

Application No: 16/1728N

Location: Land North Of, POOL LANE, WINTERLEY

Proposal: Outline Application for residential development of up to 33 units with all others matters reserved, except for access and landscaping.

Applicant: n/a, Footprint Land and Development

Expiry Date: 11-Jul-2016

## **SUMMARY**

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

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

The development would have a neutral impact upon education, protected species/ecology, drainage, highways, trees, noise/air quality/contaminated land and landscaping.

The previous concerns in relation to residential amenity have now been addressed and the impact upon residential amenity is considered to be acceptable.

The adverse impacts of the development would be the loss of open countryside and the loss of agricultural land but both were not given much weight by the previous Inspector.

An update will be provided in relation to the proposed landscape buffer.

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

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

## **RECOMMENDATION**

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

## **PROPOSAL**

This is an outline planning application for the erection of up to 33 dwellings. Access and landscaping is to be determined at this stage with all other matters reserved.

The proposed development includes a single access point onto Crewe Road which would be located to the western boundary of the site. The access would cross an existing site which has an outline approval for housing.

The land to the west of the application site has outline planning permission for the erection of up to 45 dwellings following the appeal decision for application 13/4632N.

## **SITE DESCRIPTION**

The site of the proposed development extends to 1.3 ha and is located to the northern side of Pool Lane and the eastern side of Crewe Road, Winterley. The site is within Open Countryside. To the northern boundary of the site is an agricultural field and residential development fronting Crewe Road. To the east of the site is ribbon development fronting Pool Lane and to the south of the site is Pool Lane with residential properties to the opposite side.

The land is currently in agricultural use and split into two fields. There are a number of trees and hedgerow to the boundaries of the site.

## **RELEVANT HISTORY**

14/3962N - Outline planning permission for the construction of up to 79 dwellings – Refused 11<sup>th</sup> June 2015 – Appeal Lodged – Appeal Dismissed 2<sup>nd</sup> February 2016 with a Partial Award of Costs against CEC for unreasonable behaviour.

Reasons for refusal as follows;

1. *The proposed residential development is unsustainable because it is located within the Open Countryside contrary to Policies NE.2 (Open Countryside), NE.12 (Agricultural Land Quality) and RES.5 (Housing in the Open Countryside) of the Crewe and Nantwich Replacement Local Plan, Policy PG5 of the emerging Cheshire East Local Plan Strategy – Submission Version and the principles of the National Planning Policy Framework, which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it creates harm to interests of acknowledged importance.*

2. *The proposal would result in loss of the best and most versatile agricultural land 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. *This application when taken cumulatively with other approved developments within Winterley would exceed the spatial distribution for Winterley and would be contrary to Policies PG2 and PG6 of the Cheshire East Local Plan Strategy - Submission Version.*

14/3393N - Outline planning permission for the construction of up to 45no. dwellings (Resubmission of 13/4632N) – Refused 25<sup>th</sup> September 2014

13/4632N - Outline planning permission for the construction of up to 45no. dwellings – Refused 1<sup>st</sup> March 2014. Appeal Lodged. Appeal Allowed

Reasons for refusal as follows:

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.*

## **NATIONAL & LOCAL POLICY**

### **National Policy**

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

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

50. Wide choice of quality homes

56-68. Requiring good design

### **Development Plan**

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

The relevant Saved Policies are:

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

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

### **Cheshire East Local Plan Strategy – Submission Version (CELP)**

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

PG2 – Settlement Hierarchy  
PG5 - Open Countryside  
PG6 – Spatial Distribution of Development  
SC4 – Residential Mix  
SC5 – Affordable Homes  
SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
SE3 – Biodiversity and Geodiversity  
SE5 – Trees, Hedgerows and Woodland  
SE 1 - Design  
SE 2 - Efficient Use of Land  
SE 4 - The Landscape  
SE 5 - Trees, Hedgerows and Woodland  
SE 3 - Biodiversity and Geodiversity  
SE 13 - Flood Risk and Water Management  
SE 6 – Green Infrastructure  
IN1 – Infrastructure  
IN2 – Developer Contributions

