

Application No: 16/4318N  
Location: Land off PARK ROAD, WILLASTON  
Proposal: Outline planning permission for up to 100 residential dwellings to include access. All other matters reserved for future consideration.  
Applicant: Mr Brown, Stretton Willaston Ltd  
Expiry Date: 07-Dec-2016

**SUMMARY:**

The proposed development would be contrary to Policies NE.2, RES.5 and NE.4. The development would result in a loss of open countryside and the erosion of the Wistaston-Nantwich Green Gap.

However as the Council cannot currently demonstrate a 5 year supply of deliverable housing sites then the presumption in favour of sustainable development applies at paragraph 14. LPA's should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

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

The development would have a neutral impact upon education, protected species/ecology, drainage, trees residential amenity/noise/air quality/contaminated land and landscaping could be secured at the reserved matters stage. The impact from traffic congestion can be mitigated through the improvement scheme to the Peacock Roundabout

The adverse impacts of the development would be:

- Significant erosion and perceived narrowing of the green gap. Effects that would be all the more marked in the locality given the conclusions of the Landscape Officer
- The loss of open countryside
- The loss of BMV agricultural land

A solution to the housing supply is in hand through the forthcoming adoption of the Local Plan. As a consequence of the Inspectors most recent comments in December increased weight can now be afforded to existing local plan policies, and greater weight can now be given to emerging policies.

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 the proposal represents unsustainable development contrary to the development plan. Accordingly the application is recommended for refusal.

**Recommendation: MINDED TO REFUSE**

## **PROPOSAL**

The application seek outline permission for up to 100 units with only access to be determined at this point, with all other matters are reserved for later consideration.

An indicative layout has been submitted with the application including access, associated infrastructure and green space. Reference is also made to the potential provision of a new community use within the scheme such as a scout hut with associated parking.

Although all matters other than access are reserved for later consideration, the applicants have stated that the accommodation would of be two to five bedroom properties including provision of 30% affordable housing which equates to 30 affordable homes.

A previous outline application (14/5824N) for up to 175 dwellings, albeit on a slightly larger site, was refused and dismissed on appeal (APP/R0660/W/15/3011872) in March 2016.

## **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 6.21 hectares.

The site is as being within the Open Countryside and the Wistaston - Nantwich Green Gap.

## **RELEVANT HISTORY**

14/5824N Outline planning permission for up to 175 residential dwellings to include access. All other matters reserved for future consideration. Land to the south of Park Road, Willaston - Appeal dismissed 26 March 2016

## **NATIONAL & LOCAL POLICY**

### **National Policy:**

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

Of particular relevance are paragraphs 14 and 47.

### **Development Plan:**

The Development Plan for this area is the Borough of Crewe and Nantwich Replacement Local Plan 2011, which allocates the site as being within the within Open Countryside.

The relevant Saved Policies are: -

BE.1 – Amenity  
BE.2 – Design Standards  
BE.3 – Access and Parking  
BE.4 – Drainage, Utilities and Resources  
BE.5 – Infrastructure  
BE.6 – Development on Potentially Contaminated Land  
NE.2 – Open Countryside  
NE.4 – Green Gaps  
NE.5 – Nature Conservation and Habitats  
NE.9 – Protected Species  
NE.12 – Agricultural land Quality  
NE.17 – Pollution Control  
NE.20 – Flood Prevention  
RES.7 – Affordable Housing  
RES.3 – Housing Densities  
RT.3 – Provision of Recreational Open Space and Children’s Playspace in New Housing Developments

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:

SD 1 Sustainable Development in Cheshire East  
SD 2 Sustainable Development Principles  
SE 1 Design  
SE 2 Efficient Use of Land  
SE 3 Biodiversity and Geodiversity  
SE 4 The Landscape  
SE 5 Trees, Hedgerows and Woodland  
SE 9 Energy Efficient Development  
SE 12 Pollution, Land Contamination and Land Instability  
PG 1 Overall Development Strategy  
PG 2 Settlement Hierarchy  
PG 4a Strategic Green Gaps  
PG 5 Open Countryside  
EG 1 Economic Prosperity

