

Application No: 15/2844N

Location: Land South Of, HASSALL ROAD, WINTERLEY CHESHIRE

Proposal: Outline application for the erection of 47 dwellings, with associated works

Applicant: HIMOR (Land) Limited

Expiry Date: 21-Sep-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 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 LEAP and significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in Winterley/Haslington.

The development would have a neutral impact upon education, protected species/ecology, drainage, trees, 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 highways accessibility of the site. There is insufficient information in relation to hedgerows.

The adverse impacts in approving this development and would significantly and demonstrably outweigh the benefits of the development. As such the application is recommended for refusal.

RECOMMENDATION

REFUSE

PROPOSAL

This is an outline planning application for the erection of up to 47 dwellings. Access is to be determined at this stage with all other matters reserved.

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

SITE DESCRIPTION

The site of the proposed development extends to 2.11 ha and is located to the southern side of Hassall Road, Winterley. The site is within Open Countryside. The site has a narrow frontage to Hassall Road with residential properties at either side. To the south and south-east are residential properties which front onto Pool Lane. To the east of the site are a number of small paddocks and to the west is agricultural land.

The majority of the site is currently in agricultural use and forms one large field. The site also includes part of the residential curtilage of 42 Hassall Road and a caravan site. There are a number of trees and hedgerow to the boundaries of the site. The application site is relatively flat.

RELEVANT HISTORY

The site has no relevant planning history.

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)

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

United Utilities: No objection subject to the imposition of a drainage condition.

NHS England: No comments received.

Head of Strategic Infrastructure: The accessibility of the site is poor, the safety of pedestrians accessing the site is a concern and the local road infrastructure is not suitable to serve the development. A financial contribution has been offered although there is no certainty that the

measures proposed can be implemented and the sum offered falls well short of the cost of actually implementing the works. Therefore, the HSI would have to recommend refusal in that safe and suitable access to the site has not been achieved.

CEC Environmental Health: Conditions suggested in relation to environment management plan, travel plan, electric vehicle infrastructure and contaminated land. Informatives are also suggested in relation to contaminated land and hours of operation.

CEC Strategic Housing Manager: No objection.

CEC Flood Risk Manager: No objection subject to the imposition of planning conditions.

Ansa (Public Open Space): No objection.

CEC Education: A secondary school education contribution of £114,399 is required. There is no requirement for a primary school education contribution.

VIEWS OF THE PARISH COUNCIL

Haslington Parish Council: Haslington Parish Council objects to the proposed development on the following grounds:

- Under the Policies NE.2 seeking to protect the open countryside and also Policy NE.4 of the Local plan which protects Green Gaps such as this between Haslington and Sandbach.
- The proposal would result in loss of the best and most versatile agricultural land and given that the Authority can demonstrate a housing land supply in excess of 5 years, the applicant has failed to demonstrate that there is a need for the development, which could not be accommodated elsewhere. The use of the best and most versatile agricultural land is unsustainable and contrary to Policy NE.12 of the Borough of Crewe and Nantwich Replacement Local plan 2011 and the provisions of the National Planning Policy Framework.
- Recent planning applications show that Secondary places are expected to be insufficient due to committed developments taking place in surrounding areas.
- The development will increase the urbanised area of the village, changing its character to the detriment of the existing properties. - Impact upon Winterley Pool which is listed as a Grade C site with respect to nature conservation: and has significant landscape value.
- Winterley has 600 houses and the addition of 70 houses at Kent's Green Farm and potentially 79 houses at Pool Lane and 250 at Hazel Bank (25% village increase) plus another 47 Dwellings on this development would not comply with any appropriate scaling levels.

