

Application No: 14/5825N

Location: LAND TO REAR OF, CHEERBROOK ROAD, WILLASTON, CW5 7EN

Proposal: Outline application for residential development for up to 100 dwellings with access and associated works

Applicant: Wainhomes (North West) Ltd

Expiry Date: 23-Mar-2015

SUMMARY

The proposed development would be contrary to Policies NE.2 and NE.4 and the development would result in a loss of open countryside and an erosion of the Green Gap between Willaston and Nantwich. However as Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites and the presumption in favour of sustainable development applies at paragraph 14 of the Framework where it states that LPA's should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

The development would provide benefits in terms of affordable housing provision, delivery of housing, POS provision and a NEAP and significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in Willaston.

The development would have a neutral impact upon education, protected species/ecology, drainage, trees residential and amenity/noise/air quality/contaminated land and mitigation could be secured at the reserved matters stage.

The adverse impacts of the development would be the loss of open countryside, the loss of agricultural land, the erosion of the Green Gap between Willaston and Nantwich and the adverse impact upon the visual character of the landscape. Insufficient information has been submitted to demonstrate that the development would not have a severe highways impact.

The adverse impacts in approving this development would not significantly and demonstrably outweigh the benefits of the development. This is consistent with other recent appeal decisions within the Green Gap. As such the application is recommended for refusal.

RECOMMENDATION
REFUSE

PROPOSAL

This is an outline planning application for up to 100 dwellings. Access is to be determined at this stage with all other matters reserved.

The access point to serve the site would be taken off Cheerbrook Road to the south of the site. The site would include the provision of 30% affordable housing and public open space.

The land to the south of the site has planning permission for the erection of 21 dwellings following the approval of application 13/3762N.

The description of development has been amended during the course of this application to reduce the number of proposed dwellings from *'up to 120 dwellings'* to *'up to 100 dwellings'*.

SITE DESCRIPTION

The site of the proposed development extends to 4.4 hectares and is located to the north of Cheerbrook Road, to the west of an existing area of open space and to the south of the Crewe-Nantwich Railway line. To the south-east of the site are residential properties which front The Fields. The site is currently undeveloped agricultural land located within the designated Green Gap and Open Countryside.

There are a number of trees and lengths of hedgerow to the site boundaries. Four of the trees located to the boundaries of the site are subject to TPO protection (1 tree to the north-east corner and 3 trees to the south-west corner).

RELEVANT HISTORY

14/5837N - Variation of Condition 2 (Plans) on Application 13/3762N - Construction of 21 two-storey residential dwellings, new shared access and associated works (Resubmission 13/0641N) – Application has a resolution to approve subject to the completion of a S106 Agreement

14/4423N - Non Material Amendment to Approved application 13/3762N – Approved 2nd October 2014

13/0641N - Construction of 21 two-storey residential dwellings, new shared access and associated works – Refused 7th May 2013 – Appeal Lodged – Appeal Withdrawn

10/4452N - Extension to Time Limit - P07/1435 - To increase Basement Area of Dwelling – Approved 22nd December 2010

P07/1435 - Resubmission to Increase Basement Area of Dwelling Approved Under Application No P07/0832 – Approved 12th December 2007

P07/1407 - Additional Vehicular Access – Refused 10th December 2007

P07/0832 - Replacement Dwelling – Approved 10th August 2007

P06/1376 - Replacement Dwelling – Withdrawn – 12th January 2007

P05/1628 - Demolition of Existing Bungalow and Garage and Erection of Replacement Dwelling – Refused 31st January 2007 – Appeal Lodged – Appeal Dismissed

NATIONAL & LOCAL POLICY

National Policy

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs:

- 14. Presumption in favour of sustainable development.
- 50. Wide choice of quality homes
- 56-68. Requiring good design

Development Plan

The Development Plan for this area is the Borough of Crewe and Nantwich Replacement Local Plan 2011, which allocates the site, under policy NE.2 and NE.4, as open countryside and Green Gap.

