

Application No: 12/3747N

Location: LAND BETWEEN AUDLEM ROAD/ BROAD LANE & PETER DESTAPLEIGH WAY, STAPELEY

Proposal: Residential development up to a maximum of 189 dwellings; local centre (Class A1 to A5 inclusive and D1) with maximum floor area of 1800sqm Gross Internal Area (GIA); employment development (B1b, B1c, B2 and B8) with a maximum floor area of 3,700sqm GIA; primary school; public open space including new village green, children's play area and allotments; green infrastructure including ecological area; new vehicle and pedestrian site access points and associated works.

Applicant: Mr Carl Davey, Muller Property Group

Expiry Date: 08-Jan-2013

SUMMARY

The previous Appeal Decision in respect of this planning application was quashed in the High Court; the Appeal must therefore be reheard by the Planning Inspectorate. The purpose of this report is to seek an updated position from the Council's Strategic Planning Board to take forward to the forthcoming Public Inquiry.

Since the consideration of this proposal by the Secretary of State in 2016, there is a significantly changed position regarding the status of Development Plans in Cheshire East:

- The Local Plan Strategy was adopted on 27 July 2017;**
- The Council has a demonstrable 5.45 years supply of housing land; and**
- The Stapeley & Batherton Neighbourhood Plan has reached an important milestone in its production and can be afforded additional weight.**

The proposed development is clearly contrary to adopted planning policy and emerging Neighbourhood Plan Policies.

The development retains an adverse impact on the character of the countryside and this is undiminished by the passage of time. The development also has an adverse impact on Best and Most versatile agricultural land which has already experienced necessary but significant loss in the Borough.

Following the successful negotiation of a suitable Section 106 package, the proposed development would provide adequate public open space, highways improvements, the necessary affordable housing requirements and provision of primary school education.

The proposal is considered to be acceptable in terms of its impact upon residential amenity, ecology (subject to a further bat survey), drainage/flooding and it therefore complies with the relevant local plan policy requirements for residential environments.

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

However, these are considered to be insufficient to outweigh the harm that would be caused in terms of the impact on the open countryside. As a result the proposal is considered to be unsustainable and contrary to Policies PG6 (Open Countryside), SD1 (Sustainable Development in Cheshire East) and SD2 (Sustainable Development Principles) of the Cheshire East Local Plan Strategy, Policy RES.5 (Housing in the Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan, and Policies H1.5 & H5 of the Stapeley Neighbourhood Plan, and the principles of the National Planning Policy Framework.

RECOMMENDATION

MINDED to REFUSE

BACKGROUND

Some Members may recall this application, for the substantive parts of the site, and an associated application for the access to Peter Destapeley Way, which was submitted back in 2012. The main application (12/3747N) was refused by Committee in April 2013. The access application remains undetermined, as the matter was subject to a non determination appeal, but Committee (In June 2013) resolved that they would have been minded to refuse that application. The applications went to Public Inquiry in February 2014.

The cases were determined by the Secretary of State and dismissed on 17 March 2015.

The applicant challenged the decision in the High Court and the decision was quashed on 3 July 2015.

The Secretary of State Re-determined the decision and again dismissed the appeal on 11 August 2016.

The applicant again challenged the decision and the decision was again quashed on 14 March 2017.

The matter is now to go before a second public Inquiry starting on the 20 February 2018.

For information the original decision by Cheshire East back in April 2013 was to refuse the main application for the following 3 reasons:

1. The proposed residential development is unsustainable because it is located within the Open Countryside, where according to Policies NE.2 and RES.5 of the adopted Borough of Crewe and Nantwich Replacement Local Plan there is a presumption against new residential development. Such development would be harmful to its open character and appearance, which in the absence of a need for the development should be protected for its own sake.. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework. As such the application is also premature to the emerging Development Strategy. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.

2. In the absence detailed survey information the applicant has failed to demonstrate that the proposal will not result in loss of the best and most versatile agricultural land (Grade 3a) and given that the Authority can demonstrate a housing land supply in excess of 5 years, the applicant has also 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.

3. The scheme as presented will result in an immediate loss of trees that contribute significantly to the amenity and landscape character of the area and that the proposed indicative mitigation measures for this loss do not satisfactorily establish the benefits required by local and national policy. The proposal is therefore contrary to Policy NE.5 (Nature Conservation and Habitats) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the provisions of the National Planning Policy Framework.

The access application 12/3746N subject to non-determination from the minutes reads:

“That the Board would be minded to refuse the application as the proposed development was unsustainable because it would result in a loss of habitat for protected species and part of an area allocated for tree planting, landscaping and subsequent management contrary to policies NE9 (Protected Species) and NE10 (New Woodland Planting and Landscaping) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and paragraph 118 of the National Planning Policy Framework...”

The purpose of this report is to update Members on what has changed in the interim period, and seek a formal Council resolution to report to the forthcoming Inquiry.

As a significant period of time (5 years from the submission) has elapsed since the original application was submitted a number of the reports have been updated and further public consultation has taken place. This report includes reference to the original consultee replies and updated comments where applicable.

SITE DESCRIPTION

The site is 12.43 hectares (30.72 acres) and is generally flat land located to the south of the main built up area of Nantwich. It principally comprises of two fields bounded by native hedgerows with some tree cover within them. There is a field ditch along the northern boundary and a pond close to the Broad Lane access. The majority of the land is currently in agricultural use, primarily arable and some grazing. It is bounded to the north by Peter Destapleigh Way (A5301) and the ecology mitigation/woodland landscape area for the Cronkinson Farm development to the west by Audlem Road, and to the east by the former Stapeley Water Gardens site, (currently undergoing partial redevelopment for residential purposes). The principal length of the southern boundary runs between the northern edge of the Bishops Wood residential development and the southwest corner of Stapeley Water Gardens but also extends to Audlem Road/ Broad Lane and a new roundabout access into the site.

To the north of Peter Destapleigh Way is the Cronkinson Farm residential development. This includes a small parade of five shops including a Co-Operative convenience store and a public house. Pear Tree Primary School and a community hall are also situated within this residential development. To the north of the Cronkinson Farm development is the railway line connecting Nantwich / Crewe / Chester and beyond, with the town centre to the north west.

Existing residential development is situated along Audlem Road. It comprises of a mix of properties from different eras. Within this housing is The Globe public house. Boarding the south west of the application site (and accessed off Audlem Road) is Bishops Wood housing development constructed in the 1970s. Audlem Road turns into Broad Lane south of the Bishops Wood cul-de- sac, and has ribbon residential development along it as well as Stapeley Broad Lane Primary School further to the south.

London Road is located to the east of the former Stapeley Water Gardens site and there is residential ribbon development to the south of that site. Further to the south along London Road are more dwellings together with Stapeley Technology Park, a small employment site with a mix of office uses based around the former Stapeley House.

DETAILS OF PROPOSAL

The outline application is seeking approval for a mix of open market and affordable housing, employment, retail, education, public open space, allotments and green infrastructure. There are five parcels of residential development delivering up to 189 dwellings comprising of 132 open market and 57 affordable dwellings.

Parcel 1 is on the northwest side of the site and could contain up to 51 dwellings. Parcel 2 is located to its south and could have up to 62 dwellings. Parcel 3 is to the south of the employment area could deliver 15 dwellings; Parcel 4 is along the main southern boundary and could contain up to 36 dwellings. Parcel 5 is on the eastern side of application site and could provide up to 25 dwellings.

The application proposals will be a mix of 2, 3, 4 and 5 bedroom dwellings. The affordable housing mix would be based on 2 bed, and 3 bedroom homes, split between 35% intermediate tenure for sale and 65% social rented.

Parcel 5 forms part of a new village centre. Located around a village square and adjoining the village green, the residential element forms the eastern side of the village centre with the new primary school and local centre forming the western side. The village green will have both general open space (with appropriate pathways and street furniture sited on the edges) and a children's equipped play area in the form of a LEAP.

The local centre comprises of up to 1,800 sqm (19,375 sqft) and would accommodate a range of uses. It is envisaged that the local centre will comprise of 8 – 10 separate units with a single A1 unit of 1,000 sqm (10,764 sqft) and the remaining floorspace split between units ranging from 50 sqm to 150 sqm (538 sqft to 1,615 sqft).

The employment accommodation is situated adjacent to the local centre. Comprising of 3,700 sqm (39,826 sqft) in total, it is envisaged this will be divided into units based on 100 sqm (1,076 sqft).

Located on the south western side of the application site is an allotment area of 0.5 hectares. The allotments will be available to both new and existing residents.

In addition to the public open space there are two principal interlinked areas of green infrastructure. The first is along the northern boundary in the vicinity of the new village centre and the employment area. This will include the planting of a new hedgerow. At its western end, it connects to the second principal green infrastructure area which runs on a north-south axis to the east of residential Parcels 1 and 2. This reflects an existing mature hedgerow.

In terms of access, a new roundabout on Audlem Road/Broad land will be provided. This new roundabout will comprise of three arms, two for the existing highway and one for the new access.

RELEVANT PLANNING HISTORY

The associated planning application:

12/3746N New highway access road, including footways and cycleway and associated works.
Land off Peter Destapeleigh Way, Nantwich NOT DETERMINED

PLANNING POLICIES

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

The Development Plan for Cheshire East comprises the recently adopted Cheshire East Local Plan Strategy, and the saved policies from the Congleton Borough (January 2005), Crewe and Nantwich (February 2005) and Macclesfield Local Plans (January 2004). The Crewe and Nantwich Local Plan is applicable for this site.

Cheshire East Local Plan Strategy 2010-2030

The following are considered relevant material considerations:

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

Saved policies in the Crewe and Nantwich Local Plan

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

Stapeley & Batherton Neighbourhood Plan

The plan is at Regular 17 – Examination stage with the examiner asking a number of questions to which responses have been given. Relevant policies include:

Policy GS 2 – Green Spaces

Policy GS 3 – Landscape Quality, Countryside and Open Views
Policy GS 5 – Woodland, Trees, Hedgerows, Walls, Boundary Treatment and Paving
Policy GS 8 – Buffer Zones and Wildlife Corridors
Policy GS 9 – Biodiversity
Policy T 1 – General Transport Considerations
Policy T 2 – Walkable neighbourhoods
Policy T 3 – Pedestrian and cycle routes
Policy H 1.5 Greenfield Development
Policy H 5 – Settlement Boundary
Policy AWB 1 – Accessible GP practices
Policy AWB 5 – Community Infrastructure

National Policy

National Planning Policy Framework

Other Material Policy Considerations

Interim Planning Statement: Affordable Housing (Feb 2011)
Strategic Market Housing Assessment (SHMA)
Strategic Housing Land Availability Assessment (SHLAA)
Article 12 (1) of the EC Habitats Directive
The Conservation of Habitats and Species Regulations 2010

CONSULTATIONS:

Cheshire Wildlife Trust

Commenting on the original submission, the Cheshire Wildlife Trust (CWT) objected to the application on the following grounds:

1. The proposed access road alignment encroaches significantly on land which, as far as CWT is aware from previous applications relating to Cronkinson Farm and Stapeley Water Gardens (SWG), was designated as great crested newt (GCN) mitigation land with the intention that it should provide an unbroken corridor linking retained areas of GCN habitat north of Peter Destapeleigh Way with open countryside to the south of Peter Destapeleigh Way, in turn connecting with new GCN ponds to the SW and SE of the former SWG site. Their information derives in part from information previously drawn up by TEP in 2006 (corridor identified as 'Field D') and Planit in 2009.
2. The current proposal keys residual land in the corridor, which has not been taken up by the new road alignment, as 'Nantwich South GCN Compensation Area'. If, as we understand it to be, this land is existing GCN mitigation land, it cannot be re-designated as GCN Compensation land for the current proposal. Subject to Natural England's views, CWT considers that the same piece of land should not be identified as mitigation for two separate developments because it could not, by definition, be sufficiently improved to mitigate the impacts of each of these developments on GCNs.

Cheshire Archaeology Planning Advisory Service

Raise no objections, but in view of the archaeological potential of the site a condition is recommended requiring an agreed programme of archaeological mitigation.

Environment Agency

Commenting on the original submission, The Environment Agency has no objection in principle to the proposed development but would like to make the following comments.

