

Application No: 14/3393N

Location: Land North Of, POOL LANE, WINTERLEY

Proposal: Outline planning permission for the construction of up to 45no. dwellings  
(Resubmission of 13/4632N)

Applicant: Footprint Land and Development

Expiry Date: 14-Oct-2014

### **SUMMARY RECOMMENDATION**

**Refuse**

### **MAIN ISSUES**

**Impact of the development on:-**

**Principal of the Development**  
**Housing Land Supply**  
**Location of the Site**  
**Landscape**  
**Affordable Housing**  
**Highway Implications**  
**Amenity**  
**Trees and Hedgerows**  
**Design**  
**Ecology**  
**Public Open Space**  
**Agricultural Land**  
**Education**  
**Flood Risk and Drainage**  
**Health**  
**Other issues**  
**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 of the proposed development extends to 1.70 ha and is located to the northern side of Pool Lane and the eastern side of Crewe Road, Winterley. The site is within Open Countryside. To the northern boundary of the site is an agricultural field and residential development fronting Crewe Road. To the east of the site is agricultural land and to the south of the site is Pool Lane with residential properties to the opposite side. To the west are residential properties.

The land is currently in agricultural use and there are a number of trees and hedgerow to the boundaries of the site. Two trees onto the southern boundary of the site with Pool Lane are protected by a Tree Preservation Order.

The application site is relatively flat.

## **DETAILS OF PROPOSAL**

This is an outline planning application for the erection of up to 45 dwellings. Access is to be determined at this stage with all other matters reserved.

The proposed development includes a single access point onto Crewe Road which would be located to the western boundary of the site.

This application is a resubmission of application 13/4632N.

## **RELEVANT HISTORY**

13/4632N - Outline planning permission for the construction of up to 45no. dwellings – Refused 1th March 2014. Appeal Lodged.

Reasons for refusal as follows:

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside contrary to Policies NE.2 (Open Countryside), NE.12 (Agricultural Land Quality) and RES.5 (Housing in the Open Countryside) of the Crewe and Nantwich Replacement Local Plan, 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. As such it and creates harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land in accordance with the National Planning Policy Framework and consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.*
- 2. The proposal would result in loss of the best and most versatile agricultural land and given that the Authority can demonstrate a housing land supply in excess of 5 years, the applicant has failed to demonstrate that there is a need for the development, which could not be accommodated elsewhere. The use of the best and most versatile agricultural land is unsustainable and contrary to Policy NE.12 of the Borough of Crewe and Nantwich Replacement Local plan 2011 and the provisions of the National Planning Policy Framework.*

## **POLICIES**

## **National Policy**

National Planning Policy Framework

## **Local Plan policy**

NE.2 (Open countryside)

NE.5 (Nature Conservation and Habitats)

NE.8 (Sites of Local Importance for Nature Conservation)

NE.9: (Protected Species)

NE.20 (Flood Prevention)

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)

RES.5 (Housing in the Open Countryside)

RES.7 (Affordable Housing)

RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)

RT.9 (Footpaths and Bridleways)

TRAN.3 (Pedestrians)

TRAN.5 (Cycling)

## **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 Development Strategy

Cheshire East SHLAA

Pre-submission Core Strategy

## **Cheshire East Local Plan Strategy – Submission Version**

PG2 – Settlement Hierarchy

PG5 - Open Countryside

PG6 – Spatial Distribution of Development

SC4 – Residential Mix

SC5 – Affordable Homes

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

SE3 – Biodiversity and Geodiversity

SE5 – Trees, Hedgerows and Woodland

SE 1 - Design

SE 2 - Efficient Use of Land

SE 4 - The Landscape

SE 5 - Trees, Hedgerows and Woodland

SE 3 - Biodiversity and Geodiversity

SE 13 - Flood Risk and Water Management

SE 6 – Green Infrastructure  
IN1 – Infrastructure  
IN2 – Developer Contributions

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

**United Utilities:** No objection subject to the following condition:

- This 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.

