

Application No: 18/0945N

Location: LAND NORTH OF, CHOLMONDELEY ROAD, WRENBURY, CW5 8GZ

Proposal: Construction of 68 dwellings, means of access, landscaping and associated works

Applicant: Wainhomes (North West), Mr D Young, Mr D Hatton & Mrs L K Hatton

Expiry Date: 01-Jun-2018

SUMMARY

On 27th July the Council adopted the Cheshire East Local Plan Strategy therefore the Council have demonstrated that they have a 5 year supply of deliverable housing sites.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.” The National Planning Policy Framework, which is the Secretary of State’s guidance, also advises Councils as to how planning decisions should be made. The ‘presumption in favour of sustainable development’ at paragraph 14 of the NPPF means “approving development proposals that accord with the development plan without delay”

The proposal would be contrary to Policy PG6 of the CELPS, RES5 of the Crewe and Nantwich Local Plan and HOU2 of the WNP as it is not listed as an appropriate form of development in the open countryside and therefore represents a departure from the adopted Local Plan.

The benefits of the proposal would be the provision of open market housing and affordable housing, POS and the limited economic benefits during construction.

The development would have a neutral impact upon, ecology, trees, flooding, living conditions, air quality and contaminated land.

The dis-benefits would be the loss of open countryside/landscape harm. Loss of community Green Space and Agricultural Land. Insufficient information has also been provided to consider the full flood risk/drainage and ecological impacts of the proposal.

As a result the application is recommended for refusal.

RECOMMENDATION

REFUSE

PROPOSAL

The proposal seeks full planning consent for the construction of 68 dwellings, means of access, landscaping and associated works.

The proposal would provide the following housing mix:

- 6 x one bed room apartments
- 20 x three bedroom properties
- 39 x four bedroom properties
- 3 x five bedroom properties

Access would be taken to the south from Cholmondeley Road.

A buffer would be retained between the northern and southern boundaries off the site.

SITE DESCRIPTION

The application site relates to an existing open field sited off Cholmondeley Road.

The site sits towards the edge of the village but has development to the east and west.

The application site is fairly flat. There are a number of hedgerows running through the site and a small number of trees predominantly to the eastern and northern boundaries.

The Shropshire Union Canal (Llangollen Branch) is located to the north of the site and a public footpath is sited to the east of the site.

The site is designated as open countryside as per the Local Plan. The Wrenbury Conservation Area is located to the south and crosses the southern section of the site. There are also a Grade II* Listed Church to the south-east of the site and Grade II* Listed Bridge to the north.

The Wrenbury Neighbourhood Plan has reached Regulation 16 stage and therefore should be attributed moderate weight.

RELEVANT HISTORY

Previous consents relating to use of land for animal shelters and recreational purposes but these are not relevant to the current application. The most relevant applications are:

17/0423S – EIA Screening Opinion for circa 120 dwellings – Not required 15-Mar-2017

14/1579N – 2.37 hectare 200 berth marina basin with pump out facilities, lighting and landscaping, fuel pump and storage, waste pump out; a new canal connection to the Llangollen canal with new tow-path bridge over canal connection; a main sewer connection; a facilities building to include the following incidental/ancillary uses: boat hire/time share and brokerage; management offices, toilets, showers and

laundry block and cafe with retail space and public toilets; chemical effluent and household waste recycling facilities; and existing site access onto Cholmondeley Road to be upgraded to highways standard to serve a new internal road to car parking and services areas; diversion and enhancement of public footpath no. 3, wildflower meadow and bat/barn owl tower (Resubmission of 13/4286N) – Refused 19-Sep-2014 but allowed at appeal 16-Jun-2015

13/4286N – 2.37 Hectare 200 berth marina basin with pump out facilities; lighting and landscaping, fuel pump and storage and waste pump out; a new canal connection to the Llangollen canal with new towpath bridge over connection; a main sewer connection; a facilities building to include the following incidental or ancillary uses: boat hire/timeshare and brokerage; marina management offices; toilet, shower and laundry block; and cafe with retail space and public toilets; chemical effluent and household waste disposal/recycling facilities; an existing site access on to Cholmondeley Road to be upgraded to highways standard to serve a new internal road to car parking and service areas; diversion and enhancement of public footpath no. 3 – Withdrawn 16-Jan-2014

ADOPTED PLANNING POLICY

Wrenbury Neighbourhood Plan (WNP) – Regulation 16 stage

Policy HOU2 – Location of new residential development

Policy HOU3 – Housing Mix and Type (new homes on developments of 10 or more should be limited to one-third detached properties)

Policy LC1 – Character and Design (makes ref to landscape)

Policy LC2 – Important Views and Vistas

Policy LC3 – Landscape Character

Policy LC4 – Natural Environment and Biodiversity

Policy INF1 – Infrastructure

Policy INF2 – Foul and surface water drainage

Policy HER1 – Built Heritage and Conservation Area

Policy CF1 – Local Green Spaces (site is protected local green space)

Policy CF2 – Community Facilities

Policy TR2 – Sustainable Transport

Policy TOU1 – Tourism

Development Plan

The Development Plan for this area comprises of the Cheshire East Local Plan Strategy (CELPS) and the Congleton Borough Local Plan First Review 2005.

Cheshire East Local Plan Strategy (CELPS);

MP1 – Presumption in Favour of Sustainable Development

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

SE1 – Design

SE2 - Efficient Use of Land

SE3 - Biodiversity and Geodiversity

SE4 - The Landscape

SE5 - Trees, Hedgerows and Woodland

SE7 – The Historic Environment
SE9 - Energy Efficient Development,
SE12 - Pollution, Land Contamination and Land Instability
IN1 – Infrastructure
PG1 - Overall Development Strategy
PG2 – Settlement Hierarchy
PG6 – Open Countryside
PG7 – Spatial Distribution
SC4 - Residential Mix
IN2 – Developer Contributions
SC1 – Leisure and Recreation

Crewe and Nantwich Local Plan (CNLP) Saved Policies;

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.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
BE.6 (Development on Potentially Contaminated Land)
RES.5 (Housing in the Open Countryside)

Other Material planning policy considerations

National Planning Policy Framework ('The Framework');

The relevant paragraphs include;

11. Presumption in favour of sustainable development.
59. Delivering a Sufficient Supply of Homes
124-132. Achieving well-designed places

CONSULTATIONS

CEC Head of Strategic Infrastructure (Highways) – Objection as the proposed access is not acceptable and insufficient information has been submitted to assess the relocated access, and parking provision for a number of properties is below standard

CEC Environmental Protection – No objections, subject to a number of conditions/informatives including; noise report, piling, construction management plan, construction hours, electric vehicle charging, dust, boilers, contaminated land

CEC Flood Risk – No objection subject to conditions regarding detailed proposals for disposal of surface water and detailed drainage calculations

CEC Education – No objection subject to a contribution of £208,927.00 towards secondary education and SEN

CEC Open Space (ANSA) – No comments received at the time of writing the report

CEC Housing – Objection as although the proposal advises that 30% affordable housing would be provided no details of the mix (intermediate/social) has been provided or details of where the units will be located on the site or how they would be pepper potted around the site

CEC Public Rights of Way (PROW) – There are no recorded PROW in the site. However they require condition 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.