Flood Risk

- The discharge of surface water from the proposed development is to mimic that which discharges from the existing site. If a single rate of discharge is proposed, this is to be the mean annual run-off (Qbar) from the existing undeveloped greenfield site. If surface water is to discharge to mains sewer, the water company should be contacted for confirmation of the acceptable discharge rate. For discharges above the allowable rate, attenuation will be required for up to the 1% annual probability event, including allowances for climate change.
- The discharge of surface water should, wherever practicable, be by Sustainable Drainage Systems (SuDS). SuDS, in the form of grassy swales, detention ponds, soakaways, permeable paving etc., can help to remove the harmful contaminants found in surface water and can help to reduce the discharge rate. As such we request that the following planning conditions are attached to any planning approval as set out below.
- During times of severe rainfall overland flow of surface water could cause a flooding problem. The site layout is to be designed to contain any such flooding within the site, to ensure that existing and new buildings are not affected.
- Recommend layout of houses so that they are front facing to the watercourse. This will integrate the watercourse into the development better. It will also deter house owners from tipping garden waste into the watercourse which would cause long term damage. Would also encourage the applicant to lay out the development so that green open space is adjacent to watercourse
- Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or groundwater.
- Surface water from car parking areas less than 0.5 hectares and roads should discharge to watercourse via deep sealed trapped gullies. For car parks greater than 0.5 hectares in area, oil interceptor facilities are required such that at least 6 minutes retention is provided for a storm of 12.5mm rainfall per hour. With approved "by-pass" type of interceptors, flows generated by rainfall rates in excess of 5mm/hour may be allowed to by-pass the interceptor provided the overflow device is designed so that oily matter is retained. Lorry parks, scrap yards, off loading areas require full oil interceptor facilities and "by-pass" interceptors are not considered suitable. Segregation of roof water should be carried out where possible to minimise the flow of contaminated water to be treated. Detergents, emulsifiers and solvents must not be allowed to drain to the interceptor as these would render it ineffective.
- No building material or rubbish must find its way into the watercourse.
- No rainwater contaminated with silt/soil from disturbed ground during construction, must drain to the surface water sewer or watercourse without sufficient settlement.

Ecology

- The proposed development will be acceptable if a planning condition is included requiring a scheme to be agreed to protect a 5 metre wide undeveloped buffer zone around the watercourse.
- The National Planning Policy Framework (NPPF), paragraph 109 which recognises that the planning system should aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. The Natural Environment and Rural Communities Act which requires Local Authorities to have regard to nature conservation and article 10 of the Habitats Directive which stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity.
- Paragraph 118 of the NPPF also states that opportunities to incorporate biodiversity in and around developments should be encouraged
- Such networks may also help wildlife adapt to climate change and will help restore watercourses to a more natural state as required by the river basin management plan

Recommended Conditions

- Submission / approval & implementation of a scheme to limit the surface water run-off generated by the proposed development,
- Submission / approval & implementation of a scheme to manage the risk of flooding from overland flow of surface water,
- Submission / approval & implementation of a scheme for the provision and management of a 5 metre wide buffer zone alongside the watercourse. The scheme shall include:
 - *plans showing the extent and layout of the buffer zone.*
 - *details of any proposed planting scheme (for example, native species).*
 - *details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan.*
- The buffer zone shall be measured from the bank top (defined as the point at which the bank meets the level of the surrounding land). This buffer zone shall be free from built development e.g. footpaths, fencing, lighting. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping; and could form a vital part of green infrastructure provision.

Greenspaces

- Would like to see an allotment site provided within this development (minimum of 50 plots).
- This will need a metered water supply, 8 standpipes, 2.4 metre high palisade fence surround, plus tarmac driveways.

Network Rail

They have confirmed they wish their original objection to the application be maintained. The original objection is discussed in more detail below but essentially it is on the grounds of the impact of additional residents on the site on existing railway infrastructure including level crossings and Nantwich Railway station which is not addressed in the submission. They requested a financial contribution towards the upgrading of the railway crossings on safety grounds.

United Utilities

No objection to the proposal provided that the following condition is met: -

- This site must be drained on a total separate system with all surface water flows ultimately discharging in to the nearby watercourse in accordance with the FRA submitted and with the consent of the Local Authority.

Natural England

In their updated consultation reply they had no comments to make on the application. Members may however recall their original consultation response back in 2013 was as follows:

- Natural England objects to the proposed development.
- The Protected Species Impact Assessment (PSIA) and Mitigation Strategy - September 2012 (PSIA) provided by the applicant indicates that great crested newts (*Triturus cristatus*) are using features that are to be affected by the proposed development.
- In the absence of the detailed great crested newt and protected species surveys, referred to in the PSIA report, it is unclear whether the currently proposed mitigation and compensation measures are sufficient to maintain the large population identified in the PSIA report.
- The proposed development may compromise previously agreed great crested newt mitigation schemes and habitat management agreements implemented on adjacent land. Further clarification is therefore required to put in context these proposals in relation to those previously approved schemes and agreements.
- Draw attention to Natural England's guidance on great crested newt master plan requirements for phased or multi-plot development applications. A master plan is used to help assess the overall impacts of the proposed development on the great crested newt population and the future mitigation across the whole project. It will help to ensure that all in-combination effects across the entire site have been considered and that mitigation and compensation measures are sufficient and coherent.
- Unless these issues are addressed, Natural England's view is that granting permission for this permission would be likely to offend against Article 12(1) of the Habitats Directive.
- Natural England would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:
 - ☐ local sites (biodiversity and geodiversity)
 - ☐ local landscape character
 - ☐ local or national biodiversity priority habitats and species.

- This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application.

Highways

Raise no objections to the revised proposals, subject to the requirement for same obligations in the S106 as previously agreed and also with the added Condition to require MOVA to be installed at the site access and at the Audlem Road/Peter Destaplegh Way traffic signal junctions.

Environmental Health

In their revised comments, no objections are raised, but they recommend a range of conditions including: requiring noise mitigation measures; submission of a Construction and Environmental Management Plan, controlling hours of construction; travel plan; Electrical Vehicular Infrastructure; Dust control; and conditions relating to contaminated land.

Public Rights of Way

The public Rights of Way Team have confirmed their original comments are still applicable, namely:

- The Transport Assessment describes pedestrian and cyclist access to and from the proposed development site being located on the northern boundary opposite Hawksey Drive (although the Indicative Masterplan only shows this as pedestrian access). The Transport Assessment also notes the importance of the cycleway/footway facility on the northern side of Peter de Staplegh Way to the sustainability and permeability of the site. It is therefore essential that this facility can be accessed and crossing facilities for both pedestrians and cyclists to cross Peter de Staplegh Way need to be created at this junction.
- That said, consideration needs to be given as to whether this access is in the most sensible location. It should be anticipated that residents of the proposed development will seek the shortest and quickest route into and out from the site. As a large proportion of journeys will be to and from the town centre, and as the Design and Access Statement states the aim of maximizing sustainable route connections to the town centre, the most direct route along this trajectory is from the north-western corner of the development site. The pedestrian and cyclist link should therefore be considered at this location rather than or in addition to that opposite Hawksey Drive.
- The planning application for the northern access road to this site (12/3746N) proposes a cycleway/footway facility alongside the spine road. This facility would need to be continued through this development site, thereby creating the off-road link between the current and new communities of Stapeley and Broad Lane School, a request which was registered under consultation for the Council's statutory Rights of Way Improvement Plan (ref. T19 and T75). It is unclear from the Illustrative Masterplan whether such a facility is proposed.
- The Design and Access Statement, under the heading Accessibility, proposes an 'enhancement and extension of the existing public rights of way network as an integral part of

the development'. Clarification is requested on this item as there are no recorded Public Rights of Way within the current development site, as correctly stated within the Transport Statement. The Stapeley Parish Plan identified the need for the development of local, circular walks for residents to build healthy activity into their daily routines, so provision of such paths within the green infrastructure of the site may be appropriate. This aspiration was logged under the Rights of Way Improvement Plan (ref. W10). This aspiration would fit with the stated Summary of the development which refers to an 'extensive green infrastructure network...whilst allowing improved public access across the site and to the wider pedestrian network'. It is noted, however, that limited pedestrian/cyclists routes are proposed within the green infrastructure plan of the Design and Access Statement.

- Destination signage for cyclists and pedestrians to local facilities, including schools, the town centre and railway station, should be provided at junctions of the cycleway/footway and highway facilities. The transport assessment should include an assessment of whether adequate, cycle parking is available at key destinations in the town, including the railway station, bus station and town centre, and should include provision for works to address any identified shortfall. It is noted that travel planning, to include walking and cycling opportunities is proposed so that prospective residents are fully informed.

Education

Revised comments are awaited, on the original submission the comment:

- Including the numbers expected from the Stapeley site then the primary schools are forecast to be oversubscribed.
- Bearing in mind that this is for 189 dwellings a development of this size would not warrant a new school and if the "greater" site is not the preferred option in the town strategy meaning a new school would not be supported. In this case education would be seeking a s106 contribution instead of the new school site offered in the event that the application on its own does ultimately get approval.
- However, if the "greater" site is ultimately developed for housing a new school would be required
- If there is the possibility of an either or clause then that would be ideal.
- On the basis of 189 dwellings alone a contribution of £347,081 towards primary education would be required.

Housing

No objections on the basis 30% affordable housing is secured through a Section 106 Agreement in line with policy set out in the affordable housing section set out below.

VIEWS OF THE PARISH / TOWN COUNCIL

Nantwich Town Council

Commenting on the original submission the Parish Council:

- Object – The Town Council considers that development to the south of Peter de Stapleigh Way should only be considered in the context of the emerging Core Strategy and Draft Town Strategy. Consultation on the Town Strategy has recently been concluded and there appears to be little support for this option.

- This application is clearly a device to bypass the consultation exercise and is premature. It should await the approval of the Core Strategy.

Stapeley Parish Council

Extensive comments (objections) were given on the original submission, which are not repeated here, but in their revised comments to the revised information they comment:

- The existence of the Parish Council's Neighbourhood Plan, and its increasing weight in planning terms, has been ignored; consequently, assessment of how the application complies with, or contravenes, policies in the Neighbourhood Plan, has not been made by the applicant.
- Most of the documents have stated clear limitations for their use by third parties, as they have been prepared in accordance with a scope and instructions from Muller Group Properties.
- The Air Quality document appears to ignore any contribution to the area's air quality, from properties on the proposed development, and ignores Pear Tree School and the adjacent play area, as sensitive receptors, despite the wind rose of 2016. The situation is similar for properties on Bishops Wood and Broad Lane.
- The Acoustic Planning Report appears to exclude any predictions or assessment of the noise impact arising from the development's construction or occupation; rather, it focuses on noise entering the proposed development site from existing infrastructure and activities. There appears to be no consideration of acoustic impacts from internally generated noise pollution, nor the impacts upon adjacent properties from the site.
- The existing Transport Assessment and associated traffic data are significantly out of date, having been prepared some 5 years previously for the initial application.

OTHER REPRESENTATIONS

Reaseheath College

Commenting on the original submission:

- The Application represents a first phase of the proposed urban extension to Nantwich at Stapeley, referred to as Nantwich South and as such is a poor choice for the future growth of Nantwich.
- The site offers little benefit to the community and the town.
- The transport issues have not been properly addressed in the linked application 12/3746N nor have they modelled the future requirements for this major scheme.

- The proposal deals with the site's own infrastructure problems but does not address the needs of the wider area and problems that would arise elsewhere as a result of this development.
- The proposed access off the Audlem Road will create major traffic congestion at the junction of Audlem Road and Peter DeStapleigh Way especially at peak periods and during school drop off and pick up times.
- The key to a development such as this, particularly with the indication of proposals for future phases, would be sustainability. The development provides no meaningful resolution to the requirements for sustainable development. There is no direct pedestrian access into the town centre and the scheme would generate additional car movements with very little opportunity for pedestrian footfall.
- The scheme does not offer the town any substantive traffic movement improvements nor does it open up recreational and amenity features to the benefit of the town.
- As such the requirements of the National Planning Policy Framework are not satisfied in that development in this locality does not represent sufficiently sustainable development when compared with the alternative available strategic location at North West Nantwich which meets sustainable development requirements in respect of economic, social and environmental dimensions.
- In contrast the development at North West Nantwich would provide:-
 1. Improvements to the A51 both on site at The Green and through a contribution to the Burford Crossroads.
 2. A new North South link between the A51 and Waterlode providing traffic relief for the town centre.
 3. The delivery of a riverside walk between A51 and Waterlode in conjunction with land owned by Cheshire East Council.
 4. Development within walking distance of Nantwich Town Centre.
 5. Employment opportunities which compliment the strategic investment planned at Wardle and Basford.
 6. Enhanced public accessibility to the Shropshire Union Canal.
 7. Significant capital benefits to Reaseheath College which will allow major further investment in facilities for enhanced education and training and for community use. The positive economic impact of Reaseheath on its community in 2011 has been calculated through an external independent assessment of over £60 million for the year. Unlike other proposals the development of College land within North West Nantwich will bring substantial financial benefits to the Town and local community year after year.
- Development that would open a first phase of the unsuitable Nantwich South scheme would be prejudicial and the application is premature within the context of the current review to determine the growth points for Nantwich. The current application and the linked application 12/3746N should be refused.