The relevant Saved Policies are:

- 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)

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

Cheshire East Local Plan Strategy – Submission Version (CELP)

The following are considered relevant material considerations as indications of the emerging strategy:

- PG2 – Settlement Hierarchy
- PG5 - Open Countryside
- PG6 – Spatial Distribution of Development
- SC4 – Residential Mix
- CO1 Sustainable Travel and Transport

CO4 – Travel Plans and Transport Assessments
SC5 – Affordable Homes
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE 1 Design
SE 2 Efficient Use of Land
SE 3 Biodiversity and Geodiversity
SE 4 The Landscape
SE 5 Trees, Hedgerows and Woodland
SE 6 – Green Infrastructure
SE 8 – Renewable and Low Carbon Energy
SE 9 – Energy Efficient Development
SE 13 Flood Risk and Water Management
IN1 – Infrastructure
IN2 – Developer Contributions

Supplementary Planning Documents:

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

CONSULTATIONS

Environment Agency: Refer to Environment Agency Standing Advice.

CE Flood Risk Manager: Conditions suggested.

United Utilities: No objection drainage condition suggested.

Network Rail: Conditions suggested.

Strategic Highways Manager: The highway evidence submitted with this application is flawed and does not give a true picture of the: site traffic generation and the impact on the existing highway network.

It is crucial to the correct assessment of the site that traffic impact is accurately defined so that actual impact on the highway network can be measured and appropriate levels of mitigation secured from development.

The Head of Strategic Infrastructure recognises that it may be possible for the developer's highway consultant to provide an accurate assessment with any required mitigation proposals.

Mindful of this likelihood the Highways Manager recommends that this planning application be deferred so that the developer can provide a new Transport Assessment which gives the required accuracy in assessment and gives the opportunity for mitigation to be identified against the impact on local junctions which are already heavily congested.

Environmental Health: Conditions suggested relating to environment management plan, construction hours, dust mitigation, noise mitigation, travel plan, electrical vehicle infrastructure and contaminated land.

NHS England: No comments received at the time of writing this report.

Ansa (Public Open Space): No comments received at the time of writing this report.

Natural England: No objection. For advice on protected species refer to the Natural England Standing Advice.

Archaeology: The submitted Archaeological Report has not identified any new archaeological sites and has led to the conclusion that there is a low potential for the presence of further archaeological deposits on the site. In these circumstances, it is advised that further archaeological work would be difficult to justify and no further archaeological mitigation is advised.

Countryside Access Team: Makes the following comments:

- The Parish Council have already commented regarding the indicative pedestrian access to Wybunbury Road via the playing fields. Whilst this route would increase the permeability of the site to pedestrians and reduce the walking distance to local facilities, access arrangements would need to be agreed with the landowner.
- The Transport Assessment notes the proximity of a traffic –free route which starts near the proposed site and leads into Nantwich. Local cycling groups have requested additional signage and dropped kerb facilities at this route. The increase in usage anticipated from the proposed development would increase demand for that improvement and contributions would therefore be requested to deliver this works.
- Properties should have adequate and best practice cycle storage facilities and all highway designs should incorporate accessibility for cyclists.
- The developer should be tasked to provide new residents with information about local walking and cycling routes for both leisure and travel purposes, with key routes signposted.

CEC PROW: The development does not affect a PROW.

Education: The development does not impact on education provision in the area.

VIEWS OF THE PARISH COUNCIL

Willaston Parish Council:

Objects to the application on the following grounds:

- The proposal is located within the Green Gap and would result in erosion of the physical gaps between built up areas as well as adversely affecting the visual character of the landscape. The development is contrary to Policy NE.4 of the Borough of Crewe and Nantwich Replacement Local Plan, the National Planning Policy Framework and the emerging Core Strategy.
- This application together with application 14/5824N for 175 new dwellings in the adjacent field which is currently under consideration would result in a substantial incursion of some

300 new houses within the Green Gap. In refusing the appeal for the Gresty Oaks application 13/2874N the Secretary of State acknowledged that “the Green Gap has been part of a long established and well recognised local policy which forms part of sustainable development.” He goes on to say that “a decision to allow development on the appeal site could reasonably be seen to pre-empt or prejudice the outcome of the Local Plan Examination.” That principle equally applies to this application.