**Strategic Highways Manager:** The Highways Officer has confirmed that the comments made as part of the previous application still apply to this application. Previous comments were as follows:

*‘Considering the traffic impact of the development, the submission is only for 45 units. As regards the current submission, the trip generation in the peak hours does not result in high vehicle flows in and out the site. The likely trip generation is some 30 two way movements from the site and once distributed on the road network it is clear that numbers do not produce a severe impact.*

*Whilst this particular application currently does not produce a severe impact there are currently other developments under consideration in Haslington that if approved will cumulatively have an impact especially on the very congested junctions at Crewe Green and at Old Mill Road Sandbach. It may be that further development on this site will have to deal with these congestion issues.*

*With regard to accessibility, the site can be accessed by non-car modes and is located on a bus route with a number of services and therefore the Strategic Highways Manager would conclude that the site is reasonably accessible.*

*The access now provides a satisfactory separation distance from the existing junction of Newtons Lane and also there is sufficient visibility provided in both directions at the access point. There are no highway objections raised subject to a condition to secure details of the relocation of the bus shelter and bus stop to be submitted and agreed by the LPA at reserved matters stage’*

**Natural England:** Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

For advice on all other protected species refer to the Natural England standing advice.

**Environment Agency:** The Environment Agency has no objection in principle to the proposed development however the EA would like to make the following comments.

The EA have reviewed the Phase One Geo-Environmental Site Assessment for Land off Pool Lane, Winterley, Sandbach, Cheshire dated May 2013 (Report Ref: 44971p1r0) report to assess the risk to controlled waters from land contamination.

The site is located above a Secondary A and an Unproductive aquifer, related to the superficial and bedrock geology respectively, and within 30m of a surface water feature (Winterely Pool). The report indicates that the site has been used as agricultural land.

The EA consider that planning permission could be granted for the proposed development as submitted if a planning condition is included in relation to contaminated land.

**Environmental Health:** Conditions suggested in relation to hours of operation, external lighting, travel plan, electric vehicle infrastructure, dust control and contaminated land. An informative is also suggested in relation to contaminated land.

**Public Open Space:** No comments received. As part of the last application they stated that:

*The proposal should provide an equipped children's play area. The equipped play area needs to cater for both young and older children - 6 pieces of equipment for young, plus 6 pieces for older children. A cantilever swing with basket seat would also be desirable, plus a ground-flush roundabout as these cater for less able-bodied children. All equipment needs to be predominantly of metal construction, as opposed to wood and plastic.*

*All equipment must have wetpour safer surfacing underneath it, to comply with the critical fall height of the equipment. The surfacing between the wetpour needs to be bitmac, with some ground graphics. The play area needs to be surrounded with 16mm diameter bowtop railings, 1.4m high hot dip galvanised, and polyester powder coated in green. Two self-closing pedestrian access gates need to be provided (these need to be a different colour to the railings). A double-leaf vehicular access gate also needs to be provided with lockable drop-bolts. Bins, bicycle parking and appropriate signage should also be provided.*

**Education:** No comments received. As part of the last application they stated that:

*A development of 45 dwellings will generate 8 primary and 6 secondary aged pupils.*

*A contribution of £96,544 will be required towards primary education.*

*A contribution of £98,056 will be required towards secondary education.*

## **VIEWS OF THE PARISH COUNCIL**

**Haslington Parish Council:** Haslington Parish Council objects to the proposed development with the following objections and concerns, it also supports residents objections to the development. This application is one of a number currently under consideration within the parish of Haslington, their potential impact on our rural communities needs to be considered as both individual applications and cumulatively.

- The application is contrary to policy NE2 and pre submission core strategy PG5, Kent's Green Farm falls outside of the settlement boundary of Haslington and Winterley, therefore should not be considered for development
- It will increase the urbanised area of the village, changing its character to the detriment of the existing properties.

