

Application No: 14/0365N

Location: Land north of Moorfields, Willaston

Proposal: Development of up to 170 dwellings with associated infrastructure and open space provision (outline)

Applicant: Richborough Estates

Expiry Date: 18-Apr-2014

SUMMARY

The site is within the Open Countryside where under Policy NE.2 there is a presumption against new residential development. The Council can no longer demonstrate a 5 year housing land supply it is therefore necessary to consider whether the proposal is sustainable in all other respects as part of the planning balance.

The benefits in this case are that 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, POS provision and the proposed LEAP and economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in the area.

The development would have a neutral impact upon education infrastructure (subject to the required contributions), protected species/ecology, drainage/flood risk, trees/hedgerows, residential amenity/noise/air quality and contaminated land, landscape and highways (subject to the required contributions).

The adverse impacts of the development would be the erosion of the Green Gap between Wistaston and Nantwich, the loss of open countryside and the loss of agricultural land.

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

MINDED TO REFUSE

PROPOSAL

This is an outline planning application for the erection of up to 170 dwellings (26.9 dwellings per hectare). Access is to be determined at this stage with all other matters reserved. The site would be accessed via a single vehicular access point which would be located between 47 and 51 Moorfields, a pedestrian access point would provide access onto Wistaston Road.

The dwellings would mainly be detached and semi-detached properties. The site would include the provision of 30% affordable housing and 1.09 hectares of public open space.

The majority of the proposed dwellings would be two-stories in height with those at the centre of the site being up to two and a half storeys.

An appeal has been lodged for the non-determination of this application. Therefore this report is to consider how the Council would have been minded to determine the application.

SITE DESCRIPTION

The site of the proposed development extends to 6.31 ha and is roughly rectangular in shape and is located to the northern side of Moorfields and to the east of Wistaston Road. The site is within open countryside and Green Gap. To the south and west of the site is residential development (fronting Moorfields and Wistaston Road). To the north and east is agricultural land.

The site is flat and is currently in agricultural use and there are a number of trees and hedgerow to the boundaries of the site with a large Oak tree at the centre at the site. There are a number of trees on this site which are protected by a Tree Preservation Order. To the north-east corner of the site is a pond.

RELEVANT HISTORY

13/3688N - Outline application for development of up to 170 no. dwellings and associated infrastructure and open space provision – Appeal for Non-Determination – Appeal Allowed – Appeal Decision Quashed at High Court – This decision is subject to a further legal challenge

Members of the Strategic Planning Board resolved to refuse this application at the SPB meeting on 2nd April 2014 on the following grounds:

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside contrary to Policies NE.2 (Open Countryside), NE.12 (Agricultural Land Quality) and RES.5 (Housing in the Open Countryside) of the Crewe and Nantwich Replacement Local Plan, Policy PG5 of the emerging Cheshire East Local Plan Strategy – Submission Version and the principles of the National Planning Policy Framework, which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it and creates harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land in accordance with the National Planning Policy Framework and consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.*
- 2. The proposal would result in loss of the best and most versatile agricultural land and given that the Authority can demonstrate a housing land supply in excess of 5 years, the applicant has*

failed to demonstrate that there is a need for the development, which could not be accommodated elsewhere. The use of the best and most versatile agricultural land is unsustainable and contrary to Policy NE.12 of the Borough of Crewe and Nantwich Replacement Local plan 2011 and the provisions of the National Planning Policy Framework.

3. *In the opinion of the Local Planning Authority, the proposed development would cause a significant erosion of the Green Gap between the built up areas of Willsaton and Rope which would significantly and demonstrably outweigh the benefits of the scheme notwithstanding a shortfall in housing land supply. The development is therefore contrary to Policy NE4 (Green Gaps) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within the NPPF.*

13/2717S - EIA Screening Opinion - Residential Development – EIA not required

NATIONAL AND LOCAL POLICIES

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 and under Policy NE.4 as Green Gap.

NE.2 (Open countryside)

NE 4 (Green Gap)

NE.5 (Nature Conservation and Habitats)

NE.9: (Protected Species)

NE.20 (Flood Prevention)

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)

RES.5 (Housing in the Open Countryside)

RES.7 (Affordable Housing)

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

TRAN.3 (Pedestrians)

TRAN.5 (Cycling)

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

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

PG2 – Settlement Hierarchy
PG5 - Open Countryside
PG6 – Spatial Distribution of Development
SC4 – Residential Mix
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

Other Considerations

The EC Habitats Directive 1992
Conservation of Habitats & Species Regulations 2010
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System
Interim Planning Statement Affordable Housing
Environmental Impact Assessment Regulations 2011

CONSULTATIONS

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

Environment Agency: No objection subject to the imposition of planning conditions.

Strategic Highways Manager: The Strategic Highways Manager raises no objection to the proposal, subject to the provision of the following;

- The developer will provide phased funding for the Authority's highway improvement schemes on the A51 corridor in the total sum of £340,000. This sum of monies will be secured via a Section 106 agreement and phased as the development builds out and will be provided in two equal tranches triggered by completion of the 50th and 100th dwelling. This should allow full contribution within a 5-year timescale which aligns with the Authority's ambition for improvement of the A51 corridor.
- As part of any detailed application, the applicant will provide a detailed and safety-audited scheme for the provision of traffic signals at the junction of Wistaston Road and Crewe Road, for approval by the highway authority. Prior to completion of the 100th dwelling, the

approved scheme shall be implemented through an Agreement under S278 of the Highways Act.

