

Application No: 14/5615N

Location: WEAVER FARM, THE GREEN, WRENBURY, CHESHIRE, CW5 8EZ

Proposal: Outline Planning Permission for a residential development comprising up to 85 residential dwellings (including 30% affordable housing), structural planting and landscaping, informal public open space and childrens play area, surface water attenuation and associated ancillary works, with all matters reserved for future determination with the exception of access.

Applicant: Gladman Developments Ltd

Expiry Date: 05-Mar-2015

## **SUMMARY**

The proposed development would be contrary to Policies NE.2 and RES.5 and the development would result in a loss of open countryside. However Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites so there is a presumption in favour of sustainable development as advised by paragraph 14 of the Framework. 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/Country Park provision, a play area and significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in Wrenbury.

The development would have a neutral impact upon education, protected species/ecology, drainage, highways, trees, the setting of the Listed Buildings and the Scheduled Ancient Monument, residential amenity/noise/air quality/contaminated land and landscaping 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 and the less than significant impact upon the setting of the Conservation Area.

There would be few adverse impacts in approving this development and they would not significantly and demonstrably outweigh the benefits of the development. The contribution of the development of this site towards the housing need of the Borough is considered to be significant and the presumption in favour of sustainable

development applies. As such the application is recommended for approval.

## **RECOMMENDATION**

**Approve subject to conditions and a S106 Agreement**

## **PROPOSAL**

This is an outline planning application for the erection of up to 85 dwellings. Access is to be determined at this stage with all other matters reserved.

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

The indicative plans show that the site would include a country park which would extend to 5.1 hectares.

## **SITE DESCRIPTION**

The site of the proposed development extends to 8.8 ha and is located to the southern side of Cholmondeley Road. The site is within Open Countryside. To the southern boundary of the site is agricultural land. To the east of the site is residential development which forms the village of Wrenbury (fronting Cholmondeley Road, New Road and St. Margaret's Close). Watercourses form the southern and western boundaries of the site and further to the west is the Llangollen Branch of the Shropshire Union Canal. The Wrenbury Conservation Area runs along the northern boundary of the site.

The land is currently in agricultural use and forms one large field and two small paddocks. There are a number of trees and hedgerow to the boundaries of the site. Including some trees which are located within the centre of the site. Some of the trees are protected by a Tree Preservation Order (TPO).

Part of the application site is located within Flood Zone 2 as identified by the Environment Agency Flood Maps.

## **RELEVANT HISTORY**

14/5484S - Environmental Impact Assessment Request for a Screening Opinion for residential development of up to 85 dwellings – EIA Not Required.

## **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, as open countryside.

The relevant Saved Policies are:

NE.2 (Open countryside)  
NE.5 (Nature Conservation and Habitats)  
NE.8 (Sites of Local Importance for Nature Conservation)  
NE.9: (Protected Species)  
NE.20 (Flood Prevention)  
BE.1 (Amenity)  
BE.2 (Design Standards)  
BE.3 (Access and Parking)  
BE.4 (Drainage, Utilities and Resources)  
BE.7 (Conservation Areas)  
BE.15 (Scheduled Ancient Monuments)  
RES.5 (Housing in the Open Countryside)  
RES.7 (Affordable Housing)  
RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)  
RT.9 (Footpaths and Bridleways)  
TRAN.3 (Pedestrians)  
TRAN.5 (Cycling)

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  
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

**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:** The Environment Agency has no objection in principle to the proposed development but suggests conditions in relation to flood risk and a buffer to the River Weaver.

**United Utilities:** Drainage condition suggested.

**CEC Flood Risk Manager:** Conditions suggested in relation to surface water drainage and overland flow.

**NHS England:** No comments received.

**Natural England:** Statutory sites – no objection. For guidance on protected species refer to the standing advice.

**Strategic Highways Manager:** The proposal for 85 dwellings on the land at The Green can be accessed conveniently and safely from the highway network by means of a simple priority access.

