

Application No: 14/1326N

Location: Land to the north of Wistaston Green Road, Wistaston

Proposal: Outline planning permission for up to 150 residential dwellings to include access. All other matters reserved for future consideration Subject to an Environmental Impact Assessment

Applicant: Harlequin (Wistaston) Ltd

Expiry Date: 26-Jun-2014

## **SUMMARY RECOMMENDATION**

### **REFUSE**

### **MAIN ISSUES**

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

**Principle of the Development**

**Housing Land Supply**

**Location of the Site**

**Landscape**

**Affordable Housing**

**Highway Implications**

**Amenity**

**Trees and Hedgerows**

**Design**

**Ecology**

**Public Open Space**

**Education**

**Flood Risk and Drainage**

**The Planning Balance**

## **REASON FOR REFERRAL**

This application is referred to the Strategic Planning Board as it relates to a significant major development which is a departure to the Crewe and Nantwich Borough Local Plan.

## **DESCRIPTION OF SITE AND CONTEXT**

The application site covers an area of approximately 7.6 ha and is located on the western side of Crewe at Wistaston approximately 3.2km from the town centre. It lies to the north of Wistaston Green Road, while the Nantwich Road A530 is located along the western boundary of the application site. Wistaston brook forms the northern boundary.

The proposed development is formed by two separate pockets of development, one to the north and one further south, with 'Little West End' situated between the two parcels of the application site. Each of the two areas of development has a separate access onto Wistaston Green Road. The smaller northern part of the site is under cultivation and the larger southern parcel is uncultivated (indicated to accommodate up to 35 units in the indicative layout)

Levels drop significantly in the northern direction away from the Brook (circa 7m in the smaller part of the site and 8m in the larger parcel).

The lower part of the valley is within the EA flood zone and Wistaston Brook is classified as a main river. Many of the trees on both sides of the brook are protected by TPO (1985 Old Gorse Covert).

A number of services cross the site – a pylon line, low voltage cables on poles and a sewer. A grade II\* listed building – Magpie Manor lies to the south of the site adjacent to the 90 degree bend in Wistaston Green Road.

## **DETAILS OF PROPOSAL**

This is an outline application with all matters reserved except for access for up to 150 dwellings within 2 separate parcels of land interspersed by a dwelling known as Little West End.

An Illustrative Parameters Plan has been submitted in support of the application showing 2 new accesses onto Wistaston Green Road, one linear area of POS under the route of the pylon that traverses the central part of the site and a smaller parcel of POS to the eastern edge of the site, habitat areas and pedestrian and cycle links

The density is indicated at circa 20 dwellings per hectare in a mix of types of dwellings and a block of flats of sizes ranging from 2-5 bedrooms. 30% affordable housing provision is proposed with a mix to be agreed. The scheme as described allows for a mix of 2 and 3 storey properties.

## **RELEVANT HISTORY**

None of relevance

## **POLICIES**

### **National Policy**

National Planning Policy Framework

### **Local Plan policy**

NE.2 (Open countryside)

NE.4 (Green Gap)

NE.5 (Nature Conservation and Habitats)

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)  
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

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

PG2 – Settlement Hierarchy  
PG3 – Green Belt  
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)**

**Strategic Highways Manager:** Raises no objection subject to conditions to require the provision of signal works to the junction of the Rising Sun.

**Environment Agency:** No objection subject to conditions related to ecology, compliance with the submitted FRA and the provision of an 8m wide buffer to Wistaston Brook

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

**Archaeology :** No objection subject to condition

**Education:** No objection subject to financial contribution towards primary education (27 x 11919 x 0.91 = £292,850)

**Sustrans:** Offer the following comments if permission is to be granted

1) The site lies immediately adjacent to the Crewe-Nantwich greenway. We would like to see in the layout of the estates a linear greenway for pedestrians/cyclists to the same standard as the Crewe - Nantwich greenway from the Wistaston Green Road junction to the easternmost end of the site at the Wistaston Brook bridge/car park.

2) The design of the estate should restrict vehicle speeds to less than 20mph.

3) The design of any smaller properties should include storage areas for residents' buggies/bikes.

4) We would like to see a scheme of this size make a contribution to further improvements of the Crewe - Nantwich greenway such as the Alvaston Hall crossing.

**Greenspace Manager** - No objection subject to the provision of a LEAP of 5 pieces of equipment and a private management agreement for future maintenance.

**Strategic Housing Manager :** No objection subject to the provision of 30% affordable housing in a 65%:35% split with a variety of unit sizes within each tenure

**PROW Countryside Access Team :** Proposal does not affect PROW. It should be noted that, considering the distances to be travelled to reach key destinations, travel by bike would be a mode of relative high importance and therefore routes should be design to accommodate both pedestrians and cyclists. A direct link on to the Connect2 Crewe to Nantwich Greenway would offer residents of the proposed northern site direct access to this route for pedestrian and cyclist access towards Crewe and Nantwich.

The legal status of new routes and bridge proposed within the development site would require agreement with the Council as Highway Authority and it would be anticipated that future maintenance be undertaken by the management company of the public open space of the site.