Environmental Health: Conditions suggested in relation to environment management plan, hours of operation, bin storage, external lighting, contaminated land, electric vehicle infrastructure, dust mitigation and a travel plan. An informative is suggested in relation to contaminated land.

ANSA Public Open Space: No comments received as part of this application. As part of the last application the open space officer requested the provision of a 6 piece LEAP and provided a detailed specification for a LEAP.

Public Rights of Way: The Illustrative Masterplan indicates a proposed footpath link to Wistaston Road. This would be the main trajectory for cyclists accessing the site as well as pedestrians and should be designed to accommodate both categories of user. Any increase in traffic or resultant upgrade works at the Wistaston Road/Crewe Road junction and the Peacock Roundabout should accommodate the needs of pedestrians and cyclists.

The developer should be tasked to provide new residents with information about local walking and cycling routes for both leisure and travel purposes.

Archaeology: The generally low archaeological potential of the site is accepted and there is no objection to the development on archaeological grounds or any necessity for further pre-determination evaluation of the site. There are, however, a small number of locations within the development where the archaeological assessment has identified features which do merit further targeted mitigation. These consist of the site of a former barn in the north-west corner of the site which is depicted on the Tithe Map of 1840 and a County map of 1819. In addition, an extant field boundary in the southern part of the settlement is depicted on the early maps and incorporates a slight bank. This will be cut at several points by new route ways and a section should be recorded through the hedge, bank, and any associated ditch in order to obtain a record of its form. A condition is suggested.

Natural England: Statutory nature conservation sites – No objection. Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

Protected species - For advice on protected species refer to the Natural England standing advice.

Sustrans: If this land use is supported by the local community and the council's planning committee, Sustrans comments are as follows:

- The traffic flows from the estate will be significant on the adjacent roads of Moorfields and Wistaston Road. There could be delays for example to the 84 bus service on the latter due to higher levels of traffic trying to pass parked vehicles.
- For an estate of this scale Sustrans would like to see several pedestrian/cycle connections away from traffic to the adjacent local roads, particularly to Wistaston Road.
- The transport assessment (10.1.4) refers to signals being provided at the Crewe Road/Wistaston Road junction. Sustrans would support this as long as pedestrian measures are included and feeder lanes/advanced stop areas are provided for cyclists.
- The Transport report (10.1.3) refers to a contribution to changes at the Peacock junction. Any changes at this junction should incorporate safe crossing points for pedestrians/cyclists on both

arms of the A51 on their 'desire' line, and not just leave them to cope with traffic on dual lane entries and exits.

- The design of the estate should restrict vehicle speeds to less than 20mph.
- Travel planning is mentioned in the transport statement (10.1.7). How will Cheshire East Council ensure this is carried out with a sense of purpose and is monitored against targets?

CEC Housing: No objection to this development.

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

CEC Education: The development of 156 family dwellings (excluding the proposed 1 bed units) is expected to generate:

29 primary children (156 x 0.19 – 1 SEN)
22 secondary children (156 x 0.15 – 1 SEN)
2 SEN children (156 x 0.51 x 0.03%)

The development is forecast to increase an existing shortfall predicted for primary provision for 2019 and beyond, and 2021 and beyond for secondary provision, in the immediate locality.

The development is forecast to increase existing current pressures and forthcoming for SEN provision.

To alleviate forecast pressures, the following contributions would be required:

29 x £11,919 x 0.91 = £314,542.41 (primary)
22 x £17,959 x 0.91 = £359,539.18 (secondary)
2 x £50,000 x 0.91 = £91,000 (SEN)

Total education contribution: £765,081.59

VIEWS OF THE PARISH COUNCIL

Willaston Parish Council: Willaston Parish Council strongly objects to the above planning application on the following grounds:-

- This site lies within the Green Gap as defined in Policy NE.4 of the saved Borough of Crewe and Nantwich Replacement Local Plan 2011 and also within the Strategic Open Gap as defined in Policy CS 5 of the emerging Cheshire East Local Plan. Policy CS 5 states *"New development will not be permitted in these areas and exceptions to this policy will only be considered where it can be demonstrated that no suitable alternative location is available."* As Cheshire East Council has already identified alternative sites to meet the council's housing land supply requirements any exception to the policy does not apply. The application is, therefore, in contravention of both the existing saved local planning policy and the emerging Cheshire East Council planning policy and should be refused on those grounds alone.
- The site fails to meet several of the criteria on the North West Sustainability Checklist, including some of the key criteria of proximity to secondary schools, medical facilities and transport links. The nearest medical centre is in Shavington and is reached via a narrow country lane with no

pavement and no public transport service. It is also already operating beyond capacity and existing patients have difficulty contacting the surgery to arrange appointments.

- The local primary school is also already over-subscribed. There have been several cases over recent years when young children living in the village have not been able to gain a place in the local primary school and have had to travel to surrounding areas in order to secure a primary school place.
- The applicant's reports show Shavington High School as the closest secondary school to the proposed development site and Brine Leas as an alternative. Neither of these schools fall within the secondary school catchment area. The nearest school within the catchment area is Malbank, which is 4.3km from the proposed development site.
- The drains and sewers in this area of Willaston do not have the capacity to cope with further development and there are grave concerns regarding potential flooding. There have already been several developments in this area over recent years without any improvement to the infrastructure.
- There are already significant issues with traffic congestion in the area. Access to the site would have to be via Wistaston Road, which is a narrow road full of parked cars due to the lack of off road parking associated with rows of terraced housing. Agreement has already been reached with Cheshire East Council for a review of parking in Willaston and this proposed development of 170 houses would result in another 300 vehicles emerging on to the already very congested Wistaston Road. The increased traffic congestion is also likely to cause significant delays to the local bus service, with higher volumes of vehicles attempting to pass parked cars.
- The applicant's own report identifies that the site consists largely of Grade 2 agricultural land. This is not something which should be given up lightly in times of concern over the sustainability of food supplies.