### **Supplementary Planning Documents:**

The EC Habitats Directive 1992  
Conservation of Habitats & Species Regulations 2010  
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System

## CONSULTATIONS

**United Utilities:** No objection subject to the imposition of planning conditions.

**CEC Strategic Housing Manager:** No objection. The application meets the Policy for affordable housing.

**Strategic Highways Manager:** No objection.

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

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

**Ansa (Public Open Space):** No comments received.

**CEC Education:** A development of 33 dwellings will generate 6 primary places and 5 secondary places and 0 SEN.

To alleviate capacity issues at the local secondary schools a contribution of £81,713.45 will be required for secondary school education.

There is no requirement for a contribution to primary school education or SEN.

## VIEWS OF THE PARISH COUNCIL

**Haslington Parish Council:** No comments received.

## REPRESENTATIONS

Letters of objection have been received from 26 local households raising the following points:

### Principal of development

- The site is within the open countryside
- The development would result in an urban extension to the village
- The application does not meet the exception categories for housing in the open countryside as set out within the Crewe and Nantwich Local Plan
- Cumulative impact of housing development within Winterley
- The development is out of character with the village
- Intrusion into the open countryside
- The site is highly visible
- Loss of agricultural land which is BMV
- Crewe and Sandbach will merge together
- The application is driven by developer profit
- There are a number of vacant properties within the village

- There are a number of properties currently for sale within the village
- This development has previously been dismissed at appeal
- Winterley is classed as an other settlement
- Incremental creep
- Lack of facilities in Winterley
- Winterley would see a 19% increase in size if all the applications are approved
- There should be a proportion of bungalows on this application site
- There should be the provision of a 6m wide buffer on this site
- The development would be contrary to the NPPF
- Brownfield sites should be developed first
- Due to its size the development cannot be classed as infill
- Contrary to Local Plan Policies
- The development will urbanise Winterley
- Haslington and Winterley will end up merging into one settlement

### Highways

- Increased traffic
- Pedestrian safety
- The proposed development would not provide a safe pedestrian access to local schools
- There are no safe walking routes to local schools
- Local roads are used as rat runs
- The access point opposite Newtons Lane is dangerous
- Increased pollution from traffic
- Additional traffic will be a danger to local wildlife
- Traffic calming measures and police speeding enforcement suggest that the village is already under pressure
- Increased vehicle movements
- The impact upon the more sensitive parts of the road network; Crewe Green Roundabout, the A534/A533/The Hill and the Haslington bypass
- The existing road network is heavily overused
- Increased vehicle movements to The Dingle Primary School
- There are numerous records of traffic accidents within the vicinity of the site
- Access problems at the existing takeaway opposite the site

### Green Issues

- Impact upon wildlife
- Impact upon protected species
- Landscape impact of the proposed development
- Winterley Brook is a Grade C Nature Conservation site and the development will put tourists off from visiting this site
- Loss of hedgerows/trees
- The retained hedgerows could degrade over time and be replaced by fencing
- Impact upon wildlife
- The landscape provision is inadequate
- Future maintenance of the landscape strip
- There should be a greater amount of evergreen and Oak tree planting within the buffer

### Infrastructure

- There is a lack of facilities within the village

- Low water pressure
- Broadband speeds are low
- The local schools are full
- There is a lack of planning for secondary school development in the area
- Winterley is an unsustainable village
- Lack of public transport
- Lack of medical facilities in the village
- There is no Post Office in Winterley
- Doctors surgeries are full
- The local Primary School is already full
- Insufficient capacity at the high schools in Sandbach
- Sewage infrastructure is not adequate
- There is persistent flooding in the area
- Current drainage is unable to cope
- No shops in the village

