

Application No: 13/2471N

Location: Land at Kingsley Fields, North West of Nantwich, Henhull, Cheshire

Proposal: Outline application for residential development of up to 1,100 dwellings, up to 1.82ha of Class B1 Business Use, a potential Primary School, community facilities and local centre (Use Classes A1, A2, A3, B1 and D1), allotments, recreational open space and associated landscaping, highways, access roads, cycleways, footways and drainage infrastructure

Applicant: North West Nantwich Consortium

Expiry Date: 08-Oct-2013

SUMMARY RECOMMENDATION

Approve subject to conditions and s106 agreement

MAIN ISSUES

- Planning Policy And Housing Land Supply
- Affordable Housing
- Highway Safety and Traffic Generation.
- Air Quality
- Noise Impact
- Landscape Impact
- Hedge and Tree Matters
- Ecology
- Amenity
- Heritage impact
- Sustainability
- Impact on Public Right of Way

REASON FOR REPORT

The application has been referred to Strategic Planning Committee because it is a large scale major development and a departure from the development plan.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises approximately 58 hectares of open farmland, which is bound to the north by the A51, to the west by Welshman's Lane, to the south by Malbank School playing fields, allotments, Nantwich Town Football Club Stadium and to the east by the River Weaver. The site can be divided into four different character areas, namely; Riverside,

Equine Centre and Paddocks, Rough Grassland with Hedgerows and Managed Farmland. The site is located within Open Countryside Outside Settlement Boundaries as identified in the Crewe & Nantwich Local Plan.

DETAILS OF PROPOSAL

This application seeks outline planning permission with all matters reserved for subsequent approval, with the exception of the strategic access to the site, for a residential development of up to 1,100 dwellings, up to 1.82ha of Class B1 Business Use, a potential Primary School, community facilities and local centre (Use Classes A1, A2, A3, B1 and D1), allotments, recreational open space and associated landscaping, highways, access roads, cycleways, footways and drainage infrastructure.

RELEVANT HISTORY

None

POLICIES

Local Plan Policy

NE2	Open Countryside
NE5	Nature Conservation and Habitats
NE9	Protected Species
NE11	River and Canal Corridors
NE12	Agricultural Land Quality
NE17	Pollution Control
NE20	Flood Prevention
BE1	Amenity
BE2	Design Standards
BE3	Access and Parking
BE4	Drainage, Utilities and Resources
BE5	Infrastructure
BE6	Development on Potentially Contaminated Land
BE7	Conservation Areas
BE17	Historic Battlefields
E6	Employment Development within Open Countryside
RES3	Housing Densities
RES5	Housing in the Open Countryside
RES7	Affordable Housing within the Settlement Boundaries of Nantwich and the Villages
TRAN1	Public Transport
TRAN3	Pedestrians
TRAN4	Access for the Disabled
TRAN5	Provision for Cyclists
TRAN6	Cycle Routes
TRAN9	Car Parking Standards
RT3	Provision of recreational Open Space and Children's Playspace in New Housing Developments
RT9	Footpaths and Bridleways

RT12 Nantwich Riverside
RT17 Increasing Opportunities for Sport

Other Material Considerations

National Planning Policy Framework (the Framework)

Nantwich Riverside Masterplan

Interim Planning Statement: Affordable Housing

Strategic Market Housing Assessment (SHMA)

Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994

Pre-Submission Core Strategy

CONSULTATIONS (External to Planning)

United Utilities - No objection subject to the site being drained on a separate system with only foul drainage connected into the public foul sewerage system.

Cheshire Wildlife Trust – Proposal should be modified to exclude development from the flood plain and the valley shoulder; public access to the northern section of the western river bank should be excluded; no wintering birds survey carried out; recent CWT surveys found strong evidence of the presence of water vole in Kingsley Brook; loss of semi-improved pasture could be avoided if they were included into the green infrastructure of the riverside; impact on floodplain from roads and paths would be significant; unclear how the development will ensure no net loss of biodiversity; culverting will cause harm to the population of water vole; residual impacts on Brook corridor outside of working areas are likely to be significant; Fragmentation of the north-south linear features in the site; adverse impact from the loss of semi-improved grassland if significant increases of the extent of semi-improved grassland in the floodplain are not achievable; it is unclear whether such increases are achievable; substantial reduction in the number of semi-mature and mature trees within the site; permanent residual impact on the hedgerow(s); permanent adverse impact on brook habitats; adverse residual impact on water vole, with a low likelihood of complete loss of water vole (which would be an impact of county significance); adverse impact on breeding birds

Cheshire East Local Access Forum – Would like National Cycle Network Route No. 75 reinstated, and enhancement of existing local footpaths.

Environment Agency – No objection in principle but note that there are opportunities to enhance the habitat upstream of the weir at Beam Bridge, and recommend conditions relating to.

- Development shall be carried out in accordance with FRA.
- Undeveloped buffer zone around the waterbodies on site required.
- Scheme to be agreed for any crossing of the non main rivers and the River Weaver
- Water vole and otter mitigation.
- Contaminated land.

English Heritage – do not wish to comment in detail but note that there is some potential for the setting of the Registered Battlefield of Nantwich to be affected. Impact is unlikely to be substantial, providing that the mitigation measures suggested in the ES are confirmed.

Canal & River Trust – No comments to make.

Environmental Health – No objections subject to conditions

Cheshire Fire & Rescue – No objections subject to recommendations relating fire safety.

Public Rights of Way – No objections subject to clarification of impact on rights of way and provision for pedestrians and cyclists.

Archaeology – No objection subject to condition

Strategic Highways Manager – No objections subject to conditions and financial contributions towards nearby junction improvements.

Education – Local primary schools are forecast to be oversubscribed, and local secondary schools are also anticipated to be at capacity. In light of this S106 contributions to extend local schools are sought.

Housing Strategy & Needs Manager – No objections

Greenspaces – No objections

VIEWS OF THE PARISH / TOWN COUNCILS

Acton, Eddleston & Henhull Parish Council (AEHPC) - The Parish Council's views are based on accepting that it would be futile to object to the proposed development in total, but wish to see a large number of conditions, further consultations and approvals relating to reserved matters and s106 contributions. The following comments are also raised:

- How can an allocation of 1,100 be permitted when the Town Strategy document allocated 1,500 for Nantwich (which included sites west and south of Nantwich, but outside the town boundary). More than 400 (1,500 – 1,100) have already been commenced or permitted and there are more sites than NW Nantwich.
- It is important that the employment land comes forward creating jobs throughout the development period and is not left until the end.
- The house types should provide a range of housing.
- Other sites such as those between the bypass and the current eastern town boundary offer similar if not better opportunities for market town expansion and that small-scale organic growth in a number of directions can make for a better planned expansion rather than one large urban extension.
- The consultation events stated that the Waterlode to A51 link is a traffic-reducing relief road for west Nantwich and Acton. AEHPC wishes the fact it is no longer a relief road to be clearly stated in any officer's recommendation; so that decision makers are not under the misapprehension that traffic impact will improve for Acton and Nantwich.
- There is no substantial demonstration of how the highways works will reduce hazard and improve safety, merely assertions that this will happen.
- The applicant has significantly under-played the already heavy traffic flows in the area and the regular tailbacks and congestion that arises during peak times and out of peak times at a number of junctions.

- The applicant confines its assessment to the peak periods and spends time responding to those conditions but there is hardly any consideration of the off-peak.
- The applicant addresses questions over the impact on Nantwich and on the surrounding roads but very little consideration is given to the quieter surrounding villages and settlements.
- The assessment report cites the Local Transport plan as focusing on "ensuring a sustainable future" and "creating conditions for business growth" but seems to make no attempt to demonstrate how this development will play its part in ensuring a sustainable future or in creating conditions for business growth.
- There is no discussion of whether the Cheshire East highway proposals are valid or not.
- Travel Plans will not ensure maximising of sustainable modes of transport.
- Improvements are not a cost effective way of reducing impacts.
- Assumptions about cycling are based on theoretical distance modelling not on the existence of high quality, safe routes.
- Air quality impact on Hospital Street Air Quality management zone seems not to be considered pertinent.
- The assessment has not considered the impact of the opening up of the Taylor Drive link in this assessment, although it has assessed Queens Drive development.
- We do not consider proper assessment has been made of Acton as the traffic speeds through Acton are not addressed.
- We are not convinced that only 10.2% of the residents of the proposed development would travel north west on the A51.
- Assumptions about net reduction in traffic on roads to the north (TA 5.58) are without proof.
- 40mph is too fast for realigned A51.
- The accident analysis seems to indicate a need for better cycling provision at this roundabout, which is not currently provided for in the proposals.
- The impact of the road and footpaths in the floodplain are assessed as significant.
- The Parish Council wishes to see the underpass given internal treatment, making it attractive to pedestrians and cyclists not just horses.
- The provision and nature of a link from Waterlode to A51 is crucial. Without such a link traffic in Acton village will increase.
- The Parish Council wishes to see a condition that requires the (redesigned) link road to be opened before Welshman's Lane closes.
- A s106 contribution is required to deliver environmental improvements and traffic management through Acton village.
- The opportunity exists to reduce through movement in Acton along Chester Road in any redesign of Burford junction.
- The extension of existing schools will have an associated traffic impact on these locations.
- We contest the assumption (TA 5.49) that no development trips will pass through Acton.
- Pleased to see cycleways in the proposed development but a replacement route up to Wettenhall Road is required.
- More work is required in terms of urban design principles for the entire site before applications come in for reserved matters on the different phases or land ownerships.

- The Nantwich Riverside Masterplan clearly showed no footpath access to the western edge of the River Weaver in the northern section and buffer planting between the Riverside and any future housing.
- The applicant's statements about the extent of the battlefield site do not accord with those that have been given to us from the Battlefields Trust.
- Requests that the allotments created as part of this development to be available to the residents of Acton, Edleston and Henhull parishes, not just to new residents of the housing estates.
- Green Belt to the west of the proposed development should be designated if this development is given outline planning approval.
- The landscape works and flood zone mitigation should be included in the phasing plan so it is clear when these works will be carried out.

Worleston & District Parish Council - Overall we are not in support of large scale developments like Kingsley Fields on our boundary. Inevitably such a development will place a massive strain on the access and services that our parishioners rely on in their local town of Nantwich, which is already under siege by developers actively developing on other sites and registering proposals for additional sites.

The following specific concerns are raised:

- The potential for "development creep" into rural parishes that have boundaries to the site.
- The increased traffic flow on the B5074 which runs through Worleston Village, both in the construction phase and as the dwellings are occupied.

However, we recognise that the sponsors of the development, Reaseheath College, are a significant local employer and generally a good neighbour within our Parish as a whole. Couple this with a certain inevitability in the current planning climate that very significant levels of development will take place in the Nantwich area, then we feel that Kingsley Fields is a development we would prefer to support, providing the issues caused by this development were able to be ameliorated by investment in the neighbouring parishes.

