

Application No: 13/4656N

Location: Greenbank Cottage, Welshmans Lane, Nantwich, Nantwich, Cheshire,  
CW5 6AB

Proposal: Demolition of Greenbank Cottage and erection of 19 dwellings

Applicant: Renew Land Developments Ltd

Expiry Date: 28-Feb-2014

## **SUMMARY RECOMMENDATION**

### **REFUSE**

### **MAIN ISSUES**

#### **Impact of the development on:-**

**Planning Policy and Housing Land Supply**  
**Affordable Housing,**  
**Highway Safety and Traffic Generation**  
**Landscape Impact**  
**Ecology**  
**Design**  
**Amenity**  
**Open Space**  
**Drainage and Flooding**  
**Sustainability**  
**Education**

## **REASON FOR REFERRAL**

This application is referred to the Southern Planning Committee as it relates to a small scale major development and a departure from the development plan.

## **DESCRIPTION OF SITE AND CONTEXT**

The application site is an area of land to the east of Welshman's Lane, Nantwich. Currently there is a detached cottage occupying the most southerly part of the site. It is a relatively flat site with allotments to the north and residential dwellings to the south.

To the north is the Kingsley Fields site (13/2471N), where Strategic Planning Board resolved to approve up to 1,100 dwellings and other facilities. There is however land between the application site and the Kingsley Fields site.

The site is designated as being within the Open Countryside in the adopted local plan.

## **DETAILS OF PROPOSAL**

This is a full planning application for the demolition of Greenbank Cottage and the erection of 15 detached dwelling houses on land east of Welshmans's Lane, Nantwich Three of the dwellings would face onto Welshman's Lane with all being accessed from a new cul-de-sac with a turning head faced on to by plots 6 and 7.

## **RELEVANT HISTORY**

No relevant planning history relating to this site.

## **POLICIES**

### **National Guidance**

National Planning Policy Framework

### **Local Policy**

Paragraph 216 of the National Planning Policy Framework (NPPF) states that, unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process.

At its meeting on the 28<sup>th</sup> February 2014, the Council resolved to approve the *Cheshire East Local Plan Strategy – Submission Version* for publication and submission to the Secretary of State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

The relevant policies of the **Cheshire East Local Plan Strategy – Submission Version** are:

- Policy SD 1 Sustainable Development in Cheshire East
- Policy SD 2 Sustainable Development Principles
- Policy SE 1 Design
- Policy SE 2 Efficient Use of Land
- Policy SE 3 Biodiversity and Geodiversity
- Policy SE 4 The Landscape
- Policy SE 5 Trees, Hedgerows and Woodland
- Policy SE 9 Energy Efficient Development
- Policy SE 12 Pollution, Land Contamination and Land Instability
- Policy PG 1 Overall Development Strategy
- Policy PG 2 Settlement Hierarchy
- Policy PG5 Open Countryside
- Policy EG1 Economic Prosperity

The relevant policies saved in the **Borough of Crewe and Nantwich Replacement Local Plan 2011** are:

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

#### **Other Considerations**

- The EC Habitats Directive 1992
- Conservation of Habitats & Species Regulations 2010

Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System  
Interim Planning Statement Affordable Housing  
Interim Planning Statement Release of Housing Land  
Cheshire East SHLAA

## **CONSULTATIONS (External to Planning)**

### **Environment Agency:**

No comments to make on the proposed development. There is a ordinary watercourse near to the site and as such is the responsibility of the Lead Local Flood Authority in this case is Cheshire East Council.

### **United Utilities:**

No objection.

### **Strategic Highways Manager:**

- The development does provide frontage footways to link to existing footways on Welshmen's Lane and visibility is fine.
- We would require two parking spaces up to 3 bedrooms and 3 parking spaces for 4/4+ bedroomed properties.
- SCP Transport Statement (TS) indicates four spaces per dwelling; which appears to be two on the frontage and two in a garage. Even if each double garage takes only one car then the parking standard would be achieved.
- Although the carriageway is narrow at 4.5m it is sufficient to cater for a large refuse lorry with no parking on the access road.. A refuse store will be required for plots 13, 14, and 15.
- If the Applicant wants to continue with a shared surface then they need to show a better layout that has a varying width to allow pedestrians refuge areas along the length of the carriageway. The current layout does not offer good, safe design for pedestrian use. Alternatively a footway could be considered on the southern side.