#### Amenity Issues

- The development would over dominate the adjacent dwellings
- Visual impact
- Loss of outlook
- The appeal site is higher than the existing dwellings on Pool Lane
- Increased air pollution
- The proposed dwellings facing Pool Lane should be bungalows

#### Design issues

- The development would be highly visible and would detract from the character of Winterley
- The suburban nature of the development would be harmful to the area
- 2.5 storey development would not be appropriate on this site
- The indicative layout does not provide an acceptable design

#### Other issues

- Impact upon property value

### **APPRAISAL**

#### **The key issues are:**

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

#### **Principle of Development**

The site lies largely in the Open Countryside as designated by the Borough of Crewe and Nantwich Replacement Local Plan 2011, where policy NE.2 states that only development

which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Residential development will be restricted to agricultural workers dwellings, affordable housing and limited infilling within built up frontages.

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

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

## **Planning History**

In this case it is important to note the recent appeal history for this site.

The field to the west includes an outline planning permission for residential development following the approval of application 13/4632N which was allowed at appeal. The access as part of this current application crosses field to the west.

The current application site was subject to a larger application for both fields (14/3962N). This appeal was dismissed on a single technical ground relating to residential amenity. As part of his decision the Inspector stated that;

*‘I am not satisfied on the basis of the evidence before me that the proposed number of dwellings could be laid out so as not to result in a significant adverse impact upon the living conditions of the occupiers of some neighbouring dwellings. I conclude, therefore, that while the appeal proposal is unlikely to have an adverse impact upon the living conditions of the occupiers of dwellings on Crewe Road, this would not be the case with regard to outlook, privacy and light for other neighbouring properties on Pool Lane. The proposal would conflict with paragraphs 17, 56 and 61 of the National Planning Policy Framework (the Framework). These seek, among other things, to ensure that planning always seeks to secure a good standard of amenity for all existing and future occupants of land and buildings; that good design should contribute positively to making places better for people; and that planning decisions should address the integration of new development into the built environment.’*

The three issues that the council pursued at the appeal were in relation to open countryside, BMV agricultural land and spatial distribution.

In terms of open countryside the Inspector found that;

*The site’s appearance and character would, clearly, change as a result of the appeal scheme. There would also be an impact upon Pool Lane. However, I do not consider, given the extant planning permission for a large proportion of the site and the wider semi-rural character and appearance of this section of Pool Lane, that the scheme would appear as an incongruous incursion into the open countryside. Indeed, although I accept that the field may be of value to*

*local residents in visual terms, it is not of particularly remarkable landscape value of itself nor does it play a significant role in the wider countryside setting of Winterley.*

In terms of BMV agricultural land the Inspector found that;

*In this context, the appeal scheme would result in the loss of a relatively small amount of BMV land. In addition, in my judgment, the lack of a five-year supply of deliverable housing sites attracts weight as a 'sustainability consideration' in favour of the use of the appeal site for the appeal scheme.*

*It was suggested that the loss of the site could impact on the economic viability of the wider farming enterprise to which it is attached. However, no evidence was presented to support this assertion.*

*I conclude, therefore, that there is no inherent conflict between the appeal scheme and the loss of, in relative terms, a limited amount of BMV land. It would not conflict with the requirements of Local Plan policy NE12, cited above.*

The Inspector then went onto make an award of costs against the Council due to unreasonable behaviour in relation to the reason for refusal relating to BMV agricultural land.