## **VIEWS OF THE PARISH COUNCIL**

**Wistaston Parish Council:** Objection on following grounds –

- The site is located within the Green Belt shown on Figure 8.2 of the emerging Local Plan

- It is on site NPS11 of Cheshire East Council's Local Plan Strategy
- Non-preferred sites justification paper March 2014.
- The proposed site is on good quality agricultural land.
- It will erode the last Green Belt remaining around Wistaston and create urban sprawl with Crewe.
- The sites access and egress points are within 50m of the A530
- junction of Middlewich Road / Wistaston Green Road and between two bands which obscure the vision of drivers joining Wistaston Green Road.
- Wistaston Green Road has at its northern end a junction with the A530, the main road between Nantwich and Middlewich. This is a hazardous junction with many accidents, some of which have involved fatalities.
- Wistaston Green Road is a narrow lane. To the south of the proposed development there is a bad bend leading down to a single lane bridge where drivers have to give way and then the road is obstructed by parked vehicles along its length into Church Lane
- The infrastructure in Wistaston and its surrounding network of roads already struggle to manage existing traffic

## **OTHER REPRESENTATIONS**

161 Letters of objection have been received from residents and a local group called Hands off Wistaston (HOW) raising the following points:

### **Principle of development**

Loss of Green Gap

Loss of open countryside

Housing would not blend in with the existing residential environment

There is a greater than 5 year housing land supply

The proposal is contrary to the Local Plan

The proposal is contrary to the emerging Plan

The proposal would harm the rural character of the site

Adverse impact on landscape character and appearance

The proposal is contrary to the NPPF

### **Highways**

Increased traffic congestion

Impact upon highway safety.

Future residents would be dependent on the car

Pedestrian safety

### **Green Issues**

Loss of green land

Increased flood risk

Impact upon wildlife  
Impact upon protected species,  
Impact upon local ecology badgers, bats and newts, have been evidenced in and adjacent to the site in question  
Loss of trees/hedgerows  
Loss of agricultural land

### **Infrastructure**

Increased pressure on local schools  
The local schools are full  
Doctors are full  
The sewage system is overstretched  
There is little in terms of leisure facilities  
Adverse impact upon local drainage infrastructure

### **Amenity Issues**

Impact upon air quality  
Cumulative impact upon air quality with other developments  
Noise and disruption from construction of the dwellings and from new dwellings  
Increased noise caused by vehicular movements from the site  
Adverse visual impact The elevated position of the proposed site; and its relationship to the highly regarded and well used public amenity open space along the Joey the Swan to Queens Park footpath

The full content of the objections is available to view on the Councils Website.

## **APPLICANT'S SUPPORTING INFORMATION**

To support this application the application includes the following documents:

An Environmental Impact Assessment incorporating the following -

Design and Access Statement  
Planning Statement  
Statement of Community Involvement  
Air Quality Assessment  
Transport Statement including supplementary Technical Note  
Flood Risk and drainage Assessment  
Ecology Survey and Assessment  
Noise Assessment  
Energy Report  
Utilities report  
Ground Investigations report

These documents are available to view on the application file.

## **OFFICER APPRAISAL**

### **Main Issues**

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 and the impact upon the green gap, affordable housing, highway safety and traffic generation, contaminated land, air quality, noise impact, landscape impact, hedge and tree matters, design, 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 a number of principal appeal decisions 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.

### **Green Gap**

As well as lying within the Open Countryside, the application site is also within the Green Gap. Therefore, as well as being contrary to Policy NE.2, it is also contrary to Policy NE.4 of



the Local Plan which states that approval will not be given for the construction of new buildings or the change of use of existing buildings or land which would:

result in erosion of the physical gaps between built up areas;  
adversely affect the visual character of the landscape.

In allowing a recent Appeal relating to a site at and adjoining Rope Lane, which was also located within the Green Gap the Inspector determined that Policy NE.4 is not a freestanding policy; its genus is in Policy NE.2 and if Policy NE.2 is accepted as being out-of-date, then it must follow that Policy NE.4 must also be considered out-of-date for the purposes of applying Framework policy.

Given that the Council now has a 5 year supply of housing land, it is no longer considered that Policy NE.2 is out of date. However, it is also respectfully considered that the Inspector, Mr Baird, was mistaken. Green Gap policy has a specific planning purpose – to avoid settlements merging. This is not a housing supply policy purpose. Whilst Open Countryside areas also have specific roles (including the protection of the Countryside for its own sake, in accordance with NPPF paragraph 17.(v)) open countryside policy does not have the special, additional function of ensuring that two settlements remain separate (that is the function of Green Gaps). Hence Green Gaps are not a function of Open Countryside policy, rather Green Gaps have their own specific function, albeit that it overlaps in terms of the protection of the Countryside for its own sake (as well as separating settlements).

The Plans which included the adopted Green Gaps were formulated by first considering appropriate gaps between settlements that were required to be maintained, that is, in circumstances when these areas of land are required to achieve this important planning aim. Thereafter, Open Countryside was designated on land outside settlements, which did not have the Green Gap function. The logic of the Rope Lane Inspector would require these events to be reversed (in other words, Open Countryside designation first, then Green Gap). That would not make sense since it is the Green Gap that has the fundamental strategic planning function to avoid settlements merging.

This stance is supported by Ousley J in the Barwood case (CD 58) who draws a distinction between general open countryside policy and policies which protect gaps between settlements. Paragraph 14 of the Judgement states: Such very general [open countryside] policies contrast with policies designed to protect specific areas or features, such as gaps between settlements, the particular character of village or a specific landscape designation, all of which could sensibly exist regardless of the distribution and location of housing or other development.

