

Application No: 14/1018N

Location: Land Off, WRENBURY ROAD, ASTON

Proposal: Outline application for 31no. dwellings with access to Wrenbury Road including 10no. two bedroom affordable homes

Applicant: Mr M Schofield, Carlton Holdings

Expiry Date: 16-Apr-2014

SUMMARY RECOMMENDATION –

Refuse

MAIN ISSUES

Principle of development
Housing Land Supply
Highways
Amenity
Landscape and Trees
Indicative layout and design
Ecology
The Planning Balance

REASON FOR REFERRAL

This application is referred to the Southern Planning Committee as it relates to a departure to the Crewe and Nantwich Borough Local Plan.

DESCRIPTION OF SITE AND CONTEXT

The site comprises 1.18 hectares of open agricultural land and is wholly located within the Open Countryside as defined by the Borough of Crewe and Nantwich Replacement Local Plan 2011.

The site, which is the subject of this application, comprises some 2ha of open farmland on the southern edge of the village of Aston. The field is generally level with a mature hedging to its boundaries.

Aston Conservation area lies immediately to the north of the site. To the south there's a property known as White Lodge and the cross road junction with the A530 Whitchurch Road is about 50 metres away. To the west there's an extensive area of flat agricultural land with distant views towards the Sandstone Ridge.

The village of Aston has seen various phases of growth over many years, with the result that it has properties of a variety of ages and designs. It includes modern bungalows and houses as well as the

older, original properties of the settlement. The village stands on the junction of the A530, Whitchurch Road, and Sheppenhall Lane/Wrenbury Road, although the majority of the village lies to the south of Whitchurch Road, including the more recent development on Sheppenhall Grove.

Taylor Wimpey are currently developing a enabling development scheme of 43 dwellings (with 5 affordable) in Aston close to the site. This was granted on appeal as an enabling development for Combermere Abbey. Most day to day facilities are located within Wrenbury.

DETAILS OF PROPOSAL

This is an outline proposal for 31 dwellings with all matters reserved except access. The indicative plans indicate one main access point from Wrenbury Road with a cul de sac layout of dwellings arranged around a central green which incorporates a pond and the public open space for the development. Five individual units also front on to Wrenbury Road with their own individual access driveways.

Information within the application indicates that the dwellings are intended to be 2 storey.

POLICIES

National Planning Policy Framework

Borough of Crewe and Nantwich Replacement Local Plan 2011

NE.2 (Open Countryside)
NE.5 (Nature Conservation)
NE.9 (Protected Species)
RES.5 (Housing in the Open Countryside)
TRAN.9 (Parking Standards)
BE.1 (Amenity)
BE.2 (Design)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
BE.5 (Infrastructure)
BE.6 (Development on Potentially Contaminated Land)

Cheshire East Local Plan Strategy – Submission Version

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 28th 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.

Cheshire East Local Plan Strategy – Submission Version Policies

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

Other Material 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
Core Strategy Pre-Submission Document

CONSULTATIONS (External to Planning)

United Utilities: No Objection subject to the following condition -

The site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway/watercourse/surface water sewer and may require the consent of the Local Authority. If surface water is allowed to be discharged to the public surface water sewerage system we may require the flow to be attenuated to a maximum discharge rate determined by United Utilities.

Highways: No Objection subject to the provision of a footway to Wrenbury Road.

Housing: - : No Objection subject to 30% affordable housing being provided in a 65% affordable rent:35% intermediate split

Education : The proposal will result in 6 additional Primary & 4 Secondary school places. No contribution required for Primary provision in this case however Brine Leas is the catchment high school.

Brine Leas school is oversubscribed and therefore the commuted sum of £65,371 ($4 \times 17959 \times 0.91$) will be required.

Environmental Health: (Amenity): No objection subject to standard environmental health conditions

Sustrans: Offer the following comments

- 1) For encouraging public transport, Wrenbury station lies approximately 1 mile from the site. This is a short cycling journey, for example along the Cheshire Cycleway (part of the National Cycle Network).
- 2) We would like to see travel planning set up for the site with targets and monitoring, and a sense of purpose.
- 3) Can a site of this scale make a contribution to any further traffic management measures on the adjacent Whitchurch Road through Aston, the A530?