In relation to spatial distribution the Inspector found that;

*It is evident from the Inspector's interim views that the proposed spatial distribution of development, set out in the emerging plan, is not considered to be unreasonable. Nonetheless, his letter of 11 December 2015 is explicit that he cannot firmly endorse it at this stage. It was common ground between the main parties that as the emerging plan has yet to complete examination, and is not expected to be adopted until late in 2016, very little weight can be attributed to it. Taking account of paragraph 216 of the Framework, I agree, and have determined the appeal on the basis of adopted local and national planning policy.*

And that;

*I am mindful of the residential schemes already granted permission in Winterley. It may be that a view will need to be taken as to when incremental development is such that further housing in Winterley is no longer 'sustainable'. This will largely be a matter of judgment. On the basis of the evidence before me, however, I am not persuaded that the level of development proposed, which is only 34 extra dwellings above those already permitted on a large proportion of the site, would give rise to an unsustainable pattern of development. Nor would it be of such a scale, or the emerging plan so far advanced, that it could reasonably be regarded as undermining or prejudicing the plan making process.*

The Inspector then went onto make an award of costs against the Council due to unreasonable behaviour in relation to the reason for refusal relating to spatial distribution.

## **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.

## **SOCIAL SUSTAINABILITY**

### **Affordable Housing**

The site falls within the Haslington and Englesea sub area for the purposes of the SHMA update 2013. This comprises a need for 4 x 1 bed, 16 x 3 bed & 4 x 4+ bed general needs units and 3 units of older persons accommodation. In addition Cheshire Homechoice shows that there is demand for 21 x 1 bed, 18 x 2 bed, 10 x 3 bed and 1 x 4 bed units.

The Affordable Housing Interim Planning Statement (IPS) states that on all sites of 3 units or over in settlements with a population of 3,000 or less will be required to provide 30% of the total units as affordable housing on the site with the tenure split as 65% social or affordable rent and 35% intermediate tenure. This equates to a requirement of 10 affordable units in total on this site, split as 7 for social or affordable rent and 3 for intermediate tenure.

The exact details of the affordable housing will be provided at reserved matters stage. This will be secured as part of a S106 Agreement.

## Public Open Space

Policy RT.3 states that where a development exceeds 20 dwellings the Local Planning Authority will seek POS on site. In this case the required level of POS would be 1,155sq.m for this application. In this case the applicant has stated that Phase 1 (the Bellway site which has a full planning permission under applications 16/1487N and 13/4632N) would provide POS 2,400sq.m and this application (Phase 2) would provide 418sq.m. The total requirement for Phases 1 and 2 combined would be 2,730sq.m and the total provision on phases 1 and 2 would be 2,818sq.m. As a result the development would comply with Policy RT.3.

In terms of children's play space this would be provided on site as part of phase 1 and is secured as part of the S106 Agreement for application 13/4632N.

## Education

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

	PAN	PAN	NOR	NET CAP	ANY KNOWN	UNFILLED	PUPIL FORECASTS based on October 2014 School Census					
Primary Schools	Sep-15	Sep-16	Oct-15	May-15	CHANGES	PLACES	2015	2016	2017	2018	2019	
Haslington	45	45	256	270	315	14	262	267	266	265	255	
The Dingle	50	50	330	350	350	20	339	347	357	360	353	
Wheelock	45	45	273	315	315	42	280	295	301	312	304	
OVERALL TOTAL	140	140	859	935	980	76	881	909	924	937	912	
OVERALL SURPLUS PLACES PROJECTIONS based on Revised NET CAP							99	71	56	43	68	

In terms of secondary schools, there are four which would serve the proposed development (Alsager School, Sir William Stanier Community School and Sandbach High School Boys and Girls) and the proposed development would generate 5 new secondary places which cannot be accommodated (see table below).

	PAN	PAN	NOR (exc 6th Form)	NET CAP yrs 7-11 only	ANY KNOWN	UNFILLED	PUPIL FORECASTS based on October 2014 School Census						
Secondary Schools	Sep-15	Sep-16	Oct-15	May-15	CHANGES	PLACES	2015	2016	2017	2018	2019	2020	2021
Sir William Stanier	210	210	816	1050		234	836	872	919	996	1058	1100	1143
Sandbach High	210	210	1,018	1074		56	1027	1055	1105	1146	1230	1254	1283
Sandbach School	210	210	1,008	1050		42	1040	1079	1134	1151	1227	1254	1272
Alsager School	235	235	1,080	1125		45	1048	1041	1048	1107	1109	1112	1125
OVERALL TOTAL	865	865	3,922	4299		377	3951	4047	4206	4400	4624	4720	4823
OVERALL SURPLUS PLACES PROJECTIONS							348	252	93	-101	-325	-421	-524

As there are capacity issues at these local schools the education department has requested a contribution of £81,713.45. This will be secured via a S106 Agreement should the application be approved.