Specifically for Worleston:

- Traffic calming measures on the B5074
- Speed awareness technology to educate drivers passing through the village to lower speeds
- An extension of the footpath from the village store north to the junction with Station Road to keep pedestrians safe whilst walking from Main Road towards the church, further housing, and the school, coupled with any required lighting
- That no primary school is developed until later stages of the development several years down the line in order to utilise the capacity in the excellent, established schools in the area.

Nantwich Town Council - The Council is very concerned that strategic decisions on housing development are being made in advance of the publication of Cheshire East's Draft Core Strategy. Planning applications are being decided without the benefit of public consultation on the Core Strategy and as a result the forthcoming consultation exercise will be devalued. In this context this application is premature.

The Town Council remains opposed to large scale growth in Nantwich and particularly if this

occurs in an unplanned and ad hoc way. It favours carefully planned growth supported by appropriate investment in infrastructure. The Council does however recognise that Cheshire East is under pressure to approve development as a result of government policy and the absence of an approved local plan. Unfortunately this takes control of decisions away from local people and their elected representatives. The recent appeal decision on Land off Queens Drive is an example of a decision contrary to views expressed by the residents of Nantwich.

In previous responses the Town Council argued against large scale growth and was successful in reducing the housing target in the Town Strategy. It remains committed to its adopted housing guidelines which seek to protect the historic character of Nantwich. It advocates development of brownfield sites before greenfield and considers that major development should not take place without the guarantee of appropriate infrastructure. Sites should be chosen which will not increase the likelihood of flooding.

However, if Nantwich has to accept some major growth, the Town Council considers that the Reaseheath / Kingsley Fields site, the subject of this application, is the option that will cause the least harm. The site should however be phased so that brownfield sites within the town are developed first.

In conclusion the Town Council considers that Cheshire East should resist applications for major development until decisions can be made in the context of appropriate consultation with Nantwich residents through the local plan process.

OTHER REPRESENTATIONS

Approximately 40 letters of representation have been received from local residents and interested parties. 17 letters object, 19 support and the remainder make general observations on the proposal.

Grounds for objection:

- Method for calculating housing figures should be disclosed fully & transparently
- No extant local plan in force
- More than 5 year supply of housing exists
- Scale will erode rural character
- Not sustainable location
- Greenfield
- No justification for these housing numbers
- Flooding concerns
- A51 realignment puts houses onto trunk road
- Other sites would contribute better to well being of Nantwich
- Existing schools should be extended
- Nantwich taking considerable burden of housing land
- Should contribute to improved cycle parking in town centre
- Cycle track/footway should be completed on the north side of Waterlode with a connection to Malbank School via the subway.
- Welshmans Lane should be closed to through traffic; the only connection to the estate from this meandering country lane should be for pedestrians and cyclists.

- Contrary to NE2 of local plan
- Impact on battlefield
- Loss of market town character of Nantwich
- Impact on nature conservation
- Is there a need for realigned A51
- No consultation with Burford residents re junction works
- No need for access along western bank of river
- Consultation not fit for purpose
- Total housing numbers will add up to more than the 1500 needed in Town Strategy
- Housing estate with main highway through is contrary to MfS and Building for life
- A51 diversion has negative impact on apartments to east of river
- New housing requiring acoustic mitigation is contrary to sustainable development principles
- New A51 results in hazard for students
- Money for A51 diversion could be better spent elsewhere
- MfS approach for link road will deter other users,
- Contributions to traffic calming in Acton should be made
- Proposal should include replacement for the recently closed cycle route through Reasehath college
- Proposals are not landscape led
- Would benefit from design review process
- No need for new bridge
- Increased air pollution
- Increased noise
- Impact on local services
- Urban sprawl
- Impact on GP and hospital
- Nantwich is already stretched to capacity
- Temporary site access will create congestion
- Link road should not be a slow winding estate road
- Grade II listed walls of the old walled garden should be reinstated
- Loss of agricultural land
- Impact on nature conservation

Grounds for support:

- Welcome the new A51 access plans and hope the Reasehath conservation area will be much improved as a result.
- Will boost Nantwich town
- Proposal consistent with draft local plan
- Sustainable site
- Natural boundary along Welshmans lane
- Affordable housing is needed in Nantwich
- Much needed road improvements
- Will bring more trade to the town

General observations:

- The design of the estate off the spine road should restrict vehicle speeds to 20mph

- Should be an E-W greenway from the estate over the River Weaver on a new bridge
- New footway/cycle track on the north side of Waterlode from the football ground junction to Welshman's Lane and Chester Road.
- Access onto a closed Welshman's Lane just for pedestrians and cyclists
- Reinstate the National Cycle Network route
- Toucan crossing needed at realigned A51
- Properties should include storage areas for residents' buggies/bicycles.
- Any employment sites developed should provide cycle parking under cover for staff.
- Travel planning with targets and monitoring, and genuine commitment to reduce the traffic impact of the proposed development.
- Special historic character of Nantwich must be considered
- Many Nantwich residents feel that there shouldn't be large scale development
- Landscape works should be implemented ahead of development
- North west corner will create a gateway to Nantwich – appropriate landscape and building design will be needed.
- Secure boundaries needed to riverside walk

APPLICANT'S SUPPORTING INFORMATION

The applicant has submitted the following documents with the applications: Agricultural Report; Protected Species Surveys; Business and Residential Travel Plans; Statement of Community Involvement; Design & Access Statement; Phase 1 survey; Environmental Statement; Flood Risk Assessment; Geophysical survey; Heritage Assessment; Planning Statement; Transport Assessment; Tree Survey; Waste Management Plan. The Planning Statement concludes that:

- Concept masterplan indicates how the development could be designed and implemented.
- Will provide a mix of open market and affordable dwellings.
- New routes will enhance existing accessibility in the area by non car modes.
- Development will deliver a new neighbourhood of suitable and recognisable local character.
- Illustrative Masterplan provides a development framework within which sustainably focused detailed design proposals may be progressed.
- Includes effective use of existing established landscape and physical site features, a permeable block structure which exploits solar opportunities, and provision of community facilities to create natural nodes of activity.
- Network of green infrastructure created around existing mature landscape features
- Local Centre and green space network will provide a strong 'heart' to the development and offer the opportunity to create a new place of individual character.
- connect into and re-inforce existing footway and cycleway links within and surrounding the site
- Two principal vehicle accesses will be provided off A51 Chester Road to the north and A534 Waterlode to the south. The road layout within the site will deliver a spine road link between the two passing the proposed local centre.
- The proposed development accords with NPPF policy in respect of sustainable development having regard to its economic, social and environmental dimensions.
- There are no policies of the NPPF which restrict development of the site;

- Nantwich is a recognised Key Service Centre in Cheshire East where planned growth is appropriate within the spatial strategy in the plan period from 2011 to 2030;
- Kingsley Fields, North West Nantwich has been identified in the Nantwich Town Strategy and emerging Cheshire East Local Plan Development Strategy as the preferred direction for growth as a strategic urban extension site allocation for some 1,000 dwellings and associated mix of uses;
- The existing development plan policies are out of date and to deliver the required supply of housing in Cheshire East there is an immediate need to release greenfield land including land identified as countryside in adopted plans;
- Cheshire East cannot identify a five year housing supply;
- The proposals will deliver needed affordable housing requirements in the Nantwich and Acton area;
- The proposals will deliver new strategically significant transport infrastructure including the diversion of the A51 to bypass The Green enabling environmental enhancement to the Conservation Area and provide a contribution towards the A51 junction at the Burford crossroads, and the locally significant provision of a new link road to the west of Nantwich between Waterlode in the south and A51 in the north;
- The proposals complement strategic employment proposed at Wardle to the west of Nantwich with small scale new business units within the mixed use scheme which will encourage enterprise locally including spin-off investments from the activities of Reaseheath College;
- The proposals will provide extensive and important new recreational infrastructure which complements existing provision in the locality;
- The proposals include a local centre which will add to the amenities of the wider area and reduce the need to travel by car;
- The proposals will improve sustainable transport in the area through an extensive pedestrian and cycle network serving the proposed development area, linking the town centre and Reaseheath College by a much enhanced and more attractive route, and linking the development to the Connect2 route across the river to the east and to the Canal towpath to the west; the road network within the site will allow bus access within close proximity to all new properties and provided for bus services within and through the site via the local centre, proposed employment area, Reaseheath College to the town centre;
- The public rights of way across the site are proposed to be routed through the linear open space within the development to optimise their attraction as part of the development;
- Careful consideration has been given to community responses to the proposals which has led to refinement and revision of the proposals including limits to building heights, general connectivity of the site, buffer to Welshmen's Lane and the historic battlefield and riverside access;
- Allotments are proposed within the development which will mitigate for the loss of some best and most versatile agricultural land within the site.
- The material planning considerations are concluded to substantially outweigh the loss of an area identified as countryside in the out of date development plan. There is extensive best and most versatile agricultural land in the south Cheshire area and particularly around Nantwich. The need for new housing is concluded to override the loss of some best and most versatile agricultural land in this case.

OFFICER APPRAISAL

PLANNING POLICY AND HOUSING LAND SUPPLY

Principle of Development

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

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

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

The National Planning Policy Framework mark a shift in emphasis of the planning system towards a more positive approach to development. As the minister says:

“The Government’s top priority in reforming the planning system is to promote sustainable economic growth and jobs. 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”.

Housing Land Supply

The National Planning Policy Framework (NPPF) states at paragraph 47 that there is a requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

“identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”.

The NPPF states that, Local Planning Authorities should have a clear understanding of housing needs in their area. This should take account of various factors including:

- housing need and demand,

- latest published household projections,
- evidence of the availability of suitable housing land,
- the Government's overall ambitions for affordability.

The figures contained within the Regional Spatial Strategy proposed a dwelling requirement of 20,700 dwellings for Cheshire East as a whole, for the period 2003 to 2021, which equates to an average annual housing figure of 1,150 dwellings per annum. In February 2011, a full meeting of the Council resolved to maintain this housing requirement until such time that the new Local Plan was approved. In December 2012 the Cabinet agreed the Cheshire East Local Plan Development Strategy for consultation and gave approval for it to be used as a material consideration for Development Management purposes with immediate effect. This proposes a dwelling requirement of 27,000 dwellings for Cheshire East, for the period 2010 to 2030, following a phased approach, increasing from 1,150 dwellings each year to 1,500 dwellings.

As part of the consideration of the Congleton Road and Sandbach Road North decisions, the Inspector found that the housing land supply over 5 years is 5750 dwellings. It is necessary to add to this figure the existing backlog 1750 dwellings and a 20% buffer for a record of persistent under delivery which gives a total requirement of 9000 dwellings over 5 years or 1800 per annum.

In terms of the existing supply the Inspector found that there is currently:

'a demonstrable supply, taking the generous approach to Council estimates, which is likely to be in the region of 7000 to 7500 dwellings at most' (Sandbach Road North Appeal)

This demonstrable supply therefore equates to a figure of 4.0 to 4.2 years.

