

Application No: 16/2433N

Location: Land South Of, NANTWICH ROAD, WRENBURY

Proposal: Outline application for residential development to include details of access

Applicant: Siteplan UK LLP

Expiry Date: 22-Sep-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 the presumption in favour of sustainable development applies at paragraph 14 of the Framework. This 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 and economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in Wrenbury.

The development would have a neutral impact upon education, POS provision and a NEAP, protected species/ecology, drainage/flood risk, 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 highway implications.

The adverse impact would significantly and demonstrably outweigh the benefits and as a result the application is recommended for refusal.

## **RECOMMENDATION**

**REFUSE**

## **PROPOSAL**

This is an outline planning application for a residential development of up to 80 dwellings. Access is to be determined at this stage with all other matters reserved.

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

## **SITE DESCRIPTION**

The site of the proposed development extends to 4.7 ha and is located to the southern side of Nantwich Road, Wrenbury. The site is within Open Countryside. The site has a narrow frontage to Nantwich Road with a pair of residential properties to the west and an access track to the east which serves 'Field Farm'. To the south of the site is the River Weaver and a railway line.

The site is currently in agricultural use and forms one large field. There are a number of hedgerows to the boundaries of the site. There is a large Oak tree at the north-west corner of the site with the remaining tree cover located at the south-west corner of the site and along to southern boundary with the River Weaver.

## **RELEVANT HISTORY**

The site has no planning history

## **NATIONAL & LOCAL POLICY**

### **National Policy**

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

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

50. Wide choice of quality homes

56-68. Requiring good design

### **Development Plan**

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

The relevant Saved Policies are:

NE.2 (Open countryside)

NE.5 (Nature Conservation and Habitats)

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

NE.9: (Protected Species)

NE.20 (Flood Prevention)

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)

RES.5 (Housing in the Open Countryside)

RES.7 (Affordable Housing)

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

RT.9 (Footpaths and Bridleways)

TRAN.3 (Pedestrians)

TRAN.5 (Cycling)

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

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

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

PG2 – Settlement Hierarchy

PG5 - Open Countryside

PG6 – Spatial Distribution of Development

SC4 – Residential Mix

SC5 – Affordable Homes

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

SE3 – Biodiversity and Geodiversity

SE5 – Trees, Hedgerows and Woodland

SE 1 - Design

SE 2 - Efficient Use of Land

SE 4 - The Landscape

SE 5 - Trees, Hedgerows and Woodland

SE 3 - Biodiversity and Geodiversity

SE 13 - Flood Risk and Water Management

SE 6 – Green Infrastructure

IN1 – Infrastructure

IN2 – Developer Contributions

### **Supplementary Planning Documents:**

The EC Habitats Directive 1992

Conservation of Habitats & Species Regulations 2010

Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System

Interim Planning Statement Affordable Housing

Interim Planning Statement Release of Housing Land

### **CONSULTATIONS**

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

**Head of Strategic Infrastructure:** Recommend refusal for having an unsuitable and unsafe access which does not facilitate sustainable transport opportunities.

**CEC Environmental Health:** Conditions suggested in relation to piling, environment management plan, noise mitigation, dust control, 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:** Conditions suggested.

**Ansa (Public Open Space):** A minimum of 2,800sq.m POS and a NEAP is required on site together with a scheme of management.

**CEC Education:** Due to capacity issues at local secondary schools a contribution of £196,112.28 is required. There is no requirement for a contribution to primary school education provision.

**CEC Public Rights of Way (PROW):** It is important that the facilities for walking and cycling, including routes, destination signage and information materials, are completed and available for use prior to the first occupation of any property within any phase of the development, and remain available for use during the completion of other phases.

Pedestrian and cyclist routes should be designed and constructed to best practice in terms of shared use or segregated infrastructure, accessibility and natural surveillance. Properties should have adequate and best practice cycle storage facilities and all highway designs should incorporate accessibility for cyclists and pedestrians. The proposed improvements to footway provision along Nantwich Road between the site and the village would only partly increase the accessibility of the site to non-motorised users, as the proposed works would not provide a continuous off-carriageway walking route between the site and the facilities of the village.

The legal status, maintenance and specification of the proposed paths in the public open space of the site would need the agreement of the Council as the Highway Authority.

