

Application No: 17/0066N

Location: Land Off, WRENBURY ROAD, ASTON

Proposal: Outline planning application for Residential development and associated infrastructure.

Applicant: ., Grasscroft Homes and Property Ltd and JG

Expiry Date: 06-Apr-2017

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 Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites and that where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development.

It is therefore necessary to consider whether the proposal constitutes “sustainable development” in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

The development would provide benefits in terms of affordable housing provision, delivery of housing, POS, a play area and economic benefits through the usual economic benefits during contraction and through the spending of future occupiers.

The development would have a neutral impact upon education, protected species/ecology, flooding, highways, trees, historic environment & contaminated land.

The adverse impacts of the development would be the loss of open countryside, the impact on the landscape, the loss of agricultural land, the harm to the living conditions of the neighbouring properties and the harm to the overall character/appearance of the area by not respecting the existing pattern of built form/urban grain.

As a result the development is clearly contrary to open countryside policies yet as it stands these are considered out of date. So the presumption in favour of sustainable development applies. However, with reference to the Richborough Court of Appeal decision weight can be given to those policies.

There is now a solution to the housing supply in hand through the forthcoming adoption of the Local Plan. As a consequence of the Inspectors most recent comments in December increased weight can be afforded to these 'out of date' policies. In addition, given the progression of emerging policies towards adoption it is considered that greater weight can now be given to those emerging policies. A further factor that weighs against the scheme is the scale and location of the development which extends further away from the village settlement.

Therefore taking a balance of the overall benefits, the current policy position and the scale of harm it is considered that the presumption in favour is outweighed in this case and a recommendation of refusal is made.

RECOMMENDATION

REFUSE

PROPOSAL

The proposal seeks outline consent with all matters reserved except access for the erection of residential development. The number of dwellings has not been confirmed in the application forms however the planning statement and the illustrative plan advises that 39 dwellings are to be provided. As a result the application has been assessed on this basis.

The proposed residential development would be sited on an area of 1.43 hectares which gives a density on the developable area of the site of 28 dwellings per hectare.

The proposed development includes a single access point onto Wrenbury Road which would be located to the north-eastern boundary of the site.

The indicative plans show that the site would include provision of an area of open space to the south-eastern boundary.

The proposal would provide contributions to affordable housing and education, an area of public open space.

SITE DESCRIPTION

The site comprises 1.43 hectares of open agricultural land and is wholly located within the Open Countryside as defined by the Borough of Crewe and Nantwich Replacement Local Plan 2011.

The site is predominantly flat with mixed 1m high fencing and 2/3m high planting to the northern boundary, 1m high fence to the eastern boundary, mixed trees planting 2-5m high to the southern boundary and 2-3m high planting to the western boundary.

Residential properties are sited to the north-eastern, eastern and southern boundaries and open land to the western boundary.

Aston Conservation area lies to the north of the site.

Significant trees are noted to the west and south of the site.

The village of Aston has seen various phases of growth over many years, with the result that it has properties of a variety of ages and designs. It includes modern bungalows and houses as well as the older, original properties of the settlement. The village stands on the junction of the A530, Whitchurch Road, and Sheppenhall Lane/Wrenbury Road, although the majority of the village lies to the south of Whitchurch Road, including the more recent development on Sheppenhall Grove.

RELEVANT HISTORY

7/11169 – Erection of general store/post office – refused 19-Jul-1984 (highway safety, open countryside & inappropriate to pattern of the village)

7/12113 – Construction to form/accommodate general store with 3 bedroom living accommodation – refused 28-Aug-2014 (highway safety, open countryside & inappropriate to pattern of the village)

7/12691 – Detached house and shop – refused 27-Feb-1986 (highway safety, open countryside & inappropriate to pattern of the village)

7/18812 – One detached dwelling – approved 27-Sep-1990

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)

BE.5 (Infrastructure)
BE.6 (Development on Potentially Contaminated Land)
BE.7 (Conservation Areas)
RES.5 (Housing in the Open Countryside)
RES.7 (Affordable Housing)
RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)
TRAN.9 (Parking Standards)

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 and other relevant material:

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
Development on Backland and Gardens

CONSULTATIONS

United Utilities: No objection subject to drainage conditions

CEC Flood Risk Manager: No comments received at the time of writing the report

NHS England: No comments received at the time of writing the report

Strategic Highways Manager: No objections subject to conditions requiring footway works and signage, Construction Management Plan and 278 & 38 Agreements

Environmental Health: No objection subject to conditions regarding piling works, dust, travel pack, electric vehicle charging and contaminated land. An informative is also suggested in relation to working hours for construction.

