

Application No: 17/2751N

Location: Land South Of, NANTWICH ROAD, WRENBURY

Proposal: Outline Application for residential development to include details of access (Revised application incorporating revised highway improvements)

Applicant: Siteplan UK LLP, Siteplan UK LLP

Expiry Date: 25-Aug-2017

## **SUMMARY**

The proposed development would be contrary to Policies NE.2 and RES.5 of the Crewe and Nantwich Replacement Local Plan 2011 and Policy PG5 of the CELPS 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 at this time and the presumption in favour of sustainable development applies at paragraph 14 of the Framework where it states that LPA's should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

The development would provide benefits in terms of affordable housing provision, delivery of housing 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 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 with a significant conflict with Policy PG5 (considerable weight is attached), some adverse impact upon the visual character and openness of the landscape/countryside, the loss of agricultural land (this does not weigh heavily against the development as per previous appeal decisions) and there would be very significant and severe harm that would be caused to matters of highway and pedestrian safety and the free flow of traffic.

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 89 dwellings (it should be noted that the scheme proposed as part of the previous application 16/2433N was for 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. There are three individual trees and three groups of trees all to the southern part of the site which are the subject of a Tree Preservation Order

## RELEVANT HISTORY

16/2433N - Outline application for residential development to include details of access – Refused 25<sup>th</sup> January 2017 – Appeal Lodged – Appeal Dismissed 7<sup>th</sup> July 2017

Reasons for refusal as follows;

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.*

The appeal was dismissed as the Inspector found that; there would be some adverse impact upon the visual character and openness of the landscape/countryside which weighs against the proposal, there would be a loss of BMV agricultural land (limited impact, not determinative and added to the planning balance), there is conflict with NE.2 and RES.5 which would result in the erection of isolated homes in the countryside, there would be a significant conflict with PG5 (which would be fundamentally at odds with the overall housing strategy for the area) and there would be a severe and very significant impact upon highway and pedestrian safety. The harm was considered to outweigh the benefits and would not deliver sustainable development.

## **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)

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

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  
Cheshire East Design Guide

**CONSULTATIONS**

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

**Head of Strategic Infrastructure:** The proposal has not shown that it can deliver a safe and suitable access for all users and is recommended for refusal.

**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.

**CEC Education:** Due to capacity issues at local secondary schools a contribution of £212,455 is required. A contribution of £45,500 is required for SEN. There is no requirement for a contribution to primary school education provision.

**CEC 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.

**Cheshire 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 approved development in Wrenbury. 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.

**Canals and Rivers Trust:** No requirement to consult the Canals and Rivers Trust on this application.

## **VIEWS OF THE PARISH COUNCIL**

**Wrenbury Parish Council:** Object to the application on the following grounds;

- In the emerging Cheshire East Local Plan the proposed site is in designated 'open countryside' and outside the traditional village settlement boundary. The examination of the Local Plan by the inspector has now ended, therefore, the Plan is nearing adoption and thus should receive adequate weight of consideration;
- The development would adversely affect the green gap between Wrenbury and Wrenbury Heath;
- 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. It is noted that the traffic survey speed has rather conveniently for the application been reduced from the previous application, something which the Council questions as to the validity of the new average speed;
- The width of the road and pavement will be too narrow to provide a safe passage for vehicles and pedestrians. The plans indicate that the pavement will finish in what is the centre of the adjacent hedge, therefore, it will be impossible to achieve the even reduced width being proposed. Department of Highways guidance suggests a clear width of 2000mm allows two

wheelchairs to pass one another comfortably. This should be regarded as the minimum under normal circumstances. Where this is not possible because of physical constraints 1500mm could be regarded as the minimum acceptable under most circumstances, giving sufficient space for a wheelchair user and a walker to pass one another.

- The Parish Council does not believe that this site merits any lower width owing to the narrowness of the highway and the danger of the bend. This pavement will be used by children going to school and the development itself will create more pedestrian journeys.
- People won't walk down this stretch of the road at the moment and that it is likely that school children would have to walk along there to school or the school bus. In the event of an approval of this application despite the local concern, the Parish Council would like to know whether the Borough Council would be liable for any actions for the inevitable accidents that would result.
- The proposal contravenes NPPF35 as the road layout adjacent to the development does not give priority to pedestrian and cycle movements, as it does not create a safe secure layout which minimise conflicts between traffic and cyclists or pedestrians.
- The Borough Council is proposing to reduce the bus service within the village and thus will increase the number of vehicular and pedestrian movements along Nantwich Road.
- The land is identified as Best and Most Versatile agricultural land and thus Grade 3a, which according to the Local Plan and the National Planning Policy Framework directs such developments to lower grade land;
- 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. Wrenbury has already passed its proposed target for development during the Local Plan lifetime;
- 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.
- In summary, the Parish Council urges that this application be refused.