Environment Agency – The proposed development site falls within Flood Zone 1 and therefore should be redirected to the Lead Local Flood Authority as it falls outside our remit.

Archaeology – No objection subject to condition requiring a programme of archaeological mitigation

United Utilities - No objections subject to conditions regarding foul and surface water drainage and surface water drainage scheme

Canal and Rivers Trust – No objections subject to condition requiring details of new pedestrian access points to the canal towpath, landscaping and maintenance plan for the northern buffer and financial contribution towards the upkeep and upgrade of the canal footpath.

Town/Parish Council –

Marbury Parish Council – Object as the Council is concerned that the site is situated in Open Countryside and a large percentage is within the Conservation Area thus implying that Local and National safeguarding of both is not relevant and can be ignored. If this development is allowed the implications for all Greenfield and Conservation Areas is extremely worrying to say the least.

Wrenbury Cum Frith Parish Council – Object as the proposal is sited in the open countryside, nearby appeals for housing development were also refused planning permission, the marina development of the site was approved given economic and creational benefits which the proposal does not have and harm to the historic setting.

Ward Councillor – No comments received at the time of writing the report

MP Antoinette Sandbach – Supports the objections of local residents/parish Council on the grounds of:

- Siting in the open countryside
- Harm to local infrastructure
- Not an allocated housing site

REPRESENTATIONS

X80 letters of objection received regarding the following:

- Loss of open countryside
- Increase in traffic
- Pollution

- Impact on local infrastructure such as doctors, schools, shops
- No need for more housing in the village
- Site is used for activities by the villagers
- Housing has greater visual impact than the consented marina
- Wrenbury does not need this site to meet its housing allocations
- Harm to appearance/character of the village
- Harm to appearance/character of the Conservation Area and setting of the Listed Building
- Contrary to the Neighbourhood Plan
- No houses for the elderly proposed
- Drainage issues
- Impact to local wildlife
- Noise disturbance
- Reduction in broadband speed
- Water pressure
- Loss of tourist income
- Contaminated land
- Additional weight of traffic on existing bridge
- Not a sustainable site
- Precedent for more housing
- Harm to local business
- Loss of farmland
- Light pollution
- Bovis development still has many properties remaining hence this proposal is not needed

APPRAISAL

Principle of Development

The site lies largely in the Open Countryside as designated by the Adopted Cheshire East Local Plan, where policy PG6 states that within the Open Countryside only development that is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Exceptions may be made where there is the opportunity for limited infilling in villages; the infill of a small gap with one or two dwellings in an otherwise built up frontage elsewhere, affordable housing or where the dwelling is exceptional in design and sustainable development terms. WHP Policy HOU2 has similar restrictions and also notes proposal will not be supported which negatively impact on the open countryside and in particular between Wrenbury Frith, Wrenbury Village and Wrenbury Heath. The current proposal is located just off the settlement boundary would therefore impact on the countryside of Wrenbury village.

Policy PG2 also advises that in the Local Service Centres, small scale development to meet needs and priorities will be supported where they contribute to the creation and maintenance of sustainable communities. In this instance the creation of 68 properties in the small village of Wrenbury is not considered to be small scale when considered in the context of the existing settlement.

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 27th July 2017 the Council adopted the Cheshire East Local Plan Strategy. Accordingly the Cheshire East Local Plan Strategy forms part of the statutory development plan.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. This is the test that legislation prescribes should be employed on planning decision making. The ‘presumption in favour of sustainable development’ at paragraph 11 of the NPPF means: “approving development proposals that accord with an up to date development plan without delay”

The Cheshire East Local Plan Strategy is a recently adopted plan. Upon adoption, the Examining Inspector concluded that the Local Plan would produce a five year supply of housing land, stating that “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”.

The Cheshire East Local Plan Strategy (LPS) was adopted after a lengthy examination and was produced through engagement with stakeholders who have an impact upon housing delivery. The adopted plan incorporated the recommendations of the Secretary of State. In accordance with paragraph 74 of the NPPF and footnote 38, the LPS should be considered ‘recently adopted’ until 31 October 2018 and full weight should therefore be given to the findings of the Inspector in confirming that the Local Plan would produce a five year supply of housing land.

The Council continues to monitor housing delivery and housing land supply, publishing its annual assessment through the Housing Monitoring Update. This report provides information on the delivery of sites and the supply of housing land to an annual base date of the 31 March. The most recent Housing Monitoring Update (base date 31 March 2017) was re-published in December 2017 and this confirmed a housing land supply of 5.45 years. The Housing Monitoring Update (base date 31 March 2018) is currently being produced and this is likely to show a continued positive direction of travel in relation to completions and commitments since the previous annual assessment.

The Council’s published housing land supply position has been subject to thorough scrutiny at a number of planning appeals since the LPS was adopted. The most recent of these to report involved an appeal by Gladman Developments for 46 homes at New Road Wrenbury. Here the Council’s housing land supply assessment was fully updated, looking afresh at the latest position on key sites and the housing sector generally. This appeal was dismissed on the 10th April 2018 with the Inspector finding that the Council could demonstrate a deliverable 5 year housing land supply.

In the light of the above, relevant policies for the supply of housing should be considered up-to-date – and so consequently the ‘tilted balance’ of paragraph 11 of the NPPF is not engaged.

Housing Mix

Paragraph 61 of the Framework states that 'the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes'.

Policy SC4 of the submission version of the Local Plan requires that developments provide an appropriate mix of housing (however this does not specify a mix). This is echoed within the SNP Policies H3 (Housing Mix and Type) which states that housing should be designed to provide a mix of houses to meet identified need (e.g. affordable housing, starter homes and provision for housing an ageing population) and Policy H4 (Housing and an Ageing Population) which states that developments will be supported that provide suitable, accessible houses.

The proposal provides the following mix of housing:

- 6 x one bed room apartments
- 20 x three bedroom properties
- 39 x four bedroom properties
- 3 x five bedroom properties

Neighbourhood Plan Policy HOU3 advises that unless viability, any updated housing needs survey or other material considerations show a robust justification for a different mix, in order to redress the imbalance of the current housing stock and ensure an appropriate mix of housing in Wrenbury to meet local needs, new homes on developments of 10 or more should be limited to one-third detached properties. The remainder (both market and affordable) should provide for smaller homes, bungalows, apartments, terraced or semi-detached, and provide for the changing needs and life-styles of an ageing population.

