

Application No: 18/2153N

Location: DODDINGTON ESTATE, BRIDGEMERE, NANTWICH, CHESHIRE CW5 7PU

Proposal: Outline application for development of 12 no. sites for residential development for 112 no. dwellings with means of access and layout included, but with all other matters reserved, for a 10 year phased release and delivery period and associated community betterment (parking overspill next to School, enhanced parking next to Church permissive pedestrian paths, play space, public access, community orchard, educational contribution and affordable housing). [Re-submission of 16/5719N : addition of extra 2.81 ha of land and 10 no. dwellings]

Applicant: Lady Rona Delves-Broughton, The Doddington Estate

Expiry Date: 01-Aug-2018

SUMMARY

The proposal seeks permission for 112no dwellings over 12no sites within the Doddington Hall Estate.

This application is the resubmission of 16/5719N (*Outline application for development of 12 no. sites for residential development for up to 102 no. dwellings with means of access and layout included, but with all other matters reserved, for a 15 year phased release and delivery period*) which was refused in September 2017. The previous application was refused on the grounds that the positive benefits of the heritage proposal did not outweigh the principle objection of unsustainable housing in the open countryside and Site 4 would have an adverse impact on Highway safety.

The resubmission includes 10 no. affordable housing units, £323,326.00 of Education contribution, POS and Childrens Playspace on 4 sites (3 LEAP's and 1 LAP), amongst several permissible routes across the Doddington Estate, a car park extension of the School and Church. This revised scheme increases the number of dwellings by 10 units from the previous application.

The development would result in a loss of 13no. parcels of land within the Open Countryside contrary to Policy PG 6 of the Cheshire East Local Plan Strategy. The Council can demonstrate a 5 year housing land supply and therefore proposal for development should be determined in accordance with the Development Plan unless other material circumstances outweigh the objection in Principle.

The NPPF outlines that 'Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the dis-benefits of departing from those policies.' (para 140)

However, the proposed development is seeking an exception to the normal planning tests in the Open Countryside, to 'enable' the renovation and conversion of the Grade I listed Doddington Hall, Grade II listed Stables and conserve the Grade II* Star Barns and Grade I Delves Tower (Castle) to enable the site to be taken off the Historic England's 'At Risk' Register and enable a viable future use of the site as a Boutique Hotel and Spa.

There is a clear need for some form of urgent intervention to take place on the site in the very near future, as a number of the buildings are in a poor state of repair, which if not addressed soon could lead to their loss.

The development for 112no dwellings across 12 sites, would provide benefits in terms of delivery of housing in the rural area, and economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in the local area, and the future impact on tourism in the area and help support numbers within the local primary school. Furthermore, a significant benefit of providing funds to ensure 4no. buildings on the Historic England 'At Risk' register are renovated, and put into a viable future use, protecting them for the foreseeable future. The development also includes community benefits such as an extended car park for the Primary School and improved pedestrian access to the school from the adjacent sites, 10 affordable dwellings, Education contribution, and POS/Children's Play Space.

The development would have a neutral to minor impact upon ecology, trees, highway safety, neighbouring amenity, flood risk/drainage, land contamination, heritage assets and landscape impact. All of these issues can be addressed with either slight amendments to the layout plans or by conditions/addressed at the detailed reserved matters stage.

The adverse impacts of the development would be the loss of open countryside in unsustainable locations, the loss of small areas of Best and Most Versatile Land and insufficient level of affordable housing to mitigate the whole development.

While very much on balance, in this instance it is considered that the material considerations in respect of the support and future retention of historic buildings at risk do provide sufficient benefits to overcome the normal presumption against residential development in the open countryside. Therefore subject to a legal agreement the proposal is recommended for approval.

RECOMMENDATION

APPROVE subject to legal agreement and conditions, and referral to the SOS

PROPOSAL

This application is a resubmission of a previously refused application, 16/5719N. The application was refused by Strategic Planning Board on the 27th September 2017 (see planning history).

This application seeks outline planning permission for 12no sites, for residential development for 112 no. dwellings with means of access and layout included, but with all other matters reserved, for a 10 year phased release and delivery period and associated community betterment (parking overspill next to School, enhanced parking next to Church permissive pedestrian paths, play space, public access, community orchard, educational contribution and affordable housing).

This application includes an addition of extra 2.81 ha of land and 10 no. dwellings.

Matters of Appearance, Landscaping, and Scale are not sought for permission as part of this application. This application includes indicative site plans, with access and layout sought for approval. The application also includes a Design Code for the future reserved matters applications to accord with, and to ensure design continuity on all the sites.

This application is an 'enabling development' scheme aimed to bridge the heritage funding gap required to bring the Listed Doddington Hall and associated buildings back into a viable future use. The extant approved scheme for the hall encompassed the following works,

- The Proposed restoration and conversion of the Grade I Doddington Hall and Grade II Stables to a 5 star Country House Hotel (Class C1) providing 120 letting rooms, restaurant, bars, function rooms involving a series of internal and external alterations, integrating / retaining the 3 no. Cottages and Stables into the scheme and the erection of a new build bedroom accommodation annex wing; with a new build Spa Leisure facility (Class D2); temporary event space and associated parking provision, landscape (garden) restoration of the Grade II Registered Park and Garden; detailed landscaping, and the installation of a new electricity sub-station.
- Proposed structural restoration, refurbishment and conversion of the Grade I Delves Castle (Delves Tower / Delves Hall); with its use to be defined at a later date outside of this application.
- Proposed structural restoration and refurbishment of the Grade II* Star Barn

SITE DESCRIPTION

The application relates to 13no. development plots, 12no for residential development and 1no for a car park. The development plots are sited around the Doddington Estate but all fall outside the Historic Park and Garden.

Site 1 – London Road - 2.81ha – 18 dwellings with a LEAP

Site 2 – Hunsterson Road / Dingle Lane – 0.847 ha – 12 dwellings including 4no affordable units

Site 3 – Hunsterson Road / Bridgemere Cross – 0.769 ha – 5 dwellings

Site 4 – Dingle Lane – 4.4ha – 4 dwellings

Site 5 – No development proposed (*removed from the scheme at pre-application stage – shown for continuity*)

Site 6 – Bridgemere School – Carpark of 33 spaces including drop off zone

Site 7 – Hunsterson Road – 1.051 ha – 16 dwellings

Site 8 – Hunsterson Road / Church Lane 0.748 ha – 4 dwellings

Site 9 – Hunsterson Road / Oak House – 0.308ha – 1 dwelling

Site 10 – Hunsterson Road – 4.839 ha – 8 dwellings including a LAP

Site 11 – Hunsterson Road / Wood Farm - 3 dwellings

Site 12 – London Road / Crewe Road – *site removed from scheme – shown for continuity*

Site 13 – London Road / Dingle Lane – 1.818 ha – 11 dwellings

Site 14 – London Road / Dingle Lane – 2.191 ha – 17 dwellings including a LEAP

Site 15 – Hunsterson Road / London Road – 3.437 ha – 25 dwellings including a LEAP and 6no. affordable units

All of the sites fall within the Open Countryside as defined in Policy PG6 of Cheshire East Local Plan Strategy.

There are a number of Footpaths, Flood Risk Zones and a Local Wildlife Site on or adjacent to a number of sites (These are discussed in more detail within the report).

SUMMARY OF CHANGES FROM PREVIOUS SCHEME 16/5719N

SITE	CHANGE
1	LEAP (Play Area) added
2	4no affordable housing units included
3	No Change
4	Reduced to 4 units (from 8no to 4no) Retain access from Dingle Lane with additional passing places and also use of construction haul road as future footpath link
5	No change – no development
6	Extension of School car park – 33 parking spaces
7	No change
8	Reduced density, from 12no to 4 units
9	No change
10	LAP (Play Area) added
11	No change

12	Site Removed
13	No change
14	LEAP added, reduction in 1 unit from 18no. to 17no.
15	New site added – 25 dwellings, 6no affordable units and a LEAP
General Changes	<ul style="list-style-type: none"> • Education contribution of £323,326.00 (£45,5000 for SEN) • Change of housing mix to include some smaller bungalows • Permissive routes across the estate (subject to restrictions to ensure agricultural, equestrian and shooting activities are not harmed) • Footpaths to the school from sites 2 and 4 and path to the Church from the School • Enhanced parking at St John's Church • Public access to the Hall via appointment, and 14no open days per annum

RELEVANT HISTORY

16/5719N - Outline application for development of 12 no. sites for residential development for up to 102 no. dwellings with means of access and layout included, but with all other matters reserved, for a 15 year phased release and delivery period – Refused 29th September 2017 by Strategic Planning Board against recommendation.

Reason for refusal

- 1. It is considered that, the positive planning benefits for the conservation of the heritage assets does not outweigh the harm that would be caused by the proposed residential development in the open countryside and by the lack of social/community benefits to be provided by the development. This will result in an unsustainable form of development that is contrary to policies PG6 Open Countryside, SC5 Affordable Housing, and IN2 Development Contributions of the Cheshire East Local Plan Strategy, RES.5 of the Crewe and Nantwich Replacement Local Plan, and the National Planning Policy Framework.*
- 2. It is considered that the proposal fails to provide safe and suitable access for Site 4, off Dingle Lane, and therefore the proposal is contrary to Policy BE.3 Access and Parking of the Crewe and Nantwich Replacement Local Plan and the National Planning Policy Framework.*

Most of the sites have no other recent relevant planning history.

Site 4 has a number of planning applications relating to prior use as a Wildlife Park, none relevant to this application.

Other Related Applications

14/5654N - Proposed restoration and conversion of the Grade I Doddington Hall and Grade II Stables to a 5 star Country House Hotel (Class C1) providing 120 letting rooms, restaurant, bars, function rooms involving a series of internal and external alterations, integrating / retaining the 3 no. Cottages and Stables into the scheme and the erection of a new build bedroom accommodation annex wing; with a new build Spa Leisure facility (Class D2); temporary event space and associated parking provision, landscape (garden) restoration of the Grade II Registered Park and Garden; detailed landscaping, and the installation of a new electricity sub-station. • Proposed structural restoration, refurbishment and conversion of the Grade I Delves Castle (Delves Tower / Delves Hall) : with its use to be defined at a later date outwith of this application. • Proposed structural restoration and refurbishment of the Grade II Star Barn: with its use to be defined at a later date outwith of this application. – approved with conditions 10th February 2016*

14/5656N - Listed Building Consent for proposed restoration and conversion of the Grade I Doddington Hall and Grade II Stables to a 5 star Country House Hotel (Class C1) providing 120 letting rooms, restaurant, bars, function rooms involving a series of internal and external alterations, integrating / retaining the 3 no. Cottages and Stables into the scheme and the erection of a new build bedroom accommodation annex wing; with a new build Spa Leisure facility (Class D2); temporary event space and associated parking provision, landscape (garden) restoration of the Grade II Registered Park and Garden; detailed landscaping, and the installation of a new electricity sub-station. • Proposed structural restoration, refurbishment and conversion of the Grade I Delves Castle (Delves Tower / Delves Hall): with its use to be defined at a later date outwith of this application. • Proposed structural restoration and refurbishment of the Grade II Star Barn: with its use to be defined at a later date outwith of this application. – approved with conditions 10th February 2016*

LOCAL & NATIONAL PLANNING POLICY

Development Plan

Cheshire East Local Plan Strategy (CELPS)

MP1 Presumption in favour of Sustainable Development, PG2 Settlement Hierarchy, PG6 Open Countryside, PG7 Spatial Distribution of Development, SD 1 Sustainable Development in Cheshire East, SD 2 Sustainable Development Principles, EG1 Economic Prosperity, EG2 Rural Economy, EG4 Tourism, EG5 Tourism, SC1 Leisure and Recreation, SC2 Indoor and Outdoor Sports Facilities, SC4 Residential Mix, SC5 Affordable Housing, SC6 Rural Exceptions Housing for Local Needs, SE 1 Design, SE2 Efficient Use of Land, SE3 Biodiversity and Geodiversity, SE4 The Landscape, SE5 Trees, Hedgerows and Woodlands, SE.6 Green Infrastructure, SE7 The Historic Environment, IN1 Infrastructure, IN2 Development Contributions, CO2 Enabling Business Growth Through Transport Infrastructure and Appendix C.

Crewe and Nantwich Replacement Local Plan (CNLP)

NE.5 (Nature Conservation and Habitats), NE.9 (Protected Species), Policy BE.1 (Amenity), BE.3 (Access and Parking), BE.4 (Drainage, Utilities and Resources), BE.6 (Development on Potentially contaminated Land), BE.9 (Listed Building: Alterations and Extensions), BE.10 (Changes of use of Listed Building), BE.11 (Demolition of Listed Buildings), BE.14 (Development affecting historic parks and gardens), BE.15 (Scheduled Ancient Monument), BE.16 (Development and Archaeology), RES.2 (Unallocated Housing Sites), RES.5 (Housing in the Open Countryside), and

RT.3 (Provision of recreational open spaces and children's play space in new Housing Developments).

Wybunbury Ward Combined Neighbourhood Plan (Regulation 7)

No weight is given to the NP until it reaches regulation 14 status there are currently no plans or policies proposed.

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, 49. Housing Land Supply, 50. Wide choice of quality homes, 55. Sustainable Development in rural areas, 56-68. Requiring good design, 100-104. Flood Risk, 109 – Conserving and enhancing the natural environment, 112. Best and more versatile agricultural land, 118-119. Conserve and enhance biodiversity, 124. Air Quality, 128-132. Heritage Assets, 134. Less than substantial harm and 140. Enabling Development.

Other material planning considerations

Cheshire East Borough Design Guide SPD

Historic England – Enabling Development and Conservation of significant places

Draft Historic England – Historic Environment Good Practice advice in planning – note 4 – Enabling Development and Heritage Assets

CONSULTATIONS

Historic England - The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

PROW – Object to public Footpath from site 7 not being shown on plans and no diversion application is place. Condition suggested for the maintenance and safeguarding of other PROW's within the development.

Environment Agency – Objection. Proposed development as submitted may involve the use of non-mains foul drainage system but no assessment of risks of pollution to the water environment has been provided by the applicant. Confirmation that all sites are to be connected to the public sewer (option 1) is required, or for non mains foul drainage full details are required.

Flood Risk – No objections, subject to site specific conditions.

Archaeology - Advise that a programme of mitigation be taken on Sites 1, 4, 8, 10 and 14. Condition requested which include Strip, Map and Record Exercise (Sites 1, 8, 10 and 14), and Supervised Metal Detecting Survey (Site 4) and Palaeo-Environmental Assessment (Site 10).

United Utilities – No objections subject to conditions for foul and surface water drainage, Surface water drainage, and management and maintenance of Sustainable Drainage System

Natural England – No objection – will not have a significant adverse impact on statutory protected sites or landscapes.

Cheshire Wildlife Trust – Do not object. Providing issues raised are addressed and compensatory habitats are put in to replace those lost, the Cheshire Wildlife Trust is satisfied that the development can be carried out in accordance with national and local planning guidance and the impact to biodiversity can be minimised.

Sites 13 – 14 – need 15m buffer from Theepers Drumble

Site 10 – Larger buffer required between woodland and development. Impact of the development on drainage to the woodland required

Site 13/14 – veteran trees, development within the root areas should be increased

Site 6 – crack willow to be pollarded. Ecological value would be lost. Retain and move parking spaces

Hedgehog friendly fencing required

The amount of compensatory habitat required should be determined through the use of a Biodiversity net gain metric.

Environmental Protection – No objection, subject to conditions and informatives. Conditions requested for Construction Phase Environmental Management Plans, Electric Vehicle Infrastructure, Low cost emission boilers, Noise impact assessment mitigation, Piling Foundations, dust control, Contaminated land, Soil Forming, unexpected contamination, and informatives for Noise generative works, Piling works, contaminated land.

Strategic Housing - Objection. Council's policy requires 34 dwelling of the 112 to be affordable. 22 units for rent and 12 for intermediate tenure.

10 affordable units does not meet policy – no mention of tenure split

If agreed – affordable housing statement required – S106

Strategic Highways – No Objections, Reduction in dwellings on Site 4 to 4no dwellings would not have a severe impact on Highway safety.

Education – Object, this objection is on the grounds that the proposed development would have a detrimental impact upon local education provision as a direct cause from the development. Without the mitigation, 17 secondary children and 1 Special Education Need (SEN) child would not have a school place in Nantwich. The objection would be withdrawn if the financial mitigation measure is agreed.

Without a secured contribution of £323,326.00, Children's Services raise an objection to this application.

The Garden Trust - Object, Sites 1 & 3 will be visible from the Registered Park and Garden, and will encroach visually and have a negative impact on the significant and character of the historic landscape and the setting of the Grade I listed Hall.

A full historical assessment of the historic park and garden detailing, inter alia, the involvement of Capability Brown in the original design, layout and construction, by a suitably qualified expert, as conditioned by 14/5654N (condition 14)

Previous reason for refusal 1 is still relevant in this resubmission.

ANSA Greenspaces – No objections, subject to clarification of total amount of amenity green space, childrens play space and green infrastructure, and the access rights of the allotments and orchard. The Additional LEAP's and LAP's are welcomed, however additional LEAP near school would improve social cohesion. Condition required for design and layouts to be submitted reserved matters.