Objection Report by M Williams BSc, MSc

An extensive and detailed objection report was received to the original submission from Mr M. Williams, the executive summary of which stated:

1. *The proposed speculative development is not plan-led and is not included in Cheshire East Council's Draft Development Strategy therefore it fails to comply with Paragraph 17 of the National Planning Policy Framework which states that planning should 'be genuinely plan-led, empowering local people to shape their surroundings....'.*
2. *The Regional Spatial Strategy still forms part of the development plan and does not define Nantwich as a spatial priority for growth and development. Cheshire East Council's Draft Development Strategy requires Nantwich to accommodate 1,500 houses for the period 2010-2030, not including the 189 dwellings in this proposal therefore the 189 dwellings are not required in order for Nantwich to satisfy the requirement for 1,500 dwellings from 2010-2030.*
3. *According to a February 2013 press release, Cheshire East Council now has a five-year housing land supply. The development proposed in this planning application is speculative, not plan-led and is not required in light of the council securing a five-year housing land supply.*
4. *This planning application proposes 189 dwellings, however, since the application was lodged 240/270 dwellings have been permitted on land off Queen's Drive in Nantwich (which may or may not be included in the 1,500 figure referred to in point 2 above). It is considered that the 240/270 recently permitted dwellings will meet the present housing needs of Nantwich. Consequently, the 189 dwellings proposed in this application are surplus to requirement, as reinforced by points 2 and 3 above.*
5. *The summary of the technical critique of the TA commissioned by Stapeley Parish Council states, amongst other things, that the proposed development 'would have a significant detrimental impact on the local highway network, resulting in increased congestion to priority junctions', classifies the impacts as 'severe' (as defined in the NPPF) before going on to say that on that basis alone the application 'should be recommended for refusal'. I consider that the proposed development is not sustainable.*
6. *One of the application documents alleges that the application site is 'classified as Grade 3 by the Agricultural Land Classification (ALC)'. Grade 3 agricultural land is split into Grade 3a (Best and Most Versatile) and Grade 3b (not Best and Most Versatile) and the applicant has not indicated the split between Grade 3a and 3b or whether the site is all Grade 3a or all Grade 3b. This is a serious omission and in the absence of any evidence to the contrary, the council should assume the worst-case scenario, that is, that BMV land could be impacted upon by this development.*
7. *Brownfield land at the nearby former Stapeley Water Gardens allocated for mixed-use development under policy S.12.5 of the Borough of Crewe and Nantwich Replacement Local Plan with extant planning permission for B1 office/light industry has not yet been brought forward. The proposed development would jeopardise the delivery of this allocation and the regeneration of the former Stapeley Water Gardens. Brownfield land in the immediate locality should be the priority for development, in line with the council's 'Brownfield First Policy' advocated in a February press release.*

8. *The full text of the report can be read on the Council's website*

Local Residents - Objections

Principle of development and housing need

- Plans have been submitted prior to the adopting of Cheshire East Council's local plan and therefore at odds with one of the core planning principles that planning should be 'genuinely plan-led'.
- Why is development under way – site cleared, foundations pegged out etc – when planning consent has not been given.
- The residents of Nantwich have just taken part in a consultation process regarding the town strategy. Shouldn't the allocation of housing be as a result of this process and not prior to it?
- The motivation for the development seems to be the development of the Basford sidings site into an employment/technology park. Would it not make sense to create housing nearer to that site?
- Developers currently hold planning permission to develop over 10,000 houses across Cheshire East which have yet to be built (this is indicative of 'land-banking') and these provisions should be fulfilled / built before any further provision is allocated.
- The proposal includes provision of up to 39,826 sq ft of business units. There is currently 78,000 sq ft of vacant office space in Nantwich and 208,000 sq ft of commercial and light industrial space in the locality and already approved plans for additional commercial developments in the local area. There is no demand for more of these units.
- There is a total of 78,170 sq ft of office space available around Stapeley across 19 sites.
- Commercial and light industrial space totals 793,340 sq ft within a 15 minutes drive. Of this 584,813 sq ft is concentrated in two large distribution centres. Setting this aside there are 208,530 sq ft of space across about 18 sites.
- If there is a requirement in the area for workshop space it could be accommodated at Stapeley Technology Park.
- The need for housing cited in the application is based on the Strategic Housing Market Assessment document rather than the more accurate Regional Spatial Strategy document recently used by the Draft Nantwich Town Strategy.
- SHMA is based on 2009 survey representing less than 5% of the population of Cheshire East.
- Data used extracted from sources of varying time periods.

- Fails to take into account the migration out-flow
- Makes no allowance for the diverse nature of the two separate towns of Crewe and Nantwich.
- According to policy RDF1 of the RSS Nantwich is not defined as a spatial priority for growth and development.
- There is a significant number of houses on the open market and available for let at any one time in Nantwich and the local area (including Crewe) for which there is clearly low demand.
- Saturation point has been reached in Nantwich as far as houses are concerned.
- Out of proportion and out of character for a small market town.
- The site offers little benefit to the community or town.
- The development provides no meaningful resolution to the requirements for sustainable development.
- Unless there is employment growth within the area the development becomes a dormitory development.
- The current economic climate is unlikely to provide a timely completion of such a large estate thus leaving an unfinished development that will unfairly suppress the extended housing market for an extended period, making it more difficult for existing residents to pursue their relocation needs.
- No need for further retail units.
- The development will result in the ruination of Stapeley and Nantwich and the surrounding area.
- When and how was it decided that Nantwich needed to expand?
- Nantwich is a small market town and if we want larger facilities we go to Crewe. Earl Street Retail Park has reduced Crewe to a gridlock most weekends. If there is to be an employment boom at Basford perhaps Crewe needs more attention than Nantwich.
- Since the submission of the application the housing supply has changed, permissions having been granted for 240 houses on Queens Drive Nantwich and 400 houses on the Shavington Triangle. Therefore there is now no need for this further 189 houses.
- Table 2 of the application document fails to take into account the number of homes that are released onto the market by 'out-migration' .

Greenfield

- The application is located on greenfield land outside the settlement boundary which is designated as open countryside under saved policy NE2 of the Borough of Crewe and Nantwich Replacement Local Plan (CNRLP) 2011. The application does not comply with NE2.
- Brownfield land at the former Stapeley Water Gardens allocated for mixed use development under policy S12.5 of the CNLP with extant planning permission for B1 office/light industry (P06/1011) has not yet been brought forward. The proposed development would jeopardise the development of the above mixed use allocation and the regeneration of the former Stapeley Water Gardens. Brownfield land in the immediate locality should be the priority for development.
- The numerous brownfield sites available across Nantwich Crewe and other parts of Cheshire East should be developed before greenfield sites.
- This land is classified as Level 5 in the Nantwich Town Strategy Draft Report paragraph 6.8, the least supported site for development. It is currently farmed, productive land. Furthermore the land has been classified as Grade 3 Agricultural Land (according to Defra Agricultural Land Classification). Poorer quality land should be used in preference to that of higher quality (PPS7).
- The development will result in the loss of open land.
- Once the land is developed it cannot be brought back into agriculture.

Infrastructure (Health, schools)

- This Phase 1 of a potential 1,100 house development would not be a sustainable development for Nantwich owing to the pressure it would put on the roads, local schools, doctor's surgeries and Leighton Hospital.
- Stapeley (and Nantwich) are already overdeveloped following 10 years of intensive house building activity. Any further development would put excessive pressure on local services such as schools, roads and doctors.
- The proposal deals with the site's own infrastructure problems but does not address the needs of the wider area and problems that would arise elsewhere.
- The pressure on schools may cause resentment by existing residents which is the opposite of positive integration.
- The developer has stated that they will not build a school on the proposed development.
- Another primary school is not needed as there are sufficient already in the area which are not full to capacity.

- There are insufficient school places within a reasonable distance to accommodate the 184 primary-aged and 132 secondary-aged children anticipated.
- The Applicant states that the existing doctor's surgeries can take another 3000 patients. With other applications going in not yet passed this figure could rise to about 10,000
- Which senior school will all the children go to?
- Has provision been made for so many houses without it affecting the water pressure of the existing houses?

Highways / Traffic

- The initial phase would put unsustainable pressure on the roads.
- There is no direct pedestrian access into the town centre and the scheme would generate additional car movements with very little opportunity for pedestrian footfall.
- The permissible exit points from this site are severely restricted, with no direct pedestrian or vehicular access to Peter DeStapeley Way at this point in time (which is a material consideration) contrary to the suggestions of the Transport Assessment. Therefore, the entire basis of the Transport Assessment, especially with regard to pedestrian routes and access to public transport, is incorrect, resulting in a gross underestimation of vehicle trips on an already congested network which result in an unsustainable development.
- Some of the key claims and assumptions referred to in the Transport Assessment with regard to impact on the local road network are unrealistic for an area such as Stapeley e.g. the assumption that people will walk to amenities within 800m to 2km such as the local shops and the railway station (which has no practical connections to serve working people for reaching their places of work, even in major commuter areas such as Manchester, London and Birmingham).
- The proposed development will lead to increased traffic movements along Broad Lane which is already highly congested during a.m. and p.m. peaks.
- There are already traffic incidents on a nearly daily basis during these periods and significant traffic jams (as evidenced by the 20 films and over 100 photographs available online)
- The increase in traffic of nearly 50% as described in the documents supporting the application places an even greater strain on public safety. Studies by the HSE show a strong correlation between increased traffic levels and the number of incidents for a given area. There are traffic jams and other traffic incidents and it would lead to an unacceptable increase in the risk of injury to road users and pedestrians.
- A traffic count on Broad Lane performed by members of the public following the same methodology and data collection guidelines used by SCP clearly demonstrates the existence of a third peak .The Transport Statement has failed to consider the existence of an additional

afternoon peak period when children are collected from four primary schools and one secondary school in the area.

- Assuming that each house in the proposed development has one car and does 2 school runs and one shopping trip per day this equates 6 journeys per car per day(3 there and 3 back) 6966 journeys. At 1.5 cars per household the number increases to 8127 journeys and at 2 cars per household it is 9288
- Extra road trips made to ferry children of school age to schools outside the area places further pressure on the road system.
- If the application is agreed Muller Group should pay for a pelican crossing on Wellington Road and an upgrade on the existing crossing which services Brine Leads and Weaver to a pelican crossing.
- The town is already in need of better parking and visitor and resident amenities and to inflict higher traffics volumes on the town would be disastrous.
- The Broad Lane roundabout is not designed to the correct criteria for this type of road. The location of the proposed roundabout is unacceptable.
- The impact on nos. 24 and 26 Broad Lane is described as 'major adverse' both during and after the construction process.
- Visibility from drives is severely restricted by the bend in the road.
- Roundabouts have little calming effect on traffic.
- A roundabout is not deemed suitable in a residential area where it directly blocks access to residential properties, as it will in this case. The approach to this roundabout would create an S-bend effect on the left hand side of Broad Lane making it difficult for lorries and agricultural vehicles to negotiate.
- Wybunbury Lane will become a 'rat run' to avoid the congestion at Peter DeStapeley Way and Elwood Way.
- The Transport assessment draws a number of unsubstantiated conclusions about the relief traffic on Dig Lane which is misleading.
- As scant regard is being given to where employment is being generated in the local area significant travel will be required for residents.
- The construction traffic will cause congestion.
- Residents have trouble getting out of their drives at the present time and this proposal would make things worse.