- The applicant has failed to demonstrate a safe and satisfactory means of access to the site, contrary to the provisions of Policy BE3 (Access) and the National Planning Policy Framework.
- The proposed development is considered likely to give rise to severe traffic impacts, contrary to paragraph 32 of the NPPF. The principal concern is the impact this development will have on Cheerbrook Road which is already a very busy road linking the village to the A500 and other roads, as well as being frequently used as a ‘rat run’ to avoid congestion at the Cheerbrook and Peacock roundabouts, and Crewe Road.
- Cheerbrook Road is part of the approved walking route for children from Willaston going to Malbank School in Nantwich and the increase in traffic along the road which would be created by the proposed development would significantly increase the risk of an accident to children along that route.
- The proposal is contrary to Policy ‘BE1 – Amenity’ as the development would generate levels of traffic that would prejudice the safe movement of traffic on surrounding roads and will have an adverse impact on neighbouring uses.
- The proposal is contrary to the policy ‘TRAN.1 Public Transport’ as there is no provision of public transport within reasonable distance of the proposed development and therefore cannot be compliant with the policy which requires new developments to be ‘well served by public transport’.
- The proposal would result in loss of the best and most versatile agricultural land.
- Contrary to the outline plan, there will be no pedestrian or cycle access from the development via the Playing fields to the village. As a consequence, this will increase the distance from the development to the village amenities and bus stops. The application includes provision for a footpath across the children’s play area, which is parish council land, but there has been no consultation with the parish council regarding this. That play area is currently closed off at dusk every day at the request of the police to prevent access to teenagers who had previously been gathering there after dark and causing a nuisance to local residents.
- The proposal is unsustainable as it fails to meet a number of key criteria including: proximity to schools, medical facilities and transport links, accessibility, the provision of houses where required and supporting strong, vibrant and healthy communities.

REPRESENTATIONS

Letters of objection have been received from 80 local households raising the following points:

Principal of development

- The site is outside the settlement boundary
- Brownfield land should be promoted over the use of Greenfield land
- The development would be unsustainable as there are limited facilities within walking distance of the site
- Cumulative impact of housing applications within Willaston
- Lack of employment in the area

- There are no benefits to the local community
- Urbanisation of the village
- The fields are used to walk dogs as a recreational facility
- Housing should be built on Redsands
- The development is contrary to national and local plan policies
- Loss of Green Gap
- The site is within the open countryside
- Loss of agricultural land
- There should be more development within the north of the Borough
- The layout, density and scale of the development is inappropriate in Willaston
- This application would prejudice the draft local plan as per the recent SoS decision at Gresty Oaks
- Together with the Park Road application these developments are out of proportion with the village of Willaston
- There was a war time air crash on this site. Potential disturbance of a war grave
- The area has seen a disproportional amount of house building

Highways

- Adverse impacts caused by increased traffic
- Cheerbrook Road is used as a walking route to school and increased traffic would result in accidents
- Existing congestion and parking problems within Willaston
- Cheerbrook Road is a narrow residential street
- Large vehicles have difficulty accessing the centre of the village
- Parking problems along Cheerbrook Road
- Cheerbrook Road only has a footpath on one side
- The level crossing in the village causes traffic chaos at peak times
- Cheerbrook Road is a dangerous road
- Traffic already speeds along Cheerbrook Road
- The road infrastructure is in a poor state of repair
- Cheerbrook Road is already used as a rat run
- The required visibility splays cannot be achieved

Green Issues

- Impact upon wildlife
- The site is well used by bird life
- Impact upon protected species
- Loss of habitat

Infrastructure

- Local infrastructure cannot cope with further development
- Flooding/drainage problems in the area
- There are no facilities in Willaston for older children
- Increased pressure on local schools (both primary and secondary)
- Impact upon local health provision
- Poor access to existing health provision
- Leighton Hospital is at capacity
- The plans show access onto the Parish Council owned open space which is locked at night

Amenity Issues

- Disturbance caused during the construction phase of the development
- Increased sewage
- Drainage impacts
- Loss of privacy
- Visual Intrusion
- Noise and disturbance from the construction phase
- Increased air pollution
- Increased noise pollution
- Increased smells

A letter of objection has been received from Edward Timpson MP which raises the following points:

- Supports the objections raised by his constituents
- The site is within the Green Gap as identified by the Crewe and Nantwich Local Plan and the draft Cheshire East Local Plan
- Local infrastructure will not sustain further development on this scale
- There is no public transport in Willaston
- A decision to allow this development could prejudice the examination of the Local Plan

An objection has been raised by Cllr Silvester raising the following points:

- Willaston is under siege from developers. In the last year alone over 200 houses have been passed in the Green Gaps that surround Willaston. Now a new application for 120 houses at the rear of Cheerbrook Road has been made.
- Last year the Council passed an application for 21 houses on a site adjacent to the site for the new proposal.
- There are many valid planning reasons for the refusal of this application. The objections raised to the previous application by Willaston Parish Council are just as relevant for this application. Recently the Secretary of State refused an appeal for 880 houses in Rope and Shavington because it was premature due to the fact that the Local Plan has not yet been adopted and in the meantime the Green Gaps should be preserved.
- Cheshire East Council now need to move far more quickly than they have in the past to get the Local Plan adopted and to ensure that they have a five year housing supply that is recognised as such by Planning Inspectors.

An objection has been received from Cllr Simon raising the following points:

- This application is in the Green Gap and therefore it is a contravention of the existing saved Crewe & Nantwich Borough Council Policy and the Green Gap Policy in the emerging Cheshire East Local Plan.

APPRAISAL

The key issues are:

- Loss of Open Countryside/Green Gap
- Impact upon nature conservation interests
- Design and impact upon character of the area
- Landscape Impact
- Amenity of neighbouring property
- Highway safety

- Impact upon local infrastructure

Principle of Development

The site lies largely in the Open Countryside as designated by the Borough of Crewe and Nantwich Replacement Local Plan, where policy NE.2 states that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. 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 site is also located within the Green Gap and is subject to Policy NE.4. The impact upon the Green Gap between Crewe and Nantwich will be discussed below.

Housing Land Supply

Paragraph 47 of the National Planning Policy Framework requires that Council's identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements.

This calculation of Five year Housing supply has two components – the housing requirement – and then the supply of housing sites that will help meet it. In the absence of an adopted Local Plan the National Planning Practice Guidance indicates that information provided in the latest full assessment of housing needs should be considered as the benchmark for the housing requirement.

The current Housing Supply Position Statement prepared by the Council employs the figure of 1180 homes per year as the housing requirement, being the calculation of Objectively Assessed Housing Need used in the Cheshire East Local Plan Submission Draft.

The Local Plan Inspector has now published his interim views based on the first three weeks of Examination. He has concluded that the council's calculation of objectively assessed housing need is too low. He has also concluded that following six years of not meeting housing targets a 20% buffer should also be applied.

Given the Inspector's Interim view that the assessment of 1180 homes per year is too low, we no longer recommend that this figure be used in housing supply calculations. The Inspector has not provided any definitive steer as to the correct figure to employ, but has recommended

that further work on housing need be carried out. The Council is currently considering its response to these interim views.

Any substantive increase of housing need above the figure of 1180 homes per year is likely to place the housing land supply calculation at or below five years. Consequently, at the present time, our advice is that the Council is unable to robustly demonstrate a five year supply of housing land. Accordingly recommendations on planning applications will now reflect this position.

Green Gap

In this case, the application site is within the Green Gap. Therefore, as well as being contrary to Policy NE2 (Open Countryside) it is also contrary to Policy NE.4 (Green Gaps) 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.

A development of the scale proposed will clearly erode the physical gap between Willaston and Nantwich. It is also considered that it will adversely affect the visual character of the landscape. This is discussed in greater detail below.

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. It is considered that there are many other sites within Cheshire East 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 policy NE4.

Turning to the question of whether, in the light of the lack of a 5 year supply, Policy NE4 should be considered to be a housing land supply policy and / or out of date, 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.

The Courts have ruled that the interpretation of policy is a matter of law, and the above stance is supported by Ousley J in the Barwood case who draws a distinction between general open countryside policy and policies which protect gaps between settlements. It has also been the approach taken by the Secretary of State in the Gresty Oaks and Church Lane Wistaston Appeal cases and Mrs Justice Lang in the High Court decision which led to the quashing of the decision to allow the appeal at Moorfields in Willaston.