The recent decision at Hassall Road Alsager considered what buffer should be applied to housing land supply. The Inspector considered what size of buffer was necessary to comply with para 47 of the NPPF.

The Inspector considered that

....'From the evidence given at the Inquiry, it is clear that the deficiencies in the supply of housing are recent, explicable by the national economic downturn and that the Council has continued to grant planning permissions at a rate that would not hold up supply. For those reasons I take the view that a 5% buffer would comply with policy

Given that the uncertainties surrounding the setting of the housing target can only be taken in that uncertainty. For the purposes of this appeal therefore I take the 5 year housing requirement as falling within a range of between 6776 (based on RSS and Liverpool) and 8415 (based on Development Strategy average and Sedgfield)'....

The appeal decisions illustrate that Inspectors have applied different buffers in comparable appeal decisions. This indicates that the question of the appropriate buffer is not yet settled. However, even with a 5% buffer the Council can not currently demonstrate a 5 year supply of deliverable housing land. A 5% buffer should apply to the housing land supply position of the Council.

The NPPF clearly states at paragraph 49 that:

“housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means:

“where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

n any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or

n specific policies in the Framework indicate development should be restricted.”

As it has been found that Cheshire East cannot demonstrate a five year supply of housing land, the provisions of paragraphs 49 and 14 apply in this case. It is therefore necessary to carry out a balancing exercise in this case to assess whether the harm ‘significantly and demonstrably’ outweighs its benefits.

Emerging Policy

The application site is a preferred site for housing and commercial development (site CS 21: Kingsley Fields) within the Pre-submission Core Strategy Document. The strategy envisages:

- Delivery of up to 1,100 new homes
- Financial contribution towards educational facilities within 2 miles of the site.
- Delivery of a new highway link to waterlode and the realignment of the A51.
- Deliver of up to 2 hectares of B1 business uses
- Incorporation of Green Infrastructure, including extension to the riverside park, allotments and open space.

Conclusions on housing land supply

- The site is within the Open Countryside and is subject to Policy NE.2 where there is a presumption against new residential development.
- The Framework states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
 - specific policies in the Framework indicate development should be restricted.
- Cheshire East currently has a housing land supply figure of in the region of 4.0 to 4.2 years (based upon previous decisions)
- Only moderate weight can be applied to the emerging Local Plan.

- As the Council cannot demonstrate a 5 year housing land and the NPPF carries a presumption in favour of sustainable development. It is therefore necessary to consider whether the proposal is sustainable in all other respects as part of the planning balance.

SUSTAINABLE DEVELOPMENT

The NPPF defines sustainable development and states that there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- *an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*
- *a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and*
- *an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy*

Environmental role

The site is a greenfield site and therefore not the first priority for development. However, it is acknowledged that the Council's Strategic Housing Land Availability Assessment (SHLAA) recognises that the land is capable of development for housing, and as noted above, is also a preferred site for housing and commercial development (site CS 21: Kingsley Fields) within the Pre-submission Core Strategy Document.

The site is within walking distance of Nantwich Town Centre, which lies less than 1km from the southern edge of the site. This centre offers a wide range of essential facilities, and means that occupiers of the development will not be reliant on the private car.

Paragraph 38 of the Framework states that for larger scale residential developments, policies should promote a mix of uses in order to provide opportunities to undertake day to day activities including work on site, thereby minimising the need to travel. The mix of residential and commercial (B1 business) uses together with a new local centre will facilitate this.

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

Economic Role

The Framework includes a strong presumption in favour of economic growth. Paragraph 19 states that:

'The Government is committed to ensuring that the planning system does

everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth'

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

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

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

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

The economic benefits of the development need to be balanced against the impact upon the open countryside. However, there is clearly strong support for business development in the Framework, and the mixed use nature of the proposed development will ensure that this is delivered in a sustainable manner.

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

The land will take access off the existing A51 via a new roundabout access from which the north to south spine road through the development will be constructed to link to Waterlode. The business park is proposed to be managed by Reaseheath College where the principal objective will be to provide starter innovation space units in Class B1 for businesses linked to and spinning off from the research activities of the College.

The employment area, accordingly, has a specific local focus which will complement the more strategic employment investment opportunities that will be created at Wardle Airfield and at Basford West and Basford East to the south of Crewe

Social Role

The final dimension to sustainable development is its social role. In this regard, the proposal will provide up to 1100 new family homes, including a significant amount of affordable homes, on site public open space, community facilities and financial contributions towards education provision.

Overall, the proposal is considered to be a sustainable form of development, for which there is a presumption in favour within the Framework. Whilst policies NE.2 and RES.5 of the Local Plan restrict new development within the Open Countryside, the site is identified as deliverable within the next 5 years in the SHLAA and forms part of the Council's identified 5 year supply of housing land. It is also a preferred option in the emerging Core Strategy. The development of the site is therefore considered to be acceptable in principle.

AFFORDABLE HOUSING

The Interim Planning Statement: Affordable Housing states that for both allocated sites and windfall sites the Council will negotiate for the provision of a specific percentage of the total dwelling provision to be affordable homes. The desired target percentage for affordable housing for all allocated sites will be a minimum of 30%, in accordance with the recommendations of the 2010 Strategic Housing Market Assessment. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

The site is located in Henhull which comes under the Acton sub-area in the SHMA 2010, however it is also located directly adjacent to Nantwich and due to its size if this proposal is given planning approval affordable housing would be expected to be delivered to meet some of the need for both the Acton & Nantwich sub-areas. Nantwich is one of the Key Service Centres in the emerging Development Strategy.

The SHMA 2010 identified that for the combined Acton and Nantwich sub-areas there is a need for 82 affordable homes per year between 2009/10 – 2013/14 which equates to a total of 410 affordable homes for the period. This is made up of a requirement for the following each year–

- 27 x 1 bed dwellings
- 21 x 2 bed dwellings
- 8 x 3 bed dwellings
- 18 x 4 bed dwellings
- 8 x 1/2 bed older persons dwellings

In addition to this Cheshire Homechoice is the choice based lettings system for allocating rented affordable housing across Cheshire East. There are currently 930 applicants on the housing register with Cheshire Homechoice who have selected an area in Nantwich town as their first choice, these applicants have stated they require 363 x 1 beds, 335 x 2 beds, 160 x 3 beds, and 19 x 4 beds, 50 applicants haven't set how many bedrooms they need.

The Interim Planning Statement: Affordable Housing states that if the relevant planning application is in outline only, then the Council will require that the s106 Agreement must stipulate an acceptable range for the number, type, tenure and size of all affordable housing units.

The Interim Planning Statement: Affordable Housing states it is normally expected that affordable units will be provide no later than sale or let of 50% of the open market dwellings, however in schemes that provide for phased delivery and a high degree of pepper-potting of affordable homes, the maximum proportion of open market homes that may be completed before the provision of all affordable units may be increased to 80%.

Discussions regarding the affordable housing requirements of this site have taken place in a pre-application meeting, and the Corporate Manager Economic Intelligence & Spatial Planning (formerly the Head of Planning & Housing) has requested that 25% of the affordable homes provided are built to comply with Lifetime Homes Standard made up of a combination of bungalows, maisonettes and adaptable houses and also requested that 2 of the rented

affordable properties are specifically designated for key workers and are suitable for Police use.

The applicant is at this point offering affordable housing provision as per the requirements of the Interim Planning Statement: Affordable Housing which equates to provision of up to 330 affordable dwellings across the site. In line with the request at the pre-application stage, 82 of the affordable dwellings need to be built to comply with Lifetime Homes Standards and 2 rented dwellings must be specifically for key workers. The tenure split offered at present is 65% rented affordable dwellings and 35% intermediate tenure dwellings, which equates to 215 rented and 115 intermediate dwellings. This is still to be confirmed as the size of the scheme could allow for greater flexibility in the tenure options for the site, including more innovative forms of housing.

It is evident from the masterplan in the D&A statement that the proposal is for lower density housing to be provided to the outer of the site, with the density increasing as it gets closer to the Local Centre. The D&A also sets out the development will be built in phases and is proposed to be phased generally from both the North and the South of the site. A proportion of affordable housing should be provided in each phase and the affordable housing should not be confined to the higher density areas of the proposal. This is in order to ensure that the affordable housing is distributed throughout the site to support the creation of a mixed and balanced community as per the requirements of the Interim Planning Statement: Affordable Housing. In addition to this it appears the majority of the higher density areas will be developed later in the programme therefore to confine affordable housing to these areas would mean that the affordable housing is not delivered periodically.

The Planning Statement sets out that the intention is for a range of between 75 – 100 dwellings per year to be built, with a development programme of 12-14 years and around 240 completed by 2017. The length of the development programme is likely to span over two or more Strategic Housing Market Assessment periods, and it will be necessary to ensure the correct type of dwellings are delivered to meet affordable housing need. It should be recognised that this could change over the period of development so provision will need to be made to agree the types of affordable housing to be provided with each Reserved Matters application. The s106 agreement will also need to secure 25% of the affordable housing to be bungalows, maisonettes or adaptable houses built to meet Lifetime Homes standards, and 2 of the rented affordable dwellings are specifically provided as homes for Key-workers which are suitable for Police use.

It is the preferred option of the Housing Strategy & Needs Manager that the developer undertakes to provide any social rented/affordable rented units through a Registered Provider of affordable housing.

The s106 agreement will need to secure provision of affordable housing as per the Interim Planning Statement: Affordable Housing and requests made in pre-application meetings, the details of which are as follows:

- Up to 30% of the total dwellings on site to be provided as affordable housing.
- The required affordable dwellings to be provided on site.
- 25% of the affordable dwellings to be built to meet Lifetime Homes standards, and these properties should be bungalows, maisonettes or adaptable houses.

- 2 of the rented affordable dwellings to be specifically for key workers, suitable for Police use.
- Submission of affordable housing schemes with each reserved matters application.
- The affordable dwellings should be built to meet Code for Sustainable Homes Level 3.
- The affordable dwellings which are not required to be built to Lifetime Homes standard should be built in accordance with the standards adopted by the Homes & Communities Agency.
- Affordable dwellings are delivered periodically through the development with affordable housing provided on each phase of the development, ideally with a % provided on each phase to ensure equal distribution of affordable dwellings across the site.
- Affordable dwellings pepper-potted within each phase of the development.
- All the affordable dwellings should be provided no later than occupation of 80% of the open market dwellings.

The benefit of a resolution from Committee will allow discussions with the applicant to progress regarding the tenure opportunities for the affordable housing on this site.

HIGHWAY SAFETY & TRAFFIC GENERATION

The Strategic Highways Manager has commented on the proposal and has noted the following key issues to be addressed by this development proposal:

1. Achieving a safe and convenient site access strategy.
2. Traffic impact, including environmental impacts of traffic, on the villages of; Wardle, Barbridge, Calveley, Alraham, Acton, and Worleston.
3. Traffic impact at Burford Crossroads.
4. Traffic impact at A51 roundabouts around Nantwich.
5. Traffic impact in the town centre and effects on sensitive routes.
6. Achieving a sustainable access strategy for this urban extension.
7. Achieving a safe construction access for the development. #
8. Provision of a suitable level of car parking.