Ansa (Public Open Space): No objection subject to open space contribution of £20,000

CEC Education: No objection subject to contribution of £98,056 for secondary school provision

VIEWS OF THE PARISH COUNCIL

Wrenbury Parish Council: Objection

Object to the application, for the following reasons:

- The current infrastructure of the Parish will not stand further development
- The proposed development does not fall within the Settlement Boundary and is open countryside
- The Parish adjoins other settlements where the increase in dwellings is also large, and this means that both the Schools and the Health Care facilities are already at the point where they cannot take any further development.
- Newhall has seen approx. 88 new houses approved since 2010, which is approx. 25% of the existing dwellings. The Parish Council feel that any more are not sustainable nor applicable in the quota of allocation.
- Local Transport facilities are poor
- The A530 is a very busy and dangerous road, and further development will make this situation worse. The access to the proposed development is unacceptably close to a very bad junction, which sees queuing traffic in all directions on a regular basis and would mean the junction would be completely overloaded and a major accident waiting to happen.
- There is concern over the draining and flooding issues, which are currently experienced at the entrance to this site, and in the village, and this application will only add to the surface water problems, and would significantly affect the water table.

REPRESENTATIONS

Letters of objection have been received from 6 local households raising the following points:

- Impact of local infrastructure
- School and doctors capacity
- Highways safety
- Flooding
- Noise
- Village at capacity
- Harm to character of village by loss of green space
- Harm to wildlife
- Loss of Green Belt/open countryside

- Out of context with built form of the village
- More weight to the local plan

APPRAISAL

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 Inspector Stephen Pratt 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. In addition given the progression of emerging policies towards adoption greater weight can now be given to those emerging policies. The scale of the development may also be a factor that should be weighed in the overall planning balance as to the degree of harm experienced.

Attention is also drawn to a recent appeal decision regarding a site in Cheshire East ref APP/R0660/W/16/3156959 where the inspector gave a view on the status of the Councils Merging Local Plan

“This plan is now at an advanced stage of preparation, with the consultation on the main modifications having started on 6 February 2017. It was indicated that apart from a minor modification to the wording of the supporting text, the Local Plan Inspector has not suggested any modifications to this policy. As such, it is proposed that it would be adopted in its current format. In the light of this, and in accordance with paragraph 216 of the National Planning Policy Framework (the Framework), I consider that substantial weight can be given to this policy”

SOCIAL SUSTAINABILITY

Affordable Housing

The Councils Interim Planning Statement: Affordable Housing (IPS) states in Settlements with a population of less than 3,000 that we will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 10 dwellings or more or a combined housing floor space including garages larger than 1000sqm in size.

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

This is a proposed development of 39 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 12 dwellings to be provided as affordable dwellings with the above 65/35 split.

The supporting statement advises that the affordable units could comprise two bedroom dwellings to meet an identified local need as identified in the Affordable Housing Report prepared by Bailey Venning.

The affordable housing provision will be secured as part of a S106 Agreement.

Public Open Space

With regards to CNLP, policy RT3 requires a combined area of shared recreational open space and shared children's play space of 35sqm per dwelling equating this development to a minimum of 1365sqm. This area should be of a size that it will form a viable attractive and functional area of play space which can be easily maintained.

The majority of the public open space is being provided in the south-western corner of the site. Existing trees are being retained and the addition of a swale/pond to accommodate SUDS.

