provided.

Countryside/Landscape

The site is located to the south of Wrenbury Village in Open Countryside and lies to the west of New Road with the River Weaver to the south. It has no national landscape designation however it is considered to have more visual affinity with the appearance of the open countryside rather than the built form to the north-east given that it is bounded by countryside on 3 sides to the north-west, south-west and south-east.

It is agricultural land laid to grass with tree and hedge cover around the periphery. Further agricultural land lies to the east and the south beyond the river. To the north east there is a residential development and to the north west /west consent has been granted for residential development with a large area of associated POS. The site is readily visible from New Road with relatively level land to the north and levels sloping to the south / south west.

The application is supported by a Landscape and Visual Appraisal dated December 2016 which states that it is based on GLVIA 3 guidelines. The appraisal correctly identifies the site as being within National Character Area 61 Shropshire, Cheshire and Staffordshire Plain and within Landscape Character Type 7 East Lowland Plain, Ravensmoor Character Area in the Cheshire Landscape Assessment.

The appraisal affords the site and immediate landscape a medium landscape value with medium susceptibility to change.

Visual effects are assessed from a number of photographic viewpoints. The assessment suggests that potential visual impacts on residential receptors are considered small and limited to the immediate vicinity of the site. Limited views are identified from other viewpoints including the South Cheshire Way to the south. The open nature of the southern boundary due to contours and lack of tall vegetation is identified. Proposals are made for new landscape works and green infrastructure.

As the proposal seeks outline consent with only access included, the full landscape impacts could only be assessed at reserved matters stage. Nevertheless, notwithstanding the indicative landscape proposals, the introduction of residential development to this site, extending the built form of the village south into the agricultural landscape and open countryside would clearly alter the approach to the village from when approaching New Road from the south.

Whilst a landscape buffer is indicated along the River Weaver boundary to the south-west, the development is likely to be prominent to view particularly in the winter months when trees have shed their leaves. The site also slopes significantly to the River to the south-west which means that the majority of the site is highly visible when viewed from the wider setting to the south-west. As such the Councils Landscape Officer does not agree that the proposals would improve the approach to the village.

Therefore it is considered that the proposal would be visible from the wider setting and it is unlikely that the visual impacts could be adequately mitigated given the sloping nature of the site which increases the visual prominence meaning that the proposal would be viewed as a dominant feature on the landscape which extends away from the existing settlement to the north-east resulting physical encroachment in to the open countryside resulting in demonstrable harm to the character/appearance of this countryside setting.

It should be noted that the village boundary has already been extended to the south-west by the approval of application 14/5465N. This was approved as it was deemed to be a natural extension to the village and lined up with the existing development on New Road. This is unlike the current proposal which would not line up with existing development on New Road and would dramatically alter the character of this countryside setting and be viewed as visually dominant with an unacceptable visual encroachment into the countryside.

The proposal would also result in extensive hedge loss to accommodate the access, visibility splays and a footpath adjacent to New Road. The landscape report suggests that the hedge would be transplanted. However given the age and character of the hedge this is very unlikely to be successful and the site frontage would be open until a new hedge established which would further increase the visual impact of the site.

Trees

The site is an agricultural field laid to grass with tree and hedge cover around the periphery. Several trees on the western boundary are subject to TPO protection.

The application is supported by an Arboricultural Assessment dated December 2016 which incorporates a tree survey. The survey covers 11 individual trees, 5 groups of trees and 4 hedgerows. In the survey, trees are graded as follows: 1 individual tree Grade A, 5 individual trees and 2 groups Grade B , 4 individual trees 3 groups and 4 hedges Grade C.

As an outline application with only access included, the full implications of development would only be realised at reserved matters stage although the implications of the access need to be considered in detail. The capacity of the site to accommodate the scale of development proposed also needs to be considered.

On the basis of the Masterplan, the Arboricultural Impact Assessment indicates that the layout would retain most boundary trees but the access would require removal of a section of the roadside hedge and three roadside trees. The Assessment makes suggestions regarding site layout, protection and management of retained trees and additional planting.

The trees impacted by the proposed access works are all afforded Grade C and whilst prominent on the roadside are not outstanding. Impacts on retained trees would have to be assessed in more detail with a reserved matters application.