## **REPRESENTATIONS**

Letters of objection have been received from 10 local households raising the following points:

### Principal of development

- The previous application on this site was refused
- The loss of agricultural land and open countryside still apply and do not change as part of this application
- If one off exceptions are made in connection with the open countryside/BMV issue it would set a precedent leading to the convergence of rural villages
- The application site provides an important Green Gap which prevents the coalescence of settlements
- Wrenbury does not need anymore housing development
- There is already large scale housing development in Wrenbury
- There are no benefits to the community only for the landowner
- Employment opportunities in Wrenbury are limited

- Wrenbury has 320 houses and 110 dwellings have been approved on other developments. This is more than proportionate to serve the housing needs.
- The proposal is not sustainable development
- The proposed development is of a poor architectural design
- The Cheshire east Local Plan indicates the primacy of protecting the open countryside

### Highways

- The location of the site means that the proposed site creates a significant danger in road safety terms and it is impossible to see how this can be addressed
- 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 proposed solutions to the previous reason for refusal (cutting back hedgerows which border the carriageway and new speed surveys to suggest a reduction in the visibility splays) are not solutions to deal with the problem
- The application makes assumptions in relation to the hedgerow and that hedgerow growth is equidistant from both sides.
- The hedgerow is already cut back so that it does not encroach onto the carriageway whilst there is more growth on the field side. The proposal to cut back the hedgerow to its centre point is impossible.
- Even if it was possible to cut back the hedgerow the minimum requirements would still not be met for significant sections of the access
- There are serious concerns over conflicts between pedestrians and vehicles (including large agricultural vehicles and buses)
- The validity of the new speed surveys is questionable
- Even if a 5.5m wide carriageway could be achieved it would not be wide enough for large vehicles to pass safely
- The application also includes reduced footpath widths which increase the need for pedestrians to step into the carriageway with a risk of serious accident occurring.
- Whilst guidelines state that 1.5m wide footpaths could be acceptable under certain circumstances the applicant is proposing a reduced footpath width of 1.2m for a distance of 30.6m. In total the footpath is less than 1.5m for a distance of 100m (this constitutes 30% of the total footpath distance from the site to Wrenbury village)
- Public transport links are not adequate in the village
- The proposed development presents a severe risk of danger to pedestrians
- The proposed development will create significant amounts of additional road traffic

- Increase in the risk of accidents
- The condition and capacity of the road network is inadequate
- Open countryside and best and most versatile land should be protected for its own sake
- The development will result in an urbanization of the rural area
- The site is outside the settlement boundary for the NP

### Green Issues

- The proposed development could lead to pollution of the River Weaver
- Impact upon wildlife
- The development has been understated in the applicants Landscape and Visual Assessment
- The hedgerows and trees will lose leaves in winter and this will increase the impact of the development upon visual receptors
- There are a number of views of the site in which the impact will be severe and permanent
- Impact upon biodiversity
- Increase in light pollution
- Increase in air pollution

### 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
- The Doctors Surgery is full

## **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 wording of Policy PG.5 of the Cheshire East Local Plan Strategy is consistent with that of Policy NE.2. It should be noted that on adoption of the Cheshire East Local Plan Strategy – Policy NE.2 will be deleted from the development plan and replaced by Policy PG5. In the recent appeal decision on this site dated 7<sup>th</sup> July 2017 the Inspector afforded ‘*considerable weight to Policy PG5 of the CELPS in decision making terms*’ and that ‘*the proposal would not accord with Policy PG5 of the CELPS and hence would be fundamentally at odds with the development strategy for the area. This significantly weighs against allowing the proposal*’.

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 20 June 2017 Inspector Stephen Pratt published his final report on the Cheshire East Local Plan Strategy, thus bringing the Plan's Examination to a close. He has concluded that with the recommended Main Modifications, the Cheshire East Local Plan Strategy meets the criteria for soundness in the National Planning Policy Framework, and is capable of adoption.