The nearest equipped play facility is approximately 1,900m away therefore informal on site play is required. As this is a relatively small development a large combined LAP/Local Landscaped Area for Play of approximately 1,000sq.m is required laid out to Fields in Trust standards rather than equipped formal play at this stage. This area should contain minimal planting to ensure a flat free space for informal games such as a kick about, tag, rounders' etc. It will need to have a defined perimeter with a low level guard rail or planting to provide a mix of scent, colour and texture. A sign indicating that the area is for children's play and that dogs are not welcome should be installed along with seating. Care should be taken in relation to the properties adjacent to ensure a buffer zone of 5m minimum depth should separate the activity zone and the forward-most part of the nearest dwelling that faces the LAP. Gable end or other exposed walls should be protected from use for ball games by a dense strip of planting of 1m depth. Careful consideration of planting is required so to aid natural surveillance whilst offering residents protection from any potential nuisance.

A swale/pond is proposed within the POS. Appropriate safety measures should be taken to ensure safety of the public especially small children who will be using the adjacent LAP/LLAP.

Policy RT3 states "in small residential developments likely to be occupied by less than 50 people, contributions will be required towards the provision of children's play equipment and casual recreational open space which is reasonably related to the nature of the development proposed, provided that such contributions would secure provision in an easily accessible location and where it would directly benefit the occupiers of the new development."

In lieu of requesting an offsite contribution with the closest equipped play provision being nearly 1,900sq.m away a sum of £20,000 should be set aside until the development has been fully occupied for 2 years and a community established. Consultation should then be carried out with the new local residents as to their aspirations/requirements. In line with the Local Landscaped Area for Play this may take the form of a low level trim trail, hard and soft landscaping for imaginative and interactive play and/or be in the form of local art to make the area bespoke and give the new residents ownership and a sense of place. Further triggers, such as commissioning the work or pay back if not used should be detailed within the S.106 agreement.

Given that the proposal is submitted in outline, details requested by ANSA regarding location of fencing and buffer zones would be addressed at reserved matters stage.

Education

A development of 39 dwellings is forecast to generate 7 primary school children and 6 secondary school children and 0 Special Educational Needs (SEN) child.

The details of this forecast are contained within the table below:

<u>Development</u>	land off Wrenbury road, Aston				Number of Dwellings			39					
<u>Planning App Number</u>	17/0066N				Primary Yield			7					
<u>Date Prepared</u>	16.1.2017				Secondary Yield			6					
					SEN Yield			0					
Primary Schools	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			
	Sound and District Primary School	19	19	133	133	116	114	112	111	104			
	Wrenbury Primary School	20	20	140	140	117	122	129	128	128			
Developments with S106 funded and pupil yield included in the forecasts				3									
Developments pupil yield not included in the forecasts									2				
Pupil Yield expected from this development									7				
OVERALL TOTAL		39	39	273	276	233	236	241	239	241			
OVERALL SURPLUS PLACES PROJECTIONS based on Revised NET CAP					43	40	35	37	35				
Secondary Schools	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	2021	2022		
	Brine Leas School	215	215	1,050	1,050	1,118	1,149	1,168	1,190	1,197	1,200	1,212	
				Please Note; All figures quoted exclude any allowance for 6th Form Pupils									
Developments with S106 funded and pupil yield included in the forecasts				20									
Developments pupil yield not included in the forecasts											19		
Pupil Yield expected from this development											6		
OVERALL TOTAL		215	215	1,050	1,070	1,118	1,149	1,168	1,190	1,197	1,200	1,237	
OVERALL SURPLUS PLACES PROJECTIONS					-48	-79	-98	-120	-127	-130	-167		

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

6 x £17,959 x 0.91 = £98,056 (secondary)

Total education contribution: £98,056

As such there is a requirement for a contribution from this development towards secondary school and the sum of £98,056 will be secured as part of a S106 Agreement.

Health

Although no consultation response has been received from the NHS there is a medical centre at Wrenbury within 1 mile of the site and according to the NHS choices website this practice is currently accepting patients indicating that they have capacity.

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.