### **Environmental Health:**

Recommend conditions relating to contaminated land, noise generation, electric vehicle infrastructure and travel plans.

### **Education:**

A development of 15 dwellings is anticipated to generate 3 primary and 2 secondary aged pupils.

The local primary schools (i.e. within a 2 mile radius) are cumulatively forecast to indicate some surplus capacity. However approved applications which impact on the same schools mean that a contribution would be sought.

The local secondary schools (i.e. within a 3 mile radius) currently indicate some surplus capacity. However there are several approved applications and applications with resolution to approve subject to s106 which impact on these schools and in light of this a contribution will be required for the anticipated pupils.

Primary = £32,539

Secondary = £32,685

### **Nantwich Town Council:**

Nantwich Town Council object on the grounds that this site was not identified in the Town Strategy and is not a preferred site in the Core Strategy. The site is not brownfield land (except for the Cottage). Development will add to the overall housing figure for the town in excess of the proposed requirement in the Core Strategy

### **Acton, Edleston & Henhull PC:**

The Parish Council has no objection to the application but would ask what percentage of affordable housing is being provided on the site.

## **OTHER REPRESENTATIONS**

At the time of report writing, 3 objections have been received relating to this application. These can be viewed on the application file. They express concerns about the following:

- Highway safety
- Flood risk
- Disruption during development
- Site is outside the settlement boundary
- Site is not adjacent to Kingsley Fields strategic site
- No affordable housing provision
- Loss of privacy and overlooking

These can be viewed on the application file.

## **OFFICER APPRAISAL**

### **Principle of Development**

The site lies largely 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 objection.

### Housing Land Supply

The National Planning Policy Framework (NPPF) confirms at paragraph 47 the 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 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:*

- 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."*

Appeal decisions in October 2013 concluded that the Council could not conclusively demonstrate a five year supply of deliverable housing land. This was founded on information with a base date of 31 March 2012 selectively updated to 31 March 2013.

In response, in February 2014 the Council published a 5 Year Supply Position Statement which seeks to bring evidence up to date to 31 December 2013. The approach taken to the Statement has been informed by policy requirements and by consultation with the Housing Market Partnership.

The Position Statement set out that the Borough's five year housing land requirement as 8,311. This was calculated using the 'Sedgefield' method of apportioning the past shortfall in housing

supply across the first five years. It included a 5% buffer, which was considered appropriate in light of the Borough's past housing delivery performance and the historic imposition of a moratorium.

A standard formula of build rates and lead-in times was applied to most housing sites, unless more detailed site-specific information is available. Those considered deliverable within the five year supply were 'sense-checked' and assumptions altered to reflect the circumstances of the particular site. The Criticisms made of the yields from certain sites in the recent appeals, particularly those in the emerging Local Plan, were also been taken on board.

Sources of supply included sites under construction; sites with full and outline planning permission; sites awaiting Section 106 Agreements; selected Strategic Sites which are included in the emerging Local Plan; sites in adopted Local Plans; and small sites. This approach accorded with the *National Planning Policy Framework*, existing guidance and the emerging *National Planning Policy Guidance* at that time.

A discount was been applied to small sites, and a windfall allowance included reflecting the applications which will come forward for delivery of small sites in years four and five.

A number of sites without planning permission were identified and could contribute to the supply if required. However, these sites were not relied upon for the five year supply.

The current deliverable supply of housing was therefore assessed as being some 9,757 homes. With a total annual requirement of 1,662 based on the 'Sedgefield' methodology and a 5% 'buffer' the *Five Year Housing Land Supply Position Statement* demonstrated that the Council has a 5.87 year housing land supply. If a 20% 'buffer' was applied, this reduced to 5.14 years supply.

Notwithstanding this, however, the recent appeal at Elworth Hall Farm, Sandbach (11 April 2014) determined that the Council had still not evidenced sufficiently the 5 year supply position, although the Inspector declined to indicate what he actually considered the actual supply figure to be.