REPRESENTATIONS

Letters of objection have been received from 64 local households raising the following points:

Principal of development

- The site is within the open countryside
- There is plenty of empty housing in the locality
- There are a number of housing developments under way in this area
- Intrusion into the open countryside
- The area is overpopulated
- Loss of peaceful open countryside

- Winterley is being transformed into a large housing estate
- Developers are trying to exploit the problems with the Cheshire East Local Plan
- Previous application in the area have been refused as they would prejudice the local plan
- This application relies heavily on the allowed appeal at Pool Lane
- The extension to the Pool Lane site was refused
- There is no demand for this additional housing
- The applicant has not demonstrated why the development should be located on this site
- Lack of justification within this application
- Concerns over the sustainability of this site
- The development is contrary to Policies contained within the Crewe and Nantwich Local Plan
- Loss of agricultural land which is BMV
- The site is identified as being unsustainable under the SHLAA
- The scale of development is not commensurate to Winterley
- The development would exceed the spatial distribution for the area
- There are few benefits in allowing this development
- The development is not a logical rounding off
- Loss of Green Belt
- There are 700 houses for sale within a 3 mile radius of this site
- The application site is part of a wider network of green spaces
- Brownfield sites should be regenerated first
- The application is driven by profit
- Winterley is unsustainable due to the lack of local services
- This development would destroy the character of Winterley
- Crewe will eventually join up with Sandbach
- There are currently 28 dwellings for sale in Winterley
- The application is premature ahead of the Cheshire East Local Plan

Highways

- The access is via a narrow country lane and is used by pedestrians, cyclists and horse riders
- Increased traffic
- Highway safety
- Lack of footpaths along Hassall Road
- Cheshire East should provide an independent highways assessment of this development
- The development does not meet the accessibility standards
- The development will be dependent on the private motor vehicle
- Increased traffic congestion in Winterley
- The local road network is not suitable to serve this development
- Hassall Road suffers from icy conditions in winter and is not gritted
- Concerns over the wider highways impact – Crewe Green Roundabout and Old Mill Road/The Hill
- Hassall Road is too narrow
- Hassall Road is used as a rat run to Alsager
- Limited parking along Hassall Road with on-street parking problems
- The sustainable transport information within the submitted Transport Assessment is misleading
- There are existing traffic problems caused by the businesses located along Hassall Road
- Parking problems caused by the construction works

- Lack of street lighting on the local highway network
- The Transport Assessment does not cover all junctions in close proximity to the site
- The site access is located at a dangerous bend in the road
- Hassall Road and other roads within the vicinity of the site are used by large farm vehicles

Green Issues

- Impact upon wildlife
- Loss of habitat
- An independent ecological assessment should be carried out by Cheshire East
- It is unclear if the applicants ecologist has visited the site or the ecology report is a desk based exercise
- The survey work was undertaken at a poor time of year
- Impact upon protected species
- The site is well used by bird species
- The application site is highly visible in this location

Infrastructure

- Local infrastructure cannot cope with any further development
- The local schools are full
- There impact upon local schools will be exacerbated by the approved developments in the area
- Drainage/Flooding problems
- Lack of medical facilities in the village
- Doctors surgeries are full
- The local Primary School is already full
- Insufficient capacity at the high schools in Sandbach
- Sewage infrastructure is not adequate
- No shops in the village

Amenity Issues

- Increased pollution
- Increased dust
- Increased noise
- Increased air pollution
- Noise and disturbance caused by the construction works

Design issues

- The development would be highly visible and would detract from the character of Winterley
- The suburban nature of the development would be harmful to the area

Other issues

- Impact upon property value
- Lack of notification about this application

A letter of representation has been received from CTC (The National Cycling Charity) raising the following points:

- National Cycle Network route 451 runs along Crewe Road and it needs to be assessed why currently so few people cycle and the speed assessments as part of the Hazel Bank and Kents Green Lane development provide good information. The high speeds recorded for the 30 mph zone and unattractive for cycling, affecting cycling to the site and the journey to school for example.
- The site is within the catchments of the Sir William Stanier and Sandbach High Schools. Both schools are located within 15 – 25 minutes bicycle rides respectively which makes cycling a viable option and the following contributions should be secured:
 - a. Sandbach High Schools, A534/Crewe Road/Wheelock roundabout It needs to be investigated why for example cyclists don't use the cycle tracks around the roundabout and how roundabout safety could be improved.
 - b. Sir William Stanier High School in Crewe This school will become more relevant due to house building in Sandbach resulting in more pupils in Sandbach. Consequently the catchment area will become smaller, potentially excluding Winterley. There is a good, existing connection to Sir William Stanier High School avoiding many main roads via Bradeley Hall Road (Haslington bridleway 43) crossing the bypass via the bridge. Improvements to this whole route could include:
 - Building a cyclepath in Crewe on the north-west side of the railway line, between the Sydney Bridge and Lime Tree Avenue to connect to the cycle path to reach the rear of the school.
 - Surface improvements at BR43, Haslington side of the bypass and lighting at the Crewe side of the bypass
 - Footpath 24 in Haslington could be used by cyclists. The footpath is lit and has a good width of around 2.50 throughout, sometimes wider. Half of this currently overgrown.
 - Investigating the danger the bollard presents at the Crewe end of BR43
 - Signposting
 - Cycling to Sandbach Railway Station -This destination would benefit from the same above mentioned improvements mentioned as the Sandbach schools.

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 (“the NPPF”) requires that Councils 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 (“the NPPG”) indicates that information provided in the latest full assessment of housing needs should be considered as the benchmark for the housing requirement.

The last 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 published his interim views based on the first three weeks of Examination in November 2014. He concluded that the Council’s calculation of objectively assessed housing need is too low. He 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, officers 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 Examination of the Plan was suspended on 15th December 2014.

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 in the form of the “*Cheshire East Housing Development Study 2015 – Report of Findings June 2015*” produced by Opinion Research Services, has now taken place.

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.

The definitive methodology for buffers and backlog will be resolved via the Development Plan process. However the indications from the work to date suggests that this would amount to an identified deliverable supply target of around 11,300 dwellings.

This total would exceed the total deliverable supply that the Council is currently able to identify. As matters stand therefore, the Council remains unable to demonstrate a 5 year supply of housing land. On the basis of the above, the provision of housing land is considered to be a substantial benefit of the proposal.

Spatial Distribution

The Southern Planning Committee has previously resolved to refuse a number of applications which include the contention that the development would exceed the spatial distribution of housing in the southern part of the Borough (including Haslington) with reference to paragraphs 70 – 80 of the Inspector's Interim views on the Local Plan.

Paragraphs 70 – 80 of the Inspector's Interim Views concern the settlement hierarchy and spatial distribution of development; the Inspector was satisfied with the proposed settlement hierarchy but concluded that "the proposed distribution may not fully address the development needs and opportunities at all towns and settlements, particularly those in the north of the district" and that "some further work may be required to justify the proposed spatial distribution of development, particularly to address the development needs and opportunities of the Green Belt settlements in the north of the district."

There is nothing in these paragraphs of (or elsewhere in) the Inspector's Interim Views to justify their deployment in support of refusing applications in the Southern part of the Borough. As such a reason for refusal on these grounds could not be sustained.

The scale of development (47 dwellings) would not be harmful to the settlement of Winterley and would represent sustainable development.

The issue of spatial distribution has been raised at two recent appeal decisions in the vicinity of this site and was not accepted by either Inspector as can be seen below.

As part of the appeal decision to allow a development of 34 dwellings at land to the east of The Dingle and to the south of Clay Lane, Haslington (14/0009N) the Inspector stated that

'Councillor Hammond expressed concerns about the imbalance in new housing provision between the north and south of the district but this is a matter for the Local Plan Inspector. I must assess this appeal on the basis of development plan policies and other relevant material considerations'

As part of the appeal decision to allow a development of 60 dwellings at Kents Green Farm, Winterley (13/4240N) the Inspector stated that

