

Application No: 16/0953N

Location: Land South of Sandfield House, STATION ROAD, WRENBURY, CW5 8EX

Proposal: Erection of 27 dwellings and associated infrastructure.

Applicant: Holyhead Estates (Wrenbury) Ltd

Expiry Date: 06-Jun-2016

SUMMARY: Taking account of Paragraphs 49 and 14 of the NPPF there is a presumption in favour of the development provided that it represents sustainable development unless there are any adverse impacts that significantly and demonstrably outweigh the benefits.

The proposal is contrary to development plan policy NE.2 (Open Countryside) and therefore the statutory presumption is against the proposal unless material considerations indicate otherwise, however given the lack of a demonstrable supply of housing land at this time it is considered that the policy in this context is out of date and cannot be relied upon.

The development would provide market and affordable housing to meet an acknowledged shortfall and contributions to education. The proposal would also have some economic benefits in terms of jobs in construction, spending within the construction industry supply chain and spending by future residents in local shops.

Balanced against these benefits must be the loss of an area agricultural land. All of the site will be lost from agriculture, whether built upon or subject to open space. However, much of Cheshire East comprises best and most versatile land and use of such areas will be necessary if an adequate supply of housing land is to be provided. Furthermore, previous Inspectors have attached very limited weight to this issue in the overall planning balance.

It is also necessary to consider the negative effects of this incursion into Open Countryside by built development. Nevertheless, it is not considered that this is sufficient to outweigh the benefits in terms of housing land supply in the overall planning balance.

On the basis of the above, it is considered that the application should be approved subject to the imposition of appropriate conditions and the completion of a Section 106 Agreement to secure contributions to education, and the provision of 30% affordable housing.

RECOMMENDATION:

Approve subject to the completion of a Section 106 Agreement

REASON FOR REFERRAL

This application is a small scale major development for 27 dwelling and is sited outside the settlement boundary for Wrenbury, therefore approving the application would amount to a departure from the development plan.

Furthermore, Cllr Stan Davies has called the application in to Southern Planning Committee for the following reason.

‘The site is in open countryside and the plan submitted includes spur roads which indicate further housing applications may be made in the future, where there is no requirement.’

PROPOSAL

This is an outline application for the erection of up to 27 dwellings and associated infrastructure. All matters other than access are reserved for consideration at a later date. An **indicative** layout has been submitted that shows the access off Station Road with phase II shown as a street with small cul-de-sacs off the main spur.

The site is accessed off Phase I which was allowed by appeal on the 23rd June 2015, for 18 dwellings. There are 3 protected trees on the boundary, adjacent to the access into the site adjacent to Sandfield House.

SITE DESCRIPTION

The proposal site is situated on the edge of the Wrenbury settlement boundary, within the open countryside with the River Weaver to the south of the application site.

Proposal site is a rectangular piece of land surrounded by trees to the south, garages to the west, residential properties to the north and the approved scheme to the east.

RELEVANT HISTORY

13/2391N - Steel frame building to store agricultural machinery and fodder – Approved with conditions 3rd September 2013

14/5260N - Residential development of up to 18 dwellings to include means of access – Refused 2th February 2015 and allowed at appeal 23rd June 2015

15/1857N - Residential development of up to 18 dwellings to include means of access – withdrawn 23rd June 2015

NATIONAL & LOCAL POLICY

National Policy:

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

Of particular relevance are paragraphs 14 and 47.

Development Plan:

The Development Plan for this area is the Borough of Crewe and Nantwich Replacement Local Plan 2011, which allocates the site as being within the within Open Countryside.