Whether a proposed development falls within the definition of “*sustainable*” development is a question of fact for the decision maker's assessment in the circumstances of any individual case. However, as it is located within Green Gap, this case profits from a very clear reflection

on the meaning of that expression applied to similar circumstances, and this is to be found in Bloor Homes East Midlands Ltd. V. SOSCLG [2014]:

“On any sensible view, if the development would harm the Green Wedge by damaging its 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 paragraphs 18 to 219 of the NPPF”.

It is therefore concluded that contravening the Green Gap policy renders the development unsustainable and consequently, it does not benefit from the presumption in favour under Paragraph 14 of the NPPF.

SOCIAL SUSTAINABILITY

Affordable Housing

The site is located in the Willaston Parish, for the purposes of the Strategic Housing Market Assessment Update 2013 (SHMA) the Willaston Parish is included in the Crewe sub-area. In the SHMA the Crewe sub-area shows a net need for 217 new affordable homes per year between 2013/14 and 2017/18 (50 x 1 beds, 149 x 3 beds, 37 x 4+ beds and 12 x 1 bed & 20 x 2+ beds older persons accommodation. (The SHMA identified an oversupply of 51 x 2 beds)

In addition to the information taken from the SHMA according to Cheshire Homechoice there are currently 17 applicants on the housing register who require social or affordable rented housing and have Willaston as their first choice, these applicants require 6 x 1 beds, 7 x 2 bed and 4 x 3 beds.

The proposal in this application is for 36 affordable units which is acceptable. The application form states that all 36 will be social rent. The tenure split required is 65% social or affordable rent and 35% intermediate. The affordable housing would be secured as part of a S106 Agreement.

Public Open Space

Based on a development of 100 dwellings there would be a requirement for 3,500sq.m of open space on this site. This could be provided within the site and final details will be provided at the reserved matters stage.

No consultation response had been received from the Councils Open Space Officer at the time of writing this report and an update will be provided in relation to this issue.

Education

In this case the education department has not requested any contributions to mitigate this development and as such the development is considered to be acceptable in terms of its impact upon education infrastructure.

Health

A number of the letters of objection raise concerns about the impact upon health provision in this area. At the time of writing this report a consultation response was awaited and an update will be provided in relation to this issue.

Location of the site

The site is considered by the SHLAA to be sustainable. 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) – adjacent to the site
- Children's Play Space (500m) – adjacent to the site
- Public House (1000m) – 600m
- Child Care Facility (nursery or crèche) (1000m) - 500m
- Community Centre/Meeting Place (1000m) – 300m

Where the proposal fails to meet the standards, the facilities / amenities in question are still within a reasonable distance of those specified and are therefore accessible to the proposed development. Those amenities are:

- Primary School (1000m) – 1300m
- Bus Stop (500m) – 650m
- Outdoor Sports Facility (500m) – 600m
- Public Right of Way (500m) – 650m
- Convenience Store (500m) – 650m

The following amenities/facilities fail the standard:

- Post office (1000m) – 2414m
- Supermarket (1000m) – 2,400m
- Secondary School (1000m) – 2090m
- Medical Centre (1000m) - 2090m
- Pharmacy (1000m) – 2090m

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 Willaston, 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 on Cheerbrook Road from the application site. However, all of the services and amenities listed are accommodated

within Crewe and are accessible to the proposed development on foot or via a short bus journey. Accordingly, it is considered that this site is a sustainable site.

ENVIRONMENTAL SUSTAINABILITY

Residential Amenity

In terms of the surrounding residential properties, the properties to the north are located to the opposite side of the railway, to the east they are located to the opposite side of an area of open space, the dwellings to the south fronting Cheerbrook Road are characterised by long rear gardens and the indicative plan shows that an area of open space would be provided onto the boundary with dwellings which front The Fields. The application is outline and there is no reason why adequate separation distances could not be provided to the adjacent properties.

Noise

The applicant has submitted a noise assessment taking into account rail and traffic noise on the site which shows the site is suitable for development from a noise perspective providing certain mitigation methods are put into place and reduce the noise levels as predicted.