Members should note, however, that the Elworth Hall Farm inquiry took place shortly after the publication of the Position Statement with only very limited time available to evidence the case. Since that time, the housing figures have been continuously refined as part of the preparation of evidence for further public inquiries which have taken place during March and April 2014 and are scheduled to take place within the coming months and against the RSS target, Cheshire East Council can now demonstrate a 5.94 year housing land supply with a 5% buffer or 5.2 year housing land supply with a 20% buffer.

Following the release of the Planning Practice Guidance (PPG), which now proposes that Council's include development which falls into the C2 Use Class category (i.e. care homes, halls of residence etc.) when considering housing land supply figures, the requirement provisionally drops to 6,496 (due to increased delivery in previous years) and the supply is elevated to 10,514. This equates to 8.09 years supply.

At the time of the Elworth Hall Farm inquiry the PPG was only in draft form, and although the Inspector gave consideration to the potential contribution of C2 accommodation to supply, the full implications of its inclusion were not known at that stage. The Inspector considered that the Council had a record of under-delivery and expressed the view that a 20% buffer would be

appropriate. However, the inclusion of the C2 consents takes away the suggestion of persistent under supply.

The Elworth Hall Farm inspector also criticised assumptions which the Council had made around build rates and lead in times, which he considered to be overly optimistic. In response Officers have been reworking the supply figures using longer lead in times, and on build rates which do not assume that on large sites there will be two or more developers except where there is the actual site specific evidence. Whilst this clearly reduces the overall supply, this is balanced out by the inclusion of the C2 permissions, and (subject to confirmation) the most recent figures still indicate that the Council can demonstrate a 5 year supply of housing land.

In the light of the above the Council considers that the objective of the framework to significantly boost the supply of housing is currently being met and accordingly there is no justification for a departure from Local Plan policies and policies within the Framework relating to housing land supply, settlement zone lines and open countryside in this area.

Additionally, the adverse impacts in terms of conflict of this proposal with the emerging draft strategy of releasing this site for housing development would, in the planning balance, outweigh the benefits of the proposal in terms of housing land supply, since the site is not relied upon with the emerging Core Strategy or the Assessed Housing land supply.

Therefore, the site is not required for the 5 year housing land supply plus buffer.

### Open Countryside Policy

As well as assessing housing supply, the recent Appeal decisions at Sandbach Road North Congleton Road Sandbach, the Moorings/Goldfinch Close in Congleton and Crewe Road, Gresty Green are also significant for clarifying the status and intent of settlement zone line and countryside policies within the existing Plan.

Some have sought to argue that as settlement boundaries effectively contain the built area of a town or village – and so define the area in which development is usually concentrated – that accordingly they should be viewed as housing supply policies. This subsequently could mean that those policies, along with normal countryside policies, should be considered “out of date” if there is no five year supply of housing land. This view is derived from paragraph 49 of the framework which states that:

*“Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”.*

There are appeal decisions that appear to support this perspective, although the recent appeals in Cheshire East (mentioned above) have generally taken a different approach.

The recent appeal decisions consider this matter in some detail. It was noted by Inspectors decisions” that the settlement zone lines serve a variety of purposes – and take account of land allocated for development up to a particular point (in this case 2011). However, the Inspector considered that settlement zones lines were not driven by the need to identify land for development, but rather are based on the objective of protecting countryside once development land is identified. Consequently, he concluded that the related policy (Policy PS4 of the Congleton



Local Plan) was “not sufficient directly related to housing land supply that it can be considered time expired for that purpose.” Instead the Policy is “primarily aimed at countryside & green belt protection”. These objectives are largely in conformity with the NPPF and attract “significant weight”. In both appeals conflict with countryside policies were acknowledged.

This means that these policies remain important in the planning balance – but are not necessarily determinative. The two decisions (Congleton Road and Sandbach Road North) pinpoint that much depends on the nature and character of the site and the individual circumstances pertaining to the application. At Congleton Road, the Inspector considered that the objective to boost significantly the supply of housing outweighed the “relatively moderate” landscape harm. In contrast, at Sandbach Road North the provision of housing was viewed as an “important and substantial” material consideration, but there would also be serious harm resulting from the impact on the character and appearance of the countryside. On that occasion that identified harm, combined with the significant weight attributed to countryside policies, outweighed the benefits in terms of housing supply and notwithstanding the housing supply position previously identified by Inspector Major, the appeal was dismissed.