- The site is within the catchments of the Sir William Stanier and Sandbach High Schools. Both schools are located within 15 – 25 minutes bicycle rides respectively which makes cycling a viable option.
- Winterley Pool is listed as a Grade C site re nature conservation: and has significant landscape value. Development of some 45 properties in a field visible from the pool, where local tourists come and spend time, would be detrimental to the pools value as a community asset. Furthermore it would make the village take on an urban character by such a significant apportionment of development compared to the current village size.
- Safe route to schools have not been demonstrated within the application. The nearest school “The Dingle” would be via Kent’s Green Lane and Clay Lane, much of which is narrow, used by commuter vehicles and has no footpath or street lighting.
- The Local Plan statement ‘Development will be confined to small scale infill and the change of use or conversion of existing buildings’ has been blatantly ignored in favour of boxing in a significant number of properties, on smaller footprints of land. It also outlines that developments in the settlements will only be permitted when on a scale commensurate with that of the village. Winterley has 600 houses and the addition of 70 houses at Kent’s Green Farm and 45 houses at Pool Lane (19% village increase) on this development with the potential for a further 250 at Hazel Bank would not comply with any appropriate scaling levels.
- The size of the overall range of developments is unsustainable give the village support services, and as such is against Cheshire East Council’s current Local Plan replacement and which states it will “avoid loading development onto existing constrained settlements”
- The conservation and enhancement of the built environment has similarly been overlooked, and the Local Plan outlines a target of ‘ensuring that new development does not result in any overall net loss to the man-made heritage’.
- The application site is an arable field surrounded by hedgerows to Crewe Road and Pool Lane. It is of high landscape value because it makes an important contribution to the intrinsic character and beauty of the countryside and, specifically, to Winterley village’s character and sense of place. The site is in a very prominent location and has an important role as an open green space that separates houses to the north along Crewe Road from the distinctive character of Pool Lane (as a country lane enclosed by trees and hedges) and Winterley Pool. Similarly, the site is highly visible as the focus for views when approaching from Newtons Lane, with the hedgerow and views of trees behind being extremely important in maintaining a rural feel. Loss of the hedgerow to Crewe Road and of the open, green character of this site and its replacement with houses and a new highway junction would create a continuous built frontage and have a significant urbanising effect that would have an unacceptable negative impact on local character and identity. This would be exacerbated even more because the land is approximately one metre above Crewe Road. The inclusion of a ‘village green’ in front of the houses would not compensate for the loss of landscape character.
- The application includes some 2.5 and 3 storey houses. There is no local precedent for this. It would introduce house types out of keeping with the area and add to the visual and landscape impacts outlined above. It retains hedges alongside Pool Lane – though with gaps – but how would these be maintained and what guarantee is there that they would not become degraded over time and/or replaced with fences that would further urbanise the area?
- The access/egress proposal close to the junction for Newtons Lane is dangerous, and will give rise to significant vehicular emissions. The additional traffic will add pressure to the gear changing up and down the stretch of road access/egressing the site by the nature of the bends, Pool Lane and Newtons Lane entrances, and would further exacerbate this issue, and cause significant damage not only to public health, but that of a wide array of wildlife located in Winterley Pool.

- Sewage proposals within the village footprint are under pressure, and there is already a leak from sewage in the neighbouring land where the sewage breaks out of its pipes off Clay Lane into hay fields which the Farmer requires not to be contaminated.
- During periods of heavy rain, there is persistent flooding accumulation from the drains on the opposite side of Crewe Road, periodically all the way along from Newtons Lane to the Forresters Arms, and which has never been addressed, so it is assumed the current drainage system cannot cope as is.
- The application only appears to address flood issues within the site boundary, the community is most concerned at the potential increase in flood risk in the area around Winterley including Winterley Pool alongside the banks of Fowle Book through into Haslington where neighbouring gardens are at increased risk of inundation by flood water. The impact of other recent applications also need to be brought into the equation and be considered when assessing changes to land drainage and flood risks.
- Traffic calming measures (bollards and reduced road width) recently installed in Winterley, along with the speed visual (adjacent to the Holly Bush), traffic humps (in Haslington) and periodic police speeding enforcement all suggest the village is already under pressure to provide adequate traffic calming measures. The inclusion of such a significant increase in vehicles would make this unmanageable.
- This location is rural and would generate more trip movements due to it being more remote from a suitable public transport network (the bus option is limited and a large majority of residents rely on cars for wider reaching employment destinations), and employment areas. Rural locations have a higher dependency car usage
- Transport does not take into account the effects of the additional traffic on the most sensitive parts of the network namely the A534 Crewe Green Roundabout and the A534/A533 junction (Old Mill Road/The Hill). The A534 Crewe Green Roundabout is currently over capacity with extensive queues on both the A534 Haslington Bypass and Crewe Green Road during AM peak. The additional traffic generated may not give issues on the immediate network but the queues on the approaches to the roundabouts will effectively increase by a corresponding amount during the AM peak. This will be worse once the approved sites in Haslington are fully developed and considerably worse should the current application for 250 units off Crewe Road, Haslington and 70 units at Kent's Green Farm be approved.
- It should be considered that the main influence in the AM peak would be the local schools, the nearest employment location in Crewe, and M6 Junction 16, all of which will influence right and left turns out of the site and will increase the number of vehicles on the Crewe Road Roundabout. The road network capabilities of both villages, and the surrounding infrastructure in relation to Crewe; Crewe Green roundabout or the Wheelock Heath to Sandbach and Waitrose roundabout leading to the motorway are all heavily overused. No evidence is apparent to address this by the additional number of cars such a development would generate. An alternative option could be Holmshaw Lane, as this is the shortest route to J16 M6, and which is not constructed to deal with an additional traffic pressure.
- It can be assumed that this site will be in the catchment area of The Dingle Primary School. Due to the distance, it can be assumed that children will be driven to school and this will increase significantly the number of vehicles on Kent's Green Lane and Newtons Lane which are narrow roads/lanes approximately 5.5m wide. Furthermore, it will increase the number of vehicles on Clay Lane which again has no footways but where noticeable numbers of parent and children do use to walk and cycle to school. Additionally there will be an increase in vehicles outside the Dingle School, Maw Lane and Maw Lane/Remer Street junction. It can also be considered that the additional turning out of the site and then into either Kent's Green Lane or Newtons Lane could increase the likelihood of collisions.