This proposed development will clearly erode the physical gap between Wistaston and Nantwich and the proposal would therefore clearly be contrary to Policy NE.4. It will also adversely affect the visual character of the landscape. (The impact on the landscape is discussed in greater detail below.) The judgement of Lindblom J. in the case of Bloor, established that such development is not sustainable. He states at paragraph 179 of the Judgement:

*“On any sensible view, if the development would harm the Green Wedge by damaging it’s character and appearance or its function in separating the villages of Groby and Ratby, or by*

*spoiling its amenity for people walking on public footpaths nearby, it would not be sustainable development within the wide scope drawn for that concept in paragraph 18 to 219 of the NPPF.”*

The case of Davis held that paragraph 14 of the NPPF only applies to a scheme which has been found to be sustainable development and it is therefore concluded that, regardless of the housing land supply in evidence, at any particular time, the presumption in favour of sustainable development cannot be applied to this scheme.

Policy NE.4 goes on to state that exceptions to this policy will only be considered where it can be demonstrated that no suitable alternative location is available. Through the emerging Development Strategy it has been demonstrated that there are a number of sites on the periphery of Crewe which, although designated as Open Countryside, are not subject to Green Gap policy and can be used to address the Council’s housing land supply shortfall and which would not contravene the provisions of Policy NE.4.

Therefore, the proposal remains contrary to Open Countryside and Green Gap 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 Impact**

The local topography, vegetation and agricultural character, with pastoral and arable land use means that this is an integral part of the wider open countryside. But it also serves to physically separate and prevents the physical merging of Wistaston and Wistaston Green, maintaining them as distinct settlements. This is not an urban fringe or derelict landscape in need of enhancement, but a functioning agricultural landscape, and the very features that give this area its attractive character, its topography, hedgerows, mature oak trees, vegetation and Wistaston Brook, are the very things that contrast and separate it so clearly from Wistaston to the south and east and Wistaston Green to the north.

Located towards the edge of the Cheshire Plain the site displays many of the characteristics of the Cheshire Plain, and the Cheshire Landscape Assessment characterises the wider area as being a predominantly flat, large scale landscape with relatively few hedgerow trees or dominant hedgerows. This combines with the low woodland cover typical of this landscape type, to create an open landscape with long views in all directions to a distant skyline. At this location this is a landscape of contrasts with many variations, and in places the relatively dense settlement pattern is very obvious, as well as the areas of woodland associated with Wistaston Brook and the blocks of woodland to the north of Wistaston Brook, which follows the north eastern boundary of the application area. Generally the southern part of the site is influenced by its close proximity to Wistaston.

A Landscape and Visual Impact Assessment (LVIA) has been submitted which indicates that the assessment has been undertaken in accordance with the Guidelines for Landscape and Visual Impact Assessment, Third Edition, 2013. The assessment refers to the National Character Area, Area 61 – Shropshire, Cheshire and Staffordshire Plain/Cheshire Sandstone Ridge, and also to the Cheshire Landscape Character Assessment 2009, which identifies the application as being located within Type 17 East lowland Plain , specifically ELP5

Wimboldsley Character Area. The assessment identifies that the can be properly described as open countryside.

The LVIA notes that the topography of the site falls from the western, Wistaston Road boundary where it is up to approximately AOD 43.0m levels in the region of AOD 32m along Wistaston Brook, which forms the northern boundary. The Crewe- Nantwich Greenway follows a route along the northern bank of Wistaston Brook, before a section of the Greenway crosses over the brook along the very northern part of the application site. The site consists of a number of fields characterised by the local topography, hedgerows and trees, especially along Wistaston Brook.

The assessment identifies that the site is designated in the Crewe and Nantwich Borough Council Replacement Local Plan 2011 as NE4, Green Gap. The assessment also indicates that a number of trees and groups of trees on and adjacent to the northern boundary of the site have tree Preservation Orders (TPOs).

The LVIA notes that the potential effects have been based on the proposals as shown on the submitted Illustrative Masterplan (Drwg: 13-089-MP01 Rev B). This is an illustrative Masterplan and the LVIA notes that there will be adverse impacts in both visual and character terms as the current character of this land is arable fields (5.1.9); the LVIA indicates that loss of the landscape resource will have a minor adverse impact.

The LVIA notes that there will be a moderate adverse effect on the visual amenity of the residential area to the north, a moderate adverse effect on the footpath adjacent to the northern boundary, a major adverse visual effect on the public footpath directly adjacent to the western boundary, a major adverse impact on users of Wistaston Green Road and Middlewich Road, at the junction to the south west boundary, a moderate adverse effect on users of Wistaston Road to the south east boundary as well as a major adverse effect to users of users to the car park and footpaths to the east.

The LVIA identifies that the predicted visual impacts at completion would be minor adverse for the residential areas to the north, a minor adverse effect on the footpath adjacent to the northern boundary. The LVIA also notes that what will be a major adverse effect on footpath adjacent to the west boundary, which would reduce to moderate with mitigation, and after 5 to 7 years; moderate adverse for users of Wistaston Green and Middlewich Road, minor adverse for users of the Wistaston Green Road to the immediate south and south east of the site, moderate adverse for users of the car park and public footpaths to the east. Paragraph 5.2.14 indicates that the overall visual impact of the proposed development after mitigation would be negligible.

Character effects are dealt with separately from Landscape effects and the assessment notes that the character of the surrounding land is residential with rural countryside in the distance, although in reality the assessment has already acknowledged that the application site is currently agricultural land also. The assessment indicates that there would be a moderate adverse effect without mitigation.