In reaching this conclusion, the Inspector memorably noted that:

*“the lack of a 5 year supply of housing land does not provide an automatic ‘green light’ to planning permission”.*

It is acknowledged that the Council has recently consented to judgement in a High Court challenge to the Sandbach Road decision and that accordingly that decision has been quashed on the grounds that the Inspector erred in law in concluding that Policies PS4, PS8 and H6 were not a relevant policy for the supply of housing within the meaning of paragraph 49 of the national Planning Policy framework to the extent that it seeks to restrict the supply of housing. This is consistent with other recent court cases such as South Northamptonshire v Secretary of State for Communities and Local Government and Barwood Land.

Whilst the implications of this judgement are still being considered, the Council’s current stance on this matter, as put at recent inquiries, such as Weston Lane, Shavington is that, countryside policies in existing local plans can be considered as consistent with NPPF and are not housing land supply policies in so far as their primary purpose is to protect the intrinsic value of the countryside in accordance with paragraph 17 of the NPPF– and thus are not of date, even if a 5 year supply is not in evidence. However, it is acknowledged that where the Council cannot demonstrate a 5 year supply, they may be out of date in terms of their geographical extent, in that the effect of such policies is to restrict the supply of housing. They accordingly need to be played into the planning balance when decisions are made. Where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply. Therefore, the proposal remains contrary to Open Countryside policy regardless of the 5 year housing land supply position in evidence at any particular time and a judgement must be made as to the value of the particular area of countryside in question and whether, in the event that a 5 year supply cannot be demonstrated, it is an area where the settlement boundary should be “flexed” in order to accommodate additional housing growth.

## **Sustainability**

The National Planning Policy Framework definition of sustainable development is:

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

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

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

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

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

These comprise of:

- post box (500m),
- local shop (500m),
- playground / amenity area (500m),
- post office (1000m), bank / cash point (1000m),
- pharmacy (1000m),
- primary school (1000m),
- medical centre (1000m),
- leisure facilities (1000m),
- local meeting place / community centre (1000m),
- public house (1000m),
- public park / village green (1000m),
- child care facility (1000m),
- bus stop (500m)
- railway station (2000m).
- secondary school (2000m)

- Public Right of Way (500m)
- Children's playground (500m)

The application puts forward the following assessment of this:

- Bus Stop – 400m
- Post Box – 750m
- Health Care – 1650m
- Secondary School – 400m
- Primary School – 850m
- Public House – 750m
- Sports Pitch – 500m
- Convenience Store – 1200m
- Cash Point – 1200m
- Allotments – 1450m
- Nursery – 800m
- Community Hall – 1450m

It is considered that as the site lies adjacent to existing residential development in Nantwich, it would therefore be difficult to uphold a reason for refusal on the grounds of the site not being in a sustainable location.

### **Affordable Housing**

The proposal was originally for the demolition of one existing dwelling and construction of 15no. units, on a site of 0.89 hectares off Welshmans Lane, Nantwich.

The IPS states that in settlements of 3000 population or more, sites of 15 dwellings or over or over 0.4 hectares in size, will be required to make an on-site affordable housing contribution of 30% of total dwelling units. The IPS further states that the tenure split will be 65% affordable or social rent and 35% intermediate tenure.

The proposal meets the threshold requirements for affordable housing provision. Furthermore there is a clearly identified need in Nantwich for affordable housing. The site falls within the Nantwich sub-area as part of the SHMA update 2013, which identifies a need for 78 affordable dwellings per annum from the period 2013/14 – 2017/18, broken down to 40 x 1bd, 15x 3bd and 35x 4/5bd general needs properties as well as 16x 1bd older persons accommodation.

In addition to the SHMA, information from Cheshire Homechoice, the Council's choice based lettings system, illustrates a need for 204x1bd, 185x 2bd, 75x 3bd, and 8x4bd units with a total of 483 live applicants who have selected a Nantwich lettings area as their first choice. 11 applicants did not specify a bedroom size requirement.

The proposal originally included no affordable housing and as such was contrary to policy.

Subsequently amended plans were submitted that increased the development from 15 to 19 dwellings. The Council's housing section still object to the application as a 30% provision would

equate to 6 units and the applicant is only offering 5. In addition the tenure offered is not policy compliant and there should be 4 rented units and 2 intermediate.