Joint response from Doddington & District, Hatherton & Walgherton & Wybunbury Parish Councils – *(Executive summary below taken from response – full response available to review on line)*

Executive Summary

The Parish Councils of Doddington & District, Hatherton & Walgherton and Wybunbury have submitted a joint response to this Application in the interests of clarity, to avoid duplication and to confirm that all affected Parishes are of a like mind in their response to this re-application for 12 x developments (112 dwellings) in the Open Countryside.]

1. We object to the continued and deliberate by-passing of Local and National Planning Policy and the deliberate avoidance, despite advice to the contrary in the NPPF to adhere wherever possible to the national Heritage England Guidance for Enabling Development (2008).

2. This course of action undermines the Cheshire East Local Plan and sets an unacceptable precedent for by-passing hard-won Local Planning Policy for sustainable development.

3. The setting of such precedent at such variance with National and Local planning policy exposes the Council to reputational damage and legal challenge both locally and nationally.

4. The Application fails to comply with Policies PG6 (CELP) and RES 5 (CNRLP)

5. The Proposals for the 12 sites as set out in 18/2153N seek to address the reasons identified for refusal in the 2017 Refusal Decision Notice (See below) by the introduction of:-

a) AFFORDABLE HOUSING

ai) Affordable Homes: The allocation of just 10 affordable homes fails to meet the requirements as set out in Policy SC5 (affordable homes). This would require a 30% allocation (or 34 homes)

aii) Affordable Homes: The siting of these homes in Open Countryside fails to meet the requirements as laid out in Policies SC5 and SC6.

- They are not adequately distributed across the wider Wybunbury Civic Parishes as identified in the 5-Year Housing Survey (2017). In this context the concentration of 10 properties in one parish, in one location does not meet identified local housing needs.

- They are not situated adjacent to, or within the settlement boundaries of a sustainable settlement

“in order to be close to existing employment or proposed services or facilities, including public transport, educational and health facilities and retail services.” (CELP: SC6, p118)

b) PERMISSIVE PATHS

bi) Permissive pedestrian paths have been identified across the Doddington Estate (to the south of the Hall itself, and to the West of the listed Park and Gardens)

bii) A permissive pedestrian path has been included between sites 3 and 15.

biii) A permissive pedestrian path is proposed between site 4 and Hunsterson Road

- These paths do not promote or provide sustainable green infrastructure for pedestrians.

- These connectivity of these paths onto rural lanes without pedestrian paths means that none provide safe walking routes to Bridgemere Primary School (or anywhere else).

- Paths onto the Doddington Estate are to be heavily proscribed via licenses and permits (some fee-paying: eg horse riding and fishing).

- Additional access onto the Doddington Estate will be by appointment and organised tours.

- Throughout the year, there will be extended periods when (justifiably), the public will not be permitted to access the Estate (Shooting Season, Fishing Season)

- Permissive Paths are exactly that; Permissive. This status has little weight in law should the landowner decide to rescind that permission.

In this context these paths offer little community benefit either in part or in total.

c) SCHOOL CONTRIBUTIONS

ci) This contribution has been identified through the Developer Contributions Policies of the CELP. This is welcomed in principle.

cii) However this does not guarantee this contribution will benefit Bridgemere Primary School.

- The extended phasing of this build means that a small rural school may not reach its identified PAN numbers and so will not receive these monies. This is a recognised problem and provides developers with opportunities to ‘claw-back’ S106 monies that are not spent on the purpose for which they were intended.

- There is no guarantee that new residents will enrol their children at Bridgemere School. (The majority of pupils currently at Bridgemere School live outside the Doddington Parishes).
- The LPA may choose to secure these monies for the wider South Cheshire education investment. This is reasonable in order to secure some Developer Contribution but is open for legal challenge.
- The Parish Councils are not assured that this proposed contribution will provide any material community benefit to these parishes.

d) COMMUNITY ORCHARD AND ALLOTMENTS

di) The value of these provisions on site 15 is robustly queried later but they offer little benefit to the wider community who would not have any right of access to these sites, nor the means to access them on foot, cycle or car.

e) PLAY / AMENITY AREAS

ei) Three LEAP/amenity areas have been identified in the new application. These are welcomed but the wide spatial distribution of the sites where they are to be located effectively prevents joint access from other sites and the wider community.

Their Community value is therefore extremely limited to just the few houses that they serve on each site. Parish Councils had previously suggested a single LEAP with associated car parking near the school to promote community and social cohesion but this has clearly been rejected.

f) CAR PARKING (School and St John's Church)

This was already proposed in the 16/5719N application and whilst welcome, was not considered to be a significant community benefit in the context of the wider development.

The Examination of proposed community benefits outlines above clearly identifies that in reality the SUM of the Community Benefit proposals to the existing and future communities is minimal, and not justifiable in the context of a further 10 dwellings in the Open Countryside.

When combined with an additional 10 dwellings and a proposed decade of development, the positive planning benefits of these community benefit proposal for the conservation of heritage assets do not outweigh the dis-benefits created by this application.

6. ACCESS TO SITE 4 OF DINGLE LANE

The second reason for the refusal of 16/5719N related the access of vehicles off Dingle Lane to site 4.

- Whilst the number of houses has been reduced to 4 dwellings (from 8), there is still no mitigation regarding the lack of passing places on Dingle Lane (those proposed were actually in the ownership of third parties)

- Whilst construction will be addressed by a haul road to Hunsterson Road, the following issues have not been addressed: issues related to service traffic, contamination of the brook, damage to its banks and the flood risk associated in the area proposed for the haul road

The Parish Councils of Doddington & District, Hatherton & Walgherton and Wybunbury have now looked at the resubmitted plans for 18/2153N

We find that overall, the new application is not sufficiently materially different from 16/5719N to warrant any change in the decision to REFUSE.

Despite support (in principle) for the restoration of Doddington Hall, it is within the context of the Balance of Advantage that, we are unable to support this development application in its current format and we therefore urge the Strategic Planning Committee to REFUSE THIS APPLICATION

REPRESENTATIONS

Neighbour notification letters were sent to all adjacent occupants and site notices were erected outside every site and the entrance to Doddington Hall. To date, letters of representation have been received from approximately 35 residences, and MP for the area Laura Smith. The main objections raised are summarised below;

General

- Proposal includes additional housing and therefore additional impacts on the open countryside and community
- Development is still contrary to policy PG6 and unsustainable development
- The development of Site 4 still has a highway safety concerns
- Still lack of publically available financial information in relation to the proposal for the public to consider
- Concerns over drainage scheme
- Concerns that further housing development will be sought in the future as costs increase
- Housing could be developed on Hough Mill Quarry site
- Concerns raised that the development is not Enabling Development
- It is not possible to determine the full cost implications of development in outline and therefore the EH guidance does not recommend outline applications
- Sites have no environmental, social or ecological sustainability
- Infrastructure in the area is not sufficient for the additional 112 dwellings,
- Additional community benefits are commendable but do not outweigh the detrimental impact on the character of the area,
- Car park for Church is not needed
- 'community benefits' will not actually benefit the community
- Marketing of the property was many years ago and the applicant has allowed the site decay in the meantime
- Works to 'renovate' Badgers Bank Farm have ceased since the scaffolding was erected and weeds cleared last year
- Cheshire East already has a 5 year housing land supply and therefore additional housing is not required
- Hotel businesses in the area are struggling and reducing prices to compete

- No need for housing in the area, many properties on the market are struggling to sell
- The Legal agreement must include a bond and an indemnity clause for the full cost of the development
- The Conservation Deficit Report identifies the conservation deficit as £14m, £9.6 m from the enabling development and £4.4m from the applicant. Consider that the development costs have been inflated to enable the applicant to appear to be subsidising the development when in fact just using good practice
- Constant building in the area for 10 years will have an extended impact on neighbouring amenity, by means of disruption and noise
- If the applicant is also to be the developer of the housing site, will she be entitled to a normal 20% developer profit?
- Concerns raised over the sites being leasehold and not freehold
- Large number of newly built unsold properties on the edge of Nantwich due to being overpriced
- Only 4 properties in the last 12 months have sold in the area out of 20 on the market
- The proposed housing will increase the number of properties from 51 in Bridgemere, with an additional 74 dwellings
- Permissible routes proposed are only available until the applicant decides otherwise
- There is currently no streetlighting in the area and its inclusion would create a negative impact on light pollution in this rural area,
- Dwellings should be no more than 2 storey in height, design code now includes some taller 3 storey properties
- No clear indication that funding routes have been taken
- Concerns raised over some documents being updated but others not, eg. Assumptions made that the hotel would be trading in 2018
- Concerns raised over the draft heads of terms
- The proposal is not enabling development and therefore should be refused contrary to the development plan
- Applicant has allowed the Hall to get into the current state for 30 years of neglect, question why the local area should have to take the burden of new residential development to fund the development
- Impact on highway safety, A51 and rural lanes
- Impact on surface water/flood risk
- Impact on sewage systems
- Increased impact on air pollution and light pollution in the rural area,
- Lack of publicised financial figures and therefore question if all eventualities have been considered
- Lack of alternative proposals considered properly and thoroughly
- Similar proposal to that which was approved for Combermere Abbey should have been taken, eg. One site on the edge of a village
- The Green belt should be valued
- Impact on neighbouring amenity
- Insufficient space within the local school for additional intake
- Impact of residential development on house values
- Impact on views of the Doddington Hall, Doddington Lake, and wider open countryside,
- Impact on Ecology, Trees, and Hedgerows,
- Impact on Telecommunications/broadband network which is weak,
- Loss of agricultural land
- Cost of infrastructure required for development is queried

- No benefits for the local people, hotel will only benefit the paying guests
- Funding has already previously been granted to restore the Hall, by Historic England in 1999 and restoration was expected then, nothing has happened to the building since
- Area of land have been purchased recently and form part of this application for housing
- Badgers Bank Farm should be included within the housing numbers
- Brownfield sites should have been sought not use of greenfield land
- Financial input from the applicant is not sufficient
- Create an urban sprawl to the Countryside
- Full Archaeological history of the sites is required prior to development
- Concerns over construction traffic and the ability of vehicles being able to attend to a number of sites
- All of the sites are within the Mere and Mosses Designated Nature Improvement Areas
- Ecological surveys are out of date, and not through enough
- It is essential that the Council ensures the funds are directly and solely to the heritage deficit
- The development would have no benefit to the community and therefore is illegal under the case 'Sainsbury's supermarket v Wolverhampton Council 2010'
- A number of the local lanes are used by walkers, cyclists, Horses
- Safe walking and cycle provision should be considered for the sites near the school
- General errors/typo within the documents picked up raising concerns over the quality of the submission
- 20% of the proposed development has been increased to 3 storey in height – 23 dwellings

Site Specific

Site 1 – London Road– 18 dwellings

- Access is dangerous onto the A51
- Impact on existing trees
- Impact on Ecology and biodiversity
- Impact on the water quality of the brook
- Impact on the Milldale Scout Camp to the rear of the site regarding, safe guarding, drainage, Wildlife and Ecology, ability to use as a temporary shooting range, large outside camping activities, and access issues
- Flood risk issues on the site
- Ecological buffer is insufficient
- Site is unsustainable and inaccessible
- No community benefit to the Children's Play space on this site given its isolated position in relation to the local community
- Archaeology impacts
- 3 storey properties in this location are unacceptable
- Concerns raised over infrastructure costs for development site
- Site is contrary to policy SD1 and SD2

Site 2 – Hunsterson Road / Dingle Lane - 12 dwellings

- Impact on neighbouring amenity
- Impact on wildlife
- Impact on water course
- Site appears to be reasonable in isolation for a small housing development

- Surface water drainage issues
- Access points are unsafe
- Highway safety concerns (eg. Speeding)
- Lack of safe walking route to school
- Proposed permissive route is unsafe
- Concerns raised over the design of the properties and relationship with the Hunsterson Road
- Site is contrary to policy SD1 and SD2
- Concerns raised over infrastructure costs for development site

Site 3 – Hunsterson Road / Bridgemere Cross – 5 dwellings

- Potential impact on water course
- High water table in the area liable to flooding
- Surface water drainage issues
- Highway safety concerns (eg. Speeding)
- Lack of safe walking route to School, or neighbouring plots
- Visible from the registered park and garden
- Not in keeping with the existing streetscene
- Site is contrary to policy SD1 and SD2
- Concerns raised over infrastructure costs for development site

Site 4 – Dingle Lane – 4 dwellings

- Reducing the scheme to 4 dwellings does not address the reason for refusal on highway safety grounds
- Dingle Lane is not appropriate for additional traffic,
- Ford Floods regularly making the lane impassable
- Road also floods several times a year
- Lane is not suitable for proposed passing bays
- 'Natural passing bays' are not on public land/land owned by the applicant, are in the ownership of neighbouring properties,
- Those new passing bays which are proposed will require significant land and vegetation removed to accommodate the passing bay
- Refuse is not always collected
- Dingle lane is often used by walkers due to its unique character
- Site 4 has a perimeter of Site 4 is used for dog walking/rambling
- Potential impact on water course
- Culverting the ford to improve access is not acceptable, this is an intrinsic feature of the rural area,
- the impact on amenity during construction
- Concerns raised over the temporary road becoming a public pathway and the impact on neighbouring amenity
- Concerns over how emergency vehicles will access the site
- Concerns raised over 'haulage road' and position next to access adjacent to School
- Haulage road would cut across a flood risk zone, and ecological area
- Site has archaeological potential
- People are unlikely to buy a £1.2 million property which is inaccessible for several times of the year due to flooding of the ford and lane

- Lack of safe walking route to school
- 3 storey properties are unacceptable in a rural area
- Concerns raised over infrastructure costs for development site
- Contrary to Policies SD1 and SD2

Site 6 – Bridgemere School – Carpark

- Extended car park is welcomed, but with increased in take there is likely to still be on road parking,
- Improvement to the scheme but 'drop off zone' may not be suitable for most Primary aged children
- Safe walking paths have not be proposed
- This will not benefit residents and most children come from outside the area
- Land floods and is in a flood risk zone 3

Site 7 – Hunsterson Road – 4 dwellings

- Bridgemere Lane floods
- Highway Safety concerns
- There is PROW affected through this site which should be maintained
- Site is partially within a Flood Risk zone 3
- Boundary treatment required between the residential gardens and the brook
- Impact on visual amenity from neighbouring properties
- Will impact on neighbouring views
- Drainage issues
- Density at variance to local properties
- Loss of BMV agricultural land
- Contrary to Policies SD1 and SD2
- Concerns raised that the ecology/tree buffer is not sufficient
- Site will be visible from Brownmoss Farmhouse
- Concerns raised over infrastructure costs for development site

Site 8 – Hunsterson Road / Church Lane – 4 dwellings

- Bridgemere Lane floods
- Highway Safety concerns
- Site is within a Flood Risk Zone 3
- Drainage issues
- There is a pond on the site 3-4 months of the year
- The site is of archaeological interest
- The site is Grade 2 best and most versatile land and should not be built upon
- Adverse impact on the setting of a listed building, Wall of Paddocks and Stable Building and the RPG
- Impact on neighbouring amenity
- Will have a negative impact on ecology/wildlife
- Concerns raised over infrastructure costs for development site
- Contrary to Policies SD1 and SD2
- Design of development does not respect the character of the area

Site 9 – Hunsterson Road / Oak House – 1 dwelling and Site 10 – Hunsterson Road – 8 dwellings

- Impact of the development on Glovers Moss could have irreversible impacts on ecology
- Larger ecological buffer required
- Archaeological potential
- Access is dangerous
- Size of dwellings are out of character with the area
- Sites are wet and drainage will be an issue
- Queries raised regarding the future use of Badgers Bank Farm and why it has not been incorporated into the scheme
- Speeds along the road are dangerous
- Impact on PROW's
- Site is Grade 2 BMV agricultural land
- Concerns raised over infrastructure costs for development site
- Contrary to Policies SD1 and SD2
- Three storey properties are overbearing and not acceptable in rural area,

Site 11 – Hunsterson Road / Wood Farm - 3 dwellings

- Size of dwellings is out of character with the area
- Site is situated in the setting of a Grade II listed building and will impact negatively on the building,
- Application with Historic England for the re-assessment of the grading of Hatherton Lodge and setting to Grade II*
- 3 storey properties are inappropriate in rural area location
- Contrary to Policies SD1 and SD2
- Impact on Tree and Ecology in the area
- Concerns raised over infrastructure costs for development site

Site 13 – London Road / Dingle Lane – 11 dwellings and Site 14 – London Road / Dingle Lane – 17 dwellings

- Access is dangerous onto the A51
- The development is high density which is in variance to the surrounding dwellings in the area,
- Impact on Threepers Drumble – a potentially ancient woodland
- Ecological buffer is insufficient – should be increased
- Sites are within the Meres and Mosses Nature Improvement Area
- Residential development will have a negative impact on the biodiversity,
- No safe walking route to the local school
- Archaeological impact
- Concerns raised over infrastructure costs for development site
- Contrary to Policies SD1 and SD2
- Impact on the neighbouring amenity

Site 15 – Hunsterson Road / London Road – 25 dwellings

- Impact on wildlife
- Impact on water course
- Surface water drainage issues

- Highway safety concerns (eg. Speeding)
- Lack of safe walking route to school
- Loss of agricultural land
- Unsuitable development
- Inappropriate for elderly accommodation
- Design is not in keeping with surrounding area
- Contrary to Policies SD1 and SD2
- 3 storey properties are unacceptable in rural areas

Letters of Support have been received by 5 residences. The main issues raised are,

- Will create much needed housing for local people to live in
- Allow local children to stay in the area,
- Create affordable housing in an area where little is available
- It is important to see the Grade I Listed Hall and associated building restored and brought back into a viable use,
- The hotel will be good for the economy, bring new people to the area and in turn further investment into new facilities,
- The development will regenerate the area
- More people in there area will also benefit the School and Church

OFFICER APPRAISAL

Principle of Development

All 13no. proposed development sites are situated within the Open Countryside, as designated by Policy PG6 of the Cheshire East Local Plan Strategy.