The Council's Landscape Architect agrees with the LVIA that the immediate character of this area will change from an open landscape to residential land use (5.2.10). The LVIA notes that there would be a minor adverse landscape effect, the Landscape Architect considers the that

the effect will be more adverse than a minor one. The LVIA also notes that there will be an adverse residual visual effect on the receptors identified. It is considered that it would be more adverse for most of the receptors identified.

The proposals will clearly result in an adverse landscape impact as well as an adverse visual impact.; It is considered that this would be more adverse than the LVIA identifies. Policy NE4 states that within Green Gaps approval will not be given for the construction of new buildings or the change of use of existing buildings or land which would, 'Adversely affect the visual character of the landscape', since the proposals will have an adverse impact, they are contrary to Policy NE4 of the Crewe and Nantwich replacement local Plan 2011.

## **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).

The sustainability checklist distances have been measured from a specific point to the periphery of parcel 2. In this case, in that specific location, the development meets the standards in the following areas:

- local meeting place / community centre – The Rising Sun, Middlewich Rd CW2 8SB 338m
- public house- The Rising Sun, Middlewich Rd CW2 8SB 338m
- bustop - The Rising Sun, Middlewich Rd CW2 8SB 338m
- bank or atm - The Rising Sun, Middlewich Rd CW2 8SB 338m
- Public Right of Way - Wistaston FP4 accessed off Wistaston Green Rd
- Amenity Open Space – on site as part of development and allotments Wistaston Green Rd 338m
- Playground/amenity area – Joey the Swan and park off Wistaston Green Rd -338m
- Childrens playspace – on site (would be required by condition if permission were granted)

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:

- railway station – Crewe 3920m
- child care facility Wistaston Green Primary School 1416m
- leisure facilities Wistaston memorial hall 1332m
- medical facilities The Eagle Bridge Health and Wellbeing Centre Dunwood Way – 3485m
- Primary School – Wistaston Green Primary School 1416m
- Secondary school St Thomas More CW2 8AE
- Pharmacy Rowlands Pharmacy 7 Kings Dr CW2 8HY
- Post box 36 Windermere Rd CW2 8RJ
- Supermarket – Morrisons CW1 3AW

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

This view is considered to be consistent with two recent appeal decisions which were refused on sustainability grounds but allowed at appeal and considered sustainability in the context of the three strands of sustainability referred to in the NPPF:

At 4 Audlem Road, Hankelow an application for 10 dwellings (12/2309N) was refused by Southern Planning Committee on 29th August 2012 for sustainability reasons. In allowing the appeal the Inspector found that 'The Council has used the North West Sustainability Checklist as a guide to assessing accessibility, albeit that this relates to policies in the now defunct RSS. Nevertheless, this gives a number of useful guidelines, many of which are met. The village has a pub, a church, a village green and a post box and there is a golf club close to the appeal site open to both members and non members. However, the village has no shop or school. Audlem, which has a greater range of facilities, is only a short distance away. The appeal site has good access to 2 bus routes, which serve a number of local destinations. There are footways on both sides of the road linking the site to the village centre and other public rights of way close by. Audlem Road here forms part of the national cycle network. Therefore, whilst the use of the car is likely to predominate, there are viable alternative modes of transport. In locational terms, the appeal site appears to me to be reasonably accessible for a rural settlement'.

At land adjacent to Rose Cottages, Holmes Chapel Road, Somerford an application for 25 dwellings (12/3807C) was refused by Southern Planning Committee on 12th December 2012 for sustainability reasons. In allowing the appeal the Inspector found that 'it is inevitable that many trips would be undertaken by car as happens in most rural areas. However in this case many such trips for leisure, employment, shopping, medical services and education have the potential to be relatively short. A survey of the existing population undertaken by the Parish Council confirmed that the majority use the car for most journeys. Its results should though be treated with some caution in view of the response rate of only 44%. The survey does not seem to have asked questions about car sharing or linked trips, both of which can reduce the overall mileage travelled. It is interesting to note that use of the school bus was a relatively popular choice for respondents. A few also used the bus and train for work journeys. It also should not be forgotten that more people are now working from home at least for part of the week, which reduces the number of employment related journeys. Shopping trips are also curtailed by the popularity of internet purchasing and most major supermarkets offer a delivery service. The evidence also suggests that the locality is well served by home deliveries from smaller enterprises of various kinds'

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. 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.

No energy report has been submitted with the application, however, it is accepted that energy efficiency and carbon reduction measures could be required as part of any scheme. 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.

### **Affordable Housing**

The Strategic Housing Market Assessment (SHMA) 2010 and the SHMA Update 2013 identified a preferred tenure split of 65% social/affordable rented and 35% intermediate tenure affordable dwellings across Cheshire East. The SHMA Update 2013 identified a requirement for 217 new affordable homes each year between 2013/14 – 17/18 in the Crewe sub-area, this is made up of a requirement for 50 x 1 bed, 149 x 3 bed, 37 x 4+ bed and 12 x 1 bed older persons dwellings & 20 2 bed older persons dwellings each year. (There is an oversupply of 2 bed general needs accommodation).

In addition to this information taken from the SHMA, Cheshire Homechoice is used as the Choice Based Lettings method of allocating social and affordable rented accommodation across Cheshire East. There are currently 293 active applicants who have selected Wistaston or Wistaston Green as their first choice, these applicants require – 63 x1 bed, 132 x 2 bed, 85 x 3 bed, 12 x 4 bed and 1 x 5 bed properties.