An assessment detailing the proximity of the site to the services within the tool kit has not been provided however a sustainability report has been provided which advises as follows:

Aston has regular bus links to the nearby towns of Whitchurch and Nantwich and Wrenbury train station provides regular access to further away towns and cities including, Cardiff, Crewe, Shrewsbury and Manchester. Wrenbury train station is 1 mile to the north of the application site accessed directly from Wrenbury Road.

Wrenbury provides access to local facilities and amenities including a primary school, village store, post office and sports club. The application site is adjacent two bus stops with regular bus services to Nantwich, Wrenbury and Whitchurch.

The principal bus service passing through the junction is the service 72. This operates 6 services per day from Nantwich and 4/5 services per day from Whitchurch, Marbury and Wrenbury. There is a service linking the crossroads and is 2 hourly during the day.

A school bus service does operate for children to go to the secondary school. Whilst most services are in Wrenbury, the next village over, the bus service does serve the site and therefore in location terms this site must be regarded as being generally sustainable.

It should also be noted that planning permission has been granted for residential development to the north-east and south-east of the site which was considered to be locationally sustainable. Given the close proximity of the site it would be difficult to argue that the current site is not sustainable.

Accordingly, it is considered that this small scale site is locationally sustainable.

ENVIRONMENTAL SUSTAINABILITY

Residential Amenity

The main residential properties affected by this development are properties to the north (White Lodge), north-east & south-east (Wrenbury Road/Whitchurch Road), south (The Beeches) and the future occupiers of the properties approved to the north of the site.

An illustrative masterplan has been provided which shows one possible way in which the site may be developed.

Whilst it is accepted that detailed layout will be determined at the reserved matters stage, based on this layout the proposal does not comply with separation standards in the SPD and fails to demonstrate that the dwellings could be provided on site without causing significant harm to the living conditions of neighbouring properties.

The illustrative plan shows that a cluster of properties would be provided to the side and rear garden area of White Lodge. The closest properties to the south of White Lodge are a block of 2 dwellings and these would be sited just 6m to the side elevation serving a secondary living room and kitchen (with dining table) windows and side windows of rear conservatory. Whilst at this stage it is not know

what property types will be provided (i.e. bungalow, 2 storey etc) the close proximity to the shared boundary is likely to result in significant harm through overbearing impact and overshadowing to White Lodge, particularly if 2 storey properties were proposed.

There are also 2 blocks of 4 properties sited further along the side and rear boundaries which could overlook the garden area of White Lodge if rear facing windows are proposed which would result in harm through overlooking/loss of privacy to the majority of the rear garden area.

Whilst no detail has been provided regarding property type, room numbers or layout, given the limited width of these plots at just 4.2m wide, it is considered unlikely that more than 1 bedroom could be accommodated in a single storey property of this size without resulting in substandard living conditions. It is therefore considered reasonable to assume that these plots will be 2 storey properties.

Again no details have been provided regarding the proposed room layout/window positioning, however it is unlikely that main facing habitable room windows could be accommodated on the side elevations as the middle properties share a party wall. Therefore it is considered reasonable to assume that habitable room windows would be sited on the rear elevations which would cause harm through overlooking/loss of privacy to the rear garden area of White Lodge (given the strong likelihood that the properties would be 2 storey)

Similarly the illustrative plans also show plots sited in close proximity to the side boundary of The Beeches. In particular the 2 detached properties that would sit in line with the side elevation of The Beeches would be sited just 8.6m to the side boundary which would not be sufficient to prevent harm through overbearing/oppressive impact and would result in direct overlooking of the rear garden area. As noted above whilst no detail has been provided regarding property types, room/window layouts, it is considered reasonable to assume that the properties would be 2 storey with rear facing windows.

Whilst it is noted that there are a further 2 plots sited in close proximity to the side boundary to White Lodge these properties would only impact on the end of the rear garden which is already impacted to some degree by existing buildings and it is considered that the plots have potential to site facing windows away from this boundary.

It is considered that adequate separation distances can be achieved to properties to the north-east (Wrenbury Road) and south-east (Whitchurch Road) to prevent significant harm to living conditions.