**CEC Archaeology:** No further archaeological mitigation is required in this instance.

**Environment Agency:** No objection

**Network Rail:** Standard comments submitted in relation to a Risk Assessment and Method Statement (RAMS), provision of trespass proof fencing, drainage, details of any earthworks within 10m of the railway line, noise and vibration mitigation and landscaping.

In addition to the 80 dwellings above, there is a further development in Wrenbury for 50-75 dwellings. Taken cumulatively the proposals have a potential to increase the traffic frequency at Wrenbury Railway Station level crossing. Whilst Network Rail has no objection to the proposal in principle, cumulative impacts from pedestrian and vehicular traffic may become a concern with increased barrier down time, especially if there are further residential proposals around Wrenbury Railway Station, as well as increased usage of the station itself.

## **VIEWS OF THE PARISH COUNCIL**

**Wrenbury Parish Council:** At its meeting held on 14 July, the Parish Council voted unanimously to object to this application on the following grounds;

- the proposed site is in 'open countryside' and outside the traditional village settlement boundary;
- the access to the site is wholly inappropriate and on a sharp bend and this will make it difficult to achieve the required visibility splays;
- the proposed pavement will not be in accordance with the Council's minimum specifications;
- whilst the Council appreciates that each application should be considered on its own merits, when taken in conjunction with recent housing approvals in Wrenbury, the village infrastructure will not support any further approvals and thus the application is not sustainable;
- the Council agrees with the findings of the Cheshire East Strategic Housing Land Availability Assessment, which identifies the site (2940) as not suitable and not currently developable as it cites that 1) it is in open countryside and divorced from Wrenbury village; and 2) there are highway access problems. There is a sharp bend to the right. In addition, the scale of the proposed development would not fit with the existing area. There would also be potential air quality issues and railway noise.

## REPRESENTATIONS

Letters of objection have been received from 14 local households raising the following points:

### Principal of development

- The lack of a 5 year housing land supply does not automatically mean the proposal is sustainable
- The development would represent a 30% increase in the size of the village
- 110 properties have already been approved in the village
- There is also an approval for a marina within the village
- The application is not a small-scale development
- The development would be out of place with this rural area
- The site is located outside the settlement boundary
- Harm to the character and setting of the village
- The application site is not sustainable
- The development will only provide limited economic benefits with no local jobs
- Cumulative impact of developments upon Wrenbury
- Wrenbury is not sustainable
- Together with other approved developments in the village this would represent a 60% increase in the size of the village
- The proposed development is contrary to Policies NE.2, BE.2 and RES.4
- The site is within the open countryside
- The proposed development is contrary to Policy PG5
- The application should be suspended until the Cheshire East Local Plan is adopted
- The development does not meet the definition of sustainable development
- There is a lack of employment within Wrenbury
- The development of brownfield sites should be the preference
- Loss of BMV agricultural land
- The public consultation survey as part of the Wrenbury Neighbourhood Plan indicates that 69% of residents do not consider that Wrenbury needs any further housing
- The application site is over half a mile from the centre of the village
- Loss of open countryside
- Landscape and visual impact of the development
- Urbanisation of the rural area
- Poor architectural design

- The Core Strategy identifies that Wrenbury can accommodate 70 dwellings over the next 30 years. The village has fulfilled this need

### Highways

- Any pedestrian access into the village would be hazardous
- The access is located at a blind bend in the road
- This stretch of road has seen a number of road traffic accidents
- There is no pedestrian access from the site into the village
- Any traffic travelling from Wrenbury village to the site would require a right turn into the site
- The local roads are too narrow
- The road is not wide enough to accommodate a footpath
- Grass verges within the village will be eroded by passing vehicles
- Pedestrian safety
- No residents walk along this stretch of Nantwich Road due to safety concerns
- Cyclist safety
- Vehicles regularly speed along this section of Nantwich Road
- Nantwich Road is often muddy or flooded
- Nantwich Road is used by many tractors and agricultural machinery
- The public transport facilities within the village are limited
- The development will be dependent on the use of the private car
- The local roadwork network cannot cope with additional traffic
- The local road network is in a poor state of repair
- The submitted Transport Assessment and Travel Plan are not adequate
- The proposal to install a footpath along Nantwich Road is aspirational at best
- Traffic figures with the Transport Assessment are understated
- It is not possible to widen the Listed Bridge on Station Road
- Problems caused by the level crossing on Station Road
- The camping and caravan site within the village generates significant road traffic
- The Listed Lift Bridge over the Shropshire Union Canal causes traffic problems
- The development would have a severe highways impact
- Public Transport is not feasible from this site
- The options provided by the applicant to provide pedestrian access into the village would reduce the width of Nantwich Road to below the minimum standards
- The proposed access show that the required visibility splays when turning right cannot be achieved
- Nantwich Road is already too narrow and vehicles are unable to pass
- The applicants Transport Assessment does not include the increased volumes of traffic from the approved housing developments and the marina
- Cattle often cross this section of Nantwich Road (up to 4 times a day)