The relevant Saved Policies are: -

BE.1 – Amenity
BE.2 – Design Standards
BE.3 – Access and Parking
BE.4 – Drainage, Utilities and Resources
BE.5 – Infrastructure
BE.6 – Development on Potentially Contaminated Land
NE.2 – Open Countryside
NE.5 – Nature Conservation and Habitats
NE.9 – Protected Species
NE.17 – Pollution Control
NE.20 – Flood Prevention
RES.7 – Affordable Housing
RES.3 – Housing Densities
RT.3 – Provision of Recreational Open Space and Children’s Playspace in New Housing Developments

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

Cheshire East Local Plan Strategy

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

SD 1 Sustainable Development in Cheshire East
SD 2 Sustainable Development Principles
SE 1 Design
SE 2 Efficient Use of Land
SE 3 Biodiversity and Geodiversity
SE 4 The Landscape
SE 5 Trees, Hedgerows and Woodland
SE 9 Energy Efficient Development
SE 12 Pollution, Land Contamination and Land Instability
PG 1 Overall Development Strategy
PG 2 Settlement Hierarchy
PG5 Open Countryside
EG1 Economic Prosperity

Other Considerations:

Interim Planning Statement: Affordable Housing (Feb 2011)
North West Sustainability Checklist
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

CONSULTATIONS:

Highways: The SIM is satisfied that the development proposals can be safely accommodated on the adjacent highway network; accordingly, the SIM has no objection to the planning application.

Environmental Health: Recommend conditions/informatives relating to piling foundations, dust control, environmental management plan, construction hours, electric vehicle infrastructure, and contaminated land

Strategic Housing: Monitoring has shown that in settlements of less than 3,000 population the majority of new housing has been delivered on sites of less than 15 dwellings. The Council will therefore negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 0.2 hectares or 3 dwellings or more in all settlements in the rural areas with a population of less than 3,000 population. The exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives.

Desired target percentage for affordable housing for all allocated sites will be a minimum of 30%, in accordance with the recommendations of the Strategic Housing Market Assessment carried out in 2013. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

This is a proposed development of 27 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 8 dwellings to be provided as affordable dwellings. . The SHMA 2013 shows the majority of the demand in Wrenbury is for 15x 2 bedroom, and 12x 4 bedroom dwellings. Also the SHMA advises 2x 1 bedroom Older Persons dwellings. The majority of the demand on Cheshire Homechoice is for 5x 1 bedroom, 9x 2 bedroom and 5x 3 bedroom dwellings therefore 9 x 1, 2, 3 or 4 Bedrooms dwellings as shown on the application for this site would be acceptable.

6 units should be provided as Affordable rent and 3 units as Intermediate tenure.

The Affordable Housing IPS requires that the affordable units should be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration and also that the affordable housing should be provided no later than occupation of 50% of the open market dwellings

The affordable housing should meet the Government's Nationally Described Space Standards which were published in April this year.

Our preference is that the affordable housing is secured by way of a S106 agreement, which:

-
- requires them to transfer any rented affordable units to a Registered Provider
- provide details of when the affordable housing is required
- includes provisions that require the affordable homes to be let or sold to people who are in housing need and have a local connection. The local connection criteria used in the agreement should match the Councils allocations policy.
- includes the requirement for an affordable housing scheme to be submitted prior to commencement of the development that includes full details of the affordable housing on site.

Details of Registered Providers of social housing can be obtained from the Development Officers in Strategic Housing

Environment Agency -

The FRA demonstrates the proposed finished floor level for proposed buildings is to be 68.25 m Above Ordnance Datum. This is circa 2 metres above the Jflow data for the River Weaver 100 year flood level at this site. This is considered acceptable in principle and we therefore withdraw our objection. The proposed development will however only meet the requirements of the National Planning Policy Framework if the following measure, as detailed in the Flood Risk Assessment submitted with this application, is implemented and secured by way of a planning condition on any planning permission.

Flood Risk Manager:

No objection subject to conditions.

United Utilities:

No objection subject to the submission of scheme for the disposal of foul and surface water, management and maintenance of sustainable drainage system.

Education:

Require a contribution of £65,370.76 for secondary school provision

Greenspaces:

None received at time of writing this report.

Cheshire Archaeology Planning Advisory Service:

None received at time of writing this report.