- Although there have currently been no collisions recorded resulting in injury during the past 5 years in the vicinity of the site, consideration should be given to the whole length of Crewe Road through Haslington and Winterley, as there are locations that such collisions do occur. Specifically, assessments of the roundabouts at Crewe Green Road and Wheelock should be undertaken as these do experience noticeable collisions that can be assumed to increase with the number of vehicles.
- Access/egress to Swan Lake restaurant and takeaway is continuously busy, and to assume an entranceway to properties directly adjacent to this is dangerous, especially when many cars reverse out of the current site, and could give rise to increased collisions
- Heightened flood risk is likely given the additional pressure on clay based land of additional properties, and also increases risk to damaged habitats for the wildlife, flora and fauna of the area, all of which are apparent in Fowle Brooke and Winterley Pool. Current drainage is already unable to cope with water run off, consequently the accumulation of this, alongside any increase in wet weather would add to that risk
- The current catchment secondary provision schools of Sandbach School and Sandbach High School are already oversubscribed, (through data provided from Cheshire East School Admissions department) and remain so for the foreseeable future . These too will be exacerbated by the current developments underway in Ettiley Heath; Wheelock, and the recent planning overrule for Abbeyfields development, consequently these proposals would further exacerbate this situation, as no strategic plans are in place to provide for increased secondary educational growth on the current bus routes to the catchment schools. The solution of children attending out of area schools is unacceptable, unrealistic and unsustainable
- The primary admissions at both The Dingle and Haslington schools are currently oversubscribed by small numbers (3 and 1 respectively in 2012). However it is highly likely that the development of a wider selection of family sized properties will easily require primary education. With the recent approval alone of 44 properties in Vicarage Road, it can be assumed that the occupants would easily fill any vacant future spaces. No proposals have been put forward to resolve this position, and indeed the position requires far wider strategic, and long term consideration of need, as under consultation within the Local Plan Core Strategy process, and which outlines in its draft for no further development around the settlements of both Haslington and Winterley.
- Winterley is deemed as an unsustainable village by its lack of infrastructure around shops, education and services, therefore a collective range of proposals to build both this development and any of the additional proposal submissions currently underway cannot be considered sustainable development.
- The Pre-submission core strategy proposes a requirement for employment land allocated for "other settlements and rural areas" this application does not address this issue. Any new residential housing is likely to require employment opportunities for the new occupiers.

## **OTHER REPRESENTATIONS**

Letters of objection have been received from 85 local households raising the following points:

### Principal of development

- The site is within the open countryside
- The application has previously been refused
- Contrary to Local Plan Policies
- The development will urbanise Winterley
- The existing buildings should be retained on site



- The farm house should be considered for listed status
- The cumulative impact of developments in the village
- The development is out of scale compared to Winterley
- The size of the development is unsustainable
- Erosion of the green gap between Haslington and Winterley
- Impact upon the setting of Winterley Cottage a Grade II Listed Building
- Winterley is an unsustainable village
- All of the applications in Haslington/Winterley should be determined together
- The development is contrary to the local plan
- Speculative housing development
- The development is not commensurate to the size of Winterley
- Loss of agricultural land
- There are no jobs in the village
- This development together with the application at Kents Green Lane would increase Winterley by 19%
- The development is not essential and is contrary to the Local Plan
- The development is contrary to the NPPF
- Landscape impact
- Loss of green land
- There are many unsold homes in the area
- The development is contrary to the NPPF
- The three storey properties would be out of character
- Brownfield sites should be developed first
- Outside the settlement boundary for Winterley