As a result it is not considered that the illustrative plans provided demonstrate how the site could be acceptably developed. Therefore the proposed development by reason of its siting to the northern boundary would result in overlooking of the rear garden area of the residential property Known as White Lodge which would cause significant harm to the living conditions of the occupiers of the neighbouring property through loss of privacy. The proposal is therefore contrary to Policy BE.1 of the Crewe and Nantwich Local Plan and the NPPF in particular paragraph 17.

Air Quality

The proposed development is not close to any air quality management areas (AQMA's). A condition will be attached in terms of dust control from the construction phase of the development.

Contaminated Land

As the application is for new residential properties which are a sensitive end use and could be affected by any contamination present a contaminated land condition will be attached to any approval.

Public Rights of Way

There are no PROW located on the application site.

Highways

- Sustainable access

Currently, there is no footway access from the site to any destination. A new footway has been proposed from the site access to the existing footway on Whitchurch Rd, allowing for safe pedestrian access to the bus stops.

The bus stops on Whitchurch Rd are unmarked. To help encourage the use of the services physical bus stop poles should be installed as part of the development.

- Safe and suitable access

The proposed access, as shown on plan '1596-F01 rev D', are to CEC adoptable standards. The access will be approximately 30m west of the Whitchurch Rd/Wrenbury Rd junction; a distance which is sufficient and which will not affect the safe movement of vehicles.

The additional footways proposed will not hinder the movement of existing HGVs as demonstrated with swept paths submitted with the application.

Visibility from the site access onto Wrenbury Road is adequate.

An informal crossing point, in the form of dropped kerbs and tactile paving, across Whitchurch Rd has also been proposed. This is considered suitable for this location, given the small size of the development and the visibility along Whitchurch Road that would be available to pedestrians.

Over the previous 3 years there have been two slight personal injury accidents at the Wrenbury Road/Whitchurch Road junction and none in the year of 2016, indicating that there is no fundamental safety concern associated with this junction.

- Network Capacity

Although a footway to bus stops is being proposed, the majority of trips to/from the site will be by private car. A residential development of this size would only generate around 25 to 30 two-way vehicle trips during the peak hour.

- Conclusion

The proposal would provide a safe and suitable access and the impact upon the highway would therefore be minimal. Therefore no harm to the highway network subject to conditions requiring footway works and signage, Construction Management Plan, 278 & 38 Agreements

Landscape

This is an outline application for up to 39 dwellings on land off Wrenbury Road, Aston. The application site is an agricultural field, with a hedgerows and hedgerow trees forming the southern boundary, a

hedgerow forming the western boundary and the northern boundary formed by a hedgerow and timber fencing with the boundary of White Lodge, located immediately to the north of the application site; beyond the northern, western and southern boundary of the site is the wider open agricultural landscape with a small number of isolated properties, namely The Beeches to the south and White Lodge to the north. The eastern boundary is formed by Whitchurch Road to the south and Wrenbury Road to the north, the southern part of the boundary is formed by a timber and stock proof fence, with a number of trees along the boundary; the northern part is formed by Cheshire railings and also has a number of trees along the boundary. The alignment of the roads along the eastern boundary and relative openness of the site along this boundary allow extensive views into the site and contributes greatly to the rural setting of this part of Aston.

As part of the application a Landscape and Visual Appraisal has been submitted with reference to the guidance found within 'Guidelines for landscape and Visual Impact Assessment' 3rd Edition, this correctly identifies the baseline landscape of the application site and surrounding area, it also identifies a number of visual receptors in the surrounding area as well as identifying a ZTVI. The Landscape Appraisal also identifies the National Landscape Character Area and the Cheshire Landscape Character Assessment, which identifies that the application site is located with the East Lowland Plain character Type, and specifically within the ELP1 Ravensmoor Character Area.

The appraisal offers an assessment based on the built form (LCA 1 Small Village Settlements) and the farmland area (LCA 2 Mixed Farmland). The value and sensitivity of these are assessed as being moderate and low- medium (LCA 1) and good and medium (LCA 2); with a slight adverse effect after 1 year and remaining slight adverse for LCA 1, and a moderate adverse effect, reducing to slight-moderate for LCA 2. The visual appraisal identifies that initially there would be a substantial visual effect for one receptor VP3, moderate-substantial effect for one, a moderate adverse effect for eight receptors and slight to slight-moderate for the remaining three, and that all would reduce after 15 years.