The applicant initially submitted a Transport Assessment (TA), and Business and Residential Travel Plans (TPs) to support the application. Following discussions with the applicant a Technical Note and Supplementary TA have been submitted.

Access

The overall strategy for site access has been agreed. It is considered appropriate that the A51 is realigned at the northern end of the site and that (ultimately) access is taken from the realigned A51 via a new roundabout. The A51 is proposed to be realigned to the south in this location. As a temporary measure a new access roundabout will be built on the existing A51. At the appropriate trigger point of the development the new A51 alignment will be put in place with a link to the roundabout that had been constructed on the old alignment. The ends of the old alignment will then be severed only allowing access via the new roundabout on the realigned A51 and then onto the roundabout on the line of the old line of the A51.

It is also agreed that the site will be accessed from the south via a traffic signalled junction with the A534 Waterlode and Fairfax Drive. The proposal will ensure that the access road through the development (from Waterlode to the A51) is designed to a suitably high standard

so as to allow the potential for traffic to reassign through the site for trips between the A51 and the town centre. This proposal forms part of an overall strategy that includes A51 junction improvements to help protect the town centre and Acton village from potential rat-running traffic.

As part of ongoing responses to the Strategic Highways Manager has requested the following;

1. Alterations to the proposed northern access roundabout to allow two-lane entry and exit for A51 to A51 traffic movements.
2. Further consideration of the ability of the access junction to the south to deal with development traffic.

The applicant is in agreement on the first point and a drawing will be provided to indicate such a proposal.

With regard to point 2, the applicant has indicated that they have undertaken a review of the traffic signals with an increased cycle time and they consider the operation of the junction is sufficient to support the development. The Strategic Highways Manager does not wish to encourage overdesign in this location such that movements from the site through Acton to the A51 might be encouraged. As a result, the design is considered to be acceptable in the light of the revised traffic analysis.

Traffic Impact in Villages

It is noted that the applicant acknowledges that their impact in the villages of Alraham, Calveley, Wardle and Barbridge will be dealt with by measures proposed by the Wardle Airfield Development.

The applicant is therefore accepting the strategic approach to the overall traffic impact of cumulative development impact. The Strategic Highways Manager is seeking an appropriate overall mitigation strategy to development impact for this area. As a result, highways are content with this approach given the package of highway mitigation measures proposed by this applicant to support this development and outlined within this report and the Heads of Terms for the S106.

It is likely that a significant number of schoolchildren living on the proposal site will attend school in Acton. This will generate traffic movements from the development for this purpose as well as potential routing through the village for other purposes. In order to minimise the impact of the development traffic on the village it is considered appropriate that traffic and speed management measures are introduced to complement the strategic approach of improvements at Burford crossroads, with the realignment of the Chester Road away from the junction, and also the upgrade of other junctions on the A51 and the good standard of route through the development proposal site. The measures proposed are based on those described in the Martin Stockley Associates report for Acton Parish Council and the realignment of the layout at the Windmill junction. The costing for the traffic and speed management works in Acton is £659,528 and this is sought from this developer solely on the basis of their potential traffic impact. There is also an impact at the Windmill junction and the need to provide the necessary infrastructure to support development and protect Acton

Village from excessive traffic the amount required for works at this location would be £180,301.

Traffic Impact at Burford

This development (and the development at Wardle Airfield) will impact upon the existing Burford Crossroads to varying degrees. The Strategic Highways Manager is in the process of preparing an infrastructure plan to support the local plan. Details of the infrastructure plan for this area have been released to both applicants mentioned above. The strategy for delivery of this junction is via development contribution and this infrastructure, along with improvements at Alvaston and Peacock roundabouts is seen as essential infrastructure necessary to support the delivery of significant planned development in this area.

Contributions have already been agreed from the Wardle development based on development traffic impact, subject to planning approval. The remainder of the contribution is sought from this development.

The Strategic Highways Manager recognises that contributions from this development are being sought at levels higher than those from the Wardle development, based on traffic impact alone. The need for the strategic infrastructure improvements in this area is paramount.

Based on traffic impact figures and based on the existing and future background traffic levels at the junction. Highways are requesting the balance of infrastructure funding required at £1,382,425 in this location.

Traffic Impact at A51 Junctions

There are two roundabouts of particular concern along the A51; these are the Alvaston roundabout and the Peacock roundabout. Both are observed to experience extremely long queues and delays in the peak hours of operation on the network. The operation of the Alvaston roundabout is particularly poor. These forecasts are borne out by the traffic modelling presented in the applicant's TA.

The Strategic Highways Manager does not consider that minor improvements at these junctions will be sufficient to secure development in this area. The strategic infrastructure approach must be followed.

The expected contribution of this development at Alvaston roundabout to secure this essential infrastructure to support the identified developments amounts to £1,337,536

The expected contribution of this development at Peacock roundabout, to secure this essential infrastructure to support the identified developments amounts to £608,355

There are lesser issues at the Cheerbrook roundabout and the Strategic Highways Manager has identified minor improvement works at this junction. However, on the basis of a satisfactory contribution to overall works to junctions on the A51; the Strategic Highways Manager will not be seeking contributions from the applicant in this location.

The applicant proposes to realign the A51 in the vicinity of the northern access to the site, southwards away from Reaseheath College, for environmental and safety reasons. It is understood the cost to the development will be some £4,000,000.

On the basis of the significant contributions to the overall A51 improvement package Highways are not seeking to pursue any further layout changes to the Reaseheath roundabout from this applicant. It will fall to other future potential developments to consider infrastructure improvements at this location.

Traffic Impact in the Town Centre

The TA and Supplementary TA for the application identify impacts at town centre junctions. For example, there are potential future impacts at; the Waterlode/A530 High St signalled junction, the Barony Rd/Middlewich Rd junction, and the Barony Road/Beam St junction. Highways are also aware of the Air Quality Management Area (AQMA) area at Hospital Street, however, it is recognised that there are land and other constraints in these locations that restrict the potential for significant highway improvements.

Whilst the development will inevitably assign some traffic through these junctions and streets, Highways consider that the strategic approach adopted by the Strategic Highways Manager (A51 junction improvements, good standard of route through the development site itself, and measures designed to minimise through traffic in the town via Acton and local routes), will all help to minimise the impacts at the locations outlined above. As such, the amounts being requested for the A51 improvements are, in reality, related to the development but are being used on strategic routes in order to protect the town centre of Nantwich.

Sustainable Access

The applicant has submitted travel plans (business and residential) to support this development proposal. Overall, Highways consider the site to be sustainably located with good opportunities for residents and employees at the site to make use of sustainable transport modes for access to/from the development.

The site is large and the distance from different parts of the site to sustainable transport opportunities and local facilities does vary. The inclusion of a local centre on the site benefits the aims of sustainability considerably.

The Strategic Highways Manager considers it appropriate that bus services should be encouraged to come to site. To that end it is essential that the design of the road through the development site is sufficient to cater for bus services, including an allowance for bus use through the local centre.

The business and residential travel plans are fairly generic and do not yet address site specific needs. Improving pedestrian and cycle provision is important and use of such modes of travel should be encouraged. Such provision will be encouraged through the detailed reserved matters applications for the site. Each travel plan indicates that the design of the site will allow for a new bus service through the development, which is to be welcomed and subsequent detailed designs must reflect this aspiration.

Construction Access

The SHM will seek agreement of a construction vehicle access plan and overall construction access strategy prior to first development.

Car Parking

Car parking on the development site will be required to meet Cheshire East parking standards for the relevant proposed uses.

Highways Conclusion

The Strategic Highways Manager has a Strategic Highways Infrastructure Plan for the A51 corridor and nearby junctions. This development, coupled with the recent Wardle employment site approval, will help to secure the infrastructure requirements of the area and mitigate any potential traffic impact of the development. The Strategic Highways Manager raises no objections to the proposal subject to s106 requiring contributions towards junction improvements and conditions.

PUBLIC RIGHTS OF WAY

Existing Rights of Way

The development is to affect Public Footpaths Nos. 3 & 4, Henhull and Footpaths 3 & 4, Worleston, which all within the site. The Rights of Way Unit has requested further information to show the current definitive line of the public rights of way overlain any proposed diversions. However, Rights of Way Circular 1/09 states that most outline planning applications do not contain sufficient information to enable the effect on any right of way to be assessed (and are not required to do so) and consequently such matters are usually dealt with during consideration of the matters reserved for subsequent approval.

Countryside access and active travel

Paragraph 35 of the Framework states that plans and decisions should take account of whether the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site. Indeed one of the core planning principles of this document is to actively manage patterns of growth to make the fullest use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

Footway/cycleway proposals

The Concept Masterplan does not distinguish between facilities for pedestrians and cyclists, and is mixed in its depiction of definitive Public Rights of Way and other paths, both proposed and existing. Further detail on the legal status and specification of new or diverted routes will be required (not least where agricultural traffic is also proposed). The future maintenance and management of the pedestrian/cyclist routes on the site will need to be included within proposals for the maintenance of the green infrastructure of the site. Destination signage should be installed both within and off-site to encourage and facilitate use of these routes.

A northerly extension to Public Footpath Henhull No. 3 is noted on the Concept Masterplan. Its connectivity with the internal street and path network is not discernible at this level of detail, but would be required to make sense of the extension and provide onward connection to Public Footpath Henhull No. 2 and onto the canal towpath and Acton village.

Residents of the proposed development would be allocated places within existing local schools, which would be extended to accommodate the increase in pupil numbers. One such school will be that in Acton. There is an existing public footpath, named Henhull Footpath No. 2 which runs from Welshman's Lane at the western side of the development to the canal and on to Acton village. This would provide a direct (approx. 1.1km) route for pedestrians to travel from the development site to the school. The alternative is a longer (approx. 2.1km) route along the busy Chester Road. The development proposals include infrastructure for pedestrians to access Welshman's Lane, and it is suggested that the developer be tasked to contribute towards the improvement of Henhull Footpath No. 2 so that it is available for year-round pedestrian usage. This would normally involve the laying of a compacted gritstone surface, replacement of stiles with gates and fencing to protect the surface if livestock is an issue.

At present this route is a headland path in a field. Whilst the Council as the highway authority has powers to improve public rights of way, landowner agreement is normally sought, as the installation of a surfaced route could reduce the agricultural land area available. It is understood that the landowner of the two fields where the improvements would be required also owns some of the land on which the development is proposed. A legal diversion order may also be required to re-align the path so that it runs adjacent to the field boundary (as at present the legal line of the footpath veers some 20m away from the boundary).

Riverside path and crossing

The proposals include a new pedestrian/cyclists bridge over the River Weaver so as to create a link to the new Connect2 Crewe-Nantwich Greenway. This would be welcomed provided that an assessment of how pedestrians and cyclists would reach the greenway via the highway network (including an assessment of road crossing and junction facilities) is undertaken, with a condition issued for the delivery of any required improvements in order to accommodate the anticipated movements of new residents between the site and employment areas.