**Other Considerations:**

North West Sustainability Checklist  
The EC Habitats Directive 1992  
Conservation of Habitats & Species Regulations 2010

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

## **CONSULTATIONS:**

**Highways:** No objection subject to conditions requiring the improvements to the Peacock Roundabout as shown on Drawing SCP/14147/F02A to be completed prior to occupation of the 50<sup>th</sup> dwelling, the footway/cycleway on Park Road being constructed prior to first occupation of the development and a final Travel Plan to be submitted and agreed.

**Environmental Protection:** Recommend conditions/informatives relating to noise mitigation, construction management plan, dust, air quality and contaminated land.

**Public 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.
- Details of footway/cycle way links to footpath 10 from new estate. Also Recommended that footpath be integrated into a circular route walking run running through area of public open space.

**Education:** Require a contribution of £290,640 towards provision of Secondary School and SEN places

**Network Rail:** No objection. Subject to conditions requiring a risk assessment and method statement, provision of boundary fencing, details of acoustic mitigation, details of foul and surface water drainage, details of levels, earthworks and excavations within 10m of the railway boundary. Also Informatives are recommended regarding construction work and development adjacent to the railway.

**United Utilities:** No objection subject to conditions relating to foul and surface water drainage.

**Flood Risk Manager:** No objection subject to conditions relating to drainage of the site.

## **ANSA: No objection**

- Layout will provide very good surveillance over the proposed open space
- The footpath route alongside the main road is welcomed, although this does need to be hard surfaced
- A combined LAP and LEAP will be required on site in a suitable location
- The design and layout of the play facilities should meet the Fields in Trust Guidance on play provision
- Support comments from PROW on extending a hard surfaced footpath around the open space to facilitate community use throughout the year and for a range of mobilities
- On site management and maintenance of open space should be via a management company and secured via 106 agreement

**Archaeology :** No objection. Comments on previous application 14/5824N;

- 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.

**Willaston Parish Council:** Objects on the following grounds;

- The site is outside the settlement boundary of Willaston and is currently designated as being part of the open countryside. Policy NE2 – ‘Open Countryside’, states that within open countryside only development which is essential for specific purposes will be permitted. This proposed development does not meet any of the specified purposes.

- The proposed development is located within the Green Gap (policy PG4a) as established by the Replacement Local Plan Policy NE.4 and would result in the erosion of the physical gaps between built up areas and would adversely affect the visual character of the landscape contrary to para 17 of the NPPF.

- The retention of the Green Gaps between settlements is important for the following reasons:
- It plays an important role in defining the settlement character of the area and separating settlements at risk of coalescence
- It retains the existing settlement pattern by maintaining the openness of land
- Offers protection from further erosion of productive farmland and the fragmentation of existing land holdings
- The environmental role of sustainable development as set out in Paragraph 7 of the NPPF includes the protection of the natural and build environment
- The physical and dimensional erosion of the Green Gap is important as is the perceived erosion of the Green Gap

- The Green Gap policy is consistent with para 17 of the NPPF as it seeks to take account of the different roles and character of different areas and the social role of sustainability which includes supporting strong, vibrant and health communities.

- The proposed development will have a serious impact on the rural character and visual amenity of the site by urbanising it with a residential development.
- A previous application for the development of this site was refused at appeal with the Inspector stating that "The physical and dimensional erosion of the Green Gap are important considerations but the perceived erosion of the Green Gap must also be considered. In this regard the Green Gap is not primarily, for residents and visitors, seen from the air but when travelling along roads and walking footpaths in the area." Whilst the latest application is for a reduced number of units from 175 to 100, the proposed incursion to the Green Gap is little different and the above principle still applies.
- 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, which is already operating up to and beyond capacity 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.
- The cumulative effect of this proposal, along with already recently approved development, will result in a substantial increase in the demands on the local infrastructure which has already reached capacity and will be incapable of meeting the demands of further development without incurring huge expense and compromising the ability of future generations to meet their own needs.