On this site of 68 dwellings to meet this policy only 22 houses should be detached. In this instance 44 of these are detached properties. This equates to 64% which is more than one third. The only exception to this is where a housing needs survey or other considerations shows a justification for a different mix.

No evidence/justification has been put forward by the applicant to suggest why this mix should be acceptable. The SHMA 2013 shows the majority of the demand annually up to and including 2018 in Wrenbury is for 15x 2 bedroom and 12x 4 bedroom dwellings for general needs. The SHMA is also showing an annual need for 2x 1 bedroom older persons dwellings.

The current number of those on the Cheshire Homechoice waiting list with Wrenbury as their first choice is 35. This can be broken down to 12x 1 bedroom, 13x 2 bedroom, 8x 3 bedroom and 2x 4+ bedroom dwellings. On this site therefore a mix of 1, 2 and 3 bedroom dwellings with a 2 bedroom older person provision is required.

So of those 44 detached dwellings, x3 are 5 bedroom properties, x10 are 3 bed properties and x31 are 4 bed properties. It is clear from the sub text of HOU3 that the aim is to provide smaller accommodation with particular need for the elderly. It is clear therefore that the majority of the detached properties will provide for larger 4 bedroom properties which are not considered to be smaller properties and thus there is no justification for a different housing mix.

The proposal is therefore contrary to Policy HOU3 of the WNP.

Affordable Housing

This is a full application for 68 dwellings and there is a requirement for 30% of dwellings to be provided as affordable dwellings. In order to meet the Council's Policy on Affordable Housing there is a requirement for 20 dwellings to be provided as affordable dwellings.

As part of this development 13 units should be provided as Affordable rent and 7 units as Intermediate tenure.

However no details have been provided regarding how the housing mix will be split, where the dwellings will be located on site or how they will be pepper potted around the site.

Therefore insufficient information has been provided to determine compliance with affordable housing policies.

Open Space

The Design and Access Statement submitted with this application states that the development would provide areas of public open space. These are shown as being to the northern and southern ends of the site.

This development requires 4030 sqm each of children's play, Amenity Green Space (AGS) and Green Infrastructure (GI) Connectivity.

At present no comments have been received from the Councils Open Space team regarding the acceptability of the Open Space. This will be provided in the update report.

Should this be acceptable the open space provision will be secured as part of a S106 Agreement.

Local Green Space

The proposed development would result in the loss of the majority of an area of land designated as Green Open Space in the Wrenbury Neighbourhood Plan. Part of the site is also currently in use as a caravan/camping site.

The Neighbourhood Plan makes it clear that these sites are protected from new development unless very special circumstances can be demonstrated or where development supports the role and function of the Local Green Space. It also advises that proposal which affect ability to attract visitors to the village will not be supported.

No very special circumstances have been put forward and the loss of the majority of the site would clearly affect the role and function as the space would be significantly reduced making it difficult to carry out its existing community/tourism function.

Education

An application of 68 dwellings is expected to generate 12 primary aged children, 10 secondary aged children and 1 SEN child.

In terms of primary school education, the proposed development would be served by six local primary schools.

The development is expected to impact on secondary school places in the immediate locality. Contributions which have been negotiated on other developments are factored into the forecasts both in terms of the increased pupil numbers and the increased capacity at primary schools in the area as a result of agreed financial contributions. The analysis undertaken has identified that a shortfall of secondary school places still remains.

Special Education provision within Cheshire East Council currently has a shortage of places available with at present over 47% of pupils educated outside of the Borough. The Service acknowledges that this is an existing concern, however the 1 child expected from the Land North of Cholmondeley Road application will exacerbate the shortfall. The 1 SEN child, who is thought to be of mainstream education age, has been removed from the calculations above to avoid double counting.

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

$10 \times £17,959 \times 0.91 = £163,427.00$ (secondary)

$1 \times £50,000 \times 0.91 = £45,500.00$ (SEN)

Total education contribution: £208,927.00

This will be secured as part of a S106 Agreement.

Health

In this case there has been no request for a contribution from the NHS and on this basis the impact upon health care provision is considered to be acceptable.

Location of the site

Both policies SD1 and SD2 of the CELPS refer to supporting development in sustainable locations. Within the justification text of Policy SD2 is a sustainable development location checklist.

In this instance the design and access statement has done a brief appraisal of the location in terms of sustainability. This concludes that the some local amenities are available within the immediate location offering services such as Wrenbury Primary School, Wrenbury Sports Ground and Club, Cotton Pub and Dusty Miller Pub. A post office and local Places of Worship are also available.

The closest bus stops to the site are located on 300m away on Nantwich Road to south of the site. This can be accessed by public footpath. Services here run to Nantwich Town Centre on the 72 service approximately every hour. Wrenbury railway station is located approximately 1km from the site and provides services to Crewe, Shrewsbury, Cardiff, Chester, Manchester Piccadilly, Carmarthen, Birmingham and Swansea.

As a result it is considered that the site would be locationally sustainable.

The site was also deemed to locationally sustainable through approval of the development to the south and as such it would be difficult to argue that the site across the road is not sustainable.

Residential Amenity

The main residential properties affected by this development are the caravan site to the north, The Cotton Arms pub to the west properties to the east (The Old Vicarage, Beechcroft, Chruch Farm Bungalow and 8-9 Chruch Farm).

The nearest proposed properties to the northern and western boundaries would be sited 21m at the closet point to the boundaries to The Cotton Arms Pub and the caravan site. The nearest proposed properties to the southern boundary would be sited well in excess of the recommended 21m interface distance. As a result the proposed distances comply with the recommended interface to prevent significant harm to living conditions.

Plots 41 and 40 are the closest plots to the south western boundary. Plot 41 would achieve a 21m interface distance to properties on Church Farm in a main face to main face relationship which is compliant with recommended interface distances. Plot 40 would achieve an 18.5m interface to the closet property on Church Farm in a main face to non main face relationship. In these instances of a side to rear relationship the recommended interface is 13.5m which is achieved in excess here thus preventing any significant harm to living conditions. It would however necessary to condition that any side facing windows be fitted with obscure glazing to prevent overlooking.

Environmental Protection have also raised no objections subject to conditions regarding noise report, piling, construction management plan, construction hours, electric vehicle charging, dust, boilers, contaminated land.

The majority of plots would provide more than the minimum 50sqm of private amenity space as noted in the SPD. Plots 57, 56, 10, 11, 12 & 13 would fall shy off the recommended minimum however there would be at least some amenity space in which to undertake basic activates such as outside siting areas and dying of clothes etc. This shortfall would need to be weighed in the overall planning balance.

As a result it is not considered that the proposal would cause significant harm to living conditions of neighbouring properties.

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 the decision notice of any approval.

Highways

Transport Assessment Safe and suitable access

The access to the development is proposed to be opposite the access of the recently constructed residential development of 65 units on the opposite side of Cholmondeley Road. Cholmondeley Road is a C-class road and the main road through the village.