VIEWS OF PARISH COUNCIL

Newhall Parish Council – strongly object on grounds that the site is in an unsustainable rural location. If the development is deemed acceptable in planning terms they request numerous condition.

OTHER REPRESENTATIONS

11 Letters/emails of objection have been received from the occupiers of properties in the locality. The main issues raised are;

- More traffic, disruption during construction, making main road more congested. Additional traffic combined with the high volume of HGVs (visiting the Creamery and Aston Cement Works) would exasperate the already overcrowded situation
- Loss of privacy
- Lack of infrastructure , schools, doctors
- Impact upon drainage and other physical infrastructure
- No facilities in the village, the closest facilities are in Wrenbury
- street lighting and security will cause pollution and intrusion
- No need for more housing

APPLICANT'S SUPPORTING INFORMATION:

- Flood Risk Assessment
- Design and Access Statement
- Highways report
- Planning Statement
- Ecological Survey
- Tree Survey

Copies of these documents can be viewed on the application file. In precise, it is the Applicants case is that the site is available, deliverable and sustainable and the proposal will bring forward much needed housing given their opinion that the Council can not demonstrate a 5 year housing land supply.

OFFICER APPRAISAL

Principle of Development

Given that the application is submitted in outline, the main issues in the consideration of this application are the suitability of the site for residential development having regard to matters of planning policy and housing land supply, open countryside, affordable housing, highway safety and traffic generation, contaminated land, air quality, noise impact, landscape impact, hedge and tree matters, ecology, amenity, open space, drainage and flooding, sustainability.

Local Plan Policy

The site lies in the Open Countryside as designated in the Borough of Crewe and Nantwich Replacement Local Plan 2011, where policy NE.2 states 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.

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.”

Since the publication of the Housing Position Statement in February 2014 there have now been 5 principal appeal decisions (as of 1st August) which address housing land supply.

Each have concluded that the Council cannot demonstrate a five year supply of housing land, albeit for different reasons. Matters such as the housing requirement, the buffer and windfalls have all prompted varying conclusions to be made.

This demonstrates that there is not a consistent approach to housing land supply. The Planning Minister in a letter dated 14 July, noted that “differing conclusions” had been reached on the issue and requested that the Inspector in the Gresty Road appeal (Inquiry commenced 22 July) pay “especial attention” to all the evidence and provide his “considered view” on the matter.

The Planning Minister clearly does not consider the housing land supply position to be settled – and neither do the Council.

Given that some Inspectors are opting to follow the emerging Local Plan, the Council considers it essential that the correct and up to date figures be used. These are 1180 homes pa for “objectively assessed need” – and a housing requirement of 1200 homes pa, rising to 1300 homes pa after 2015. In future, calculations will be made on this basis.

Following the Planning Minister’s letter and in the absence of a consistent and definitive view, the Council will continue to present a housing land supply case based on the most up to date information. On this basis it is considered a 5 year supply is capable of being demonstrated. This position is supplemented with the knowledge that the Council continues to boost its housing land supply position by supporting planned developments and utilising brownfield land wherever possible.

Open Countryside Policy

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.

Sustainable Development

Paragraph 34 of the NPPF states that decisions should ensure that developments that generate travel movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. In order to access services, it is unlikely that future residents and travel movement will be minimised and due to its location, the use of sustainable transport modes maximised.

Paragraph 55 of the NPPF refers to the promotion of sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and Local Planning Authorities should avoid new isolated homes in the Countryside.

In addressing sustainability, members should be mindful of the key principles of the National Planning Policy Framework. This highlights that the principal objective of the planning system is to contribute to sustainable development. As the Planning Minister states in his preamble:

“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.”

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 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.

To aid this assessment, there is a toolkit which was developed by the former North West Development Agency. With respect to locational accessibility, the toolkit advises on the desired distances to local amenities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

The toolkit sets maximum distances between the development and local amenities. These comprise of:

- a local shop (500m),
- post box (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).