Wistaston Parish Council: Object to the application on the following grounds:

- The site is not included in Cheshire East Council's Local Plan for development.
- The site is located in the Green Belt on Grade 2 agricultural land.
- The development does not offer anything towards existing community amenities and would have a severe impact on the already oversubscribed schools and medical services of the catchment areas.
- The development would create a significant increase in the volume of traffic at Crewe Road, Wistaston, in close proximity to existing junctions.
- The increased traffic density will have a detrimental impact on the narrow Moorfields Road and its junction with Wistaston Road, Willaston.
- The existing residential development in Moorfields Road has some terraced houses with very small front gardens which results in vehicles parking in the road; they obstruct the 2 way traffic flow.

OTHER REPRESENTATIONS

Letters of objection have been received from approximately 158 local households raising the following points:

Principal of development

- The site is within the Green Gap
- At this point the Green Gap is at its narrowest
- The proposal is contrary to the Council's emerging plan
- An application for the development of this site has previously been refused
- Urban sprawl

- Approving the development would be undemocratic
- The village of Willaston is overpopulated
- Loss of a greenfield site
- Loss of village character
- There are numerous brownfield sites available on Crewe which should be developed first
- The site is not sustainable as some facilities are not within the required distances (secondary schools, medical centres, transport infrastructure)
- Loss of Grade 2 Agricultural Land
- The development is contrary to national and local planning policies
- Cheshire East is able to demonstrate a 5 year housing land supply
- The site fails to meet a number of criteria as set out in the sustainability checklist
- There a number of dwellings for sale within the vicinity of the site
- The development will result in the settlements of Crewe/Wistaston and Willaston merging
- The design of the development does not respect the dwellings in the area
- Opportunistic development
- There is no need for further development
- Loss of village identity
- Willaston will become a suburb of Crewe or Nantwich
- The development is over dense
- Over development of the site
- Inaccuracies contained within the planning application
- Cheshire East now has sufficient housing sites

Highways

- Existing congestion at the railway crossing in the village
- Moorfields is too narrow
- Moorfields is in a poor state of repair
- The junction with Crewe/Nantwich Road is an accident blackspot
- Moorfields cannot cope with the extra traffic
- Moorfields suffers from on street parking problems
- The submitted Transport Assessment is flawed
- The document does not reflect the Government Guidelines
- Highway safety
- Increased traffic movements
- Pedestrian safety
- Poor visibility at the junction of Moorfields/Wistaston Road
- Traffic congestion
- The single access point should not accommodate more than 150 dwellings
- Problems with dangerous and illegal parking in the village
- Existing on-street parking along Moorfields
- The access from the site onto Moorfields requires drivers to manoeuvre a sharp corner
- There is no safe pedestrian/cycle access to the site
- Difficulties for large delivery vehicles accessing the site
- The junction at Moorfields and Wistaston Road is dangerous
- Pedestrian/Cyclist safety
- Unsafe access
- Buses and refuse vehicles struggle to move through the village
- Speeding is a problem in the village
- There is limited parking within the village

- Emergency vehicles have difficulty entering the village

Green Issues

- Impact upon wildlife
- Impact upon protected species
- Loss of habitat
- Loss of Green Land
- Impact upon the mature trees on this site
- There is a Badger sett on site
- There are Great Crested Newts on the site

Infrastructure

- The drains are inadequate and there are potential flooding issues
- The sewer system is at capacity
- The local Primary School is already full
- Water run-off and flooding
- Impact upon local secondary schools which are at capacity
- The site is not sustainably located and fails the sustainability checklist
- Increased pressure on GP services

Amenity Issues

- Proximity to surrounding residential properties
- Loss of light
- Loss of outlook
- Overshadowing
- Noise and disruption from construction of the dwellings
- Increased noise
- Light pollution
- Increased pollution

Other issues

- The design of the dwellings is out of character
- There is a high level of local opposition to this development

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

- Horrified that the previous application was subject to an appeal for non-determination
- Following meetings with local residents and the Willaston Green Gap Action Group it is clear that this development is not wanted
- The development is with the Green Gap and is contrary to the draft Local Plan and the Willaston Parish Council Local Development Plan
- The access to the site is unsuitable and residents are concerned that the local infrastructure will not support the increase in population
- There are also genuine concerns about the loss of wildlife habitats
- Edward Timpson MP supports the objections which have been made by local residents

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

APPRAISAL

The key issues are:

- Loss of open countryside
- Impact upon the Green Gap
- Impact upon nature conservation interests
- Design and impact upon character of the area
- Landscape Impact
- Amenity of neighbouring property
- Highway safety
- Impact upon local infrastructure

Principle of Development

The site lies largely in the Open Countryside as designated by the Borough of Crewe and Nantwich Replacement Local Plan 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.

Green Gap

In this case, the application site is within the Green Gap. Therefore, as well as being contrary to Policy NE2 (Open Countryside) it is also contrary to Policy NE.4 (Green Gaps) of the Local Plan which states that approval will not be given for the construction of new buildings or the change of use of existing buildings or land which would:

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

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

Policy NE.4 goes on to state that exceptions to this policy will only be considered where it can be demonstrated that no suitable alternative location is available. It is considered that there are many other sites within Cheshire East which, although designated as Open Countryside, are

not subject to Green Gap policy and can be used to address the Council's housing land supply shortfall and which would not contravene policy NE4.