Accordingly a report is being prepared for the full meeting of the Council on 27 July recommending the adoption of the Plan. In the meantime paragraph 216 of the NPPF sets out the guidance on the weight that should be applied to emerging plans. The degree of weight depends on:

- The stage of the Plan (the more advanced the preparation, the greater the weight that may be given)
- The extent to which there are unresolved Objection
- The degree of consistency with the framework.

In the case of the Cheshire East Local Plan Strategy The Plan is now on the cusp of adoption and so is clearly at a very advanced stage. With the publication of the Inspector's report there are no unresolved objections and the Inspector has confirmed that the policies of the plan are consistent with the Framework.

Accordingly, whilst ahead of adoption the Local Plan Strategy cannot be afforded full weight as a development plan, as an emerging plan it must now carry very significant weight.

The Inspector's Report signals the Inspector's agreement to the plans and policies of the plan, subject to the modifications consulted on during the spring of 2016 and 2017. On adoption, all of these sites and policies will form part of the Statutory Development plan. In particular sites that are currently within the green belt will then be removed from that protective designation and will be available for development.

In the light of these new sources of housing supply, the Inspector has now confirmed that on adoption, the Council will be able to demonstrate a 5 year supply of housing land. In his Report he concludes:

*"I am satisfied that CEC has undertaken a robust, comprehensive and proportionate assessment of the delivery of its housing land supply, which confirms a future 5-year supply of around 5.3 years"*

In the run up to adoption, no 5 year supply can be demonstrated and so the presumption in favour of sustainable development will continue to apply.

Given the solution to housing supply now at hand, correspondingly more weight can be attributed to the housing supply policies (as per the Richbrough Supreme Court Judgement). In addition given the progression of emerging policies towards adoption very significant 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 the following view on the status of the Councils emerging Local Plan prior to the recent report;

*“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”*

This conclusion was reached before the Inspector’s Report was published, now his findings are known and adoption is imminent the weight accorded to the emerging plan will be further enhanced.

An update on this position will be made following the outcome of the 27 July meeting.

## **Neighbourhood Plan**

The Wrenbury Neighbourhood Plan is at Regulation 7 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 89 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 27 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 3 x one bedroom, 5 x two bedroom, 1 x three bedroom and 1 x four bedroom dwellings therefore 1, 2 and 4 on this site would be acceptable.

This is a proposed development of 89 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 27 dwellings to be provided as affordable dwellings (18 units should be provided as Affordable Rent and 9 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**

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 3,115sq.m and the indicative plan shows that the developer will provide this with the southern 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 89 dwellings is expected to generate 17 primary aged children, 13 secondary aged children and 1 SEN child.

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 13 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 £212,455.

	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
<b>Secondary Schools</b>											
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

Although there are no tables available for SEN education provision the Councils Education department have confirmed that children in the Borough cannot be accommodated under current provision and some children are currently being educated outside the Borough. A contribution of £45,500 is required based on the increase in population.

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 (1000m) – 500m.

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 the toolkit and will not be as close to the development as existing dwellings which are more centrally positioned. Nevertheless this is not untypical for suburban dwellings and will be the same distances for the residential development in 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.

### **Noise Implications**

The application site is located adjacent to a railway line, industrial estate and main road, all of which could have a noise impact upon the amenity of the future occupants of the development.

The applicant has submitted an acoustic report in support of this outline application. The report demonstrates that with appropriate mitigation the development can be made acceptable with respect to noise.

## **Air Quality**

The proposed development is not close to any air quality management areas (AQMAs) and an air quality assessment was not deemed necessary. In order to mitigate this development conditions in relation to a travel plan, 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.

Nantwich Road is a C-class road and the main road into and out of Wrenbury. In relation to the use of Nantwich Road the Inspector who dismissed the appeal as part of application 16/2433N stated that *'As part of my site visit, I was able to witness a steady flow of traffic in both directions including the use of agricultural vehicles: I do not consider that it would be reasonable to consider that this C-class road is lightly used'*.

During pre-application discussions on this application it was agreed that a reduced footway width to 1.5m, and a further reduction to 1.2m for a short section would be acceptable. Whilst a 1.5m wide footway is shown there is concern at how much hedging is to be removed to accommodate it. While the principle of hedge trimming is standard practice and accepted in principle, the proposal goes beyond just trimming. In large parts hedging is removed to almost the roots and there are concerns on the practicality of maintaining this given that the footway widths will already be below standard.