Open Countryside

Policy PG6 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, rural building conversions, affordable housing and limited infilling within built up frontages and villages.

Therefore 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 sufficiently material to outweigh the initial policy objection in principle; this is considered as part of the assessment below.

Enabling Development

The site is located within the Open Countryside, as defined in the Cheshire East Local Plan Strategy, where there is strict control over new development. However, the NPPF, which is an important material consideration, states that exceptions can be made to the general policy of restraint for “enabling development”.

Enabling Development is that which would normally be rejected as clearly contrary to other objectives of national and local planning policy, but is permitted on the grounds that it would achieve a significant benefit to a heritage asset. Such proposals are put forward on the basis that the benefit to the community of conserving the heritage asset would outweigh the harm to other material interests. Therefore the essence of a scheme of enabling development is that the public accepts some dis-benefit as a result of planning permission being granted for development which would not otherwise gain consent, in return for a benefit funded from the value added to the land by that consent.

The National Planning Policy Framework,

‘Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.’ (para 140)

The Historic England’s consultation document states that ‘Enabling development’, on the face of it, is not sustainable development, as it is contrary to planning policy. However, paragraph 140 of the NPPF recognises that a breach of policy may be justified if the development proposed would secure the future conservation of a heritage asset.’

Enabling development is defined in the 2008 guidance as:

“Development that would be unacceptable in planning terms but for the fact that it would bring public benefits sufficient to justify it being carried out and which could not otherwise be achieved.”

In the 2017 draft guidance it is subtly re-defined as:

“Development that would not be given planning permission except for the fact that it would secure the future conservation of a heritage asset”

The Enabling Development Planning note, by J10 Planning advises that whilst this application is not strictly in accordance with the process of enabling development as defined in the 2008 Historic England Guidance its purpose is to help bridge the conservation deficit to secure conservation works and a sustainable future for the Hall via its conversion to a hotel.

The application information also explains the conscious decision and desire underpinning the estate masterplan, to keep the historic estate intact rather than it being broken up and sold to multiple interests. Keeping an historic estate intact is identified as a legitimate justification for allowing enabling development in both the 2008 and draft guidance.

Therefore as Historic England (formerly English Heritage) advised back in 2012, whilst this is development that has ‘enabling potential’ it is not considered to be ‘enabling development’ per se, within the terms of the process set out in the enabling development guidance.

Notwithstanding, certain principles within the existing and emerging guidance are relevant in the broader consideration of the proposals as part of the wider planning balance.

Application Type

The principle of the proposed use, the heritage and other environmental implications for the buildings, their setting and the parkland have been tested and the full extent of conservation and development works are identified by the full and listed building applications. This has allowed an accurate calculation of the heritage deficit and also addresses a range of environmental considerations.

The current application is in outline and does not necessarily satisfy the enabling development requirements. However, this proposal is not being promoted as 'enabling development' but as having 'enabling potential', consequently, in the strictest sense it doesn't have to meet this requirement. It is also worth noting the wording in the enabling development guidance relating to full applications, and as noted above there is not a requirement for a full application, only a preference.

2008 Guidance

"If it is decided that a scheme of enabling development meets all these criteria, English heritage believes that planning permission should only be granted if:

a) the impact of the development is precisely defined at the outset, normally through the granting of full, rather than outline planning permission." (p 5)

Draft 2017 Guidance

"15. If the local planning authority decides that a scheme of enabling development is justified in principle, it will need to ensure that long-term conservation of the heritage is secured. That may involve:

a) Precise definition of the scheme and thereby control of its impact, normally through the granting of full planning permission"

Part of the intent behind this stipulation is to ensure planning control over the quality and character of the enabling development and to allow it to be considered as part of the assessment and also factored into the financial costings. In instances where the enabling development is close to the assets being conserved, there is also the added imperative to ensure that the enabling development does not unduly harm the asset that it is seeking to conserve (the situation for the majority of enabling schemes).

However, the application sites are some distance from the buildings at Doddington, but are closer to the boundary of the historic park and garden. Consequently, there is less necessity to secure a full planning application for the proposed enabling development, provided that sufficient supporting information is provided to assess the impacts of the scheme. The current application is not considered to be a typical situation for development that is enabling the conservation of a heritage asset.

Consequently, an outline application accompanied by the right level of information and specifics in terms of definitive numbers and detailed design principles (in the form of a Design Code) is considered sufficient to allow the impact of the proposed development to be properly assessed.

Financial assessment

Independent financial appraisals and market assessments have been undertaken for the hotel proposals and associated conservation work and for the proposed housing development. This has all fed into an assessment of conservation deficit prepared by Rees Mellish and set out in their report entitled 'Conservation Deficit Bridging the Gap', updated for this resubmitted proposal.

The report highlights that Robinson Low was appointed by the applicant to assess the construction cost of the Hotel & Spa development, which amounts to £36,478,050. Lambert Smith Hampton valued the completed development would be £18 million in Year 1 increasing to £22.5 million at Year 3. Therefore this amounts to a deficit of £13.98 million.

The proposed 112 dwellings have been valued by the valuer's Butter John Bee from the sales/borrowings are estimated to be in the region of £9.6 million (after tax).

Colliers International was appointed by the planning authority to challenge and test the previous appraisal information and process of analysis. This process is summarised in their report 'Doddington Hall Estate Review of Proposed Development July 2016', where the financial assessment was accepted. The amended scheme appraisal uses the same method and concludes the same deficit as previously accepted, albeit updated and inflation included.

In summary, there is an identified shortfall in the viability of the hotel led proposal as a consequence of the high level of conservation works and the nature of the heritage assets. The heritage deficit has been calculated as £13.98million, but revised financial modelling in terms of procurement of the project and phasing has identified that, with the benefit of the proceeds of the proposed housing development (circa £9 million), then the scheme can be made cost neutral. There is also a commitment on the part of the owner to meet any funding shortfall should that arise, and the applicants bank have confirmed that they funded the applicants 'The Greenwich Hotel' project which included a total investment of around £25m, and have had discussion with the applicant regarding the financing of the Doddington Estate project.

Alternative proposals

The potential to accommodate enabling development within the historic parkland and closer to the primary assets was considered early on in the master planning process but quickly discounted because of the high probability of a significant adverse impact within the setting of the registered park and the principal listed buildings. The quantum of development necessary to bridge the gap would lead to substantial harm to the heritage assets that the development is aiming to conserve. This would fundamentally conflict with the heritage objective underpinning the project, namely, to conserve this collection of nationally significant assets with the least harm possible to either them or their setting.

During the course of the previous application a leisure based alternative was suggested, which has prompted a response from the applicant's heritage consultant CgMs. The Council's Principal Design & Conservation Officer concurs, with the consultant's assessment that this would lead to greater

harm to the designated heritage assets at the Doddington estate, not least because it would require a significant scale of development to achieve sufficient funding to meet the heritage deficit.

Whilst not the adopted guidance of Historic England, the 2017 draft, in its reflection of the NPPF, states that:

“The heritage assets do not have to be immediately neighbouring the enabling development, but will usually be in the same ownership. It may be preferable to site the development a little away from the heritage assets in order to avoid harm to it or its setting.” (para. 43)

During the course of the current application a further site has been proposed, the Hough Mill Quarry for residential development. The applicants have addressed this within a letter and state that, the site is unviable for the following reasons;

- a) Time scales - the proposal to relocate the residential development onto the site would be unviable, due to the need to deliver the Hall permission before it expires in February 2019,
- b) Deliverability – The application sites are owned by the applicant, and the use of third party land would further delay the development in the process of acquiring the land
- c) Financial Viability – The finance appraisal are based on no land acquisition costs. The land value created by a planning consent is to be assigned to the restoration. The additional cost of purchasing land would add additional cost to the proposal and therefore would require additional housing.

This is a reasonable argument and note that the application values are based on a number of the sites having large dwellings which will achieve large values. The use of a smaller site which would not achieve such spacious plots would mean a larger number of houses would be required to address the conservation deficit.

The heritage benefits of the proposal

Given the policy objection in principal it is vital to understand the benefits of the proposal and why the level of development is required to bridge the heritage funding gap. The prospective heritage benefits associated with this proposal are;

- The residential development will raise circa £9.6 million pounds from the development to be re-invested in conservation works and to ensure the new use as a boutique hotel at Doddington Hall,
- Associated conservation repairs to the Star barn and Delves Tower to facilitate their future use and management,
- Investment into and long term management of the grade II registered historic park and garden
- Helping to secure the future of a grouping of nationally significant heritage assets and for those to then be taken off the at risk register.
- Helping to prevent the fragmentation of the Doddington Estate, which has been in the family since the 14th century, and securing the future of this country estate for the benefit of future generations
- Wider heritage economic benefits and the potential for wider public accessibility and appreciation of these important heritage assets (as with similar establishments in other parts of the Borough)

Enabling Development Conclusion

It is clear from the application documentation and visiting the Estate that now is a very crucial time for the future of the heritage assets at Doddington Hall. If a new use cannot be secured soon and the associated conservation investment also not secured, then the assets face a very uncertain future. They are already on the national Heritage 'At Risk' register and have been for a number of years. Although the hall's condition has been stabilised for the time being and the star barn has a temporary roof, this is not a fix in the longer term. The other heritage assets also continue to decline, including the Grade I Delves Tower.

The application information explains that a number of alternative options have been explored and the site marketed extensively, albeit not recently, and the hotel is seen as the most balanced, 'best fit' option for the long term future of the hall and keeping the estate intact. This is subject however to a sizeable conservation deficit.

This proposal is not in accordance with the accepted enabling development process as set out in the Historic England guidance. Albeit this is not strictly 'enabling development' the approach does reflect aspects of the enabling development guidance and the soon to be published revised guidance given the 'enabling potential' of the proposal. There needs to be direct and tangible conservation benefits for the assets at risk, and these need to be secured via the planning process.

There is a proven shortfall in the viability of the hotel led proposal as a consequence of the high level of conservation works and the nature of the assets. The heritage deficit has been calculated as £13.9 million, but revised financial modelling in terms of procurement of the project and phasing has identified that, with the benefit of the proceeds of the proposed housing development (circa £9.6 million), then the scheme can be made cost neutral. There is also a commitment on the part of the owner to meet any funding shortfall should that arise. This has been verified by Colliers International, acting for the planning authority.

The heritage impacts of the proposal for housing are very limited, restricted to minor adverse impacts upon the historic park and garden and the stable and paddock walls, and Hatherton Lodge (equating to the lower end of less than substantial harm). They are far outweighed by the substantial heritage benefits derived from securing the new use and the associated conservation works to the mansion house and associated assets and removing these nationally important buildings from being at risk.

It is considered that sufficient evidence has been submitted to explain the future use of the hotel, the financial viability, other options and the need for the 'enabling development' as proposed in size and position. It is therefore considered that the enabling development is a significant and weighty material consideration in the planning balance, as the heritage benefit is significant.

Wider Planning Considerations

As the development is contrary to the development plan, and therefore a departure from Local Plan Policies, it is necessary to consider if there are any other material considerations which will outweigh the objection in principle. It is clear that the Hall and associated assets are in need of intervention imminently and therefore the application for housing would potentially enable their protection and improvements, and a future viable use, this weighs significantly in the planning balance.

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 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.” This is the test that legislation prescribes should be employed on planning decision making. 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” As a consequence where development accords with the adopted Local Plan Strategy the starting point should normally be that it should be approved – and approved promptly.

The Inspector’s Report on the Local Plan was published on 20 June 2017 and signalled the Inspector’s agreement to the plans and policies of the Local Plan Strategy. The Inspector confirmed that on adoption, the Council would 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” This judgement was based on an assessment with a base date of 31 March 2016.

In August 2017 the Council published its Annual Housing Monitoring Update, using the methodology endorsed by the Local Plan Inspector but updating information to a base date of 31 March 2017. This assessment showed that the Council has a supply of 16,151 deliverable homes, equivalent to 5.45 years supply.

Since the adoption of the Local Plan the Council has received a number of important planning appeal decisions:

- On 9 October 2017 the Secretary of State dismissed an appeal concerning 900 homes at Gorsty Hill Weston. In this decision the Secretary of State replicated the Local Plan Inspector’s assessment of a 5.3 year housing supply.
- On 8 November 2017 an appeal for 400 homes at White Moss Quarry, Haslington/Alsager, was dismissed, but following evidence at the Inquiry the Inspector concluded that the Council’s housing supply was between 4.96 – 5.07 years. Accordingly as ‘a precaution’ the tilted balance was engaged.
- On 4 January 2018 an appeal for 100 homes at Park Road Willaston was dismissed, but following evidence at the Inquiry the Inspector concluded that the Council’s housing supply was between 4.93 – 5.01 years. Once again taking a precautionary approach the tilted balance was engaged.
- On 30 January 2018 an appeal for 29 homes at Rope Lane Shavington was allowed. This case did not hear new evidence on housing supply, but adopted the conclusions of the previous two appeals. The Council now has leave to challenge this decision in the High Court. This challenge maintains that the Inspector erred in his approach to housing supply.

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Following the White Moss and Park Road decisions the Council completely revised and updated its housing supply assessment, looking afresh at the latest position on key sites and the housing sector generally. This evidence was presented in detail at two appeals in February/March 2018.

The first of these, involving an appeal by Gladman Developments for 46 homes at New Road Wrenbury, has now reported. This appeal was dismissed with the Inspector finding that the Council could demonstrate a deliverable supply equivalent to 5.25 years employing the most up to date evidence. On considering the Council's claimed supply of 15,908 deliverable homes, the Inspector concluded that *"in total 331 units should be deducted from the Council's supply figure, reducing it to 15,577"*.

The Inspector went on to make an overall assessment of the housing supply position:

"Whilst I have concluded that at the present time the supply of housing land is not quite as healthy as the Council believes, there is a supply which exceeds the five year requirement. When considered along with recent facts relating to both the supply of land and delivery of housing units, I see no reason to depart from the conclusions of the local plan Inspector in finding that there is sufficient provision to ensure that local housing needs can be met"

This most recent appeal decision positively affirms that the Council can demonstrate a five year supply of housing land. This appeal involved a thorough scrutiny of all of the relevant evidence and whilst following a hearing format, also featured experienced legal representation. Accordingly the Council considers this to be the most robust and definitive conclusion on housing supply – which confirms that a 5 year supply of deliverable sites can be demonstrated.

In the light of this, relevant policies for the supply of housing should be considered up-to-date – and so consequently the 'tilted balance' of paragraph 14 of the NPPF is not engaged.

Although the LPA can now demonstrate a 5 year Housing Land supply, it is a minimum requirement not a ceiling, and therefore any additional housing will help towards keeping the supply above 5 years in the Authority.

Locational Sustainability

The National Planning Policy Framework definition of sustainable development is:

"Sustainable means ensuring that better lives for ourselves don't mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment"

Accessibility is a key factor of sustainability that can be measured. The guidance within Policy SD 2 (Sustainable Development Principles) within the Cheshire East Local Plan Strategy sets out guidelines for suitable distances from local amenities from new development sites.

There are 12no sites proposed for residential development, sited on average 1km away from Doddington Hall. Whilst a sustainability appraisal has not been carried out, the surrounding area has a primary School, Bridgemere Garden Centre (café/restaurants and shops), a church (on the Doddington Estate), a public house (The Boars Head), The Scouts Association, and the Sailing Clubs. There are a number of rural enterprises in the area as well.

However, all of the sites appear to be locationally unsustainable, with every day amenities such as a supermarket/convenience store and, secondary school being either in Audlem, Woore, Wybunbury or further a field in Nantwich. Furthermore, there is limited Public Transport in the area.

In summary, the sites fail the majority of the standards advised by Local Plan Strategy Policy SD2. It is likely that the majority of the future occupiers of the dwellings will need to heavily rely on motor vehicles in daily life. As such, the application sites are considered to be locationally unsustainable.

Agricultural Land Classification

Paragraph 26 of the Natural Environment NPPG advises that Local Planning Authorities should seek to use areas of poorer quality land in preference of higher quality land for development.

