

Application No: 17/1666N

Location: LAND WEST OF NEW ROAD, WRENBURY

Proposal: Outline planning application for the erection of up to 41 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: Gladman Developments

Expiry Date: 17-Aug-2017

## **SUMMARY**

On 27th July the Council adopted the Cheshire East Local Plan Strategy therefore the Council have demonstrated that they have a 5 year supply of deliverable housing sites.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.” The National Planning Policy Framework, which is the Secretary of State’s guidance, also advises Councils as to how planning decisions should be made. The ‘presumption in favour of sustainable development’ at paragraph 14 of the NPPF means “approving development proposals that accord with the development plan without delay”

In this instance the dis-benefits are that the proposed development would be contrary to Policies PG6 of the Adopted Cheshire East Local Plan and saved policy of the Crewe and Nantwich Local Plan given that the development would result in a loss of open countryside. The proposal would also result in the loss of agricultural land.

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.

Therefore given the 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 41 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 16 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**

16/6028N – 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 – refused 08-Mar-2017 for the following reasons:

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 and 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

## **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

### **Local Policy**

Cheshire East Local Plan Strategy – Adopted Version (CELP)

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

PG2 – Settlement Hierarchy

PG6 - Open Countryside

PG7 – 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

It should be noted that the Cheshire East Local Plan Strategy was formally adopted on 27th July 2017. There are however policies within the legacy Local Plan that still apply and have not yet been replaced. These policies are set out below.

The relevant Saved Policies of the Congleton Local Plan are:

PS8 Open Countryside  
GR6 Amenity and Health  
GR9 Accessibility, servicing and provision of parking  
GR17 Car parking  
GR 22 Open Space Provision  
NR2 Statutory Sites (Wildlife and Nature Conservation)  
NR3 Habitats  
NR5 Habitats

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

Development on Backland and Gardens

## **CONSULTATIONS**

**Environment Agency:** No objection subject to condition requiring provision and management of an undeveloped buffer zone at least 8 metres wide, between the banktop of the River Weaver and any built development

**United Utilities:** No comments received at the time of writing the report

**CEC Flood Risk Manager:** No objection subject to surface water drainage conditions

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

**Strategic Highways Manager:** No objection subject to conditions requiring the proposed footway to be implemented prior to occupation, submission of a construction management plan and the visibility splay to be kept clear

**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 subject to condition requiring new residents to be provided with information about local walking and cycling routes for both leisure and travel purposes, with key routes signposted advisory notes offered to the applicant

**CEC Education:** No comments received at the time of writing the report

## **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 3 local households raising the following points:

- Too many houses in the village/over supply of housing
- Impact on existing infrastructure
- Loss of agricultural land
- Loss of open countryside
- Highway safety

- Drainage/River Weaver
- Out of character with the village/countryside
- Loss of habitat/ecology
- Contrary to the current and emerging local plan
- Harm to living conditions of neighbouring properties
- Insufficient parking
- Impact on the Conservation Area

## **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 PG6 states that within the Open Countryside only development that is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Exceptions may be made where there is the opportunity for limited infilling in villages; the infill of a small gap with one or two dwellings in an otherwise built up frontage elsewhere, affordable housing or where the dwelling is exceptional in design and sustainable development terms.

The proposed development would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside. As a result, it constitutes a “departure” from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined “in accordance with the plan unless material considerations indicate otherwise”.

The issue in question is whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy objection.

### **Housing Land Supply**

Paragraph 49 on the NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development. 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.

The Inspector’s Report published on 20 June 2017 signalled the Inspector’s agreement to the plans and policies of the Local Plan Strategy, subject to the modifications consulted on during the spring of 2016 and 2017. On adoption, all of these sites and policies will form part of the Statutory Development plan. In particular sites that were previously within the green belt are removed from that protective designation and will be available for development. Other sites also benefit from the certainty that allocation in the development plan affords.

In the light of these new sources of housing supply, The Inspector has now confirmed that on adoption, the Council will be able to demonstrate a 5 year supply of housing land. In his Report he concludes:

“I am satisfied that CEC has undertaken a robust, comprehensive and proportionate assessment of the delivery of its housing land supply, which confirms a future 5-year supply of around 5.3 years”

Given this conclusion from the examining Inspector, the Council now takes the position that it can demonstrate a 5 year supply of housing land.

## **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.

The SHMA 2013 shows the majority of the demand in Wrenbury Per Annum until 2018 is for 15x 2bedroom and 12x 4 bedroom dwellings for General Needs. The SHMA also shows a need for 2 x 1 bedroom Older Persons accommodation. These Older Person’s dwellings could be via Flats on the Ground Floor, Bungalows or Cottage Style Flats. The SHMA shows an over supply of 3 bedroom General Needs properties.

The majority of the demand on Cheshire Homechoice is for 3x 1 bedroom, 5x 2 bedroom, 1 x 3 bedroom and 1x 4 Bedroom dwellings therefore 1, 2 and 4 bedroom dwellings on this site would be acceptable.

