

Application No: 16/3387N

Location: Land South Of, HASSALL ROAD, WINTERLEY

Proposal: Outline application for the erection of 29 dwellings with associated works.  
(Re-submission of 15/2844N)

Applicant: HIMOR (Land) Limited

Expiry Date: 11-Oct-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 LEAP and significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in Winterley/Haslington.

The development would have a neutral impact upon education, protected species/ecology, highways/accessibility, drainage, trees, residential amenity/noise/air quality/contaminated land and landscaping could be secured at the reserved matters stage.

The adverse impacts of the development would be the loss of open countryside, the loss of agricultural land and loss of important hedgerows.

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

## **RECOMMENDATION**

**Approve subject to the completion of a S106 Agreement and the imposition of planning conditions.**

## PROPOSAL

This is an outline planning application for the erection of 29 dwellings. Access is to be determined at this stage with all other matters reserved.

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

## SITE DESCRIPTION

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

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

## RELEVANT HISTORY

15/2844N - Outline application for the erection of 47 dwellings with associated works – Refused 1<sup>st</sup> October 2015 for the following reasons;

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside contrary to Policies NE.2 (Open Countryside), NE.12 (Agricultural Land Quality) and RES.5 (Housing in the Open Countryside) of the Crewe and Nantwich Replacement Local Plan, Policy PG5 of the emerging Cheshire East Local Plan Strategy – Submission Version and the principles of the National Planning Policy Framework, which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it creates harm to interests of acknowledged importance.*
- 2. The proposal would result in loss of the best and most versatile agricultural land and the applicant has failed to demonstrate that there is a need for the development, which could not be accommodated elsewhere. The use of the best and most versatile agricultural land is unsustainable and contrary to Policy NE.12 of the Borough of Crewe and Nantwich Replacement Local plan 2011 and the provisions of the National Planning Policy Framework.*
- 3. The application includes insufficient information to demonstrate that the proposed development would not involve the removal of an “important” hedgerow as defined in the Hedgerow Regulations 1997. Therefore the scheme is contrary to Policy NE.5 of the Borough of Crewe and Nantwich Replacement Local plan 2011 and guidance contained within the NPPF.*
- 4. The proposed development is located within Open Countryside and would have a severe adverse impact upon Hassall Road, Pool Lane and Coppice Road due to the sub-standard nature of these highway routes. As a result the development would not achieve a safe and suitable*

*access to the site for all people and this would significantly and demonstrably outweigh the benefits of the scheme notwithstanding a shortfall in housing land supply. The development is therefore contrary to Policies BE.3, TRAN.1 and TRAN.3 of the Borough of Crewe and Nantwich Replacement Local plan 2011 and the National Planning Policy Framework (paragraph 32).*

## **NATIONAL & LOCAL POLICY**

### **National Policy**

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

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

50. Wide choice of quality homes

56-68. Requiring good design

### **Development Plan**

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

The relevant Saved Policies are:

NE.2 (Open countryside)

NE.5 (Nature Conservation and Habitats)

NE.8 (Sites of Local Importance for Nature Conservation)

NE.9: (Protected Species)

NE.20 (Flood Prevention)

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)

RES.5 (Housing in the Open Countryside)

RES.7 (Affordable Housing)

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

RT.9 (Footpaths and Bridleways)

TRAN.3 (Pedestrians)

TRAN.5 (Cycling)

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

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

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

PG2 – Settlement Hierarchy

PG5 - Open Countryside

PG6 – Spatial Distribution of Development

SC4 – Residential Mix

SC5 – Affordable Homes

SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
SE3 – Biodiversity and Geodiversity  
SE5 – Trees, Hedgerows and Woodland  
SE 1 - Design  
SE 2 - Efficient Use of Land  
SE 4 - The Landscape  
SE 5 - Trees, Hedgerows and Woodland  
SE 3 - Biodiversity and Geodiversity  
SE 13 - Flood Risk and Water Management  
SE 6 – Green Infrastructure  
IN1 – Infrastructure  
IN2 – Developer Contributions

**Supplementary Planning Documents:**

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

**CONSULTATIONS**

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

**Head of Strategic Infrastructure:** No objection subject to the imposition of planning conditions and a S106 Agreement to secure a sum of £33,750 towards traffic calming measures.