The principle of having a vehicle access along this section of Cholmondeley Road is accepted and visibility is sufficient but having 2 accesses opposite each other for developments of these sizes is considered to be unsafe. The applicant has agreed with this and an amended access location was agreed in principle, but an updated plan has not been formally submitted, and it has therefore not been possible to make an informed assessment on it.

The proposal would connect with the existing pedestrian infrastructure and provide a safe pedestrian access to nearby services and bus stops.

Network Capacity

The forecast trips rates in the TA are considered to be low and are lower than those forecast for the development on the opposite side of Cholmondeley Road. Nevertheless, the highways impact on the local road network capacity will be minimal.

Layout

The application is in full and the layout is also considered. The internal dimensions of the garages have not been provided and it is therefore not possible to determine if some of the properties accord with CEC parking standards. There are also a number of other properties without garages that do not conform to the parking requirements.

The access road within the site is to standard at 5.5m which is then followed with a focal square and shared space. The principle of this is accepted and does not raise safety concerns. There is sufficient turning area within the site for refuse vehicles. If approved the applicant may have difficulties in adopting sections of the layout but this is a matter post planning.

Conclusion of highways issues

It has been agreed with the applicant that the proposed access is not acceptable but insufficient information has been submitted to assess the relocated access, and parking provision for a number of properties is below standard.

Landscape

A Landscape and Visual Impact Assessment has been submitted as part of the application, this indicates that it has been based on the Guidelines for Landscape and Visual Impact Assessment, third edition (GLVIA3). The assessment identifies the National Character Area (NCA) – Shropshire and Staffordshire Plain and that in the Cheshire Landscape Character Area that the site is situated in the East Lowland Plain, and specifically in the Ravensmoor Character Area (ELP 1). The assessment also identifies that the site is relatively flat and the character of the applications site as being agricultural land that consist of four fields used for pastoral agriculture. The site has a number of hedgerows, with some fencing as well as a number of hedgerow trees and a number of tree groups. The assessment also identifies that a footpath runs adjacent to the site (Footpath 3 Wrenbury cum Frith). Footpath 25 Wrenbury cum Frith follows the route of the Llangollen Canal to the north of the applications site.

The assessment identifies that part of the site lies within the boundary of the conservation area, and that there are no landscape designations in the locality. The landscape assessment indicates that the significance of effect on landform and drainage would be neutral; substantial-moderate adverse for land

cover and land use; neutral for vegetation and landscape features; neutral for settlement pattern and moderate adverse for the overall landscape character. The visual assessment for the 15 receptors identifies the visual effects at construction, after year 1 and at year 15 and identifies that for a number of receptors there would be substantial- moderate effects even after 15 years (receptors 2 and 14), that there would be moderate effects for receptors 1 and 7, and moderate – slight for receptor 12, effects for the remainder are identified as slight - receptors 3, 4, 6, 8, 9 and 15, and neutral for receptors 5, 10, 11 and 13.

The assessment indicates that mitigation will be achieved through the retention and reinforcement of the majority of existing structural vegetation and by supplementary planting to external boundaries; proposed planting is shown on the Soft Landscape Proposals 1-5 (Drawings CRM.1219.004.L.D.027-31).

The Councils Landscape Officer has reviewed the proposal and while he broadly agrees with the landscape and visual assessment, he also agrees with the assessment summary, which states that 'The development would essentially substitute the green and rural character with built form, extending the urban arrangement of the village and reducing the perception of neighbouring farmland' (8.1.8) ; it is also clear from the assessment that even with mitigation, and after a period of 15 years, that there would still be adverse landscape and visual effects.

The assessment identifies that the site is located within the open countryside, Policy PG 6 – Open Countryside seeks to protect open countryside from urbanising development. It recognises the intrinsic character and beauty of the countryside, which is consistent with one of the core planning principles in paragraph 17 of the Framework. Policy PG 6 only permits development in the Open Countryside for certain essential or limited purposes appropriate to the rural area, and that in this regard identifies that particular attention should be paid to design and landscape character so the appearance and distinctiveness of the Cheshire East countryside is preserved and enhanced. Since the submitted assessment identifies that some landscape and visual effects will remain adverse, even after a number of years, it is not clear how the proposed development will either preserve or enhance the appearance and distinctiveness of the Cheshire East countryside; as such the development does not appear to conform with Policy PG 6.

A Landscape and Settlement Character Assessment (LSCA) was also undertaken to provide evidence for the Neighbourhood Plan and this highlighted how the size and design of some of the more recent housing developments in Wrenbury have not been in keeping with the rural character.

Additionally, the LSCA undertook topography and landscape visual capacity analyses of the Parish. The results showed that the visual capacity of the landscape to accommodate new buildings immediately surrounding the village is limited, as the area is generally rather flat, and despite a good network of hedgerow boundaries and relatively small fields the long range visibility remains high.

The LSCA recommends that the scale of any further residential development is considered to be important to preserve the character of the village. As the study showed that there is limited visual capacity of the landscape to absorb new developments on a large scale and that the landscape is sensitive to change, individual or small numbers of dwellings (less than ten) within the settlement boundary are considered more in keeping than larger new estates, and easier to integrate.

This further highlights the sensitivity of the landscape to significant visual change and the inability of the proposal to blend in the landscape without causing significant visual harm.

Countryside

The application site is currently free from development and makes a significant visual contribution to the appearance of the open countryside as it acts as a visual buffer between the built form to the northwest and southeast.

The proposal would however result in the loss of this space and close this existing gap. It would also extend/encroach much deeper into the open countryside to the north than that of the existing cluster of development to the both sides of the site. The combined impact would be harmful to the appearance of the open countryside by preventing views from north to south and resulting in a significant urbanising effect on this open site. The impact would be seen from the wider setting to the north and south and from the canal and footpath to the north and the public footpath to the east.

Whilst it is noted that to the south of the site a development is currently under construction which would provide a large cluster of properties this site sought to site the properties to the rear of an existing cluster which is not the case here as it would utilise land which is currently undeveloped. It was also approved at a time when the Council were unable to demonstrate a 5 year housing land supply which is again not the case here. It is also worth noting that this development left the land to the west of this site free from development which allows views from that site through to the current application site. Again the proposal would result in the loss of this space.

As a result the proposal would cause harm to the open countryside.

Trees

The application is supported by a detailed Arboricultural Survey, Impact Assessment, and Method Statement.

The survey identifies twenty three individual trees and seven groups located both on and off site; these are mainly moderately low value specimens with only two high value specimens (T14 & 15) recorded. A number of the trees included within the survey are associated with the property known as The Vicarage including T14 are protected as part of the Crewe and Nantwich Borough Council (Wrenbury No2) Tree Preservation Order 198, with the Wrenbury Conservation Area protecting those outside the TPO.