The Agricultural Land Classification system classifies land into five grades, with Grade 3 subdivided into Sub-grades 3a and 3b. The best and most versatile land is defined as Grades 1, 2 and 3a and is the land which is most flexible, productive and efficient in response to inputs and which can best deliver food and non food crops for future generations.

Policy NE12 (Agricultural Land) of the Crewe and Nantwich Replacement Local Plan advises that development on such land quality shall 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 or, other sustainability considerations suggest that the use of higher quality agricultural land is preferable to the use of poorer quality agricultural land.

The Applicant has instructed Reading Agricultural Consultants Ltd to carry out an Agricultural Land Classification and Soil Resources, dated February 2018. Site specific comments are noted below.

The overall conclusion of the report states that

There are two distinct soil types present across the 15 sites. The dominant soil type comprises coarse textures, typically with loamy sand or sandy loam topsoil, overlying sand subsoil. The subordinate soil type is found on Sites 13, 14 and 15 and comprises clay loam topsoil and clay subsoil. The predominant limitation to land quality is droughtiness, which varies from slightly to moderately severe, with Grades 2, 3a, 3b and 4 present across the sites.

There are 4no sites which are Grade 2, and 6 sites which are Grade 3a. The proposal will therefore include the loss of best and most versatile land on a number of the site. This is a matter which shall be considered in the planning balance.

Trees and Hedgerows

Trees within and immediately adjacent to the application sites are not currently protected by a Tree Preservation Order or lie within a Conservation Area. Trees are a material consideration for planning and in design terms the emphasis should be on the sustainable retention of high and moderate category trees where possible. In this regard Section 197(b) of the Town and Country Planning Act 1990 provides a specific duty of the local planning authority to consider

making tree preservation orders on trees where appropriate in connection with the grant of planning permission.

The application is supported by an Indicative Arboricultural Impact Assessment (AIA) Tree Solutions (Ref 16/AIA/CHE(E)/100 (Rev B) dated February 2018 and Arboricultural Method Statement Tree Solutions (Ref: 16/AMS/CHE(E)/100 dated 16th November 2016). A Tree Survey schedule does not appear to have been included within the AIA. However details of tree species, relevant condition and categories under the British Standard are referred to under the previous submission (16/ 5719N).

The tree officer therefore considered that there are no significant issues which cannot be overcome, by the addition of conditions or dealt with at reserved matters stage.

Landscape

The Landscape Officer states that the LVA has broadly followed the methodology set out in the published guidelines GLVA 3 (2013) and is appropriate for a landscape and visual appraisal. It discusses national and local planning policy relating to landscape, and refers to the Cheshire East Local Plan. It presents an appropriate baseline for landscape and visual receptors. The impact of the development on the character of each development site, the landscape surrounding each site and the registered parkland is considered at year one, but the impact at year 15 is not fully considered. The impact of the development on key visual receptors such as users of footpaths, roads and properties is considered at year 1 and year 15.

The CCC LCA 2009 identifies that the Doddington area lies within landscape type 10 – Lower Farms and Woods and the sub division LFW4 Audlem Character Area. This is a rolling agricultural landscape with slightly incised streams and waterbodies. Settlement is described as being of low density, mainly consisting of hamlets, farms and small settlements such as Buerton and Chorlton. In the north a number of roads radiate out of Nantwich towards the County boundary. A number of more substantial properties located along the highways contribute to a more settled and urban character. The Landscape Officers assessment is that within the area surrounding Doddington there are a number of scattered residential properties, often converted farm buildings and farm houses with some prominent modern farm buildings.

This is an outline application, but the submitted Site Design Code provides a degree of control over access arrangements, number of bedrooms, style of design, materials, structural landscaping. This goes considerably beyond an outline application, while not providing the definitive position of a full application. It is however sufficient to establish a reasonable understanding of the impact of each proposed development on public views and the character of the landscape.

The Council's Landscape Officer has identified five points of difference between his assessment and BW's submitted Landscape and Visual Appraisal these are relatively minor differences. Overall the impact on landscape character after year 15 varies between minor/moderate adverse to negligible with the average impact being minor adverse. The overall visual impact varies between minor/moderate adverse to negligible with the average after 15 years being minor adverse/negligible. The site with the greatest character and visual impacts is site 10 followed by sites 8 and 15. Advanced landscape mitigation for these and

other sites could reduce the initial impact. The Landscape officer suggests that if planning permission is granted advance landscaping should be carried out to:

- strengthen/gap up hedgerows,
- add hedgerow trees where appropriate and,
- provide early establishment of proposed woodland areas at the eastern end of sites 3 and 15.

All work to be carried out within the first available planting season after the granting of planning permission.

An assessed minor adverse impact for landscape character and visual impact would not in the Landscape Officer's opinion give rise to an objection under landscape policies within the NPPF or the CEC local plan, subject to advanced landscape mitigation described above, the Landscape Officer does not object to this application on landscape grounds.

Ecology

The application is accompanied by protected species surveys and amended plans have been received in respects of sites 1, 7 and 10, which relate to the concerns raised by Cheshire Wildlife Trust and the Council's Ecologist. The comments are based on the amended plans.

Statutory Designated Sites

Natural England have been consulted on this application and raised no objection in respect of Statutory Designated Sites.

Nature Improvement Areas

The application sites are located within the Meres and Mosses Nature Improvement Area. Designations of this type are protected by policy SE3 of the Local Plan. This is pertinent in respect of the proposed development of sites 9 and 10 as detailed below.

Great Crested Newts

This protected species is likely to be affected by the proposed development at two of the proposed sites (site 4 and 10). In the absence of mitigation the proposed development would result in the loss of an area of low quality terrestrial habitat, the proposed works would also pose the risk of killing or injuring any animals present during the construction phase.

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected the proposed development the planning authority must have regard to whether Natural England would be likely to subsequently grant the applicant a European Protected species license under the Habitat Regulations. A license under the Habitats Regulations can only be granted when:

- the development is of overriding public interest,
- there are no suitable alternatives and

- the favourable conservation status of the species will be maintained.

Details of how the Habitat Regulations 'tests' were considered must be recorded within the committee/delegated report.

The development is required as part of an enabling development scheme and the benefits of saving the Heritage Assets are of overriding public interest.

As explained earlier in the report, there are no other suitable alternatives for the proposed enabling works, and pre-application discussions have been carried out to limit the negative impacts.

In order to mitigate the risk of great crested newts being killed or injured during the construction phase the applicant's ecological consultant has proposed to remove and exclude great crested newts from the footprint of the proposed development by means of standard best practice measures under the terms of a Natural England license.

The submitted ecological assessment includes proposals for habitat creation measures to address the loss of terrestrial habitat associated with the scheme.

The Council's Ecologist advises that, if planning permission is granted, the proposed mitigation and compensation measures are acceptable and are likely to maintain the favourable conservation status of great crested newts.

In the event that outline planning permission is granted a condition is required to ensure that any reserved matters application be supported by an updated protected species assessment and mitigation strategy.

Other Protected Species

An updated survey has been submitted for other protected species, and evidence of other protected species activity was recorded at several of the proposed housing sites with active habitats being present at three of the sites. Based on the location of the setts on site it is possible that a number of habitats could be retained, it is however likely that at least one habitat would need to be closed under the terms of a Natural England license to avoid any risk of other protected species being disturbed or injured during the construction phase.

The Council's Ecologist advises that the precise impacts on other protected species will depend upon the level of other protected species activity occurring when works on site commences and also on the finalised layout developed at the reserved matters stage.

The Council's Ecologist therefore advises that any future reserved matters applications must be supported by an updated ecological assessment and mitigation strategy which would include an updated protected species assessment.

Hedgerows

Hedgerows are a priority habitat and hence a material consideration. Development of a number of sites subject to this application would result in the loss of sections of hedgerows, usually to

facilitate site entrances. The submitted ecological assessment includes recommendations for the creation of replacement hedgerows to compensate for those lost. This can be achieved through the attachment of a condition requiring any future reserved matters application to be supported by a detailed ecological mitigation strategy.

Site specific issues have been addressed below.

Design

There has been significant discussions and refinement of the design code for the proposed sites and therefore from an overarching urban design perspective the principles are considered to be acceptable. However, in locational terms, the sites are largely isolated and therefore present broader issues in respect to their locational sustainability and accessibility to day to day services.

Furthermore, in general terms the management of the scale of buildings needs to be controlled. The Design Code indicates for several sites a proportion of 3 storey buildings. 3 storey buildings as a matter of principle are not acceptable. Section 4.2.2 of the Design Code considers massing where it states "*Scale will generally be 2 storey, with rare exception, given the general low rise scale of this part of the Borough*" (The Design code presently indicates that 23 of the 112 properties proposed will be 3 storey). The agent has confirmed that 3 storey in effect means that the properties are 2 storey with attic accommodation, but the Design Officer considers that only certain sites are suitable for this scale of accommodation and they should be an exception. Consequently, the number should be reduced both as a whole and on individual sites (where applicable) to prevent the development sites becoming too urban and estate like in character.

The Design Officer considers that a larger footprint would be more appropriate in most cases, given the size of the plots, than three storey properties. Therefore it is considered that a condition is necessary to ensure the dwellings are no more than two storey, with a height limitation (to be agreed). This would allow for some properties to have accommodation in the roof without exceeding a two storey limit.

It is also considered that the impact of external lighting will also be required to ensure the impact on rural tranquillity and dark skies is minimised. Given the application is in outline the design code can be conditioned to enable the detailed reserved matters applications to be informed by the intentions of the outline indicative plans.

Impact on Built Heritage

Doddington Hall is a Grade I listed building within a Grade II Historic Park and Garden. Its adjacent stable block is listed Grade II together its lakeside gates, piers and screen walls and the Boat House next to the lake (Doddington Pool). To the north is the Grade I listed Delves Tower (Castle).

Further to the north west are the Grade II listed Woodside Cottages, next to which is the Grade II listed Demesne House and its star shaped Grade II* Barn and Farm Buildings. Beyond which to the south west lies the Grade II Church of St John and to the south the

Grade II walls of the paddocks to stable buildings, all of which lie outside the Historic Park & Garden.

Within the wider area lies Hatherton Lodge, The Cottage and The East and West Lodges, gates and piers formerly on the long drive leading to Doddington Hall.

The heritage assessment produced by CgMs acknowledges that there will be a very modest impact upon the setting of the Registered park and garden and a couple of lower grade listed buildings in proximity to sites (but not the more highly graded assets centred on the estate), both as a consequence of the individual impacts for particular sites and nearby assets but also their cumulative impact upon the rural setting of the registered park. It concluded that this would equate to less than substantial harm and would be at the lower end of the spectrum.

The Built Heritage Officer also considers that the proposals, will have only low degrees of less than substantial harm in places as indicated in the site specific assessments below, and therefore does not object to the development based on the impact on Heritage Assets.

Archaeology

An archaeological desk based assessment was produced by CgMs Consulting in November 2015, updated November 2016. The Cheshire Archaeology Planning Advisory Service (APAS), have considered the desk based assessment and note that it is clear that six of the proposed development sites have the potential to yield significant below ground archaeological remains which may be disturbed through the development, however it is noted that Site 6 has now been discontinued.

Therefore APAS note that whilst it would not be reasonable to object to the development on archaeological grounds, APAS would advise that a programme of mitigation be taken on Sites 1, 4, 8, 10 and 14, and this mitigation is outlined below on each specific site. This can be conditioned.

Access

Although there are 112 units proposed these are spread into small pockets of development and the Strategic Infrastructure Manager notes that they will have little impact on the local road network, each of the sites has a satisfactory designed access and internal layout with adequate parking provided.

As noted below, site 4 was previously refused by the Members of Strategic Planning Board on the grounds that '*the proposal fails to provide safe and suitable access for Site 4, off Dingle Lane*'. The previous scheme proposed 8 units off Dingle Lane, this amended scheme is for 4 units. The Strategic Highways officer has re-assessed the scheme and considers that although Dingle Lane is a narrow single track road it would be unsuitable to serve a large number of new dwellings, 4 units will have low traffic generation and the inclusion of the proposed passing spaces is acceptable. The use of a temporary construction route is also acceptable. The Strategic Highways officer considers that given the level of development using Dingle Lane has been significantly reduced it is considered that the proposed access via Dingle Lane is acceptable and would not warrant refusal of this amended application.

The Strategic Highways Manager has considered that if the proposed development is accepted in the locations proposed, it has to be accepted that the sites will not be readily accessible to local services and public transport. However, this is matter for consideration when assessing the benefits of the development.

Overall, the developments are small scale, in keeping with the existing development in the area and raise no highway objections.

In summary, the proposed residential development is split across a number of locations that does not result in traffic impact or road safety concerns and no objections are raised.

Flood Risk and Drainage

A number of the application sites are situated adjacent to Flood Risk zones 2 and 3, however the proposed physical development has been designed to sit within flood risk zones 1 only. Site 5 is the only site which is within flood risk zone 3 however is solely for use as an extended car park, and the Environment Agency and Flood Risk Officers states that they have no objections to the development on flood risks matters.

The Council's Flood Risk officers have also raised no objections to the proposals however have suggested a number of conditions in relation to the potential future drainage solutions.

The Environment Agency have however, raised concerns regarding the applicants foul drainage solution and have stated this is because it **may** involve non-mains foul drainage system but no assessment of risks of pollution to the water environment have been submitted. The current Foul Water Drainage report (February 2018) contains a number of options. It is the Environment Agencies position that foul water drainage from the proposed development should discharge to mains sewer and therefore the EA would therefore encourage option 1, connecting all sites to public sewer. The applicant has confirmed that Option 1 is also their preferred option and has been costed as part of the financial appraisal of the development. The applicant therefore states that the EA's objection has therefore been addressed. The EA have been reconsulted on this matter and their amended response is awaited. However it is in the Planning Officers opinion that the issues has now been addressed and would not amount to a reason for refusal of the application.

United Utilities have also been consulted on the application and have raised no objections to the proposal subject to conditions.

Amenity

Policy BE.1 of the Local Plan advises that development shall only be permitted when the proposal would not have a detrimental impact upon neighbouring amenity in terms of overlooking, overshadowing, visual intrusion or environmental disturbance.

The Development on Backland and Gardens SPD states within paragraph 3.9 that as a general indication, there should ideally be a distance of 21m between principal elevations and 13.5m between a principal elevation with windows to habitable rooms and blank elevations.

As the application is in outline there are no elevations proposed at this time, however the layout is sought at this stage, although indicative illustrative layouts are indicated in the Design Code. Each site has been assessed on the potential amenity impact on any neighbouring properties and the impact on future occupiers of the dwellings.

In conclusion the proposed sites are acceptable and have sufficient separation distances to any adjoining neighbours. The Design Code states that the dwellings will not exceed 2 storeys in height with only limited 3 storey properties, and it is considered reasonable to stipulate a maximum height limit by condition, given the rural location. The detailed stage will address the position of principal windows on the proposed dwellings.

Although the proposed development may impact on the views of a number of neighbouring properties, this is not a material planning consideration, and the impact on some of the sites has been reduced in this amended scheme.

All the dwellings appear to have a suitable level of private amenity space, with some sites including communal and public areas of open space. However, the Tree Officer has raised concerns with a handful of the sites and potential social proximity issues with trees to be retained.

The Council's Environmental Protection Team have advised that they have no objections, to the proposal subject to a number of conditions which relate to the construction phase of the development, air quality impact and environmental sustainability of the site, future use of the site. These conditions are considered to be acceptable.

As such, subject to conditions, it is considered that the proposed development would adhere with Policy BE.1 of the Local Plan.

Affordable Housing

The Councils Interim Planning Statement: Affordable Housing (IPS) and Cheshire East Local Plan CELP: states in Settlements with a population of less than 3,000 or more, we will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing, on all unidentified 'windfall' sites of 11 dwellings or more or larger than 1000 sqm's in size including garages. The desired target percentage for affordable housing for all allocated sites will be a minimum of 30%, in accordance with the recommendations of the Strategic Housing Market Assessment carried out in 2013. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

This is a proposed development of 112 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 34 dwellings to be provided as affordable dwellings.

For the purposes of the SHMA 2013 the sites in this application are located within the Wybunbury & Shavington sub-area, where there was an identified need for 54 new affordable dwellings per annum until and including 2018. Broken down there is a requirement for 8 x 1 bed, 20 x 2 bed, 7 x 3 bed, 12 x 4+ bed, 1 x 1 bed older person and 7 x 2 bed older person dwellings.

The current number of those on the Cheshire Homechoice waiting list with Wybunbury and Hatherton as their first choice is 15. This can be broken down to 4x 1 bedroom, 2x 2bedroom, 6x 3

bedroom and 3x 4+ bedroom dwellings. On this site therefore, a mix of 2 and 3 bedroom dwellings for general needs and older person provision on this site would be acceptable.

There was a Doddington and District Rural Housing Needs Study performed August 2012 that was valid for 5 years, but is now out of date.

The policy requires that 22 units should be provided as Affordable rent and 12 units as Intermediate tenure.