On parts of the route the footway is a few centimetres from or flush with, the centre of hedge which would effectively mean the removal of the hedge. This would require the permission of the owner of 3<sup>rd</sup> party land and without this the footway is undeliverable.

CEC guidelines and soon to be adopted standards state that, a 1.2m wide footway should not continue for more than a 6m length. The 1.2m footway proposed as part of this application continues for just over 30m and for a further 70m it is below 1.5m with the remaining footway being below 2m for the whole of its length. This is not acceptable and is supported by the comments made in the appeal decision on this site where the inspector stated that;

*'The proposed new pavement on Nantwich Road would be less than 2.0 metres and in some places would be as narrow as 1.2 metres. This would not represent a safe environment close to a relatively busy vehicular thoroughfare. In particular, it would be very difficult for those in a wheel chair and/or with push chairs to pass, thereby forcing people into the carriageway to the detriment of highway safety'*

### Carriageway Width

In order to accommodate the proposed footway referred to above the plans show a reduced 5.5m width carriageway from the site access into Wrenbury. At around 170m from the site access the carriageway would be flush with the centre of the hedge which again calls into question the deliverability of the proposal. For the whole length of the proposal additional hedging would need to be removed to accommodate vehicle overhang. This would not be deliverable in large parts and in addition would require the removal of more hedging to almost its centre, calling into question of the practicality of maintenance. The proposed carriageway is therefore unacceptable.

The existing carriageway of Nantwich Road is not at 6.0 metres for all of its length. However it is almost 6.0 metres for the most part and the Inspector stated as part of the previous appeal decision *'that a further narrowing of the carriageway would result in unacceptable conflicts between two passing buses'*.

This application proposes narrowing the carriageway for a large part of it and also includes the issue of no vehicle overhang which would further reduce the practical width of the carriageway. The proposed carriageway width is not acceptable and the following conclusion made by the Inspector applies to this application;

*'the submitted vehicular access details are not acceptable as, owing to the resultant carriageway widths on Nantwich Road, there would be potential for there to be unacceptable conflicts where larger vehicles are involved. In these cases, the proposed carriageway works would result in an unacceptable interruption in the free flow of traffic and this in turn could lead to severe traffic congestion issues. In addition, the narrowness of the carriageway may catch some drivers out thereby leading to serious accidents'*

### Safe and Suitable Access

On the previous application the concerns relating to this were overcome with some additional information. On this application it is not clear if the proposed access exactly reflects that of the previous application and additional speed surveys have also been carried out. The speed surveys for this application indicate design speeds of just under 30mph. These speed survey results are not accepted as they are quite a bit lower than those shown in application 16/2433N, which are considered more reflective of the design speeds.

The application boundary is not shown on the plan with the visibility splays, and the footway on these plans seems to differ to that on the other submitted plan 'Proposed Carriageway/Footway (NRW-001). The eastwards splay should also be drawn to the tangent of edge of carriageway. The plans are unclear and it is not known if the visibility splays are deliverable. Forward visibility for those turning right into the site (and those approaching from the east) has also not been shown.

### 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 Road 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. This is supported by the following conclusion by the appeal Inspector;

*'I therefore conclude that the proposal would have a very significantly adverse and severe impact upon matters of highway safety and the free movement of vehicles. Therefore, the development would not accord with saved Policy BE.3 of the RLP; Policies SD1 and SD2 of the emerging CELPS; paragraph 32 of the Framework and technical guidance in MFS'*

### **Trees/Hedgerows**

#### Trees

Since the earlier application, a number of trees to the south and west of the site have been afforded the protection of the Wrenbury, Land to the south east of Nantwich Road TPO 2017.

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.

The new access to the site would impact on the mature roadside Oak tree. This tree has not been included in the TPO due to its proximity to utilities apparatus. A tree protection plan is provided for the roadside Oak tree which would be retained.

Subject to protective measures, the location of the riverside trees in POS should allow their long term retention (including the majority of the TPO trees). The indicative layout could be improved



in respect of the mature Oak tree on the western boundary which is now subject to TPO protection. This could be addressed by layout amendment at reserved matters stage

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

### Hedgerows

The additional proposed highway improvements now proposed would impact upon roadside vegetation between the site and Wrenbury village. The impacts have not been assessed in the submitted AIA and this matter needs to be addressed prior to determination.