#### Highways

- Increased traffic
- Pedestrian safety
- There are no safe walking routes to local schools
- Cumulative highways impact from other developments in the area
- The proposed access is at a dangerous location on a bend in the road
- The traffic survey was undertaken on 12<sup>th</sup> December 2012 and is not representative time of the year
- TRICS data is not applicable for this rural location
- The traffic statement does not consider the wider traffic impacts (Crewe Green Roundabout and Old Mill Road/The Hill)
- The distribution flows from the development are flawed
- The transport assessment makes no reference to the transport capabilities of the villages. A robust TA is required
- Increased traffic on country lanes
- There are a number of accidents along Crewe Road within Haslington and Winterley
- Unsafe access to the site
- The position of the access is not safe
- Traffic problems when there is an accident on the M6 and the bypass
- There would be no increase in public transport
- Traffic speed through the village
- Insufficient visibility at the site access point
- Increased rat running through country lanes
- Footpaths and cycleways along Crewe road are inadequate

- Increased traffic will make the traffic management measures through the village unmanageable
- Pedestrian/cyclist/horse rider safety

#### Green Issues

- Impact upon wildlife
- Impact upon protected species
- Winterley Brook is a Grade C Nature Conservation site and the development will put tourists off from visiting this site
- Increased flooding
- Inadequate assessment of flood risk within the application
- Flood risk also impacts upon wildlife, flora and fauna
- Impact upon Winterley Pool
- Increased water pollution
- Impact upon TPO trees

#### Infrastructure

- The local schools are full
- Their impact upon local schools will be exacerbated by the approved developments in the area
- Drainage/Flooding problems
- Cumulative impact upon local schools
- Lack of medical facilities in the village
- Doctors surgeries are full
- The local Primary School is already full
- Insufficient capacity at the high schools in Sandbach
- Sewage infrastructure is not adequate
- Impact upon electricity infrastructure
- No shops in the village
- Insufficient medical services

#### Amenity Issues

- Visual impact
- Loss of outlook
- Increased dust
- Increased noise
- Increased air pollution
- There are existing foul drainage problems in this area

#### Design issues

- The development would be highly visible and would detract from the character of Winterley
- The suburban nature of the development would be harmful to the area
- The landscape strategy for the site is not acceptable
- The site is elevated and the proposed three-storey dwellings would be out of character
- Affordable Housing is squeezed onto the site
- The indicative plans show housing side onto Crewe Road which is not an acceptable design solution
- Three storey dwellings would not respect the character of Winterley
- Little details on the outline application

#### Other issues

- Loss of agricultural land
- Impact upon property value

## **APPLICANT'S SUPPORTING INFORMATION**

To support this application the application includes the following documents:

- Flood Risk and Surface Water Drainage Assessment (Produced by Integra)
- Design and Access Statement (Produced by NJL Consulting)
- Planning Statement (Produced by NJL Consulting)
- Phase 1 Geo-environmental Assessment (Produced by REC)
- Statement of Community Involvement (Produced by NJL Consulting)
- Agricultural Land Assessment (Produced by Footprint Land and Development Ltd)
- Transport Statement (Produced by Croft Transport)
- Extended Phase 1 Habitat Survey and Arboricultural Report (Produced by REC)

These documents are available to view on the application file.

## **OFFICER APPRAISAL**

### **Main Issues**

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, 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 and education.

### **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.

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.

### **Landscape**

The application has been considered by the Councils Landscape Architect who consider that housing development on this site would not have any significant impacts on the character of the wider landscape area or have any significant visual impacts.

If the application is approved a number of conditions will be attached to protect/enhance the landscape on this site.

### **Location of the site**

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

The accessibility of the site shows that following facilities meet the minimum standard:

- Amenity Open Space (500m) – would be provided on site
- Children’s Play Space (500m) – would be provided on site
- Bus Stop (500m) – 50m
- Public House (1000m) – 350m
- Public Right of Way (500m) – 500m
- Child Care Facility (nursery or crèche) (1000m) - 200m
- Community Centre/Meeting Place (1000m) – 200m

The following amenities/facilities fail the standard:

- Supermarket (1000m) – 3800m
- Outdoor Sports Facility (500m) – 1600m
- Convenience Store (500m) – 1700m
- Primary School (1000m) – 1700m
- Pharmacy (1000m) – 2000m
- Post office (1000m) – 2000m
- Secondary School (1000m) – 3700m
- Medical Centre (1000m) - 2000m

In summary, the site does not comply with all of the standards advised by the NWDA toolkit. However as stated previously, these are guidelines and are not part of the development plan. Owing to its position on the edge of Winterley, there are some amenities that are not within the ideal standards set within the toolkit and will not be as close to the development as existing dwellings which are more centrally positioned. Nevertheless this is not untypical for suburban dwellings and will be the same distances for the residential development in Winterley from the application site. However, the majority of the services and amenities listed are accommodated within Haslington and are accessible to the proposed development on foot or via a short bus journey (the site is located on the main bus route between Crewe and Sandbach). It should also be noted that the site is located on National Cycle Network Route 451 and is easily accessible for cyclists. Accordingly, it is considered that this small scale site is a sustainable site.