Should planning permission be granted, this could be resolved by requiring the specified amount and tenure of affordable housing to be provided and secured by a Section 106 Agreement.

### **Highways Implications**

The Strategic Highways Manager has assessed the application on the original layout and considers that adequate parking provision could be achieved and that the carriageway would be large enough to accommodate a large refuse lorry.

However the site layout shows shared surfaces and does not allow for pedestrian refuge areas, as such he concludes that the layout does not offer safe design for pedestrian use. The proposal would therefore be contrary to Policy BE.3 (Access and Parking) of the adopted local plan.

### **Amenity**

All the proposed dwellings would meet the required separation distances, therefore there would be no issues relating to privacy, light loss or outlook from neighbouring properties.

Having regard to the amenity of future occupiers of the dwellings, adequate private residential amenity space could be provided, as could areas for bin storage.

Environmental Protection have requested that conditions and informatives be included relating to noise generation, contaminated land and air quality and these are largely considered to be reasonable and directly related to the application.

### **Air Quality**

Environmental Protection have recommended that an electric vehicle charging point is installed at each dwelling. It is considered that this is reasonable and in compliance with the requirements of Policy SD 1 of the Cheshire East Local Plan Strategy – Submission Version and the NPPF.

### **Landscape**

The application form and planning statement indicate a character and visual impact statement has been submitted. The statement identifies that within the Cheshire Landscape Assessment 2008, the site is within East Lowland Plain Character Type 7, specifically character area ELP 1 Ravensmoor.

The statement suggests that the existing vegetation and the raised canal embankment make views of the site and any development localised and enclosed. Views from the surrounding footpaths and the canal towpath are described as common, although mature woodland and hedges and existing built form limit longer views into the landscape. A change in close views from the public footpath to the east and Welshman's Lane as a result of development is recognised.

The statement suggests that the retention of the current vegetative boundaries, including where possible the mature trees, will reduce any potential visual impact. Reference is made to possible further visual screening by enhancing the hedgerows and introducing native trees. It indicates that removal of these hedgerows may lead to increased visual and landscape impact if not carefully managed.

The site is currently relatively well enclosed. Whilst it would appear that it may have the landscape capacity to accommodate residential development, taking into account the character of the adjacent residential development, the open countryside location and the constraints posed by existing trees and hedgerows, It is considered that the density proposed could be too great. It is also considered that the provision of a foot way and associated removal of the existing hedge on the road frontage would impact on the character of the lane, although it is noted that the planting of replacement hedge is proposed. Whilst the footpath would link to the allotment to the east, it appears the section to the west would stop at a grass verge. Where existing hedgerows are proposed for retention as rear garden boundaries, their long term management / retention may be difficult to secure, therefore the screening value currently provided cannot be relied upon. It is considered highly unlikely that the hedgerows would be retained at their current width as this would impact on proposed dwellings and usable garden area.

## **Design**

The importance of securing high quality design is specified within the NPPF and paragraph 61 states that:

*“Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”*

The dwellings proposed would provide a varied development with design features such as projecting gables, chimneys and a mixed palette of materials. This would be considered to be appropriate if the development was not in open countryside and is therefore unacceptable in principle.

## **Ecology**

### *Bats*

No evidence of bats was recorded during the survey of the buildings and the buildings have low potential to support roosting bats. Two trees on site have potential to support roosting bats. However these appear to be retained as part of the proposed development. It is therefore considered that roosting bats are unlikely to be present affected by the proposed development. To ensure that foraging and commuting bats are not affected by the development it is recommended that a condition be attached to any permission granted for the lighting scheme for the development to be agreed with the LPA.

### *Reptiles*

The submitted ecological report states that the application site is suitable for reptile and there are anecdotal records of reptiles being on site 10 years ago. The site is unlikely to be

significantly important in respect of reptiles and the applicant has now submitted a mitigation method statement to safeguard any reptiles present on site.

The submitted method statement is proportional to the potential impacts of the proposed development. If planning consent is granted a condition should be imposed requiring the proposed development to proceed in strict accordance with submitted reptile statement dated 5<sup>th</sup> March 2014.

#### *Breeding Birds*

If planning consent is granted conditions are required to safeguard breeding birds and also to ensure some additional provision is made for roosting bats and breeding birds.