In this case the development meets the standards in the following areas:

- post box - 200m Wrenbury Road
- public house -280m Wrenbury Road
- bus stop 130m
- Wrenbury railway station
- Local meeting place Church 1km Wrenbury Road

A failure to meet minimum standard (with a significant failure being greater than 60% failure for amenities with a specified maximum distance of 300m, 400m or 500m and 50% failure for amenities with a maximum distance of 1000m or 2000m) exists in respect of the following:

- primary school – Wrenbury 1.9km
- playground / amenity area - 1.93 km Wrenbury Recreation Ground
- post office / bank / cash point - 1.9 km Wrenbury Rd
- pharmacy - 1.9 km Wrenbury
- shop – 1.9km Wrenbury
- medical centre – 1.93km Wrenbury
- leisure facilities – 1.93 km Wrenbury Recreation Ground
- public park – 8.3 km Nantwich

Clearly, existing residents in the area would have to travel the same distance to most everyday services

The principal bus service passing through the junction is the service 72. This operates 6 services per day from Nantwich and 4/5 services per day from Whitchurch, Marbury and Wrenbury. There is a service linking the crossroads (Departs 08:05) to Nantwich (arrives 08:23) for the morning commute and in the evening there are services leaving Nantwich (16:35 and 17:35) and serving the crossroads (16:53 and 17:53). The service is 2 hourly during the day

A school bus service does operate for children to go to the secondary school. Whilst most services are in Wrenbury, the next village over, the bus service does serve the site and therefore in location terms this site must be regarded as being generally sustainable.

There are, in addition, 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

These roles should not be undertaken in isolation, because they are mutually dependent.

Inspectors have determined that locational accessibility is but one element of sustainable development and it is not synonymous with it. There are many other components of sustainability other than accessibility. These include, meeting general and affordable housing need, an environmental role in protecting and enhancing the natural environment, reducing energy consumption through sustainable design, and assisting economic growth and development. The proposal would also generate Government funding through the New Homes bonus from the 31 units.

The Design and Access Statement and the highway information submitted do not provide any indication as to how principles of sustainable development / energy reduction would be met within the development. The application provides no indication as to how the development would contribute to sustainable transport options. Nevertheless, this is an outline application and a detailed scheme to achieve reduced energy consumption could be secured through the use of conditions, although it is less clear how this scheme would be designed to facilitate a reduced use of the private car. This is a failing within the context of whether this is a sustainable development.

No economic benefit analysis has been provided as part of the application, however, it is accepted that the construction of a housing development of this size would bring the usual economic benefit to the closest shops for the duration of the construction, and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain. There would be some economic and social benefit by virtue of new resident's spending money in the area and using local services and as a result of the New Homes Bonus. Affordable housing is also a social benefit and the new residents would utilise medical and education facilities thereby sustaining the overall numbers within the catchment.

To conclude, the benefits include the provision of affordable housing and continuing housing delivery and the monies spent in the local economy, do not outweigh the harm caused by virtue of the generally unsustainable location of the site.

Affordable Housing

The proposal is for 31 dwellings, therefore there is a requirement for 10 affordable units, with 7 to be provided as affordable/ social rented and 3 to be provided as intermediate tenure.

The site falls within the Audlem sub area for the purposes of the Strategic Housing Market Update (SHMA) 2013. This identified a net requirement for 22 affordable units per annum for the period 2013/14 – 2017/18. Broken down this is a requirement for 4x 1bd, 16x 3bd, 4x 4bd general needs units and 3x 2bd older persons accommodation. The SHMA showed an over-supply of 2 bed units.

The applicant is offering 10 no 2bd terraced houses as affordable units. As this does not conform with the identified need, Heads of Terms for the S106 would be needed to address the identified need. The Strategic Housing Manager has confirmed that s/he would accept 3 intermediate properties being 2 bed units and the 7 rented properties being a mix of 1, 2 and 3 beds.

In addition to this, information taken from Cheshire Homechoice shows there is currently one applicant who has selected the Newhall lettings area as their first choice, this applicant requires a 1 bed unit.