The applicant has stated that they are treating each of the 12 land areas on this Outline Application as individual areas and have allocated the Affordable Housing in this manner. However, all other contributions are based on all 12 land parcels are to be treated as one. This means that the 10 Affordable dwellings proposed do not meet the policy requirement and also there is no mention on the tenure split, and as such the Strategic Housing Officer has objected to the proposal.

However, the Strategic Housing officer has confirmed that, if the application is approved the Reserved matters Application will need to include an Affordable Housing Statement will have to be produced and agreed with the council that confirms the following:

- (a) the Agreed Mix;
- (b) the timing, location and distribution of the Affordable Housing within the Site, ensuring that the Affordable Housing is pepper-potted throughout the Site and not segregated from the Open Market Housing;
- (c) details of how the proposed design and construction of the Affordable Housing will ensure that the Affordable Housing is materially indistinguishable (in terms of outward design and appearance) from the Open Market Housing of similar size within the Development;

The Cheshire East Plan (CELP) and the Councils Interim Planning Statement: Affordable Housing (IPS) requires that the affordable units should be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration and also that the affordable housing should be provided no later than occupation of 50% of the open market dwellings

The Strategic Housing Officer states that there is a preference that the affordable housing meets the HCA's housing quality indicator (HQI) standards, and secured by means of a S106 Agreement.

It is considered that although 10 affordable dwelling does not meet the policy requirement, it goes some way to address the policy issues and given the viability concerns with the proposal, any additional affordable units would subsequently require additional dwellings to accommodate the financial burden of affordable units. It is therefore considered that the proposal is acceptable.

Open Space

This application puts forward various sites, all of which are family dwellings over a 15 year period.

Since the last submission the new CELP has been adopted and Policy SE6 requires 20m² amenity green space, 20m² children's play space and 20m² green infrastructure connectivity per dwelling.

The Greenspace Officer has assessed the application and noted that it was unclear from the proposal if policy requirements are being met and clarification was needed.

The applicant has confirmed that the Sites 1, 10 14 and 15 totalled 1.690 sqm of formal space. The requirement of 20 sqm per dwelling requires a total provision of 2,240 sqm. The applicant has therefore added 300 sqm to site 14 and 250 sqm to Site 15 and therefore now meets the requirement.

The Greenspaces Officer notes that the addition of new LEAP's and LAP's are most welcomed however, the Greenspaces officer also noted their support of the Parish Councils suggestion of a LEAP and associated car parking could also be introduced near to the school to help promote community cohesion.

The LEAP's and LAP's should enjoy a relatively flat site and should be to Fields in Trust standards. The facilities should also enjoy amenity green space adjacent for informal play. The Green Spaces Officer suggests a condition is required to submit the designs and layouts should the committee deem this application acceptable.

Policy SE6 also includes for 5m² per dwelling of allotment space. A community orchard and allotments are proposed at site 15 however access rights must be clarified.

Site 15 exceeds this requirement, and the applicant has confirmed that this will be managed by a Resident Management Agreement and would be opened up to existing and future residents of the local Parish, this can be secured within the Legal Agreement.

Education

The Local Plan is expected to deliver 36,000 houses in Cheshire East; which is expected to create an additional 6,840 primary aged children and 5,400 secondary aged children. 422 children within this forecast are expected to have a special educational need.

The development of 112 dwellings is expected to generate:

20 primary children (112 x 0.19) – 1 SEN

17 secondary children (112 x 0.15)

1 SEN children (112 x 0.51 x 0.023%)

The development is expected to impact on both secondary school places and SEN School places in the 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 schools in the area as a result of agreed financial contributions. The analysis undertaken has identified that a shortfall of 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 Doddington Estate 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:

$17 \times £17,959 \times 0.91 = £277,826$ (secondary)

$1 \times £50,000 \times 0.91 = £45,500$ (SEN)

Total education contribution: £323,326.00

Without a secured contribution of £323,326.00, Children's Services raise an objection to this application. The applicant has confirmed that the application includes the Education contribution.

Community Benefits

As part of the development proposal the applicant has sought ways to improve the existing land in the ownership of the applicant, and include elements of community improvement within the application sites.

Given the lack of funding it is not possible to provide the normal full social benefits a housing development of this size would provide, in relation to affordable housing, education provision and Open Space and children's play space.

However, to address some of the issues raised by the previous application, the applicants have are now including the following benefits:

- the education contribution of £323,326,
- a LEAP on Sites 1, 14 and 15 and a LAP on site 10,
- 10no affordable housing units (4no. on Site 2 and 6no. on Site 15)
- the extended School Car Park (Site 6),
- permissible footpaths through the estate land, and from sites 2, and 4 towards the school,
- a path from the School to the Church,
- improved parking provision for the Church,
- Community Orchard/allotment which may help improve the social cohesion of the sites.

Site specific issues

Site 1 – London Road - 2.81ha – 18 dwellings

Application Site 1 is situated on London Road, and is bounded by hedgerow and trees on all sides, with the road adjacent on the south western boundary. The proposal seeks permission for 18no dwellings on this site, and a LEAP. The site lies adjacent to a water course and on the opposite side of the water course is the Milldale Scouts Association building.

Agricultural Land Classification

Site 1 extends to 2.8ha of agricultural land in arable use. The site is bounded to the north by woodland, to the east and south by other agricultural land, and to the west by London Road. The main factor limiting the quality of land at this site is droughtiness, which restricts most of the area to Subgrade 3a and a smaller portion to Subgrade 3b. The area of Subgrade 3b is visually distinguishable by restricted crop growth. The land classification is Grade 3a, 21% and Grade 3b, 79%, and therefore there would be a loss of a parcel of BMV land.

Trees

The AIA indicates that a small section of hedgerow (H1) will require removal to allow for the access road. Hedgerows are a priority habitat and therefore a material consideration. More detailed comments on the loss of hedgerows and measures for any mitigation are covered by the Council's Nature Conservation Officer's Consultation comments.

A comparison with the previous indicative layouts now shows two proposed dwellings to the north of the site re-orientated so that the principle elevations are orientated away from tree constraints, thereby presenting an improved relationship in design terms. There remains the issue of site topography, however given the area of land available, the Arboricultural Officer is satisfied that a detailed levels survey/cross sectional detail can be dealt with at reserved matters.

Ecology

The woodland located to the north eastern boundary of this site appears upon the national Inventory of priority habitats. Habitats of this type are a material consideration for planning. Developments located adjacent to woodlands have the potential to have a number of adverse impacts on the nature conservation value of the woodland. An ecological mitigation area is proposed by the submitted ecological assessment. This appears to have been reduced in size by the submitted illustrative layout plan.

An undeveloped buffer is proposed adjacent to the woodland. This buffer has now been very slightly increased which is a slight improvement on the originally proposed buffer. The Council's Ecologist advises that a greater buffer would be preferred as this would be more likely to fully safeguard the woodland. Buffers of between 8m and 15m have been negotiated at other development sites adjacent to woodlands.

Landscape

Barnes Walker (BW) assess this site (18 4/5 bed detached properties) to have a moderate adverse landscape effect at year 1 (post construction), with a minor/moderate impact on the registered parkland. The Landscape Officer agrees with this assessment. It is proposed to include substantial tree planting within gardens and open space along the access road and on boundaries. This will substantially soften and reduce the impact of the houses in the medium to longer term and the Landscape Officer believes that the overall long term landscape effect will be minor adverse. The visual effect is assessed to be minor/moderate adverse at year 1 and minor adverse/negligible at year 15. The addition of a play area does not alter my assessment of this site and I agree with Barnes Walker's (BW) assessment.

Access and Parking

A single point of access is taken from the A51 London Road to serve 18 units proposed; the visibility provision is acceptable at 2.4m x 215m. The proposed internal layout is a standard highway layout with turning heads provided, and is considered acceptable.

Heritage Impact

The proposed development seeks permission for 18 dwellings 20m north of Historic Park & Garden and 900m north east of Doddington Hall. The Councils Built Heritage Officer considers there to be no impact on the Grade I listed Tower complex due to intervening trees but it will be potentially visible from within the Historic Park & Garden (HPG) due to its close proximity to the adjacent London Road. Whilst this is the least formally planned element of the HPG, further planting will need to be encouraged to the west boundary as suggested by the agents in order to assist to minimize its built form adjacent to the setting of the HPG.

Amenity

There are no immediately adjacent neighbouring residential properties to this site. The closest neighbouring property is over 150m to north. To the rear of the site (to the north) is the Milldale Scout Camp and associated amenity land. There is a water course, tree coverage and an ecology mitigation zone proposed between the proposal site and the Scouts Association site. Only one of the properties is situated facing towards the Scout fields however with the intervening tree coverage, and mitigation planting it is considered unlikely that the proposed development will have a significantly detrimental impact on the Scout's use of the land, or the future occupiers of the dwellings.

Design

Site 1 is one of the larger sites within the proposal with permission sought for 18 dwellings. The site is naturally contained by existing vegetation and the hedge and tree planting proposed will help to ensure the development will not have a significant impact on the streetscene. The proposed density and detached nature of the dwellings is in keeping with the rural nature of the area. Detailed plans at reserved matters stages will be required to include sympathetic external and surfacing materials.

Currently the Design Code states that the 4no. dwellings, will have 3 storeys (ie. 2 and half storey buildings), the design officer considers this may be acceptable but would need to be located to the rear of the site. True three storey properties would not be acceptable on this site.

Archaeology

The Doddington Township Map of 1761 depicts a 'T' shaped structure (c.25m x 25m) believed to be the 'Smithy' within the south-west corner of the site, adjacent to London Road. The structure had gone by the time of the Estate Plan of 1815 and the site has remained undeveloped since this date. Conditions are proposed to record archaeological works.

Site 2 – Hunsterson Road / Dingle Lane – 0.847 ha – 12 dwellings

Application Site 2 is situated on Hunsterson Road, and is triangular in shape. The site is bounded by hedgerows and trees on all side with Hunsterson Road to the north and Dingle Lane to west. There are a number of residential properties sited off Dingle Lane adjacent to the western boundary of the site. The proposal seeks permission for 12 dwelling on this site, and a permission route into Site 15.

Trees

A small section of hedgerow (H1) adjacent to Hunterson Road will require removal to allow for the access road. Hedgerows are a priority habitat and therefore a material consideration. More detailed comments on the loss of hedgerows and measures for any mitigation are covered in the Council's Nature Conservation Officer's Consultation comments.

A group of Low (C) category Cherry, Willow, Birch and Alder (G1) adjacent to Dingle Lane and Low category Sycamore, Apple, Willow and Birch (G2) are proposed for removal to accommodate development. As Low category trees these are not significant in terms of the impact upon the wider amenity of the area, however replacement planting in mitigation shall be provided to meet national climate change policies and to maintain overall canopy cover.

Plots located towards the eastern boundary of the site are located close to an offsite woodland (W1). The relationship of buildings and gardens to the woodland could give rise to future pressure for removal and or pruning back of trees, however are considered acceptable.

Agricultural Land Classification

Site 2 is a triangular parcel of land of around 1ha of agricultural land in arable use. The site is bounded to the permanent grassland and woodland. The site is bounded to the north by Hunsterson Road, to the west by Dingle Lane and to the east by other agricultural land. The site has a very gentle slope downward to the south and sites at around 85m AOD. The Land classification is Grade 3a 100% and therefore would be loss of BMV agricultural land.

Landscape

This site is adjacent to Bridgemere Mews and is sited on the car park for the former Wildlife Park. BW assesses it to have a minor adverse effect on the surrounding landscape character and a minor to moderate visual effect. The development is of 12 2/3 bed mews style properties around a green adjacent to Dingle lane. Linear tree planting is proposed along the lane and road frontage and the site is backed with existing woodland. The development is in keeping with Bridgemere Mews and the Landscape Officer agrees with the BW assessment. In the longer term, it is considered that the impact on landscape character will be negligible.

Public Rights of Way

There is a public right of way, Bridgemere Footpath No. 1 which sits adjacent to site 2. The proposal is not considered to affect the PROW, however the Public Right of Way team have requested a condition to safeguard the PROW.

Access and Parking

The Strategic Highways Manager states that Sites 2 and 3, are accessed from Hunsterson Road, the site to north will serve 5 dwellings and the site to the south will have 12 dwellings, the access points are staggered and visibility requirements have been determined from speed surveys. The internal road layout is considered to be acceptable.

Heritage Impact

The proposed development is for 12 dwellings, 500m to south of Historic Park and Garden (HPG) and 1,150m to south of Doddington Hall. The Built Heritage officer notes that located adjacent to site 2 these proposals are likely to have an impact on limited open views of HPG, the Pool and specimen planting from Hunsterson Road.

Amenity

The proposal site is situated opposite the residential properties associated with Bridgemere Hall and Mews. The nearest property is situated over 28m away from the proposed dwellings, which is considered to be acceptable separation distance. The configuration of the site means that the proposal will not have a significantly detrimental impact on neighbouring amenity due to its orientation and layout.

Design

The development is designed in a linear fashion mimicking the formation of the mews opposite. The proposal will include some tree planting to the edges of the site and an area of public open space within the centre of the development plot. There is a PROW through the site and surfacing materials will be a key consideration at detailed stage.

Site 3 – Hunsterson Road / Bridgemere Cross – 0.769 ha – 5 dwellings

Application Site 3 is situated on Hunsterson Road, opposite site 2 and Site 15. The site is rectangular in shape, and forms the corner of an existing agricultural field. The site is bounded by Hunsterson Road to the south, residential properties to the west and open fields to the north and east. The proposal seeks permission for 5 dwellings on this site.

Trees

A small section of hedgerow (H1) adjacent to Hunsterson Road will require removal to allow for the access road. Hedgerows are a priority habitat and therefore a material consideration. More detailed comments on the loss of hedgerows and measures for any mitigation are covered in the Council's Nature Conservation Officer's Consultation comments.

Agricultural Land Classification

Site 3 extends to 0.8ha of agricultural land in arable use. The site comprises the south-west corner of a wider field area. To the west is a residential property and to the south is Hunsterson Road. Topography is level at an altitude of around 85m AOD. The Land classification is Grade 2 - 100%, and therefore would be a loss of BMV agricultural land.

Landscape

These 5no. detached properties on Hunterston Lane are opposite site 2 and adjacent to several detached properties on Hunterston Lane. Tree planting is proposed on the northern boundary; with a copse created at the eastern end of the properties. The Forestry Officer considers that this will greatly help to soften their impact on views from the parkland to the north. BW assess at year 1 there will be a moderate adverse impact on landscape character and the Council's Landscape Officer assess that this will fall to minor after year 15. Visual impact is assessed as being moderate adverse at year 1 and minor adverse/ negligible at year 15. The Landscape Officer disagrees and finds that at year 15 the visual impact will be minor adverse and could not be considered negligible.

Access and Parking

The Strategic Highways Officer states that Sites 2 and 3, are accessed from Hunsterson Road, the site to north will serve 5 dwellings and the site to the south will have 12 dwellings, the access points are staggered and visibility requirements have been determined from speed surveys. The internal road layout is acceptable.

Heritage Impact

The proposal is for 5 dwellings, 480m to south of Historic Park and Garden and 1,130 south east of Doddington Hall. The Heritage Officer states that the proposal is located adjacent to site 2, these proposals are likely to have an impact on limited open views of HPG, the Pool and specimen planting from Hunsterson Road.

Design

The proposal seeks permission for 5 detached dwellings on the site which appear to be of a layout and density which is in keeping with the surrounding streetscene. The dwellings will be sited to the rear of the site with tree planting proposed around the boundary of the site. It is considered that the site will appear in keeping with the surrounding streetscene and will not have a detrimental impact on the character of this existing cluster of development.

Amenity

The proposal site is situated opposite site 2 and adjacent to the property known as White House. The closest property is sited over 30m away from White House and there is garage between. Given there are no elevations it will be important to ensure the garage is single storey and no principal windows are sited on the side elevation to safeguard the neighbours amenity.

Site 4 – Dingle Lane – 4.4ha – 4 dwellings

Application Site 4 is situated on Dingle Lane. The site is situated adjacent to the former Wildlife park, and bounded by a water course to the north of the site, hedgerows to the three sides of the site and the remainder of the field to the south west. There are number of ponds surrounding the site.

Trees

Oak (T9) is located adjacent to the existing single field access off Dingle Lane which could be impacted by the proposed access improvements. The plans show are of hedgerow/trees to be removed, but the extent of the proposed access improvements on the Root Protection Area of T9 are not considered. Further detail can be secured by condition.

Agricultural Land Classification

Site 4 extends to 4.3ha of arable production, with the remainder comprising woodland, ponds and thickets. The site is bounded to the north by a residential property, to the east by Dingle Lane, and to the south and west by other agricultural land. Topography at this site is uneven and undulating, although there is a general downward slope to the south-west, from around 85m to 80m AOD. The Land classification is Grade 3a – 2%, 3b – 67%, 4 – 31%, therefore there would be a small loss of BMV land.

Landscape

This development was originally for 8 large detached properties and has now been reduced to 4 large properties. The site is partially enclosed by woodland and hedgerow trees and separated from Dingle Lane by a substantial level change. The Landscape Officer agrees with BW that year 1 impacts will be minor/moderate adverse for character and minor adverse for visual effects. In the longer term, the Landscape Officer advises that the impact on landscape character will be minor adverse and agrees with BW that Visual effects will be minor adverse/negligible.