'the proposal would involve expansion of Winterley's physical envelope, but would be unlikely to fundamentally alter the character of the settlement or of views out from the centre of the village, even allowing for other development already approved. The village would clearly

remain as a small-medium sized settlement in a rural setting. The appropriateness of the village for future development, including the concern raised about imbalance between the north and south of the borough, is a matter to be resolved by the CELP'

The amount of development proposed around the village of Winterley has also been raised as part of the letters of objection for this application. This issue was considered as part of a recent appeal decision at The Woodlands, Whitchurch Road, Aston (14/3053N) and in this case the Inspector found that:

'I appreciate that local residents consider that too much housing development is being permitted in the village. However, this in itself would not justify the refusal of permission for sustainable development to meet housing needs'

SOCIAL SUSTAINABILITY

Affordable Housing

The site falls within the Haslington and Englesea sub area for the purposes of the SHMA update 2013. This identified a net requirement for 44 affordable homes per annum for the period 2013/14 – 2017/18. This comprises a need for 1 x 1 bed, 11x 2 bed, 19 x 3 bed & 10 x 4+ bed general needs units and 1 x 1 bed and 1 x 2 bed older persons accommodation. In addition to this information taken from Cheshire Homechoice shows there are currently 50 applicants who have selected the Haslington lettings area as their first choice, these applicants require 21 x 1 bed, 15 x 2 bed, 11 x 3 bed and 3 x 4bed units.

The Affordable Housing Interim Planning Statement (IPS) states that on all sites of 3 units or over in settlements with a population of 3,000 or less will be required to provide 30% of the total units as affordable housing on the site with the tenure split as 65% social or affordable rent and 35% intermediate tenure. This equates to a requirement of 24 affordable units in total on this site, split as 16 for social or affordable rent and 8 for intermediate tenure.

In this case the Strategic Housing Manager originally objected to the application due to the lack of detail in relation to affordable housing provision on this site. However the applicants have now confirmed that they will provide 30% affordable housing on this site (9 social rented units and 5 intermediate tenure). The Strategic Housing Manager has now confirmed that this is acceptable and this will be secured as part of a S106 Agreement.

The exact details of the affordable housing will be provided at reserved matters stage. This 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 1,225sq.m and the indicative plan shows that the developer will provide 1,380sq.m of public open space within the centre of the site. As such the level of open space meets the Councils requirements under Policy RT.3.

In terms of children's play space this would be provided on site and the applicant has indicated that they are willing to provide a LEAP with 5 pieces of equipment. This would be an

acceptable level given the number of dwellings on the site and would comply with Policy RT.3. This would provide an important benefit to the residents of Winterley which do not currently have a formal children's play area.

Education

An application of 47 dwellings is expected to generate 9 primary aged children and 7 secondary aged children.

In terms of primary school education, the proposed development would be served by Haslington Primary, The Dingle Primary, Sandbach Community Primary and Wheelock Primary. The Education Department have confirmed that there is capacity to accommodate the children generated by this development and there is no requirement for a primary school contribution.

From the table below which includes a revised NET CAP at Haslington Primary it can be seen that by 2019 there will be 52 spaces within the local primary schools. It should be noted that this table takes into account the existing committed developments within the catchment areas of the schools listed below.

Primary Schools	PUPIL FORECASTS based on October 2014 School Census						
	2015	2016	2017	2018	2019		
haslington	262	267	266	265	255		
the Dingle	339	347	357	360	353		
Sandbach Community	99	108	112	117	121		
Wheelock	280	295	301	312	304		
OVERALL TOTAL	980	1017	1036	1054	1033		
OVERALL SURPLUS PLACES PROJECTIONS	60	23	4	-14	7		
OVERALL SURPLUS % PROJECTIONS	5.769231	2.211538	0.384615	-1.34615	0.673077		
OVERALL SURPLUS PLACES PROJECTIONS based on Revised NET CA	105	68	49	31	52		
OVERALL SURPLUS % PROJECTIONS based on Revised NET CAP	9.677419	6.267281	4.516129	2.857143	4.792627		
Secondary Schools	PUPIL FORECASTS based on October 2014 School Census						
Alsager	2015	2016	2017	2018	2019	2020	2021
Sir William Stanier	1048	1041	1048	1107	1109	1112	1125
Sandbach high	836	872	919	996	1058	1100	1143
Sandbach School	1027	1055	1105	1146	1230	1254	1283
OVERALL TOTAL	1040	1079	1134	1151	1227	1254	1272
OVERALL SURPLUS PLACES PROJECTIONS	3951	4047	4206	4400	4624	4720	4823
OVERALL SURPLUS % PROJECTIONS	398	302	143	-51	-275	-371	-474
	9.151529	6.944125	3.288112	-1.17268	-6.32329	-8.5307	-10.8991