Therefore as there is affordable housing need in Crewe there is a requirement for affordable housing to be provided at this site, 30% of the total dwellings on site should be provided as affordable, this equates to up to 45 affordable homes and the tenure split of the affordable dwellings should be 65% social or affordable rent (29 units) and 35% intermediate tenure (16

units), the affordable housing should be provided on site. The applicant has agreed to this tenure split. This should form part of a S106 Legal Agreement to comply with the IPS.

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

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

### **Highways Implications**

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.*

The development is split into two areas, the western end of the site has 35 units and the eastern section has 115 units. Each of the development areas will have their own individual access from Wistaston Green Road.

There are no highway issues raised concerning the priority junction arrangements for these access points and the visibility splays proposed at each access point are sufficient for the speed limit of 40mph. As this is an outline application, the indicative access design for each of the land parcels is capable of serving the number of units shown on the masterplan.

The applicant has used the Trics database to determine the likely traffic generation of the site onto the road network and this has produced figures of 88 am and 95 pm trips. Due the high number of recent residential applications CEC has undertaken its own surveys of residential



sites to determine local trip rates and the results of these would increase the generation to 114 am trips and 110 pm trips.

The development traffic from the site has been split between three routes on the road network, 50% using Middlewich Road, 28% on Nantwich Road and 22% on Wistaston Green Road.

With regard to the junction assessments that have been undertaken by the applicant, the two access junctions have been assessed and there are no capacity problems associated with this access points. I would not have expected any capacity issues with these two access points. The existing priority junction with the A530 Middlewich Road/Wistaston Green Road close to the Rising Sun PH has been modelled and the results indicate that the morning peak hour is a problem with the junction operating over capacity and the RFC figures are likely to be slightly higher should the CEC traffic generation figures be used.

Considering the wider impact of this site on the road network, there are existing extensive queues on the A530 Middlewich Road towards the Alvaston roundabout in both peaks and this development would only add to these congestion issues. It is the view of the applicant that the development traffic would only have a small percentage impact on the junction being approximately 30 trips in the peaks travelling through the roundabout, the SHM would accept this view if the junction did not have such a severe congestion problem as further development just increases the delay and congestion through the junction.

On this basis the SHM originally objected to this application. In the light of these objections, the Applicant has provided an update to the submitted transport statement and has accepted that it will be necessary to undertake signal improvements at the Rising Sun junction as a direct result of the application.

The Strategic Highways Manager has considered this updated information and proposed highways works and has concluded that he can no longer object to this application.

The site can be accessed by non-car modes and there is a reasonable public transport service close to the site.

## **Amenity**

A key consideration of the development would be the impact it would have on neighbouring amenity in terms of privacy and overlooking. This would be a detailed matter that could be dealt with at reserved matters stage

The cumulative impact of a number of developments in the area around Crewe and the AQMAs (regardless of their individual scale) has the potential to significantly increase traffic emissions and as such adversely affect local air quality for existing residents by virtue of additional road traffic emissions.

The Environmental Health Officer (Air Quality) feels it appropriate to ensure that uptake of these options is maximised through the development and implementation of a suitable travel plan.

In addition, modern Ultra Low Emission Vehicle technology (such as all electric vehicles) are expected to increase in use over the coming years (the Government expects most new vehicles in the UK will be ultra low emission). As such it is considered appropriate to create infrastructure to allow home charging of electric vehicles in new, modern properties.

The Environmental Health Officer has raised no objections to the development on air quality grounds subject to the use of conditions.

### **Contaminated Land**

This site is within 250m of a known landfill site or area of ground that has the potential to create gas. The application is for new residential properties which are a sensitive end use and could be affected by any contamination present.

The Environmental Health Officer has requested a Phase 1 Contamination Assessment in relation to land contamination.

### **Trees and Hedgerows**

Selected groups of trees to the north west boundary of the application site adjacent to Wistaston Brook are afforded protected by the Crewe and Nantwich Borough Council (Old Gorse Covert) TPO 1985.

The Tree Quality Survey has identified eleven individual trees and eleven groups of trees associated with the application site. Three trees identified in the Survey as T1 (Alder), T3 (Willow) and T6 (Willow) and parts of Groups G4 (Willow, Hawthorn, Alder), G6, G8 (Hawthorn, Ash, Oak, Alder, Holly), and G12 (Willow, Alder) form part of the 1985 Tree Preservation Order. In accordance with the Tree categorisation assessment (Table 1 BS5837:2012) The Survey has identified that the majority of the trees (90%) are either A (High Category) or B (Moderate Category) trees, with 10% in the C (low category), although much of the higher category trees were located off-site as part of a plantation of mature Willow and Alder within the north west corner of the site (G4).

The retention of A and B category trees including those protected by the Tree Preservation Order should therefore be given priority and inform the overall concept and site layout design of the scheme.

The application is supported by an illustrative masterplan overlying an aerial photograph showing the layout of internal roads and indicative positions of dwellings and open space provision. The plan shows that generally the built development will not impact upon existing protected trees to the north west of the site, where they will be integrated into public open space.

There are inconsistencies in the submitted Planning Statement which states at Paragraph 6.18 that the proposed scheme retains all existing trees within the application site, although at paragraph 6.45 and 6.46 it is stated that tree removals will be required along the southern boundaries for highway and pedestrian access and for the internal highways arrangement.