Turning to the question of whether, in the light of the lack of a 5 year supply, Policy NE4 should be considered to be a housing land supply policy and / or out of date, Green Gap policy has a specific planning purpose – to avoid settlements merging. This is not a housing supply policy purpose. Whilst Open Countryside areas also have specific roles (including the protection of the Countryside for its own sake, in accordance with NPPF paragraph 17.(v)) open countryside policy does not have the special, additional function of ensuring that two settlements remain separate (that is the function of Green Gaps). Hence Green Gaps are not a function of Open Countryside policy; rather Green Gaps have their own specific function.

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

Whether a proposed development falls within the definition of “*sustainable*” development is a question of fact for the decision maker's assessment in the circumstances of any individual case. However, as it is located within Green Gap, this case profits from a very clear reflection on the meaning of that expression applied to similar circumstances, and this is to be found in Bloor Homes East Midlands Ltd. V. SOSCLG [2014]:

“On any sensible view, if the development would harm the Green Wedge by damaging its character and appearance or its function in separating the villages of Groby and Ratby, or by spoiling its amenity for people walking on public footpaths nearby, it would not be sustainable development within the wide scope drawn for that concept in paragraphs 18 to 219 of the NPPF”.

The recent appeal decisions at Rope Lane, Shavington and Wistaston Green Road were both allowed at appeal despite being located within the Green Gap. In response to these decisions it should be remembered that each case is judged on its own merits and this is supported by the comments of the Inspector at Wistaston Green Road where he stated that:

‘The proposed development, if permitted, should not be taken as accepting of, or encouraging other proposals in the Green Gap’

In this case the development contravenes the Green Gap policy which renders the development unsustainable and consequently, it does not benefit from the presumption in favour under Paragraph 14 of the NPPF.

SOCIAL SUSTAINABILITY

Location of the site

The site is considered by the SHLAA to be sustainable. To aid this assessment, there is a toolkit which was developed by the former North West Development Agency. With respect to

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

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

- Amenity Open Space (500m) – would be provided on site
- Children’s Play Space (500m) – would be provided on site
- Child Care Facility (nursery or crèche) (1000m) - 480m
- Community Centre/Meeting Place (1000m) – 800m
- Public House (1000m) – 350m
- Bus Stop (500m) – 480m
- Primary School (1000m) – 850m

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

- Outdoor Sports Facility (500m) – 700m
- Public Right of Way (500m) – 700m
- Convenience Store (500m) – 650m

The following amenities/facilities fail the standard:

- Post office (1000m) – 1400m
- Supermarket (1000m) – 3500m
- Secondary School (1000m) – 2570m
- Medical Centre (1000m) - 2570m
- Pharmacy (1000m) – 2570m

In summary, the site does not comply with all of the standards advised by the NWDA toolkit. However as stated previously, these are guidelines and are not part of the development plan. Owing to its position on the edge of Willaston, there are some amenities that are not within the ideal standards set within the toolkit and will not be as close to the development as existing dwellings which are more centrally positioned. Nevertheless this is not untypical for suburban dwellings and will be the same distances for the residential development on Wistaston Road and Moorfields from the application site. However, all of the services and amenities listed are accommodated within Crewe and are accessible to the proposed development on foot or via a short bus journey. Accordingly, it is considered that this small scale site is a sustainable site.

Affordable Housing

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

In addition to the information taken from the SHMA on Cheshire Homechoice there are currently 16 applicants on the housing register who require social or affordable rented housing and have Willaston as their first choice, these applicants require 5 x 1 beds, 6 x 2 bed, 2 x 3 beds and 3 x 4 beds.

Therefore there should be provision of 30% of the total dwellings as affordable, with 65% provided as social or affordable rent and 35% intermediate. This is the preferred tenure split identified in the SHMA and highlighted in the Interim Planning Statement on Affordable Housing (IPS). This equates to a requirement for up to 51 affordable dwellings on this site, with up to 33 provided as social or affordable rented dwellings and 18 provided as intermediate tenure.

The Affordable Housing Delivery Plan submitted with the application confirms that 30% affordable housing will be provided on this site with a 65% rented and 35% intermediate split which is acceptable.

The proposed development is considered to be acceptable in terms of its affordable housing offer and the affordable housing provision will be secured as part of a S106 Agreement.

Education

An application of 156 dwellings (which excludes the proposal for 14 1 bed units) is expected to generate 29 primary aged children, 22 secondary aged children and 2 children with Special Educational Needs.

In terms of primary school education, the proposed development would be served by 14 local primary schools. As there are capacity issues at these local schools (see the table below) from 2019 the education department has requested a contribution of £314,542.41. This will be secured via a S106 Agreement should the application be approved.