### Green Issues

- Impact upon wildlife
- Loss of habitat
- Impact upon biodiversity
- Increased risk of pollution to the River Weaver
- Impact upon protected species
- The site is well used by bird species

### Infrastructure

- Local infrastructure cannot cope with any further development

- The development would generate new primary and secondary school children and the schools are currently at capacity
- Parking problems currently exist within the village
- Wrenbury Primary School is a Grade II Listed Building and cannot easily be extended
- The Doctors Surgery is full
- The village shop/post office is not big enough to meet the proposed housing developments
- Increased risk of flooding

#### Amenity Issues

- Noise, dust and disturbance caused by the railway and the businesses at Wrenbury Creamery
- Increased light pollution in this rural area

#### Other issues

- Lack of consultation as part of this application

### **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**

On 13 December 2016 the Inspector published a note which sets out his views on the further modifications needed to the Cheshire East Local Plan Strategy. This note follows 6 weeks of Examination hearings concluding on 20 October 2016.

This note confirms that his previous endorsement for the core policies on the plan still stand and that *“no new evidence or information has been presented to the examination which is sufficient to outweigh or alter my initial conclusions”*. This signals his agreement with central issues such as the ‘Duty to Cooperate’, the overall development strategy, the scale of housing and employment land, green belt policy, settlement hierarchy and distribution of development.

The Inspector goes on to support the Council’s approach to the allocation of development sites and of addressing housing supply. He commented that the Council:

*“seems to have undertaken a comprehensive assessment of housing land supply, and established a realistic and deliverable means of meeting the objectively assessed housing need and addressing previous shortfalls in provision, including assessing the deliverability and viability of the proposed site allocations”*

The Inspector went on to state that the development strategy for the main towns, villages and rural areas appeared to be “appropriate, justified, effective, deliverable and soundly based.” As a consequence there was no need to consider other possible development sites at this stage.

The Inspector’s recommendations on Main Modifications mean that under paragraph 216 of the Framework the emerging policies of the Cheshire East Local Plan Strategy can be attributed a greater degree of weight – as the Plan as revised is at an enhanced stage, objections are substantially resolved and policies are compliant with National advice.

The Inspector’s recommendations on housing land supply, his support for the Cheshire East approach to meeting past shortfalls (Sedgepool 8) indicate that a remedy is at hand to housing supply problems. The Council **still cannot demonstrate a 5 year supply of housing at this time** but it will be able to on the adoption of the Local Plan Strategy. This is highly relevant to the assessment of weight given to housing supply policies which are deemed out of date by the absence of a 5 year supply. Following the Court of Appeal decision on the *Richborough* case, the weight of an out of date policy is a matter for the decision maker and could be influenced by the extent of the shortfall, the action being taken to address it and the purpose of the particular policy. Given the solution to housing supply now at hand, correspondingly more weight can be attributed to these out of date policies.

## **Neighbourhood Plan**

The Wrenbury Neighbourhood Plan is yet to reach Regulation 14 stage and there is no draft plan to consider as part of this application.

## **Status of Wrenbury/Spatial Distribution**

Members will be aware that Wrenbury is identified as a Local Service Centre within Policy PG2 of the Submission Version of the Local Plan so is accepted as having appropriate facilities to support further sustainable development.



As part of the examination of the Local Plan there were a number of objections raised in relation to the position of certain settlements within the settlement hierarchy of the Borough. However these objections were dismissed by the Inspector who found that the settlement hierarchy is '*appropriate, justified and soundly based*'.