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

**CEC Strategic Housing Manager:** No objection.

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

**Ansa (Public Open Space):** No objection in terms of open space provision and the proposed play facility would be acceptable.

**CEC Education:** A secondary school education contribution of £65,370.76 is required. There is no requirement for a primary school education contribution.

**VIEWS OF THE PARISH COUNCIL**

**Haslington Parish Council:** No comments received

**REPRESENTATIONS**

Letters of objection have been received from 57 local households raising the following points:

#### Principal of development

- Winterley is under siege from developers
- There is a sufficient number of dwellings in Winterley
- Winterley does not have any facilities and is not sustainable
- Loss of another greenfield
- The site is within the open countryside
- This application has previously been refused and there are no material changes to the application
- The development is contrary to policies within the Crewe and Nantwich Local Plan
- The SHLAA identifies that this site is unsustainable
- The development is not commensurate to the size of Winterley
- There is plenty of empty housing in the locality
- There are a number of housing developments under way in this area
- Intrusion into the open countryside
- The area is overpopulated
- Loss of peaceful open countryside
- Winterley is being transformed into a large housing estate
- The dwellings will not be affordable to local people
- The applicant is relying on appeal decisions
- The reports submitted by the applicant are biased towards this application
- The large number of housing developments approved in Sandbach means that no housing is required in Winterley
- The development will destroy the character of Winterley
- The lack of a 5 year housing land supply does not automatically mean that developments should be approved.
- The development is contrary to the NPPF
- Loss of village identity
- Sensitive boundary treatment details will be required to plots 24 and 29
- There is plenty of brownfield land available within the Borough
- The applicant has not demonstrated a demand for housing in Winterley
- Winterley has taken its fair share of housing
- Loss of agricultural land which is BMV
- The development will result in an urban extension to Winterley
- The housing proposed will be the same as all other developments in the area
- The application is premature ahead of the Cheshire East Local Plan

#### Highways

- The existing bus service is not reliable
- The access is via a narrow country lane and is used by pedestrians, cyclists and horse riders
- Increased traffic
- Highway safety
- The development will be car dependent
- Pool Lane is too narrow
- The road network suffers from speeding vehicles
- On street parking hampers vehicles when turning out of Hassall Road onto Crewe Road
- There are errors within the supporting transport statement

- Severe adverse impact upon the local network of narrow lanes
- The addition of footways on part of Hassall Road does not address the highways concerns
- Hassall Road suffers from ice during winter
- Access problems during the construction phase of the development
- Drainage problems along Hassall Road
- The accessibility of this site has previously been described as very poor
- No footpaths and the site is not accessible by people with footpaths or wheelchairs
- Lack of footpaths along Hassall Road
- Cheshire East should provide an independent highways assessment of this development
- The development does not meet the accessibility standards
- Hassall Road is not wide enough to allow two vehicles to pass
- The roads are in a poor state of repair
- The local roads are used as a rat run
- The site access is located at a dangerous bend in the road
- Hassall Road and other roads within the vicinity of the site are used by large farm vehicles

#### Green Issues

- Impact upon wildlife
- Loss of habitat
- Land drains cross the site and there is a potential impact upon Winterley Pool
- An independent ecological assessment should be carried out by Cheshire East
- It is unclear if the applicants ecologist has visited the site or the ecology report is a desk based exercise
- The survey work was undertaken at a poor time of year
- Impact upon protected species
- The site is well used by bird species

#### Infrastructure

- Local infrastructure cannot cope with any further development
- The local schools are full
- Their impact upon local schools will be exacerbated by the approved developments in the area
- Drainage/Flooding problems
- Lack of medical facilities in the village
- Doctors surgeries are full
- The letter from United Utilities is a standard letter and does not consider the impact of this development
- There is a pump station shown on the submitted plans and the site has been known to flood in the past
- There is no superfast broadband in Winterley
- No shops in the village

#### Amenity Issues

- Negative impact upon the living conditions of the adjoining residential properties
- Increased pollution
- Increased light pollution
- Increased dust

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

#### Design issues

- The suburban nature of the development would be harmful to the area

#### Other issues

- Impact upon property value
- Committee members should inspect every site
- Letters of objection should be reported in more detail
- Potential impact upon the adjacent graveyard wall through the construction works
- The system is biased in favour of the developer
- More housing means more dogs and more dog mess
- Intrusive development which would overlook a graveyard