In terms of secondary schools, there are four which would serve the proposed development (Alsager School, Sir William Stanier Community School and Sandbach High School Boys and Girls) and the proposed development would generate 7 new secondary places which cannot be accommodated. As there are capacity issues at these local schools the education department has requested a contribution of £114,399. This will be secured via a S106 Agreement should the application be approved.

Health

A number of the letters of objection raise concerns about the impact upon health provision in this area. Although no consultation response has been received from the NHS a search of the NHS

Choices website shows that there are 3 GP practices within 3 miles of the application site and all are accepting patients indicating that there is capacity to serve this development.

Location of the site

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

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

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

The following amenities/facilities fail the standard:

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

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

This view is supported by the Inspectors recent appeal decision at Pool Lane where the Inspector stated that:

‘Whilst not all services are available in Winterley, it is close to other settlements that possess a wider range of services, there is a regular bus service that passes in front of the site and it is

within some 20 minutes cycling time of Crewe. In this context, I have no reason to dispute the Statement of Common Ground conclusion regarding the sustainability of the location'

The appeal decision at Kents Green Farm also supports this conclusion where the Inspector states that:

'While Winterley lacks some local community facilities, those in Haslington would be quite readily reachable by bus or cycle or on foot. The proposed Travel Plan should include measures to encourage non-car modes'

ENVIRONMENTAL SUSTAINABILITY

Residential Amenity

To the north-east of the site the dwelling at No 50 Hassall Road has a blank side elevation facing the site and there is no reason that an acceptable design could not be achieved that would not be a detrimental impact upon the residential amenities of this property.

Due to the separation distances involved to the properties to all other sides and the intervening boundary treatments there would not be a significant impact to the surrounding dwellings.

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

Air Quality

The proposed development is not close to any air quality management areas (AQMAs) and an air quality assessment was not deemed necessary. However, it is likely that some small impact would be made in the Nantwich Road AQMA and that when combined with the cumulative impacts of other committed and proposed developments in the Crewe area the significance is increased. In order to mitigate this development conditions in relation to dust control and electric vehicle infrastructure and contaminated land will be attached to any permission.

Public Rights of Way

There are no PROW located on the application site.

In relation to the request for cycleway improvements it is not considered that the suggestions would be CIL compliant.

Highways

Access

The application is an outline application for residential development consisting of 47 units and the access will be taken from Hassall Road. There is a single access proposed to serve the development that is 4.8m wide carriageway and two 1.8m footways on either side of the access road.

The applicant has submitted a priority junction design to serve the site, a speed survey has been undertaken to determine the approach vehicle speeds so that the appropriate visibility splays can be calculated. The submitted speed surveys show that the 85%ile speed along Hassall Road is 28.4mph in the eastbound direction and 28.6mph in the westbound direction.

There is sufficient visibility available in both directions at the proposed access point onto Hassall Road. It is accepted that a suitable standard of access can be provided to serve the development with the required visibility splays of 2.4m x 35m.

Traffic impact

The site can be accessed using a number of rural lanes, Crewe Road provides the principal route between settlements and the site can be accessed from this road by using Pool Lane, Hassall Road, Coppice Road and Alsager Road.