The traffic impact of such a proposal in percentage terms would be quite high but in absolute terms it would be modest and, in terms of operational capacity of the highway network, would be limited.

Claims relating to public transport and accessibility to employment and local services appear to be somewhat exaggerated in the TA to support the development. Nevertheless, such access might be described as moderate and acceptable.

The Head of Highway Infrastructure therefore has no objection to this planning application.

**Canals and Rivers Trust:** No objection

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

**Ansa (Public Open Space):** There is already a well equipped children's play area in Wrenbury, plus a Multi Use Games Area on the Parish Council owned open space. These were constructed in 2008, so are relatively new.

It would make more sense to provide an outdoor fitness area (12 different pieces of equipment) on the informal public open space within this development, rather than to provide yet another children's play area so close to the existing facility.

**Historic England:** Do not wish to offer any comments. The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

**CEC Archaeology:** Condition suggested.

**Network Rail:** Offer no comments.

**CEC Countryside Access:** The Development Framework shows an eastern access marked as 'proposed footpath' onto Cholmondeley Road from the proposed estate road. Such a link would increase the permeability of the proposed site to non-motorised users. However, consideration should be given to the fact that this trajectory, towards the facilities of the village, could be anticipated to be a desire line for cyclists in addition to pedestrians, and therefore may be better designed to accommodate both categories of users, to best practice.

The legal status, maintenance and specification of the proposed footpaths in the open space of the site, and the link on to Cholmondeley Road referred to above, would need the agreement of the Council as the Highway Authority. If the routes are not adopted as public highway or Public Rights of Way with the provision of a commuted maintenance sum, the routes would need to be maintained for use under the arrangements for the management of the open space of the site.

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, if appropriate.

**CEC Public Rights of Way:** The development does not appear to affect a PROW.

**Education:** 85 dwellings would generate 15 primary school children (85 x 0.18) and 11 secondary school children (85 x 0.13).

Forecasts show that the development will impact upon primary education, resulting in a shortfall of 10 primary places.

Forecasts show that the development will impact upon secondary education.

As such the following contributions will be required:

$10 \times 11,919 \times 0.91 = \text{£}108,462.90$  primary education

$11 \times 17,959 \times 0.91 = 179,769.59$  secondary education

Total = 288,232.49

## VIEWES OF THE PARISH COUNCIL

**Wrenbury Parish Council:** Object to the application on the following grounds:

- The development is outside the settlement boundary, as set out in the adopted Crewe and Nantwich Local Plan and emerging Cheshire East Local Plan; as such it is open countryside.
- The development will increase the number of homes in Wrenbury village by over 25% and is far too big and unsustainable.
- Such a large increase in the village will adversely affect road safety and add to the unique traffic congestion associated with the lift bridge over the adjacent canal. Cholmondeley Road is also particularly narrow in the vicinity of the proposed site entrance.
- The Parish Council disputes the applicant's assertion in the Interim travel plan that the site is accessible by bus, and bus travel is considered to be a realistic mode of transport for site users. There are only seven buses per day, Monday to Saturday, and no buses on a Sunday. This will result in the vast majority of residents using private cars with the associated exacerbation to highways problems in the area.
- As the village is surrounded by open countryside, there is no need for the development of a country park, particularly with the problem of flooding in this area – the Parish Council has no interest in adopting either the country park or the play area. There is already a play area with associated open space and MUGA within the village which the Parish Council maintains.
- The Parish Council is concerned that the 'Statement of Community Involvement' is incorrect in that the Parish Council did reply to the letter from Gladman and requested a presentation to an open meeting. Gladman, however, declined this opportunity to consult properly with the residents of the village, which illustrates that they do not seriously believe in proactive engagement with community involvement and consultation.