#### *Hedgerows*

Hedgerows are Biodiversity Action Plan priority habitat and a material consideration. It is likely that the proposals will result in the loss of hedgerows from the Welshmans Lane frontage. It is considered that if planning consent is granted suitable replacement native hedgerow planting should be secured as part of any detailed landscaping scheme for the site. This would also ensure that the loss of bat foraging and commuting habitat is minimised.

### **Education**

The Education Department have been consulted on this application and anticipated that the development would generate the need for 3 primary and 2 secondary aged school places. The local secondary schools (i.e. within a 3 mile radius) currently indicate some surplus capacity. However there are several approved applications and applications with resolution to approve subject to s106 which impact on these schools and in light of this a contribution will be required for the anticipated pupils.

Since this consultation response was received the number of dwellings has increased and this will affect the level of contributions. A new consultation has been sent to the education department and an update will be provided to committee prior to the meeting. Any contributions required should be secured by a Section 106 Agreement.

### **Flood Risk and Drainage**

A Flood Risk Assessment has been submitted with the application which concluded that with compliance with the recommended mitigation measures within it, the site was suitable for development with minimal risk from flooding and would not increase flood risk elsewhere. However the development is now for 19 dwellings and therefore the FRA does not adequately address this issue.

### **Agricultural Land**

Policy NE.12 (Agricultural Land Quality) of the Crewe and Nantwich Replacement Local Plan has been saved. The National Planning Policy Framework highlights that the use of such land should be taken into account when determining planning applications. It advises local planning authorities that, 'significant developments' should utilise areas of poorer quality land (grades 3b, 4 & 5) in preference to higher quality land.

No information on agricultural land has been submitted with the application. However; given the scale of the proposal and the nature of this small plot of land, it is not considered that its loss would be significantly detrimental.

## **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.

As explained within the main report, affordable housing and contributions to education would help to make the development sustainable and is a requirement of the Interim Planning Policy, local plan policies and the NPPF. It is directly related to the development and is fair and reasonable.

## **CONCLUSIONS**

The site is within the Open Countryside where under Policy NE.2 there is a presumption against new residential development. The NPPF 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. However, the Council can now demonstrate a five year housing land supply.

The proposal does not accord with the Cheshire East Local Plan Strategy – Submission Version. The proposal does not provide safe pedestrian facilities within the site or the necessary requirement for affordable housing and insufficient information has been submitted in relation to flood risk at the site.

The proposal is considered to be acceptable in terms of its impact upon residential amenity. It therefore complies with the relevant local plan policy requirements for residential environments.

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

Subject to conditions, the scheme is acceptable in terms of its impact on protected species.

However, these are considered to be insufficient to outweigh the harm that would be caused in terms of the impact on the open countryside, and as a result, the proposal is considered to be unsustainable and contrary to policies NE2 of the local plan and Policy PG 5 of the Cheshire East Local Plan Strategy – Submission Version.