Access and Parking

Site 4 is proposed for access off Dingle Lane. The previous application was refused in part due to Members of the SPB considering that '*... the proposal fails to provide safe and suitable access for Site 4, off Dingle Lane*'. The previous scheme proposed 8 units off Dingle Lane, this amended scheme is for 4 units.

The Strategic Highways Officer has re-assessed the application and notes that Site 4 is accessed from Dingle Lane and now proposes 4 five bedroom dwellings a reduction from 8. It is recognised that Dingle Lane is a narrow single track road and would be unsuitable to serve large numbers of dwellings, although the proposal is for 4 units that will have low traffic generation. The applicant is proposing to provide a number of passing spaces along Dingle Lane that are inter-visible for drivers.

To avoid construction traffic having to use Dingle Lane a temporary construction route is proposed to the northern side of the site. On completion of construction this route will be closed and converted to a pedestrian/cycle link.

Given that the level of development using Dingle Lane has been significantly reduced with a subsequent reduction in traffic movements it is considered that the proposed access via Dingle Lane is acceptable with the introduction of the proposed passing places. This can be conditioned and therefore has addressed the reason for refusal.

Heritage Impact

The development is for 8 dwellings, 540m to south of Historic Park and Garden and 1,050m to south east of Doddington Hall. The Heritage Officer states that the development is unlikely to have any impact on the HPG or listed buildings in its Grade I listed Doddington Hall or Pool complex, given its distance and the presence of the intervening settlement of Bridgemere.

Amenity

The proposal is for 4no. large detached dwellings. The properties will be sited at a significant distance from the neighbouring properties, with the closest proposed property being sited over 60m from Threeways Bungalow to the south and Bridge Cottage to the north. With the addition of boundary tree planting around the site, the proposal will not have a significantly detrimental impact on neighbouring amenity.

Design

The proposed dwellings on this site are intended to be large detached units, set in large plots. The layout is suitable for the plot and will not have a detrimental impact on the streetscene.

The dwellings do have the capacity to accommodate 2 and half storey but it is important to manage this as part of the detailed design. Maintaining the vehicular access off Dingle Lane but also incorporating a pedestrian link into Bridgemere, that will be used initially for construction access and then treated as a Green Lane is acceptable.

Archaeology

The desk-based assessment has identified two non-designated heritage assets within 200m of Site 4. These are listed on the Cheshire Historic Environment Record and comprise of the post-medieval Bridgemere Coin Hoard of Elizabeth I (MCH23580) and the Bronze Age Bridgemore Hoard (MCH5641). In this instance mitigation should take the form of a programme of supervised metal detecting, targeting the areas within Site 4 which will be disturbed by the development. The aim of this survey would be to assess the application areas potential for subsurface archaeological remains not identified by historical mapping. The survey should be undertaken by suitably- experienced individuals operating under direct archaeological supervision. Individuals involved will also need to have signed a form waiving any claim to a reward under the Treasure Act. Where significant concentrations of material are located, further investigation may be required and might take the form of a targeted watching brief or a strip and record exercise over the area of interest. A report on the work will need to be produced. This can be secured by condition.

Site 6 – Bridgemere School – Carpark, Hunsterson Road

The proposed site is situated off Hunsterson Road, adjacent to Bridgemere C of E Primary School. The proposal seeks to change the use of this land to an enlarged car park to improve, pick up and drop offs at the school. The current area for parking is unmarked and the proposal would include improving the parking to the rear of the site, and creating a 'drop off zone' to the front of the site, to allow improved usability of the site and take cars off the adjoining Hunsterson Road at school pick up and drop off times.

Agricultural Land Classification

Site 6 extends to 0.5ha of permanent pasture. The site is bounded to the west by a primary school, to the north-west by a car park and to the north-east by Hunsterson Road. To the east is a residential property and to the south is other agricultural land. The site is largely level and sits at 80m AOD. The Land classification is 100%, Subgrade 3b and therefore is not BMV agricultural land.

Amenity

The proposed car park will be sited over 50m from the neighbouring property at School Farm. It is not considered that the car park would have any increased impact on neighbouring amenity over and above the existing situation. However, the removal of cars parked on the Hunsterson Road should improve the use of the road, during pick up and drop off times.

Design

Given the open countryside location of the site, it is considered reasonable to condition the specific surfacing material details of this site, and including parking numbers and drop off design, and the surfacing materials. The proposal for a car park on the site is considered to be acceptable subject to suitable landscaping to soften the overall impact on the development on the wider open countryside. Lighting proposal for the car park are also important and shall be conditioned.

Access and Parking

The overspill car park proposed on Site 6 for Bridgemere Primary school, consists of 55 spaces and is located adjacent to school. There is an existing area that provides some parking for the school and there is an In and Out access currently in operation. It is proposed to increase the number of spaces and formalise the parking spaces within the car park.

The Strategic Highways Officer considers that as there is currently a car park operating with the same access points, there are no objections to the proposal. As this proposal is providing a formal layout then the car parking spaces should meet current standards 2.5m x 4.8m and have a 6m aisle width, this dimensions can be conditioned if approved.

Site 7 – Hunsterson Road – 0.69 ha – 4 dwellings

The proposed Site 7 is situated on Hunsterson Road. The site is roughly triangular in shape and is currently used for horses and stabling. There is a PROW which runs through the site. There are trees and hedges which bound the site on all three sides. The proposal seeks permission for 4 dwellings.

Trees

A small section of hedgerow (H1) adjacent to Hunterston Road will require removal to allow for the access road. Hedgerows are a priority habitat and therefore a material consideration. More detailed comments on the loss of hedgerows and measures for any mitigation are covered in the Council's Nature Conservation Officer's Consultation comments.

The revised layout has relocated the proposed access off Hunterston Road further to the east adjacent to the existing Ash. The Ash tree will now require removal to accommodate the access road, although it was shown for retention on the previous layout its poor condition would have necessitated its removal in any event.

Agricultural Land Classification

Site 7 comprises approximately 0.7ha of permanent pasture. It is bounded to the north by Hunsterson Road and in all other directions by other agricultural land. A ditch runs around the southern edge of the site. The site has a general gentle downward slope to the south, which becomes steeper toward the ditch before levelling out. The Land classification is Grade 3a - 57%, and Grade 4 - 36% and therefore is a loss of BMV land.

Ecology

An 8m undeveloped buffer zone is proposed between the proposed development and the adjacent water course. The applicant's ecological consultant has advised that there is not extensive woodland adjacent to the stream. Consequently the proposed 8m buffer is sufficient.

Landscape

The roadside hedgerow is to be retained as is the "woodland" belt alongside the stream which will lie in managed space outside the gardens of the properties. These features create a landscape structure which reduces the impact of the development in the wider landscape although they will have a considerable impact on private views from Church Lane Cottage and Weybridge Cottages. Overall the Council's Landscape Officer agrees with BW's assessment of a minor/moderate initial impact on landscape character and a minor/moderate adverse visual impact. Beyond 15 years, the Landscape Officer considers that the landscape character impact will fall to minor adverse and the visual impact will be minor adverse not minor/negligible as assessed by BW. It should be noted that this assessment is for public views and not private views from the 3 properties on Hunterston Road.

Public Right of Way

There is a Public Right of Way, Hunsterson Footpath No. 11 that runs through the centre of the site. The Public Right of Way department initially recommended refusal on this site, as the

PROW was not shown on the proposed plans. This has now been amended and revised comments are waiting.

However, it should be noted that the PROW department did not raised any objections to the previous proposal on this site subject to details for the proposed surface treatments and any other changes (ie. to path furniture) to be approved and noted a temporary closure may be required during any works. Conditions were proposed for this element and have been replicated in this report.

Parking and Access

Both Site 7 and 8 are accessed from Hunsterson Road, the site to south has 4 dwellings and the site to the north has 12 dwellings. The access and visibility meets design standards and the internal road layout are acceptable.

Heritage Impact

The Heritage Officer states that the site proposes 4 dwellings, 300m to the south of Historic Park and Garden and 850m south west of Doddington Hall. Located adjacent to site 8, these proposals are likely to alter small pockets of views to and from the HPG and the Grade II listed stables and paddock wall. Theses areas are however fields and open land in the HPG rather than formally planned elements. Site 8 is sited between the proposal site and the HPG.

Design

The proposed layout for 4no dwellings is in keeping with the general sporadic nature of the streetscene and rural area. There is an existing PROW through the site and the details of the surfacing materials are key. The tree mitigation to the street frontage and edge of site will also help to mitigate the development from the wider rural area.

Amenity

The site is largely contained by existing hedgerow and further planting is proposed as part of the development proposals. There nearest residential property to the site is Church Lane Cottage which is sited on the opposite side of Hunsterson Road to the application site. The closest properties are to be sited over 30m from the neighbour's property, and neither property would directly overlook the neighbours property. It is therefore considered that although the development may be visible from Church Lane Cottage, and the Weighbridge Cottages, it will not have a significantly detrimental impact neighbouring amenity by means of overlooking, overshadowing or overbearing impact and would meet the Councils guidance on separation distances.

Site 8 – Hunsterson Road / Church Lane 0.748 ha – 4 dwellings

The proposed Site 8 is situated on Hunsterson Road. The site is roughly rectangular in shape. The site is a corner of a field adjacent to a cluster of residential development on Church Lane. The proposal seeks 4no dwellings on this site.

Trees

The proposed development will require the removal of a small number of low category trees on the Hunterston Road frontage (trees T2 and T3). The Tree Officer states their loss is not considered to be significant in terms of the impact upon the wider amenity of the area and should be adequately compensated with replacement planting within the site.

Agricultural Land Classification

Site 8 comprises 0.7ha of agricultural land in arable use. The site occupies the south-west corner of a larger field. To the west is a residential property of Church Lane and to the south is Hunsterson Road. The site is level and sits at around 70m AOD. The Land classification is Grade 2 and therefore would be a small loss of BMV land.

Landscape

This site was previously proposed for 10 mews style properties around a central courtyard and has been changed to 4 detached properties. It is in a fairly prominent position opposite site 7, adjacent to Church Lane Cottage and behind a tall hedge. It is 190m from the boundary of the registered park and garden across the open field to the north and 90m from the grade II listed paddock walls/stable block to the north west. There is a very prominent overgrown Leylandii hedge between the site and the stable block. The Landscape Officer agrees with the BW assessment that the overall impact of the site on landscape character is moderate adverse at year 1 and assess that it is minor adverse after year 15 (slightly reduced from the previous application). The Landscape Officer agrees that the visual impact is minor/moderate adverse at year 1, but feel that this only falls to minor adverse at year 15 not minor adverse/negligible. There remains some impact on views from a side window and the veranda of Church Lane Cottage, but this is a private view and not a public view.

Parking and Access

Both Site 7 and 8 are accessed from Hunsterson Road, the site to south has 4 dwellings and the site to the north has 12 dwellings. The Strategic Highways Officer considered that the access and visibility meets design standards and the internal road layout is acceptable.

Heritage Impact

The Heritage Officer notes that 4 dwellings, 280m to south of the Historic Park and Garden and 1,150m to south west of Doddington Hall. This site is located opposite to site 7 these proposals are likely to alter small pockets of views to and from the HPG and the Grade II listed stables and paddock wall. There has been a significant reduction in numbers on this site, and will incorporate a more significant landscape buffer and there has resulted in a reduced impact, which was considered to be acceptable previously.

Design

The design of this plot has changed from a courtyard development to a cluster of 4 units. The site has one central access of Hunsterson Road which the four properties have driveways off. The proposed tree planting will help to mitigate for the visual impact of the development on the open countryside, and Listed Buildings and registered park and garden. The proposal is considered to be more in keeping with the surrounding built form, however the arrangement on the site is rather internalised and therefore further refinement of the layout/building arrangement is necessary, including housing addressing Hunsterson Road.

Amenity

The proposed development is open to fields on two sides, Site 7 to the south and lies adjacent to Church Lane Cottage to the west. A dwelling will be sited 30m from the boundary with the neighbour, who has a flat roof terraced area around the side of the dwelling. This is an improvement in amenity terms from the previous scheme on the site and will have a lesser impact on neighbouring amenity. The proposal meets the Councils separation standards of 21m from principal to principal elevations. Furthermore tree planting is proposed to the boundary and therefore it is considered that the proposed development will not have a significantly detrimental impact on neighbouring amenity.

Archaeology

The 1762 Map of the Manor of Hunsterson identifies an area of former crofts within the south-west corner of the site (c. 40m x 20m). In addition a scatter of medieval and post-medieval pottery was collected from the area formerly occupied by the crofts during the North West Wetlands Survey. A condition has been posed for archaeological records to be carried out prior to development commencing.

Site 9 – Hunsterson Road / Oak House – 0.308ha – 1 dwelling

Site 9 is a small plot proposed for 1no. dwelling adjacent to Oak House, on Hunsterson Road. The plot is bounded by hedges on three sides and the residential curtilage of Oak House on the south boundary.

Trees

A small section of hedgerow (H1) adjacent to Hunsterson Road will require removal to allow for the access road. Hedgerows are a priority habitat and therefore a material consideration. More detailed comments on the loss of hedgerows and measures for any mitigation are covered in the Council's Nature Conservation Officer's Consultation comments.

A number of dead trees (predominantly Hawthorn) have been identified for removal. There are no significant arboricultural implications in terms of the impact of the proposed development on trees.

Agricultural Land Classification

Site 9 extends to 0.3ha of permanent grassland. To the north and east of the site is other agricultural land, to the south is a residential property, and to the west is Hunsterson Road. The site is level and sits at around 70m AOD. The Land classification is Grade 2 and therefore would be a loss of BMV land.

Ecology

Data from the Meres and Mosses Nature Improvement Area suggest that Site 9 is within the catchment of Black Covert and Glover's Moss. British Geological Society data confirms that Black Covert occurs on peat. Black Covert is on the inventory of priority broadleaved woodland habitat. The data also suggests that site 10 is located within the catchment of Glover's Moss.

Glover's Moss and Black Covert represent the types of habitats (peatland sites) for which the Nature Improvement Area was designated and both would qualify for selection as Local Wildlife Sites.

The Council's Ecologist advises that the development of sites 9 and 10 has the potential to have an adverse impact on both of these sites due to potential effects on their catchments. Of these two sites a significant impact on Glover's Moss resulting from the development of site 10 is the most likely.

Considering the current nature and sensitivities of the habitats at Black Covert and Glover's Moss, the proposed ecological mitigation area and the relatively low density of the proposed housing development, the Council's Ecologist advises there would not be a significant adverse impacts resulting from the development of sites 9 and 10 provided measures are implemented to direct the water from the roofs of the proposed houses into the peatland sites and also to ensure that no surface water from the driveways and areas of hard standing of the development enters the peatland sites.

The Councils Ecologist advises that, In the event that outline planning permission is granted a condition should be attached requiring the submission of a detailed drainage strategy for sites 9 and 10 that is formulated to safeguard the two identified peatland sites.

Landscaping

This development of one property on a paddock site (with a good boundary hedgerow) adjacent to Oak House will have initially minor adverse landscape character and visual impact, falling to minor adverse to negligible impact after year 15.

Access and Parking

Site 9 consists of a single dwelling with private drive, there are no concerns with this site.

Heritage Impact

The Heritage Officer states that proposal for, 1 dwelling 270m to west of Historic Park and Garden and 995m to west of Doddington Hall, located adjacent to site 10 these proposals could potentially impact on the setting of the HPG, however being located adjacent to the roadside it will echo some of the existing development, it is located some distance from the Grade II* Star Barn and Grade I Tower complex and there are existing intervening trees between the site and the Grade I Doddington Hall complex.

Design

The proposal is for one dwelling on the plot. The size and position of the dwelling is acceptable and in keeping with the surrounding area. The siting adjacent to the road frontage is considered to be in keeping with the general streetscene.

Amenity

The proposed dwelling will be sited adjacent to Oak House. The property will be sited over 30m from the boundary with the property with a garage proposed in between. It is therefore considered unlikely that the proposal would have a significantly detrimental impact on neighbouring amenity.

Site 10 – Hunsterson Road – 4.839 ha – 8 dwellings

Application Site 10 is situated off Hunsterson Road, and is largely contained by existing tree and hedgerow. To the north of the site sits Hunsterson House, with Badgers Bank Farm (currently unoccupied) encompassed to the north. The site is also bounded by Glovers Moss to the south west. The proposal seeks 8 dwellings on the site.

Trees

Two Moderate (B) category trees (Sycamore T19 and Ash T20) will require removal to accommodate the proposed access. There is a presumption in favour of the retention of high and moderate category trees unless there are significant planning issues that outweigh the loss of trees. The low density of development allows sufficient scope for the access to be relocated to enable the retention of these two trees

Oak (T14) located within the central western section of the site has been confirmed as a Veteran status tree. This tree is not impacted by the proposals.

The illustrated position of the plot to the east of T1 and T10 appears to have moved closer to Glovers Moss and the woodland to the south west.