Wrenbury cum Frith Parish Council:

At its meeting held on 10 March, the Parish Council RESOLVED – that the Council objects unanimously to this application on the grounds that

- 1) Increased traffic movements along Station Road and proximity to its junction with Nantwich Road;

- 2) The proposal to widen the pavement along Station Road will decrease the width of this already narrow road for vehicular traffic, to an unsafe width;

- 3) The vehicular access to the site from Station Road is not suitable for an additional 27 dwellings;
- 4) Whilst the Council appreciates that each application must be considered on individual merit, with the recent approvals for housing within the village now totalling in excess of 100 (approx. a 25% increase in housing), any more development will not be sustainable within the village amenities and services/utilities; and
- 5) The configuration of the development is not in keeping with previous developments adjacent to the site.

REPRESENTATIONS:

Neighbour notification letters were sent to adjoining occupants and a site notice posted.

Objections

At the time of report writing 16 representations have been received which can be viewed on the Council website. They express several concerns including the following:

Principle of the Development

The site is outside the settlement boundary
Wrenbury will cease to be a village
Contrary to the adopted local plan and the emerging local plan
The development is not infill
The proposal would not constitute sustainable development
Brownfield sites should be used first

Design and Scale

Would be detrimental to the character of the village
Adverse impact on landscape

Amenity

Loss of outlook
Noise and light pollution
Loss of privacy
Impact on neighbours during construction

Highways

Highway safety and existing parking issues
Increased congestion
Existing roads are not suitable for current traffic, increase will be exacerbated

Infrastructure

There are insufficient local facilities
Lack of school places

Ecology

Adverse impact on wildlife
Impact on the River Weaver

Other issues

Not economic sustainability

Local Businesses will suffer as are will no longer be a tourism area

Little economic benefit for the local community

Bus and train services are very limited

Loss of Green Space

Loss of agricultural land

Poor drainage and flood risk

Drainage pipe sited along the boundary of the site

There is no need for further housing in Wrenbury

Wrenbury has already been subject to the unsuitable approval of a concrete works

Local school and medical centre are at capacity

Current housing on sale in the area is staying on the market for 6-12 months

Facebook page 'Save Wrenbury' has been viewed over 5000 times.

Support

At time of writing this report there have been 3 letters of support which can be viewed on the Council website. The main issues raised are,

New dwellings are required to help the village grow

Highways issues require highway infrastructure improvements

Locationally sustainable for School, Medical Centre, village shop, bus and train stops

Affordable housing will encourage young families into the village.

APPRAISAL

The key issues to be considered in the determination of this application are set out below.

Principle of Development

The site lies largely in the Open Countryside as designated in the Borough of Crewe and Nantwich Replacement Local Plan 2011, where Policies NE.2 and RES.5 state that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Residential development will be restricted to agricultural workers dwellings, affordable housing and limited infilling within built up frontages.

The proposed development does not fall within any of these exceptions. 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 the development represents sustainable development and whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy objection.

Housing Land Supply

Following the receipt of the Further Interim Views in December 2015, the Council has now prepared proposed changes to the Local Plan Strategy (LPS), alongside new and amended strategic site allocations, with all the necessary supporting evidence. The proposed changes have been approved at a Full Council meeting held on the 26 February 2016 for a period of 6 weeks public consultation which commenced on Friday 4 March 2016.

The information presented to Full Council as part of the LPS proposed changes included the Council's 'Housing Supply and Delivery Topic Paper' (CD 9.7) of February 2016.

This topic paper sets out various methodologies and the preferred approach with regard to the calculation of the Council's five year housing land supply. From this document the Council's latest position indicates that during the plan period at least 36,000 homes are required. In order to account for the historic under-delivery of housing, the Council have applied a 20% buffer as recommended by the Local Plan Inspector. The topic paper explored two main methodologies in calculating supply and delivery of housing. These included the Liverpool and Sedgefield approaches.