A letter of objection has been received from the Hassall Road Traffic Watch Group raising the following points;

- The local roads are unable to absorb any additional traffic
- Increase in accidents
- There was a recent accident in August 2016 at the Pool Lane/Hassall Road/Sandy Lane crossroads
- The objection provides a number of photographs of traffic issues in the area
- Neither Coppice Road nor Hassall Road have any drains and surface water frequently stands on the road surface.
- Neither Coppice Road nor Hassall Road receive gritting during winter
- The access point to serve the site is not located on a safe stretch of road
- Coppice Road only has a limited stretch of pavement
- Lack of visibility on the narrow lanes
- The application includes no consideration of pedestrian safety
- The existing highway network is sub-standard
- Parked vehicles obstruct traffic movements on the narrow lanes

## **APPRAISAL**

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

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

### **Principle of Development**

The site lies largely in the Open Countryside as designated by the Borough of Crewe and Nantwich Replacement Local Plan 2011, where policy NE.2 states that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works

undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Residential development will be restricted to agricultural workers dwellings, affordable housing and limited infilling within built up frontages.

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

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

## **Housing Land Supply**

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 Sedgfield 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.

## **Spatial Distribution**

The Southern Planning Committee has previously resolved to refuse an application to the south of the site which includes the contention that the development would exceed the spatial distribution of housing in Winterley.

As part of an appeal decision (which was dismissed on amenity grounds) for a site at Pool Lane, Winterley (14/3962N) which was issued in February 2016 an Inspector provided the following comments in relation to this issue;

*'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.

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

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

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

*'the proposal would involve expansion of Winterley's physical envelope, but would be unlikely to fundamentally alter the character of the settlement or of views out from the centre of the village, even allowing for other development already approved. The village would clearly remain as a small-medium sized settlement in a rural setting. The appropriateness of the village for future development, including the concern raised about imbalance between the north and south of the borough, is a matter to be resolved by the CELP'*

In another recent appeal decision dated August 2016 at East Avenue, Weston (15/1552N) for up to 99 dwellings the Inspector did not accept the argument of spatial distribution and she concluded that;

*'Moreover, it would be located behind existing residential development and so the scale of development would not be readily perceived from within the village itself. I recognise that vehicular and pedestrian activity in the village would increase, but the Council produced no substantiated evidence to demonstrate how that would adversely affect the scale or function of the settlement. There is no suggestion either, that the development proposed would necessitate an increase, for example, in healthcare provision in the village, or would require additional infrastructure (other than a primary school contribution which is addressed below) such that there would be harm to its scale or function'*

The Inspector then went on to find that there would be no conflict with CELP policy PG6;

*'During the Inquiry the Council confirmed that, were the appeal scheme to go ahead, the status of Weston as a rural settlement within the lowest tier of the hierarchy of both the development plan and the emerging Plan, would not change. Moreover, policy PG6 specifically anticipates that settlements within this lowest tier of the hierarchy will accommodate somewhere in the order of 2,950 new homes over the Plan period. That does not tell against the principle of the development proposed and I find no conflict with the policy in this regard'*

As can be seen from the above appeal decision the issue of spatial distribution has been raised on a number of occasions and has not been determinative in any of the appeals.

The Inspector at Pool Lane (14/3962N) does make the comments that a view will need to be taken as to when new development in Winterley is no longer sustainable but at that point (February 2016) it had not been reached. Since the determination of this appeal there have been a number of applications submitted in Winterley but none have been approved (this does not include reserved matters applications as the housing numbers within the outline applications were already considered by the Inspector at Pool Lane).

Additionally it should be noted that the Reserved Matters approval at Kents Green Farm was for a smaller number of units than the outline approval. As a result there will be less dwellings delivered in Winterley than originally considered by the Inspector in February 2016. The addition of 29 dwellings as part of this application would not give rise to an unsustainable pattern of development and as a result a reason for refusal could be defended on the grounds of the impact upon the spatial distribution.