The concerns that Wrenbury is not a Local Service Centre cannot be justified and as such the settlement will be expected to accommodate its share of new homes (local service centres were expected to accommodate 2,500 new homes under Policy PG6 prior to the increase in the number of dwellings over the plan period as referred to within the Housing Land Supply Section above).

In this case there are three approved developments in Wrenbury with 65 dwellings approved at Weaver Farm (14/5615N), 18 dwellings approved at Sandfield House Phase 1 (14/5260N) and 27 dwellings approved at Sandfield House Phase 2 (16/0953N). This gives a total of 110 dwellings.

In a recent appeal 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'*

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

On this basis there is no evidence that the development would adversely affect the scale and function of Wrenbury which would remain as a small settlement within the rural area.

## **SOCIAL SUSTAINABILITY**

### **Affordable Housing**

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.

According to the Design and Access Statement, this is a proposed development of 80 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 24 units to be provided as affordable dwellings. The SHMA 2013 shows the majority of the demand in Wrenbury for the next 5 years is for 15 x two bedroom, 12 x four bedroom for General needs plus 2 x one bedroom dwellings for older persons per year. The majority of the demand on Cheshire Homechoice is for 5 x one bedroom, 4 x two bedroom and 4 x four bedroom dwellings therefore 1, 2 and 4 on this site would be acceptable.

As the SHMA shows a need for Older Persons housing it would be the preference to see this included in reserved matters phase. This could be via Bungalows, Lifetime Homes or Flats.

This is a proposed development of 80 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 24 dwellings to be provided as affordable dwellings (16 units should be provided as Affordable rent and 8 units as 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 (POS)

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 2,800sq.m and the indicative plan shows that the developer will provide this with the central portion as shown on the indicative plan measuring at 11,800sq.m. As such the level of open space meets the Councils requirements under Policy RT.3.

In terms of children's play space this would be provided on site and a NEAP with at least 8 pieces of equipment would be required and this could be secured as part of a S106 Agreement.

## Education

An application of 80 dwellings is expected to generate 15 primary aged children and 12 secondary aged children.

In terms of primary school education, the proposed development would be served by Wrenbury Primary and Sound & District 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 26 spaces within the local primary schools. It should be noted that this table takes into account the existing committed developments (including Sandfield House and Weaver Farm) within the catchment areas of the schools listed below.

	PAN Sep-16	PAN Sep-17	Net Cap May-16	Revised Net Cap 2017	Pupil forecasts based on October 2015 School Census				
					2016	2017	2018	2019	2020
<b>Primary Schools</b>									
Wrenbury Primary School	20	20	140	140	117	122	129	128	128
Sound & District Primary School	19	19	133	133	116	114	112	111	104
Developments with S106 funded and pupil yield included in the forecasts				0					
Developments with no S106 funded and pupil yield not included in the forecasts									0
Children expected from development									15
Overall total				273	233	236	241	239	247
Overall surplus places projections					40	37	32	34	26

In terms of secondary schools, the development would be served by Brine Leas and the proposed development would generate 12 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 £196,112.28.

Secondary Schools	PAN Sep-16	PAN Sep-17	Net Cap May-16	Revised Net Cap 2017	Pupil forecasts based on October 2015 School Census						
					2016	2017	2018	2019	2020	2021	2022
Brine Leas Academy	210	210	1,050	1,050	1118	1149	1168	1190	1197	1200	1212
Developments with S106 funded and pupil yield included in the forecasts				19							
Developments with no S106 funded and pupil yield not included in the forecasts											19
Children expected from development											12
Overall total				1,069	1,118	1,149	1,168	1,190	1,197	1,200	1,243
Overall surplus places projections					-49	-80	-99	-121	-128	-131	-174

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 is 1 GP practice within 3 miles of the application site which is accepting patients indicating that there is capacity to serve this development.

## Location of the site

The application site is located on the edge of Wrenbury and as such the development would have access to the following facilities; amenity open space, children's play space, bus stops, public houses, Public Right of Way, child care facilities, community centre/meeting place, primary school, medical centre, convenience store, train station and post office.

Due to the position of the site on the edge of Wrenbury, there are some amenities that are not within the ideal standards set within Policy SD2 of the Cheshire East Local Plan Strategy 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 Wrenbury from the application site.