Primary Schools	PAN	PAN	NET CAP	Any Known	PUPIL FORECASTS based on October 2014 School Census				
	Sep-15	Sep-16	May-15	changes	2015	2016	2017	2018	2019
wistaston Church Lane	60	60	420	420	421	422	418	418	417
Gainsborough	60	60	420	420	418	417	412	411	409
Wistaston Academy	60	60	420	420	392	387	387	381	375
Edleston	30	30	210	210	213	211	208	208	207
Highfields	30	30	210	210	214	219	216	216	216
pebble Brook	45	45	315	315	256	273	284	286	285
Shavington	30	30	210	210	224	277	330	363	385
St Mary's	90	90	630	630	572	572	560	548	536
Stapeley Broad Lane	30	30	204	204	215	220	225	229	228
Vine tree	30	30	210	210	209	210	206	205	203
Willaston	30	30	210	210	216	224	235	242	246
the berkeley	60	60	330	420	377	383	391	393	390
Wyche	28	28	196	196	170	175	177	179	181
pear tree	30	30	210	210	213	209	207	204	200
OVERALL TOTAL	613	613	4195	4285	4110	4199	4256	4283	4278
OVERALL SURPLUS PLACES PROJECTIONS					85	-4	-61	-88	-83
OVERALL SURPLUS % PROJECTIONS					2.03	-0.10	-1.45	-2.10	-1.98
OVERALL SURPLUS PLACES PROJECTIONS based on Revised NET CAP					175	86	29	2	7
OVERALL SURPLUS % PROJECTIONS based on Revised NET CAP					4.08	2.01	0.68	0.05	0.16

In terms of secondary schools, there are seven which would serve the proposed development and the proposed development would generate 22 new secondary places which cannot be accommodated (see the table below). As there are capacity issues at these local schools from 2021 the education department has requested a contribution of £359,539.18. This will be secured via a S106 Agreement should the application be approved.

	PAN	PAN	NET CAP	Any known	PUPIL FORECASTS based on October 2014 School Census						
Secondary Schools	Sep-15	Sep-16	May-15	changes	2015	2016	2017	2018	2019	2020	2021
brine Leas	215	215	1050		1117	1142	1180	1192	1203	1204	1203
sir william stanier	210	210	1050		836	872	919	996	1058	1100	1143
Kings Grove	156	156	780		547	551	539	546	600	602	621
malbank	210	210	1050		877	905	973	1018	1065	1107	1137
shavington	170	170	850		542	597	645	670	713	739	755
St thomas more	128	128	642		642	646	656	673	686	685	693
ruskin	140	140	666		470	459	476	492	497	507	525
OVERALL TOTAL	1229	1229	6088		5031	5172	5388	5587	5822	5944	6077
OVERALL SURPLUS PLACES PROJECTIONS					1057	916	700	501	266	144	11
OVERALL SURPLUS % PROJECTIONS					17.36	15.05	11.50	8.23	4.37	2.37	0.18

A development of this size is also expected to generate 2 children with special educational needs (SEN). In order to mitigate the impact of this development a contribution of £91,000 will be required as part of this development.

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 5950sq.m and the indicative plan shows that the developer will provide 1.09 hectares (10,900sq.m) of amenity green space. This would exceed the requirement for Policy RT.3 by a considerable margin and is considered to be acceptable.

In terms of children's play space this would be provided on site and the applicant has indicated that they are willing to provide a LEAP with 6 pieces of equipment as requested by the POS Officer.

Health

A number of the letters of objection raise concerns about the impact upon health provision in this area. In response to this issue there are 8 medical practices within 3 miles of the site and according to the NHS choices website all are currently accepting patients indicating that they have capacity.

ENVIRONMENTAL SUSTAINABILITY

Landscape

The application site is flat and roughly rectangular shaped area covering two fields, one large and one small, bound to the west to the rear gardens of dwellings along Wistaston Road and to the south by the rear gardens of properties along Moorfields along the western part of the southern boundary, and a thin strip of agricultural land outside the application site along the eastern part of the southern boundary. There are agricultural fields to the north and east of the application site, there are no public footpaths or publicly accessible open views towards the site.

As part of the application a Landscape and Visual Impact Assessment has been submitted, the assessment indicates follows the Guidelines and methodology outlined in the Guidelines for Landscape and Visual Impact Assessment 3rd Edition 2013. There are no landscape designations on the application site and the assessment offers a baseline landscape assessment which is accurate and correctly identifies that the application site as being located within the National Character Area, Area 61 – Shropshire, Cheshire and Staffordshire Plain/Cheshire Sandstone Ridge, and also in the Cheshire Landscape Character Assessment 2009, which identifies the application as being located within Type 10 Lower Farms and Woods, specifically LFW7 Barthomley Character Area; the application area is very characteristic of this landscape type.

The assessment identifies baseline landscape and visual characteristics of the application site. The landscape impact assessment indicates that the sensitivity of this landscape character type is medium, and that it is considered to be of low sensitivity; it is considered that this has been underestimated and that in reality the landscape character of the site would be greater than a low sensitivity and may be of a medium sensitivity.

There are no landscape designations on the site, but there are intermittent views of the site from the area to the front of properties bordering the site, although there are longer views across the site from further east from the Public Footpath; nevertheless residential properties located along the western boundary –Wistaston Road and the southern boundary Moorfields do overlook the whole of the application site and the wider open countryside beyond the application site.

With reference to the sensitivity of private views, the assessment indicates that properties along part of Moorfields Road, parts of Wistaston Road and parts of Meadow View would be affected. The assessment then indicates that the planning system does not serve to protect private interests; however the Guidelines do indicate that private viewpoints can be included in an assessment and that they can be particularly susceptible to change.

In conclusion the significance of effect on the landscape character has been underestimated and that the effect on the local landscape character will also be greater than predicted, although not significantly so.

This is a locally valued landscape, although an undesignated landscape. In this case the assessment indicates that the proposed development would be visually well contained by the existing built form and associated boundary vegetation, in reality the proposals would extend the built form into what is currently an agricultural landscape. It is not considered that the landscape harm would be so significant as to warrant the refusal of this application.