- The Transport Assessment assumes that residents will walk or use public transport but the evidence does not support this.
- Assumptions set out in the Transport Assessment regarding pedestrian routes, access to public transport and the impact on local road network are not correct. They will give rise to an underestimation of the number of vehicle trips.
- At certain times Nantwich is already gridlocked.
- From the south Nantwich town is only accessible by 3 routes each restricted by a level-crossing.
- There are several chicanes causing non-free flowing traffic already existing in Wellington Road, Audlem Road and Broad Lane. Increased traffic will make the problem worse.
- It is not unusual to spend 15 minutes travelling 100 yards down Audlem Rd.
- Drivers have been forced onto the pavement several times on the approach to First Dig Lane and have complained many times.
- Roads around the school are hazardous.
- No provision to turn right into the very busy London Road from Peter DeStapleigh Way.
- Traffic travelling along Audlem Rd is restricted by a 'pinch-point' at the Toll House in conjunction with residential and school parking leading to severe traffic flow problems at peak times.
- Any further development to the south of Nantwich should be deferred until it can have a dedicated connection to a robust ring-road system.
- Until the roads are improved and maybe a by-pass built for industrial traffic the development will do Nantwich more harm than good.
- The Council should consider ways in which walking and cycling can be promoted for everyday journeys such as shared footway/cycles paths, improved pedestrian/cycle crossings of Park Road and Water Lode and across Peter DeStapleigh Way at several locations.
- Speed limits should be reduced to under 20 mph.
- The potential access road to the proposed development site, Broad Lane, is an upgraded country lane, narrow in parts, which could not support increased traffic flow with its existing surface and drainage problems.
- Broad Lane has no pedestrian crossing and the majority of the housing is on the side of the road with no footpath. The footpath on the other side is very narrow and this will make it

an extremely dangerous route for children walking to Broad Lane School and Brine Lease School.

- The infrastructure cannot cope with new houses creating havoc at rush hour.
- The existing routes into and out of Nantwich across railway crossings can barely cope on most days.

Flooding

- The water table along Broad Lane appears to be very high for much of the year. Some houses along Broad Lane, which would be affected by Option 3 (which suggests draining into a ditch adjacent to Broad Lane), flooded some years ago. The ditch was only ever intended to drain an area of open countryside, not an impervious estate with tarmac and concrete roads, drives and paths. Many houses along Broad Lane are below both road and field level and will be at extra risk if more houses are built.
- The Flood Risk Assessment concedes that 'There is insufficient topographical survey and development layout information accessible to verify that gravity drainage is feasible'

Trees / hedges

- A group of mature Scots Pine Trees and a copper beech alongside Broad Lane will be cut down to make way for a roundabout. The trees have an outstanding amenity value and Tree Preservation Orders should be placed on them.

Ecology

- A significant proportion of the land edged red on the application is located within the area identified as 'new terrestrial habitat' to the south of what is now Peter DeStapeley Way in the Ponds and Amphibians Plan dated July 1998. It appears that the land is already existing GCN migration land associated with the Cronkinson Farm development. The land should remain undisturbed as it appears to be existing terrestrial habitat for GCN's.
- The fields up to Deadmans Lane is in a beautiful area of nature and should not be destroyed.
- The countryside around Stapeley has an abundance of wildlife and it would be criminal to destroy it.
- The increase in traffic would cause noise and air pollution.
- There would be an increase in light pollution from the new street lighting.
- Would destroy habitat for local wildlife.

Other

- The new houses will devalue the existing houses.
- The design is overpopulated with too many houses for the size of the plot. I cannot see 2000 cars being able to park on this land never mind building houses as well.
- The privacy of the dwellings bordering the proposed roundabout will be severely impaired due to queuing traffic.

Local Residents - Support

- It will create much needed affordable homes, shops and school.
- It will bring investment to support the Nantwich.
- Nantwich has thrived over recent years due to the increasing population which supports business and shopping in the town.
- The proposal will provide places for children to play, allotments and green spaces as well as a new school.
- A relief road to alleviate traffic problems on Broad Lane, Audlem Road and Brine Lease School is good.
- If east Cheshire needs new homes as we are told, let's have them in Nantwich where we can benefit from the investment and trade and keep the money in the town.
- Construction, investment and development are the key to economic recovery.
- It would be advantageous if a percentage of the workforce was to be from the local area.
- Development on small and brownfield sites has not so far addressed the shortage of affordable housing. The only way to address this shortage is to approve larger scale deliverable housing on Greenfield site.
- Young people have little opportunity to enter the housing market due a shortage of new affordable housing locally.

APPLICANT'S SUPPORTING INFORMATION:

- Air Quality Report (and update)
- Arboriculture Report (and update)
- Noise Assessment (and update)
- Great Crested Newt Survey
- Protected Species Survey (and update)
- Contaminated Land Report
- Site Setting (photo)

- Transport Assessment
- Viewpoints (photos)
- Flood Risk Assessment (and update)
- Assessment Matrix
- Landscaping and Visual Impact Assessment
- Travel Plan
- Transport Assessment (and update)
- Planning Statement
- Statement of Community Involvement
- Retail Statement
- Design and Access Statement
- Nantwich Housing Market Report
- Archaeological Report

OFFICER APPRAISAL

Principle of Development

There are significant changes in circumstances that are material to this planning application, since its dismissal at appeal in March 2015 and the subsequent redetermination and dismissal by the Secretary of State in August 2016, which are pertinent to both its procedural treatment and its determination. These primarily relate to the progress of the development plan - notably the adoption of the Cheshire East local Plan Strategy but also the Stapeley Neighbourhood Plan which has successfully passed through its Examination. The Examiner's Report was received on 24 October 2017 and has indicated that the Neighbourhood Plan can proceed to Referendum; this is likely to be in February 2018.

The stage of both documents are now significantly advanced and accordingly their policies, provisions and supporting evidence should be central to the Secretary of State's consideration of this appeal. The relevance of these documents is set out below in some detail.

The Cheshire East Local Plan Strategy

The Cheshire East local Plan Strategy ("LPS") is a strategic Local Plan which includes the allocation of Strategic Sites (5ha or larger). It will be followed by a more detailed second stage - the Site Allocations and Development Policies. The LPS was prepared during the period 2010-2014 and formally submitted for public examination in May 2014.

Three weeks of Examination followed in September/October 2014, following which the Inspector's Interim views were published in November 2014. These views identified that further work was required on strategic elements of the Plan and as a consequence the Examination was suspended whilst further work was carried out. This additional work was completed by July 2015, in line with the Inspector's timetable and suspension of the Examination was lifted in August 2015. A further fortnight of hearings followed in October and in December 2015 the Inspector's Further Interim Views were published. On this occasion the Inspector was broadly content with the Council's approach:

"CEC has responded to all the main concerns raised in my earlier Interim Views in its evidence, reports and statements to the examination and hearings. In general terms, the additional evidence and studies produced during the suspension of the examination seem to have addressed most of the main concerns about the adequacy of the original evidence set out in my Interim Views, published in November 2014."

As a consequence of these positive further views the Council prepared a comprehensive set of Proposed Changes - and these were the subject of formal consultation between 4 March and 19 April 2016. Representations received were then considered at 6 weeks of hearings held between 13 September and 20 October 2016.

To inform the Proposed Changes and subsequent examination hearings, the Council prepared town based site selection reports which considered sites submitted for consideration during the Local Plan making process. The Nantwich final site selection town report [PC B017] considered the site at Land off Audlem Road I Broad Lane, Stapeley [PSS804] (the subject of planning application 12/3747N) alongside other sites promoted around Nantwich. The site selection work concluded that the Land off Audlem Road I Broad Lane, Stapeley site should not be allocated within the LPS.

The Nantwich final site selection town report [PC B017] considered the sites required to meet the spatial distribution figure for Nantwich (in the order of 2050 homes) in the LPS, with a housing supply flexibility factor of 6.4%. The sites recommended for inclusion in the LPS, following the site selection process, alongside completions and commitments (as at the 31.03.16) would meet the spatial distribution figure for housing in the Plan period incorporating the additional supply flexibility factor.

In his closing remarks to the examination hearing sessions, the Inspector explained the next steps:

"At this stage, I envisage preparing a short report outlining any further work the Council may need to undertake, along with any further amendments - Main Modifications - needed to ensure that the Plan is sound and can be adopted; I aim to publish this by the end of this year."

This short report was issued on 13 December 2016. The report, headed "Inspector's Views on Further Modifications needed to the Local Plan Strategy" reached key conclusions. Firstly that the conclusions made in the Further Interim views still stood:

"I consider that no new evidence or information has been presented to the examination which is sufficient to outweigh or alter my initial conclusions on the Duty to Co-operate, the overall development strategy, including the revised amount of housing and employment land proposed and the objective assessment of housing need, the settlement hierarchy, the policies for the Green Belt and Safeguarded Land, and the revised spatial distribution of development."

Secondly, he has endorsed the Council's approach to the development strategy - and all 61 strategic sites within the LPS:

"CEC also 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 principle of establishing a Strategic Green Gap around Crewe seems soundly based and the development strategy for the Principal Towns, Key & Local Service Centres, Other Settlements & Rural Areas and Other Sites, including the amounts of development and the strategic sites/locations, seems to be appropriate, justified, effective, deliverable and soundly based."

The Inspector went on to say that "there is also no need to consider in detail any "omission" sites at this stage in the examination" and aside from two specific modifications (to a site in Macclesfield and on Windfalls) he indicated that:

"my initial conclusion is that no other modifications are needed to the Revised Plan in the interests of legal compliance and soundness."

A schedule of Main Modifications required to be made to the Local Plan Strategy – Proposed Changes Version to make it sound and capable of adoption was consulted upon between the 6 February and 20 March 2017. This was supported by a Sustainability (Integrated) Appraisal Further Addendum Report and Habitats Regulations Assessment.

The Main Modifications Report of Consultation noted that in total, 311 representations were received from 108 parties to the Main Modifications. This contrasts sharply with the 19,541 representations received during the March 2016 consultation. No further representations were received on Main Modifications relating to Nantwich respectively. The Council responded to the key issues raised in the Main Modifications and considered implications to the LPS confirming that the issues raised during the consultation on the Main Modifications had, in the Council's view, no implications for the soundness or legal compliance of the proposed main modification(s). The Main Modifications Report of Consultation alongside all of the responses received was submitted to the Inspector for his consideration.

The Inspector issued his final report into the legal compliance and the soundness of the Cheshire East LPS on 20 June 2017. This concluded that, subject to a series of recommended Main Modifications, the Cheshire East LPS was legally compliant and sound and therefore capable of adoption by the Council.

A report on the Cheshire East LPS was considered by Council on 27 July 2017, along with the Inspector's final report, Main Modifications and Additional Modifications (these mainly correct minor errors and do not materially affect the Policies in the LPS and are consistent with the Main Modifications recommended by the Inspector.) The Cheshire East LPS was then accordingly adopted by Council on 27 July 2017.

Conclusion on progress of the Local Plan Strategy

The Submitted Plan represented the culmination of considerable local consultation with 2 previous full drafts - and since submission there have been 11 weeks of Examination and another 6 weeks of consultation.

The formal consultation on main modifications has taken place - the vast majority had already been the subject of consultation through the lengthy Examination process. Accordingly there has been very little opportunity to raise any new issues in terms of that consultation process. Consultation responses received to the main modifications consultation were sent to the Inspector in anticipation of him issuing his final report on the soundness of the LPS.

The Council considered all of the responses received to the consultation on the Main Modifications and is of the view that there are no issues that impact upon the soundness of the LPS. Upon adoption, there were no unresolved objections.

All policies were fully prepared in the context of the NPPF. All have been subject to Examination hearings and where necessary changes have been proposed directly as a consequence of that process. The Inspector has reached his view on Main Modifications required to make the Plan sound and capable of adoption and these have been consulted upon.

The Inspector issued his final report into the legal compliance and the soundness of the Cheshire East LPS on 20 June 2017 and the Cheshire East LPS was adopted on 27 July 2017. Accordingly all Cheshire East LPS policies should be given a significant degree of weight as Adopted development plan policy.

Paragraph 12 of the National Planning Policy Framework states that: 'Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. It is highly desirable that local planning authorities should have an up-to-date plan in place.'

It is considered that the appeal proposal does not accord with the adopted LPS and therefore it should be dismissed. It is not considered that there are any material considerations that would indicate otherwise.

A legal challenge had been made against the adoption of the LPS by Muller Strategic Projects Ltd. Muller properties claim, in summary, that the Council failed to take into account the issue relating to incorrect air quality data when adopting the LPS. The Council is resisting the claim; it is firm in its position that the incorrect air quality data would not have resulted in any changes to the LPS – that the content of the adopted LPS would be no different. The lodging of a legal challenge does not change the legal status of the LPS. It remains part of the development plan. It is the most recent part of it and it is up-to-date, having been only recently adopted (July 2017). As required under Section 38(6) of the Planning and Compulsory Purchase Act 2004, decisions should be made in accordance with the development plan, including the LPS, unless material considerations indicate otherwise.