## REPRESENTATIONS

Letters of objection have been received from 11 local households raising the following points:

### Principle of development

- The site is within the open countryside
- Intrusion into the open countryside
- The development is not infill
- The development would result in a 25% increase in the population of Wrenbury
- There is no need for this development
- Approving the application will lead to further applications for residential development
- Approving the development would turn Wrenbury into a town
- There are no jobs in Wrenbury
- Impact upon the landscape
- The development would be visible from PROW and the canal
- Impact upon local tourism
- No need for a new play area in the village
- The development would be contrary to numerous local plan policies

### Highways

- Cholmondeley Road is too narrow to serve the development
- The queuing traffic at the Grade II Listed Lift Bridge will block the entrance to the site
- Wrenbury cannot cope with the additional volume of traffic
- The application does not mention the proposed marina opposite the site

- Long diversions are required if the lift bridge is broken
- There is a blind bend at the junction of Cholmondeley Road and New Road
- The roads within the village are dangerous and are used by large agricultural vehicles

#### Green Issues

- Impact upon wildlife
- The site is subject to flooding
- The development could lead to pollution of the River Weaver

#### Infrastructure

- Local infrastructure cannot cope
- Poor broadband connection in the village
- Lack of adequate pedestrian access
- Sewage infrastructure does not have capacity
- No details have been provided in relation to the maintenance of the proposed POS
- Poor mobile phone signal in the area
- The local primary school is full

#### Amenity Issues

- The pedestrian link to the play area would raise privacy issues to the adjacent dwelling
- Loss of light
- Loss of privacy
- The siting of the play area would raise privacy issues
- The play area would be secluded and would attract anti-social behaviour
- Noise and disturbance from the dwellings
- As the application is outline it is not possible to ensure that the open space and buffers will be provided

#### Design issues

- As the application is in outline form it is not possible for the applicant to produce a photomontage in support of an outline application
- A suburban development would be out of keeping with the village

#### Other issues

- Loss of agricultural land
- The water attenuation basin within the open space would be dangerous for children
- Additional information has been submitted past the consultation period
- The development on New Road already spoils the outlook of the village
- There are a number of large scale developments proposed in Wrenbury (the proposed marina's and Sandfield House
- No benefits to local residents
- Letters submitted as part of the pre-application consultation have been ignored
- Detrimental impact upon the users of the adjacent public house
- The development would be against the wishes of the community
- Increased usage will damage the Grade II Listed Bridge

### **APPRAISAL**

**The key issues are:**

- Loss of open countryside
- 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 2011, where policy NE.2 states that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Residential development will be restricted to agricultural workers dwellings, affordable housing and limited infilling within built up frontages.

The proposed development would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside. As a result, it constitutes a “departure” from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined “*in accordance with the plan unless material considerations indicate otherwise*”.

The issue in question is whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy objection.

### **Housing Land Supply**

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.

The 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.

Following the suspension of the Examination into the Local Plan Strategy and the Inspectors interim views that the previous objectively assessed need (OAN) was ‘too low’ further evidential work has now taken place and a fresh calculation made.

Taking account of the suggested rate of economic growth and following the methodology of the NPPG, the new calculation suggests that need for housing stands at 36,000 homes over the period 2010 – 2030. Although yet to be fully examined this equates to some 1800 dwellings per year.



The 5 year supply target would amount to 9,000 dwellings without the addition of any buffer or allowance for backlog. The scale of the shortfall at this level will reinforce the suggestion that the Council should employ a buffer of 20% in its calculations – to take account ‘persistent under delivery’ of housing plus an allowance for the backlog.

While the definitive methodology for buffers and backlog will be resolved via the development plan process this would amount to an identified deliverable supply of around 11,300 dwellings.

This total exceeds the total deliverable supply that the Council is currently able to identify – and accordingly it remains unable to demonstrate a 5 year supply of housing land.

## **SOCIAL SUSTAINABILITY**

### **Affordable Housing**

The site falls within the Wrenbury sub-area for the purposes of the Strategic Housing Market Assessment update (SHMA) 2013. This identified a net requirement for 20 new affordable units per annum for the period 2013/14-2017/18. Broken down this is a requirement for 15 x 2 bed units, 12 x 4+ bed units and 2x 1bd older persons units. The SHMA showed an over-supply of 3 bed units (-9).