These losses are partially qualified in the Tree Quality Survey at *Section 3.13 Overall Development Implications* which identifies the loss of two sections of hedgerow along Wistaston Green Road in the north and southern sections of the site to enable access provision. The submitted Ecology survey at para 4.7 identifies that this hedge (H5 and H6) is not deemed to be Important under the Hedgerow Regulations 1997. Two further hedgerows identified (H2 and H7) situated to the north east boundary section of the site appear to form part of the open space provision when assessed against the illustrative masterplan and a section of Hedgerow H2 may form part of a boundary to proposed residential curtilage. Any final layout at reserved matters shall ensure that these hedgerows do not form part of a residential boundary.

The Survey also refers to minor tree losses to facilitate access/pedestrian routes at the eastern edge of the site (within Group G9) although there are no specifics in terms of numbers of trees; it is stated the extent of losses would be subject to a more detailed form of highway access.

Whilst the submitted layout is indicative only any detailed layout design shall take into account the impact of proposed development on retained trees (para 5.3.4 BS5837:2012 applies) to maximise their long term retention, allowing space for future growth and avoidance of excessive shading of private amenity space. Particular areas of concern are proposed development to the south of the site (to offsite trees within Group G9) and adjacent to proposed open space and protected trees along the eastern boundary sections of the site.

The Tree Officer has no objections to the principle of development on the site subject to a satisfactory layout that ensures the long term retention of those A and B category trees identified in the information provided.

Should the principle be approved any subsequent reserved matters application would need to be supported by a detailed Arboricultural Impact Assessment (AIA), Tree Protection Plan and Arboricultural Method Statement (AMS) in accordance with *BS5837:2012 Trees in Relation to Design, Demolition and Construction - Recommendations*

## **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 density of the site at 19.7 dwellings per hectare is appropriate and is consistent with that of the surrounding area of Wistaston.

The application is in outline form and the indicative layout shows that the development would be designed with the majority of the dwellings in the two parcels of land designed in a similar way to the estate on the other side of the Brook with linear open spaces running to the

northern boundaries of both parcels with the Brook and dwellings fronting the linear POS under the pylons that traverse the site (Although there could be some improvements to the layout). There is no reason to dispute that an acceptable design and layout could not be negotiated at the Reserved Matters stage and the development applied for is 'up to' 150 dwellings.

It is considered that the development would comply with Policy BE.2 (Design Standards) and the NPPF.

## **Ecology**

The Council's Ecologist advises that in relation to the following :

### *Wistaston Brook*

Wistaston Brook is located on the northern boundary of the application site. The brook has the potential to support a number of protected species. To avoid any potential impacts on the brook or species associated with it, if planning consent is granted a condition be attached requiring a 10m undeveloped buffer zone to be provided adjacent to the brook.

### *Badger*

An outlying badger sett has been recorded on site. The sett appears disused at the time of the submitted survey. If the sett continues to be disused the proposed development is unlikely to have a direct impact upon any badgers associated with it. The proposed development is however likely to result in the loss of habitat potentially used by badgers for foraging. The retention of an area of grassland adjacent to the brook would however allow badgers to continue to access the site and retain some suitable foraging habitat.

As the status of badgers on a site can change within a short timescale it is therefore recommended that if outline planning consent is granted a condition should be attached requiring any future reserved matters application to be supported by an updated badger survey report. The report should include mitigation proposals for any adverse impacts identified.

### *Ponds*

Two ponds are present on site. Both of these ponds are shown as being retained on the submitted indicative layout plan. This is supported by the ecologist.

### *Grassland Habitats*

An area of habitat described by the submitted Phase one habitat survey as 'tall ruderals by the brook' supports a number of species which are indicative of UK Biodiversity Action plan priority neutral grassland habitat. This area of habitat could potentially qualify as a Local wildlife site. The ecologist advises that the nature conservation value of this habitat is potentially undervalued by the submitted ecological assessment. An accurate assessment of the nature conservation value of this habitat would require a further more detailed botanical survey to be undertaken at the optimal time of the year.

This area of habitat is however shown as being retained on the submitted indicative layout plan. A significant amount of tree planting is being proposed in this area which I advise would be to the significant detriment of this habitat.

In order to safeguard this area in ecological terms, the ecologist would like to see the area of planting be removed. If planning consent is granted, once this change has been made, the ecologist recommends that a condition be attached requiring the retention of the habitat and submission of a habitat management plan to ensure the long term viability of this area of habitat.

#### *Hedgerows*

Hedgerows are Biodiversity Action Plan priority habitat and hence material consideration.

Based on the submitted indicative layout plan it appears feasible that much of the existing hedgerows could be retained as part of the proposed development. The Hedgerows are species poor. There are however likely to be some losses associated with the access to the site. If outline consent is granted any losses of hedgerow should be compensated for through the inclusion of appropriate native species hedgerow planting at the reserved matters stage via an appropriate landscaping scheme.

#### *Great Crested Newts and Reptiles*

Detailed surveys have been undertaken for both of these species. No evidence of these species was recorded and the ecologist advises that they are unlikely to be present or affected by the proposed development.

#### *Barn Owl*

Barn owls are known to occur in this general locality. The submitted phase one habitat survey identifies a tree on site which may have the potential to support roosting barn owls. The ecologist advises that whilst this tree may be retained as part of the proposed development the close proximity of the proposed works may cause any barn owls associated with the tree to desert it.

As no survey information has been submitted it is considered that insufficient information has been provided to assess the impact of the proposal on barn owls and that this forms a reason to refuse this application.