Implications of Local Plan Progress

Since the Secretary of State's decision in August 2016 there has been a fundamental change in the position of the Cheshire East LPS. At that stage, the appellants could still maintain that significant objections to key aspects of the LPS remained (despite the clear indication from the Inspector in his Interim views of December 2015). Such a position is no longer credible. The Inspector has issued his clear views on main modifications, the modifications consultation has completed and representations are now known. For the most part these

modifications represented minor changes in wording- and accordingly objection to the plan has evaporated. The Council received less than 2% of the comments received at the previous stage. The Inspector issued his final report into the legal compliance and the soundness of the Cheshire East LPS on 20 June 2017 and the Cheshire East LPS was adopted on 27 July 2017.

There is now considerable certainty over the OAN, housing requirement, the distribution of development, the sites needed to fulfil the requirement and the five year supply of housing land. Of the 36,000 housing requirement, 2050 homes are allotted to Nantwich. With the flexibility factor (now endorsed by the Inspector sites totalling 2182 have now been allocated in the LPS. There is hence no need to release further land for development in the town.

Finally the Inspector has also signalled agreement with the Plan's approach to delivering a 5 year supply of housing land. He commented that:

"CEC also 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"

This point is explained in more detail below, but the adopted LPS brings forward significant additional supply which will address immediate and ongoing housing need.

The consequences of all this are:

- ☐ The Housing distribution for Nantwich is established
- ☐ Sites are allocated to meet this
- ☐ Mechanisms are in place to provide flexibility
- ☐ The appeal site will remain as open countryside and subject to protective policies.
- ☐ The local plan provides a 5 year supply of housing.

Paragraph 47 of the Framework requires Councils to 'significantly boost' the supply of housing by the following five measures: (1) ensure local plans meet housing needs (2) ensure a 5 year supply of deliverable sites is identified (3) identify other housing sites for up to 15 years (4) devise a housing trajectory and (5) set guidelines on density. The Cheshire East LPS achieves all of these (after all, compliance with national policy is a test of soundness) - and therefore the Council has taken the necessary steps to significantly boost housing supply.

The requirement to boost housing supply is not an open ended one - for the obligation to meet housing need must be within the context of being consistent with wider framework policy - and therefore the provision of additional housing over and above the housing requirement must be set against other policy considerations. In Cheshire East the local plan Inspector deliberated long and hard on the right balance between jobs and homes - considering the impact for sustainable development if either was out of step with the other. This would, for example lead to unsustainable patterns of commuting into or out of the Borough - as well as having implications for infrastructure, natural environment (including Countryside and agricultural land) and the planning of local facilities.

Having identified housing need and allocated sites to meet this (with a healthy buffer) the provision of additional housing within an area of open countryside has serious adverse consequences for sustainable development.

Stapeley & Batherton Neighbourhood Plan

The emerging Stapeley and District Neighbourhood Plan has been submitted and was published for consultation between 25 April 2017 and 06 June 2017, in line with regulation 16 of the Neighbourhood Planning (general) Regulations (2012). Following the consultation an independent examination was held. The Examiner's Report was received on 24 October 2017 and has indicated that, subject to modifications, the Neighbourhood Plan can proceed to Referendum; this is likely to be in February 2018.

The emerging neighbourhood plan including the policies referenced above are a material consideration and can be given weight in the light of the stage that the Plan has reached in accordance with paragraph 216 of the National Planning Policy Framework. The appeal proposal clearly conflicts with emerging Neighbourhood Plan policy in terms of the scale of housing involved and the development of countryside beyond the settlement boundaries.

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"

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 by both developers and architects to review good practice and demonstrate the sustainability performance of their proposed developments. Planners can also use it to assess a planning application and, through forward planning, compare the sustainability of different development site options.

The North West Sustainability Checklist is supported by Policy DP9: Reduce Emissions and Adapt to Climate Change of the Regional Spatial Strategy for the North West, which states that:

"Applicants and local planning authorities should ensure that all developments meet at least the minimum standards set out in the North West Sustainability Checklist for Developments (33), and should apply 'good' or 'best practice' standards wherever practicable".

The Regional Spatial Strategy for the North West currently remains part of the Development Plan for Cheshire East.

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 results of an accessibility assessment using this methodology are set out below.

Category	Facility	STAPELEY SITE
Open Space:	Amenity Open Space (500m)	0m
	Children’s Play Space (500m)	0m
	Outdoor Sports Facility (500m)	760m
Local Amenities:	Convenience Store (500m)	0m
	Supermarket* (1000m)	934m
	Post box (500m)	654m
	Playground / amenity area (500m)	0m
	Post office (1000m)	696m
	Bank or cash machine (1000m)	1078m
	Pharmacy (1000m)	2075m
	Primary school (1000m)	0m
	Secondary School* (1000m)	1005m
	Medical Centre (1000m)	2464m
	Leisure facilities (leisure centre or library) (1000m)	1005m
	Local meeting place / community centre (1000m)	0m
	Public house (1000m)	0m
	Public park or village green (larger, publicly accessible open space) (1000m)	1541m
	Child care facility (nursery or creche) (1000m)	1334m
Transport Facilities:	Bus stop (500m)	589m
	Railway station (2000m where geographically possible)	1796m
	Public Right of Way (500m)	357m
	Any transport node (300m in town centre / 400m in urban area)	357m
Disclaimers:		
<i>The accessibility of the site other than where stated, is based on current conditions, any on-site provision of services/facilities or alterations to service/facility provision resulting from the development have not been taken into account.</i>		
<i>* Additional parameter to the North West Sustainability Checklist</i>		
<i>Measurements are taken from the centre of the site</i>		

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

On the basis of the above assessment the proposal does appear to be generally sustainable in purely locational terms.

Previous Inspectors have determined that accessibility is but one element of sustainable development and it is not synonymous with it. There are many other components of sustainability other than accessibility. These include, meeting general and affordable housing need, reducing energy consumption through sustainable design, and assisting economic growth and development.

According to the Design and Access Statement, the following sustainable design principles have formed part of the development concept.:

- Provision of a mix of uses which cater for the everyday needs of the new residents including work, education, leisure, recreation and retail activities;
- Provision of a range of house types, tenures and sizes in order to cater for choice and a variety of households;
- Provision of Sustainable Urban Drainage Systems as part of the drainage attenuation proposals;
- In-built 'robustness' – the ability of the development, including individual buildings, to adapt to changes such as use, lifestyle and demography over time;
- Make efficient use of land through proposing a development with an appropriate density.
- Establish a framework which can deliver a wider residential development beyond the application boundary within the established principles, ensuring a holistic design approach.

The Council's Urban Design Officer has commented that with regard to sustainable design there appears to be very little commitment in respect to the scheme. As this is part of the promotion of a large scale scheme circa 1000 homes plus other uses then de-centralised energy and other resource management needs to be properly considered and potential future proofed. Given the mix of uses and the potential size of the scheme, this is an ideal opportunity to this a highly sustainable development.

Other issues are: proper consideration of passive environmental design, setting standards for performance in terms of building fabric, water use performance of spaces, climate change adaptation, sustainable urban drainage and other elements of sustainable design relating to waste and recycling, sustainable procurement and waste reduction etc.

The applicant has commented that they will build dwellings to code 4 (which encapsulates a range of sustainable design strategies). This is referenced in the assessment of proposals section of the planning statement submitted with the application. Furthermore, this is an outline application and a detailed scheme to achieve this could be secured through the use of conditions.

With regard to the issue of economic development, an important material consideration is the Written Ministerial Statement: Planning for Growth (23 March 2011) issued by the Minister of State for Decentralisation (Mr. Greg Clark). It states that "Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', *except where*

this would compromise the key sustainable development principles set out in national planning policy.”

The Statement goes on to say “*when deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development.*” They should:

- consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession;
- take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing;
- consider the range of likely economic, environmental and social benefits of proposals;
- ensure that they do not impose unnecessary burdens on development.

The proposed development will bring direct and indirect economic benefits to the town, including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

Similarly, the NPPF makes it clear that

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

According to paragraphs 19 to 21,

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

In conclusion, the loss of open countryside, when there is no need in order to provide a 5 year housing land supply requirement, is not considered to be sustainable and it is considered that this outweighs any sustainability credentials of the scheme in terms of its location, meeting general and affordable housing need, reducing energy consumption through sustainable design and assisting economic growth and development.

Loss of Agricultural Land

Policy SE 2 of the Local Plan states that best and most versatile agricultural land (grades 1, 2 and 3a in the Ministry of Agriculture Fisheries and Food classification) shall be safeguarded.

This is supported by the National Planning Policy Framework, which states that:

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

In the latest Secretary of States decision letter he sets out that the agreed position by both parties is that 25% of the aggregated sites (12/3546N & 12/3547N) is Best and Most Versatile (BMV) agricultural land, and as there was no dispute that the scheme would result in the loss of some BMV land.

Appeal decisions, both locally and nationally, have considered the loss of best and most versatile agricultural land but have shown the lack of a 5 year housing land supply would outweigh the loss of agricultural land on the Appeal sites and therefore a reason for refusal could not be sustained on these grounds.

This application is now however being considered in different circumstances given the adopted Local Plan and the Council being able to provide a 5 year supply of housing, as such this policy breach contributes to the un-sustainability of using open countryside when there is no necessity in housing land supply terms., the applicant has also failed to demonstrate that there is a need for the development, which could not be accommodated elsewhere. The Secretary of State considered this loss of BMV land to be harmful and carry “moderate weight”.

Network Rail’s Comments including the impact on Level Crossing

There are three level crossings in the vicinity of the site at Newcastle Road, Nantwich Railway Station and Shrewbridge Road that could be impacted by the above proposal due to increased vehicular and pedestrian traffic. Network Rail placed a holding objection on the scheme due to concern that increased traffic at these crossings will result in an increase risk of accidents, particularly at two of the crossings which are the “half-barrier” type. Through subsequent discussions, Network Rail have confirmed that these safety concerns could be overcome, if the “half-barrier” crossings were upgraded to the “full-barrier” type. It was therefore considered that the impact of the scheme could be overcome through a Section 106 contribution to these works.

The Secretary of State however agreed with the appeal Inspector that the financial request was not CIL compliant as the financial request was not sufficiently detailed and therefore could not:

“be considered to be fairly and reasonably related in the scale and kind and does not satisfy the final test of the Framework”.

Affordable Housing

The Councils Interim Planning Statement for Affordable Housing states that the Council will seek affordable housing on all windfall sites and that the general minimum proportion of affordable housing required will be 30%.

The Strategic Housing Market Assessment 2010 shows that for the sub-area of Nantwich, there is a requirement for 73 new affordable units per year and that this is made up of a need for 21 x 1 beds, 20 x 2 beds, 10 x 3 beds, 17 x 4/5 beds and 6 x 1/2 bed older persons units.

In addition to the housing need information from the SHMA 2010, information taken from Cheshire Homechoice (which is the Choice Based Lettings system used to allocate social rented housing across Cheshire East), shows that for the areas of Nantwich close to and including Stapeley there are currently 523 applicants. These applicants require 183 x 1 beds, 181 x 2 beds, 92 x 3 beds and 17 x 4 beds (50 applicants have not specified how many bedrooms they require)

Therefore, as there is affordable housing need in Nantwich, there is a requirement that 30% of the total units at this site are affordable, which equates to up to 57 affordable dwellings. The Affordable Housing IPS also states that the tenure mix split the Council require is 65% rented affordable units (either social rented dwellings let at target rents or affordable rented dwellings let at no more than 80% of market rents) and 35% intermediate affordable units. The affordable housing tenure split that is required has been established as a result of the findings of the Strategic Housing Market Assessment 2010.

The information submitted suggests that the affordable housing being offered is 30%, split as 65% social rented and 35% intermediate tenure. This meets the requirements of the Interim Planning Statement: Affordable Housing, and would equate to up to 57 affordable dwellings, with 37 being provided as social rented and 20 as intermediate tenure for sale. The applicant also indicates that the affordable homes would be 2 and 3 bed homes in order to meet housing need. Although the overall percentage of affordable housing provision and tenure mix is acceptable, if the application is approved Council Housing Officers would like to see a wider range of affordable housing unit type being provided including some 1 bed & possibly a small number of 4 bed properties. This could be secured through an appropriate Section 106 legal agreement in the event that Members were minded to approve the scheme.

The IPS requires that the affordable homes should be provided no later than occupation of 50% of the open market units, unless the development is phased and there is a high degree of pepper-potting in which case the maximum proportion of open market homes that may be provided before the provision of all the affordable units may be increased to 80%.

All the affordable homes should be constructed in accordance with the standards proposed to be adopted by the Homes and Communities Agency and should achieve at least Level 3 of the Code for Sustainable Homes (2007). The Affordable Homes should also be integrated with the open market homes and not be segregated in discrete or peripheral areas.