As noise levels in garden areas are a material consideration this section requires noise levels in garden areas to achieve the levels specified in BS8233:2014. The assessment details the predictions of an acoustic barrier erected along the northern boundary that is 5 metres in height and returns at least 20 metres along the eastern and western boundaries. The assessment also makes recommendations for the mitigation of noise with the first floor windows of the bedrooms facing the railway line being upgraded to thermal glazing of the form 10mm glass/12mm air/6mm glass and Greenwood MA3051 Acoustic Wall Vent or similar and approved. The ground floor habitable rooms of the same dwellings can be mitigated to the levels specified in BS8233:2014 using standard thermal glazing and trickle vents using an indirect air path.

Once the acoustic barrier has been put into place, a validation monitoring assessment should be undertaken to determine the actual noise levels present on site. If the acoustic barrier does not reduce the noise levels as predicted then a further scheme of mitigation should be submitted as part of the reserved matters application for approval by the Local Planning Authority.

Vibration

A vibration assessment has been submitted to consider the existing vibration levels from rail movements and their potential impacts for future residents on the proposed development. The monitoring indicates that levels are not such as to cause an adverse impact.

Air Quality

The Councils Environmental Health Officer has stated that whilst this scheme itself is likely to be of a relatively small air quality impact, and as such would not require an air quality impact assessment, there is a need for the Local Planning Authority to consider the cumulative impact of

a large number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality.

The cumulative impact of a number of developments in the area around Crewe and the Air Quality Management Areas (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 Transport Assessment submitted with the application makes reference to the accessibility of public transport, walking and cycling routes. The accessibility of low or zero emission transport options has the potential to mitigate the impacts of transport related emissions. However it is felt 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. A travel plan, electrical vehicle charging points and dust control during the construction phase could be controlled through the use of a planning condition.

Contaminated Land

The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. Contaminated land would be controlled through the imposition of a planning condition.

Public Rights of Way

There are no public footpaths crossing the site. The potential access to the existing Parish Council owned play area would need to be negotiated at the Reserved Matters stage.

Highways

At 100 residential units this development proposal requires a Transport Assessment and the industry recognised standard is that of the original DfT document: Guidance on Transport Assessments.

In addition the requirements of the NPPG do require that committed development be taken into account and this promotes the delivery of cumulative impact information linked to development proposals.

In this instance the Transport Assessment does take into account committed development and via an agreed scope.

There are errors in the Transport Assessment with regard to traffic generation figures from the site which fall approximately 17% below the correct figure when submitted trip rates are taken into account.

In addition the modelling for the junctions roundabout within the TA fall significantly short of agreed capacity calculations and traffic modelling, between the Highway Authority and large developments like Wardle and NW Nantwich that show these roundabout junctions to be heavily congested.

The developer's information is therefore in contradiction of this identified and agreed position and can not be accepted by the Head of Strategic Highways.

As such this reason will form a reason for refusal as part of this application.

Trees and Hedgerows

The application is supported by various Arboricultural documents which indicate that the assessment has been carried out in accordance with the recommendations of British Standard BS5837:2012 Trees in relation to design, demolition and construction. The report has been carried out to assess the environmental and amenity values of all trees on or adjacent to the development area and the arboricultural implications of retaining trees with a satisfactory juxtaposition to the new development.

The submitted plans and particulars illustrate those trees which are of landscape importance and cross referenced with their Root Protection Areas and respective Tree protection details onto the proposed Master Plan. As a consequence it is possible to determine the direct or indirect impact in terms of the illustrative layout.

The Councils Tree Officer is of the view that the submitted arboricultural detail does provide the level of detail required to adequately assess the impact of development on existing trees.

The site is presently agricultural land with existing mature trees located around the periphery. It is accepted that as part of modern agricultural practices some minor impact on trees in terms of rooting mass development will have occurred, but any reduction in vitality is considered to be minimum. The identified Category A & B trees are visually prominent as part of the landscape and in particular from the public play area to the east. The proposed point of access from the site edged blue has no direct impact on any tree but does require the removal of a section of existing mature hedgerow. The potential important status for this hedge was lost as part of the previous planning approval (hedge forming domestic garden setting).