### **Affordable Housing**

The site is located in Winterley which is within the Haslington and Englesea sub-area for the SHMA Update 2013. In this SHMA area there is an identified a requirement for 44 new affordable homes per year between 2013/14 – 2017/18 made up of a need for 1 x 1 beds, 11 x 2 beds, 19 x 3 beds, 10 x 4/5 beds and 1 x 1 & 1 x 2 bed older person dwellings (total of 220 dwellings over 5 years).

The Affordable Housing Interim Planning Statement (IPS) states that on all sites of 3 units or over in settlements with a population of 3,000 or less will be required to provide 30% of the total units as affordable housing on the site with the tenure split as 65% social rent, 35% intermediate tenure. This equates to a requirement of up to 21 affordable units in total on this site, split as 14 for social (or affordable rent) and 7 for intermediate tenure.

The Affordable Housing IPS also requires that the affordable units should 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. The IPS also states that the affordable housing should be provided no later than occupation of 50% of the open market dwellings unless there is a high degree of pepper-potting in which case it would be 80%.

Affordable homes should be 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).

The proposal is for 45 No. dwellings, the supporting planning statement with the application states

there will be provision of 30% affordable housing contribution, with the exact details being provided at reserved matters stage.

If the application was approved there is a requirement for the following to be secured at the Reserved Matters stage:

- A requirement for provision of 13 affordable dwellings.
- 9 of the affordable dwellings are to be provided as social or affordable rent, and 4 as an intermediate tenure dwelling
- That the location and type of dwellings to make up the affordable homes are shown on a plan identifying which are the rented and which are the intermediate dwellings.
- That timing for delivery of the affordable housing, as this is a relatively small development and phasing would not be expected, that affordable housing should be provided no later than occupation of 50% of the open market dwellings.
- That the affordable homes are constructed to comply with the Homes and Communities Agency Design and Quality Standards and meet Code for Sustainable Homes Level 3.

## **Highways Implications**

### Access

The proposed development is in outline form with access to be determined at this stage. The proposed development would be accessed via a simple priority junction with a 5.5 metre wide carriageway with 2 metre wide footways on both sides and junction radii of 10 metres. The highways officer has commented that this design is typical of a residential development of this scale.

Crewe Road has a 30mph speed limit at this point. In this case the submitted plans indicate that visibility splays of at least 2.4m x 43m can be achieved in both directions. These visibility splays would comply with guidance contained within Manual for Streets.

The submitted Transport Assessment (TA) identifies that the proposed site access would operate with significant spare capacity and the traffic associated with this development can be accommodated onto the local network.

### Traffic impact

The proposed development would generate 28 two-way trips during the AM peak hour and 29 two-way trips during the PM peak hour. This traffic generation will be distributed across the highway network in both directions.

There are local concerns over the impact upon the highway network and Crewe Green roundabout and there is a scheme of CEC improvements in this location. In this case the Highways Officer considers that the development would not have a severe impact upon this junction and as such no mitigation will be required from this development.

The only other committed development within the Parish of Haslington is at Vicarage Road (44 dwellings). Given the scale of the developments there is not considered to be a cumulative highways impact associated with this development.

It should be noted that the recent appeal decision at Land off Crewe Road, Haslington for 250 dwellings does not change this view of the Strategic Housing Manager.

### Public Transport

The application site is within easy reach of bus stops in both directions with hourly connections to Crewe, Sandbach, Winsford, Northwich and Macclesfield throughout the day.

### Highways Conclusion

In conclusion the proposed development would have an access of an acceptable design with adequate visibility. The traffic impact upon the local highway network would be limited and improvements would be secured to the bus stops in the locality. It is therefore considered that the development complies with the local plan policy BE.3 and the test contained within the NPPF which states that:

*'Development should only be prevented or refused on transport grounds where then residual cumulative impacts of development are severe'*

### **Amenity**

To the north of the site 326 Crewe Road has a blank side elevation facing the site and the orientation and separation distances shown on the indicative plan show that there would not be a detrimental impact upon the residential amenities of this property.