Highways Implications

Access

The development would have a vehicular and pedestrian access point onto Moorfields with a secondary pedestrian/cycle access being provided onto Wistaston Road.

The access onto Moorfields allows only one 2-metre wide footway alongside a 5.5m entry carriageway width. Normally a footway would be required on both sides of the access. However, given that the main pedestrian desire-line and movements will be on this one side, and a second

pedestrian access is proposed onto Wistaston Road, it is considered that the access to the site is acceptable.

The proposed access would be provided at the point of the existing turning head on Moorfields. The traffic speeds along this road demonstrate that the required visibility splays at the site access are 2.4m x 33m in both directions which can be achieved.

Parking surveys were undertaken by the applicant along Moorfields in the AM peak hour on two days and the results indicate that there were a maximum of eight vehicles parked on the existing highway. It is not considered that parking on the highway would cause any significant issues.

In terms of the junction of Moorfields/Wistaston Road/Gladstone Street the submitted Transport Assessment demonstrates that the junction will operate within capacity with the addition of the proposed development traffic with no requirement to mitigate the junction.

Therefore the proposed access point is considered to be acceptable.

Impact upon surrounding junctions

The relevant test contained within the NPPF states that

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

The existing traffic flows are as follows:

Wistaston Road

AM peak northbound = 80 vehicles; southbound = 60 vehicles;
PM peak northbound = 55 vehicles; southbound = 151 vehicles.

Moorfields

AM peak westbound = 17 vehicles; eastbound = 11 vehicles;
PM peak westbound = 10 vehicles; eastbound = 20 vehicles.

The site is expected to generate the following movements:

Wistaston Road, north of Moorfields:

AM peak northbound (from site) = 32 vehicles; southbound (to site) = 11 vehicles;
PM peak northbound (from site) = 17 vehicles; southbound (to site) = 30 vehicles.

Wistaston Road, south of Moorfields:

AM peak northbound (to site) = 15 vehicles; southbound (from site) = 44 vehicles;
PM peak northbound (to site) = 41 vehicles; southbound (from site) = 24 vehicles.

These flows, whilst not in themselves high, will result in a proportional increase on Wistaston Road of something like a third.

Beyond the extents of Wistaston Road traffic splits to various destinations so the overall impact is reduced. About 16 movements in each peak will use the Peacock Roundabout and 45 trips the

Cheerbrook Roundabout. Although these represent a small proportion of the total movements at these major junctions, they will nevertheless add to existing levels of congestion.

The submitted Transport Assessment has evaluated the junctions based on expected traffic levels in 2023 (i.e. in ten years time). The following junctions were tested and the impact is also given below:

- Wistaston Road/ Coppice Road – The TA modelling demonstrates available junction capacity.
- Wistaston Rd/ Moorfields Road - The TA modelling demonstrates available junction capacity.
- A534 Crewe Road/ Coppice Road – The TA modelling demonstrates available junction capacity.
- Wistaston Road/ Park Road - The TA modelling demonstrates available junction capacity.
- Wybunbury Road/ Eastern Road - The TA modelling demonstrates available junction capacity.
- Wybunbury Road/ Cheerbrook Road/ Green Lane - The TA modelling demonstrates available junction capacity.
- A534 Crewe Road/ Church Lane - Church Lane entry near practical capacity.
- A534 Crewe Road/ Wistaston Road - capacity issues on Wistaston Road, particularly PM with increased queues.

It should also be noted that the development will send more traffic over the level crossing on Wistaston Road. On the basis of existing queue lengths and expected traffic increase, queues and delays to traffic are not expected to increase significantly.

The developers recognise the impact of the development on the Wistaston Road/ Crewe Road junction and have offered to fund the provision of traffic signals at this location. This will remove the difficulties of traffic egressing Wistaston Road whilst maintaining sufficient capacity for the Crewe Road arms. Pedestrian crossing facilities would be included. As the need for the signals arises directly from the increase in Wistaston Road traffic arising from the development, this improvement would be most appropriately funded by the developer under S278 of the Highways Act. The requirement for such an Agreement would need to be attached to any detailed application should this outline application be approved.

The traffic from the site will disperse over various routes but a considerable proportion will use or cross the A51 via the Cheerbrook (A51/A500), Peacock (A51/A534) and Alvaston (A51/A530) roundabouts. These junctions experience congestion with the latter two already over capacity at peak periods. Therefore whilst the impact may be small in terms of vehicle numbers it will be significant in terms of queues and delay.

CEC has improvement schemes for these junctions in the Infrastructure Plan, costed at £705,000 (Peacock) and £1,493,000 (Alvaston). The Strategic Highways Manager considers that a contribution to enhancements on the A51 corridor is justified by the traffic impact of the development and would be CIL-compliant. As part of the earlier application (13/3688N) which is awaiting a high court decision a S106 contribution of £292,000 was sought. The latest highways consultation response requests a contribution of £340,000 – this is not considered to be reasonable given that this application is identical to application 13/3688N and the S106 Heads of Terms will reflect this.

Amenity

In terms of the surrounding residential properties, these are mainly to the south and west of the site fronting Wistaston Road and Moorfields.

From the indicative plan the separation distances that would be achieved exceed those contained within the SPD on Development on Backland and Gardens. Therefore, it is not considered that the development would have a detrimental impact upon neighboring residential amenity. Further details would be obtained at the reserved matters stage.

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

Air Quality

The air quality assessment submitted with the planning proposal indicates that there would be an adverse impact in the Nantwich Road Air Quality Management Area (AQMA) in Crewe and to a lesser extent the Hospital Street AQMA in Nantwich. Any increase in air pollutants in an AQMA is considered significant as it is in direct conflict to the objectives of preserving public health as part of the Local Air Quality Management duties.