## **SOCIAL SUSTAINABILITY**

### **Affordable Housing**

The site falls within the Haslington and Englesea sub area for the purposes of the SHMA update 2013. This identified a net requirement for 43 affordable homes per annum for the period 2013/14 – 2017/18. This comprises a need for 1 x 1 bed, 11x 2 bed, 19 x 3 bed & 10 x 4+ bed general needs units and 1 x 1 bed and 1 x 2 bed older persons accommodation. In addition to this information taken from Cheshire Homechoice shows there are currently 56 applicants who have selected the Haslington lettings area as their first choice, these applicants require 23 x 1 bed, 20 x 2 bed, 10 x 3 bed and 3 x 4bed units.

The Affordable Housing Interim Planning Statement (IPS) states that on all sites of 3 units or over in settlements with a population of 3,000 or less will be required to provide 30% of the

total units as affordable housing on the site with the tenure split as 65% social or affordable rent and 35% intermediate tenure.

This is a proposed development of 29 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 9 dwellings to be provided as affordable dwellings (Six units should be provided as Affordable rent and 3 units as Intermediate tenure).

In this case the applicant has confirmed that they will provide the required level of affordable housing as part of this development. The Strategic Housing Manager has confirmed that this is acceptable.

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

### **Public Open Space**

Policy RT.3 states that where a development exceeds 20 dwellings the Local Planning Authority will seek POS on site. In this case the level would be 1,015sq.m and the indicative plan shows that the developer will provide this with the central portion as shown on the indicative plan measuring at 1,250sq.m. As such the level of open space meets the Council's requirements under Policy RT.3.

In terms of children's play space this would be provided on site and the applicant has indicated that they are willing to provide a LEAP with 5 pieces of equipment. This would be an acceptable level given the number of dwellings on the site and would comply with Policy RT.3. This would provide an important benefit to the residents of Winterley which do not currently have a formal children's play area.

### **Education**

An application of 29 dwellings is expected to generate 6 primary aged children and 4 secondary aged children.

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

From the table below which it can be seen that by 2020 there will be 108 spaces within the local primary schools. It should be noted that this table takes into account the existing committed developments within the catchment areas of the schools listed below.

|   | PAN Sep 16 | PAN Sep 17 | NET CAP May-16 | any Known Changes | PUPIL FORECASTS based on October 2015 School Census |       |       |       |       |          |
|---|------------|------------|----------------|-------------------|---|-------|-------|-------|-------|----------|
|   |            |            |                |                   | 2016  | 2017  | 2018  | 2019  | 2020  | Comments |
| Primary Schools   |            |            |                |                   |   |       |       |       |       |          |
| haslington  | 45         | 45         | 315            | 315               | 260   | 263   | 267   | 262   | 259   |          |
| the dingle  | 50         | 50         | 350            | 350               | 332   | 360   | 368   | 362   | 370   |          |
| sandbach primary  | 15         | 15         | 105            | 105               | 98  | 114   | 120   | 125   | 129   |          |
| wheelock  | 45         | 45         | 315            | 315               | 287   | 302   | 319   | 317   | 316   |          |
|   |            |            |                |                   |   |       |       |       |       |          |
|   |            |            |                |                   |   |       |       |       |       |          |
| Developments with S106 funded and pupil yield included in the forecasts |            |            |                | 103               |   |       |       |       |       |          |
| Developments pupil yield not included in the forecasts                  |            |            |                |                   |   |       |       |       | 1     |          |
| Pupil Yield expected from this development                              |            |            |                |                   |   |       |       |       | 5     |          |
| OVERALL TOTAL   | 155        | 155        | 1,085          | 1,188             | 977   | 1,039 | 1,074 | 1,066 | 1,080 |          |
| OVERALL SURPLUS PLACES PROJECTIONS based on Revised NET CAP             |            |            |                |                   | 211   | 149   | 114   | 122   | 108   |          |
| PRIMARY CONCLUSION - NO CLAIM   |            |            |                |                   |   |       |       |       |       |          |

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 4 new secondary places which cannot be accommodated (see table below). As there are capacity issues at these local schools the education department has requested a contribution of £65,370.76.