A new north-south footway is proposed along the western bank of the River Weaver. This proposal is consistent with policy RT.12 of the Local Plan which seeks to extend the Nantwich Riverside Park along the western bank of the river. The policy acknowledges that whilst the land lies within the flood plain, its use for open space would not compromise this.

Bridleway Underpass and National Cycle Network

The proposals outline a proposed bridleway with underpass under the new A51 alignment. This is intended to accommodate the Public Footpath Worleston No. 3 and provide a link between the Equine Unit and the retained grazing land within the site avoiding the A51 realigned highway. Adequate width, surface and drainage specification will be required to accommodate walkers, cyclists and equestrians.

This underpass would offer cyclists a grade-separated crossing of the A51 for those using the proposed shared use routes either side of the new road and adequate connections would be required. This could partly mitigate for the lost section of National Cycle Network (NCN) which formerly enabled cyclists to travel from the toucan crossing between the equine centre and Reaseheath entrance, across the college grounds and onto the Wettenhall Road. The licence that facilitated this has recently been terminated by the college, and so the NCN is no

longer continuous. Accommodation for a re-connected NCN, the formalisation of which has been registered under the Council's statutory Rights of Way Improvement Plan would be required of the proposed development either via the underpass, other crossing facility and/or use of the closed A51 route. Provision for users of the NCN both prior to and during the construction of the new road would be required.

CONTAMINATED LAND

The application site has a history of agricultural use and therefore the land may be contaminated, and the application is for new residential properties which are a sensitive end use and could be affected by any contamination present.

A Phase I Preliminary Risk Assessment for contaminated land was submitted with the planning application. Some potential areas of infilling (former ponds) and a former farm were identified during the review of historical maps, however these potential sources did not appear to have been inspected during the site walkover and were not carried forward into the Conceptual Model for the site.

The areas of former ponds may have been infilled and, depending on the nature of any infill, may pose localised contamination and ground gas issues. There may also be areas of made ground, former fuel or waste storage in the area of the former farm on the south east of the site. The potential contaminants of concern associated with farms should be considered further.

An allotment area is proposed as part of the Masterplan (however we accept this application is currently outline and the therefore subject to change). We would expect this area of the site to be demonstrated to be suitable for its proposed use.

Further investigation into the geotechnical aspects of the underlying Halite bedrock has been recommended within the report, and should be undertaken. Accordingly, having regard to the comments above, a condition is recommended requiring an updated phase 1 contaminated land survey.

AIR QUALITY

Environmental Health has noted that the transport assessment has used a 'sensitivity test' to make an assumption of the contribution of the development to road traffic on Hospital Street. The original traffic distribution appears to be based upon statistics and assumptions from 2001 census data of a neighbouring ward and assumed no traffic distribution through the Hospital Street Air Quality Management Area (AQMA). This starting basis and the assumptions are unverified for the predictions in Hospital Street. It seems unlikely that in reality one of the main routes through Nantwich town centre would receive such small impacts and it is not clear that a 'worst case' scenario has been devised. The scale of the development would increase the margins of error for any traffic assumptions.

Notwithstanding these assumptions, it is agreed that there could be an adverse impact in the AQMA of Hospital Street. Environmental Health criteria request that an air quality assessment is carried out for any housing development greater than 60 residential units. It is not acceptable to use an unverified traffic assumption and subsequently a guidance which

advises when assessments are likely to be necessary as the basis for not assessing air quality and dismissing the impact as not significant in an area where there are health risks to residents. Monitoring in this area has shown nitrogen dioxide levels above the national health based objective. 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. For this reason air quality impacts should be considered as a material planning consideration and we would expect mitigation measures and / or a full air quality assessment.

In addition, the canyon effects experienced in Hospital Street are likely to exacerbate the proposal's impacts in the AQMA. It was for this reason that Hospital Street air monitoring data should be used to verify any air quality predictions in Hospital Street. As the consultants for the developers state; "air quality mitigation and control measures should be targeted where there are predicted to be adverse air quality effects from a proposed development; not simply based on the scale of a proposed development".

Therefore, in order to make this proposal acceptable from an air quality perspective financial contributions are required via a s106 agreement to go alongside conditions covering electric charging points in the proposed new residences and the travel plan. This would be put towards directly implementing the objectives of the statutory Air Quality Action Plan (AQAP) in Hospital Street and contribute towards the mitigation of the impacts of the proposed residential development.

The Framework places a general presumption in favour of sustainable development, stressing the importance of local development plans, and states that the planning system should perform an environmental role to minimise pollution. One of the twelve core planning principles notes that planning should "contribute to...reducing pollution". To prevent unacceptable risks from air pollution, planning decisions should ensure that new development is appropriate for its location. The Framework states that the effects of pollution on health and the sensitivity of the area and the development should be taken into account.

The need for compliance with any statutory air quality limit values and objectives is stressed, and the presence of AQMAs must be accounted for in terms of the cumulative impacts on air quality from individual sites in local areas. New developments in, or near AQMAs should be consistent with local air quality action plans. Any adverse air quality impacts in an AQMA are considered as significant by this department. Particularly where there are further cumulative impacts from other committed proposals in the area. The impacts are in conflict with our air quality objectives to protect public health, and the AQAP. The air quality impacts from this development could be mitigated against by providing funding towards measures that directly seek to reduce nitrogen dioxide levels in the AQMAs affected. The measures would be delivered through the AQAPs that Cheshire East Council is required to produce and deliver for each AQMA as part of its Local Air Quality Management duties.

The costs of countering the adverse effects in Hospital Street of this proposal would otherwise rely on public based funding. Based on Environmental Health's review of costs and air quality benefits of implementing actions to improve air quality, a financial contribution to the Nantwich AQAP of £20,000 is considered to be reasonable and proportionate alongside the implementation of the proposed travel plan and suitable electric vehicle charging infrastructure.

The construction impact assessment predicts that a 'moderate adverse' impact could be expected at the nearest residential properties. Given the scale of the proposed development it is possible that these impacts could be over a significant period of time. A mitigation strategy in the form of a dust management plan is proposed and this should form part of any planning permission given for this proposal and to include for a monitoring programme.

NOISE IMPACT

The applicant has submitted a scheme of acoustic insulation with the application. The report recommends mitigation designed to ensure that occupants of the properties / occupants of nearby properties are not adversely affected by noise from road traffic / construction noise from the development.

The mitigation scheme (including glazing and ventilation systems) recommended in this report and detailed in the Environmental Statement will need to be specified at the reserved matters stage, when a final layout has been decided.

To ensure external amenity spaces associated with the residential dwellings are suitable for their proposed use, a 4.0m high barrier along the diverted A51 will be required to meet the desirable steady noise level of less than 50dB(A)L_{Aeq}. Details of this will be required at the reserved matters stage.

There is no information contained within the application to determine whether there will be a loss of amenity caused by noise from the proposed A1, A2, A3, B1 and D1 business uses. In order to ensure that future occupants of the development / occupants of nearby sensitive properties do not suffer a substantial loss of amenity due to noise, the applicant is required to submit an acoustic assessment report considering these potential noise sources. This can be conditioned to be considered at the reserved matters stage.

LANDSCAPE & TREES

Landscape

The landscape and visual amenity study indicates in that it has been undertaken according to the 2nd Edition Guidelines for Landscape and Visual Impact Assessment, since the assessment had already commenced prior to the publication of the 3rd Edition Guidelines for Landscape and Visual Impact Assessment. The applicant's assessment correctly identifies the baseline conditions and in essence, that the site feels 'rural'. The site can easily be divided into four different character areas, namely; Riverside, Equine Centre and Paddocks, Rough Grassland with Hedgerows and Managed Farmland.

The assessment also identifies the location of the application site within both the National and Cheshire Landscape Character Assessments and provides a landscape and visual baseline summary, which are broadly agreed with.

A number of viewpoints and illustrative photograph locations are identified within the landscape study, and eleven of these have been selected for the visual impact assessment. Whilst the landscape officer agrees that the viewpoints chosen are representative, he does raise some concern regarding the sensitivity attributed to a number of the viewpoint locations and as a consequence considers that the significance of visual impact will be slightly greater

than shown for a number of receptor locations. The scale of the proposals in a greenfield environment, along with the largely urban nature of the proposed development means that it will almost certainly have some impact on the character of what is currently a rural environment.

However, the site is bordered by existing development to south and east, and by the A51 to the north and Welshmans Lane to the west, and the development would represent a natural rounding off of the town. The proposal will include a 25m landscaped buffer with appropriate additional native tree and understorey planting to the western boundary of the Site with Welshmen's Lane including the retention of the hedge; the retention of the site's mature hedgerows; additional native planting to infill gaps in mature hedgerows; the retention of the site's brook courses; extensive green infrastructure including boulevard tree planting and landscaping to the proposed access road leading from Reaseheath roundabout into the site.

With reference to the cumulative landscape effect, the assessment indicates in Para 5.5.5.11 that *'it is assumed that good landscape and architectural design practice will be employed at the above potential scheme should they come to fruition including an appropriate framework of structural landscape treatments including retention of existing characteristic hedgerows and notable trees, new tree planting of appropriate scale, area, design and species composition to ensure that the new development achieves a good fit in the landscape'*. As this is an outline application no details of this have been provided.

The assessment does include a section on mitigation, as well as the masterplan drawing. Any positive effects would depend largely on the development being undertaken in accordance with the masterplan drawing and as such these parameters should be ensured through appropriate conditions.

Trees

The site is mainly managed pasture and arable farmland defined by native mature hedgerows forming the field boundaries becoming more defined within the northern section of the site. Within these hedgerows there are scattered individual and groups of trees comprising mainly of Oak, Ash, and Sycamore. Individuals and groups of Willow and Alder define the mature vegetation along the banks of the River Weaver to the east

There are currently no Tree Preservation Orders protecting any of the trees within the site or on land immediately adjacent to the site. The Reaseheath (The Green) Conservation Area lies partly within the application site boundary to the north east corner of the site to the south of the A51. All trees with a stem diameter of 75mm or above are afforded pre-emptive protection by virtue of their inclusion within the Conservation Area.

There are four public footpaths Henshull Footpath No.3 and 4 and Worleston Public Footpath No. 3 and 4 within the application site from which trees within the site can be viewed as a public amenity.

The application is supported by an Arboricultural Impact Assessment (AIA) incorporating a Tree Survey (RPS Ref JKK785. rev B dated 14th June 2013). The Assessment is also supported by a Tree Constraints Plan. The Assessment states that the trees were assessed in accordance with BS58937:2012 *Trees in Relation to Design, Demolition and Construction – Recommendations* which is the primary document which guides the process of determining

planning applications and impact upon trees. It is agreed that the submitted Assessment complies with the parameters set out in the British Standard.