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

One of the twelve core planning principles contained within the NPPF states that planning should:

‘contribute to conserving and enhancing the natural environment and reducing pollution’

To prevent unacceptable risks from air pollution, planning decisions should ensure that new development is appropriate for its location. The NPPF states that the effects of pollution on health and the sensitivity of the area and the development should be taken into account and paragraph 124 states that:

‘Planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan’

The air quality impacts from this development could be mitigated against through the implementation of a travel plan, suitable electric vehicle charging infrastructure and dust mitigation during the construction phase. Subject to the mitigation measures being secured the Environmental Health Officer has no objection to the development on air quality grounds.

Trees and Hedgerows

Trees

A Tree Preservation Order protects a number of trees on this site.

The illustrative layout is broadly the same as the previous application and indicates the retention of all High (A) and Moderate (B) category trees.

There are three trees of low quality that will be removed to facilitate development, (trees 28, 29 & 39 Elder and 2 Hawthorn) within the central northern section of the site which is considered arboriculturally acceptable.

As part of this development most high and moderate category trees will be located within open space provision, with some within rear garden boundaries. In terms of the latter, good design as required by BS5837:2012 *Trees in Relation to Design, Demolition and Construction – Recommendations* shall allow for retained trees to be reasonably accommodated to ensure their long term retention at reserved matters stage.

The illustrative layout indicates one Plot will encroach into the root protection area (RPA) of a mature Beech (T37) which will require some modification at reserved matters stage to accord with the design requirements of BS5837:2012.

The use of standard conditions will be imposed to protect the trees on this site.

Hedgerows

A Hedgerow Assessment (Just Ecology Ltd dated August 2013) has been submitted to inform the application and to assess whether hedgerows within the site are deemed to be important under the Hedgerow Regulations 1997 and what mitigation measures should be recommended. The survey identifies a total of 22 hedgerows of which 7 are outside the application site. Twelve hedgerows form boundaries to domestic properties and are therefore exempt from the Hedgerow Regulations. Three hedgerows, hedgerows 13 (northern site boundary), 15 (eastern site boundary) and 17 (southern boundary section) have been identified as forming an integral part of a field system pre-dating the Inclosure Acts and therefore qualify as 'Important' under criterion 5 of the Regulations. All three 'Important' hedgerows are proposed to be retained as shown on the proposed Illustrative Masterplan.

A section of hedgerow 17 will require removal to accommodate access into the site off Moorfields. It is recommended in the Assessment that the hedgerows be protected during the development process and enhanced by additional native planting to create a species rich hedgerow.

As a result, the impact upon boundary hedgerows is considered to be acceptable.

Design

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

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

In this case, the density of the site is appropriate and is consistent with that of the surrounding area of Willaston.

The indicative layout shows that the properties on the site would overlook the open space, highway and parking areas. The properties located at corner plots would have the potential for dual-frontages. A strong and prominent scheme of tree-planting within the site would create an avenue effect which would add quality to the appearance of the development.

To all sides of the site, a boundary hedgerow would be provided/retained to act as a green buffer to the open countryside and surrounding residential properties.

It is considered that the indicative scheme is acceptable and that an appropriate design solution could be negotiated at the reserved matters stage. The proposal would comply with Policy BE.2 (Design Standards) and the NPPF.

Ecology

Protected Species

Bats

Bat activity surveys undertaken on the site have recorded foraging activity by a number of bat species. The Councils Ecologist advises that the site is not particularly important for foraging bats and the level of recorded activity is relatively low.

A number of trees have been recorded on site that have significant potential to support roosting bats. There is however no evidence at present to suggest that a bat roost occurs within the trees on site. Based on the amended indicative layout plan it appears to be feasible to retain all of the trees identified as having high bat roosting potential. The impact upon bats is therefore considered to be acceptable.

Great Crested Newts

A small population of Great Crested Newts has been identified at a pond some distance from the proposed development site. Due to the distance between the pond and the development site (approximately 160 metres) and the intervening housing it is not anticipated that the proposed development would have a significant impact upon this protected species.

Breeding birds

The application site has the potential to support a number of breeding bird species including House Sparrow and Bullfinch which are both BAP priority species and a material consideration. The Councils Ecologist advises that the retention of hedgerows and mature trees within the site layout and the proposed open space would at least partially mitigate the potential impacts of the development upon breeding birds. The submitted ecological mitigation also recommends the provision of a number of additional features for nesting birds these features would be secured by condition.

Other Protected Species

A sett is present on northern boundary of the application site and the site provides suitable foraging habitat for this species. The sett is currently used by rabbits. However the Councils Ecologist advises that it is likely that the sett could be reused by badgers in the future.

The submitted mitigation method statement proposes the retention of the sett within a 30m undeveloped 'buffer' and the provision of a 10m wildlife corridor along the northern and western boundaries of the site. The undeveloped buffer areas will be planted with fruit bearing trees to provide an alternative source of badger foraging habitat. The Councils Ecologist advises that these proposals are adequate to mitigate the potential impacts of the development upon badgers.

Habitats

Grasslands

The Councils Ecologist advises that the grassland habitats on site are of relatively low nature conservation value and do not present a significant planning constraint upon the development of the site. A number of plant species however have been recorded which are indicative of better quality grassland habitats. The development proposals would result in the loss of much of the grassland habitat and potentially result in an overall loss of biodiversity. Therefore the Councils Ecologist recommended that the applicant undertakes and submits an assessment of the residual ecological impacts of the proposed development using the Defra 'metric' methodology.