The proposed development would generate 27 two-way trips during the AM peak hour and 29 two-way trips during the PM peak hour with 236 vehicle movements over a 24 hour period. The trip rates used are considered slightly low although using rates derived from CEC own counts this would add an additional 3 trips to the AM and PM peak hours. There has been no specific distribution presented but stated that traffic will distribute to Crewe Road to access Crewe or to travel towards Alsager.

The site is served from rural lanes that have varying road widths. The standard of infrastructure that serve the site is poor and there are long sections of road along Pool Lane and Hassall Road that operate as single width carriageway. Currently, the level of traffic flow using the Hassall Road is very low and this has been confirmed by the applicant in that 30 vehicles/hour were recorded as the maximum recorded flow.

Pedestrian Access

In regard to the sustainability, the site is located in a rural location and to access public transport residents would have to walk approximately half a kilometre along rural lanes to access bus services that operate on Crewe Road. It is important that facilities exist to enable pedestrians to walk to the site, there are no footways on Hassall Road, the vast majority of Pool Lane does not have a footway and there is a footway on one side only of Coppice Road from the junction with Hassall Road. Overall, it is considered that the pedestrian accessibility of the site is very poor.

Highways Conclusion

In conclusion the proposed development would have an access of an acceptable design with adequate visibility.

However given the poor standard of infrastructure the Head of Strategic Infrastructure would not wish the use of the rural lanes within the vicinity of the site to be intensified. The development would have a 100% increase in peak hour traffic and a further 230 daily trips. In assessing application the Head of Strategic Infrastructure does not consider that safe and suitable access is available to accommodate the development.

The applicant has submitted a further Technical Note in support of the application and is also willing to contribute a sum of £40,000 towards measures to reduce traffic speeds to provide a gateway treatment at the start of the 30mph north of Winterley on Crewe Road. In addition, the provision of speed cushions between Elton Road and Pool Lane. Whilst, the offer of a contribution to these measures is welcomed, there is no certainty that speed cushions can be implemented as a TRO is required and public consultation. The provision of these measures does not overcome the objections raised in regard to the poor infrastructure that has to be used to access the site.

Promoting sustainable development is key element of the NPPF and in relation to accessibility an important consideration is provision for pedestrians to be able to walk to the site in safety. There is no footway on Hassall Road in the vicinity of the site, and the road width is narrow. In order to be able to access public transport services on Crewe Road, pedestrians need to walk a considerable distance along narrow rural roads without the provision of a footway. As such the Head of Strategic Infrastructure objects to this application and the development is considered to be contrary to the NPPF which states that decisions should take into account whether:

‘safe and suitable access to the site can be achieved for all people’

Trees/Hedgerows

There are currently no TPO designations within or immediately adjacent to the application site and the site does not lie within a Conservation Area. A TPO may be considered if it is expedient in the interests of amenity to make an order on such trees, groups or woodland which may be affected by the proposal.

The application is supported by an Arboricultural Impact Assessment which includes a Tree Constraints Plan and Indicative Tree Removal Plan. The AIA broadly complies with the requirements of *BS 5837:2012 Trees in Relation to design, demolition and construction – Recommendations*. The application is also supported by an indicative site layout which has been reproduced on the Tree Removal Plan.

The Assessment identifies 8 individual trees, 12 groups of trees and 8 hedgerows which are predominantly located around the field boundaries or located off site on third party land. The trees have been categorised in terms of their Arboricultural, Landscape and Cultural qualities in accordance with BS5837:2012.

Three Moderate (B) category groups, part of a further two (B) category groups; one individual low (C) category tree, two low (C) low category groups and part of a further two low (C) category groups have been identified for removal to accommodate the development. A Hawthorn/Sycamore hedge (H8) located on the northern boundary adjacent to Hassall Road will require removal to allow for carriageway widening and part of a hedge Holly/Hawthorn (H1) to facilitate access to the site off Hassall Road.