This is a proposed development of 41 dwellings therefore in order to meet the Council’s Policy on Affordable Housing there is a requirement for 12 dwellings to be provided as affordable dwellings. The exact tenure mix and housing types will be formalised at reserved matters stage.

The affordable housing provision will be secured as part of a S106 Agreement.

### **Public Open Space (POS)**

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 41 dwellings therefore the proposal requires 1,435sqm. 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**

No comments have been received from education at the time of writing the report. These will be provided either in the update report at presented to members at the committee meeting itself. However it is likely that a contribution would be required.

Any contribution would be secured by Section 106 Agreement.

## **Health**

Although no consultation response has been received from the NHS there is a medical centre within 0.2 miles of the site (Wrenbury Medical Centre) 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.

The site is sustainably located with easy access to the village centre, existing community amenities and the public transport network. Amenities include a primary school, pub and local shops. There is a regular bus service to Nantwich and Whitchurch (GHA Coaches:72) Monday to Saturday daytimes. Wrenbury Railway Station lies on the Crewe to Shrewsbury line calling at: Crewe- Nantwich- Wrenbury- Whitchurch (Shropshire)- Prees- Wem- Yorton and Shrewsbury. This service runs every 2 hours in both directions.

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 could be accommodated on site in a way which would comply 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**

#### **- Sustainable access**

The majority of Wrenbury is within an acceptable walking distance according to those distances set out in IHT guidance. This includes the amenities and services the village has to offer such as the school, medical centre, sports ground and social club, Post Office, Church, and Village Hall. Although this is the case, these distances can only be considered relevant if suitable pedestrian infrastructure to these destinations is available. To enable this, a new pedestrian footway has been proposed along New Road from the site access and northwards to Cholmondeley Road.

This pedestrian footway would provide access to the local destinations and bus stops, and assist with the sustainability of the site.

New Road and the main road through Wrenbury are also part of the National Cycle Route.

- Safe and suitable access

The site access has been proposed to have a width of 5.5m with radii of 6m, and 2m footways. These are to CEC standards and will allow for safe movement of vehicles.

Approximately 240m of footway has been proposed. For the first 35m from the site access the footway will have a standard width of 2m; for the next 160m it will have a reduced width of 1.2m; and for the remaining 40m it will have a width of 2m.

A 7 day traffic survey has been carried out on New Road to determine the design speed of the road. This has shown the design speed to be less than 40mph in both directions and visibility splays of 73m to the right and of 100m to the left, on exiting onto New Rd, are sufficient to accommodate these speeds. The visibility splay to the south avoids the mature tree but the hedge, and possibly some of the low lying ivy growth will have to be trimmed to accommodate it.

Traffic surveys have shown the existing two-way vehicle movements on New Road to be 35 vehicles including 7 HGVs in the AM peak hour, and 27 vehicles including 5 HGVs in the PM peak hour. If this development was approved this would increase to an approximate average of 1 vehicle movement per minute. This development would likely generate around 10 two-way pedestrian movements in either of the peak hours.

Safe access is also required for pedestrians and a new and continuous footway has been proposed. For approximately 80m it will have a standard width of 2m and for the remaining it would have a reduced width of 1.2m.

Whilst a 1.2m footway is a relaxation of the standards it is considered sufficient in this situation due to the low traffic volume of New Road.

To accommodate the footway, sections of New Road are proposed to be narrowed. The whole of this section of New Road will still allow for 2-way car movement, all but a short section of 20m carriageway will allow for 2-way car and HGV movement and there will be around a 50m section which will allow for 2-way HGV movement.

Given the low vehicle numbers that use New Road, including the low number of HGVs, that it is a minor unclassified road and not the main road into the village, and that it is not a bus route, the highway engineer considers this to be adequate.

There is an existing speed limit sign outside the proposed site access which will have to be relocated further south.

- Network Capacity

The proposal will add one vehicle trip to the network every 2 minutes during the peak hour and will have a minimal impact upon the highway. Traffic volumes through Wrenbury are relatively low and there are no existing congestion issues.

As a result it is considered that the proposal could be accommodated without causing significant harm to the existing highway network.

### **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.

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. The appraisal has not been updated to reflect the latest proposals received in May 2017 although the Councils Landscape Officer does not consider the findings would alter significantly.

As an outline application 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 New Road.

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.

Extensive hedge loss would be required 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.

A topographic survey has been provided but no details of proposed levels. It appears built development would extend into the area which currently slopes down to the river. This sloping nature is part of the character of the river corridor therefore further information needs to be provided to show how development might be accommodated in terms of levels management. This should include site sections.

## **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.

## **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.

The indicative plan also shows a mixture of property types and that property dimensions and garden areas would be comparable to others noted locally.

Therefore it is considered that the proposal could be accommodated on site whilst respecting the existing urban grain.