In addition to information taken from the SHMA, Cheshire Homechoice shows there are currently 21 applicants who have selected the Wrenbury lettings area as their first choice. These applicants require 8 x 1 bed, 8 x 2 bed and 5 x 3 bed units and 1 x 5 bed unit.

The Interim Planning Statement: Affordable Housing (IPS) states that in areas with a population of less than 3,000 the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified ‘windfall’ sites of 3 dwellings or more than 0.2 hectare in size. For areas with a population of over 3,000 the threshold is 15 units or 0.4 hectare.

The proposal is for up to 85 dwellings, including a minimum of 30% affordable dwellings which equates to 26 dwellings which should be provided as 17 affordable or social rent and 9 intermediate tenure. The affordable housing provision will be secured as part of a S106 Agreement.

### **Public Open Space**

Policy RT.3 states that where a development exceeds 20 dwellings the Local Planning Authority will seek POS on site. In this case the level would be 2,975sq.m and the indicative plan shows that the developer will provide 54,000sq.m of open space which would comprise a country park, public open space and play area. As such there would be an over provision of open space as part of this development.

In terms of children’s play space there is already a well equipped children’s play area in Wrenbury, plus a Multi Use Games Area on the Parish Council owned open space. These were constructed in 2008, so are relatively new. As such the Councils Open Space officer has requested that an outdoor fitness area (12 different pieces of equipment) be provided rather

than to provide yet another children's play area so close to the existing facility. This would be secured as part of a S106 Agreement.

## **Education**

In terms of primary school education, the Councils Education Department have confirmed that there are capacity issues at the local schools that would serve this development. The proposed development would generate 15 new primary school places which cannot be accommodated. As there are capacity issues at these local schools the education department has requested a contribution of £108,462.90. This will be secured via a S106 Agreement should the application be approved.

In terms of secondary school education, the Councils Education Department have confirmed that there are capacity issues at the local schools that would serve this development. The proposed development would generate 11 new secondary school places which cannot be accommodated. As there are capacity issues at these local schools the education department has requested a contribution of £179,769.59. This will be secured via a S106 Agreement should the application be approved.

## **Health**

Although no consultation response has been received from the NHS there is a medical centre within 3 miles of the site and according to the NHS choices website this practice is currently accepting patients indicating that they have capacity.

## **Location of the site**

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

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

- Amenity Open Space (500m) – would be provided on site
- Children's Play Space (500m) – would be provided on site
- Bus Stop (500m) – 100m
- Public House (1000m) – 200m
- Public Right of Way (500m) – 300m
- Child Care Facility (nursery or crèche) (1000m) - 800m
- Community Centre/Meeting Place (1000m) – 300m
- Primary School (1000m) – 800m
- Medical Centre (1000m) – 800m
- Convenience Store (500m) – 500m
- Train Station (2500m) – 1200m
- Post office (1000m) – 500m

The following amenities/facilities fail the standard:

- Supermarket (1000m) – 9000m
- Outdoor Sports Facility (500m) – 800m
- Pharmacy (1000m) – 9000m
- Secondary School (1000m) – 9000m

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 Wrenbury, there are some amenities that are not within the ideal standards set within the toolkit and will not be as close to the development as existing dwellings which are more centrally positioned. Nevertheless this is not untypical for suburban dwellings and will be the same distances for the residential development in Wrenbury from the application site. However, the majority of the services and amenities listed are accommodated within Nantwich and are accessible to the proposed development via a short bus or train journey. Accordingly, it is considered that this small scale site is a sustainable site.

It should also be noted that Wrenbury is identified as a Local Service Centre within the Submission Version of the Local Plan so is accepted as having appropriate facilities to support further sustainable development.