The IPS outlines that in order to ensure full integration with open-market homes the affordable units should not be segregated in discrete or peripheral areas and therefore should be pepper-potted within the development and that the affordable units will be provided not later than the sale or let of 50 % of the open market homes. The external design, comprising elevation, detail and materials should be compatible with open-market homes on the development.

Furthermore the affordable homes should be constructed in accordance with Homes and Communities Agency Design and Quality Standards (2007) and should achieve at least Level 3 of the Code for Sustainable Homes (2007).

The IPS states that: -

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

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

It is the Council's preference that any affordable or social rented units are transferred to a Registered Provider of social housing to own and manage.

Highways

Policy BE3 states that proposals for development requiring access, servicing or parking facilities will only be permitted where a number of criteria are satisfied. These include adequate and safe provision for suitable access and egress by vehicles, pedestrians and other road users to a public highway.

Paragraph 32 of the National Planning Policy framework states that:-

'All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment and that any plans or decisions should take into account the following;

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.

- Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

This outline application also includes details of access to be agreed at outline stage.

The key highways and transport issues associated with the application are as follows:

- 1) Achieving sufficient visibility from the site access road onto Wrenbury Road
- 1) Off-site Highway Impact
- 2) Ensuring accessibility by non-car modes
- 3) Appropriateness of highway network to access residential development

Visibility

Based on the speeds surveys submitted, a visibility splay of 2.4m x 43m would be required from the junction access.

Appendix F of the Highways Report demonstrates that the required visibility splay can be achieved from the site, which would pass across a 2.0m footway which is proposed adjacent to the site on Wrenbury Road. The achievable visibility splay from the site is therefore acceptable in highways terms

Off-site Impact

The Highways Report quotes typical trip rates for a residential development in this location, which would be equivalent to between approximately 19 and 23 vehicles entering or leaving the site in the peak hours. In the absence of significant capacity issues at junctions in the vicinity of the site, it is accepted by the Strategic Highways Manager that the traffic generated by the site is unlikely to have a significant adverse impact on off-site highway capacity.

Accessibility by Sustainable Modes of Transport

The Highways Report provides evidence of existing local services within a reasonable walking distance of the site, in addition to existing public transport services.

There is currently no footway provided on either side of Wrenbury Road in the vicinity of the site. Therefore, pedestrian accessibility from the site and from existing developments on the eastern side of Wrenbury Road is currently limited.

The site access drawing in Appendix F of the Highways Note indicates a 2.0m wide footway to be provided on the western side of Wrenbury Road, between Whitchurch Road to the south and Sandy Lane to the north, and also including a section a few several to the north of Sandy Lane. This footway should be provided by the developer under a s.278 agreement.

Appropriateness of Residential Access

The Strategic Highways Manager notes concerns from local residents who question the appropriateness of a residential development at the site, in light of existing heavy vehicle movements on Wrenbury Road.

In light of the acceptable visibility standard demonstrated and the relatively low observed vehicular speeds, and in the absence of a demonstrable adverse accident history adjacent to the site, it would be difficult to sustain a Highways objection to the development on this basis, particularly when the road already provides direct access to existing residential developments. It should also be borne in mind that the NPPF refers to highways impacts being 'severe' before refusal in those terms can be justified.

The layout shown provides for 5 dwellings accessed directly from Wrenbury Road, with the remainder of the development served from an internal access road. The indicative site layout indicates these dwellings to be well set back from the road frontage and that space would be available for more than two cars per dwelling at the houses proposed on Wrenbury Road, meaning that frequent on-street parking as a result of the development can be assumed to be unlikely.

In the light of these factors the Strategic Highways Manager raises no objection in highways terms subject to the provision of the footway to the Western side of Wrenbury Road

Trees and Landscaping

The site is a flat agricultural field enclosed by native hedgerows with some mature trees on and around the boundaries. The site fronts onto Wrenbury Road.

A row of recent detached properties on the opposite side of Wrenbury Road beyond which there's a large triangular block of TPOd woodland.