## Health

A number of the letters of objection raise concerns about the impact upon health provision in this area. A search of the NHS Choices website indicates that there are 3 GP Surgeries within 3 miles of the site and that all 3 are accepting new patients.

### **Location of the site**

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

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

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

The following amenities/facilities fail the standard:

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

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

This view is supported by the Inspectors recent appeal decision on part of this site where he stated that:

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

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

## **ENVIRONMENTAL SUSTAINABILITY**

### **Residential Amenity**

The previous application was dismissed as the Inspector was concerned that the applicant had not demonstrated that the development would not have a detrimental impact upon residential amenity.

In relation to No 29 Pool Lane to the east of the site the Inspector found that;

*'29 Pool Lane (No 29) has a number of large windows, to a lounge, kitchen and sun room, facing west to the appeal site. There is also a paved seating area outside the sunroom on the western side of the dwelling. Given the elevated landform of the eastern end of the appeal site, the currently wide open outlook from No 29 over and through the low deciduous hedge that forms the boundary with the appeal site, and the close proximity of No 29 to the boundary with the appeal site, the impact of new development would be particularly severe. Dwellings, even if single storey, would rise well above the hedge in close proximity to No 29 and appear overbearing upon its outlook. It is also difficult to see how the privacy of No 29, both dwelling and garden, could be secured in such a way as to not, in turn, further compound the adverse impact upon outlook'*

In this case the appeal scheme had dwellings which were closer to the boundary with No 29 Pool Lane with a separation distance of 13 metres between the side elevation of No 29 and the nearest plot.

As part of this application the separation distance has been increased to minimum of 21 metres at the nearest point with the provision of a 5.7m wide landscape buffer between the proposed dwellings and No 29 Pool Lane. This is a large improvement on the appeal scheme and demonstrates that a development can be provided on this site which would not have a detrimental impact upon the residential amenities at No 29 Pool Lane.

To the southern side of Pool Lane the Inspector also had concerns and found that;

*'there would be adverse impacts upon a number of other dwellings, from 8 Pool Lane eastwards. Although the dwellings are set back from the lane, their frontages are completely open, with views of the appeal site. The elevation of the appeal site above Pool Lane, and the potential for new dwellings to be tight to, and rising above, the site boundary, would, in my judgment result in a very significant adverse change in, and an oppressive impact upon, the outlook from these dwellings. With regard to privacy, I am satisfied that the likely distances are such that if new dwellings were orientated appropriately there would not be any serious adverse impacts'*

The previous appeal scheme showed dwellings sited side onto Pool Lane in close proximity to the boundary with a separation distance of 21 metres between the proposed dwellings and the front elevations of the dwellings at 12, 14, 18, 20 and 28 Pool Lane.

As part of this current application the submitted indicative plans show that there would be a separation distance of 34 metres between the front elevations of the proposed dwellings and the

front elevations of the dwellings at 10-30 Pool Lane with the provision of a 5.7m wide landscape buffer between the proposed dwellings and Pool Lane. Again this is a large improvement on the appeal scheme and demonstrates that a development can be provided on this site which would not have a detrimental impact upon the residential amenities at 10-30 Pool Lane.

It should also be noted that a 5.7m buffer would be consistent with the adjacent Bellway development which included a 5.7m buffer to Pool Lane and was approved at Southern Planning Committee at the meeting on 29<sup>th</sup> June 2016.

The request for bungalows facing Pool Lane has been noted but this is not considered to be reasonable given the separation distances which are shown on the indicative plan and due to the fact that a 5.7m wide buffer would be provided between the existing and proposed dwellings.