The Councils Landscape Officer has considered the proposal and does not consider that the submitted appraisal has considered the role that the application site plays as part of the rural setting for Aston. He also considers that both the landscape and visual significance of effect will be greater than identified in the submitted appraisal. The rural nature of the site, forming part of the wider agricultural landscape to the west of Aston, combined with the alignment of Whitchurch Road and Wrenbury Road at this location would mean that the introduction of this development would have an urbanising effect that would be harmful to the intrinsic character and beauty of this part of the countryside and contrary to Local Plan Policy NE.2.

Therefore it is considered that the proposal would be visible from the wider setting given the reasonably flat local topography and it is unlikely that the visual impacts could be adequately mitigated meaning that the proposal would be viewed as a dominant feature on the landscape which extends away from the existing settlement to the north-east and south-east resulting physical encroachment in to the open countryside resulting in demonstrable harm to the character/appearance of this countryside setting.

It should be noted that the village boundary has already been extended to the north-east and south-east. These developments appear to have been approved as they were deemed to be natural extensions to the village that either filled existing gaps or were considered to be viewed in the context of the existing built form to the east of Whitchurch Road. This is unlike the current proposal which would be sited on the western side of Whitchurch Road and would be viewed as an isolated

development which extends further to the west which is considered to have more visual affinity with the open countryside to the rear rather than the built form to the east. It is also considered that Whitchurch Road acts as a natural buffer separating the built form to the open countryside. As a result the proposal would dramatically alter the character of this countryside setting and be viewed as visually dominant with an unacceptable visual encroachment into the countryside.

It is also considered worth noting that the site immediately to the north of the site was refused planning permission and dismissed at appeal for the erection of new housing. The appeal was dismissed as it was considered the flat nature of the site allowed viewing from the wider setting and would have an urbanising effect that was considered be harmful to the intrinsic character and beauty of this part of the countryside. See below for the main comments of the planning inspector:

“The appeal site is located between two residential properties on the western side of Westbury Lane. The width of the site is reasonably substantial such that the space between these neighbouring properties could not be said to be a ‘small gap’ in the terms of Local Plan Policy NE.2. Moreover, the scale of development proposed is substantially greater than is envisaged by this aspect of the Policy. In short the appeal scheme would result in the building of some 31 homes on a greenfield site in the countryside.

The site is partly screened by planting along its boundaries, principally in the form of field hedges, and this could be supplemented by additional planting. Nonetheless, due in part to the reasonably flat local topography, development of the scale and type proposed would be readily apparent from beyond the site. For instance, the proposed dwellings would be visible from Wrenbury Road and from the A530 a little to south, as well as from more distant views, such as from rights of way that run to the south and west of the site.

I recognise that the appeal site is located on the fringes of the settlement close to existing dwellings that would be broadly comparable to the development proposed, and that the detail of the appeal scheme could be carefully considered at the reserved matters stage. Nonetheless, the introduction of the development to this greenfield site would have an urbanising effect that would be harmful to the intrinsic character and beauty of this part of the countryside. This effect would be readily perceived from the surrounding public domain due to the reasons outlines above.

For these reasons, therefore, the proposed development would have a harmful effect on the character and appearance of the area. Consequently, in this regard, it would conflict with Local Plan Policies NE.2 and RES.5. This weighs against the appeal scheme”

Given that the current application site is sited immediately to the south and shares a boundary with the above noted appeal, it is considered appropriate to have regard to this decision when considering the current application.

The current application site is considered very similar in nature and character to the above appeal site, being that it is flat and is visible from the wider setting. Therefore given the similarities it is only logical that a similar conclusion is reached as the proposal like the appeal site is also considered would have an urbanising effect that is considered harmful to the intrinsic character and beauty of this part of the countryside.

Trees

The site is located at the junction of Wrenbury Road and Whitchurch Road. It is agricultural land and has hedging and trees on sections of the boundary with two mature trees within the site.