The relationship/social proximity of the proposed plot facing the offsite woodland (W1) and to Oak T10 present a potential conflict and could give rise to future pressure for removal and/or pruning back of trees. The Council Arboriculturist considered that the layout should therefore be amended to allow for increased separation between the woodland edge and the rear garden.

Agricultural Land Classification

Site 10 extends to approximately 4.8ha, predominantly arable agricultural land. The site is bounded to the north by residential property, to the east by Hunsterson Road, and to the south and west by other agricultural land. Microtopography at the site is complex. The south and north are relatively flat. However, adjacent to the woodland is a generally short but steep slope upward from south to north, with small depressions and humps. The resulting difficulties in farming this area are evident in aerial photography of the site, which shows considerable patchiness in crop growth in this area. The Land classification is Grade 2 29%, 3a 38%, 3b 33% and therefore is a loss of BMV land.

Ecology

Data from the Meres and Mosses Nature Improvement Area suggest that Site 9 is within the catchment of Black Covert and Glover's Moss. British Geological Society data confirms that Black Covert occurs on peat. Black Covert is on the inventory of priority broadleaved woodland habitat. The data also suggests that site 10 is located within the catchment of Glover's Moss.

Glover's Moss and Black Covert represent the types of habitats (peatland sites) for which the Nature Improvement Area was designated and both would qualify for selection as Local Wildlife Sites.

The Council's ecologist advises that the development of sites 9 and 10 has the potential to have an adverse impact on both of these sites due to potential effects on their catchments. Of these two

sites a significant impact on Glover's Moss resulting from the development of site 10 is the most likely.

Considering the current nature and sensitivities of the habitats at Black Covert and Glover's Moss, the proposed ecological mitigation area and the relatively low density of the proposed housing development, the Council's ecologist advises there would not be a significant adverse impacts resulting from the development of sites 9 and 10 provided measures are implemented to direct the water from the roofs of the proposed houses into the peatland sites and also to ensure that no surface water from the driveways and areas of hard standing of the development enters the peatland sites.

The submitted ecological assessment recommends a 3m buffer be provided with the adjacent woodland at site 10.

In the event that outline planning permission is granted a condition should be attached requiring the submission of a detailed drainage strategy for sites 9 and 10 that is formulated to safeguard the two identified peatland sites.

Furthermore, the draft Wybunbury and Neighbouring Parishes Neighbourhood Plan includes a natural environment paper which identified an 'indicative wildlife corridor' crossing site 10. The illustrative layout plan submitted with the application suggests that the development of this site may result in a reduction in the functionality of this corridor. If outline consent is granted it is imperative that the ecological enhancement area identified in the submitted ecological assessment for site 10 is brought forward as part of any future reserved matters application as a means of compensating for this impact.

Landscape

The site consists of 8 large detached properties between a narrow area of woodland/hedgerow and Hunsterston Road. The topography of the site and two short sections of internal hedgerow helps to break up the site and at its closest point it is some 550m from the grade II* listed Star Barn. Two footpaths converge on the southern boundary of the site and another footpath enters the northwest corner of the site. The Landscape Officer has assessed that the impact on landscape character is moderate adverse at year 1 falling to minor/moderate adverse after year 15. The Landscape Officer agrees with the BW assessment that at year 1 there is a moderate adverse visual impact falling to minor/moderate adverse at year 15. This is because the boundary treatments and proposed tree planting will help to assimilate the properties into the landscape and because of how the development will sit within the existing landscape so that views will only remain of one or two properties from any one location.

Public Right of Way

There are 2 no Public Rights of Way, Hunsterson Footpath No. 15 and Hatherton Footpath No.12 which runs around the edge of the site. The Public Right of Way department have raised no objections to the proposal, and consider it unlikely that the PROW will affect the development. Conditions have been proposed to safeguard the PROW.

Access and Parking

Site 10 is 8 units served off Hunsterson Road, the access, visibility provision is acceptable and the road layout meets standards.

Heritage Impact

The proposed development for 8 dwellings, 320m to the west of the Historic Park and Garden and 1,135m to the west of Doddington Hall. The Heritage Officer states that the site is located adjacent to site 9 these proposals could potentially impact on the setting of the HPG, however being located adjacent to the roadside it will echo some of the existing development, it is located some distance from the Grade II* Star Barn and Grade I Tower complex and there are existing intervening trees between the site and the Grade I Doddington Hall complex.

Design

The proposal is for 8no dwellings, four of which are very large 5 storey properties, with the remaining also larger detached dwellings, all indicated as 3 storey accommodation. The Design Officer considers that 3 storey concentration on this site is too high, and accommodation in the roof space will appear alien and more intrusive, consequently this site should be significantly reduced and perhaps solely for the largest dwellings. The plots are substantial and could easily accommodate more floorspace/accommodation without the need to use the roof space.

The general layout of the site responds to the shape of the site and relatively well contained within the existing boundary treatment. The overall impact of the development will have limited impact on the wider open countryside (subject to the height restrictions), and the proposed tree planting will help to assimilate to the proposal in to the streetscene.

Amenity

Three of the proposed properties surround the currently unoccupied Badgers Bank Farm, which is in the ownership of the applicant. The proposed dwellings are sited sufficient distance away from the property, to ensure they will not have a significantly detrimental impact on neighbouring amenity, if it is inhabited in the future.

To the north of the site sits a property known as Hunsterson House, there is a property proposed to the south of this dwelling, and will be sited 30m away. It is therefore considered unlikely that the development will have a significantly detrimental impact on neighbouring amenity.

Archaeology

The Estate Plan of Hunsterson and Hatherton dated 1815 depicts two buildings (c. 25m x 8m & 10m x 8m) in the north-west corner of the site which are identified on the Tithe Map of 1844 as a Homestead and Garden. The buildings had gone by the Ordnance Survey map of 1898 (1:2500) and the site has remained vacant to the present date.

Site 10 lies within a large undated enclosure (MCH22989) and is adjacent to Glover's Moss. The palaeo-environmental potential of this moss has not been assessed, but neighbouring mosses have well preserved peats containing palaeo-environmental information about the post glacial climate and environment (i.e. Mesolithic and later). Any planning application would need to demonstrate that any surviving peat and associated deposits did not require further analysis or was not worthy of preservation on palaeo-ecological grounds. In this instance, this could be addressed by an initial

inspection of the site during the excavation of the Homestead to identify deposits which appear to have potential. This inspection would be conducted by a suitably-qualified and experienced individual who would if necessary take samples of appropriate deposits, followed by a phase of initial assessment in order to determine their suitability for more detailed analysis. Only where a deposit has been proven to merit detailed analysis, which will not duplicate the results of previous work, will it be recommended that more detailed analysis and reporting is carried out. These works can be secured by condition.

Site 11 – Hunsterson Road / Wood Farm - 3 dwellings

The application Site 11 is situated on the corner of Hunsterson Road and Lodge Lane, opposite a The Grade II Hatherton Lodge and associated range of buildings. The site currently a corner of an agricultural field with larger trees bounding the road frontage and open to the north and east.

Trees

It is not anticipate any significant arboricultural implications associated with this site.

Agricultural Land Classification

Site 11 extends to 0.5ha of agricultural land in arable use in the south-western corner of a field parcel. To the west is Lodge Lane and to the south is Hunsterson Road. The site is level and sits at 75m AOD. The Land Classification is Subgrade 3b and therefore is not considered to be BMV agricultural land.

Landscaping

It is proposed to develop 3 detached properties on Lodge Lane opposite Hatherton Lodge, which is a grade II building surrounded by mature broadleaf trees. It is proposed to undertake tree planting on the eastern boundary to the open field. The Environmental Planning Manager agrees with the BW assessment that the impact on landscape character is initially minor/moderate adverse and assess that this will fall to minor adverse after 15 years. The visual impact is assessed as moderate adverse falling to minor/moderate adverse after 15 years, and the Environmental Planning Manager also agrees with this assessment.

Access and Parking

There are 3 units proposed off Lodge Lane a rural lane, these each would have a private drive. The Strategic Infrastructure Officer has raised no objections to the proposal.

Heritage Impact

The Proposal is for 3 dwellings, 1050m to west of Historic Park and Garden and 2,700m to northwest of Doddington Hall. Grade II Hatherton Lodge and associated buildings are sited on the opposite side of the road to the development site.

Specific representation has been made in relation to the impact of the development on Hunsterston Lodge, listed grade II, stating that the applicant's heritage assessment is incorrect as it hasn't adequately considered the impact of the proposal on the setting of the Lodge and is therefore fundamentally flawed. Furthermore it is argued that the development will lead to harm to the heritage asset by virtue of the development within its setting, which, at the very least, will be less than substantial as defined in the NPPF. On this basis it is argued that the development is unacceptable.

The Heritage officer has considered these points and notes that, The Lodge and its associated landscape were designed to take advantage of its westerly aspect, relating the main frontage of the house to the more ornamental parts of its grounds, whilst the functional part of the Lodge (the

stables and associated buildings) were located immediately east of the main house and screened by large expanses of woodland.

The historic relationship and setting to the west remains largely intact whilst that to the east has been obliterated by the change of use to farmland and associated loss of the woodland that once occupied the now open field. It is the former that, first and foremost, characterises the experience of the asset within its immediate environs.

The comments made in relation to potential links to Capability Brown can only be viewed as conjecture at this stage. Although there is evidence of his involvement with Doddington Park nearby, there is nothing definitive to link his work to Hatherton Lodge.

Land use changes to the land to the east has led to a drastic change in character within the setting of the Lodge, resulting in open, arable land with incidental views that are neither historic nor planned, but which never the less now contribute to a more open setting of the asset. However, this clearly holds less significance than the relatively intact planned landscape to the west of the Lodge. Consequently, whilst the application site has an historic association this has been severely eroded by landscape and character change.

It has been established in appeal decisions that harm should be considered on a sliding scale (i.e. it not just straight no harm, less than substantial or substantial harm). There are varying degrees of harm. The assertion being made is that this at the high end of less than substantial harm (at the very least). However, the Heritage Officer considers that the harm to the significance of Hatherton Lodge would be of a lesser magnitude than suggested, given the historic change in the nature of the land and physical consequences for that area of landscape.

The appreciation of the wider setting of the asset will not be wholly eroded and it will continue to maintain a sense of isolation as a substantial country property, particularly if the scale and design of new property is controlled, existing trees and hedgerow retained and appropriate new landscape introduced. The main axis, orientation and relationship of house to formal gardens and planned views will be unaffected by the proposed development.

Detailed controls over the scale and design of the housing are set out in the Design Code (as updated in relation to building scale by further information from the agent). Consequently provided the scale is limited to 2 storey

Under para 134 of the NPPF it advises that “where development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.” Consequently it is also necessary to consider not just the impacts upon designated assets but to also balance this against any wider public benefit arising from the proposed development.

The entire development, including the 3 dwellings proposed at site 11, will contribute circa £9.6 million to help meet the substantial conservation deficit in securing the conservation and re-use of Doddington Hall and its associated highly significant heritage assets. Those assets are recognised as probably the finest collection of Samuel Wyatt buildings in the country being Grade I and II* and are on the national heritage at risk register. Securing the future of these assets represents a significant public benefit that far outweighs the harm arising from development within the setting of Hatherton Lodge.

Whilst Hatherton Lodge is going through a process of re-grading assessment by Historic England, given the impact/benefit balance discussed above, and specifically the significant heritage benefit to highest grade assets arising from the proposal, it is considered that the application's determination should not be delayed by this unpredictable process.

From a heritage perspective therefore, on balance, the proposal is considered acceptable subject to tying the details of the design code and specific control in relation to the scale of new buildings and ensuring a robust mechanism for delivering the conservation of Doddington Hall and associated heritage assets.

Amenity

The proposed dwellings are to be sited opposite The Old Stables, and Hatherton Lodge, at the minimum the application properties are sited 30m away from the adjacent neighbouring properties. The proposal is therefore in accordance with the Council guidance on separation distances and is unlikely to have a significantly detrimental impact on neighbouring amenity.

Design

The proposal is for three detached properties with associated garages; the dwellings are in a general linear pattern which is in keeping with the wider rural location and face onto the road frontage, in a traditional rural design. The agent has confirmed that the dwellings will be two storey in height not the previously stated 3 storey and therefore subject to compliance with the height restriction and the design of the dwelling taking keys from the surrounding buildings it is considered that the proposal is acceptable on this site.

Site 13 and 14 – London Road / Dingle Lane – 1.818 ha – 11 dwellings; 2.191 ha – 17 dwellings

The proposal sites are situated off London Road, and sit adjacent to each other in a north to south direction. To the west of the site is Threepers Drumble, ancient woodland. The northern part of the site is situated adjacent to Seven Stars Cottage and A51 London road to the east. The site is largely bounded by hedgerow and trees. The proposal seeks to construct 11 dwellings on Site 13, and 17 dwellings on the site 14.

Trees

Site 13/14 Hunterston Road, the proposal will result in the loss of a low (C) category group of Willow (G4 most of which are dead), the optional removal of a group of low category Hawthorn, Ash and Damson (G1) and small insignificant low category tree within group (G5).

The Council's Arboricultural Officer notes that their previous consultation comments raised concerns as to the relationship/social proximity of proposed plots facing the offsite Threepers Drumble woodland (W1). The revised plan has sought to address this by placing the internal access road adjacent to the woodland edge which has meant that plots have been moved further to the east. Selected plots have also been re-orientated with secondary aspects facing the woodland. In this regard the design presents an improved design and relationship to the adjacent woodland.

Agricultural Land Classification

Site 13 extends to 1.8ha and Site 14 to 2.1ha, both of permanent grassland. Site 13 is bounded to the north by other agricultural land, to the east by London Road, to the south by Site 14, and to the west by woodland. Site 14 is bounded to the north by Site 13, to the east by London Road, to the south by other agricultural land and to the west by Dingle Lane. A ditch runs roughly north to south through Site 14. Both sites are largely level and sit at 100m AOD. The Land Classification is Subgrade 3b and therefore not considered to be a loss of BMV land.

Ecology

Threepers Drumble is designated as a Local Wildlife Site. This local wildlife site is located immediately adjacent to sites 13 and 14. The location, shape of the woodland and the botanical species present at Threepers Drumble tend to suggest that the woodland could possibly be ancient in origin. Ancient woodlands receive particular protection under the NPFFP. The archaeological information also suggests that the woodland may be ancient, but unfortunately is not conclusive one way or the other.

Following pre-application discussions we took the view that in the absence of any further evidence that the woodland is ancient, it should not be regarded as being such. However, considering the possibility of the woodland may possible be ancient and its current status as a Local Wildlife site, the woodland should be given careful consideration during the formulation of development proposals adjacent to the woodland.

The Council's Ecologist advises that the woodland would not be directly affected by the development, but the original illustrative layout plans for sites 13 and 14 included properties backing onto the woodland, provided no buffer between the woodland and the proposed housing.

Additionally the open space provision which could be used to integrate the woodland with the development, is located in on the opposite side of the proposed site and so is not integrated with the woodland.

The more recent layout plan now minimises the number of properties backing onto the woodland which will mitigate many of the potential impacts of the proposed development. A buffer zone between the developments is proposed however this is only 3m. Buffers of 8m and 15m have been agreed in respect of other similar sites.

The Councils Ecologist notes that it would benefit the woodland, by providing an increased buffer, if the open space associated with the development was located adjacent to the woodland rather than on the roadside of the site as shown on the submitted illustrative layout plan.

The Councils Ecologist further advises that the development proposals should also include an in-perpetuity commitment to the management of Threepers Drumble to retain and enhance its ecological value in the long term.

Ponds are a local Biodiversity priority habitat. The development of site 13 would result in the loss of a pond. A replacement pond is therefore required to compensate for the loss of the existing pond. The layout plan includes illustrative proposals for a new pond.

A drainage ditch/stream and associated habitats on site 14, has been identified as a wildlife corridor in the emerging/draft Wybunbury Neighbourhood Plan and so should be retained or replaced with a similar habitat if lost. The submitted illustrative layout plan appears to show this feature as being largely retained.

Landscaping

The proposal is to build 28 properties (reduced by one) on two adjacent fields between Dingle Lane/Threepers Drumble woodland and London Road (A51). The Landscape Officer have assessed that initially there will be a moderate adverse impact on landscape character, but this falls to minor adverse after 15 years. BW state that there is a minor/moderate adverse visual impact falling to minor adverse after 15 years. The Council's Landscape Officer agrees with that assessment. Site 13 will have a considerable impact on private views to the south and west from Seven Stars cottage. The location of the open space and proposed tree planting (increased by the removal of one property) will help to break up the massing of the development as viewed from the A51. The Ecologist has suggested that relocating the open space within site 13 would create a greater stand off of development from Threepers Drumble. While this is desirable for nature conservation purposes it would have a negative landscape consequence by presenting a line of development along the A51 within site 13. The stand off of 3m to the new road will prevent any significant harm to hedge and tree root protection areas.

Heritage Impact

The sites are 1,500m to south of Historic Park and Garden and 2,450m to south east of Doddington Hall. The proposals are not likely to have an adverse impact on the setting of the HPG or its associated listed buildings given the distances involved.