The rural character of the area and the village is dominated to some extent by the large, conspicuous HJ Lea Oakes grain mill located just to the north east of the site. Wrenbury Road adjacent to the site appears to be heavily used by HGVs going between the A530 and the mill. Despite the rural location, this part of the village is not considered to have a particularly rural character due to the proximity to the A530 and the mill traffic. Residents also comment in their representation about the level of traffic activity passing the site, this will further reduce the rural feel of the area.

The large triangular TPOd woodland screens views of the site from the north and north east.. From the A530 in the vicinity of the junction there would be fleeting views of the development beyond White Lodge and the site boundary hedge.

The Council's Landscape Officer is satisfied that a layout can be accommodated on this site without adverse impact upon the landscape.

Drainage and Flooding

The applicant has submitted with the application, a detailed Flood Risk Assessment, which concludes that the site is located in an area identified as having a low probability of flooding and therefore a Flood Risk Assessment has been prepared in accordance with PPS 25. The site falls within Flood Zone 1. PPS 25 confirms that the land use falls into 'more vulnerable' and this is appropriate for Flood Zone 1. The surface water run-off is to be discharged via infiltration, both for the highways and for the private plot drainage. Detailed design considerations in relation the proposed adopted foul and surface water systems can be dealt with by way of Grampian style conditions. The planning layout drawing indicates the proposed impermeable area on the site will be circa 0.736 hectares. If the surface water run-off is managed correctly, then there will be no increase in flood risk to the development or to others. In

summary, the development can be considered appropriate for Flood Zone 1 in accordance with advise within PPS 25 (superseded by the NPPF but considered to be a good rule of thumb).

United Utilities and the Environment Agency have considered the report and raised no objections subject to the imposition of appropriate planning conditions. Therefore it is concluded that the proposed development will not adversely affect onsite, neighbouring developments and their associated residual flood risk. Whilst resident's concerns about the capacity of existing sewerage infrastructure are noted, in the absence of any objection from the statutory drainage consultees, it is not considered that a refusal on drainage or flooding grounds could be sustained.

Appearance, Layout and Scale

As the application is outline, the appearance, landscaping, layout and scale of development would be covered in detail within the Reserved Matters application. The indicative layout proposed is considered acceptable as it loosely reflects the development in the area

Overall, therefore, given this context it is considered that the layout in site planning terms could be accommodated.

Children's Play Space and Open Space

Policy RT.3 of the Replacement Local Plan says that in new housing developments with more than 20 dwellings the provision of a minimum of 15sqm of shared recreational open space per dwelling will be sought. It goes on to say that where the development includes family dwellings an additional 20sqm of shared children's play space per family dwelling will be required as a minimum for the development as a whole, subject to various requirements.

According to the submitted plans the POS will be located at the centre of the site and incorporates a pond feature. No comments have been received from the Greenspace Manager at the time of writing this report to verify whether the indicative location of the POS as shown on the layout plan is acceptable. Members will be updated in the update report once a response is received.

Amenity

A key consideration of the development would be the impact it would have on neighbouring amenity in terms of privacy and overlooking.

The indicative layout suggests that the amenities of neighbours opposite can be adequately safeguarded, in line with the interface standards in the Local Plan.

Ecology

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places;

- in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment

and provided that there is

- no satisfactory alternative and
- no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK implemented the Directive by introducing The Conservation (Natural Habitats etc) Regulations 1994 which contain two layers of protection

- a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and
- a licensing system administered by Natural England.

Local Plan Policy NE.9 (Protected Species) states that proposal for development will not be permitted which would have an adverse impact upon species specifically protected under Schedules 1, 5 or 8 of the wildlife and countryside Act 1981 (As amended) or their habitats.

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. "This may potentially justify a refusal of planning permission."

The NPPF advises LPAs to ensure that appropriate weight is attached to protected species "Where granting planning permission would result in significant harm [LPAs] will need to be satisfied that the development cannot reasonably be located on any alternative site that would result in less or no harm. In the absence of such alternatives [LPAs] should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where ... significant harm ... cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused."

The NPPF encourages the use of planning conditions or obligations where appropriate and again advises [LPAs] to "refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm."