It is clear that with the carriageway/footway shown encroaching up to the centre line of the base of existing hedges in sections; there must be a high risk of damage to the hedgerows which may result in losses. This would have impacts on the street scene in this rural location. Hedgerow loss would need to be considered under the Hedgerow Regulations 1997.

The high risk of hedgerow loss and damage leads to landscape concerns which are considered in the landscape section below and the proposal would exacerbate the Inspectors concern that the *'proposed footpath along Nantwich Road would introduce a very urban feel to the otherwise very rural stretch of road and would have the effect of visually extending the built up settlement of Wrenbury into the countryside'*.

### **Landscape**

The application site of roughly triangular 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.

In this case the Inspector who dismissed the recent appeal on this site considered the loss of open countryside and landscape impact. The Inspector stated that;

*'I consider that with mitigation, including careful design details at reserved matters stage and appropriate tree/hedge planting and public open space to the south, some of the adverse effects upon the landscape character could be reduced to no worse than a moderate adverse significance. In particular, the effect of the proposal upon longer distance views would not be significantly adverse. However, even with mitigation the development would still cause some harm to the landscape character, beauty and visual aspects of this countryside location particularly when viewed from more localised viewpoints'*

And that *'the introduction of about 80 dwellings would seek to urbanise the environment to the detriment of the character and appearance of this countryside location'* the Inspector then concluded that *'there would be direct conflict with the landscape character, countryside and sustainability aims of saved Policies NE.2 and RES.5 of the RLP and Policy PG 5 of the CELPS'*.

## **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 19 dwellings per hectare this is consistent with the surrounding residential areas of Wrenbury.

In this case 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), the Cheshire East Design Guide 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.

## **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 Council's 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. 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. 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 it is recommended 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. 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 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

In this case it should be noted that upon adoption of the Cheshire East Local Plan Strategy Policy NE.12 will be deleted from the Development Plan and the requirements for agricultural land will be Policies SE2, SE4, SD1 and SD2.

In relation to BMV SD1 states;

*'Make efficient use of land, protect the best and most versatile agricultural land and make best use of previously developed land where possible'*

SD2 states

*'Avoid the permanent loss of areas of agricultural land quality of 1, 2 or 3a, unless the strategic need overrides these issues'*

SE2 states;

*'Development should safeguard natural resources including high quality agricultural land (grades 1, 2, and 3a), geology, minerals, air, soil and water'*

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. This is consistent with the inspectors decision on this site where he concluded that;

*'I conclude that the loss of 4.7 hectares of agricultural land would not be significant in terms of the Framework. The proposal would nonetheless conflict with Policy NE.12 of the RLP and this is a matter for the planning balance rather than a determinative issue'*

## **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 and SEN places in the area and there is very limited spare capacity. In order to increase capacity of the secondary and SEN 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 Policies NE.2 and RES.5 of the Crewe and Nantwich Replacement Local Plan 2011 and Policy PG5 of the CELPS and the development would result in a loss of open countryside. However as Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites and the presumption in favour of sustainable development applies at paragraph 14 of the Framework where it states that LPA's should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

The benefits in this case are:

- The development would provide benefits in terms of much needed affordable housing provision and would help in the Councils delivery of 5 year housing land supply.
- 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.
- 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 with a significant conflict with Policy PG5 (considerable weight is attached)
- Some adverse impact upon the visual character and openness of the landscape/countryside
- The loss of agricultural land (this does not weigh heavily against the development as per previous appeal decisions)
- There would be very significant and severe harm that would be caused to matters of highway and pedestrian safety and the free flow of traffic

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 and the technical guidance within Manual for Streets, 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), NE.5 (Nature Conservation and Habitats) and RES.5 (Housing in the Open Countryside) of the Crewe and Nantwich Replacement Local Plan, Policies PG5 (Open Countryside), SD1 (Sustainable Development in Cheshire East) and SD2 (Sustainable Development Principles) 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. Furthermore the development including the hedgerow loss as part of the proposed highways works would have some adverse impact upon the visual character and openness of the landscape/countryside. As such it creates harm to interests of acknowledged importance.**

**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 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 £212,455 and a SEN Contribution of £45,500**