Design

The two sites together are the largest of the development proposed, the general design layout of the sites is with open space to the site frontages and dwelling positioned around a cul-de sac style is a more suburban form of design than the other sites in the proposal, however these sites are situated closer to the village of Woore and would be seen in the wider context of the Garden Centre on the opposite side of London Road. The majority of properties appear to be detached units, of 3 and 4 bedroom dwellings, which is acceptable, however a better mix of housing types would create a better social mix on the site.

Amenity

The proposed development is sited adjacent to Seven Stars Cottage, with a number of properties sited around the curtilage of the property. However, each property will have a separation distance of at least 30m from the dwelling and therefore meets the separation standards set out in the Council's guidance. It will be important to consider the principal windows of the proposed dwellings at detailed stage to ensure the proposal does not have adverse impact on the residential curtilage of Seven Stars by means of overlooking. Furthermore the tree mitigation will help to reduce the overall impact of the proposal in the site.

Archaeology

The Estate Plan of Hunsterson dated 1815 identifies three structures within the northern half of Site 14, however by the Bridgemere Tithe Map of 1844 one of the structures had gone and the remaining structures (c. 20m x 10m & 10m x 5m) were identified as Homesteads and Crofts.

In this instance mitigation would take the form of a strip, map and record exercise, whereby the footprint of each of the buildings identified by historic mapping and outlined above, would be stripped using a suitable machine under archaeological supervision and control, down to the first archaeological layer, after which excavation would proceed by hand. An agreed excavation and recording methodology would then be implemented to excavate and record those archaeological features/layers that survived. The results of the work would then be written up into a report at which point the relevant background documentary research would also be undertaken, to be submitted for inclusion in the Cheshire Historic Environment Record.

Site 15 – Hunsterson Road / London Road – 25 dwellings

Application site 15 is situated on Hunsterson Road, adjacent to site 2 and site 3. The application site is a rectangular shaped site with tree coverage to the west. The proposal seeks permission for 25 dwellings on this plot, 6no affordable units, a LEAP and an allotment.

Trees

It is not anticipated that there will be any significant arboricultural implications associated with this site. A category C2 (T12) Goat Willow will be removed and compensated for by substantial planting to the east of the site.

Agricultural Land Classification

The site extends 3.5ha of arable land bounded by Hunsterson Road, to the north with London Road bounding the site to the east. Other agricultural land is location to the south and west. The site is largely level rising gently from 86m AOD in the north to 87 AOD in the south. The Land Classification is Grade 3a - 62% and 3b - 38% and therefore is a loss of BMV land.

Landscaping

This site consists of 25 dwellings varying from 2 bed terraced houses arranged around a courtyard space to individual 3 and 4 bed detached properties to the middle and east of the site. The northern boundary is an established hedge on Hunterston Road, to the west is a small woodland separating the development from site 2. To the east there is a low hedge on the A51 while the southern boundary is mostly along an open arable field. Substantial tree planting is proposed including a small woodland separating and ultimately screening the development from the A51 and a new hedge and substantial individual tree planting along the southern boundary. This site will be relatively open before the landscaping takes effect, but will be substantially screened by woodland and trees once the planting matures. Advance landscaping particularly the proposed woodland at the eastern end of the site would be very helpful to create early screening and integrate the development into the surrounding landscape. Impact on the designated Doddington Parkland will be low due to distance, topography and existing hedges/trees.

Access and Parking

A new site is proposed Site 15 with 25 dwellings with an access from Hunsterson Road, the access is a priority junction with a 4.8m carriageway and 2.0m footway. The internal road section will operate as a shared surface with a turning facility at the end that accommodates refuse vehicles. The proposed highway layout does not raise any design issues. The Strategic Highways Officer states therefore that there are no objections to this site.

Heritage Impact

The proposed development is for 25 dwellings, set to the east of site 2, 500m to south of Historic Park and Garden (HPG) and 1,150m to south of Doddington Hall. The Heritage officer notes that the proposed 25 dwellings have the potential to have an impact on limited open views of the HPG, the Pool and specimen planting from Hunsterson Road. Proposed strategic planting on the

northern edge of the site and on the opposite side of Hunsterston Road associated with site 3, will help offset that visual relationship.

Design

The layout of the site comprises two distinct area of development. The layout to the west of the site is proposed as courtyard development with three rows of terrace properties, including 6no two bedroom affordable houses. The design would include a communal garden/allotment to the southern corner and a LEAP overlooked by the properties within a courtyard design. These properties will reflect those on Site 2 adjacent and linked by a footpath and are considered to be acceptable given the proximity to Bridgemere.

The eastern part of the site is design more akin to the larger development sites, 1, 13 &14. With properties accessed off one main road. The proposed tree planning and landscaping will help to mitigate for the impact these dwelling would have on the open countryside location and therefore are also considered to be acceptable as mitigated, with the inclusion of advance planting. There are proposed to be 4no. 3 storey dwellings on the site and the Design Officer considers this to be too great a number and also the positioning of such dwellings on the site needs careful considered.

Amenity

The application site is largely open with few properties sited near it. The property Bridgemere Villa is sited on the corner of Hunsterson Road, opposite the proposal site. However the neighbouring dwelling will overlook the new are of planting and therefore will not be affected by overlooking from the new development. There are no other neighbours which would have a impact on neighbouring amenity.

Response to comments

The representations of the members of the public have been given careful consideration in the assessment of this application and the issues raised are addressed within the individual sections of the report. However, the dis-benefits of the development identified by the objectors are not considered to significantly and demonstrably outweigh the benefits provided by the development.

A number of concerns raised include impact on property value, and the impact on private views, these are not material planning considerations and therefore have not affected the decision.

The impact on residential amenity, highway safety, utilities, ecology, landscape, and heritage assets have all been addressed within the report, as has the procedure for the application. In this instance all these matters have been considered and either found to be acceptable or amendments/mitigation can be secured by condition and further in the reserved matters application.

It is noted that the Parish Council have raised concerns that the HS2a construction route will include the A51 London Road and have an adverse impact on property prices. The applicant has considered this matter and concluded that the use of London Road as a construction route is unlikely to have a significantly detrimental impact on the property valuations as proposed by Butters John Bee who had already factored in the proximity of the road to the application site.

S106 Legal Agreement

A key element of any 'enabling development scheme' is ensuring there is a robust mechanism in place to ensure that any funds raised are appropriately targeted to the heritage benefits scheme and not towards any other elements. In this instance a section 106 agreement attached to the permission would ensure a schedule of works is agreed and funding is released solely for the works required to convert Doddington Hall and associated buildings into a Hotel and Spa facility, and the financial contribution towards Education provision.

The applicant and the Council legal team are currently drafting a S106 agreement for the above sites. The legal agreement will require the applicant to open a separate bank account for the proceeds of the sale/charging of the sites, that the Council will receive all the statements from the bank account to enable a check to be made of the money in it. Furthermore, a bond will be required to cover the amount of the works (£9.6 million) to ensure the heritage works are secured, should the contents of the bank account not be spent on what is required.

In terms of the sale/charging of land, the Council has access to the details of those, and is therefore able to check the amount of money raised by the sites. Through the s106 it is agreed and set out which works are priority works, by schedules contained within the legal agreement, and the agreement sets out what certain works are to be undertaken and by when.

This ensures that the funding raised from the land sales/charging of the sites granted permission is solely used for the specific heritage works detailed in the Schedules at the specific time. All other works to convert the building and extensions to create the Spar and Hotel shall be carried out with other funding revenues following the completion of the heritage works.

These provisions ensure that certain described works have to take place before other works/or in tandem to other works and as such the Council can control the enabling development, to ensure

that the heritage assets are safeguarded alongside or before the development of the hotel, and in all likelihood before the construction of the houses.

The Legal Agreement will also include securing the Education contribution of £323,326.00, in the form of £277,826 for Secondary Education and £45,500.00 for SEN provision.

Sites 1, 10, 14 and 15 include LEAP's, a LAP, and a communal allotment. It is considered appropriate that these areas are secured and maintained into the future. Furthermore, sites 2, and 13 include areas of open space, and it is also suggested that a management plan is submitted for the individual areas of open space, and the maintenance of those areas of open space by the properties (through a management company) to be built out on that site is secured through the s106 agreement.

CIL Regulations Statement

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S111 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 is a departure from the development plan, and therefore to make the development acceptable in planning terms a legal agreement is necessary to secure the funding raised from the housing development is directly linked to the specific heritage works (to be detailed in the legal agreement) to be carried out to Doddington Hall, Stables, Star Barn and Delves Castle which enable them to be removed from the Heritage at risk register. This is considered to be necessary and fair and reasonable in relation to the development.

Affordable housing provision is required to offset the impact of the development. The development would result in the requirement for the provision for 34 affordable units. The applicant has proposed 10 affordable housing units which although is below policy standard, this is considered to be necessary and fair and reasonable in relation to the development.

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

As explained within the main report, POS and children's play space, and allotment is a requirement of the Planning Policy, and its long term maintenance needs to be secured and therefore. It is directly related to the development and is fair and reasonable.

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

Planning Balance

The proposal seeks permission for 112no dwellings over 12no sites within the Doddington Hall Estate.

This application is the resubmission of 16/5719N (Outline application for development of 12 no. sites for residential development for up to 102 no. dwellings with means of access and layout included, but with all other matters reserved, for a 15 year phased release and delivery period) which was refused in September 2017. The previous application was refused on the grounds that the positive benefits of the heritage proposal did not outweigh the principle objection of unsustainable housing in the open countryside and Site 4 would have an adverse impact on Highway safety.

The resubmission includes 10 no. affordable housing units, £323,326.00 of Education contribution, POS and Childrens Playspace on 4 sites (3 LEAP's and 1 LAP), amongst several permissible routes across the Doddington Estate, a car park extension of the School and Church. The revised scheme increases the number of dwellings by 10 units from the previous application.

The development would result in a loss of 13no. parcels of land within the Open Countryside contrary to Policy PG 6 of the Cheshire East Local Plan Strategy. The Council can demonstrate a 5 year housing land supply and therefore proposal for development should be determined in accordance with the Development Plan unless other material circumstances outweigh the objection in Principle.

The NPPF outlines that 'Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the dis-benefits of departing from those policies.' (para 140)

However, the proposed development is seeking an exception to the normal planning tests in the Open Countryside, to 'enable' the renovation and conversion of the Grade I listed Doddington Hall, Grade II listed Stables and conserve the Grade II* Star Barns and Grade I Delves Tower (Castle) to enable the site to be taken off the Historic England's 'At Risk' Register and enable a viable future use of the site as a Boutique Hotel and Spa.

There is a clear need for some form of urgent intervention to take place on the site in the very near future, as a number of the buildings are in a poor state of repair, which if not addressed soon could lead to their loss.

The development for 112no dwellings across 12 sites, would provide benefits in terms of delivery of housing in the rural area, and economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in the local area, and the future impact on tourism in the area and help support numbers within the local primary school. Furthermore, a significant benefit of providing funds to ensure 4no. buildings on the Historic England 'At Risk' register are renovated, and put into a viable future use, protecting them for the foreseeable future. The development also includes community benefits such as an extended car park for the Primary School and improved pedestrian access to the school from the adjacent sites, 10 affordable dwellings, Education contribution, and POS/Children's Play Space.

The development would have a neutral to minor impact upon ecology, trees, highway safety, neighbouring amenity, flood risk/drainage, land contamination, heritage assets and landscape

impact. All of these issues can be addressed with either slight amendments to the layout plans or by conditions/addressed at the detailed reserved matters stage.

The adverse impacts of the development would be the loss of open countryside in unsustainable locations, the loss of small areas of Best and Most Versatile Land and insufficient level of affordable housing to mitigate the whole development.

While very much on balance, in this instance it is considered that the material considerations in respect of the support and future retention of historic buildings at risk do provide sufficient benefits to overcome the normal presumption against residential development in the open countryside. Therefore subject to a legal agreement the proposal is recommended for approval.

RECOMMENDATION - Approve subject to legal agreement and with the following conditions, and referral to the Secretary of State

HEADS of TERMS

- 1. Enabling Development Scheme to link applications 14/5654N and 14/5656N with 18/2153N**
 - Applicant will open a separate bank account, with statements from the bank account being sent to the Council for transparency,
 - The Applicant will enter into a bond to cover the amount of the works.
 - The Council has access to the details of the sale/charging of land to check the amount of money raised by the sites,
 - Applicant to agree a Schedule of works in priority order, when the works are to be undertaken and by when.
 - A technical specification of proposed works for each of these main work areas shall be submitted an approved
- 2. POS/LEAPs on sites 1, 10, 14 and 15 and Management Plan for the Open Space on sites 2, and 13 and their future maintenance**
- 3. Education Contribution**
- 4. Affordable housing provision**

and with the following conditions

- 1. Phased Reserved matters to include details of – Appearance, Landscaping and Scale**
- 2. The first application for reserved matters must be made not later than 5 years from the date of permission**
- 3. Development shall be implemented within 15 years of the outline permission or the expiry of 5 years of the final approval of reserved matters**
- 4. Approved plans**
- 5. Each reserved matters must accord with the Design code**
- 6. All dwellings will be a maximum of Two storey, height restriction and Site 11 true 2 storey only**
- 7. Removal of PD**
- 8. All residential development will be situated within Flood Zone 1 and finished floor levels a minimum of 600 mm above the adjacent 1 in 100 annual probability climate change fluvial flood level, also a minimum of 0.15 m above adjacent ground levels.**

9. If within 5 years of the date of the planting of any tree/hedge plant or any tree/hedge plant planted in replacement of it, is removed, uprooted or destroyed or dies – replacement required
10. Electric Vehicle Infrastructure for each dwelling
11. Foul and surface water shall be drained separately
12. Within 6 months of the development on site 4 being completed, a scheme for the removal of the temporary road, and replacement with a path shall be submitted to and approved in writing
13. Unexpected Contaminated Land
14. Soil importation – contaminated land

Each reserved matters application

15. Each reserved matters application shall include details of external lighting
16. Each Reserved Matters application will include a landscape management plan, covering landscape and habitat mitigation areas for 20 years from implantation
17. Each reserved matter shall include an updated be supported by an updated supported by an Arboricultural Impact Assessment and Tree Protection Scheme/Method Statement in accordance with BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations
18. Each Reserved matters application shall include a scheme of landscaping, in accordance with the Residential Sites Design Code and Landscape and Visual Appraisal
19. In addition to the scheme required by condition 18, proposals for advanced landscaping planting are required, to strengthen/gap up hedgerows, additional hedgerows trees where appropriate and to the eastern end of sites 3 and 15 proposed tree planting should be undertaken
20. Each reserved matters application shall include detailed design, implementation, maintenance and management of a surface water drainage scheme
21. Each reserved matter application shall include detailed proposals for disposal of surface water (including a scheme for the on-site storage and regulated discharge accompanied by relevant calculations)
22. Each reserved matters application shall include an updated protected species assessment and mitigation strategy
23. Each reserved matters application shall include a Major Development Construction phase Environmental Management Plan

Site Specific Conditions

24. The reserved matters applications for sites 9 and 10 shall include supported by a drainage strategy formulated to safeguard the hydrology of nearby peatland sites.
25. Reserved matters application for sites 13 and 14 shall include proposals for the management of Threepers' Drumble in perpetuity.
26. The reserved matters scheme for site 6 shall include an amended parking layout in accordance with the current Highway standards
27. Site 6 - No development shall take place within flood zone 3 and any alterations to ground level or any other works that may affect the fluvial flood outline will require compensatory storage to be agreed in writing by the LPA.
28. The reserved matters applications for Sites 1, 10, 14 and 15 shall include full designs and layouts of the proposed LEAP's and LAP

Prior to the commencement

- 29. Prior to the commencement of development, a Public Rights of Way scheme of management shall be submitted to and approved in writing**
- 30. Prior to the commencement of development of each site, dust control measures**
- 31. Prior to the commencement of each site, details of piling foundations shall be submitted to and approved in writing**
- 32. Prior to the commencement of development of Sites 2, 3, 4, 8, 10, 13, 14 & 15 – Phase II Contaminated Land Report**
- 33. No development shall take place on Sites 1, 4, 8, 10 and 14 until a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.**

Prior to first occupation

- 34. Prior to first occupation of each site, Residents' Travel Information Pack shall be submitted to and agreed in writing**
- 35. Prior to first occupation of each site, the noise mitigation approved shall be implemented, and retained in perpetuity**
- 36. Prior to the first occupation Sites 2, 3, 4, 8, 10, 13, 14 & 15 – Remedial scheme and validation report (contaminated land)**
- 37. Prior to the first occupation of Site 4 passing bays shall be constructed and available for use**
- 38. Prior to the first occupation of 25th dwelling, the car park on site 6 shall be implemented and available for use by Bridgemere C of E Primary School**
- 39. Prior to the first occupation of the 25th dwelling, the car park for St Johns Church shall be implemented and available for use**

In order to give proper effect to the Strategic Planning Board'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 this application be the subject of an appeal, authority be delegated to the Head of Planning (Regulation) in consultation with the Chairman of the Strategic Planning Board to enter into a planning agreement in accordance with the S111 of the Local Government Act 1972.