## **REPRESENTATIONS:**

### **Edward Timpson MP – Letter received in response to previous planning application (14/5824N).**

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:** Representations received from the occupants of 51 properties have raised the following objections:

- Objections still stand to the original scheme which was dismissed on appeal.
- This application is contrary to the Local Plan, the Willaston Neighbourhood Plan and emerging policies of the Local Plan Strategy.
- Significant erosion and perceived narrowing of the green gap between Wistaston and Nantwich
- The green gaps should be preserved as defined in policy NE.4.
- Loss of open countryside
- Loss of high grade agricultural land.
- There are alternative sites available within Cheshire East for housing supply.
- Adverse impact on visual character of the landscape and visual amenity from urbanising of this site
- Development out of keeping with the character of the area
- Fears that there will be a loss of village identity and Willaston will become part of Crewe
- Do not want to lose the village distinction.
- More development is not needed in Willaston as too much already approved
- Cumulative impact with other developments will substantially increase demands on local infrastructure which has already reached capacity
- The site fails to meet at least 10 of the criteria on the North West sustainability
- The local primary school and Doctors are already over-subscribed.
- Willaston services, such as the primary school are already struggling to cope with the demand of current houses.
- Lack of public transport
- 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
- Willaston would be far too densely populated.
- reduce quality of life and community well being
- Loss of amenity green space. A public footpath crosses this land and fields used for dog walking, running and leisure.
- Already significant traffic issues with Willaston roads used as rat-runs and become gridlocked, especially at peak times
- 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.
- 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.
- Access close to blind bend with limited visibility
- Severe traffic congestion on Park Road, the A534 at the extremely busy Peacock roundabout junction and the A51 Nantwich by-pass.
- Increased noise and air pollution.
- Loss of wildlife habitat and biodiversity
- Adverse impact on trees and hedgerows
- Loss of outlook and privacy
- disruption during the construction phase will be unacceptable

- Exacerbate existing drainage problems and flooding
- Impact on development from noise and vibration from the railway
- Archaeological impact
- Inaccurate technical reports
- Loss of property value

## **APPRAISAL**

The key issues to be considered in the determination of this application are set out below.

### **Principle of Development**

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

The site is also subject to Policy NE.4 (Green Gaps) and this policy states that approval will not be granted for the construction of new buildings which result in the erosion of the physical gaps between the built up areas or adversely affect the visual character of the landscape.

The proposed development does not fall within any of these exceptions. 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 this proposal represents sustainable development and 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 stands 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.

In respect of appeal (3147420) which was dismissed on 10 February 2017 concerning residential development within the Green Gap at Land at 71 Main Road, Shavington, the Inspector importantly states;

*“The emerging LPS is at an advanced stage in the adoption process. The December 2016 interim letter is of considerable importance because it includes the examining Inspector’s views on housing land supply and the Green Gap. It takes account of the public consultation on modifications relating to these matters and concludes that the means by which the council intends to meet its objectively assessed housing need, including over the next 5 years, is soundly based. The appeal site is not required for this purpose and for the present time is shown to remain within the Green Gap. The policy relating to that designation has also been supported by the LPS Inspector. Even though the LPS will be subject to a further round of public consultation and there are legal issues to resolve, it seems reasonable to surmise that the matters on which this appeal decision turns are unlikely to materially change before the plan is adopted. In the circumstances I consider that substantial weight should be afforded to the conflict with the emerging LPS and the relevant draft policies therein. “*

This position is considered to equally apply to the application site. Therefore substantial weight can be given to the conflict with the emerging local plan strategy which clearly shows that this site will remain as open countryside within the Green Gap

## **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 (Green Gaps) 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 Wistaston and Nantwich. In dismissing the appeal for the previous application on this site the Inspector concluded that;

***“The proposed development would, however, also result in a significant erosion of the Wistaston and Nantwich Green Gap and would contribute to a perceived narrowing of the gap, at nearly its narrowest point, between Willaston and Nantwich. The development thus conflicts with RLP policy NE.4, which is afforded significant weight. The harm that would be caused by the significant erosion of the Green Gap, collectively with the harm identified in the previous paragraph, significantly and demonstrably outweighs the contribution that the development would make to redressing the under supply of housing land in the Council area.” (35)***

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.