It is the Council's preference that the affordable housing is secured by way of a S106 agreement, which requires the developer to transfer any rented affordable units to a Housing Association and includes the requirement for the affordable house scheme to be submitted at reserved matters and also includes provisions that require the affordable homes to be let or sold to people who are in housing need and have a local connection. The local connection criteria used in the agreement should match the Council's allocations policy. This is in accordance with the Affordable Housing IPS which states that

“the Council will require any provision of affordable housing and/or any control of occupancy in accordance with this statement to be secured by means of planning obligations pursuant to S106 of the Town and County Planning Act 1990 (as amended)”

It also goes on to state that

“in all cases where a Registered Social Landlord is to be involved in the provision of any element of affordable housing, then the Council will require that the Agreement contains an obligation that such housing is transferred to and managed by an RSL as set out in the Housing Act 1996”

Contaminated land

The Contaminated Land team has no objection to the above application subject to the following comments with regard to contaminated land

- The application area has a history of agricultural use and there are former ponds on site which may have been infilled. Therefore the land may be contaminated.
- The application is for new residential properties which are a sensitive end use and could be affected by any contamination present.
- The applicant has submitted a Preliminary Risk Assessment for contaminated land with the planning application. Although the report refers in places to out of date and superseded guidance, the conclusions and recommendations are justified.
- As such, and in accordance with the NPPF, it is recommended that the standard contaminated land Phase II report conditions are attached.

Air Quality

Policy SE12 of the Local Plan states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality. This is in accordance with paragraph 124 of the NPPF and the Government’s Air Quality Strategy.

When assessing the impact of a development on Local Air Quality, this office has regard to (amongst other things) the Council’s Air Quality Strategy, the Air Quality Action Plan, Local Monitoring Data and the EPUK Guidance “Land Use Planning & Development Control: Planning for Air Quality May 2015)

This is an outline proposal for the residential development comprising up to 189 dwellings, a local centre, employment development and a primary school. Air quality impacts have been considered within the updated air quality assessment submitted in support of the application by Redmore Environmental Ltd. dated the 29th September 2017, ref. 1851r1. The report considers whether the development will result in increased exposure to airborne pollutants, particularly as a result of additional traffic and changes to traffic flows. The assessment uses ADMS Roads to model NO₂ and PM₁₀ impacts from additional traffic associated with this development and the cumulative impact of committed development within the area.

A number of modelled scenarios have been considered within the assessment. These were:

- 2016 - verification
- Opening year Do-Minimum (DM) (predicted traffic flows in 2022 should the proposals not proceed)

- Opening year – Do- Something (DS) (predicted traffic flows in 2022 should the proposals be completed)

The assessment concludes that the impact of the future development on the chosen receptors was predicted to be **not significant** with regards to both NO₂ and PM₁₀ concentrations, with all of the receptors negligible effects. However, there are increases predicted to the receptors located within the town's AQMA, and it is this department's opinion that any increase in concentrations within an AQMA is considered significant as it is directly converse to our local air quality management objectives, the NPPF and the Council's Air Quality Action Plan.

Also there is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality. Taking into account the uncertainties with modelling, the impacts of the development could be significantly worse than predicted.

Nantwich has an Air Quality Management Area, and as such the cumulative impact of developments in the town is likely to make the situation worse, unless managed.

Poor air quality is detrimental to the health and wellbeing of the public and also has a negative impact on the quality of life for sensitive individuals. It is therefore considered appropriate that mitigation should be sought in the form of direct measures to reduce the adverse air quality impact. The report also states that the developer should implement an adequate demolition and construction dust control plan to protect sensitive receptors from impacts during this stage of the proposal and there has also been a Travel Plan submitted in support of the development, albeit very outdated now.

However, Environmental protection also believes that further robust mitigation measures are required to reduce the impact on sensitive receptors in the area. Therefore, prior to the reserved matters stage of the application the developer should submit information regarding conditions relating to Travel Planning, Electric Vehicle Infrastructure and dust control.

Noise Impact

The proposed development is situated at the existing greenfield site on Peter Destapleigh Way, Nantwich. The site is bound by Peter Destapleigh Way (A530) to the north, new build residential properties nearing completion and agricultural fields to the east, agricultural fields to the south and existing residential properties to the west.

The applicant has submitted an acoustic report undertaken by Lighthouse Acoustics in support of this outline application. The report demonstrates that with appropriate mitigation the development can be made acceptable with respect to noise. As such this service does not object to the application subject to the following condition:

At or before the reserved matters stage the applicant shall submit and agree with the Local Planning Authority a detailed acoustic mitigation scheme demonstrating compliance with BS8233:2014 to ensure that required noise standards can be achieved internally and within private amenity spaces.

It should be noted that the above condition is based on an acoustic report submitted with the application which demonstrates that with a suitable mitigation scheme, in principle, the development can be made acceptable in terms of the impact from noise. The exact details of the mitigation scheme will depend on the final layout and other circumstances, and at this time it is not possible for this service to determine the nature of the acoustic scheme. It is for the applicant to ensure that any

acoustic mitigation scheme meets the acoustic requirements above, and is also acceptable in terms of other planning considerations (such as visual amenity).

Drainage and Flooding

The applicant submitted with the original application, a detailed Flood Risk Assessment (FRA), that was recently updated in September this year. In summary, it states that:

- The site lies within the Environment Agency (EA) Flood Zone 1 which is at little or no risk of fluvial flooding. However, in accordance with Planning Policy, a flood risk assessment (FRA) appropriate to the scale, nature and location of the development is required for all developments greater than 1 ha in size.
- It has been demonstrated that surface water from the proposed development can be managed by a drainage system without increasing risk of flooding to the future site occupants or the surrounding area. There are options, described in the report to discharge surface water to the ground or to the River Weaver.
- It has been shown that the drainage scheme can be designed to meet SUDS, EA and UU requirements to limit flow from site to Greenfield rates and to allow for future climate change. Design of the optimum working drainage solution(s) can be undertaken post planning in accordance with SUDS manual, Ciria C697, Building Regulations and Sewers for Adoption 6th Edition.
- The optimum surface water drainage design of the site will depend on further ground investigations prior to the construction stage with consideration to economic viability of off-site drainage works. This is likely to be a combination of infiltration drainage and attenuated drainage. The position of attenuation can be designed to suit the final site master plan layout. During the working design stage, the surface water modelling of the whole drainage pipe network and time concentrations will enable refinement of the attenuation design.
- The implementation of the following mitigation measures will ensure that flood risks to and from the proposed development are addressed:
 - Finished Ground floor levels in residential dwellings to be at a minimum of 150mm above surrounding ground level.
 - Flood risk to surrounding properties should and can be addressed by ensuring all hardstanding areas are drained away from neighbouring land.
 - Surface water drainage of the proposed development should and can be managed to mitigate any risk of flooding from the site. The drainage should be designed prior to the construction stage as described in section 6 of this report.

United Utilities and the Environment Agency have considered the report and raised no objections subject to the imposition of appropriate planning conditions. It is therefore concluded that the proposed development will not adversely affect onsite, neighbouring or downstream developments and their associated residual flood risk.

Any updated comments from the Council's Flood Risk Team will be reported in any update report.

Design Issues

Since the application was submitted the Council has adopted the Cheshire East Council Design Guide and the application will need to be assessed against this document to see if the

proposals demonstrate compliance . This assessment is being undertaken and will be reported to Members in an update report. The following comments are based on the previous report.

Numbers and Density

The Council's Urban Design Officer examined the proposal and commented that with regard to numbers and density no testing layout has been furnished. Therefore, there is concern that the numbers are overly optimistic. The density indicated in the Design and Access Statement should be tested to ensure that the layout can be delivered to an appropriate quality and test the concepts and principles in the Design and Access Statement or reconsider the upper number.

Whilst these concerns are noted, the developer pointed out that the Town And Country Planning (Development Management Procedure) (England) Order 2010 applicable at the time of submission does not prescribe the need for every building to be shown on a master plan at the outline stage and it is not required or necessary to 'test' an outline application master plan in such a way. Whilst the GDPO was updated in 2015 it allows Local Planning Authorities to require further information, but only within one month of date of receipt of the application. Exact building positions will be the subject of reserved matter applications. The accompanying design and access statement and indicative master plan give the required (as per item 4(3) of the order) 'approximate location of buildings, routes and open spaces included in the development proposed'.

The developer has argued that overall the density is within recognisable parameters and achieves an average net density of 30.4 dwellings per hectare (dph). This density will allow for the formation of differing densities across the development, including higher density towards the existing urban areas in the north and around the local centre and lower densities near landscape sensitive areas. Overall, the density results in the efficient use of the site, whilst at the same time promoting densities which are appropriate to the local area and which will help assimilate the development into the surrounding areas.

Layout

With regard to layout, the Urban Design Officer pointed out that aspects of the site only make sense or are acceptable if the site is part of a larger scheme (as indicated as future phases on the illustrative Masterplan). However, that is not part of the application and may not come forward. A case in point is the southern edge of housing (block R4) which directly abuts the southern edge of the site. If this were to remain as the southern edge of the site it would lead to a very abrupt edge to countryside and the substantial loss of an important hedge line that would make a more logical southern boundary to the site.

The originally proposed access arrangement off Broad Lane, again only made sense if the wider area is developed. The application now no longer proposes this access with all access to the site being Peter Destaplegh Way, subject to the parallel application referenced above.

The developer has responded by stating that the ability of the development to acceptably stand alone was considered at the design stage including:

- A lower density approach to the southern development parcels (item 6.55 of das)

- Village green and associated play area located to provide a green setback in the developments southern edge.
- The allotments provide a 'soft' landscape interface.
- At the reserved matter stage where there is housing adjoining the boundary, there will be supplementary planting along the sites boundaries.

Character, Open Space and Landscape

The Council's Urban Designer commented that the site is in essence open countryside and therefore needs to be designed to create a gradual transition. The Design and Access statement makes considerable play about working with and utilising established landscape features. However, in reality how much Green Infrastructure is being retained/created in this proposed development. For example, the hedge on the southern side of the site creates a strong edge that could be compromised by development in this part of the site. On the eastern edge of the site it indicates housing backing onto the GCN compensation area with associated issues about relationship to it. In terms of ecological enhancement, there is a sense that spaces could be better connected to create a green network.

Nevertheless, the developer has argued that the development indicative masterplan actively works around the existing features to allow retention and whilst the proposed development would result in some unavoidable tree loss, the vast majority of the significant trees can be retained and this is promoted in the Design and Access Statement. Furthermore, discussions with the ecologist have confirmed that the houses backing onto the GCN compensation is not a problem, and in many ways preferable as it will promote garden areas that adjoin and compliment the GCN area. They consider that spaces are well connected with existing and proposed planting running through the development.

The Urban Designer commented that, whilst he supports the objectives in terms of creating sense of place, there is a little concern that what is being suggested is slightly out of tune with the wider area and could appear grafted into the landscape, rather than genuinely taking a lead from it. However, it is acknowledged that it is a difficult issue to balance between creating a place with distinctive character and it properly integrating into the rural setting of the site.

In response, the developer has stated that housing and the influence of an urbanised edge is an existing characteristic of the site and development will be a logical extension to this form. Furthermore, the development edge broadly follows the east / west, north / south disjointed grid of the existing field pattern and is complementary and in 'tune' with the patchwork of development in the area.

The positioning of the village green and the village centre has also given some concern to the Council's Urban Designer as it only makes sense as part of the wider proposal. In relation to the application site, it is peripheral and therefore not positively situated. There is also an argument to say that it should extend south to better balance the wider site, if that were to come forward. He goes on to say that the character is generally vernacular recreation which has to be executed extremely well in order to be effective. There are some nearby housing developments that have adopted similar approaches, which have been executed unsatisfactorily. This approach needs to extend throughout the townscape if it is to work in terms of layout of buildings and spaces, the integration of streets, the design of the landscape

and the architecture of buildings. In order to achieve this, a form of coding will be necessary. This would be particularly important if the wider area were to be developed, with the potential for a substantial area of housing to the south east.

The developer has explained that positioning of the village green and village centre is led by the need for a prominent edge of road location co-located with the school as a community focus. There is also the need to avoid existing properties being disturbed by such mixed use activity and school drop off etc, hence pulling the location away from the Peter Destapleigh Way and the western Audlem Road edge towards the eastern side of the development. The location within a development of this size is within convenient walking and cycling distance of properties in any event.