|  | PAN Sep-15 | PAN Sep-16 | Net Cap May-15 | Revised Net Cap 2016 | Pupil forecasts based on October 2014 School Census |       |       |       |       |       |       |
|--|------------|------------|----------------|----------------------|---|-------|-------|-------|-------|-------|-------|
|  |            |            |                |                      | 2016  | 2017  | 2018  | 2019  | 2020  | 2021  | 2022  |
| <b>Secondary Schools</b>   |            |            |                |                      |   |       |       |       |       |       |       |
| Alsager School   | 235        | 235        | 1175           | 1175                 | 1119  | 1176  | 1241  | 1280  | 1265  | 1251  | 1246  |
| Sir William Stanier  | 210        | 210        | 1050           | 1050                 | 802   | 864   | 897   | 1013  | 1047  | 1143  | 1193  |
| Sandbach High  | 210        | 210        | 1074           | 1074                 | 1081  | 1142  | 1243  | 1257  | 1309  | 1320  | 1373  |
| Sandbach School  | 210        | 210        | 1050           | 1050                 | 1012  | 1089  | 1030  | 1137  | 1155  | 1179  | 1169  |
| Developments with S106 funded and pupil yield included in the forecasts        |            |            |                | 272                  |   |       |       |       |       |       | 0     |
| Developments with no S106 funded and pupil yield not included in the forecasts |            |            |                |                      |   |       |       |       |       |       | 120   |
| Children expected from 16/3387N  |            |            |                |                      |   |       |       |       |       |       | 4     |
| Overall total  | 865        | 865        | 4,349          | 4,621                | 4,014   | 4,271 | 4,411 | 4,687 | 4,776 | 4,893 | 5,105 |
| Overall surplus places projections   |            |            |                |                      | 607   | 350   | 210   | -66   | -155  | -272  | -484  |

This will be secured via a S106 Agreement should the application be approved.

## Health

A number of the letters of objection raise concerns about the impact upon health provision in this area. Although no consultation response has been received from the NHS a search of the NHS Choices website shows that there are 3 GP practices within 3 miles of the application site and all are accepting patients indicating that there is capacity to serve this development.

## Location of the site

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

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

- Amenity Open Space (500m) – would be provided on site

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

The following amenities/facilities fail the standard:

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

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

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

*'Whilst not all services are available in Winterley, it is close to other settlements that possess a wider range of services, there is a regular bus service that passes in front of the site and it is within some 20 minutes cycling time of Crewe. In this context, I have no reason to dispute the Statement of Common Ground conclusion regarding the sustainability of the location'*

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

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

## **ENVIRONMENTAL SUSTAINABILITY**

### **Residential Amenity**

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

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

## **Air Quality**

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

## **Contaminated Land**

This site is within 250m of a known landfill site or area of ground that has the potential to create gas. The application is for new residential properties which are a sensitive end use and could be affected by any contamination present or brought onto the site.

A Phase I Preliminary Risk Assessment has been submitted in support of the application. Although a low risk from potential soil contamination was revealed, potential risks from ground gas require further assessment. A Phase II ground investigation has been recommended and this could be secured through the imposition of a planning condition.

## **Public Rights of Way**

There are no PROW located on the application site.

## **Highways**

### Access

The application is an outline application for residential development consisting of 29 units and the access will be taken from Hassall Road. There is a single access proposed to serve the development that is 4.8m wide carriageway and two 1.8m footways on either side of the access road.

The applicant has submitted a priority junction design to serve the site, a speed survey has been undertaken to determine the approach vehicle speeds so that the appropriate visibility splays can be calculated. The submitted speed surveys show that the average speed along Hassall Road is 26.8mph in the eastbound direction and 22.7mph in the westbound direction.

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

### Traffic impact

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

The proposed development would generate 17 two-way trips during the AM peak hour and 18 two-way trips during the PM peak hour with 146 vehicle movements over a 24 hour period (weekdays only as weekends would be lower). In addition it should be noted that the network of lanes within the vicinity of the site is low with the applicants Transport Statement identifying that day time vehicle flows are typically 1 vehicle every 2.5 minutes on Hassall Road.

### Previous Reason for Refusal

There were a number of highway concerns raised on the previous application that resulted in a refusal of permission. The applicant has sought to address these concerns in the current proposal. In regards to the traffic impact of the development the reduction in units (from 47 to 29) would reduce the number of trips that the site would generate on the road network, whilst the development would increase traffic levels using the local rural roads it is not considered that the number of trips would result in a material impact.