The development proposals require the removal of three trees (T11, 12, and 20) to facilitate construction of the proposed dwellings and the associated infrastructure; these are moderately low value trees which present a number of physiological problems; their loss is not contested. The retained trees identified within the report are all located around the periphery of the proposed development, and within adjacent residential gardens; the proposed development respects the requirements of current best practice BS5837:2012, with adequate space available to accommodate predicted growth patterns.

Tree protection details have been included but these do not fully reflect the requirements of BS5837:2012 where Root Protection Areas (RPA) extends into the site. In order to prevent accidental damage the tree protection scheme needs to be expanded and this can be addressed by condition.

The application is also supported by a detailed hedgerow assessment. The report identifies twelve hedgerows ten of which are categorised as important (historic, and or ecological) in terms of the 1997 hedgerow regulations. Only two sections (H6 & H8) of hedgerow have been identified for removal resulting in approximately 330 linear metres being lost, this has been identified in the report as “significant adverse

permanent irreversible impact"). The report proposes compensatory hedgerow planting of 330m of hedgerow.

It is noted that in the Soft Landscaping Drawing (number CRM.1219.004.I.D.028) a section of proposed hedgerow lies along the boundary section currently occupied by the existing hedgerow section known as H10 in the report. Further clarification is therefore sought as to how much hedgerow will be lost/retained/replaced and where this will occur.

Design

Assessment against BfL12

A summary design assessment has been undertaken to evaluate the scheme in design terms. Using BfL12, it has identified that 3 criteria are considered to be green (acceptable), 6 amber (requiring further investigation or amendment), 3 red (unacceptable). The reds relate to Connections, Working with the Site and its Context, and lastly, External Storage and Amenity. In summary the main issues are:

- An inadequate level of connection and integration of the development into the existing village. This proposed extension to the village will urbanise and develop land that is Glimpse view of church and conservation area through hedgerow alongside canal important in the context of the village and will not read as a natural, organic phase of growth to the village. The landscape buffers introduced to soften the interface could also introduce an alien form of landscape treatment
- Development of the site will lead to the loss of open farmland and significant hedgerows that help to define this area as attractive countryside and as a backdrop to the village, its conservation area and individual heritage assets. It will also disrupt longstanding views and interrelationship between the farming village and the Shropshire Union Canal
- The proposal will result in an urbanising character of development on the periphery of the village and includes elements of design that have urban characteristics, such as the large and formal square at the head of the tree lined entrance
- Whilst local character has been assessed and translated into certain aspects of the design, the scheme is in essence the re-elevating of standard designs, when this is considered a sensitive site in heritage terms
- There are question marks about the strength of the design vision for areas of open space and there is no specific provision for play as part of the proposals. There are also disparities between the planting and other planning layout and DAS information. Lack of tree planting in the square would drastically alter its character, making it feel more car and less people focused
- There are some breaks in street frontage and potentially exposed weak elements of buildings and on the northern and western edge of the site, gable ends and garden boundaries would address the open space, creating a weakened edge to the development
- There is a lack of tree planting within the streets beyond the entrance into the site
- As a consequence of a lack of information or disparity between information sources within the application some criteria have been identified as being amber, whilst that for storage and amenity is red

The assessment undertaken has identified issues in relation to the connectivity of the development to the existing village, both physically but also in terms of character, with the development feeling somewhat alien rather than an organic and seamless integration with the village.

It has also highlighted the loss of important features and the openness that are important to the setting of the village and associated lost views between the village and the canal whereby the visual interrelationship that helps significantly to define the village and its setting would be lost or severely eroded. The development will lead to urbanisation of the site and this is reflected in the character of certain aspects of the development in terms of built form and the character of buildings and space, not least the principal square at the heart of the development.

The assessment has also highlighted some discrepancy in information, a lack of information in relation to certain key areas of design, including storage and amenity. It has also highlighted some areas for improvement in relation to layout, detailing of buildings and the need for a stronger landscape design rationale for the development

As a result the proposal is not in a form that can be supported because of its performance against BfL12. It would be difficult to overcome certain of these matters as they relate to issues regarding the importance of the site to the village and its setting and how the proposed development can successfully integrate with the village, given its scale location and character.

General design comments/response to comments of the applicant

This section of Wrenbury village is characterised by a small cluster of properties to the north of Cholmondeley Road with properties to the north being between 1 and 8 properties deep. Properties and their garden areas have an average projection of 115m from the road edge to the north and this is clearly the defined village edge.

The proposal would however present a significant departure from this character by seeking to provide a much larger cluster of properties which would project much deeper into the open countryside than this existing cluster. This would significantly extend the existing urban edge which would result in significant visual encroachment into the open countryside and destroy the existing character of the village with a harmful urbanising effect.

Whilst it is noted that to the south of the site a development is currently under construction by Bovis Homes which would provide a large cluster of properties. As part of the Bovis scheme the dwellings are sited to the rear of an existing cluster of dwellings which is not on the application site. It was also approved at a time when the Council were unable to demonstrate a 5 year housing land supply which is again not the case here. It is also worth noting that this development left the land to the west of this site free from development which allows views from that site through to the current application site. Again the proposal would result in the loss of this space.

The application site also gained permission at appeal back in 2015 for the creation of a 2.37 hectare 200 berth marina basin. It is firstly worth noting that this consent has now expired and there is no evidence to suggest that it has commenced. As such the fall back potential is no longer relevant.

In any case it is clear from the inspector's report that the proposal was allowed given the significant **"public benefits of the contribution to the local and regional economy and to the opportunity for outdoor recreation"**. Whilst the current proposal would provide some POS it does not provide anywhere near the recreational benefit of the marina. Similarly there would be some limited economic benefit during construction and local spending powers of future occupants however this does not compare to economic benefits of the marina. It is also considered that the initially consented marina would have much less visual impact than that of the proposed housing development.

As a result the proposal would cause harm to the existing character/urban grain of this section of the village.

Heritage

The site's relationship to the Wrenbury Conservation area and other heritage assets

The frontage section of the site including the southernmost built development would encroach into the designated conservation area. No other heritage assets lie within its boundaries. However, there are a number of designated heritage assets in relatively close proximity to the appeal site, where the proposed development will have an impact upon the contribution made by the land to the significance and appreciation of these heritage assets. They are:

The Wrenbury Conservation Area
The Church of St Margaret Grade II*
Cottage in the Churchyard Grade II
Wrenbury Church Bridge Grade II*

There are also non-designated heritage assets and their respective settings that would also be affected:

The Shropshire Union Canal
The Cotton Arms Pub
The Vicarage

The Wrenbury Conservation Area was designated in 1973. There is no adopted appraisal for the Conservation Area.