The majority of removals will necessitate the removal of around 40 trees comprising of semi mature – early mature groups of Beech, Cypress, Birch, Cherry, various Conifers, Holly and fruit trees located within the north west section of the site and an individual Ash located to the southern site boundary of relatively low quality. The design of the indicative site layout has identified the removals to accommodate internal access arrangements and proposed dwellings.

In terms of tree losses the Councils Tree Officer would concur with the submitted assessment that the greatest impact would be in respect of the removal of the two sections of hedge and part of an early mature group of Cherry, Sycamore and Hawthorn to facilitate the site access, road widening and proposed visibility splays. The Councils Tree Officer considers that the trees, whilst providing some contribution to the street scene are not considered to be significant in terms of their wider contribution to the amenity and landscape character of the area.

The assessment has identified that the majority of A and B category trees located around the site boundary are proposed to be retained. Two large Oak trees (T4 and T6) have been identified as having developing veteran characteristics (cavities and deadwood). In this regard where large trees are shown for retention, consideration should be given to ensuring provision of adequate space around the trees enable their long term protection. The retention of large mature trees within private rear gardens should be avoided if possible so as to avoid future conflict with residential amenities resulting in pressure for their removal.

The indicative site layout plan shows a number of mature trees to the southern and south east boundary within or on the boundary of proposed gardens. BS5837:2012 Trees in Relation to Design, Demolition and Construction - Recommendations identifies that a realistic assessment of the impact of development on retained trees taking into account shading of buildings and open space and the relationship/social proximity to large trees to avoid future pressure for removal. Proposed Plot positions are considered to be too close to retained trees to provide the necessary assurance for their sustainable long term retention. However final details will be secured as part of the reserved matters application.

The Ecological Assessment states that none of the hedgerows are thought to be important in regards to the Hedgerow Regulations (1997). However no definitive assessment appears to have been provided in terms of their Importance under the Historic and Archaeological value.

From an Arboricultural perspective the Councils Tree Officer has no objections to the outline proposals. However the indicative layout submitted shows some potential conflict with retained trees. This issue will be resolved at the reserved matter 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 the proposal would have a density of 22.4 dwellings per hectare this is consistent with the surrounding residential areas of Winterley (this is lower density than the approved development at Pool Lane).

In this case an indicative layout has been provided in support of this application and this shows that an acceptable layout can be achieved and that the areas of open space and all highways

would be well overlooked. It is considered that an acceptable design/layout that would comply with Policy BE.2 (Design Standards) and the NPPF could be negotiated at the reserved matters stage.

Landscape

The application site is flat and is well enclosed. The application has been considered by the Councils Landscape Architect who considers that a housing development on this site would not have any significant impacts on the character of the wider landscape area or have any significant visual impacts.

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

This view is supported by the Inspectors comments on a more open site to the south-west of this site at the junction of Crewe Road and Pool Lane. As part of this appeal decision the inspector found that:

'The development would result in a noticeable change particularly when viewed from Crewe Road. However, change that can be noticed is not in itself necessarily harmful. Having extensively toured the surroundings roads and attempted to view the appeal site from a variety of publicly accessible vantage points, this scheme would result not in material harm to the character and amenity of the countryside'

Ecology

Winterley Pool Site of Biological Importance (SBI)

The proposed development is located in close proximity to this locally designated site. The Councils Ecologist advises that the proposed development is unlikely to have a significant long term adverse impact upon the ecological features for which Winterley Pool was designated.

Great Crested Newts

One of the representations received as part of this application has provided a photograph of what they believe to be a Great Crested Newt. However the Councils Ecologist has confirmed that this is a Smooth Newt which is not a protected species. The Councils Ecologist has not raised any concerns in relation to the impact upon Great Crested Newts as part of this development.

Hedgerows

Hedgerows are a biodiversity action plan priority habitat and hence a material consideration. The greatest majority of the existing hedgerows on site are shown for retention on the submitted illustrative layout plan. There would however be a loss of hedgerow to facilitate the site access. If outline planning consent is granted any unavoidable losses of hedgerow should be compensated for through the enhancement of the retained sections of hedgerows and the creation of additional native species hedgerows. This matter could be dealt with as part of a planning condition.