The paper concludes that going forward the preferred methodology would be the 'Sedgepool' approach. This relies on an 8 year + 20% buffer approach which requires an annualised delivery rate of 2923 dwellings.

The 5 year supply requirement has been calculated at 14617, this total would exceed the total deliverable supply that the Council is currently able to identify. The Council currently has a total shortfall of 5,089 dwellings (as at 30 September 2015). Given the current supply set out in the Housing Topic Paper as being at 11,189 dwellings (based on those commitments as at 30 September 2015) the Council remains unable to demonstrate a 5 year supply of housing land. However, the Council through the Housing Supply and Delivery Topic paper has proposed a mechanism to achieve a five year supply through the Development Plan process.

National Planning Policy Guidance (NPPG) indicates at 3-031 that deliverable sites for housing can include those that are allocated for housing in the development plan (unless there is clear evidence that schemes will not be implemented within five years).

Accordingly the Local Plan provides a means of delivering the 5 year supply with a spread of sites that better reflect the pattern of housing need however at the current time, the Council cannot demonstrate a 5 year supply of housing.

Open Countryside Policy

In the absence of a 5 year housing land supply we cannot rely on countryside protection policies to defend settlement boundaries and justify the refusal of development simply because it is outside of a settlement, but these policies can be used to help assess the impact of proposed development upon the countryside. Where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply.

Policy NE.2, seeks to protect the intrinsic character and beauty of the countryside.

The proposal is in an area where it is considered that the settlement boundary should be “flexed” in order to accommodate additional housing growth; it is immediately adjacent to existing residential development in the village of Wrenbury, and immediately adjacent to the approved phase 1 site, planning reference 14/5260N. There are residential properties adjacent to the northern boundary of the site with a river to the south. As such it is considered that whilst the site is designated as Open Countryside in the adopted local plan, its loss would not cause a significant level of harm to the character and appearance of the countryside that would significantly and demonstrably outweigh the benefits provided by the proposed development.

Sustainability

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 National Planning Policy Framework definition of sustainable development is:

“Sustainable means ensuring that better lives for ourselves don’t mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment”

Accessibility is a key factor of sustainability that can be measured. One methodology for the assessment of walking distance is that of the North West Sustainability Checklist, backed by the Department for Communities and Local Government (DCLG) and World Wide Fund for Nature (WWF). The Checklist has been specifically designed for this region and can be used by both developers and architects to review good practice and demonstrate the sustainability performance of their proposed developments. Planners can also use it to assess a planning application and, through forward planning, compare the sustainability of different development site options.

The criteria contained within the North West Sustainability Checklist are also being used during the Sustainability Appraisal of the Cheshire East Local Plan. With respect to accessibility, the toolkit advises on the desired distances to local facilities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

The toolkit sets maximum distances between the development and local amenities. These comprise of everyday services that a future inhabitant would call upon on a regular basis, these are:

- a local shop (500m),

- post box (500m),
- playground / amenity area (500m),
- post office (1000m), bank / cash point (1000m),
- pharmacy (1000m),
- primary school (1000m),
- medical centre (1000m),
- leisure facilities (1000m),
- local meeting place / community centre (1000m),
- public house (1000m),
- public park / village green (1000m),
- child care facility (1000m),
- bus stop (500m)
- railway station (2000m).
- public right of way (500m)

In this case the development meets the standards in the following areas:

- Post box – Within Wrenbury Stores 300m
- Public house 650m & 700m
- Church 300m
- Bus stop 300m
- Post Office 300m
- Local shop 300m
- Health food shop 300m
- Medical centre 200m
- Equipped playground 200m
- Primary School 100m
- Railway station 200m
- Sports ground and social club 200m
- Village green 300m

In summary, whilst the site does not comply with all of the standards advised by the NWDA toolkit, as stated previously, these are just guidelines and are not part of the development plan.

It is considered that as the site lies adjacent to existing residential development in Wrenbury, and the Inspector for the adjoining development site considered the site to be locationally sustainable, it would therefore be difficult to uphold a reason for refusal on the grounds of the site not being in a sustainable location.