## **ENVIRONMENTAL SUSTAINABILITY**

### **Residential Amenity**

The main residential properties affected by this development are Rosehaven which fronts Cholmondeley Road to the eastern corner of the site and has a number of windows to its side elevation onto the boundary of the site and the properties which front St Margaret's Close to the south-east corner of the site.

An illustrative masterplan has been provided within the submitted Design and Access Statement. However it should be noted that the detailed layout will be determined at the reserved matters stage and it is considered that an acceptable scheme could be secured that would not have a detrimental impact upon residential amenity.

### **Air Quality**

The proposed development is not close to any air quality management areas (AQMAs). A condition will be attached in terms of dust control from the construction phase of the development.

### **Contaminated Land**

The application site is within 250m of a known landfill site and has a history of agricultural use and therefore the land may be contaminated. As the application is for new residential properties which are a sensitive end use and could be affected by any contamination present a contaminated land condition will be attached to any approval.

### **Public Rights of Way**

There is no PROW located on the application site.

In response to the comments made by the Councils PROW Officer the pedestrian links onto Cholmondeley Road could be negotiated at the Reserved Matters stage and secured as part of a planning condition. The proposed footpaths within the community park would be maintained as part of a management company.

## **Highways**

### Access

The proposed access is considered to offer a suitable layout for the proposed development with a sufficient level of visibility (2.4m x 43m) for observed speeds with the removal of a section of hedgerow. The access provides footways although no specific cycle facilities and a condition would be attached to ensure that details are provided at the reserved matters stage.

### Highway capacity

The trip rates used in the Transport Assessment (TA) are representative of those for a village of this type. The capacity assessments of local junctions indicate no capacity issues on the network at current traffic levels. The analysis also indicates no capacity issues with the development traffic added. It is accepted that the local highway junctions operate within capacity at current traffic levels and that the addition of development traffic would not unduly impact upon delays or capacity in Wrenbury.

The TA does not consider the operation of the lift bridge in Wrenbury and its potential impact to delay traffic nor what impact the proposed development and its associated traffic might have on queuing at the bridge. The traffic generation data presented by the applicant indicates 21 additional vehicles trips travelling westbound towards the bridge in the AM peak hour. If the bridge were to lift for say five minutes in this period the proposed development would add to the existing queues at the bridge by two vehicles on its western side. Such additional queuing would not have a severe impact upon the highway network in terms of blocking or otherwise. (In fact, it is the bridge lifting that impacts upon traffic seeking to cross the canal and any increased lifting would cause increased delay to traffic seeking to make such movements, only increased canal traffic will cause the bridge to lift more frequently).

The submitted Transport Assessment demonstrates that historically very few road related personal injury accidents (PIAs) have occurred in Wrenbury. One 'slight' PIA was recorded in a recent five year period.

### Highways Conclusion

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

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

## Trees

Some of the trees within the application site are protected by a Tree Preservation Order. Cholmondeley Road forms the boundary of Wrenbury Conservation Area to the north east boundary of the site where trees adjacent to the site may contribute to its character or appearance.

The access to the site is off Cholmondeley Road to the east and will require the removal of a section of hedgerow. The Assessment proposes that this section of hedgerow is to be replaced within the site.

The tree survey identifies 18 individual trees and 8 groups of trees. Six individual trees have been assessed in accordance with BS5837:2012 as Category A (High Quality) trees; seven individual trees and three groups as Category B (Moderate Quality) and four individual trees and eight groups as Category C (Low Quality). One tree and early mature English Elm has been classified as unsuitable for retention. Most notably four mature Oak to the west, and a fine Oak within the centre of the site are prominent features in the landscape and contribute significantly to the amenity of the area. Various individual and groups of Alder, Sycamore, Ash and Crack Willow to the west of the site have a strong association and contribute to the River Weaver Corridor.