The Environmental Health Officer has requested conditions in relation to construction management, electric vehicle charging points and contaminated land. These conditions will be attached to any planning permission.

## **Air Quality**

The proposed development is not close to any air quality management areas (AQMA) and an air quality assessment was not deemed necessary. However, it is likely that some small impact would be made in the Nantwich Road AQMA and that when combined with the cumulative impacts of other committed and proposed developments in the Crewe area the significance is increased. There is also no assessment of the dust impacts and details of dust control would need to be submitted should planning approval be granted. Conditions would be attached in relation to dust control.

## **Public Rights of Way**

There are no PROW located on the application site.

In response to the comments made by the Councils PROW Officer further pedestrian links onto Pool Lane could be negotiated at the reserved matters stage to improve pedestrian movements from this site.

In relation to the request for cycling parking in Haslington village centre a contribution of £5,000 would be secured as part of a S106 Agreement.

## **Highways**

### Access

The proposed development is in outline form with access to be determined at this stage. The proposed development would be accessed via a simple priority junction with a 5.5 metre wide carriageway with 2 metre wide footways on both sides and junction radii of 10 metres. The highways officer has commented that this design is typical of a residential development of this scale.

Crewe Road has a 30mph speed limit at this point. In this case the submitted plans indicate that visibility splays of at least 2.4m x 43m can be achieved in both directions. These visibility splays would comply with guidance contained within Manual for Streets.

The submitted Transport Assessment (TA) identifies that the proposed site access would operate with significant spare capacity and the traffic associated with this development can be accommodated onto the local network.

### Traffic impact

The proposed development would generate 18 two-way trips during the AM peak hour and 19 two-way trips during the PM peak hour. This traffic generation will be distributed across the highway network in both directions.

There are local concerns over the impact upon the highway network and Crewe Green roundabout and there is a scheme of CEC improvements in this location. In this case the Highways Officer considers that the development would not have a severe impact upon this junction and as such no mitigation will be required from this development.

Given the scale of the development there would be no cumulative impact upon the wider network when you consider the recent approvals/committed developments in the area.

### Public Transport

The application site is within easy reach of bus stops in both directions with hourly connections to Crewe, Sandbach, Winsford, Northwich and Macclesfield throughout the day.

### Highways Conclusion

In conclusion the proposed development would have an access of an acceptable design with adequate visibility. The traffic impact upon the local highway network would be limited and was found to be acceptable as part of the recent appeal. Improvements would be secured to the bus stops in the locality. It is therefore considered that the development complies with the local plan policy BE.3 and the test contained within the NPPF which states that:

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

### **Trees**

The submitted arboricultural statement and tree constraints plan identifies 11 high (A) category, 13 moderate (B) category and 5 low (C) category trees

CEC records shows one protected Oak tree T17 of the Crewe and Nantwich Borough Council (Winterley) Tree Preservation Order 1977) located on the Pool Lane frontage (approximately opposite 26/28 Pool Lane) although this tree appears to be no longer present. One TPO Oak is located offsite (T22 of the survey) to the east of the site. The remaining tree cover comprises of a number of large individual fully mature hedgerow Oak located on the northern and western boundaries of the application site some of which may have potential 'Veteran' status.

Whilst this is only an Outline application there are concerns with regard to the position of the internal access road extending northward to the western boundary of the site. The access road is located within the Root Protection Areas of Oaks T6 and T5 and consequently will result in harm to the rooting environment of these trees. The use of no-dig construction with a sympathetic surface to allow for adequate gaseous diffusion and water to roots may provide a solution but would need to be subject to a more detailed arboricultural assessment, taking into account the health and vitality of the trees, soil type, location of proposed services and assessment of existing and proposed levels. Such a system would be to a non adoptable standard and would therefore require agreement with the Highway Authority.