The TPO trees are all shown as being retained and the indicative plan shows that they would be retained adjacent to the proposed open space.

The openness of the location should be able to accommodate development, and the requirements of the moderate and high value retained tree aspect associated with the site. The indicative masterplan recognises the importance of trees retaining an open aspect within their immediate vicinity with dwellings located inside the service roads. A detailed site wide AIA / AMS and Tree Protection Plan to reflect a definitive layout will be required should this site proceed to Reserved Matters.

Design

The application is outline with details of scale, layout, appearance and landscaping to be determined at a later date. In support of this planning application, a Design and Access Statement has been provided.

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

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

The developable area of the proposed dwellings (as shown on the development framework plan) would be of a higher density than the areas to the south but would be comparable to the other areas of Willaston in close proximity to the site.

There is no reason why an acceptable design solution could be secured at the Reserved Matters stage.

Landscape

The site is approximately 4.5 Ha in size and is located on the western edge of Willaston. It consists mainly of a large, flat arable field enclosed by hedgerows along the southern, eastern and western boundaries and by a railway embankment along the northern boundary. The application site also extends about 10 metres beyond the western field boundary into the adjacent agricultural field.

To the north beyond the railway line there are residential properties on Park Road and Beech Road. To east there's an area of Public Open Space beyond which there are residential properties on Wybunbury Road. To the south there are residential properties on The Fields and an open field (which has planning consent for 21 houses), beyond which there are residential properties on Cheerbrook Road. The proposed development would be accessed from Cheerbrook Road via the recently consented residential development. To the west of the site there is open countryside between Willaston and the eastern edge of Nantwich through which the A51 Nantwich bypass runs north-south at a distance of about 300 metres from the site boundary. There is no public access to the site. The nearest public footpath is Willaston FP10 which crosses a railway footbridge near to the A51 about 300 metres west of the site.

The application includes a Landscape and Visual Appraisal undertaken by Barnes Walker in accordance with the guidelines for Landscape and Visual Impact assessment 3rd Edition.

In the 2008 Cheshire Landscape Character Assessment the site is within the Lower Farms and Woods character type and the Barthomley character area. With regard to landscape effects the Appraisal finds that the proposed development would have a Negligible effect on the site hedges and trees, a Moderately Adverse effect on the open agricultural field and a Minor Adverse effect on the landscape/townscape character of the site. The Appraisal concludes that the overall landscape effect for year 1 is considered to be Minor Adverse

With regards to visual effects the Appraisal considers views from four viewpoints on FP10, and from fourteen residential property groups. The Appraisal finds that the visual effects at year 1 on the users of FP10 would vary from Minor adverse to Moderate Adverse and that the visual effects at year 1 on the occupants of the residential property groups would vary from Negligible to Moderate Adverse.

The Appraisal concludes that the overall visual effect for year 1 is considered to be Minor Adverse.

The application site is located within the Green Gap. Since the Barnes Walker Appraisal identifies that there would be adverse landscape and visual effects, it is considered that the development proposals are contrary to Policy NE.4 Green Gap.

Ecology

Bats

Four trees have been recorded on site which have potential to support roosting bats. Based upon the submitted tree survey and illustrative master plan it appears feasible for all of these trees to be retained as part of the proposed development.

Hedgerows

Hedgerows are a priority habitat. Based upon the illustrative master plan it is feasible for most of the existing hedgerows to be retained. There would however some losses associated with the site access point.

If outline planning consent is granted it must be ensured that suitable conditions are in place to ensure the retention of existing hedgerows and the provision of compensatory planting as part of the detailed design of any future reserved matters application.

Hedgehog

Hedgehogs are a biodiversity action plan priority species and hence a material consideration. There are records of hedgehogs in the broad locality of the proposed development but the site offers limited habitat for this species. If planning consent is a condition will be attached to secure gaps are provided within the boundary treatment.

Breeding Birds

The use of the standard conditions would mitigate the impact upon breeding birds on this site.

Flood Risk

The application site is located within Flood Zone 1 (low probability of river/tidal flooding) according to the Environment Agency Flood Maps. A Flood Risk Assessment (FRA) has been submitted as part of this application.