Due to the separation distances involved to the properties to the south and the intervening highway and boundary treatments there would not be a significant impact to the dwellings to the south on the opposite side of Pool Lane.

To the west the indicative plan shows that there would be adequate separation to the dwellings opposite due to the proposed location of the proposed public open space.

The Environmental Health Officer has requested conditions in relation to hours of operation, external lighting, and contaminated land. These conditions will be attached to any planning permission.

### **Air Quality**

The proposed development is not close to any air quality management areas (AQMA) and an air quality assessment was not deemed necessary. However, it is likely that some small impact would be made in the Nantwich Road AQMA and that when combined with the cumulative impacts of other committed and proposed developments in the Crewe area the significance is increased. There is also no assessment of the dust impacts and details of dust control would need to be submitted should planning approval be granted. Conditions would be attached in relation to dust control.

### **Trees and Hedgerows**

#### Trees



A tree survey has been submitted in support of this application and this grades all trees on the site and those in close proximity to the site (including those located on the opposite side of Pool Lane). The survey grades 14 trees including the two TPO trees as Grade A (high quality and value), 2 trees as Grade B (moderate quality and value) and 4 trees as Grade C (low quality and value).

One of the two TPO Oaks on the Pool Lane road frontage exhibits signs of reduced vigour and vitality. The site plan is indicative, there will have to be amendments to accommodate the retained high value trees, but in principle there should be no objection from an arboricultural perspective subject to a suitable reserved matters layout plan.

### Hedgerows

In this case the indicative plan shows that the hedgerow boundaries to the site would be retained as part of this development apart from a small loss to provide the access point.

### **Design**

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

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

In this case the proposal would have a density of 26.47 dwellings per hectare this is consistent with the surrounding residential areas of Winterley

In this case an indicative layout has been provided in support of this application and this shows that an acceptable layout can be achieved and that the areas of open space and all highways would be well overlooked. It is considered that an acceptable design/layout that would comply with Policy BE.2 (Design Standards) and the NPPF could be negotiated at the reserved matters stage.

### **Ecology**

#### Winterley Pool Site of Biological Importance (SBI)

The proposed development is located in close proximity to this locally designated site. The Council's Ecologist advises that the proposed development is unlikely to have an adverse impact upon the ecological features for which Winterley Pool was designated.

### Hedgerows

Hedgerows are a biodiversity action plan priority habitat and hence a material consideration. As a result of the proposed development it appears likely that there would be some loss of hedgerows along the western boundary to provide access into the site. Any unavoidable loss of hedgerows

will be compensated for through the incorporation of new native species hedgerows into any finalised landscaping scheme produced for the site.

### Arable Field Margins

Arable field margins are a UK Biodiversity Action Plan priority habitat and hence a material consideration. The submitted report identifies the presence of arable field margins on site. However, as the arable field margins recorded on site have been recorded as being 0.5m wide the Council's Ecologist advises they fall outside of the habitat description of this habitat and the habitats located within this 0.5m area should be better regarded as forming part of the hedgerow habitats bordering the site rather than being classified as Arable Field Margins.

### Bats

Two trees have been identified on site as having potential to support roosting bats (These are identified as T13 and T14). Both of these trees are identified as being subject to a TPO, and are to be retained as part of the proposed development. As a result there is not considered to be any impact upon breeding bats.

### Breeding Birds

Conditions will be attached to safeguard breeding birds.

### **Public Open Space**

Policy RT.3 states that where a development exceeds 20 dwellings the Local Planning Authority will seek POS on site. In this case the level would be 1,575sq.m and the indicative plan shows that the developer will provide 1,810sq.m of public open space. This would exceed the requirement for Policy RT.3 by a considerable margin and is considered to be acceptable.

In terms of children's play space this would be provided on site and the applicant has indicated that they are willing to provide a LEAP with 6 pieces of equipment. This would be an acceptable level given the number of dwellings on the site and would comply with Policy RT.3. It is not considered that the POS Officers request for 12 pieces of equipment is commensurate to a development of this site.

### **Agricultural Land Quality**

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 by the Local Plan
- It can be demonstrated that the development proposed cannot be accommodated on land of lower agricultural quality, derelict or non-agricultural land
- Other sustainability considerations suggest that the use of higher quality land is preferable

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

In this case the Agricultural Land Assessment indicates that 1 hectare of the site is Grade 2 and 0.7 hectare is Grade 3a. As a result this issue needs to be considered as part of the planning balance.