The submission is supported by a Tree Report dated September 2016. The survey covers 24 trees including individual trees, tree groups and hedgerows. The trees are predominant afforded Grades B (11 trees) and C (12 trees). One tree is assessed as being unsuitable for retention.

As an outline application with only access to be determined, the full implications for trees would only be realised at reserved matters stage. Nevertheless for this application the implications of the access need to be assessed in relation to trees as does the capacity of the site to accommodate the scale of development proposed.

There is currently insufficient information to inform an assessment of the impact on trees. The tree survey plan shows tree trunk positions and tree crown spreads but does not provide an indication of the root protection areas. Whilst the survey report provides a trunk diameter and a root protection area for each tree, this information needs to be translated onto the tree survey plan, taking account of any existing constraints to root development, for example roads. The constraints then need to be reflected on both a version of the access plan (including the proposed roadside footway shown on Croft Transport Solutions plan 1596-F01A) and also the Illustrative Masterplan and then be assessed through an Arboricultural Impact Assessment. Should conflicts be identified, the submission should demonstrate how these might be addressed, through the medium of an Arboricultural Method Statement.

As a result of the comments from the Councils Arborist, an Arboricultural Impact Assessment and tree retention plan have been provided. These are currently being considered and a response will be provided either via an update report or at the committee meeting.

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.”

An indicative plan has been submitted to show one possible way in which the site could be developed. This shows property widths ranging between 4.2m-8m but with over half of the properties being shown as measuring the smaller 4.2m width. This is not considered to reflect the predominant property widths in the locality which range between 10m-25m. The plot ratios and garden areas are also considered to be much smaller than those noted locally. For example the plot width of the smallest properties being proposed measures 4.2m wide however the average plot width in the locality is approximately 11m.

As a result it has not been demonstrated that the 39 dwellings proposed could be accommodated on site without causing significant harm to the existing urban grain and pattern of built form.

Impact upon Built Heritage (Aston Conservation Area)

Given the separation distances involved (100m) it is considered that the development would have a limited impact upon the Conservation Area.

Ecology

- Habitats

The Councils Ecologist advises that with the exception of the existing hedgerows and mature trees, the habitats on this site are of limited nature conservation value. Based on the submitted layout plan it appears feasible to retain the existing hedgerows and trees as part of the development of the site.

- Lighting and bats

Whilst the application site offers limited opportunities for roosting bats, bats are likely to commute and forage around the site to some extent. To avoid any adverse impacts on bats resulting from any lighting associated with the development the Councils Ecologist recommends that if planning permission is granted a condition should be attached requiring any additional lighting proposed as part of the reserved matters application to be agreed with the LPA.

Any proposed lighting should be low level and directional and the design of the lighting scheme informed by the advice in Bats and lighting in the UK- bats and the built environment series, (Bat Conservation Trust, 2009).

- Bat and Bird boxes

To secure an enhancement of nature conservation in accordance with the NPPF the Councils Ecologist recommends that the following condition be attached in the event that planning permission is granted;

Any future reserved matters application to be supported by detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds including house sparrow and roosting bats. The approved features shall be permanently installed prior to the first occupation of the development hereby permitted and thereafter retained, unless otherwise agreed in writing by the Local Planning Authority.

- Ecology summary

As a result it is considered that any ecological concerns could be mitigated by the use of planning conditions.

Flood Risk

A Flood Risk Assessment (FRA) prepared by BWB has been submitted with the planning application. The FRA confirms the site is considered at 'Low Risk' of fluvial flooding and the Environment Agency's (EA) online Flood Zone Map shows it as being in Flood Zone 1 and represents 'Low Risk' of flooding with an annual probability of flooding less than 0.1% (1 in 1000).

There is an existing combined sewer located in Wrenbury Road. The sewer flows from north to south, along Wrenbury Road and then in a north-easterly direction along Whitchurch Road away from the site. Although the site is located in the vicinity of a combined sewer the site is at low risk of combined

sewer flooding as the site is at the head of the sewer run. If the sewer were to be exceeded then flows would run down Whitchurch Road in a north-easterly direction away from the site.