The Assessment identifies a total of 156 Individual trees and 36 groups (of which 25 are classed as hedgerows) located across the site and has categorised them in accordance with Table 1 of BS5837:2012 into High (A) category; Moderate (B) category; C (low) category and trees unsuitable for retention (U). Of the 156 Individual trees, 27 are categorised as A; 38 trees categorised as B; 75 trees categorised as C and 16 trees considered U category. All groups have been categorised as Category C (low quality) landscape benefit.

The Assessment has also identified four Veteran trees (T117 – 119 Oak and T156 Alder). One further tree, an Ash (T114) has been identified as possible Veteran status. These are located in the north east section of the site. In accordance with BS5837:2012 all Veteran trees should be listed as Category A (high quality) which means there will be a presumption for their retention. Paragraph 18 of the National Planning Policy Framework requires the retention of aged or veteran trees found outside ancient woodland unless the need for and the benefits of the development in that location outweigh the loss.

Alder (T156) has been classified as B2 and therefore should re classified as 'A' category if deemed to be a Veteran in accordance with Table 1 of BS5837:2012. All Veteran trees identified in the submission must be retained, away from built development and preferably located within open space.

Whilst all trees are deemed a material constraint all High (A) and Moderate (B) category trees should be regarded as principle landscape assets which means there will be a presumption for their retention unless it can be demonstrated that there is an overriding justification for their removal and that any such losses can be adequately mitigated.

The Illustrative Masterplan shows the initial access arrangement to be taken off the southern arm of a new roundabout and diversion of A51 with indicative internal road layout, residential, employment and green infrastructure shown on RPS Drawing 500_003 Revision O. A second access is also shown off Welshmans Lane serving the west of the site. The supporting Environmental Statement (ES) further states that the principle landscape assets including mature trees and hedgerows within the eastern and southern area of the site will be retained.

The ES advises that eleven hedgerow trees and one field tree to the north of Henhull Hall Farm will require removal and at least one tree in the hedgerow running north to south because of an internal access. Three large trees would also be lost to create the road over the wooded stream, with further losses anticipated for the creation of a new bridleway to the Equine Centre. Whilst the internal road layout is only indicative at this stage it is not clear as to how this would impact on existing trees throughout the site, both directly and indirectly. This will need to be clarified at the reserved matters stage.

Similarly, although the Arboricultural Assessment provides details of proposed tree removals, it only considers those by virtue of their condition. It does not provide any indication of those proposed for removal to facilitate development of the internal roads and bridleway referred to in the ES. It is therefore not possible to determine with any degree of certainty the impact of these losses will have on both visual amenity and on the wider landscape. This also will require consideration with the reserved matters.

Hedgerows

From the information provided in the ES hedgerows across the application site are generally species poor comprising of Hawthorn or Blackthorn. Most have been regularly cut or flailed with poor quality ground flora. Two hedgerows running parallel to the River Weaver north to south have been identified as potential to be 'Important' under the Hedgerow Regulations 1997 and should be retained within development proposals.

ECOLOGY

Great Crested Newts

No evidence of great crested newts has been recorded at any of the ponds surveyed. This species is not reasonably likely to be present or affected by the proposed development.

Bats

The site of the proposed development supports foraging bats and has been identified as being of local importance for two common bat species. However, the site is not considered likely to be significantly important for the more uncommon bat species.

The proposed development is likely have an adverse impact on foraging/commuting bats due to loss of foraging habitat and increased light pollution. This impact will only be partly compensated for as the proposed on site planting matures.

An acceptable bat survey of tree 20 has now been submitted. No evidence of roosting bats was recorded during the survey and the nature conservation officer advises that that roosting bats are unlikely to be affected by the removal of this tree.

Badgers

Nineteen badger setts utilised by two separate badger clans have been recorded within the application site.

The proposed development will result in the loss of one main sett, a subsidiary sett and several outlying setts. The development will also result in the significant loss of foraging habitat for both of the resident badger clans.

The submitted Environmental Statement has assessed the impact of the development upon badgers as being significant within the context of the site. The nature conservation officer advises that that whilst badgers are common and widespread in Cheshire East the significant size of the site should be borne in mind when considering the impacts of the proposed development.

An outline badger mitigation strategy has now been submitted in support of the application. The strategy involves the closure of the setts directly affected by the development under Natural England license and the provision of replacement artificial setts. It is also proposed that the green infrastructure associated with the development be managed to provide cover and foraging habitat for badgers. The proposed mitigation is adequate to avoid any direct impacts upon badgers, however it is likely that there would be a residual adverse impact on badgers due to loss of foraging habitat. If planning consent is granted a condition should be

attached requiring any reserved matters application to be supported by an updated badger survey and mitigation strategy.

Reptiles

Grass snakes have been recorded within 2km of the site. The nature conservation officer is in agreement with the applicant's consultant that this species is likely to occur on site on at least a transitory basis.

Habitat creation proposals for grass snake have now been provided. If planning consent is granted it is recommended that a condition be attached requiring any reserved matters application to be supported by a detailed reptile mitigation strategy and compensation method statement.

Barn owls

Breeding barn owls are known to occur to the north of the proposed development site. The semi-improved grassland near the river flood plain is likely to be important foraging for this species. The loss of this grassland habitat as a result of the proposed development is likely to have an adverse impact upon the local barn owl population.

Proposals have now been received for the creation of areas of rough grassland habitats for barn owls both on and off site. The proposals are acceptable, but a section 106 may be required to secure the offsite works. Confirmation is awaited from the applicant regarding the ownership of land outside of the application site.

Water vole

Water vole has been recorded as being present in the 'northern' brook. This protected species is also a local and national Biodiversity Action Plan priority species.

The current proposals will result in the loss 130m of brook habitat as a result of the proposed culverts. This will result in the direct loss of water vole habitat and will also have a fragmentary affect on the remaining habitat. Outline mitigation proposals have been submitted which include the enhancement of the existing ditch on site and the creation of an additional flood pond habitat to compensate for the loss of habitat associated with the proposed development, which are considered to be acceptable.

Otter

Whilst otter are known to occur on the river weaver I do not anticipate the proposed development having a significant impact upon this species. No offence is likely to occur under the Habitat Regulations in respect of this species.

Hedgerows

Hedgerows are a Biodiversity Action Plan priority habitat and hence a material consideration. The submitted ES states that the loss of hedgerows is significant in the context of the site. If outline planning consent is granted it must be ensured that suitable replacement hedgerows are included in the detailed design of any future reserved matter application.

Semi-improved pastures

Two semi improved fields to the west of the flood plain and a relatively diverse field headland (target note 6) will be lost as a result of the proposed development. These grassland habitats have some botanical interest which contributes to the biodiversity value of the site.

Breeding Birds

Thirty three species of bird have been recorded on site as being likely to be breeding. Seven Biodiversity Action Plan priority species which are a material consideration for planning were recorded. The submitted ES concludes that the breeding bird assemblage of the site is of local value or less. The site is unlikely to qualify as a Local Wildlife Site under the ornithological site selection criteria.

The loss of arable land associated with the proposed development would result in the loss of breeding habitat for 3 pairs of skylark, whilst the loss of hedgerow would displace one breeding pair of song thrush. The value of the retained hedgerows and other habitats for breeding birds will be reduced due to increased disturbance and potential predation by domestic cats.

The overall impact of the proposed development upon breeding birds is anticipated by the submitted Environmental Statement as being moderate in the local context.

Residual impacts of the proposed development

An ecological mitigation and compensation strategy to address the residual ecological impacts of the proposed development has now been submitted. The strategy includes the enhancement of the land both within and outside the redline boundary of the application. The strategy is acceptable but further detailed designs for the proposed enhancement works would be required at the reserved matter stage. A section 106 may be required to secure off-site habitat creation.

A number of comments received in representation have referred to the potential impact of the riverside path upon wildlife in this area. The nature conservation officer has confirmed that the proposed footpath would not have any significant ecological impacts.

Conditions

If planning consent is granted the following conditions would be required:

- Any future reserved matters application to be supported by an updated badger survey and mitigation strategy.
- Any future reserved matters application to be supported by detailed ecological mitigation and compensation proposed in accordance with the ecological mitigation and compensation strategy submitted in support of the outline application.

For the reasons outlined above, the proposal is considered to have an acceptable impact upon nature conservation interests in accordance with policies NE.5 and NE.9 of the Local Plan.

HERITAGE

Paragraph 131 of the Framework notes that in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their

conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 132 notes that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.

Local Plan policy BE.7 seeks to preserve and enhance conservation areas; policy BE.14 requires development to respect the character and appearance of Historic Parks and Gardens and do not harm features of archaeological or historical interest; and policy BE.17 seeks to ensure that there would be no adverse effects upon the historical value, the archaeological value or the appearance of the landscape of historic battlefields.

The site at Kingsley Fields abuts two conservation areas, the registered Nantwich battlefield and is in close proximity to Dorfold Hall registered park and garden (grade II listed). No heritage assets are located within the application site.

The proposed development does have the potential to affect the setting of the Registered Battlefield of Nantwich. However, English Heritage considers that this impact is unlikely to be substantial, providing that the mitigation measures suggested in the ES, such as the retention of historic hedgerows within and around the development site, are confirmed.

Similarly, the conservation officer raises no significant concerns regarding the heritage implications of the proposal. However, it is noted the development could have a bearing on the setting of the Nantwich Battlefield site, which does provide added justification to create a naturalised and lower density edge to the west of the site. The proposal is therefore considered to comply with the above listed heritage policies and the requirements of the Framework.

LAYOUT & DESIGN

With all matters reserved for subsequent approval except for strategic means of access, only an illustrative layout has been submitted. However, the submitted masterplan and design and access statement outlines that a mix of dwelling sizes, types and tenures will be provided including up to 30% affordable housing, comprising an agreed split between rented homes (social or affordable rent) and intermediate homes.

Lower densities are proposed on the western, northern and eastern sides of the development where the site adjoins Welshmen's Lane and the Battlefield site, the countryside and Reaseheath College, and the River Weaver corridor. The overall average density to deliver 1,100 dwellings is 34 dwellings per hectare. The exact mix of densities and dwelling types will be determined at the reserved matters stage.

The dwellings will vary in height, with the very great majority of the new homes being two-storey properties which are characteristic of the area. Taller buildings will be appropriate in parts of the site and the proposed maximum heights of buildings in different areas of the site are identified on the Building Height Parameters Plan.

A mixed use community hub/local centre will be provided. This is proposed to be located centrally in the site on the spine road link between Waterlode and A51 and adjacent to the Nantwich Town Football Club site in order to be highly accessible to the new development.

The proposals will create a green infrastructure network throughout the site. The green spaces are proposed to perform a range of functions ranging from formal recreation and play provision through informal recreation and amenity space to areas to be managed for their sustainable urban drainage and biodiversity roles. The green infrastructure principles are addressed in detail in the landscape and visual, ecological and drainage and flooding risk assessments as well as through this Statement. These documents are intended to demonstrate that the green infrastructure strategy is central to the design of the proposals and has strongly influenced the form and character of the development design.