This approach was also accepted by the Appeal Inspector for the previous application on this site who stated that;

***“The Appellant maintains that RLP policy NE.4 should also be considered, given the lack of a five year supply of housing land, to be out of date. But this policy seeks to prevent development in specific parts of the countryside; those that contribute to the separation of distinct settlements. It is not just, therefore, a policy that seeks to protect the countryside from development. Furthermore, it is worth noting the exception stated in the policy; that development will only be considered where it can be demonstrated that no suitable alternative location is available. Suitable alternative locations, for the purposes of redressing the under supply of housing land, could be those outside Green Gaps protected by RLP policy NE.4, but within countryside areas subject to RLP policies NE.2 and RES.5.***

***For these reasons, RLP policy NE.4 is not considered to be solely a housing supply policy and is afforded significant weight for the purposes of applying Section 38(6) of the 2004 Act. This conclusion is generally consistent with recent appeal decisions and the planning judgement made in this regard accords with the recent appeal court judgement in Richborough Estates Partnership LLP v Cheshire East Borough Council and Secretary of State for Communities and Local Government [2016] EWCA Civ 168.”***

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

## **SUSTAINABILITY**

The National Planning Policy Framework definition of sustainable development is:

*“Sustainable means ensuring that better lives for ourselves don’t mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment”*

### **Locational Sustainability**

Accessibility is a key factor of sustainability that can be measured. A methodology for the assessment of walking distance is that of the North West Sustainability Checklist, backed by the Department for Communities and Local Government (DCLG) and World Wide Fund for Nature (WWF). The checklist has been specifically designed for this region and relates to current planning policies set out in the North West Regional Spatial Strategy for the North West (2008).

The checklist can be used 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 criteria contained within the North West Sustainability Checklist are also being used during the Sustainability Appraisal of the Cheshire East Local Plan. With respect to accessibility, the toolkit advises on the desired distances to local facilities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

The toolkit sets maximum distances between the development and local amenities.

These comprise of:

- post box (500m),
- local shop (500m),
- playground / amenity area (500m),

- post office (1000m), bank / cash point (1000m),
- pharmacy (1000m),
- primary school (1000m),
- medical centre (1000m),
- leisure facilities (1000m),
- local meeting place / community centre (1000m),
- public house (1000m),
- public park / village green (1000m),
- child care facility (1000m),
- bus stop (500m)
- railway station (2000m).
- secondary school (2000m)
- Public Right of Way (500m)
- Children's playground (500m)

The applicant has submitted an assessment as follows:

• Post box	90m
• Local shop	800m
• Playground / amenity area	on site
• Post office	2250m
• Pharmacy	2090m
• Primary school	600m
• Medical centre	2090m
• Leisure facilities	2415m
• Local meeting place/community centre	600m
• Public house	600m
• Public park	645m
• Child care facility	600m
• Bus stop	645m
• Railway station	2735m
• Secondary school	2250m
• Public right of way	Immediately adjacent
• Children's playground	on site

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.

There are, however, 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.

## **ENVIRONMENTAL SUSTAINABILITY**

The site is designated as being within open countryside and is not the first priority for development. It is however adjacent to existing residential development and is within walking distance of services and facilities in Shavington.

### **Landscape**

This is an outline application for a residential development of up to 100 dwellings on land to the south of Park Road, Willaston. 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' 3<sup>rd</sup> 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 6.21 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 54.3m AOD along the northern boundary to 50.1m AOD along

the southern boundary, with an elevated ridge along the central part of the site that rises to approximately 55.7m AOD.