## **RECOMMENDATIONS**

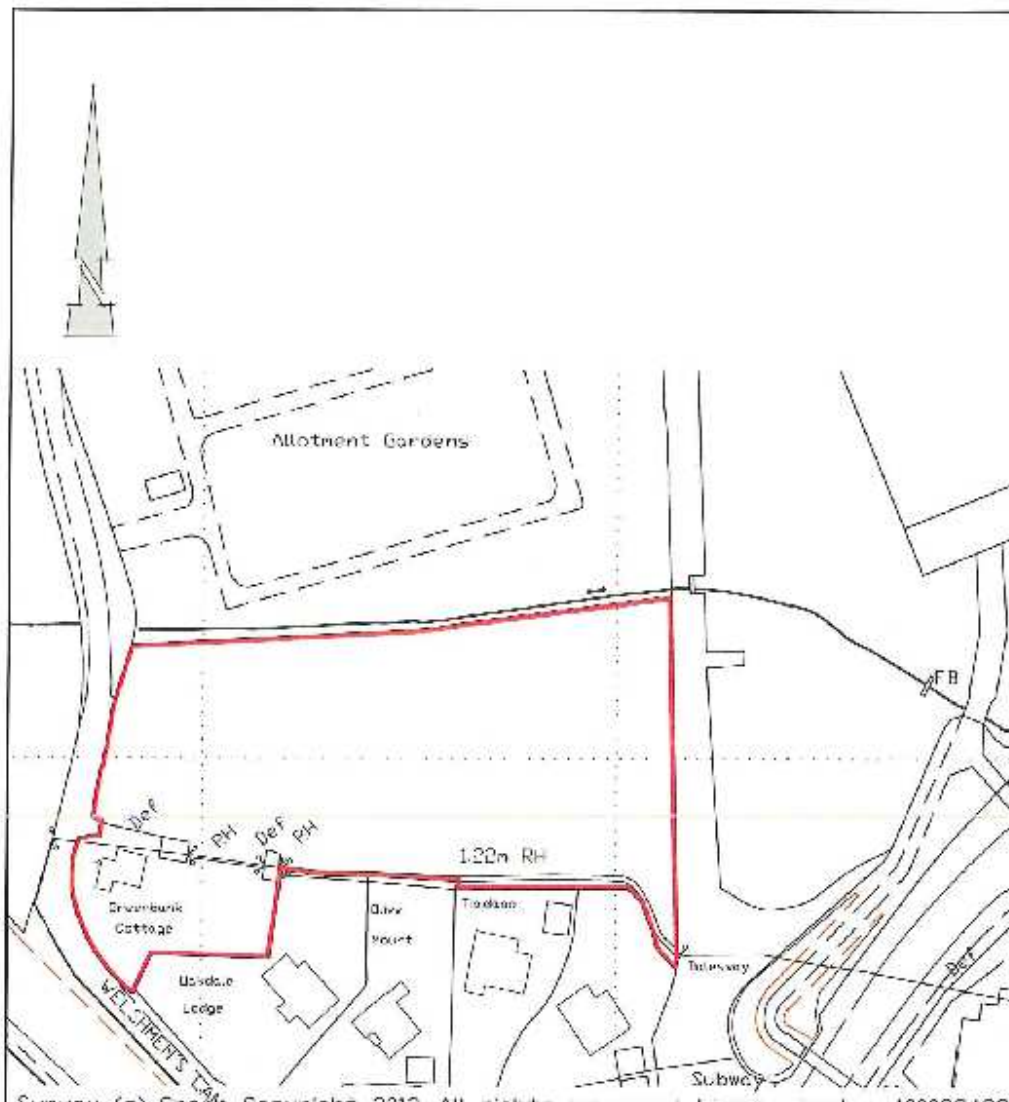
### **REFUSE:**

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies NE.2 (Open Countryside) and RES.5 (Housing in Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan, Policy PG 5 of the Cheshire East Local Plan Strategy – Submission Version and the principles of the National Planning Policy Framework and create harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework. As such the application is also contrary to the emerging Development Strategy. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.**
- 2. The proposal fails to make adequate provision for safe pedestrian access within the development and is therefore contrary to Policy BE.3 (Access & Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and Policies SD 1 and SE 1 of the Cheshire East Development Strategy – Submission Version.**
- 3. Insufficient information has been submitted with the application relating to flood risk in order to assess adequately the impact of the proposed development having regard to the impact of 19 dwellings and associated ancillary development. In the absence of this information the applicant has failed to demonstrate that the proposal would comply with Policy NE.20 (Flood Prevention) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the National Planning Policy Framework.**

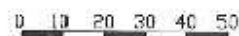
**In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Interim Planning and Place Shaping Manager has delegated authority 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, resolve to enter into a planning agreement to secure 30% affordable housing with a tenure split of 4 rented units and 2 intermediate units and a contribution to education in line with an updated consultation response from the Education Department.**





Survey (c) Crown Copyright 2013. All rights reserved. Licence number 100022432



Reproduced from the Ordnance Survey Map with the sanction of the Controller of H.M. Stationery Office.

© Crown Copyright Reserved

barrie newcombe  
 100 High Street, Nantwich, Cheshire, CW5 4TH  
 Tel: (01829) 752 500  
 Fax: (01829) 752 510

PROJECT NO	DATE	DIVISION	PROJECT	REVISION/ISSUE		
1917 - 101	*		WELSHMANS LANE NANTWICH	rev	date	description
DRAWN TO			SCALE			
LOCATION PLAN			1:12,000			
			DATE			
			10-13			
			DATE			
			10-13			

barrie newcombe ASSOCIATES