The developer has also pointed out that the Design and Access Statement includes only indicative elevations and building typology details and at this outline stage, it would be normal and acceptable for a condition requiring a design code to be applied. They consider that a wider scheme could be designed to complement the application and that the Design and Access Statement shows how a wider scheme could come forward.

The philosophy of creating focal locations and opportunities comprising built and natural features and spaces is supported by the Urban Design Officer, but is partly compromised by the issues discussed above. There needs to be the potential to at least create bespoke design opportunities in these key locations but ideally more widely, to make it a genuinely responsive scheme. However, the developer does not see how the creation of recognisable spaces is compromised in any way by these issues and considers that there is an opportunity at the reserved matters stage to create a bespoke responsive scheme.

The Urban Design Officer has commented that the allotment provision is welcomed. The local growing theme could be taken further by creating the potential for community orchards and also informal opportunities within areas of open space (as has happened at Todmorden in Yorkshire). This could be part of re-branding Nantwich as a local produce town, building on existing events such as the Nantwich Food and Drink and ensuring it is a key feature of any new developments that come forward. The developer has confirmed that this is something that could be explored at the reserved matters stage, and that the outline approval would not restrict this ambition.

Pedestrian movement

The developer has pointed out that in the access scenario where a vehicular connection is provided onto Peter Destapleigh Way, controlled pedestrian crossings will be provided on all arms of the Peter Destapleigh Way / Pear Tree Field junction, providing strong pedestrian links between the site and established facilities within the town centre. In the access scenario where no vehicular connection is provided onto Peter Destapleigh Way, a separate pedestrian / cycle link will be provided onto Peter Destapleigh Way opposite Hawksey Drive. At this location an uncontrolled crossing point will be provided, including dropped kerbs / tactile paving. This form of crossing is considered acceptable given that the pedestrian access falls within a 30mph zone and pedestrians will only be required to cross a single carriageway road.

It is noted that the Public Rights of Way Officer has commented that it is essential that facilities for both pedestrians and cyclists to cross Peter de Staplegh Way are created at the junction with Hawksey Drive. In addition, crossing facilities should be provided at the north-western corner of the development site which provides more direct access to the town centre.

The cycleway/footway facility alongside the spine road from northern access proposed under 12/3746N should continue through the site to link to the community of Stapleley to Broad Lane School. The development should also make provision for new circular walking paths and cycle routes within the green infrastructure and destination signage for cyclists and pedestrians to local facilities, including schools, the town centre and railway station should be provided at junctions of the cycleway/footway and highway facilities. Cycle parking should be provided within the development and contributions should be made to addressing cycle parking shortfalls at nearby destinations such as the railway station. In addition, a travel plan should be produced for the site.

It is considered that all of these matters could also be addressed through the use of appropriate conditions and Section 106 contributions.

Street Hierarchy and Parking

It is considered that the information is helpful in interpreting the movement strategy and defining character for different street types. It is positive that many areas are to be de-formalised and that on-street parking is suggested as being designed in as part of coherent street designs.

Mix of Uses

The mix of uses is positive in creating a local centre for the development, there is some concern regarding the relationship of housing to the employment area. However, as the developer has pointed out, it is not unusual for housing to back onto employment, in many ways this clearly defined boundary is preferable to avoid ambiguous definition of access and parking arrangements.

The Urban Designer has suggested that the mixed use area could also include a modest number of residential units above commercial premises to further diversify the residential offer. Live/work opportunities could also be integrated, perhaps to create a buffer between employment only use and residential properties.

The developer has expressed concern, that there are commercial viability issues with this (that may ultimately constrain delivery of other community elements), albeit the intention of the employment element is to support local business and encourage a sustainable mix of uses.

Contribution Towards Sustaining The Town Centre

The Urban Design Officer has commented that this is potentially a significant scheme and it should contribute toward reinforcing the town centre (as part of reinforcing the scheme's sustainability). There is a revised Conservation Area Appraisal for much of the town centre and forthcoming management plan. A forthcoming public realm strategy is proposed within

the Town Plan for Nantwich, which is likely to be progressed in 2013. Therefore, there will be viable projects to which such contributions could be targeted within a reasonable timeframe, concurrent with the development of this scheme.

The developer considers that additional housing will promote more spending in the town. The school, employment, open space allotments and community facilities will further enhance the facilities available to the people of Nantwich. The applicant, Muller Property Group, would be happy to engage with officers to consider an appropriate commuted sum payment as a contribution towards public realm improvements in the town centre. However, given that, at the present time, there is no planning policy to support such a request, it is not considered that a contribution, would meet the requirements of the C.I.L. Regulations.

Having considered the responses of the developer to his initial concerns, the Urban Design Officer confirmed at the time that he had no objection in principle to the proposal and that the majority of the matters raised above can be addressed at the Reserved Matters stage. As noted at the start of this section, with the adoption of the Design Guide this needs to be re-assessed, and this will be done in the update report to Members. However, a condition requiring a Design Code to be submitted and approved prior to the submission of the first Reserved Matters should be attached to any permission granted. The developer has confirmed that this would be acceptable. On this basis it is considered that that a refusal on design grounds could not be sustained.

Archaeology

The application is supported by an archaeological desk-based assessment which has been prepared by Matrix Archaeology on behalf of the applicants. This study notes that there are no statutorily-protected Heritage Assets within the application area and that known features are currently restricted to relict ridge and furrow, a marl pit, and a number of metal-detector finds which are the result of casual detecting and appear to be largely post-medieval in date. The report does, however, conclude that the site does have the potential to contain as yet undiscovered archaeological remains, a conclusion based on the number of features of archaeological interest in the immediate vicinity, which have been identified by the present study, and the proven potential of Nantwich and its environs to contain remains of Roman, medieval, and earlier post-medieval date.

The archaeological potential is not sufficient to justify an objection to the application on archaeological grounds or to lead to a recommendation for further pre-determination work. Instead it is advised that if planning permission is granted, the site should be subject to a programme of archaeological mitigation, the broad scope of which is outlined in Section 8 of the archaeological study. Briefly, this should consist of an initial programme of formal; fieldwalking and supervised metal detecting, in order to identify any concentrations of material. Further investigation may be required where significant concentrations are identified and careful consideration will need to be given to the timing of the fieldwalking, which will require suitable ground conditions. It is also recommended that a record is made of the historic field boundaries and a report on all of the work will be required. This programme of mitigation may be secured by condition,

The use of such a condition is in line with the guidance set out in Paragraph 141, Section 12 (Conserving and Enhancing the Historic Environment) of the new National Planning Policy Framework. The Cheshire Archaeology Planning Advisory Service does not carry out

archaeological work and the applicants will need to instruct their archaeological consultant to prepare a detailed specification for the mitigation and carry out the fieldwork in the event that planning permission is granted.

Open space

Policy RT.3 of the Borough of Crewe and Nantwich Replacement Local Plan required 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 2,835sqm of shared recreational open space and 3,780sqm of shared children's play space, which is a total of 6,615sqm of open space.

It is stated by the applicant that 2.52ha of open space will be provided.

In addition, the proposal should provide an equipped children's play area. A Local Equipped Area for Play is proposed. All equipment needs to be predominantly of metal construction, as opposed to wood and plastic. All equipment must have wetpour safer surfacing underneath it, to comply with the critical fall height of the equipment. The surfacing between the wetpour needs to be bitmac, with some ground graphics. The play area needs to be surrounded with 16mm diameter bowtop railings, 1.4m high hot dip galvanised, and polyester powder coated in green. Two self-closing pedestrian access gates need to be provided (these need to be a different colour to the railings). A double-leaf vehicular access gate also needs to be provided with lockable drop-bolts. Bins, bicycle parking and appropriate signage should also be provided.

The remaining open space provision should include an area of allotments. It is noted that an area is shown on the plan. However, it is not stated how many plots there will be. The allotments would need to be surrounded by 2.4m high metal palisade fencing painted green. The site would also need to have bitmac surfaced roadways within it, plus a metered water supply, with one standpipe per plot.

Green Infrastructure should also be provided throughout the site, not just in the form of open space provision but also as links within the development, (for example through the use of street trees). Green corridors within the development site should be sufficiently wide and landscaped, not narrow alleys. They should be interlinked and connected, both to on and off-site networks.

To integrate the site pedestrian and cycle routes should be provided, in north-south and east-west trajectories, to link with the future (committed) development site at Stapeley Water Gardens (to the east); the Cronkinson Farm housing area (to the north) and Audlem Road (to the west) and onward to Stapeley Broad Lane Primary School and to the south (the site is bordered by Deadmans Lane). Requests have also been made for circular walks to be created in this area.

A private resident's management company would be required to manage all of the greenspace on the site (including the allotments.)

All of the above requirements, and amendments required through the new Local Plan policy SE6, could be easily secured through the Section 106 Agreement and through the Reserved Matters application process.

Amenity

It is generally regarded that a distance of 21m between principal windows and 13m between a principal window and a flank elevation are required to maintain an adequate standard of privacy and amenity between residential properties. It is also considered that a minimum private amenity space of 50sq.m for new family housing should be provided.

The layout and design of the site are reserved matters and, in the absence of a testing layout, it is difficult to determine whether the proposed number of dwellings could be accommodated on the site, whilst maintaining these minimum distances between existing and proposed dwellings. It is also difficult to establish whether the same standards can be achieved between proposed dwellings within the new estate.

As noted above in the design section, these matters need to be revisited at any Reserved Matters stage but if the requirements of the design guide are not met then subsequent application(s) could be refused.

Landscape Impact

Although the site is an attractive relatively level agricultural landscape, characterised by a number of fairly large fields, its landscape character is strongly influenced by the surrounding settlement edge uses and activities. The site is largely enclosed on three sides by existing residential development, apart from a triangular area that has been planted along the northern boundary and the land to the east and south east that is still agricultural.

There are no landscape designation on the application site and the Landscape and Visual Impact Assessment correctly identifies the baseline landscape character, and that it is largely located within the boundary of Character Type 7: East Lowland Plain, specifically in the Ravensmoor Character Area (ELP1). The area to the west, including a narrow strip along the western part of the site is located within the Nantwich Urban character type, as is the proposed access point from Audlem Road to the south. Although the area to the north is also located with the Ravensmoor Character Area (ELP1), and would presumably historically have been part of that character area, it has been physically isolated from the wider landscape type because of the development of housing in recent years.

The existing remaining hedgerows and field boundaries are generally in good condition and the Council's Landscape Officer, who has examined the application, would agree with the assessment's view that the existing landscape is in a good condition. The Landscape Officer would also broadly agree with the Landscape and Visual Assessment methodology and significance of landscape and visual impacts. He does consider that the site has the landscape capacity to accommodate future residential development, providing that this is well

planned and designed and takes due account of the existing landscape characteristics and features of the site.

This is an outline application and although an Indicative Masterplan has been included. In the further development of a site Masterplan, a number of objectives should be addressed, namely:

- Respect existing landscape and townscape characteristics of the site (principally the mature trees and hedgerows) ;
- Conserve and enhance the vast majority of the existing mature trees and any notable hedgerows as an integral and structuring part of the Landscape Framework;
- Minimise any potential adverse landscape or visual effects through the application of best practice design principles and careful attention to design through all stages of the development process – particularly, attention to design and specification of landscape boundary treatments to the existing surrounding properties;
- Create a high quality and robust new Landscape Framework, including public open space, new trees, structure planting, hedgerows and other mixed habitats and open spaces;
- Adopt an appropriate landscape management and maintenance regime to ensure the successful establishment and continued thriving of the existing and new planting and landscape areas.

However, these requirements could be secured by condition or Section 106 agreements and could be given further consideration at the reserved matters stage. In summary, the Landscape Officer does not feel that the proposals as shown will have a significantly adverse landscape or visual impact. Consequently it is not considered that refusal on landscape or visual grounds could be substantiated.

Trees and Forestry

The originally proposed access off Broad Lane would have resulted in the loss of a group of 9 A2 Category Scots Pine (trees T176-184) and a B1 Category Beech T185) tree located within the grounds of 'The Maylands', Broad Lane. The Arboricultural report also indicated that there will be further losses from within the site to facilitate the development, although these will be mainly restricted to C Category trees.

A Tree Preservation Order was served on 5th February 2013 to protect those trees identified as significant amenity features within the locale and around the settlement of 'The Maylands'.

Revised documents included the tree constraints overlaid onto an indicative master plan to outline areas of possible conflict to demonstrate that there is flexibility in the site to accommodate important trees (para 6.7 of report) and to show Indicative Landscape Areas. The Report recognised the importance of the function of the group of protected Scots Pine (para 6.9) and proposes that new planting (comprising of formal or semi formal planting of large maturing trees) would take place along the new access road to replace those trees proposed to be removed.