As part of the submitted LVIA the landscape assessment indicates that the site value is low, that it has medium susceptibility and a low-medium sensitivity. The assessment identifies that the proposals would have a low-medium magnitude of change on the wider Barthomley LCA, resulting in a moderate adverse effect during construction and a minor adverse effect after 15 years. The visual assessment indicates that the worst visual effects, along Footpath 10 Willaston, adjoining the site, will be temporary high adverse during construction, reducing to moderate-minor adverse after 15 years. Private residents overlooking the site are considered to have temporary high adverse effects during construction, reducing to moderate adverse after 15 years, and for vehicular users effects are identified as temporary moderate adverse during construction, reducing to minor adverse after 15 years.

While an offset of 40m from FP10 is provided, it will still be apparent that development has taken place and still be an adverse effect. The landscape effect will remain as adverse previously indicated. As the Inspector stated in the previous appeal for this site (APP/R0660/W/15/3011872);

*'The proposed development would have a profound effect on the character of the appeal site; its rural character would be replaced by a residential development of decidedly urban character' (15).*

Given the landscape sensitivity of the site and the surrounding area, to this type of development, will be medium, that the magnitude of direct landscape impacts (for the site) will be high, that the magnitude of indirect landscape impacts from areas will vary with distance, but will generally be within the range of medium. The Council's Landscape Officer considers that the landscape impacts for the landscape will be of Moderate-adverse on both the site and immediate setting of the site. This assessment of landscape effects would apply to both the construction and completion phases of the proposed development and that these effects would also continue beyond a period of 15 years.

The proposed development would completely change the character and appearance of the landscape permanently. Visually the sensitivity of both the site and the surrounding Landscape Character Area with visual connectivity to the site, to this type of development will be high, The magnitude of visual impacts from areas with visibility of the site varies, but for the majority of receptors within close proximity of the site it will be major and that visual impacts will be of substantial-moderate for the majority of receptors in close proximity of the site and that even after 15 years, it would cause a noticeable difference to the visual character and quality of the landscape. As such the application is in conflict with policy NE4, specifically the second part, since it will 'adversely affect the visual character of the landscape', and as the Inspector stated;

*'The part of FP10 that is within the site, given that it is passing through a relatively undisturbed open landscape, makes a positive contribution to the visual amenity of the area and to the enjoyment derived by users who walk along it. The view from FP10, where it passes over the footbridge over the railway line, is also important to the visual amenity of the area. The view from this vantage point to the west is contained by the elevated bypass but to the east it is of distant residential development beyond intervening farmland.*

*At this point on the footpath users are within the countryside and away from the nearby urban areas to the east and west' (17).*

The proposed development will erode the Green Gap. As the inspector indicated;

*'The physical and dimensional erosion of the Green Gap are important considerations but the perceived erosion of the Green Gap must also be considered. In this regard the green gap is not primarily, for residents and visitors, seen from the air but when travelling along roads and walking footpaths in the area. On the north side of Crewe Road between the urban area of Nantwich and the Peacock Roundabout are Crewe Road Nurseries, a hotel and a public house. There is also another substantial building in commercial use close to the roundabout. The distinct perception, passing along Crewe Road towards the roundabout, given the extent and continuity of development on its north side, is that the Green Gap starts at the roundabout. From the roundabout it is only a short drive of less than 400 metres, either along Crewe Road or Park Road, to the urban edge of Willaston' (23).*

The Landscape Officer considers that these comments are still relevant, notwithstanding that this application relates to a smaller number of dwellings.

## **Trees and Hedgerows**

The Arboricultural Report identifies a total of 14 individual trees and 7 tree groups within and adjacent to the application site. One tree, a mature Oak (identified as T14 in the survey) is protected by virtue of its inclusion within the Cheshire East Borough Council (Willaston - Land south of Park Road) Tree Preservation Order 2015.