The main highway concern is whether there is safe and suitable access being provided to the site for pedestrians. This was a key issue in the consideration of the previous application, given that the accessibility of the site given that the rural access roads connecting to the site do not have footway provision. The applicant has considered this issue and has proposed a new section of footway on the frontage of the site extending from the eastern boundary of the site to the junction with Coppice Road. There is no continuous footway connection from the end of the proposed frontage footway on Hassall Road to Crewe Road, the applicant has provided count data that indicates that the vehicular use of Hassall Road is relatively low and there have been no personal injury accidents recorded.

In addition, the applicant has proposed a Quiet Lanes approach that involves erecting signage to inform drivers of an area where vulnerable road users will be present. Improved street lighting is on the Hassall Road is also being proposed as part of the improvement measures.

### Highways Conclusion

In comparison with the previous application, the reduction in the number of units proposed on the site has reduced the level of traffic generation and whilst there are increases in traffic on the rural road network, this would not be to such a level that can be considered to be a severe impact.

The accessibility of the site mainly in regard to the pedestrian access is a primary concern as indicated in the NPPF where safe and suitable access should be achieved. The site will not be fully connected to the pedestrian network with a segregated footway although the provision of a new footway given the narrow nature of Hassall Road is not possible given land ownership constraints.

The applicant has surveyed the vehicular usage of Hassall Road and the number of vehicles using Hassall Road is very low and therefore the pedestrian/vehicle interaction is likely to be infrequent.

The highways recommendation on this application is a balanced one, recognising that the site is not connected to the footway network. However, given that there has been a reduction in the level of development, traffic generation and pedestrian trips it considered that the proposal is acceptable subject to a S106 Agreement for £33,750.00 for the traffic calming measures

As such the Head of Strategic Infrastructure raises no objection to this development.

## **Trees/Hedgerows**

### Trees

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

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

As with the previous scheme, access improvements, forward visibility and widening of Hassall Road will require the removal of 5 trees and 5 groups (totalling 45 stems) located within the North West section of the site and an Ash tree located to the southern boundary. These trees are primarily low (Grade C) category specimens of no outstanding merit or significant contribution to the wider amenity of the area.

The revised layout makes provision for the retention of a High (A) category Weeping Willow (T8) within the northern section of the site. Under the previously submitted application this tree was inappropriately retained within a rear garden, but is now within open space, although regard will have to be given to the position of the pump station and application of root protection areas.

Reference is made in the supporting Arboricultural Assessment to two Oak trees (T4 and T7) with developing veteran tree characteristics. It is necessary that such trees are given adequate space to ensure their long term retention and to avoid retention of large trees within private rear gardens. Oak (T4) is shown on the rear garden boundary of a residential plot. Oak (T7) is located offsite but the position of the proposed internal access appears to interface with the trees RPA. In both cases any future reserved matters application should take these matters into consideration in the design to ensure their effective long term retention and supported by a revised Arboricultural Impact Assessment and Tree Protection Scheme.

From an Arboricultural perspective the Councils Tree Officer has no objections to the outline proposals subject to the imposition of planning conditions.

### Hedgerows



The proposed access around the existing entrance will also require the removal of a Hawthorn/Holly hedgerow (H1 of the assessment) which has been identified in the submitted Hedgerow Statement (Cotswold Archaeology) as an Important Hedgerow under Part II of the Hedgerow Regulations 1997 for Archaeology and History in that the hedgerow is associated with the road that comprised the parish boundary (criterion 1) and is identified on the 1839 Tithe Map (criterion 5) as being present at the time of the Inclosure Act.

Other hedgerows located on the western, southern and a shorter section on the eastern boundary of the site have also been identified as important by virtue of Criterion 5 of the Regulations. Whilst the Hedgerow Statement advises that these hedgerows would be retained under the outline scheme, the majority of these retained sections of hedgerow would form the rear garden boundaries of residential gardens, which would effectively exclude them from being 'Important' under the Hedgerow Regulations.

The loss of the important hedgerow at the access to the site will need to be considered as part of the planning balance.

## **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 13.7 dwellings per hectare this is consistent with the surrounding residential areas of Winterley (this is lower density than the approved development at Pool Lane).