The submitted Flood Risk Assessment (FRA) suggests that surface water from the proposed development could be drained into the local highway drainage system, this would not generally be supported by the Councils Drainage manager. It should be noted that United Utilities (UU) sewer records indicate the presence of a 225 mm combined sewer within the southern portion of the site. The possibility of connecting into this system should be explored with United Utilities in the first instance.

Any surface water generated at the site following development should be restricted to Greenfield rates with attenuation provided as appropriate.

The Councils Flood Risk Manager has been consulted as part of this application and have raised no objection to the proposed development subject to the imposition of planning conditions.

As a result, the development is considered to be acceptable in terms of its flood risk/drainage implications.

Archaeology

A supporting Archaeological Assessment has been submitted with this application and this has been assessed by the Councils own Archaeologist. No further archaeological work is required on 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 no survey of the land has been undertaken but the supporting planning statement makes reference to the MAFF classification maps which classify the site as Grade 2 land.

In this case the loss of BMV agricultural land will form part of the planning balance.

Health Infrastructure

At the time of writing this report no comments had been received from the NHS. This issue will form part of an update report.

ECONOMIC SUSTAINABILITY

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to Willaston including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

CIL Regulations

In order to comply with the Community Infrastructure Regulations 2010 it is necessary for planning applications with planning obligations 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 Interim Planning Policy and Policy RT.3. It is directly related to the development and is fair and reasonable.

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

PLANNING BALANCE

The proposed development would be contrary to Policies NE.2 and NE.4 and the development would result in a loss of open countryside and an erosion of the Green Gap between Willaston and Nantwich. However as Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites and the presumption in favour of sustainable development applies at paragraph 14 of the Framework where it states that LPA's should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

The benefits in this case are:

- The development would provide benefits in terms of much needed affordable housing provision and would help in the Councils delivery of 5 year housing land supply.
- In terms of the POS provision this is considered to be acceptable. The provision of POS would provide a facility for future residents and other residents in this part of Willaston. An update will be provided in relation to children's play space.
- The development would provide significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in Willaston.

The development would have a neutral impact upon the following subject to mitigation:

- The impact upon education infrastructure would be neutral as no objection has been raised by the Councils Education Department
- The impact upon protected species/ecology is considered to be neutral subject to the imposition of conditions to secure mitigation.
- There is not considered to be any drainage implications raised by this development.

- The impact upon trees is considered to be neutral at this stage and further details would be provided at the reserved matters stage.
- The impact upon residential amenity/noise/air quality and contaminated land could be mitigated through the imposition of planning conditions.

The adverse impacts of the development would be:

- The loss of open countryside.
- The loss of agricultural land.
- Erosion of the Green Gap between Willaston and Nantwich
- Adverse impact upon the visual character of the landscape
- Insufficient information has been submitted to demonstrate the development would not have a severe highways impact.

The adverse impacts in approving this development would not significantly and demonstrably outweigh the benefits of the development. This is consistent with other recent appeal decisions within the Green Gap. As such the application is recommended for refusal.

RECOMMENDATION:

REFUSE for the following reasons:

- 1. 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 Willaston and Nantwich and adversely effect 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 and guidance contained within the NPPF.**
- 2. The proposal would involve the permanent loss of best and most versatile agricultural land. The NPPF states that local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. Together with the reasons stated above this would significantly and demonstrably outweigh the benefits of the scheme notwithstanding a shortfall in housing land supply. The proposed development is contrary to Policy NE.12 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and Paragraph 112 of the NPPF.**
- 3. The Transport Assessment submitted as part of this application does not include an assessment of the cumulative impact of other committed development within this area. The Transport Assessment also includes a number of errors in relation to traffic generation which fall 17% below the correct figure when submitted trip rates are taken into account. As such it is not possible to conclude whether the development would have a severe highways impact or to identify any mitigation which may be required. As such the development would be contrary to the NPPF and Policy BE.3 (Access and Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.**

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 the application be subject to an appeal, the following Heads of Terms should be secured as part of any S106 Agreement:

- 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 Public Open Space**
- 3. An update to be provided on childrens play space**
- 4. Highways Contribution TBC**

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Willaston

THE SITE

Blak

Villa