Hedgerows

The extent of hedge loss for the access and associated visibility splays and site frontage footpath is not entirely clear on the submitted plans but appears to impact on most of the established roadside hedge (more than 100 meters). The line of a proposed footpath is also indicated to continue to the north beyond the site edged red would impact on other lengths of hedge fronting properties in Margaret Close and beyond.

Where proposed development is likely to result in the loss of existing agricultural hedgerows which are more than 30 years old, it is considered that they should be assessed against the criteria in the Hedgerow Regulations 1997 in order to ascertain if they qualify as 'Important'. The Regulations require assessment on various criteria including ecological and historic value. Should any hedgerows be found to be 'Important' under any of the criteria in the Regulations, this would be a significant material consideration in the determination of the application. Hedgerows are also a habitat subject of a Biodiversity Action Plan.

The submission includes a Historic Hedgerow Assessment. Four hedgerows on the site boundaries meet Criterion 5a of the Archaeological and Historical Criteria and are therefore deemed to be 'Important ' hedgerow under the Hedgerow Regulations 1997. One of the four important hedgerows, on the New Road frontage, would be impacted by the proposed development through the proposed access point and associated visibility splays.

The applicant has also provided a method statement for hedge translocation and states that if this fails, replacement planting will be provided. Use of similar methodology on the development site off Cholmondeley Road is cited. However hedgerow has unique characteristics and the success of translocation cannot be guaranteed.

Given that Impact on an 'Important' hedge is a material consideration the uncertainty regarding the ability to translocate therefore weights against the 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.”

In this case an indicative layout has been provided in support of this application and this shows that an acceptable layout can be achieved and that the areas of open space and all highways would be well overlooked. 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 (Wrenbury Conservation Area and Listed Buildings)

The village of Wrenbury is centred on four distinct nodes: the canal crossing, the village green, the school and the railway station, separated by agricultural land.

Given the separation distances involved and the screening that would be provided by the intervening development to the north-east of the site it is considered that the development would have a limited impact upon the Wrenbury Conservation Area and the setting of the Listed Buildings within the village of Wrenbury including the Church of St Margaret (Grade II*) and Wrenbury Bridge (Grade II and a Scheduled Ancient Monument).

Ecology

Reptiles, Otters and Water Voles

Both Otters and Water Voles are known to occur on the River Weaver which forms the south western boundary of the application site.

No evidence of these two species was recorded during the submitted survey, the Water Vole survey was however undertaken outside the suitable survey season.

The Councils ecologist advises that both of these species may still possible occur on the River Weaver adjacent to the application site on at least on a transitory basis.

The submitted illustrative master plan includes a buffer zone of open space between the river and the proposed development. Provided this area is treated appropriately the ecologist considers that the proposed development would be unlikely to have a significant impact upon these two species if they were in fact present.

The unmanaged habitats adjacent to the river have also been identified as offering potential habitat for reptiles. The retention of these bankside habitats as part of the buffer zone adjacent to the river would also safeguard reptiles and this can be secured by condition.

Other Protected Species

Other protected species setts are known to be present on land adjacent to this site. The submitted habitat survey refers to a detailed other protected species survey report which is currently being considered by the Councils Ecologist.

An update will be provided either in the update report or the committee meeting.

Hedgehog

Hedgehogs are a biodiversity action plan priority species and hence a material consideration. There are records of hedgehogs in the broad locality of the proposed development and so the species may occur on the site of the proposed development. If planning consent is granted the ecologist has suggested that any reserved matters application be supported by proposals for the incorporation of gaps for hedgehogs to be incorporate into any garden or boundary fencing proposed. This can be secured by condition.

Hedgerows

Hedgerows are a priority habitat and hence a material consideration. The development of this site is likely to result in the loss of a section of hedgerow to facilitate the access point.

If outline planning consent is granted it must be ensured that suitable native species hedgerow planting is provided as part of the detailed design to compensate for that lost. This could be secured by planning condition.

Nesting Birds

If planning permission is granted the ecologist recommends a condition to ensure some additional provision is made for nesting birds and roosting bats as part of the proposed development.

Bats

Whilst the application site offers limited opportunities for roosting bats, bats were recorded foraging and commuting around the boundary features on site.