The converse of this advice is that if issues of detriment to the species, satisfactory alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations.

To compensate for any loss of existing hedgerows on the site by virtue of the formation of the access driveways to each plot a native species hedgerows and tree planting should be included in any landscaping scheme formulated for the site, and bird boxes should be erected on the site. If planning consent were granted conditions requiring safeguard breeding birds during March and September would also be required.

LEVY (CIL) REGULATIONS

For the purposes of any appeal and 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 development would result in increased demand for school places in the catchment where there is very limited spare capacity at Brine Leas Secondary School. In order to increase capacity of the school(s) which would support the proposed development, a contribution towards secondary school education is required. This is considered to be necessary and fair and reasonable in relation to the development.

Likewise, should the Greenspace Manager advise that the amenity space within the site is appropriate it is not the Councils' practise to accept amenity space with water bodies within them. The area will therefore need to be maintained by the residents. This is considered to be necessary and fair and reasonable in relation to the development.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The application seeks outline planning permission for 31 dwellings within the Open Countryside.

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.

The Council can demonstrate a 5 year housing land supply and as a result the principle of development is not considered to be acceptable and the development would be contrary to Policy NE.2.

Notwithstanding recent appeal decisions, the Council considers that it has a 5 year housing land supply, however, regardless of the housing land supply position, it is considered that open countryside policy remains up-to-date and in accordance with the NPPF.

Furthermore, the proposal contains no agricultural land report so the Grade classification of agricultural land is not known, even though at 1.8 hectares this site is not significant.

The benefits of the proposal in terms of the affordable housing and continuing supply of housing to the housing supply chain and the economic contributions new housing would bring are considered to be insufficient to outweigh the harm that would be caused in terms of the impact on the loss of open countryside given the housing land supply position of the Council, in the absence of a need to develop the site in order to meet housing land supply requirements.

The proposal is not essential for the purposes of agriculture, forestry, outdoor recreation, works by statutory undertakers, or other uses appropriate to a rural area; and does not meet the exception of policy NE.2 (Open Countryside) which allows the infilling of a small gap with one or two dwellings in an otherwise built up frontage. The application site would amount to new dwellings within the open

countryside. It is therefore considered that the proposed development would have a significantly adverse effect on the open countryside. The development is therefore contrary to Local Plan policies NE.2 (Open Countryside) and RES.5 (Housing in the Open Countryside) and the National Planning Policy Framework and is recommended for refusal accordingly.

As a material consideration the proposal is also contrary to Policy PG5 of the Submission Version of the Local Plan Strategy.

Recommendation: REFUSE for the following reason:

1. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework, and as such the housing supply policies of the Local Plan can be considered to be up to date. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan. The proposed development is therefore contrary to Policy NE.2 (Open Countryside), Policy RES.5 (Housing in the Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan 2011, Policy PG5 of the emerging Cheshire East Local Plan Strategy - Submission Version and the principles of the National Planning Policy Framework, which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use.

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 Principal Development Manager has delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

Should this application also be the subject of an appeal, authority be delegated to the Principal Planning Manager in consultation with the Chairman of the Southern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for

- **Affordable housing:**
 - **30% of all dwellings to be affordable (65% social or affordable rented and 35% intermediate tenure)**
 - **A mix of 1, 2, 3 bedroom and other sized properties to be determined at reserved matters**
 - **units to be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration.**
 - **constructed in accordance with the Homes and Communities Agency Design and Quality Standards (2007) and should achieve at least Level 3 of the Code for Sustainable Homes (2007).**
 - **no more than 50% of the open market dwellings are to be occupied unless all the affordable housing has been provided, with the exception that the percentage of open market dwellings that can be occupied can be increased to 80% if the affordable housing has a high degree of pepper-potting and the development is phased.**

- **developer undertakes to provide the social or affordable rented units through a Registered Provider who are registered with the Homes and Communities Agency to provide social housing.**
- **Commuted Sum payment in lieu of secondary education provision of £65,371**
- **Private residents management company to maintain all on-site open space and associated areas in perpetuity**