Regardless of whether barn owls are present on site the loss of semi-improved grassland habitat associated with the proposed development may potentially result in the loss of foraging habitat for barn owls present in the surrounding area.

If planning consent is granted the ecologist also recommends that this impact of the loss of the semi improved grassland be offset by means of a commuted sum that could be utilised, in partnership with the local barn owl group, to fund offsite habitat improvements for barn owls. This may include the erection of barn owl boxes at suitable sites. A sum of £2,000 would be appropriate. This should be secured by means of a UU/section 106 agreement.

#### *Otter and water vole*

Otters and water voles may be associated with Wistaston Brook however provided an appropriate buffer zone is implemented the proposed development is unlikely to significantly affect these species if present.

#### *Bats*

A bat activity survey has been undertaken on site. Bats are active on site but the site does not appear to be especially important for bats. The ecologist advises that there may be some potential impacts on this species group resulting from additional lighting and the loss of semi-improved grassland associated with the proposed development. However, the retention of habitats along Wistaston Brook and the provision of additional wetlands as part of the SUDS scheme for the site would at least partially mitigate this impact.

#### *Brown Hare, Polecat, Hedgehog*

These three Biodiversity Action plan priority species have all been recorded in general area of this application site. These species were not however recorded during the submitted ecological surveys. I advise that the proposed development would be likely to result in the loss of habitat for these species if they were present on site.

#### *Breeding Birds*

The application site is likely to support a number of species of breeding birds including the more widespread priority species which are a material consideration for planning. If planning consent is granted the Councils Ecologist recommends the use of conditions to safeguard breeding birds.

### **Public 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.

The POS is indicatively located to a central part of the site underneath the pylons that traverse the site. The proposal should provide an equipped children's play area. The equipped play area needs to cater for younger children - 5 pieces of equipment. A ground-flush roundabout would be desirable, 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.

A scheme of management for the POS and LEAP will need to be secured as part of a S106 Agreement if permission were to be granted.

### **Infrastructure**

Policy BE5 of the Local Plan advises that the Local Planning Authority may impose conditions and/or seek to negotiate with developers to make adequate provision for infrastructure requirements and/or community facilities, the need for which arises directly as a consequence

of that development. It is advised that such provision may include on site facilities, off site facilities or the payment of a commuted sum.

Policy IN1 of the emerging Cheshire East Local Plan Strategy – Submission Version, advises that the Local Planning Authority should work in a co-ordinated manner to secure funding and delivery of physical, social, community, environmental and any other infrastructure required to support development and regeneration.

The Council's Education Officer, in response to a consultation to ascertain the impact of the proposed development on nearby schools has advised that the development is expected to generate 27 primary aged pupils and 20 secondary pupils.

The primary schools within 2 miles which have been considered for capacity are :-

Underwood West, Wistaston Church Lane, St Michaels, Gainsborough, Wistaston Green, Beechwood, Edleston, Leighton, Pebble Brook, St Marys, Vine Tree, Willaston, The Berkeley, Highfields, St Oswalds

The secondary schools within 3 miles which have been considered for capacity are:-  
Brine Leas, Sir William Stanier, Kings Grove, Malbank, Shavington, St Thomas More, Ruskin

Whilst there is adequate capacity within local secondary schools to meet the impact of this proposal. As such no financial contribution is required towards secondary provision. However local primary schools are either at or close to capacity and as such the following is required to mitigate for the impact of the development

Primary  $27 \times 11919 \times 0.91 = \text{£}292,850$

This would need to be delivered early in the development phase to allow for the necessary lead in times for the addition provision.

### **Agricultural Land**

An Agricultural Land report has been provided which advises that 0.719 ha of this 7.389ha site comprises Grade 4 land and the remainder comprises Grade 3 land. A more detailed classification report has been requested to ascertain whether this is grade 3a or grade 3b land.

The applicant is of the view that the underlying soil conditions are clay and as such the Agricultural Land report identifies significant drainage issues on site which is the result of clay being abundant within the sub-soil which they posit cannot be adequately ploughed due to above and below ground constraints.

These factors in their view point towards the site falling within Grade 3B of the Agricultural Land Classification on the basis of a limited number of core samples throughout the site. The applicant considers this to be an intrusive survey of the site which justifies no further action on their part.

However, the area generally, they readily accept has a considerable amount of Grade 3a land. The report submitted is however, insufficiently detailed to accept the applicants assertions. This will form a reason for refusal.

### **Archaeology**

The application is supported by an archaeological desk-based assessment, which has been prepared by Nexus Heritage on behalf of the developers. The report considers information held in the Cheshire Historic Environment Record and also describes the results of an examination of aerial photographs and historic mapping, including the Wistaston tithe map of 1840 and Ordnance Survey maps from the 19<sup>th</sup>-century onwards. It concludes that there is some potential for archaeological deposits to be present across the site and particularly draws attention the structures depicted in the tithe map, which occupied plots on Wistaston Green Road to the south of the extant buildings at Little West End.

The report concludes that the archaeological potential of the site is not sufficient to sustain an archaeological objection to the development or to justify further pre-determination archaeological work. It does, however, conclude that in the event that planning permission is granted the site should be subject to a geophysical survey, in order to identify any areas of interest that merit further, targeted investigation.

This represents an appropriate approach but it is also recommended that sufficient information is already available to identify two locations where further, targeted archaeological mitigation can already be defined in detail.