As the new access to the south is no longer proposed these trees are no longer affected by the proposals.

Indicative Landscape Areas are also shown to the north of the site adjacent to the Great Crested Newt Compensation Area, to the rear of existing planting along Peter Destapeleigh Way, along the western boundary of the site and within a proposed Village Green.

Now that the trees in the southern part of the site, adjacent to Broad Lane (in the grounds of "The Maylands") are no longer affected by the development, the third reason for refusal on the originally submitted application would no longer be applicable.

Ecology

Great Crested Newts

No updated great crested newt surveys have been completed as part of the updated ecological assessment; however monitoring surveys undertaken in respect of the nearby Cronkinson Farm and Stapeley Water Gardens ecological mitigation areas are considered sufficient in this case to confirm the continued presence of a notable ('large') population of great crested newts in this locality. These adjacent ecological mitigation areas are connected to the land covered by this application by means of direct habitat links and amphibian road tunnels. Whilst an updated survey should have been undertaken, as we know from on going surveys that there is a large population on site and there has been no change in circumstances since the agreed was accepted during the last appeal, it is not considered that an objection can be sustained on this basis. This will of course be a matter the Inspector will need to consider at the forthcoming Inquiry.

The proposed development is located within an area of land subject to habitat enhancement undertaken to compensate for the impacts of an earlier consented development.

In the absence of mitigation/compensation the proposed development will result in the loss of terrestrial habitat utilised by this species and also result in the fragmentation of the available great crested newt habitat. Finally, the works would also pose a significant risk of killing/injuring any newts within the area of the proposed works.

The proposals have now been revised and the great crested newt breeding pond that was previously to be lost as a result of the development is now retained as part of the revised layout.

The submitted ecological assessment identifies the unmitigated impacts of the proposed development as being 'High'.

To compensate for the loss of terrestrial habitat the creation of a newt compensation area is proposed together with the provision of amphibian crossings to reduce the fragmentary impacts of the development. To avoid newts being killed or injured during the construction phase newts will be removed and excluded from the development site using standard best practise methodologies under license by Natural England. The 2013 mitigation strategy was amended to include an additional wetland scrape and associated bunds to increase the ecological value of the retained habitat.

As a requirement of the Habitat Regulations the three tests are outlined below:

EC Habitats Directive

Conservation of Habitats and Species Regulations 2010 ODPM Circular 06/2005

The UK implemented the EC Directive in the Conservation (natural habitats etc.) regulations which contain two layers of protection:

- A licensing system administered by Natural England which repeats the above tests
- A requirement on local planning authorities ("lpas") to have regard to the directive's requirements.

The Habitat Regulations 2010 require local authorities to have regard to three tests when considering applications that affect a European Protected Species. In broad terms the tests are that:

- The proposed development is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment
- There is no satisfactory alternative
- There is no detriment to the maintenance of the species population at favourable conservation status in its natural range.

Current case law instructs that if it is considered clear or very likely that the requirements of the directive cannot be met because there is a satisfactory alternative, or because there are no conceivable "other imperative reasons of overriding public interest", then planning permission should be refused. Conversely, if it seems that the requirements are likely to be met, then there would be no impediment to planning permission be granted. If it is unclear whether the requirements would be met or not, a balanced view taking into account the particular circumstances of the application should be taken.

Overriding Public Interest

The provision of mitigation would assist with the continued presence of Great Crested Newts.

Alternatives

There is an alternative scenario that needs to be assessed, this is:

- No Development on the Site

Without any development, specialist mitigation for Great Crested Newts would not be provided which would be of benefit to the species. Other wider benefits of the scheme need to be considered.

Detriment to the maintenance of the species

The Council's Nature Conservation Officer has advised that with appropriate mitigation, as proposed, there should be no harm to Great Crested Newts.

It is advised that the proposals for the removal and exclusion of newts from the development site and the proposed habitat creation is acceptable to mitigate the risk of animals being killed or injured by the proposed works.

The amended scheme which includes the retention of the existing pond is a more favourable alternative to the previous scheme which included the loss of a known breeding pond.

It is advised that if planning consent is granted the proposed mitigation and compensation is adequate to maintain the favourable conservation status of the local great crested newt meta-population.

In the event that planning permission is granted it is recommend that a condition be attached which requires the submission of a detailed great crested newt mitigation strategy informed by the recommendations of the Protected Species Impact Assessment and Mitigation Strategy prepared by CES Ecology (March 2013 revision). For the avoidance of doubt, the mitigation strategy should include the provision of an additional pond.

Bats

The updated (2017) Ecological Addendum Report has identified a number of trees on site as having potential to support roosting bats. One of these trees is likely to be lost as a direct result of the proposed development. The updated ecological assessment states that any tree to be affected by the proposed development must be subject to a detailed survey to determine the presence /absence of roosting bats.

It is therefore advised that in order to determine the potential impacts of the proposed development upon this protected species group a further survey must be undertaken of any trees potential affected by the works either through direct loss or other adverse impacts and a report of the required survey submitted prior to the determination of the planning application.

The construction of the access road and loss of hedgerow is likely to have a localised impact upon foraging bats. This would be compensated for through the creation of the replacement hedgerow and the additional pond would also provide additional compensatory habitat for bats. To avoid any adverse impacts on bats resulting from any lighting associated with the development I recommend that if planning permission is granted a condition should be attached requiring any additional lighting to be agreed with the LPA.

Any proposed lighting should be low level and directional and the design of the lighting scheme informed by the advise in *Bats and lighting in the UK- bats and the built environment series*, (Bat Conservation Trust, 2009).

Reptiles

Reptiles were not originally thought to be likely to be present at this site. However, a grass snake was encountered during the implementation of the adjacent Stapeley Water Gardens ecological mitigation works. It is therefore likely that grass snakes may occur on the application site on at least a transitory basis.

It is advised that the proposed great crested newt mitigation and compensation works, with slight modification that could be covered by condition, would also mitigate the potential impacts of the proposed development upon reptiles.

Hedgerows

Hedgerows are a priority habitat and hence a material consideration. The proposed development will result in the loss of a section of hedgerows near to where the access road enters from Peter Destapleigh Way.

The previously submitted protected species impact assessment and mitigation strategy (March 2013) included proposals for the creation of a native species hedgerow along the western boundary of the proposed access road. It is advised that this is acceptable compensation for that lost.

Ditch

The ditch adjacent to the proposed development has not been identified as supporting protected species. The submitted ecology report recommends however that it is safeguarded by an 8m buffer zone. As the proposed road crosses the ditch it is impossible for this recommendation to be implemented by the developer. It may however be possible to design the ditch crossing in such a way that the impacts on the ditch are minimised.

In the event that planning permission is granted it is recommended that a condition be attached which requires the submission of a detailed design for the ditch crossing and that the crossing be designed so as to minimise the impacts of the crossing on the ditch habitats.

Nesting Birds

In the event that planning permission is granted it is advised that a condition is required to safeguard nesting birds.

Conditions

In the event that planning permission is granted, once the required further bat surveys have been submitted, the following conditions will be required:

- Submission of detailed ecological mitigation strategy informed by the submitted 2013 report to include; details of design for additional pond and wetland scape, enhancement of existing retained pond, provision of bat and bird boxes, reptile mitigation measures, hedgerow planting and fencing to limit public access to the ecological mitigation area.
- Submission of bat friendly lighting scheme.
- Safeguarding of breeding birds
- Detailed design of ditch crossing to minimise impacts upon the ditch.
- Proposals for in perpetuity management of the retained and newly created habitat areas (may require legal agreement).
- Proposals for in perpetuity management of the retained and newly created habitat areas.

Education

Updated comments are awaited from Education, however the following was reported to Members in the last report.

The proposal includes a new primary school. According to the Planning Statement, the primary school would be a one form entry school in line with the advice from the Education Authority. The area set aside for the school building and its curtilage (e.g. parking/playing field) is designed around the Department for Education requirements.

The Council's Education Officer has examined the application and commented that a scheme for 189 dwellings would not warrant a new school. It would only generate a requirement for a contribution towards improvements elsewhere. However, if the "greater" site, (which is being pursued through the local plan process, and is an alternative option in the Draft Development Strategy), were to come forward, a new primary school would be required.

It is therefore considered that the Section 106 Agreement should make provision for this eventuality by stating that the developer shall either provide a contribution of £347,081 towards primary education or a new single form entry primary school within the site. This shall be determined by the Local Planning Authority on occupation of the 100th dwelling.

Highways

Access

Access to the site is taken from the existing signal junction at Pear Tree Field/Peter Destapleigh Way, this is the only point of access to the site and there is no secondary access to Broad Lane.

Development Impact

The applicant has submitted a new Technical Note that assess the impact of the development, new traffic surveys were undertaken in 2017 at a number of local junctions that were agreed in original scope of impact. Both traffic growth and committed development have been added to the base flows to ascertain the assessment flows used to assess the traffic impact of the development.

As part of the Stapeley Water Garden (SWG) development there are junction improvements at the signal junctions at London Road and Newcastle Road, these improvements have not yet been implemented but are likely to be implemented in 2018. The capacity assessments undertaken by the applicant have included these improvements in the models and have tested the junctions in the future year 2022.

Capacity assessments have been undertaken at the junctions as listed below

Audlem Road/Peter Destapleigh Way
Pear Tree Field/Peter Destapleigh Way/Site Access
London Road/Peter Destapleigh Way
Newcastle Road/A5301 Elwood Way

The results of the capacity assessments indicate all of the junctions will operate close their practical capacity in 2022 with exception of the site access junction that operates with some spare capacity.

Summary

In summary, the junctions previously agreed that were likely to be impacted by the development have been reassessed to include up to date traffic flows and committed

development and whilst the junctions are operating close to capacity there is no reason to object on grounds on traffic impact.

There were a number of highway contributions agreed as part to the original assessment of the application for public transport improvements and a pedestrian crossing. These contributions in the unilateral undertaking are still required although the junction improvements are being implemented as part of the SWG's development.

The improvements to the signals junctions at London Road and Newcastle Road both include MOVA to optimise the operational capacity of the junctions, the other junctions assessed should also include MOVA and this should be secured by Condition.

CONCLUSIONS

Since the consideration of this proposal by the Secretary of State in 2016, there is a significantly changed position re the status of Development Plans in Cheshire East:

- The Local Plan Strategy was adopted on 27 July 2017;
- The Council has a demonstrable 5.45 years supply of housing land; and
- The Stapeley & Batherton Neighbourhood Plan has reached an important milestone in its production and can be afforded additional weight.

The proposed development is clearly contrary to adopted planning policy and emerging Neighbourhood Plan Policies.

The development retains an adverse impact on the character of the countryside and this is undiminished by the passage of time. The development also has an adverse impact on Best and Most versatile agricultural land which has already experienced necessary but significant loss in the Borough.

Following the successful negotiation of a suitable Section 106 package, the proposed development would provide adequate public open space, highways improvements, the necessary affordable housing requirements and provision of primary school education.

The proposal is considered to be acceptable in terms of its impact upon residential amenity, ecology (subject to a further bat survey), drainage/flooding and it therefore complies with the relevant local plan policy requirements for residential environments. Members will be updated on an assessment against the Councils Design Guide.

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

However, these are considered to be insufficient to outweigh the harm that would be caused in terms of the impact on the open countryside. As a result the proposal is considered to be unsustainable and contrary to Policies PG6 (Open Countryside), SD1 (Sustainable Development in Cheshire East) and SD2 (Sustainable Development Principles) of the

Cheshire East Local Plan Strategy, Policy RES.5 (Housing in the Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan, and Policies H1.5 & H5 of the Stapeley Neighbourhood Plan, and the principles of the National Planning Policy Framework.

RECOMMENDATION

MINDED to REFUSE for the following reason:

1. The proposed development is unsustainable because it is located within the Open Countryside contrary to Policies PG6 (Open Countryside), SD1 (Sustainable Development in Cheshire East) and SD2 (Sustainable Development Principles) of the Cheshire East Local Plan Strategy, Policy RES.5 (Housing in the Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan, and Policies H1.5 & H5 of the Stapeley Neighbourhood Plan, 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.

2. The proposal will result in loss of the best and most versatile agricultural land and given that the Authority can demonstrate a housing land supply in excess of 5 years, the applicant has also 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 SC2 of the Cheshire East Local Plan Strategy and the provisions of the National Planning Policy Framework.