Accordingly, it is considered that this is a locationally accessible site.

There are, however, three dimensions to sustainable development:- economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural

resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

an economic role – *contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*

a social role – *supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and*

These roles should not be undertaken in isolation, because they are mutually dependent.

ENVIRONMENTAL ROLE

The site is a greenfield site and therefore not the first priority for development. It is however immediately adjacent to existing residential development. The site is within walking distance of the centre of Wrenbury village, which offers a wide range of essential facilities

Landscape Impact

This is an application for the erection of 26 dwellings and associated infrastructure. The application site covers an area of approximately 1.528 hectares and is currently agricultural land, located to the south of Sandfield House, Station Road in Wrenbury.

As part of the application a landscape and Visual Appraisal has been submitted, this indicates that it has been undertaken using the Guidelines for Landscape and Visual Impact Assessment, Third Edition (GLVIA 3). As part of the Landscape and Visual Impact Appraisal the baseline landscape character is identified at the regional level. The application site lies within the area identified in the Cheshire Landscape Character Assessment (2009) as Landscape Character Type 7: East Lowland Plain, and is further characterised as being within the Ravensmoor Character Area (ELP1).

The landscape appraisal indicates that the sensitivity of the landscape of the proposed development area is low, that the magnitude of change for the application site would be high for such a development, but negligible for the wider area and that the overall landscape effect would be minor to moderate adverse on the local area and negligible on the wider area. Although the appraisal identifies a methodology, it is not clear, or explained, how this assessment of effect has actually been reached. The Council's Landscape Officer has considered the proposal and considers that the sensitivity would be greater, and that on the site and local level that the proposed development would have a greater significance of effect than that given, although it is not considered that it would be substantially adverse. The visual appraisal (Table 6) identifies 11 viewpoints and indicates that there will be major adverse visual effects for four of the viewpoints, moderate adverse effects for one, minor adverse for two, and either a negligible or no effect for the remaining four viewpoints.

The Landscape Officer broadly agrees with the Landscape and Visual Impact Appraisal that has been submitted, the application includes an illustrative layout plan and it is considered that any potential landscape and visual impacts can be mitigated with appropriate design details and landscape proposals. This could be ensured through the reserved matters, appropriate conditions and the S106 agreement.

Highways Implications

This is an outline application for the development of up to 27 residential dwellings on land accessed from Station Road in Wrenbury. The application follows on from an earlier application for 18 dwellings on an adjoining site to the east of this site, reference 14/5260N, which was refused by the Council in February 2015 but allowed under appeal; reference APP/R0660/W/15/3013651, in June 2015.

The Strategic Infrastructure Manager (SIM) has considered the following in relation to the site:

- Sustainability;
- Access;
- Traffic Generation; and
- Cumulative Traffic Impact.

Sustainability

Referring to application, reference 14/5260N, for the adjoining site, at paragraph 10 of the of the appeal decision letter, the Inspector concluded:

“The village of Wrenbury contains a good range of services and facilities and the site is within walking distance of these. In addition, the village is served by both bus and train services which provide access to larger local settlements, and both are within walking distance of the site. Therefore, future occupiers would not be totally reliant on the private car to meet their day to day needs, and the development would help to maintain the vibrancy of local services. Consequently, the site is in an accessible location and overall the proposal would be sustainable in terms of the social dimension.”

The SIM concludes it is reasonable to draw the same conclusion in relation to this application site.

Access

The site access with Station Road, for the adjoining site to the east, was approved under the appeal for application reference 14/5260N.

Access to this application site is proposed via the approved access with Station Road and through the adjoining site to the east.

The access proposals are considered to be an acceptable solution to serve this site.

Internal Site Layout

As the application is in outline, the HSI has not commented on site layout at present, but reserves the right to do so at a later date in the application process (i.e. reserved matters).