The supporting statements advise that no existing trees will be removed to accommodate the development as the development area will be located within the north east section of the site with the majority of existing mature trees including trees along the River Weaver to be located within open space provision. One mature A category Oak is shown for retention within the development area and if this tree is to be retained successfully within the development window it will be necessary to ensure compliance with the design requirements of Section 5 of BS5837:2012. Similarly there are two groups of trees to the southern boundary identified for retention which will interface with development and will require a sympathetic design to ensure their long term retention.

A condition should be attached to address future layout and design issues in relation to trees at reserved matters stage.

## 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 an indicative layout has been provided in support of this application and this shows that an acceptable layout can be achieved (subject to the provision of a landscape buffer along the Conservation Area as discussed below) and that the areas of open space and all highways would be well overlooked. It is considered that an acceptable design/layout that would comply with Policy BE.2 (Design Standards) and the NPPF could be negotiated at the reserved matters stage.

## **Impact upon Built Heritage (Wrenbury Conservation Area and Listed Buildings)**

The Wrenbury Conservation Area runs along the Cholmondeley Road frontage of the site. Unlike the land to the opposite side of Cholmondeley Road the Conservation Area does not extend into agricultural land which forms part of the application site.

The village of Wrenbury is centred on four distinct nodes: the canal crossing, the village green, the school and the railway station, separated by agricultural land.

The proposed development would therefore alter the inherent character of the village by linking together two of these nodes (the canal crossing and the village green). The development would result in the loss of an area of open countryside which contributes to the Conservation Area which the developer states will be mitigated through the planting of a landscape buffer along the frontage of the site to soften the impact of the development (final details will be secured at the Reserved Matters stage).

Concerns have been raised in relation to the impact upon the Conservation Area but in this case Historic England has decided not comment on this application. As such it is considered that the development would cause less than substantial harm to the Conservation Area and as such Paragraph 134 of the NPPF applies and states that:

*'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use'*

Given the separation distances involved it is considered that the development would have a negligible impact upon the setting of the Listed Buildings within the village of Wrenbury including the Church of St Margaret (Grade II\*) and Wrenbury Bridge (Grade II and a Scheduled Ancient Monument).

The submitted Transport Assessment identifies that the development would generate 29 two way vehicle movements within the AM Peak Hour which would use Wrenbury Bridge and 27 two way vehicle movements within the PM Peak Hour which would use Wrenbury Bridge. It is not considered that this increase in vehicle movements would have an adverse effect on the Scheduled Ancient Monument and Grade II Listed Structure at Wrenbury Bridge and the development would accord with Policy BE.15 of the Local Plan. This is supported by the fact that no objections have been raised in relation to this issue from Historic England, The Canals and Rivers Trust and the Councils Conservation Officer.

## **Archaeology**

The application is supported by an archaeological desk-based assessment. The report concludes that there is no archaeological objection to the development or any requirement for further pre-determination evaluation. However it does accept that the site's location 150m to the west of the medieval parish church indicates that there may be some potential for evidence of early settlement within the application area. In addition to medieval and early post-medieval activity, the recognition of features which may be of Roman date during investigations around the church

is particularly noted. The report concludes that this potential may be addressed by means of a supervised metal detector survey across the site, with the work secured by condition.

The Councils Archaeologist advises that this represents an appropriate approach and that the metal detector survey should be undertaken by suitably-experienced individuals working under direct archaeological supervision who have signed a form waiving any claim to the finds or a reward under the Treasure Act (1996). A condition will be attached to ensure that a written scheme of investigation is submitted to the Council for approval in writing.

## **Landscape**

The application site extends over three fields, comprising of two small paddocks in the north east corner, the remainder is one large field. There are hedgerows boundaries around the fields as well as a number of mature hedgerow trees; in addition there are a number of mature trees in the large field, remnants of a former hedge line. The topography of the site falls from the north eastern corner, where it is approximately 71m AOD to the western boundary, where it is approximately 66m AOD. The Wrenbury Conservation area extends along the entire length of Cholmondeley Road to the north of the application site.