Five trees have been assessed as High (A category) specimens and 3 trees assessed as Moderate (B) category. As the design of the proposed indicative layout allows for the retention of all A and B category trees within proposed public open space to the west of the residential element, The Council's Tree Officer has raised no objections to the application. This is subject to a condition requiring an Arboricultural Impact Assessment (AIA) and Tree Protection Plan to accompany a Reserved Matters application.

In order to facilitate access into the site, a short section of Hedgerow (H2) fronting Park Road will require removal. The hedgerow has been identified in the submitted Ecological Report as species poor comprising mainly of Hawthorn and is not considered to be ecologically important under the Hedgerow Regulations 1997. As Hedgerows are a habitat subject of a Biodiversity Action Plan any losses should be satisfactorily mitigated by replacement hedgerows within the site.

## **Ecology**

The Councils Ecologist considers that the applications supported by an acceptable ecological assessment.

### Hedgerows

Hedgerows are a local priority habitat and hence a material consideration. The proposed access point may result in the loss of a section of hedgerow. There however appears to be opportunities

to establish new hedgerows as compensation for this loss as part of the landscaping of the open space associated with the proposed development.

The Council's Ecologist advises that a condition should be attached to ensure that details of compensatory native species planting are submitted with any future reserved matters application.

### 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. A condition should be attached for measures to mitigate the impact on hedgehogs including the design of boundary fencing.

### Badgers

Evidence of badgers in the broad locality of this site has previously been recorded, but there is no evidence of a sett being present on the application site. 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 open space associated with this proposed development presents an opportunity to deliver ecological enhancement. The Council's ecologist recommends that if outline planning consent is granted a condition should be attached requiring an ecological enhancement strategy to be submitted in support of any future reserved matters application.

If planning consent is granted standard conditions will be required to safeguard breeding birds.

### **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.

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.

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.

## **Design & Layout**

The application is outline with details of scale, layout, appearance and landscaping to be determined at a later date. In support of this planning application, a Design and Access Statement has been provided. In addition an **indicative** layout has been submitted.

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.”*

Whilst the application is in outline form with access as the only matter to be agreed at this stage, detailed design and layout issues could be addressed at reserved matters stage.

## **Highways**

A previous application for residential development on this land for 175 dwellings was considered at appeal and was dismissed. The Councils Highway Engineers considered that insufficient information was originally submitted regarding the impact of the development on the A51 Peacock roundabout. However, highway issues were satisfactorily addressed at the appeal, as the applicant submitted a standalone highway improvement scheme which mitigated the traffic impact arising from the development.

This application is again in outline but for a reduction in the number of units to 100 dwellings. The access to the site is in the form of a simple priority controlled junction and provided visibility splays of 2.4m x 56m, this access arrangement has been previously accepted and is considered suitable to serve the proposed dwellings.

As considered in the appeal application, there are extensive queues in the peak hours at the A51 Peacock Roundabout and this remains the situation in the assessment of this application. The applicant has submitted a Transport Assessment that has assessed the capacity of the A51 Peacock roundabout in 2025 in its current configuration with this development added and is forecast to operate over capacity with long queues on the A51. It is clear that this application does require the improvement scheme previously agreed to mitigate the traffic impact of the development and the capacity tests undertaken with the improvement in place indicates that the queues are substantially lower at the roundabout in the same year 2025.

The accessibility of the site was considered previously and was determined to be acceptable. A new footway/cycleway will be provided along the southern side of Park Road between Murrayfield Drive and the Peacock Roundabout. A travel plan will also be required to promote the use of sustainable travel modes by residents of the development.

In summary, this application has reduced the number of dwellings from the previous application, and as such the traffic impact is substantially less on the local road network. Although the amount of generated traffic is less, the existing congestion and queues at the principle junction at the A51 Peacock roundabout remains a concern and requires mitigation.