Issues of design, siting and appearance would however be addressed at 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**

#### **- Badgers**

The submitted badger report has not recorded any evidence of badgers on the application site. The adjacent consented housing scheme included proposals to mitigate impacts on badgers including the creation of an artificial sett. It is essential that the current proposals integrate affectively with the consented strategy.

The Council Ecologist advises that the potential impacts of the proposed development on badgers may depend on the timetabling of the two adjacent developments. He therefore recommends that permission is granted a condition should be attached which requires the submission of an updated badger survey and assessment in support of any future reserved matters application. The submitted assessment to include a consideration of badger mitigation implemented as part of the adjacent consented housing scheme.

#### **- Water vole, Otters and the River Weaver**

The River Weaver which forms the southern boundary of the application site is known to support otters and water voles. No evidence of these species was recorded during the submitted surveys however the water vole survey was undertaken during a poor time of year and the surveys are now out of date.

The Councils Ecologist advises that provided a buffer at least 10m between the proposed development and the River Weaver is provided then it would be unlikely that either of these two protected species would be affected by the proposed development. This can be secured by condition. If the buffer is noted provided an updated survey must be submitted for both water voles and otter at reserved matters stage.

- Hedgerows

Hedgerows are a priority habitat and hence a material consideration. Based upon the submitted layout it appears that the majority of the existing hedgerows on site would be retained. There would however be a loss of a section of hedgerow to facilitate the site access. If outline consent is granted a condition would be required to secure replacement planting at reserved matters stage to compensate for this loss.

- Lighting for bats

Whilst the application site offers limited opportunities for roosting bats, bats are likely to commute and forage around the site boundaries. To avoid any adverse impacts on bats resulting from any lighting associated with the development the Councils Ecologist recommends if planning permission is granted a condition should be attached requiring any additional lighting to be agreed with the LPA.

- Provision for nesting birds and roosting bats

If planning permission is granted a condition requiring features for breeding birds would be required to secure some provision for nesting birds and roosting bats as part of the proposed development:

- Open space enhancement

The proposed open space located adjacent to the river corridor provides an opportunity for an enhancement for biodiversity to be delivered as part of the proposal. This can be secured by condition which would require an ecological enhancement strategy for this part of the site to be submitted as part of any future reserved matters application.

- Nature Improvement Areas

(NIA) were identified by central government a few years ago and habitat improvement in this area were funded by government. They are mentioned in the NPPF and Policy SE3 of the Cheshire East Local Plan which seeks to protect them. The Councils Ecologist however considers that the development is unlikely to have an effect on the NIA.

### 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). In the refused application the Environment Agency advised that the site was located partially within Flood Zones 2 and 3. As result the proposal has been supported by a Flood Risk Assessment.

However the Addendum to the Flood Risk Assessment explains the proposed development area will now be on land that is above the 0.1% AEP (1 in 1000 year) fluvial flood level. Based on this information the proposed development area will now be located within Flood Zone 1. This has been verified by the Environment Agency who have no objection to the proposal subject to condition requiring provision and management of an undeveloped buffer zone at least 8 metres wide, between the banktop of the River Weaver and any built development.

The Councils Flood Risk Team have also advised that they have no objection subject to condition requiring a drainage strategy.

As a result it is not considered that the proposal would cause harm from a Flood Risk perspective.

### **Agricultural Land Quality**

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

In this case the Agricultural Land Assessment indicates that 2 hectares of the site is Grade 2 (74%) and 0.7 hectare is Grade 3b (26%). The report however concludes that the grade 2 land is limited by droughtiness and the grade 3b land is limited by the sloping topography and risk of flooding and wetness.

As a result whilst the proposal would see the loss of agricultural land the quality/usability would appear to be limited therefore 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.

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

## **PLANNING BALANCE**

On 27th July the Council adopted the Cheshire East Local Plan Strategy therefore the Council have demonstrated that they have a 5 year supply of deliverable housing sites.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.” The National Planning Policy Framework, which is the Secretary of State’s guidance, also advises Councils as to how planning decisions should be made. The ‘presumption in favour of sustainable development’ at paragraph 14 of the NPPF means “approving development proposals that accord with the development plan without delay”

In this instance the dis-benefits are that the proposed development would be contrary to Policies PG6 of the Adopted Cheshire East Local Plan and saved policy of the Crewe and Nantwich Local Plan given that the development would result in a loss of open countryside. The proposal would also result in the loss of agricultural land.

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

Therefore taking a balance of the overall benefits, the 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 PG6 (Open Countryside), SD1, SD2 & SE4 (Landscape) of the Adopted Cheshire East Local Plan Strategy and Policies RES.5 (Housing in the Open Countryside) of the Crewe and Nantwich Local Plan Saved Policies, 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.**

**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. Public Open Space to include management company for maintenance in perpetuity

3. Contribution towards education (to be confirmed)



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