Traffic Generation

Traffic generation associated with the development proposal has been estimated from a range of sites within the TRICS database, the morning and evening peak hour estimates are summarised in Table 1.0.

Table 1.0 Traffic generation associated with the development proposals

	TRICS trip rate		Trips associated with 27 dwellings	
	Arrivals	Departures	Arrivals	Departures
AM	0.116	0.446	3	12
PM	0.439	0.208	12	6

The morning and evening peak hour traffic generation associated with the development proposal is expected to be low, less than 20 two-way trips per peak hour.

Cumulative Traffic Impact

The cumulative traffic impact of this application (27 dwellings) and the consented scheme to the east (application reference 14/5260N - 18 dwellings) has been considered, the morning and evening peak hour estimates are summarised in Table 2.0.

Table 2.0 Cumulative traffic impact

	TRICS trip rate		Trips associated with 45 dwellings	
	Arrivals	Departures	Arrivals	Departures
AM	0.116	0.446	5	20
PM	0.439	0.208	20	9

The cumulative morning and evening peak hour traffic generation associated with both development proposals is expected to be low, less than 30 two-way trips per peak hour.

Once distributed on the road network the development traffic would only result small increases in the traffic flow. In order to resist this application, the Highway Authority would have to prove that there is severe harm arising from this increase, this would not be possible given the low level of traffic generation predicted.

The SIM is satisfied that the development proposals can be safely accommodated on the adjacent highway network; accordingly, the SIM has no objection to the planning application.

Trees and Hedgerows

There are trees present in the vicinity and variations in levels across the site. The submission is supported by a tree report dated which considers the tree population and identifies tree constraints. The report also assesses the arboricultural impacts which would arise in relation to the proposed layout.

The report identifies that the submitted proposals would involve the removal of a small area of scrubby woodland to the west of the site boundary comprising 1 Alder and 11 Ash and indicates that a dwelling and part of the access footway would encroach into the root

protection area of two Grade A trees, one of which is a very large specimen identified in the report as an Elm.

As an outline application with only access included, the full implications for trees would only be realised at reserved matters stage. Nevertheless, taking into account the area of land involved, it is considered that most of the arboricultural impacts which have been identified could be avoided with an amended layout. In particular, it is expected that a greater consideration be given to Grade A trees.

The revised site plan includes within the site edged red the access taken from Station Road. This would result in hedgerow loss. Taking into account the approval at appeal for development on land to the east which would utilise the same access (14/5260N), there appears to be little merit in requiring the usual Hedgerow Regulations assessment for the hedge.

Ecology

An ecological survey has been submitted with the application and the Council's Ecologist has considered the information submitted below.

Brook

A brook is located to the south of the red line of the application site. At its closest point the brook is 8.5m from the red line of the application site. In order to avoid any adverse impacts on the brook it must be ensured that all construction activities including the storage of materials and movement of vehicles is restricted to the red line of the application site. It is recommended that this matter be secured by means of a planning condition if planning consent is granted.

Badgers

Evidence of badger activity was recorded on site and a badger sett was found which the submitted report states is 20m from the application site boundary. In addition a badger day bed was recorded on the application site.

It is advised that the proposed development will result in the localised loss of badger foraging habitat however at the time of the ecological survey the grassland habitats on site did not appear particularly suitable for this species.

The off-site sett is however sufficiently close to the application site boundary that it could potentially be disturbed as a result of the proposed development. If it was still being used at the commencement of development the day nest would also be lost as a result of the proposed development which may result in the disturbance of badgers.

Whilst a 20m buffer zone is shown on the submitted layout plan it is advised that in order to ensure badgers are adequately safeguarded the applicant should submit a more detailed outline badger mitigation method statement prior to the determination of the application.

Additional information has been requested and will be submitted as an update to the Planning Committee.

Bats

Bat foraging activity on site was concentrated around the south west corner of the application site, closes to the ash trees and south east of the site adjacent to a large oak tree. The submitted ecological assessment states that these features would be retained and this is confirmed by the submitted design and access statement.