The applicant has submitted an improvement scheme at the A51 Peacock roundabout that would substantially reduce the queues at the junction, and mitigate the additional traffic generated by the development. This would be delivered via a S278 Agreement.

The Head of Strategic Infrastructure raises no objections to the application.

## **Flood Risk/Drainage**

The site is located in flood zone 1 and Environment Agency surface water flood maps indicate very low risk of surface water flooding at the existing site. The Councils Flood Risk Management Team have reviewed the proposals and although the site is located in flood zone 1, have noted that there are some small areas of surface water flood risk present on the site. However no objections are raised in principle to the development subject to conditions requiring details of the proposed surface water drainage system, including a scheme for the management of overland flow, the use of sustainable drainage methods, and of proposed ground and slab levels.

United Utilities have also raised no objections to the application, subject to a condition being imposed requiring the proposed development to be implemented in accordance with the submitted drainage Strategy.

## **ECONOMIC SUSTAINABILITY**

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 need to be balanced against the impact upon the open countryside.

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

## **Agricultural Land**

An Agricultural Land Classification Assessment was submitted with the application. This gives the results of research and tests carried out on site. The conclusions were that the land is predominantly Grade 2 with a small area of excellent quality land (Grade 1) and good quality land (Subgrade 3a).

As the report has identified the land as being the 'Best and Most Versatile' agricultural land, Policy NE.12 needs to be given consideration. This policy states that development will not be permitted on agricultural land of Grades 1, 2 and 3a.

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 against the proposal in the overall planning balance.

## **SOCIAL SUSTAINABILITY**

### **Residential 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 and has requested conditions in relation to an environmental management plan, and hours of construction to safeguard residential amenity.

The site is located in an area affected by traffic and railway noise. The applicant has submitted an acoustic report in support of the outline scheme and the Environmental Health Officer concurs with its findings which demonstrate that with suitable mitigation the residential properties (and external amenity areas) will be capable of achieving satisfactory noise levels.

The air quality impact assessment submitted with the application requires updating as it accompanied the original scheme. It is acknowledged that the revised proposals are for a reduced scheme of 100 dwellings. Given that the air quality impact of 175 units was considered acceptable, the Environmental Health Officer has advised that in principle the reduced scheme of

100 units would also be acceptable. A condition is recommended for an updated air quality impact assessment to be submitted at the Reserved Matters stages, including the latest emission factors, following the latest guidance and accompanied with appropriate mitigation.

## **Housing**

The Interim Planning Statement: Affordable Housing (IPS) and Policy SC5 in the emerging Local Plan states that in this location the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for 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).

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 18 applicants on the housing register who have selected Willaston as their first choice area for rehousing. They require 4 x 1 bed, 5 x 2 bed, 7 x 3 bed and 2 x 4 bed dwellings. In addition to this there are 1669 applicants on Cheshire Homechoice who have selected an area of Crewe as their first choice for rehousing.

This is a proposed development of 100 dwellings and to meet the Council's Policy on Affordable Housing there is a requirement for 30 dwellings to be provided as affordable dwellings. 19 units should be provided as Affordable rent and 11 units as Intermediate tenure.

The accompanying planning statement outlines that 30% of the units will be provided as affordable with the tenure split outlined is 65% affordable rent and 35% intermediate tenure. This is in line with the requirements of the IPS and represents a benefit of this development.

## **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 1500sqm of shared recreational open space and 2000sqm of shared children's play space. The indicative layout shows approximately 17,000 sqm of open space exceeding the policy requirement.

The level of open space would exceed the requirements for a development of this size and would be maintained by a management company. The Greenspaces Officer requires the provision should provide an equipped children's play area.

This can be secured through the Section 106 Agreement

## **Education**

A development of 100 dwellings would be expected to generate 18 primary aged pupils, 15 secondary pupils and 1 Special Education needs (SEN) place. Whilst the proposed development is not forecast to impact primary school places, there is however a shortage of secondary school and SEN places in the locality.