Assessment of heritage impact

The proposed site lies immediately to the north of the village. The village's northerly edge, where it abuts the countryside, also forms the northern extent of the designated conservation area including an area of open land alongside Cholmondeley Road between the Cotton Arms and the Vicarage. The area of farmland north of the conservation area, between it and the canal, effectively forms a wedge of open countryside between them. The application site consequently falls within the setting of several heritage assets.

Setting is defined in the NPPF glossary as "the surroundings in which the heritage asset is experienced". Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral"

It further explains that:

The principal guidance in relation to setting is set out in "The Setting of Heritage Assets - Historic Environment Good Practice Advice in Planning Note 3 (Second Edition)"

Part 1: Setting and Views states that "The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way

in which we experience an asset in its setting is also influenced by other environmental factors...and our understanding of the historic relationship between places.”

It also states at paragraph 7 that setting is separate from the concepts of curtilage, character and context, explaining that “Curtilage is a legal term describing an area around a building. The setting of a heritage asset will include but generally be more extensive than its curtilage”

At para 8, bullet 1 explains that setting “cannot be definitively and permanently described for all time as a spatially bounded area or as lying within a set distance of a heritage asset.”

“It can be understood that setting embraces all of the surroundings (land, sea, structures, features and skyline) from which the heritage asset can be experienced or that can be experienced from or with the asset. Setting does not have a fixed boundary and cannot be definitely and permanently described as a spatially bounded area or as lying within a set distance of a heritage asset” (p4)

Para 8, bullet 2 explains that “a conservation area is likely to include the settings of listed buildings and have its own setting, as will the hamlet, village or urban area in which it is situated”

In respect to views, bullet 4 of para 11 highlights the importance of views with cultural or historic associations.

Wrenbury Conservation Area

The site contributes significantly to the character and setting of the conservation area, which is also heavily influenced by the inter-relationship with the canal.

The conservation area was designated in 1973 and focuses on the central core of the village around the church then extending west along Cholmondeley Road encompassing the site frontage the Cotton Arms and the canal side area focused on the Wrenbury Wooden Lifting Bridge (which is both scheduled and listed). The open land in between the village and the canal side area provides a distinct area of countryside/open space separating the centre of the village from the canal side area to the west.

The open farm land north of the village between it and the Shropshire Union Canal contributes significantly to the character and appearance of the conservation area and its setting.

The presence of the canal to the north, which is a non-designated asset in its own right, creates an accessible linear feature that affords southerly views across the appeal site at various points toward the historic centre of the village and the conservation area.

A draft conservation area management plan prepared but not adopted many years ago included a management action to take the land to the north of the village into the conservation area, in recognition of its importance and to take account of views to the church in future planning decisions. Clearly the sensitivity of this land was foremost in the consultant’s mind at the time of its drafting.

At present, from the canal, the conservation area is viewed with an attractive, green foreground of modest, hedge enclosed fields laid to pasture and the built heart of the village beyond, It is one of the major attributes of the conservation area’s setting, contributing significantly to the familiar and cherished scene of the conservation area.

Development of the site would result in a significant adverse change in the appearance of the site from a natural, open green space with a rural character, to a much more urban environment, albeit with buffer landscaping.

Listed buildings

The grade II* Church of St Margaret is a very visible landmark from numerous viewpoints within and around the village, most notably from the north at various points along the canal towpath. The vista toward the church within a wider view is especially strong and more open upon crossing Wrenbury Church Bridge and approaching the village through the meadowland from the north along footpath FP3. The proposed housing would be visible and prominent in this panorama. The setting has a timeless and tranquil quality.

This view is particularly important to the setting of the church but also the conservation area. It is arguably the most prominent and evocative view of the church from a public vantage point, even more so than the view from Wenbury Green. The view will be substantially altered and the relationship to countryside that has long characterised this space and this view will be harmed by the incursion of built development and loss of established landscape features.

The churchyard immediately adjoins open countryside to the north. This arrangement reinforces the strong rural context of the church, and the panoramic views out from the church grounds to surrounding countryside.

The view out from the churchyard, which is a key publicly accessible space, is also an important aspect of the character of the conservation area and the setting of St Margaret's Church. It has a strong inter-relationship with the surrounding countryside. The boundary dividing it from the pasture land is informal and the views are open and unbroken, only contained by boundary hedges and the canal side landscape in the distance. The openness of the panorama extends the view out of the church yard, with a blurring between village edge and the rural landscape beyond.

Wrenbury Church Bridge is a grade II* listed wooden platform single track bridge over the canal constructed circa 1790. It was designed as a lifting, pedestrian/cart bridge to link the village with the farmland to the north of the canal. Its simple architectural form and construction and modest scale charmingly reflect the informality of the setting and its rural context. Its setting includes both the canal and surrounding farmland given the views to and from it and the direct relationship with the surrounding landscape and the village via public footpath FP3.

Although the boundary adjoins the canal/bridge at its north eastern corner, an extensive area of open space is proposed in this part of the site which will reduce the immediacy of the housing development to the asset. However, within its wider setting the presence of housing and the change in the openness of the landscape will detract from the contribution the site makes to that setting.

Ecology

Hedgerows

Hedgerows are a priority habitat and hence a material consideration. The proposed development will result in the loss of >500m of hedgerow, 330m of which has been assessed as important in the Hedgerow Assessment report. The report proposes compensatory hedgerow planting of 330m of hedgerow. It is noted that in the Soft Landscaping Drawing (number CRM.1219.004.I.D.028) a section of proposed

hedgerow lies along the boundary section currently occupied by the existing hedgerow section known as H10 in the report. Further clarification is therefore sought as to how much hedgerow will be lost/retained/replaced and where this will occur.

Shropshire Union Canal

The adjacent canal section is a Local Wildlife Site. Field signs of otter have been recorded near the site and records of Depressed River Muscle have been returned within 200m of the site. An 8m buffer for works near the canal has been proposed by the Preliminary Ecological Appraisal report (Enzygo, 13/02/2018). This has been deemed acceptable by the Councils Ecologist subject to condition requiring the implementation of the buffer for the duration of the works.

Bats

The tree known as T20 in the submitted Preliminary Bat Survey report requires further inspection to confirm bat roost potential. A 2013 survey of the tree assigned it good bat potential. An aerial survey should be carried out and an update report detailing its results submitted prior to decision. Given that bats are a protected species this information cannot be conditioned and should be submitted upfront to fully consider this impact on this species.

Therefore the full impacts on bats is not known at present.

Wildlife sensitive lighting

The Councils ecologist requires a condition for any proposed lighting to ensure any disruption/disturbance to local wild life is controlled and suitably mitigated. This can be added to any decision notice.

Other Protected Species

A large main sett, two annex setts and an outlier sett were identified within the red line boundary during the 2018 badger survey. The associated Report the closing of the annex setts, for which a licence will be required from Natural England, with a new sett created as compensation. It also recommends avoidance measures and a pre-commencement update survey. The Councils ecologist recommends a condition requiring adherence to the mitigation, monitoring and maintenance proposals detailed in sections 5.25-5.3 of the submitted Report. This can be added to any decision notice.