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

## **Landscape**

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

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

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

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

## **Ecology**

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

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

### Tree with bat roost potential

A tree (Tree 4 on the arboricultural report) has been identified on site as having potential to support roosting bats. No evidence of roosting bats was however recorded during the submitted ecological surveys. This tree would be retained as part of the proposed development. The Councils ecologist advises that roosting bats are not reasonably likely to be affected by the proposed development.

### Hedgehog

Hedgehogs are a biodiversity action plan priority species and hence a material consideration. There are records of hedgehogs in the broad locality of the proposed development and so the species may occur on the site of the proposed development. If planning consent is granted the Councils Ecologist recommends the imposition of a condition relating to Hedgehog mitigation.

### Hedgerows

Hedgerows are a priority habitat and hence a material consideration. The development of this site would result in the loss of a section of hedgerow to facilitate the site entrance. The Councils Ecologist advises that it must be ensured that this loss is compensated for through the provision of compensatory hedgerow planting as part of any detailed landscaping scheme produced for the site.

### Provision for roosting bats and nesting birds

If outline planning consent is granted the Councils Ecologist recommends that a condition be attached requiring the submission of proposals for the incorporation of features for nesting birds and roosting bats as part of any future reserved matters application.

### Other Protected Species

No evidence of other protected species activity was recorded on site. However, as the status of other protected species on a site can change. The Councils Ecologist recommend that if outline consent is granted a condition should be attached requiring any future reserved matters application to be supported by an updated protected species survey.

## **Flood Risk**

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

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

## **ECONOMIC SUSTAINABILITY**

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

## **Agricultural Land Quality**

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

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

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

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

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

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

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

## **CIL Regulations**

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

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

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

There are concerns over the proposed pedestrian accessibility of the site and in order to mitigate this impact a contribution of £33,750 is required to secure traffic calming measures. It is necessary to secure these works to mitigate the impact of the development. This contribution is directly related to the development and is fair and reasonable.

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

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

## **PLANNING BALANCE**

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

The benefits in this case are:

- The development would provide benefits in terms of much needed affordable housing provision and would help in the Councils delivery of 5 year housing land supply.
- In terms of the POS provision and the proposed LEAP this is considered to be acceptable. The provision of a LEAP would provide a facility for future residents and other residents in Winterley and there is no such facility.

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

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

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

The adverse impacts of the development would be:

- The loss of open countryside (as part of the appeal decision on the land directly to the south-west of the site the Inspector found that *'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'* he then went onto conclude that *'the appeal proposal would conflict with the countryside development policies of the adopted development plan, noted above. Nonetheless, I consider that this conflict is outweighed by the lack of a five-year supply of deliverable housing sites'*
- The loss of agricultural land (this does not weigh heavily against the development as per previous appeal decisions)
- There would be a small loss of important hedgerows as part of this development but replacement hedgerow planting could be secured as part of the reserved matters stage

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

## **RECOMMENDATION:**

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

- 1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:**
  - The numbers, type, tenure and location on the site of the affordable housing provision
  - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
  - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved

- The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
  - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
2. Provision of Public Open Space and a LEAP (5 pieces of equipment) to be maintained by a private management company
  3. Secondary School Education Contribution of £65,370.76
  4. A contribution of £33,750 towards traffic calming measures

And the following conditions:-

1. Standard Outline
2. Submission of Reserved Matters Time limit for submission of reserved matters
3. Approved Plans
4. Details of existing and proposed land levels to be submitted for approval in writing
5. Surface Water Drainage Scheme to be submitted for approval in writing
6. Scheme of SuDS to be submitted for approval in writing
7. Contaminated land
8. Environment Management Plan for the construction phase of development
9. Electric Vehicle Infrastructure
10. Hedgehog Mitigation Measures to be submitted for approval in writing
11. Nesting bird and bat mitigation measures
12. Reserved Matters application to include replacement hedgerow planting
13. Arboricultural Impact Assessment and Method Statement to be submitted for approval in writing
14. Prior to the occupation of the development the pedestrian footway to be constructed
15. Construction of access and visibility splays

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

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

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

- 2. Provision of Public Open Space and a LEAP (5 pieces of equipment) to be maintained by a private management company**
- 3. Secondary School Education Contribution of £65,370.76**
- 4. A contribution of £33,750 towards traffic calming measures**