An assessment of this type would both quantify the residual ecological impacts of the development and calculate in 'units' the level of financial contribution which would be required to 'offset' the impacts of the development to enable the total ecological impacts of the development to be fully addressed in a robust and objective manner. Any commuted sum provided would be used to fund habitat creation/enhancement works locally. The end result of this process is a development proposal that can be confidently assessed as being truly 'sustainable' in terms of ecology. This approach obviously has implications for the determination of the planning application in light of the NPPF.

The results of the Defra metric assessment show that a biodiversity contribution of £25,000 would be acceptable to mitigate this development. This would be secured as part of a S106 Agreement and the sum would be utilised to secure habitat enhancement/creation within the Meres and Mosses Natural Improvement Area (NIA) to the south of Nantwich. Possible ways that the sum would be spent are for land purchase and enhancement of land near to Wybunbury Moss National

Nature Reserve in partnership with natural England or management/restoration works of one of a number of Local Wildlife Sites located within the NIA in partnership with Cheshire Wildlife Trust and the NIA board.

Hedgerows

Hedgerows are a Biodiversity priority habitat and hence a material consideration. Additionally, the eastern boundary hedge and a hedgerow to the south of the site qualify as Important under the Hedgerow Regulations.

The direct loss of hedgerows to the proposed scheme would be relatively minor and the impact upon the hedgerows on site is considered to be acceptable.

Flood Risk and Drainage

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps. This 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 in size, a Flood Risk Assessment (FRA) has been submitted as part of this application.

The submitted FRA identifies that there is no or a low risk of flooding from all types of flooding apart from pluvial runoff and the potential effect of the development on the wider catchment and in both cases the risk is medium.

In order to mitigate the development the following is proposed:

- Runoff rates for the development will be limited to Greenfield runoff rates
- The site will use swales to provide the majority of the required attenuation storage and these will direct flows to drain towards the existing pond which will provide the rest of the attenuation storage
- Attenuation storage will be designed to accommodate a 1 in 100 year plus climate change event

The submitted utilities statement identifies that UU have confirmed that there is capacity in the local water supply network and the sewer network to serve this development.

The Councils Flood Risk Manager, the Environment Agency and United Utilities were consulted as part of the last application and 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.

Archaeology

A supporting Archaeological Assessment has been submitted with this application and this has been assessed by the Councils own Archaeologist who has suggested that further mitigation should be secured by condition if planning permission is granted.

ECONOMIC SUSTAINABILITY

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to Willaston/Crewe 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 a survey of the agricultural land quality has been undertaken and this identifies that 5.15 hectares of the land is grade 2, 1.13 hectares is grade 3a and 0.05 hectares is non-agricultural land.

The development would result in the loss of 6.28 hectares of Grade 2 and Grade 3a land and this needs to be weighed into the planning balance.

LEVY (CIL) REGULATIONS

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

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

As discussed above the requested highway contribution of £292,000 is required to mitigate the impact of the development at junctions where there are capacity issues. The contributions are directly related to this development (which would impact upon the junctions) and are fair and reasonably related in scale and kind.

The development will result in the loss of grassland habitat as part of this application. The end result of this process is a development proposal that can be confidently assessed as being truly 'sustainable' in terms of ecology requires mitigation. This approach obviously has implications for

the determination of the planning application in light of the NPPF. As such it is considered that it is necessary to secure a biodiversity enhancement contribution as part of this application.

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.

CONCLUSIONS

The site is within the Open Countryside where under Policy NE.2 there is a presumption against new residential development. Following the recent appeal decisions the Council can no longer demonstrate a 5 year housing land supply it is therefore necessary to consider whether the proposal is sustainable in all other respects as part of the planning balance.

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

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.
- The development would not have a severe impact upon the highway network subject to mitigation
- The landscape impact of the development

The adverse impacts of the development would be:

- The erosion of the Green Gap between Willaston and Rope
- The loss of open countryside
- The loss of agricultural land

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. This is consistent with the appeal application on this site which was successfully challenged at the High Court as can be seen in the planning history section of this report.

RECOMMENDATIONS

Minded to REFUSE for the following reasons:

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside contrary to Policies NE.2 (Open Countryside), NE.12 (Agricultural Land Quality) and RES.5 (Housing in the Open Countryside) of the Crewe and Nantwich Replacement Local Plan, Policy PG5 of the emerging Cheshire East Local Plan Strategy – Submission Version and the principles of the National Planning Policy Framework, which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it and creates harm to interests of acknowledged importance.**
- 2. The proposal would result in loss of the best and most versatile agricultural land and the applicant has failed to demonstrate that this development 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. In the opinion of the Local Planning Authority, the proposed development would cause a significant erosion of the Green Gap between the built up areas of Willsaton and Rope which would significantly and demonstrably outweigh the benefits of the scheme notwithstanding a shortfall in housing land supply. The development is therefore contrary to Policy NE4 (Green Gaps) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within the NPPF.**

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Principal Planning Manager (Regulation) has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.

Should this application be the subject of an appeal, authority is approved to enter into a S106 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. The provision of 1.09 hectares of amenity green space, a LEAP to be maintained by a private management company
- 3. Highways contribution £292,000 towards the A51 Corridor
- 4. Biodiversity off-setting contribution £25,000
- 4. A primary school education contribution of £314,542.41
- 5. A secondary school education contribution of £359,539.18
- 6. A contribution towards SEN £91,000