Reptiles, Brown Hare, Polecat, Common Toad, Hedgehog, Bluebell

Records of these priority species exist on or near the site. It is proposed in the Preliminary Ecological Appraisal report that to avoid killing/injury of these species that the site is cleared in an ecologically sensitive manor under the supervision of an Ecological Clerk of Works (ECoW). Reasonable Avoidance Measures are proposed in section 5.2.20 of the report, and bluebell relocation proposals are detailed in section 5.2.23. The Councils Ecologist recommends that a Landscape and Ecological Management Plan (LEMP) should be produced and submitted for approval which includes these proposals prior to commencement of works. This can be secured by condition.

Breeding Birds

The Councils ecologist suggests that conditions requiring a detailed bird survey and features for breeding birds to be appropriate to mitigate the impact to breeding birds. This can be secured by condition.

Ecological Mitigation and Enhancement

This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development. Therefore the Councils Ecologist recommends that if planning permission is granted a condition should be attached which requires the submission of an ecological enhancement strategy.

Retained habitat

The Proposed Planning Layout plan (drawing number: SK01) shows the area of scattered trees and inundation vegetation as remaining undeveloped. The Councils Ecologist suggests that plans should be updated to label this and other retained habitat on site as such. This can be secured by condition.

Air Quality

Policy SE12 of the Local Plan states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality. This is in accordance with paragraph 170 of the NPPF and the Government's Air Quality Strategy.

This proposal is for the residential development of to 68 dwellings. This scheme does not require an air quality impact assessment. However there is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area. In particular the impact of transport related emissions on Local Air Quality.

The Environmental Health Officer has requested the following conditions in relation to air quality;

- Dust Control
- Travel Plan
- Electric Vehicle Infrastructure
- Ultra Low Emission Gas Boilers

Subject to the imposition of these conditions the impact upon air quality from this development is considered to be acceptable.

Flood Risk

The application site is located within Flood Zone 1 (low probability of river/tidal flooding) according to the Environment Agency Flood Maps. As the site is greater than 1 hectare in size a Flood Risk Assessment (FRA) has been submitted in support of this planning application.

The FRA concludes that surface water and groundwater flood risk can be mitigated to a negligible level through the following approach:

- Adoption of a surface water management strategy and levelling of topographic low points.
- Set finished floor levels above external levels.
- No below surface buildings (i.e. basements)

The FRA has considered the potential impact of the development on surface water runoff rates, given the increase in impermeable areas post-development. Surface water will need to be managed, such that flood risk to and from the Site following development will not increase. The report considers that this will be achieved through restricted discharge rates and an appropriately sized attenuation (SuDS) facilities with outfall to the watercourse. It also proposes that foul flows will discharge to the local public sewer network.

The United Utilities have been consulted as part of this application and have raised no objection to the proposed development subject to conditions regarding foul and surface water drainage and a drainage strategy. These conditions are considered reasonable and can be added to any decision notice.

The Councils Flood Risk Team have also been consulted and have advised that they have no objection subject to conditions regarding detailed proposals for disposal of surface water (including a scheme for the on-site storage and regulated discharge to enable a suitable discharge rate mimicking the existing greenfield runoff rate) and detailed calculations showing the effects of a 1 in 100 year rainfall event plus 40% allowance for climate change to support the chosen method of surface water drainage.

The Environment Agency have also been consulted and advised that as proposed development site falls within Flood Zone 1 it should be redirected to the Lead Local Flood Authority as it falls outside their remit. They have advised that the applicant would require a permit from the EA to dispose water to the main river however this would be outside of the planning process.

The above conditions are considered both reasonable and necessary and will be added to any decision notice.

Therefore subject to conditions, the proposal would not pose significant concerns from a flood risk/drainage perspective.

Agricultural Land Quality

Policies SE2, SD1, SD2 advise that development should safeguard natural resources including high quality agricultural land.

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 instance no assessment regarding the agricultural land quality has been provided. However a report was prepared for the previously consented Marina development back in June 2015 which is considered to be relevant.

The assessment confirmed that the majority of the site contains Grade 2 agricultural land. However, at two auger bores the grade was Subgrade 3a. The site does therefore contain the best and most versatile agricultural land and its loss needs to be assessed in the overall planning balance.

The applicant contends that the consented scheme has already accepted the loss of this agricultural land. However it is worth noting that this scheme has now expired and is not therefore capable of being implemented. It was also allowed at appeal on the basis of the significant recreational benefits which is not the case to the same extent here.

Impact upon the Canal

The application site is located to the south of the Shropshire Union Canal (Llangollen Branch).

It is evident that there is clear and widespread support throughout the adopted Cheshire East Local Plan Strategy to seek to utilise and improve existing links, such as the canal towpath, to promote sustainable access for walkers and cyclists and encourage their use for commuting, leisure and recreation and to generally maximise the health and well-being benefits of walking and cycling for the wider community. The support in the Local Plan Strategy extends to identifying opportunities through new developments to improve the overall connectivity of the walking and cycling network within the Borough, which is explicitly acknowledged to include the canal towpath.

It is unclear from the submitted plans where the new 'connection' would be provided and if this relates to a connection to the canal towpath. If a new pedestrian access point is to be created to the canal towpath then the design and construction of this access would need to be provided.

The closest bridge and access point to the canal towpath from the development site would be via Wrenbury Church footbridge (Bridge 19). As existing, the towpath between the proposed site and the lift bridge on Cholmondeley Road (bridge 20), is unsurfaced. The towpath would require improvement in order to cater for the increase footfall arising from the development.

The towpath itself is rural in character and comprise a grass path, which, as acknowledged by the applicant, in the winter months can get very muddy and its ease is very weather dependent. Although it is used by walkers as a recreational/leisure route, it is not of a standard which could cope with the likely significant increase in regular use envisaged as a consequence of the proposed development of this scale.

Where new development has the likelihood to increase usage, the Canal and Rivers Trust (C&RT) maintenance liabilities will also increase. As a result they have advised it is reasonable to request a financial contribution from developers to either cover increased maintenance costs, or to upgrade the towpath surface to a standard which is more durable and thus able to accommodate increased usage without adding to our future maintenance costs. In this instance, they consider that the towpath in the vicinity of the application site needs to be upgraded in order to fulfil the role identified for it by the policies of Local Plan's.

It is considered reasonable to request a financial contribution towards these works which would be proportionate to the scale of the development and associated uplift in usage of the towpath. In this regard, The C&RT consider that a contribution towards towpath improvements would be proportionate to the quantum of development proposed for the site and would be used to provide approximately 500m of towpath improvements from the development site between Bridge 19 and Bridge 20 on the adjacent section of the canal.