In design terms the position of the proposed plots along the northern boundary will require modifying so as to allow for an improved relationship/social proximity to retained trees. Whilst it is recognised that shading from the trees would not be an issue here due to the northerly aspect, the trees size and dominance of plots will potential give rise to future requests for felling or significant pruning.

Whilst there are no objections in principle to the development from the Councils Tree Officer, the above issues require further detailed consideration at reserved matters stage.

## **Hedgerows**

In this case the indicative plan shows that the hedgerow boundaries to the site would be retained as part of this development apart from a small loss to provide the access point.

## **Design**

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

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

In this case the proposal would have a density of 25.3 dwellings per hectare this is consistent with the surrounding residential areas of Winterley

In this case an indicative layout has been provided in support of this application and this shows that an acceptable layout can be achieved and that the areas of open space and all highways would be well overlooked. It is considered that an acceptable design/layout that would comply with Policy BE.2 (Design Standards) and the NPPF could be negotiated at the reserved matters stage.

## **Landscape**

The wider landscape impact and loss of open countryside was considered by the previous Inspector as part of application 14/3962N. As part of his decision the Inspector found that;

*'The site's appearance and character would, clearly, change as a result of the appeal scheme. There would also be an impact upon Pool Lane. However, I do not consider, given the extant planning permission for a large proportion of the site and the wider semi-rural character and appearance of this section of Pool Lane, that the scheme would appear as an incongruous incursion into the open countryside. Indeed, although I accept that the field may be of value to local residents in visual terms, it is not of particularly remarkable landscape value of itself nor does it play a significant role in the wider countryside setting of Winterley'*

In this case the applicant is applying for the approval of landscaping as part of this application in relation to the buffers to Pool Lane and the eastern boundary. The remainder of the landscaping in relation to the open space and within curtilage would be reserved for approval as part of a later application.

In terms of the landscaping buffer the amended plans show that the buffer would be 5.7m in width which would tie in with the 5.7m wide landscape buffer on the adjacent approved Bellway site. This would be appropriate to mitigate the impact of the development.

In terms of the details of the landscape buffer at the time of writing this report negotiations were continuing with the applicant's agent in order to secure a greater level of evergreen tree planting within the buffer and to provide more tree's within the buffer. An update will be provided in relation to this issue.

## **Ecology**

### Winterley Pool Site of Biological Importance (SBI)

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

### Hedgerows

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

### Arable Field Margins

Arable field margins are a UK Biodiversity Action Plan priority habitat and hence a material consideration. The submitted report identifies the presence of arable field margins on site. However, as the arable field margins recorded on site have been recorded as being 0.5m wide the Councils Ecologist advises they fall outside of the habitat description of this habitat and the habitats located within this 0.5m area should be better regarded as forming part of the hedgerow habitats bordering the site rather than being classified as Arable Field Margins.

## Bats

Two trees have been identified on site as having potential to support roosting bats. Both of these trees are identified as being subject to a TPO and appear to be retained as part of the proposed development. The Council Ecologist advises that the proposed development is unlikely to have a significant adverse impact upon roosting bats. If planning consent is granted a condition should be attached requiring the retention of these two trees.

The potential loss of hedgerows from the site may have a localised adverse impact upon foraging and commuting bats so it is important that any losses are adequately compensated for as described above.

## Breeding Birds

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

## **Flood Risk**

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps. Flood Zone 1 defines that the land has less than 1 in 1000 annual probability of flooding and all uses of land are appropriate in this location.

There is an indication there is an amount of surface water flooding (1 in 100 year) west of the site. The area which is at risk from surface water flooding (topographic low spots) is indicated by the Environmental Agency's (EA) mapping system. The risk of flooding from this source will need to be appropriately mitigated before development can commence on site.