However in this case it is necessary to consider the actual accessibility of the services and facilities (this is undertaken within the highways section below).

## ENVIRONMENTAL SUSTAINABILITY

### Residential Amenity

The nearest dwellings to this site are at Belmont and The Meadows fronting Nantwich Road and at Fields Farm.

Based on the separation distances as shown on the submitted plan 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. In order to mitigate this development conditions in relation to dust control and electric vehicle infrastructure will be attached to any permission.

## **Contaminated Land**

The application site has a history of agricultural use and therefore the land may be contaminated and 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 for land contamination was submitted in support of the application. The report identified a low potential risk from contamination on the site.

As such a standard contaminated land condition could be attached to any approval.

## **Public Rights of Way**

There are no PROW located on the application site.

## **Highways**

### Sustainable Accessibility

The majority of Wrenbury is within an acceptable walking distance to the site. Although this is the case, these distances can only be considered relevant if suitable pedestrian infrastructure to these destinations is available. To enable this a new pedestrian footway has been proposed along the southern edge of Nantwich Road from the site access and westwards into Wrenbury.

The proposed footway has been amended to provide a continuous footway from the site access to the existing footway on Nantwich Road (a distance of approximately 340m). The proposed footway width would vary along its length in order to also maintain suitable carriageway width.

As Nantwich Road is a C-class road and the main road into and out of Wrenbury a minimum width of 5.5m would be required, and an ideal footway width would be 2m to reflect national guidelines.

For a distance of 135m from the site access a footway width of 1.7m has been proposed, with a carriageway width between 5.3m and 5.5m. This is below standards and Manual for Streets (MfS) recommends a minimum carriageway width of 6m for a bus route. As such the proposed off-site highway works and narrowing of Nantwich Road is not acceptable on this rural classified road which is the main route to/from Wrenbury.

Continuing west for a further distance of 80m a footway width of between 1.2m and 1.3m is proposed, alongside a carriageway width of between 4.5m and 5.3m. The proposed road width is too narrow for 2 HGV/agricultural vehicles to pass each other, or for a car and HGV/agricultural vehicle to pass, and would be a road safety concern. The narrow carriageway width alongside the narrow footway width is also poses a safety concern.

An alternative option of shuttle running (to allow one dwelling to pass at a time) was also proposed. This option, along with the original proposal described above, is not considered acceptable in this

location and would be detrimental to other existing motorised and non-motorised road users in contrary to Manual for Streets and NPPG.

### Safe and Suitable Access

The site access width has been reduced to 5.5m in order to encourage lower design speeds. Standard 6m radii have been proposed.

The visibility splays that have been provided to reflect the 85<sup>th</sup> percentile speeds are considered sufficient by the Councils Head of Strategic Infrastructure.

TRICS is the industry standard software to determine the trips generated by a particular land use and considers trips generated throughout the day. Multi-modal trip data has not been provided using this method but a separate assessment by CEC Highways has shown that for a development of this size approximately 100 two-way pedestrian trips can be expected.

The proposed footway reduces the width of Nantwich Road and as this is the main route into Wrenbury it can be expected to accommodate HGVs, buses and agricultural machinery. The narrowness of the carriageway width together with that of the proposed footway presents a safety concern for pedestrians of this development.

### Network Capacity

A development of this size is likely to generate approximately 60 two-way vehicle trips during each of the peak hours; the equivalent of around 1 additional vehicle per minute.

Junction capacity assessments for recent applications in Wrenbury have shown there to be spare capacity within the road network. This application will not have a severe impact on the highway network capacity.

### Highways Conclusion

The proposal includes a new pedestrian footway to link the site with the village of Wrenbury and its amenities and services, bus stops, and railway station. The proposed footway/highway would be of a substandard width and as such the development cannot be considered sustainable.

The proposed footway also decreases the width of sections of Nantwich Rd to below what would be required for a main road. Together with the narrow footway, the proposal would create an unsafe and unwelcome environment for pedestrians of the development, including parents with their school children.

The proposed development is contrary to Policy BE.3 (Access and Parking) and paragraph 32 of the NPPF.

## **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.

The site is agricultural land to the south of Nantwich Road. There are hedgerows and trees present including a hedge and a mature Oak tree on the Nantwich Road frontage, a hedge with hedgerow trees to the west and trees along the River Weaver to the south.