At the time of writing the report no details of the exact costing have been provided. Details of these will be provided in the update report and can be secured as part of a S106 Agreement.

CIL Compliance

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.

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 schools which would support the proposed development, a contribution of £208,927.00 towards secondary and SEN education is required. This is considered to be necessary and fair and reasonable in relation to the development.

POS

The proposal would result in a requirement for the provision of 20 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.

The suggested contribution to improve surfacing of the canal footpath is justified and would improve the sustainability of the site as well improving access via non-motorised transport options. On this basis the suggested contribution is necessary and fair (subject to confirmation off the exact amount) and reasonable in relation to the development.

On this basis the S106 recommendation is compliant with the CIL Regulations 2010 and a Deed of Variation will be required to the original S106 Agreement.

PLANNING BALANCE

The proposal would be contrary to Policy PG6 of the CELPS, RES5 of the Crewe and Nantwich Local Plan and HOU2 of the WNP as it is not listed as an appropriate form of development in the open countryside and therefore represents a departure from the adopted Local Plan.

The benefits of the proposal would be the provision of open market housing and affordable housing, POS and the limited economic benefits during construction.

The development would have a neutral impact upon, education, health, ecology, trees, flooding, living conditions, air quality and contaminated land.

The dis-benefits would be the loss of open countryside/landscape harm. Harm to the setting/character of the Conservation Area and of the Listed Building. Lack of a sufficient housing mix. Loss of Local Green Space and Agricultural Land. Insufficient information has also been provided to consider the full flood risk/drainage, highways and ecological impacts of the proposal. Insufficient information has also been provided to consider compliance with the Councils affordable housing policies.

As a result the application is recommended for refusal.

RECOMMENDATION:

Refuse for the following reasons:

- 1) The proposed development is unsustainable because it is located within the Open Countryside and would result in an adverse impact on appearance and character of the area contrary to Policies PG2 (Settlement Hierarchy), PG6 (Open Countryside), SD1 (Sustainable Development in Cheshire East) and SD2 (Sustainable Development Principles) of the Cheshire East Local Plan Strategy, Policy HOU2 of the Wrenbury Neighbourhood Plan and saved Policy RES.5 (Housing in the Open Countryside) of the Crewe and Nantwich Local Plan 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) Insufficient information has been provided to inform an assessment of the ability of the proposal to comply with the Councils affordable housing policies. Whilst the supporting statement advises that the proposal would provide the policy required 30% affordable housing, no detail have been provided to consider the split of affordable housing, where on site the housing would be located and evidence that the affordable units have been pepper potted around the site. The proposal is therefore contrary to Policies IN1 (Infrastructure), IN2 (Contributions) and SE5 (affordable Homes) of the Cheshire East Local Plan and the NPPF.**
- 3) The proposal development would result in the loss of an attractive area of open countryside that forms a significant part of the character of the conservation area and its setting. It would also affect the setting of the Church of St Margaret and the Wrenbury Church Bridge, both grade II* listed buildings. The change in open character of this site would lead to a significant adverse change in its appearance and contribution to the area from a natural, open green space with a rural character, to a much more urban environment. It would also impact/destroy views to and from the conservation area, the churchyard and the canal. The loss of this open land would therefore detract from the contribution the site makes to the character and appearance of the conservation area, and its setting and that of the Church of St Margaret, Wrenbury Church Bridge and the Canal. This would amount to unjustified harm to heritage assets. The proposal is therefore contrary to Policies DS1 (Sustainable Development in Cheshire East), SD2 (Sustainable Development Principles), SE1 (Design), SE7 (Historic Environment) of the Cheshire East Development Plan, Policies LC1 (Design and Character), and HER1 (Built Heritage and Conservation Area) of the Wrenbury Neighbourhood Plan and the NPPF in particular paragraphs 184-202.**
- 4) The proposed housing mix of detached properties equates to 64% of the proposed housing stock on the site. This is well in excess of the one third criteria as noted in the Wrenbury Neighbourhood Plan. As a result the proposal is contrary to Policies CS4 of the Local Plan and Policy HOU3 of the Wrenbury Neighbourhood Plan.**
- 5) The proposed development would result in the loss of the majority of an area of land designated as Green Open Space in the Wrenbury Neighbourhood Plan. The Neighbourhood Plan makes it clear that these sites are protected from new development unless very special circumstances can be demonstrated or where development supports the role and function of the Local Green Space. No very special circumstances have been put forward and the loss of the majority of the site would clearly affect its role and function as the space would be significantly reduced. The proposal is therefore contrary to Policy SC1 (Leisure and Recreation) of the Cheshire East Local Plan and CF1 (Local Green Spaces), CF2 (Community Facilities), TOU1 (Tourism) of the Wrenbury Neighbourhood Plan.**

6) Insufficient information has been provided to inform an assessment of the full highways impacts of the proposal. It has been agreed with the applicant that the proposed access is not acceptable but insufficient information has been submitted to assess the relocated access. The internal dimensions of the garages have also not been provided and it is therefore not possible to determine if some of the properties accord with adopted parking standards. There are also a number of other properties without garages that do not conform to the parking requirements. The development is therefore contrary to Policies SD1 (Sustainable Development in Cheshire East) and SD2 (Sustainable Development Principles) of the Cheshire East Local Plan Strategy and Policy BE.3 (Access and Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011, Policies TR2 (Sustainable Transport) of the Wrenbury Neighbourhood Plan and 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.

7) Insufficient information has been provided to inform an assessment of the full ecological impacts of the proposal. The tree known as T20 in the submitted Preliminary Bat Survey report requires further inspection to confirm bat roost potential. A 2013 survey of the tree assigned it good bat potential. An aerial survey should be carried out and an update report detailing its results submitted prior to decision. Given that bats are a protected species this information cannot be conditioned and should be submitted upfront to fully consider this impact on this species. The proposal is therefore contrary to Local Plan Policies SD1 (Sustainable Development in Cheshire East), SE3 (Biodiversity and Geodiversity), Crewe and Nantwich Local Plan Policies NE.8 (Sites of Local Importance for Nature Conservation), NE.9 (Protected Species), Wrenbury Neighbourhood Plan Policy LC4 (Natural Environment and Biodiversity) and the NPPF.

In order to give proper effect to the Board's/Committee's intent and without changing the substance of its decision, authority is delegated to the Head of Planning (Regulation) in consultation with the Chair (or in their absence the Vice Chair) to correct any technical slip or omission in the resolution, before issue of the decision notice.

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

1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:
 - The numbers, type, tenure and location on the site of the affordable housing provision
 - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
 - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
 - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
2. Provision of Public Open Space and a LEAP **TO BE CONFIRMED**
3. Secondary School Education Contribution of £208,927.00
4. Contribution of £**TO BE CONFIRMED** towards the surfacing and maintenance of the canal footpath to the north of the site