To avoid any adverse impacts on bats resulting from any lighting associated with the development the ecologist recommends that if planning permission is granted a condition should be attached requiring the submission of a lighting strategy as part of the reserved matters application.

Ecology summary

As a result it is considered that any ecological concerns could be mitigated by the use of planning conditions.

Flood Risk

The site is bound to the south-west by the River Weaver (Main River) and is located partially within Flood Zones 2 and 3.

The Environment Agency has raised an objection due to lack of information as the submitted site plan is marked showing the extent of Flood Zone 3 not affecting the proposed residential areas. However, no evidence has been submitted to demonstrate this.

The Flood Risk Assessment (FRA) submitted with the planning application included a topographical survey and flood level data obtained from the Environment Agency. Marking the 100 year fluvial flood level on the topographical survey indicates that

However Flood Zone 3 extends into the site, affecting the proposed residential area. Therefore in order to determine whether Flood Zone 3 affects the proposed residential area, the proposed site layout needs be marked on the topographical survey and with the 100 year fluvial flood level clearly drawn.

The Councils Flood Risk Team have also raised an objection as the FRA does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. In particular, the FRA fails to demonstrate that the proposed development will not increase the risk of fluvial flooding offsite.

The submitted 'Illustrative Master plan' suggests part of the proposed residential area affected by Flood Zone 3. The FRA explains that proposed dwellings are to be set above the design fluvial flood level, which would result in the loss of floodplain. However the FRA does not include how this loss of floodplain is to be mitigated, such that fluvial flood risk is not increased elsewhere.

This weighs against the proposal.

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 no Agricultural Land Assessment has been provided. 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 Wrenbury 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 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, secondary and SEN school education is required. This is considered to be necessary and fair and reasonable in relation to the development.

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

PLANNING BALANCE

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 Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites 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 consider 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).

The development would provide benefits in terms of affordable housing provision, delivery of housing, POS, a play area and economic benefits through the usual economic benefits during contraction and through the spending of future occupiers.

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

The adverse impacts of the development would be the loss of open countryside, the impact on the landscape, the loss of agricultural land and the lack of information regarding flooding.

As a result the development is clearly contrary to open countryside policies yet as it stands these are considered out of date. So the presumption in favour of sustainable development applies. However, with reference to the Richborough Court of Appeal weight can be given to those policies.

There is now a solution to the housing supply in hand through the forthcoming adoption of the Local Plan. As a consequence of the Inspectors most recent comments in December increased weight can be afforded to these 'out of date' policies. In addition given the progression of emerging policies towards adoption it is considered that greater weight can now be given to those emerging policies. A further factor that weighs against the scheme is the scale and location of the development which extends further away from the village settlement.

Therefore taking a balance of the overall benefits, the current policy position and the scale of harm it is considered that the presumption in favour is outweighed in this case and a recommendation of refusal is made.

RECOMMENDATION:

REFUSE

1) **The proposed residential development is unsustainable because it is located within the Open Countryside would result in adverse impact on the landscape character of the area contrary to Policies NE.2 (Open Countryside), NE.12 (Agricultural Land Quality), BE.2 (Design) and RES.5 (Housing in the Open Countryside) of the Crewe and Nantwich Local Plan, Policies PG5 (Open Countryside), SD1, SD2 & SE4 (Landscape) of the emerging Cheshire East Local Plan Strategy 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) **Insufficient information has been provided to fully assess the flood risks arising from the proposed development. In particular, the Flood Risk Assessment fails to demonstrate that the proposed development will not increase the risk of fluvial flooding offsite and does not include how the loss of the floodplain is to be mitigated, such that fluvial flood risk is not increased elsewhere. The proposal is therefore contrary to Crewe and Nantwich Local Plan Policies NE.20, BE.4, Policy SE.13 of the emerging Cheshire East Local Plan Strategy the NPPF**

3) **Insufficient information has been provided in which to assess the agricultural land quality of the site. The proposal is therefore contrary to Policy NE.12 of the Crewe**

and Nantwich Local Plan, Policy SD1 emerging Cheshire East Local Plan Strategy and the NPPF

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 Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

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

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

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

2. Provision of Public Open Space and LAP

3. Primary, Secondary and SEN School Education Contribution of £159,899