Barn owl

Barn owls were recorded as foraging to the south of the application site and it is advised that they may potentially also forage on the application site. The submitted ecological assessment states that the proposed development would have a minor negative impact upon this species. Apart from the need to consider the lighting of the site no mitigation or compensation proposals have been submitted with the application to address this impact.

Bird and bat box conditions

If planning consent is granted it is recommend that a condition for nesting birds as part of the development of the site:

Lighting

If planning consent is granted a any lighting scheme associated with the development to be submitted and agreed with the LPA as part of any future reserved matters application.

ECONOMIC ROLE

The Framework includes a strong presumption in favour of economic growth.

The proposed development will help to maintain a flexible and responsive supply of land for housing, business and community uses as well as bringing direct and indirect economic benefits to the town including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain. The proposal will also deliver economic benefit in the form of the New Homes Bonus, which is a material consideration.

SOCIAL ROLE

Affordable Housing

The proposal will provide new family homes, including 30% affordable homes. The site is also within walking distance of the centre of Wrenbury village, which offers a wide range of essential facilities. The indicative plans show a layout with up to 27 dwellings and it is considered that the 30% affordable housing would be secured as part of a S106 Agreement.

Public Open Space

The proposal is for up to 27 dwellings and Policy RT.3 requires provision of Open space for all developments of 20 dwellings or more a provision of 15 sq m of shared recreational open space per dwelling is required and in developments with family sized dwellings an additional 20 sq m of shared children's play space per family dwelling will be required. Currently no provision has been suggested on the indicative layout or within the design and access statement. Comments

are still outstanding from the Open Space Officer and this matter will be addressed within the updates to Committee.

Amenity

An indicative layout has been submitted with the application and this shows that minimum separation distances could be achieved between the proposed and existing dwellings adjacent to the site. However some of the relationships along the boundary with the existing dwellings are tight and it is considered that the layout will need to be reconsidered to ensure a suitable level of amenity is retained for the existing neighbours.

Having regard to the amenity of future occupiers of the dwellings, adequate private residential amenity space could be provided.

The proposal is therefore in compliance with Policy BE.1 of the adopted local plan.

Design

This is an outline planning application therefore the layout drawing is only indicative. Should the application be approved, appearance and layout would be determined at reserved matters stage.

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

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

The indicative layout shows a development that would not appear inappropriate in this context.

Education

Not including the current planning application registered on Land South of Sandfield House (16/0953N), there are 9 further registered and undetermined planning applications in Nantwich generating an additional 105 primary children and 77 secondary children.

The development of 27 dwellings is expected to generate: 5 primary children (27 x 0.19), 4 secondary children (27 x 0.15), 0 SEN children (27 x 0.51 x 0.023%).

The development is expected to impact on secondary school places in the immediate locality. Contributions which have been negotiated on other developments are factored into the forecasts both in terms of the increased pupil numbers and the increased capacity at schools in the area as a result of agreed financial contributions. The analysis undertaken has identified that a shortfall of secondary school places still remains.

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

$4 \times £17,959 \times 0.91 = £65,370.76$ (secondary)

Total education contribution: £65,370.76

The applicant has agreed to the contribution and to secure it through a Section 106 Agreement.

Flood Risk and Drainage

A Flood Risk Assessment has been submitted with the application as part of the land is in Flood Risk Zone 2. The Environment Agency have been consulted on the application and note that the FRA demonstrates the proposed finished floor level for proposed buildings is to be 68.25 m Above Ordnance Datum. This is circa 2 metres above the Jflow data for the River Weaver 100 year flood level at this site. This is considered acceptable in principle. The proposed development will however only meet the requirements of the National Planning Policy Framework if the following measure, as detailed in the Flood Risk Assessment submitted with this application, is implemented and secured by way of a planning condition on any planning permission.

The Council's Flood Risk Manager has assessed the application and is satisfied that the proposal is acceptable in terms of flood risk, subject to conditions relating to sustainable drainage features and surface water run off.