The design officer has commented on the proposal and highlights the importance that the development responds to its location and should have a naturalised feel where landscape is a key feature which permeates throughout the scheme. The development will need to work with or reflect the natural (hedgerow) structure and characteristics of the site.

One of the design objectives set out in the D & A is:

“3. Responding to landscape

The site benefits from a network of established trees and hedgerows which can be utilised to create an instant mature landscape setting for the benefit of both new and existing communities. A green infrastructure network should be created around these features to define its edges where appropriate, overlooked and surveyed by new properties to create a safe and attractive public realm.”

It is positive that SUDS are suggested. These should play an important part of the overall landscape of the scheme given its relationship to streams and the River Weaver.

It is also important to note that there are views to the west to Acton Church from several points, these should be harnessed further in the layout as kinetic or incidental views as well as grand vistas. This also applies to the views toward Nantwich Church from several viewpoints, the landmark being more immediate and prominent for the eastern part of the scheme. The masterplan and Design & Access Statement highlights the importance of views of these two landmarks but scope exists for more to be made of them within different areas of the scheme.

It is positive that the Weaver valley is being safeguarded and there is potential for ecological betterment but to still secure managed access through the area. This also has the potential to create a strong sense of place for the development and enabling the eastern edge of the scheme in particular to have a strong physical connection to nature and to act as a design lead for this edge of the development

Some concern is raised by the impact of the highway works to the north, however it is understood that this is a longstanding ‘improvement’ that has been agreed with Highways. These works may negate widening of the highway through the Reaseheath Conservation Area, however there is concern about the quality of this gateway into the scheme and the extent of engineering required to deliver it with its potential impact on the setting of the conservation area. It is also noted that the block structure means that development will turn its back on this road, with the potential of inactive and unattractive boundaries and poor sense

of arrival on entry to the development from the north (after all this would be a gateway into the scheme). Careful consideration will need to be afforded to this at reserved matters.

The principle of a linked spine principal street through the site is supported, particularly if designed to Manual for Streets principles with regular public realm and landscape features to slow traffic and create public realm 'incidents' and variety within the townscape, as is inferred in the illustrative masterplan. However, beyond the principal street, there is a lack of clarity about the street hierarchy and associated character within this submission. In a scheme of this size there is scope to have at least 3 tiers of street introducing different characteristics and a legible hierarchy.

Whilst it is recognised that this is an outline scheme, it is a substantial development and strategic in scale. Therefore there is a case that a design code should be developed for this site to help deliver high quality. The Framework itself suggests that design codes should be used in helping to deliver well designed development. Also, a mechanism to ensure a lead developer and masterplanner role into the reserved matters and construction phases would be beneficial. This is especially important on a scheme of this size to ensure delivery of quality within the development and to ensure consistency in approach and delivery of strategic elements such as the green infrastructure / open spaces, and blue infrastructure and SUDS.

These principles are considered to represent an acceptable outline for the submission of reserved matters at a later date.

AMENITY

New residential developments should generally achieve a distance of between 21m and 25m between principal windows and 13m to 14m between a principal window and a blank elevation. This is required to maintain an adequate standard of privacy and amenity between residential properties.

The layout and design of the site are reserved matters and it is considered that the dwellings could be accommodated on the site, whilst maintaining these distances between the proposed dwellings within the new estate and adequate amenity space could be provided for each new dwelling. No further significant amenity issues are raised at this stage.

FLOODING

The Framework states that development should be directed away from areas at highest risk of flooding. This is the aim of the sequential test, to steer new development to areas with the lowest probability of flooding. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in terms of flooding. The vast majority of the development (i.e. the residential, community and employment areas) is located in Flood Zone 1.

The main flood plain (Flood Zone 2 (medium probability) and Flood Zone 3 (high probability)) of the River Weaver is included within the eastern portion of the development site. This area is proposed to remain as existing with no alterations to levels and with no development. These areas are shown within the Masterplan as green infrastructure/formal open space. A

small section of the A51 diversion route passes through the area of flood plain. The diversion route will be constructed above the floodplain and the road will be protected from flooding. The loss of floodplain volume will be compensated within the area of open space proposed to the south of the diversion link. The A51 diversion cannot be accommodated on other sites, given that the diversion seeks to address existing issues on this particular stretch of road.

Where development is necessary within the higher risk Flood Zones, it must be made safe without increasing flood risk elsewhere. The proposed diversion route is categorised as “essential infrastructure” and will only be permitted in this zone should the Exception Test outlined in paragraph 102 of the Framework be passed. Essential infrastructure permitted in this zone should be designed and constructed to remain operational and safe for users in times of flood. For the exception test to be passed:

- It must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk; and
- A site specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible will reduce flood risk overall.

The applicants set out that the A51 diversion route addresses the Exception Test in the following way:

Environment:

The A51 is a heavily trafficked route with a large proportion of HGVs using it, which passes residential properties and the Reaseheath College. The Reaseheath roundabout experiences queues and congestion during the peak hours, especially on the Main Road arm in the PM peak and the A51 west arm in both peaks. The realignment will remove traffic and the HGVs from these properties, which will improve the noise and air quality for the existing community at this location. It will also reduce congestion and delays at the Reaseheath roundabout for the existing users and proposed community of the North West Nantwich development.

Safety:

The existing A51 at this location is of sub-standard design, with inadequate visibility and verge and footway provision. It has previously been subjected to a reduction in the speed limit from the National Speed Limit to 30mph in order to have a more appropriate speed restriction. The proposed link road will be designed in accordance with Design Manual for Roads and Bridges guidance, and therefore will provide a safer route and improve the safety record of the A51.

Economy:

The improved layout of the Reaseheath roundabout will result in reduced congestion which will have an economic benefit by reducing the cost of delay experienced at this location. This will be of benefit to the existing and future users of the A51, including the North West Nantwich development community.

Accessibility:

The proposed road will provide footway and cycleway provision on the A51. It will also remove through traffic from the accesses to the Reaseheath College and existing properties, which will improve pedestrian and cycle access to these. The reduced delay at the

Reaseheath roundabout would also benefit the public transport provision to the existing community using the College located on Main Road.

Integration:

The proposed layout provides access for a bus service, with improved pedestrian and cycle facilities for the benefit of the future North West Nantwich community. It will also link in with access to the Reaseheath College and remove the through traffic from the existing route past the site.

Policy Justification:

This proposed urban extension to Nantwich is supported by Policy Site Nantwich 1 of the emerging Cheshire East Local Plan. The emerging policy proposes the realignment of the A51 through the site, together with the provision of 1,000 new homes, a mixed-use local centre including a primary school, 2-3 hectares of employment land, and green infrastructure.

Location of other uses:

The most vulnerable uses of the proposed scheme, the residential development and school, are to be located in areas of the lowest flood risk.

The Environment Agency raise no objections to the proposal but note that the proposed development will only meet the requirements of the National Planning Policy Framework if the measures detailed in the submitted Flood Risk Assessment are implemented and secured by way of a condition.

These measures include:

1. Limiting the surface water run-off generated by the proposed development so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
2. Provision of compensatory flood storage where the A51 diversion affects floodplain.
3. Finished floor levels are set no lower than; the relevant 1:100 years fluvial flood level climate change 600mm freeboard.
4. Overland flow of surface water is to be contained within the site, such that new or existing buildings are not affected.

Having regard to all these details, the proposal is considered to meet the exception test of paragraph 102 of the Framework and is acceptable in flood risk terms.

OPEN SPACE

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

The maximum total public open space requirement for this development based on 1100 (family) dwellings will be:

- 1,100 x 35 sq m, equalling 38,500 sq m overall.

This is broken down into:

- 16,500 sq m of shared recreational open space; and
- 22,000 sq m of shared children's play space.

The Illustrative Masterplan provides for 12.78 hectares (ha) of Green Infrastructure (excluding the school site / MUGA, proposed allotments and retained agricultural and grazing land). Of this, 1.69 ha is dedicated for SUDS use, 1.07 ha is buffer planting along the southern edges, 0.1 ha is open space within the employment area. This leaves a residual public open space combined area associated with the new housing area of 9.89 ha which is well above the Local Plan requirement.

The proposed on site public open space will comprise:

- Riverside Walk – 10,700 sq m (1.07 ha)
- Central Circus and east and west spurs including the Neighbourhood Equipped Area of Play (NEAP) and adult outdoor gym, and excluding SUDS land – 10,000 sq m (1.0 ha)
- Remainder of linear green routes, spaces and public access green infrastructure – 78,200 sq m (7.82 ha)

In addition, formal play space and open space provision within the scheme will include:

- Multi Use Games Area (MUGA) on potential new school site with out of hours community use – 2,500 sq m (0.25 ha)
- Allotments – 4,100 sq m (0.41 ha)

The above provision set out within the application reflects the requirements for the site set out by the Greenspaces Officer, and is considered to meet the requirements of policy RT.3 of the Local Plan.

EDUCATION

The application has been submitted on the basis that either a primary school can be provided on site, or proportionate financial contributions will be made to extend existing local schools.

Primary schools within 2 mile radius of the site have been considered for capacity. No capacity has been identified in these schools. Only schools beyond the 2 mile distance from the site have some availability (e.g. Bunbury, Calveley, Wrenbury, Sound). The Council's education department have identified that the development will trigger the requirement for a sum of £2,277,721 towards the cost of providing primary accommodation for the pupils generated by this development. This figure has been achieved on the basis that the development will generate enough primary aged children to warrant a new school and then calculated using multipliers provided by the Dfe. The service will then seek to accommodate these pupils within the 2 mile radius (i.e. the distance on which capacity has been assessed). The preference will be to extend existing provision within this radius.

In addition, the education department also identify that the development will be required to make a secondary school contribution. The service expects this development to result in some 143 secondary aged pupils. Forecasts are suggesting that the secondary schools considered for capacity will have only 77 places available by 2019. On this basis a contribution of £1,078,618 will be required to accommodate the pupils of this age. In terms of expansion, the Malbank and Brine Leas are the two High Schools in Nantwich.

ARCHAEOLOGY

A geophysical survey of the site has been submitted, which was designed to identify those parts of the site requiring further archaeological investigation.

Across much of the site very little of interest has been noted, although former field boundaries (visible on 19th century mapping) have consistently been identified, which suggests that the results can be regarded with a high degree of confidence and that it is unlikely that major concentrations of archaeological features have not been detected. In these circumstances, across most of the application site further archaeological mitigation will not be required.

There are, however, a number of areas in the eastern part of the site where it is considered that some further archaeological work will be necessary, which may be secured by condition in light of the fact that a pre-determination desk-based assessment and geophysical survey have been carried out and that the areas requiring further work are now clearly defined. These areas are described further below:

Area 17 (SJ 648 533). This area contains a pattern of anomalies which the report acknowledges could be natural but do look like a group of small enclosures. In addition, the features lie close to the edge of the terrace overlooking the Weaver which is a very similar location to that of the Roman salt-making complex excavated by Manchester University in 2001. It is advised that these features, which extend over an area of approximately 1ha, require a comprehensive programme of trenching (5% sample) to establish their nature which will need to be followed by more extensive excavation work if they prove to be archaeologically significant and cannot be preserved *in situ*. If the trenching proves negative no further work will be required.