Bats

A Bat Survey has been submitted in support of this application and in this case no evidence of roosting bats was recorded. As a result the Councils Ecologist has advised that Bats do not present a constraint to the proposed development.

Breeding Birds

If planning consent is granted conditions are suggested to safeguard breeding birds.

Flood Risk

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

The Councils Flood Risk Manager and United Utilities have been consulted as part of this application and have both 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.

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 Winterley/Haslington including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

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 MAFF identified that the site was mainly Grade 2 with some areas to the north being Grade 3. The submitted agricultural land assessment states that the proposed development site has a gross farmable area of just 1.82 hectares of which just 1.17 hectares is fully utilisable. The loss of such a small, awkwardly shaped parcel is agriculturally insignificant.

This view is consistent with the recent appeal decision at Pool Lane where the Inspector found that:

'the loss of B&MV agricultural land does not weigh heavily against the development'

As a result this issue needs to be considered as part of the planning balance.

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

There are serious concerns over the proposed access strategy and in an attempt to mitigate this impact the applicants has offered a contribution of £40,000. It is necessary to secure these works to mitigate the impact of the development should the application be approved contrary to the recommendation or be subject to an appeal. This contribution is directly related to the development and is fair and reasonable.

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

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 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 and the proposed LEAP this is considered to be acceptable. The provision of a LEAP would provide a facility for future residents and other residents in Winterley and there is no such facility.
- The development would provide significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in Winterley/Haslington.

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 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 subject to mitigation

The adverse impacts of the development would be:

- The loss of open countryside.
- The loss of agricultural land.
- It is not considered that a safe and suitable access to the site can be achieved for all people
- There is insufficient information in relation to whether any important hedgerows would be affected by this development

The adverse impacts in approving this development and would significantly and demonstrably outweigh the benefits of the development. As such the application is recommended for refusal.

RECOMMENDATION:

REFUSE for the following reasons:

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside contrary to Policies NE.2 (Open Countryside), NE.12 (Agricultural Land Quality) and RES.5 (Housing in the Open Countryside) of the Crewe and Nantwich Replacement Local Plan, Policy PG5 of the emerging Cheshire East Local Plan Strategy – Submission Version and the principles of the National Planning Policy Framework, which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it creates harm to interests of acknowledged importance.**
- 2. The proposal would result in loss of the best and most versatile agricultural land and given that the Authority can demonstrate a housing land supply in excess of 5 years, the applicant has failed to demonstrate that there is a need for the development, which could not be accommodated elsewhere. The use of the best and most versatile agricultural land is unsustainable and contrary to Policy NE.12 of the Borough of**

Crewe and Nantwich Replacement Local plan 2011 and the provisions of the National Planning Policy Framework.

- 3. The application includes insufficient information to demonstrate that the proposed development would not involve the removal of an “important” hedgerow as defined in the Hedgerow Regulations 1997. Therefore the scheme is contrary to Policy NE.5 of the Borough of Crewe and Nantwich Replacement Local plan 2011 and guidance contained within the NPPF.**
- 4. The proposed development is located within Open Countryside and would have a severe adverse impact upon Hassall Road, Pool Lane and Coppice Road due to the sub-standard nature of these highway routes. As a result the development would not achieve a safe and suitable access to the site for all people and this would significantly and demonstrably outweigh the benefits of the scheme notwithstanding a shortfall in housing land supply. The development is therefore contrary to Policies BE.3, TRAN.1 and TRAN.3 of the Borough of Crewe and Nantwich Replacement Local plan 2011 and the National Planning Policy Framework (paragraph 32).**

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 her absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

Should 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 and a LEAP (5 pieces of equipment) to be maintained by a private management company**
- 3. Secondary School Education Contribution of £114,399**
- 4. A contribution of £40,000 towards off-site highway improvements**