Agricultural Land

Local Plan Policy NE.12 has been saved. The National Planning Policy Framework advises that, 'significant developments' should utilise areas of poorer quality land (grades 3b, 4 & 5) in preference to higher quality land.

The applicant has been unable to ascertain whether the land is Grade 3a or 3b. However; given the limited size of the site, it is not considered that its loss would be significantly detrimental.

Response to Objections

The representations of the members of the public have been given careful consideration in the assessment of this application and the issues raised are addressed within the individual sections of the report. These issues are summarised in the representations and include loss of open countryside, loss of agricultural land, adverse impact on landscape, privacy, pollution, highway safety, ecology and local infrastructure.

S106 Contributions:

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, the financial contributions the local high school and to secure affordable housing provision on the site this would help to make the development sustainable and is a requirement local plan policies and the NPPF. It is directly related to the development and is fair and reasonable.

Conclusion – The Planning Balance

Taking account of Paragraphs 49 and 14 of the NPPF there is a presumption in favour of the development provided that it represents sustainable development unless there are any adverse impacts that *significantly and demonstrably* outweigh the benefits.

The proposal is contrary to development plan policy NE.2 (Open Countryside) and therefore the statutory presumption is against the proposal unless material considerations indicate otherwise, however given the lack of a demonstrable supply of housing land at this time it is considered that the policy in this context is out of date and cannot be relied upon.

The development would provide market and affordable housing to meet an acknowledged shortfall and contributions to education. The proposal would also have some economic benefits in terms of jobs in construction, spending within the construction industry supply chain and spending by future residents in local shops.

Balanced against these benefits must be the loss of an area agricultural land. All of the site will be lost from agriculture, whether built upon or subject to open space. However, much of Cheshire East comprises best and most versatile land and use of such areas will be necessary if an adequate supply of housing land is to be provided. Furthermore, previous Inspectors have attached very limited weight to this issue in the overall planning balance.

It is also necessary to consider the negative effects of this incursion into Open Countryside by built development. Nevertheless, it is not considered that this is sufficient to outweigh the benefits in terms of housing land supply in the overall planning balance.

On the basis of the above, it is considered that the application should be approved subject to the imposition of appropriate conditions and the completion of a Section 106 Agreement to secure contributions to education, and the provision of 30% affordable housing.

RECOMMENDATION

Approve subject to the completion of a Section 106 Agreement..

Heads of Terms:

- £65,370.76 to secondary education
- provision of 30% affordable housing

and the following conditions:

1. Commencement
2. Submission of reserved matters (all matters other than access)
3. Approved plans

4. Submission of a Phase I Contaminated Land Survey
5. Submission of soil or soil forming materials
6. Submission of piling foundations
7. Submission of Dust Control
8. Submission of major development construction phase environmental management plan
9. Reserved matters to include details of any external lighting.
10. Access to the site shall be completed prior to the commencement of any other form of development
11. Submission of drainage scheme to include foul and surface water including sustainable drainage systems
12. Reserved Matters to include Arboricultural Impact Assessment (AIA) including Tree Constraints Plan / Tree Protection Plan
13. Reserved Matters to include Arboricultural Method Statement in accordance with BS5837:2012 Trees in Relation to Design Demolition and Construction – Recommendations
14. Reserved Matters to include details of existing and proposed levels.
15. Reserved Matters to include detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds including house sparrow and roosting bats
16. Reserved matters to include details of boundary treatments
17. Reserved matters to include details of bin/cycle storage
18. Reserved matters to include a single electric vehicle charging point for each dwelling
19. Finished floor levels to be no lower than 68.25m above ordinance datum

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Planning and Enforcement Manager, in consultation with the Chair (or in her absence the Vice Chair) of the Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and the issue of the decision notice.

Should this application be the subject of an appeal, authority be delegated to the Principal Planning Manager in consultation with the Chairman of the Southern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