Areas 18 and 20 (SJ 649 530). Only limited geophysical work could be carried out in these two areas due to the overgrown nature of the fields. This is unfortunate as they lie closest to the area excavated in 2001 and it should also be noted that a supervised metal-detector survey carried out during the construction of the adjacent football ground in 2006 recovered a significant number of artefacts of Roman, medieval, and early post-medieval date, although it is acknowledged that cut features were not present. In addition, Area 20 was the site of the recovery of the Roman salt pan in the 1980s. It is advised, therefore, that these two areas cannot be dismissed at this stage and that further work will be necessary. One option would be to comprehensively trench the area as outlined above for Area 17. This, however, is a substantial area of approximately 5ha and a meaningful sample would involve many hundreds of metres of trenching. In order to avoid this scenario, the Council's Archaeologist suggests that attempts should be made to get the land into a condition where survey is possible with provision to target trenching on anomalies and the site where the salt pan was found. This will be a much more economical and rapid approach but it will require suitable ground conditions for initial survey, which could take the form of geophysical survey or supervised metal-detector survey. Whichever approach is taken, areas where significant remains are found may require formal excavation although a negative result to any of the further phases of evaluation will mean that the areas can be dismissed.

Site of Kingsley Fields Farm (SJ 6482 5310). This building, now demolished, does appear on the 1840s tithe map. The development master plan suggests that the site will be preserved within the areas of green space but, if this is not the case, a rapid strip and record exercise would be appropriate in order to record the remains of the structure. This would be a fairly rapid process and would extend over a limited area of approximately 20m by 20m.

Areas 21 and 22. These areas have a similar potential to Areas 18 and 20 and have not been subject to geophysical survey but are proposed as green space within the development. As long as this is the case and no major landscaping is proposed, further work would not be required in this area.

Area 19. This area was not subject to full geophysical survey but, as it is in the flood plain of the river this is not a major cause for concern. It is advised, however, that any major intrusive groundworks in the flood plain should be subject to a watching brief with a particular emphasis on noting any waterlogged timbers and deposits suitable for palaeoecological analysis.

It is recognised that the present application is for an outline consent and that if permission is granted detailed applications will then be submitted for different parts of the site. Many of these, it is now clear, will have no archaeological implications but where a detailed application affects one of the sensitive areas outlined above, it is advised that no works should occur anywhere within that particular area until a programme of archaeological work has been agreed with the planning authority and implemented. This will be vital to ensure that work is conducted in a timely and efficient manner, and that the development complies with policy BE.16 of the Local Plan.

INFRASTRUCTURE / PUBLIC REALM

Policy BE.5 of the Crewe & Nantwich Local Plan states that the LPA may impose conditions and / or seek to negotiate with developers to make adequate provision for any access or other infrastructure requirements and / or community facilities, the need for which arises directly as a consequence of the development. A development of this scale will undoubtedly have some impact upon infrastructure, public buildings and facilities within and around Nantwich Town Centre.

Such infrastructure requirements could include:

- Contributions towards extending the existing library into a redundant garage, and the associated additional equipment / resources required facilitating the use of the building as a community hub to mitigate for the increase in users arising from the development.
- The Nantwich Conservation Area Character Appraisal & Management Strategy identifies improvement works that are required in the town centre, and contributions could be made to these to address public realm impacts arising from the development.
- Improvements to local public rights of way as outlined earlier in this report, including Nantwich Riverside.

These are some of the areas where contributions could be made towards off site works to ensure that reasonable provision is made to meet the needs of future occupants and users.

At the time of writing the impact of the proposed development, and any required mitigation, was still being assessed but it is likely that this will feed into the s106 package.

AGRICULTURAL LAND

Policy NE.12 of the local plan states that development on the best and most versatile agricultural land (Grades 1, 2 and 3A) will not be permitted unless the need for the development is supported in the local plan; it cannot be accommodated on land of lower agricultural quality, and; other sustainability considerations suggest the use of higher quality agricultural land is preferable to the use of poorer quality land.

Paragraph 112 of the Framework states that Local Planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

The agricultural land on the application site is set out below:

Grade	Area (ha)	%
3a	24.2	41
3b	30.8	53
Non agricultural	3.7	6
Total	58.7	100

Whilst the site does comprise a proportion of grade 3a (good quality) agricultural land, the applicants Agricultural Resources Assessment outlines that this distribution of grade 3a and 3b land is typical of what might be expected on soils of this type in the wider area around Nantwich and the quality of the land should be considered within this wider context.

This Assessment also identifies the pattern of agricultural land quality from survey work carried out in the area around Nantwich, which shows that the quality of land on the application site is of similar, if not of lower, quality than much of the other land that has been surveyed. This suggests that it is unlikely that the development could be accommodated on lower grade agricultural land.

Notwithstanding this view, previous Inspectors have considered the need for housing land supply outweighs the loss of agricultural land, as is considered to be the case with the current proposal.

SECTION 106 PACKAGE and HEADS OF TERMS

The scale and nature of the proposed strategic development requires significant contributions to mitigate the impact of the development which will be achieved through a s106 agreement.

While some of the contributions are as indicated above and agreed, further discussion and negotiation is required to establish the final details – particularly for affordable housing / tenure and the cost around the public realm improvements. Therefore, if the application is approved a Section 106 Agreement will be required based upon the following list with those final discussions being delegated to Officers.

- Education contributions of £2,277,721 for primary provision (or provision of a school on site) and £1,078,618 for secondary provision
- Up to 30% affordable housing provision.
- Tenure split of the affordable dwellings.

- Affordable dwellings to be provided on site.
- 25% of the affordable dwellings to be built to meet Lifetime Homes standards.
- 2 of the rented affordable dwellings to be specifically for key workers.
- Submission of affordable housing schemes with each reserved matters application.
- The affordable dwellings should be built to meet Code for Sustainable Homes Level 3.
- The affordable dwellings which are not required to be built to Lifetime Homes standard should be built in accordance with the standards adopted by the Homes & Communities Agency.
- Phasing of affordable dwellings
- Affordable dwellings pepper-potted within each phase of the development.
- All the affordable dwellings should be provided no later than occupation of 80% of the open market dwellings
- Implementation of off site ecological mitigation
- Financial contribution of £4,168,145 for highways improvements
- Provision of open space and management arrangements
- Financial contribution of £20,000 for air quality mitigation (Hospital Street)
- Infrastructure / public realm improvements

Community Infrastructure Levy (CIL) Regulations

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

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

The provision of affordable housing, public open space provision, air quality mitigation and off site ecological mitigation, are necessary, fair and reasonable to provide a sustainable form of development, to contribute towards sustainable, inclusive and mixed communities and to comply with local and national planning policy. Improvements to public realm enhancements and public footpath linkages between the site are also considered appropriate given the increased local population and proximity to Nantwich town centre.

Financial contributions for offsite highways works are necessary to make the development acceptable in planning terms to mitigate for its impact on surrounding routes.

The development would result in increased demand for school places at the primary and secondary schools within the catchment area which have very limited spare capacity. In order to increase capacity of the schools which would support the proposed development, a contribution towards primary and secondary school education is required based upon the maximum units applied for. This is considered to be necessary and fair and reasonable in relation to the development.

All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of the development

CONCLUSIONS

The site is within the Open Countryside where, under policies NE.2 and RES.5 against new development unless it is for one of the specified exceptions, which the application is not. However, the Council cannot currently identify a five year supply of housing land and therefore in accordance with the Framework, the presumption in favour of sustainable development applies. The site is also identified as a preferred site for housing and commercial development (site CS 21: Kingsley Fields) within the Pre-submission Core Strategy Document. The development of the site is therefore considered to be acceptable in principle and is considered to be a sustainable form of development.

The Government has made it clear in the Framework that there is a presumption in favour of new development, except where this would compromise key sustainability principles.

The proposed development would make an important contribution in terms of affordable housing provision and this would be a significant benefit. Matters relating to the detailed design, amenity, the public right of way, trees, ecology, air quality and noise impact can be adequately addressed through the use of conditions or at the reserved matters stage. Although there would be some visual impact resulting from the loss of open countryside, it is considered that due to the relationship with existing urban form, this would not be so significantly adverse to justify a refusal of planning permission. It is also acknowledged that there will be some additional impact upon the existing highway network, however financial contributions towards junction improvements will adequately mitigate for this impact.

The proposal is a sustainable form of development, and in the absence of any identified significant adverse impacts a recommendation of approval is made.

RECOMMENDATION:

Delegate authority to officers to Approve the application subject to further discussion and negotiation on the s106 legal agreement as outlined within the Heads of Terms and the following conditions:

1. A01OP - Submission of reserved matters
2. A02OP - Implementation of reserved matters
3. A03OP - Time limit for submission of reserved matters
4. A06OP - Commencement of development
5. A01AP - Development in accord with approved plans
6. A22GR - Protection from noise during construction (hours of construction)
7. A32HA - Submission of construction method statement
8. A08OP - Ground levels to be submitted with reserved matters application
9. A19MC - Refuse storage facilities to be approved
10. Environmental Management Plan to be submitted
11. Details of external lighting to be submitted

12. Acoustic assessment of A1, A2, A3, B1 and D1 uses to be submitted with reserved matters
13. Updated contaminated land Phase I report to be submitted
14. Noise mitigation details to be submitted with reserved matters
15. Submission of residential and business travel plans
16. Energy from decentralised and renewable or low-carbon energy sources
17. Site to be drained on a separate system
18. Development to be carried out in accordance with Flood Risk Assessment
19. Details of buffer zones around watercourses to be submitted with reserved matters
20. Details of watercourse crossings to be submitted with reserved matters
21. Site access roundabout from the A51 to be agreed prior to first development.
22. A51 diversion to be in place prior to occupation of the 600th dwelling
23. Link road to be provided prior to occupation of 400th dwelling
24. Provision of footbridge across the River Weaver
25. Reserved matters application to incorporate public right of way routes
26. Provision for pedestrians and cyclists
27. Reserved matters to be in accordance with parameters set out in Design & Access Statement and masterplan drawing
28. Submission of arboricultural details
29. Reserved matters application to be supported by an updated badger survey and mitigation strategy
30. Reserved matters application to be supported by detailed ecological mitigation and compensation proposed in accordance with the ecological mitigation and compensation strategy submitted in support of the outline application
31. Written scheme of archaeological investigation to be submitted
32. Hedgerow retention and enhancement
33. Design code to be submitted

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Planning and Place Shaping Manager has delegated authority to do so in

consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.

Should this application be the subject of an appeal, authority be delegated to the Planning and Place Shaping Manager in consultation with the Chairman of the Strategic Planning Board to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

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