These are the structures depicted on the tithe map and consist of a barn at SJ6760 5497 and a dwelling with associated croft at SJ6760 5488. At the barn it is recommended that a watching brief should be maintained during works in this area whilst at the second location, 'Garden' on the tithe map, an area measuring 20m by 20m should be subject to a strip and record exercise prior to development. A report will also be required, however, this could be controlled by condition

### **Flood Risk and Drainage**

A Flood Risk Assessment has been submitted as part of the application, the majority of the site is located in Flood Zone 3. The Environment Agency suggest conditions pertaining to compliance with the Flood Risk Assessment. Likewise United Utilities suggest conditions. Subject to compliance with the suggested conditions, the proposal will not have any undue flooding implications.

### **LEVY (CIL) REGULATIONS**

For the purposes of any appeal that may be submitted in the event this application is refused and in order to comply with the Community Infrastructure Levy (CIL) Regulations 2010, it is now necessary for planning applications/appeals 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. A scheme of management is required and is directly related to the development and is fair and reasonable.

The development would result in increased demand for school places in the secondary school catchment. In order to increase capacity of the school 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. The mitigation in terms of the barn owl contribution will mitigate for the impact on site by funding boxes elsewhere in the vicinity.

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

## **CONCLUSIONS**

The proposal involves the erection of a new residential development in the open countryside and also located within the Green Gap where it would have an adverse impact on the visual character of the landscape and the erosion of the physical gaps between built up areas. The proposed development would therefore be contrary to Policies NE.2 and NE.4 of the Crewe and Nantwich Replacement Local Plan 2011

The Planning Acts state that development must be in accordance with the development plan unless material considerations indicate otherwise.

The Council has a 5 year housing land supply but regardless of the housing land supply position open countryside policy and therefore Green Gap policy remain up-to-date and in accordance with the NPPF. Therefore, notwithstanding the provisions of paragraph 14 and 49 of the NPPF, there is no presumption in favour of this development.

Furthermore, the proposal would result in the loss of agricultural land. The submitted information fails to provide sufficient information that this is not amongst the best and most versatile grades of land. In the absence of any established need to develop the site in order to meet housing land supply requirements, it is considered that insufficient information has been submitted to demonstrate that the benefits of development would outweigh the loss of agricultural land.

In terms of the highways impact of the proposal, subject to conditions and the provision of signal improvements at the Rising Sun junction, the Strategic Highways Manager is satisfied that the proposal will not have any impact that would justify a refusal of planning permission.

In terms of Ecology there would be no ecological issues associated with this application other than the fact that insufficient detail has been submitted with regard to Barn Owls.

The indicative design and layout of the site is considered to be in keeping with the existing mixed character of the area and matters of detail would need to be addressed as reserved matters

The proposed development would provide adequate public open space, education contributions and the necessary affordable housing requirements. Likewise, subject to the negotiated highways mitigation at the Rising Sun junction, this proposal will not result in severe highways impacts.

The education impact could be accommodated within local schools with a financial contribution to fund additional secondary education provision.

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 no different than that of the existing residential community in the area, however, this is but one element of sustainability.

The proposed development would provide adequate public open space, education contributions and the necessary affordable housing requirements.

The overall 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, agricultural land and upon the spatial importance of the green gap between Crewe and Nantwich given the housing land supply position of the Council, and 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 Policies PG3 and PG5 of the Submission Version of the Local Plan Strategy.

## **RECOMMENDATION**

### **REFUSE for the following reasons:**

**The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies NE.2 (Open Countryside) and RES.5 (Housing in Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan, Policy PG 5 of the Cheshire East Local Plan Strategy – Submission Version and the principles of the National Planning Policy Framework and create harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year**

supply of housing land supply in accordance with the National Planning Policy Framework. As such the application is also contrary to the emerging Development Strategy. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.

In the opinion of the Local Planning Authority, the proposed development would cause a significant erosion of the Green Gap between the built up areas of Nantwich and Crewe, in an area that is also designated as being within the designated Green Belt within the Local Plan Strategy Submission Version and would adversely affect the visual character of the landscape which would significantly and demonstrably outweigh the benefits of the scheme notwithstanding a shortfall in housing land supply. The development is therefore contrary to Policy NE4 (Green Gaps) of the Borough of Crewe and Nantwich Replacement Local Plan 2011, Policy PG3 (Green Belt) of the Local Plan Strategy Submission Version and guidance contained within the NPPF.

In the absence detailed site survey information the applicant has failed to demonstrate that the proposal will not result in loss of the best and most versatile agricultural land and given that the Authority can demonstrate a housing land supply in excess of 5 years, the applicant has also failed to demonstrate that there is a need for the development, which could not be accommodated elsewhere. The use of the best and most versatile agricultural land is unsustainable and contrary to Policy NE.12 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the provisions of the National Planning Policy Framework.

Insufficient information has been submitted with the application to determine the impact of the proposal on barn owls. As the Local Planning Authority can demonstrate a 5 year supply of housing land there are overriding reasons for allowing the development. Therefore the scheme is contrary to Policy NE.5 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within the NPPF.

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 his absence the Vice Chair) of Strategic Planning Board, 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 Head of Strategic & Economic Planning, in consultation with the Chair (or in his absence the Vice Chair) of Strategic Planning Board to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

**S106 Heads of Terms:**

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 5 pieces of equipment and a scheme of management.
  3. Commuted Sum payment in lieu of secondary education provision £292,850
  4. Commuted Sum payment of £2000 in lieu of ecological mitigation for loss of grassland