As part of the application a Landscape and Visual Impact Assessment has been submitted, this indicates that it is based on the principles described in 'Guidelines for Landscape and Visual Impact Assessment' 3<sup>rd</sup> Edition. This assessment identifies the baseline landscape of the application site and surrounding area, these are the National Character Areas as identified by Natural England, the East Lowland Plain, ELP1 Ravensmoor, as identified in the Cheshire Landscape Character Assessment 2008.

The proposals are for a residential development of up to 85 dwellings, the application indicates that the residential development will extend over approximately 3.14 hectares and that the public open space will cover an area of approximately 5.38. The public open space consists of a country park to the west, covering approximately 5.1 hectares of the site and a play area to the north east of the site covering 0.28 hectares. These areas are illustrated on the Illustrative Masterplan.

The assessment identifies the landscape effects on the national character area, the county level, the immediate site context and at the site level, giving the impact at year zero and at 15 years. The Councils Landscape officer agrees with the landscape effects at the national level - negligible, as well as the county level - minor/moderate, reducing to minor adverse after 15 years.

As part of the visual assessment 20 photo viewpoints have been assessed. The assessment then identifies visual effects on Residential properties and settlement, recreation and Public Rights of Way and public roads. The Councils landscape Officer broadly agrees with the assessment of effects upon recreation and Public Rights of Way. However the effects will be greater than the assessment indicates for users of Cholmondeley Road.

## **Ecology**

### Otter and Water Voles

Otters and Water Voles are known to be present on the River Weaver which forms two boundaries of the application site. However, if the development came forward in accordance with

the submitted indicative layout these two protected species are unlikely to be affected by the development.

### Grassland

Following the receipt of additional information the grassland habitat within the larger field is of no significant nature conservation value.

The two smaller paddocks on site however support semi-improved grassland which has sufficient grass species to potentially qualify for designation as a Local Wildlife Site. However the submitted survey did not record sufficient numbers of flowering plant species for the fields to qualify, but as the survey was undertaken in February it is likely that a number of species would have been missed. The applicant has submitted proposals for the creation of an additional area of species rich grassland within the country park area associated with the development as a means of compensating for the habitat lost.

The Councils Ecologist recommends that if outline planning consent is granted planning conditions would be required to secure the following in support of any future reserved matters application:

- Submission of detailed proposals for the creation of species rich grassland within the country park area which includes the results of soil testing to identify current nutrient levels.
- Submission of detailed habitat management proposals.

### Hedgerows

Hedgerows are a priority habitat and hence a material consideration. The submitted ecological assessment states that 215m of hedgerow (from hedgerows 6 and 7) and a short section of hedgerow 1 are likely to be lost as a result of the proposed development. The submitted master plan has now been amended to show the provision of a significant length of replacement hedgerow planting to compensate for that lost.

If outline planning consent is granted the Councils ecologist recommends that a condition be attached requiring the submission of a detailed replacement hedgerow planting in support of any future reserved matters application.

### Other Protected Species

A main sett has been recorded on site. Under the submitted development master plan the sett would be lost as a result of the proposed development. To mitigate for the adverse impacts of the development upon this species the applicant is proposing to close the sett under the terms of a Natural England license and compensate for the loss of the sett through the provision of a replacement artificial sett. The Councils Ecologist advises that this approach is acceptable.

If outline planning consent is granted a condition must be attached requiring any future reserved matters application to be supported by an updated badger survey and mitigation method statement.



## Bats

Two trees are identified as having moderate potential to support roosting bats. Both of these trees would be retained as a result of the proposed development.

Bat activity was recorded around a number hedgerows and trees on the site. The Councils Ecologist advises that the proposed development is likely to result in the loss of some bat foraging habitat. However the appropriate planting of the open space area associated with the development is likely to be adequately to compensate for this loss.