Updated arboricultural information has been provided as part of this application which amends the tree root protection area for the roadside Oak tree T20 and special construction measures for works in the root protection area of this tree and tree T17 (located along the eastern boundary of the site). Both T17 and T20 are Grade A Oak Trees (High Quality and Value).

Whilst there would be arboricultural impacts these could be mitigated at the reserved matters stage and through the imposition of planning conditions.

### Hedgerows

As indicated above, hedgerow loss is proposed. Where proposed development is likely to result in the loss of existing agricultural hedgerows which are more than 30 years old, it is considered that they should be assessed against the criteria in the Hedgerow Regulations 1997 in order to ascertain if they qualify as 'Important'. The Regulations require assessment on various criteria including ecological and historic value. Should any hedgerows be found to be 'Important' under any of the criteria in the Regulations, this would be a significant material consideration in the determination of the application. Hedgerows are also a habitat subject of a Biodiversity Action Plan.

There is a reference to survey of the roadside hedge by the arboricultural consultant on the Arboricultural Impact Assessment plan stating that the Hedge was deemed not to be important under the Hedgerow Regulations 1997. In the absence of any background data to this assessment, the LPA cannot judge if the assessment considered all the relevant criteria.

### **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 17 dwellings per hectare which is consistent with the surrounding residential areas of Wrenbury.

An indicative layout has been provided in support of this application. Although the indicative layout is of a poor design it does show that the site can accommodate the number of dwellings proposed whilst providing open space. 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.

### **Archaeology**

This application is supported by an archaeological desk based assessment. The assessment has not identified any significant areas of archaeology and the application site is located some distance from the church and the historic core of the village. Therefore, the Councils Archaeologists recommends that no further archaeological mitigation is required in this instance.

## **Landscape**

The application site is roughly triangular in shape and is currently agricultural land with a short boundary to the north with Nantwich Road, the remainder of the northern boundary is formed by the access road to Field Farm which is located just to the east of the application site. The southern boundary is marked by the River Weaver and much of the western boundary by a field boundary and a residential dwelling (Belmont) located along the north eastern boundary with Nantwich Road. The application site boundaries are characterised by hedgerows, hedgerow trees and some post and wire fencing. The southern boundary has a belt of riparian vegetation associated with the River Weaver. There are a number of residential dwellings along Nantwich Road.

As part of the application a Landscape and Visual Assessment has been submitted, this states that it has been carried out with reference to the guidance found within the 'Guidelines for Landscape and Visual Assessment' Third Edition, 2013 (GLVIA). This assessment identifies the baseline landscape of the application site and surrounding area, these are the National Character Areas as identified by Natural England, and the East Lowland Plain, Ravensmoor Character Area (ELP1), as identified in the Cheshire Landscape Character Assessment 2008.

The submitted assessment identifies that there would be a medium magnitude of effect and a moderate adverse significance of effect and a negligible magnitude of effect and negligible significance of effect on the Ravensmoor character area. The visual assessment indicates that the proposed development is considered to have only micro visual effects within the immediate locality, and that these may be reduced to minor/moderate adverse significance with mitigation.

The Councils Landscape Architect would broadly agree with the landscape assessment that has been submitted, but he does state that the visual assessment has underestimated the magnitude of change of effect, and consequently the significance of effect for a number of receptors. In addition many of the chosen receptors are geographically distant from the application, while other more pertinent receptors have not been assessed. Nevertheless, while the visual effects would be more adverse than the assessment indicates, the Councils Landscape Architect does not consider that the effects would be major adverse.

Since this is an outline application and the mitigation proposals are purely illustrative, it is difficult to comment with any accuracy on the significance of impact over the longer term. The submitted assessment does indicate that there will be adverse landscape effects as well as adverse visual effects. If this application is approved these impacts could potentially be reduced with robust landscape proposals, including the implementation of additional hedgerow and tree planting along the boundaries, along with additional tree planting as well as extensive tree planting throughout the proposed development.

## **Ecology**

### River Weaver

The river Weaver is located on the boundary of this site. This river is known to support protected and priority species. The Councils Ecologist advises that based on the illustrative layout plan the proposed development is not likely to significantly affect the nature conservation value of the river. To enhance the ecological value of the river corridor it is recommended that any landscaping proposals for the open space area adjacent to the river use native species and includes areas of less intensively managed grassland.