Contributions which have been negotiated on other developments are factored into the forecasts both in terms of the increased pupil numbers and the increased capacity at schools in the area as a result of agreed financial contributions. The analysis undertaken has identified that a shortfall of school places still remains.

To alleviate the forecast pressures, the following contributions would be required - £245,140 (secondary) and £45,500 (SEN)

Therefore the total education contribution would be £290,640

## **Health**

There are 4 GP surgeries within 1.5 miles of the site. All are accepting patients and not therefore at capacity. No contributions will be required for health provision.

## **Response to Objections**

The representations of the members of the public have been given careful consideration in the assessment of this application and the issues raised are addressed within the individual sections of the report. In particular loss of open countryside, highway safety, flooding, ecology and residential amenity, have been assessed by Officers and found to be acceptable.

## **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, a contribution of £290,640 towards school places for 15 secondary children and 1 SEN child is required. It is necessary to secure contribution. This contribution is directly related to the development and is fair and reasonable.

As explained within the main report, POS and children's play space is a requirement of the Local Plan Policy RT.3. It is necessary to secure these works and a scheme of management for the open space and children's play space. This contribution is directly related to the development and is fair and reasonable.

The provision of 30% affordable housing is a planning policy requirement as set out in the main report.

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

## **CONCLUSION – THE PLANNING BALANCE**

The proposed development would be contrary to Policies NE.2, RES.5 and NE.4. The development would result in a loss of open countryside and the erosion of the Wistaston-Nantwich green gap. However as Cheshire East cannot currently demonstrate a 5 year supply of deliverable housing sites then the presumption in favour of sustainable development applies at paragraph 14. LPA's should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

The benefits in this case are:

- The development would be on a site that is considered to be a sustainable location and provide benefits in terms of much needed affordable housing provision and would help in the Councils delivery of 5 year housing land supply.
- The development would provide significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses.

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

- The impact from traffic congestion can be mitigate through the improvement scheme to the Peacock Roundabout
- The impact upon education infrastructure would be neutral as the impact would be mitigated through the provision of a contribution.
- The impact upon protected species/ecology is considered to be neutral subject to the imposition of conditions to secure mitigation.
- There is not considered to be any drainage implications raised by this development.
- The impact upon trees is considered to be neutral at this stage and further details would be provided at the reserved matters stage.
- The impact upon residential amenity, noise/air quality and contaminated land could be mitigated through the imposition of planning conditions.

The adverse impacts of the development would be:

- Significant erosion and perceived narrowing of the green gap. Effects that would be all the more marked in the locality given the conclusions of the Landscape Officer
- The loss of open countryside
- The loss of BMV agricultural land

The development is contrary to open countryside policies, but they are considered out of date. So the presumption in favour applies. However, with reference to the *Richborough* Court of Appeal decision, 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 of the development which extends to some 6.21 hectares and the extent of the harm that would be caused by the nature of the scheme. The scale of harm is reflected in the overall concerns over the significant erosion of the green gap as reflected in the previous appeal decision and also the loss of BMV agricultural land which would not be so significant on a smaller scheme.

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.

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 following grounds;

## **RECOMMENDATION**

### **MINDED to REFUSE for the following reasons**

1. The proposed residential development is unacceptable 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 - 2016 and the principles of the National Planning Policy Framework and create harm to interests of acknowledged importance. 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.

For the purposes of the appeal, **RESOLVE** to enter into a Section 106 to secure the following:

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

- The numbers, type, tenure and location on the site of the affordable housing provision
  - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
  - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
  - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
  - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
2. Provision of a contribution of £290,640 towards Secondary Education and a SENs school place
  3. Provision of POS and a LAP/LEAP and a scheme of management
  4. Private residents management company to maintain all on-site open space, including footpaths and habitat creation area in perpetuity

In order to give proper effect to the Board`s intentions and without changing the substance of the decision, authority is delegated to Head of Planning (Regulation), in consultation with the Chairman of SPB, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