## **Education**

As part of the last application the Education Department stated that the proposed development would generate 8 primary school pupils and 6 secondary school pupils.

In terms of primary school education, the proposed development would generate 8 new primary places. As there are capacity issues at the local primary schools, the education department has requested a contribution of £96,554. The applicant has agreed to make this contribution and this would be secured via a S106 Agreement.

In terms of secondary school education, the proposed development would generate 6 new secondary places. As there are capacity issues at the local secondary schools, the education department has requested a contribution of £98,056. This would be secured via a S106 Agreement.

## **Flood Risk and Drainage**

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps. Flood Zone 1 defines that the land has less than 1 in 1000 annual probability of flooding and all uses of land are appropriate in this location. As the application site is more than 1 hectare, a Flood Risk Assessment (FRA) has been submitted in support of the application.

The submitted FRA identifies the following:

- Flooding - The Environment Agency has stipulated that there are to be no off site surface water flood routes generated by the development during an enhanced 1 in 100 year storm.
- Site Surface Water Drainage – SUDS in the form of soakaways is considered to be a practical option
- Foul Water Drainage – Foul water will be discharged into the existing sewer located beneath Crewe Road subject to the agreement of United Utilities
- Off Site Impacts - All roofed and paved areas are to be drained into the site surface water drainage system. The design of the onsite surface water drainage system will ensure that no off site flood flows are generated by the proposed development in the 1% plus climate change event.
- Residual Impacts - With careful design of the drainage elements, there will be no residual flood related risk remaining after the development has been completed.

The Environment Agency and United Utilities have been consulted as part of this application and have both raised no objection to the proposed development. As a result, the development is considered to be acceptable in terms of its flood risk/drainage implications.

## **Health**

A number of the letters of objection raise concerns about the impact upon health provision in this area. In response to this issue there are 3 medical practices within 2.5 miles of the site and according to the NHS choices website all are currently accepting patients indicating that they have capacity. Furthermore no practices have closed their list and they are not being forced to accept new patients.

## **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, POS and children's play space is a requirement of the Local Plan Policy RT.3. It is necessary to secure these works and a scheme of management for the open space and children's play space. This contribution is directly related to the development and is fair and reasonable.

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

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

## **10. 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. The Council can now 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.

The proposed development would not adversely affect the visual character of the landscape, in this location.

The proposed development would provide a safe access and the development would not have a detrimental impact upon highway safety or cause a severe traffic impact.

In terms of Ecology it is not considered that the development would have a significant impact upon Winterley Pool, ecology or protected species subject to the necessary contribution to off-set the impact.

The proposed development would provide an over provision of open space on site and the necessary affordable housing requirements.

The education department has confirmed that there are capacity issues within local schools and this issue will be mitigated through the use of a commuted sum secured as part of a S106 Agreement.

The proposal is considered to be acceptable in terms of its impact upon residential amenity and drainage/flooding and it therefore complies with the relevant local plan policy requirements for residential environments

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

## **11. RECOMMENDATIONS**

**REFUSE for the following reasons:**

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside contrary to Policies NE.2 (Open Countryside), NE.12 (Agricultural Land Quality) and RES.5 (Housing in the Open Countryside) of the Crewe and Nantwich Replacement Local Plan, 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. As such it and creates harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land in accordance with the National Planning Policy Framework and consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.**
- 2. The proposal would result in loss of the best and most versatile agricultural land and given that the Authority can demonstrate a housing land supply in excess of 5 years, the applicant has failed to demonstrate that there is a need for the development, which could not be accommodated elsewhere. The use of the best and most versatile agricultural land is unsustainable and contrary to Policy NE.12 of the Borough of Crewe and Nantwich Replacement Local plan 2011 and the provisions of the National Planning Policy Framework.**

**In order to give proper effect to the Board's/Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Strategic & Economic Planning, in consultation with the Chair (or in her absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.**

**Should this application be the subject of an appeal, authority be delegated to the Principal Planning Manager in consultation with the Chair 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 a S106 Agreement.**

**S106 Heads of Terms:**

**1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:**

- The numbers, type, tenure and location on the site of the affordable housing provision**
- The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing**
- The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved**
- The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and**
- The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.**

**2. Provision of POS and a LEAP (with a minimum of 6 pieces of equipment) and a scheme of management**

**3. A commuted payment of £96,544 will be required towards primary education and a contribution of £98,056 will be required towards secondary education.**

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