### Hedgerows

Hedgerows are a priority habitat and hence a material consideration. Based upon the submitted layout plan it appears likely that the proposed development would result in the loss of a section of hedgerows. The Councils Ecologist recommends that if planning permission is granted a condition should be attached requiring the submission of proposals for the provision of replacement native species hedgerows as part of the landscaping scheme for the site.

### Trees with bat roosting potential

A number of trees have been identified as having bat roosting potential. The majority of these trees would be retained including the large Oak on the road frontage.

### Other Protected Species

Two setts have been recorded on site. The larger of the two setts is located far enough away that it is unlikely to be affected by the proposed works. The second minor sett would be likely to be affected by the proposed development. However this sett is currently occupied by rabbits. The Councils Ecologist advises that based upon the current level of activity the proposed development is unlikely to have a significant effect upon other protected species.

As the status of other protected species on a site can change the Councils Ecologist recommends that a condition be attached requiring any future reserved matters application be supported by an updated survey and impact assessment.

### Otters

Otters are known to be present on the River Weaver. The submitted ecological assessment has identified a low risk to otters during the construction phase associated with otters venturing on site at night. It is recommended that no excavations or trenches are left uncovered overnight during the development works in order to prevent otters from becoming trapped. Alternatively, ramps can be provided to enable animals to climb out of trenches or excavations. The Councils Ecologist advises that provided these measures are implemented then the proposed development would be highly unlikely to result in an offence under the Habitat Regulations. If planning consent is granted it is recommended that this matter be secured by means of a condition.

### Provision for nesting birds & roosting bats

If planning consent is granted it is recommended that a condition be attached to ensure some provision is made for wildlife as part of 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 a standard condition could be imposed to mitigate this impact.

## **Flood Risk**

The majority of 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. Part of the site along the boundary with the River Weaver is located in flood zones 2 and 3 and an area of surface water flooding is also shown at the site.

As the application site is more than 1 hectare, a Flood Risk Assessment (FRA) has been submitted in support of the application.

The application site must not increase flooding to existing developments and must be appropriately mitigated before any works should be considered to be undertaken on site.

The Environment Agency, 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 Wrenbury 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 the site is Grade 3a and represents BMV. On this basis the loss of agricultural land 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.

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

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.
- In terms of the POS provision and the proposed NEAP this is considered to be acceptable and would mitigate the impact of the development.
- 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 flood risk/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.
- Although there would be a change in the appearance of the site. The landscape impact is considered to be neutral subject to mitigation
- The impact upon residential amenity/noise/air quality and contaminated land could be mitigated through the imposition of planning conditions.
- It is not considered that the development would impact upon archaeology

The adverse impacts of the development would be:

- The loss of open countryside
- The loss of agricultural land (this does not weigh heavily against the development as per previous appeal decisions)
- It is considered that a safe and suitable access to the site cannot be achieved and that the development does not facilitate sustainable transport opportunities.

The adverse impact would significantly and demonstrably outweigh the benefits and as a result the application is recommended for refusal.

## **RECOMMENDATION:**

### **REFUSE for the following reasons;**

1. In the opinion of the Local Planning Authority, the proposed development would be unable to provide a safe and suitable access to and from Nantwich Road and into the village of Wrenbury. This would result in a severe and unacceptable impact in terms of road safety and would significantly and demonstrably outweigh the benefits of the scheme, notwithstanding the shortfall in housing land supply. The development is therefore contrary to Policy BE.3 of the Borough of Crewe and Nantwich Replacement Local Plan 2011, Policies SD1 and SD2 of the Cheshire East Local Plan Strategy and paragraph 32 of the National Planning Policy Framework, which states that decisions should take account of whether safe and suitable access to the site can be achieved for all people, respectively.
2. 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, Policies PG5, SD1 and SD2 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.

In order to give proper effect to the Board's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning (Regulation), in consultation with the Chairman (or in his absence the Vice Chairman) of Strategic Planning Board, 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 NEAP (8 pieces of equipment) to be maintained by a private management company**
- 3. Secondary School Education Contribution of £196,112.28**