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

This view is consistent with the previous appeal decision on this site where the Inspector stated that;

*'There is no suggestion that flooding or heritage matters are significant local constraints on development'*

## **ECONOMIC SUSTAINABILITY**

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

## **Agricultural Land Quality**

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

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

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

In this case the Agricultural Land Assessment indicates that 2 hectares of the site is Grade 2 and 0.7 hectare is Grade 3a. As a result this issue needs to be considered as part of the planning balance.

As part of the recent appeal decision for 13/4632N on this site the Inspector found that:

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

As part of the recent appeal decision for 14/3962N the Inspector went onto make an award of costs against the Council due to unreasonable behaviour in relation to the reason for refusal relating to BMV agricultural land.

## **CIL Regulations**

In order to comply with the Community Infrastructure Regulations 2010 it is necessary for planning applications with planning obligations to consider the issue of whether the requirements within the S106 satisfy the following:

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

As explained within the main report, POS 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. This is directly related to the development and is fair and reasonable.

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

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

## **PLANNING BALANCE**

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

The benefits in this case are:

- The development would provide benefits in terms of much needed affordable housing provision and would help in the Councils delivery of 5 year housing land supply.
- In terms of the POS provision this is considered to be acceptable.
- The development would provide significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in Alsager.

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

- The impact upon education infrastructure would be neutral as the impact would be mitigated through the provision of a contribution.
- The impact upon protected species/ecology is considered to be neutral subject to the imposition of conditions to secure mitigation.
- There is not considered to be any drainage implications raised by this development.
- The proposed development would not have a severe highways impact
- The impact upon trees is considered to be neutral at this stage and further details would be provided at the reserved matters stage.
- The impact upon residential amenity/noise/air quality and contaminated land could be mitigated through the imposition of planning conditions.
- Although there would be a change in the appearance of the site. The landscape impact is considered to be neutral

The adverse impacts of the development would be:

- The loss of open countryside.
- The loss of agricultural land – the previous Inspector has stated that this does not weigh heavily against the scheme

An update will be provided in relation to the proposed landscape buffer.

There would be few adverse impacts in approving this development and they would not significantly and demonstrably outweigh the benefits of the development.

As part of the previous appeal decision the main reason that the appeal was dismissed was on amenity grounds. The amended plans have now addressed these concerns.

The contribution of the development of this site towards the housing need of the Borough is considered to be significant and the presumption in favour of sustainable development applies. As such the application is recommended for approval.

## **RECOMMENDATION:**

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

- 1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:**
  - The numbers, type, tenure and location on the site of the affordable housing provision**
  - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing**
  - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved**
  - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and**
  - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.**
- 2. Provision of Public Open Space to be maintained by a private management company**
- 3. Secondary School Education Contribution of £81,713.45**

**And the following conditions:-**

- 1. Standard Outline**
- 2. Submission of Reserved Matters (including landscaping for the POS and within the curtilage for each plot and design/layout of the internal highway)**
- 3. Time limit for submission of reserved matters**
- 4. Approved Plans**
- 5. Details of existing and proposed land levels to be submitted for approval in writing**
- 6. Drainage Strategy to be submitted for approval in writing**
- 7. Information around the designs storm period and intensity (1 in 30 & 1 in 100 (+30% allowance for Climate Change)) and volumes to be submitted for approval in writing**
- 8. Contaminated land**
- 9. Environment Management Plan for the construction phase of development**
- 10. Electric Vehicle Infrastructure**
- 11. Hedgehog Mitigation Measures to be submitted for approval in writing**
- 12. Nesting bird and bat mitigation measures**
- 13. Arboricultural Impact Assessment and Method Statement to be submitted for approval in writing**
- 14. The dwellings shall not exceed two stories in height**
- 15. Reserved matters to incorporate a range of dwelling sizes including 2 bedroom units for market sale**

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

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

- 1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:**
  - The numbers, type, tenure and location on the site of the affordable housing provision**
  - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing**
  - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved**
  - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and**
  - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.**
- 2. Provision of Public Open Space to be maintained by a private management company**
- 3. Secondary School Education Contribution of £81,713.45**