There are no existing surface water sewers in the vicinity of the site and therefore the site will not be at risk of surface water sewer flooding. The overall risk posed by the sewer source is considered to be low.

United Utilities have been consulted and have not raised any objections to the proposal. It is therefore considered that drainage details could be secured by condition to prevent local flooding. No comments have been received from the Council Flood Risk Team at the time of writing the report, these will be provided either in the update report or at the planning committee.

As a result it is considered that the proposal could be accommodated without causing significant harm through drainage/flooding, subject to the suggested conditions by United Utilities.

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.

A survey has been undertaken of 1.4 ha of land off Whitchurch Road, Aston, Cheshire. The land comprises a single grassland field. The soils at the site were found to be sandy, with land quality limited to subgrade 3a by droughtiness.

As a result the proposal would result in the loss of grade 3a land. This issue needs to be considered as part of the planning balance.

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.

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 play equipment 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 play equipment. This contribution is directly related to the development and is fair and reasonable.

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

The proposal would result in a requirement for the provision of 12 affordable units which would be split on a social rented/intermediate basis. 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 Policies NE.2 and RES.5 and the development would result in a loss of open countryside. However Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites and that where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development.

It is therefore necessary to consider whether the proposal constitutes “sustainable development” in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

The development would provide benefits in terms of affordable housing provision, delivery of housing, POS, a play area and economic benefits through the usual economic benefits during construction and through the spending of future occupiers.

The development would have a neutral impact upon education, protected species/ecology, flooding, highways, historic environment & contaminated land.

The adverse impacts of the development would be the loss of open countryside, the impact on the landscape, the loss of agricultural land, the harm to the living conditions of the neighbouring properties and the harm to the overall character/appearance of the area by not respecting the existing pattern of built form/urban grain.

As a result the development is clearly contrary to open countryside policies yet as it stands these are considered out of date. So the presumption in favour of sustainable development applies. However, with reference to the Richborough Court of Appeal weight can be given to those policies.

There is now a solution to the housing supply in hand through the forthcoming adoption of the Local Plan. As a consequence of the Inspectors most recent comments in December increased weight can be afforded to these 'out of date' policies. In addition given the progression of emerging policies towards adoption it is considered that greater weight can now be given to those emerging policies. A further factor that weighs against the scheme is the scale and location of the development which extends further away from the village settlement.

Therefore taking a balance of the overall benefits, the current policy position and the scale of harm it is considered that the presumption in favour is outweighed in this case and a recommendation of refusal is made.

RECOMMENDATION:

REFUSE

- 1) **The proposed residential development is unsustainable because it is located within the Open Countryside would result in adverse impact on the landscape character of the area and would result in the loss of the best and most versatile agricultural land which would be contrary to Policies NE.2 (Open Countryside), NE.12 (Agricultural Land Quality), BE.2 (Design) and RES.5 (Housing in the Open Countryside) of the Crewe and Nantwich Local Plan, Policies PG5 (Open Countryside), SD1, SD2 & SE2, SE4 (Landscape) of the emerging Cheshire East Local Plan Strategy 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) **It has not been demonstrated in the illustrative plans provided that the proposed development could be accommodated without causing significant harm to the living conditions of the neighbouring properties White Lodge and The Beeches through overlooking/loss of privacy/overbearing impact and overshadowing. The proposal is therefore contrary to policy BE.1 of the Crewe and Nantwich Local Plan, Development on Backlands and Gardens SPD and the NPPF**
- 3) **It has not been demonstrated in the illustrative plans provided that the proposed development could be accommodated without causing significant harm to the overall character/appearance of the area by not respecting the pattern, character and form of the surroundings. The proposal is therefore contrary to policy BE.2 & RES.5 of the Crewe and Nantwich Local Plan, Development on Backlands and Gardens SPD, Emerging Local Plan Core Strategy Policies MP1, PG5, SD1, SD2, SE1 and the NPPF**

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 LAP.

3. Secondary School Education Contribution of £98,056