## **Flood Risk**

The site is bound to the south and west by the River Weaver (Main River) and is located partially within Flood Zones 2 and 3 (although the proposed residential development as shown on the submitted development framework plan would be located within Flood Zone 1). In this case the finished floor levels should be set at a minimum of 600 mm above the modelled 1 in 100 annual probability flood level (including an allowance for climate change). Based on the existing levels and the position of the dwellings as shown on the indicative layout plan it is not anticipated that there would be any change in land levels on this site as the existing levels are above 67.9m above OD.

There are parts of the site that are considered to be at risk of flooding from surface water, with evidence of standing water during a site visit. It will need to be demonstrated that as part of the proposals, appropriate overland flow routes are provided so as to ensure this risk of flooding is not exacerbated as a result of the proposed development.

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

## **Agricultural Land Quality**

Policy NE.12 of the Local Plan states that development on the best and most versatile agricultural land (Grades 1, 2 and 3A) will not be permitted unless:

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

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

In this case the Agricultural Land Assessment indicates that 2.54 hectares of the site is Grade 2 (29%) and 6.27 hectare is Grade 3b (71%). As a result this issue needs to be considered as part of the planning balance.

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

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

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

## **PLANNING BALANCE**

The proposed development would be contrary to Policy NE.2 and RES.5 and the development would result in a loss of open countryside. However as Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites then the presumption in favour of sustainable development applies at paragraph 14 of the Framework. This 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 and the proposed LEAP this is considered to be acceptable. The provision of a Country Park would provide a facility for future residents and other residents in Wrenbury.

- The development would provide significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in Wrenbury.

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

- The impact upon education infrastructure would be neutral as the impact would be mitigated through the provision of a contribution.
- 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 proposed development would not have a severe highways impact
- 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.
- Although there would be a change in the appearance of the site. The landscape impact is considered to be neutral
- The development would have a negligible impact upon the setting of the Listed Buildings in the area and the Scheduled Ancient Monument

The adverse impacts of the development would be:

- The loss of open countryside.
- The loss of agricultural land.
- The development would have a less than substantial impact upon the Wrenbury Conservation Area

There would be few adverse impacts in approving this development and they would not significantly and demonstrably outweigh the benefits of the development. The contribution of the development of this site towards the housing need of the Borough is considered to be significant and the presumption in favour of sustainable development applies. As such the application is recommended for approval.

## **RECOMMENDATION:**

**APPROVE** subject to completion of Section 106 Legal Agreement to secure the following:-

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 and an outdoor fitness area (12 pieces of equipment) to be maintained by a private management company in perpetuity
3. Primary School Education Contribution of £108,462.90
4. Secondary School Education Contribution of £179,769.59

And the following conditions:-

1. Standard Outline
2. Submission of Reserved Matters – Landscaping to include a landscape belt along the road frontage
3. Time limit for submission of reserved matters
4. Approved Plans
5. Details of existing and proposed land levels to be submitted for approval in writing
6. Contaminated land
7. Construction Management Plan for the construction phase of development
8. Dust Control
9. Compliance with the submitted Flood Risk Assessment
10. Undeveloped buffer of 8 metres along the River Weaver
11. Submission of a surface water drainage scheme
12. Submission of a scheme of management of overland flow
13. Reserved matters allocation to be supported by an updated badger survey and mitigation method statement.
14. Submission of detailed proposals for the creation of species rich grassland within the country park area which includes the results of soil testing to identify current nutrient levels.
15. Submission of detailed habitat management proposals.
16. The reserved matters application to include replacement hedgerow planting
17. Reserved matters application to include an Arboricultural Impact Assessment
18. No development shall take place within the application area until the applicant, or their agents or successors in title, has agreed a programme of archaeological mitigation in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. The work shall be carried out strictly in accordance with the approved scheme.

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 Planning (Regulation) in consultation with the Chair (or in their 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:

2. 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 and an outdoor fitness area (12 pieces of equipment) to be maintained by a private management company
  3. Primary School Education Contribution of £108,462.90
  4. Secondary School Education Contribution of £179,769.59

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