

# **Southern Planning Committee**

## **Agenda**

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**Date:** Wednesday, 30th October, 2019  
**Time:** 10.00 am  
**Venue:** Council Chamber, Municipal Buildings, Earle Street, Crewe  
CW1 2BJ

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### **Membership**

<b>Chairman:</b>	<b>J Wray (Conservative)</b>
<b>Vice Chairman:</b>	<b>S Akers Smith (Independent)</b>
<b>Conservative Councillors:</b>	<b>M Benson, S Davies, A Gage and A Kolker</b>
<b>Labour Councillors:</b>	<b>J Bratherton, A Critchley, K Flavell and J Rhodes</b>
<b>Independent Group Councillor:</b>	<b>P Butterill</b>
<b>Liberal Democrat Councillor:</b>	<b>D Murphy</b>

**Members of the public are requested to check the Council's website the week the Southern Planning Committee meeting is due to take place as Officers produce updates for some or all of the applications prior to the commencement of the meeting and after the agenda has been published.**

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the top of each report.

It should be noted that Part 1 items of Cheshire East Council decision making meetings are audio recorded and the recordings are uploaded to the Council's website

### **PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT**

#### **1. Apologies for Absence**

To receive apologies for absence.

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Please contact Julie Zientek on 01270 686466

E-Mail: [julie.zientek@cheshireeast.gov.uk](mailto:julie.zientek@cheshireeast.gov.uk) with any apologies or requests for further information  
[Speakingatplanning@cheshireeast.gov.uk](mailto:Speakingatplanning@cheshireeast.gov.uk) to arrange to speak at the meeting

2. **Declarations of Interest/Pre Determination**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests and for Members to declare if they have pre-determined any item on the agenda.

3. **Minutes of Previous Meeting** (Pages 3 - 6)

To approve the minutes of the meeting held on 2 October 2019.

4. **Public Speaking**

A total period of 5 minutes is allocated for each of the planning applications for the following:

- Ward Councillors who are not members of the Planning Committee
- The relevant Town/Parish Council

A total period of 3 minutes is allocated for each of the planning applications for the following:

- Members who are not members of the planning committee and are not the Ward Member
- Objectors
- Supporters
- Applicants

5. **19/3889N Land off Crewe Road, Winterley: Outline application for the erection of up to 55 dwellings with associated works (access to be considered with all other matters reserved) (resubmission of 18/2726N) for Footprint Land and Development Ltd** (Pages 7 - 28)

To consider the above planning application.

6. **19/2538N Whittakers Green Farm, Pewit Lane, Hunsterson, Cheshire CW5 7PP: Application for the erection of a New Agricultural Building for the secure storage of crops, plant and machinery for F H Rushton** (Pages 29 - 38)

To consider the above planning application.

7. **18/4211N Land Off Mill Lane, Bulkeley: Development of the currently vacant site on Mill Lane, Bulkeley. The new proposed scheme is for 17 dwellings comprising a mix of 2,3 and 4 bedroom detached and semi-detached blocks for Adam Smith, Torus Group** (Pages 39 - 62)

To consider the above planning application.

**THERE ARE NO PART 2 ITEMS**

**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Southern Planning Committee**  
held on Wednesday, 2nd October, 2019 at Council Chamber, Municipal  
Buildings, Earle Street, Crewe CW1 2BJ

**PRESENT**

Councillor J Wray (Chairman)  
Councillor S Akers Smith (Vice-Chairman)

Councillors J Bratherton, P Butterill, S Davies, S Edgar (for Cllr Benson),  
H Faddes (for Cllr Critchley), K Flavell, A Gage, A Kolker, D Murphy and  
J Rhodes

**OFFICERS PRESENT**

Daniel Evans (Principal Planning Officer)  
Andrew Goligher (Principal Development Control Officer - Highways)  
James Thomas (Senior Lawyer)  
Julie Zientek (Democratic Services Officer)

**Apologies**

Councillors M Benson and A Critchley

**25 DECLARATIONS OF INTEREST/PRE DETERMINATION**

In the interests of openness, Councillors P Butterill, J Bratherton J Rhodes  
and S Akers Smith declared that they had received a telephone call  
regarding application number 18/5510N.

**26 MINUTES OF PREVIOUS MEETING**

RESOLVED – That the minutes of the meeting held on 4 September 2019  
be approved as a correct record and signed by the Chairman.

**27 18/5510N LAND OFF SYDNEY ROAD, CREWE: DEVELOPMENT OF 40  
AFFORDABLE DWELLINGS, THE CREATION OF A NEW VEHICLE  
AND PEDESTRIAN ACCESS FROM SYDNEY ROAD, INTERNAL  
SHARED SURFACE ROADS, CAR PARKING, LANDSCAPING AND  
PUBLIC OPEN SPACE FOR GALLIFORD TRY PARTNERSHIPS**

Note: Ms L Robertson attended the meeting and addressed the Committee  
on behalf of the applicant.

The Committee considered a report regarding the above planning  
application.

## RESOLVED

- (a) That, contrary to the planning officer's recommendation for approval, the application be REFUSED for the following reason:

It is considered that the harm to the Open Countryside is not outweighed by the benefits of the proposed development, given its poor layout and design resulting in the lack of satisfactory opportunities for children's play. The development is therefore deemed to be contrary to Policies PG6 (Open Countryside), SE1 (Design), SC3 (Health and Wellbeing), SD1 (Sustainable Development in Cheshire East), and SD2 (Sustainable Development Principles) of the Cheshire East Local Plan Strategy, and saved Policy RT3 of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Development Management, following consultation with the Chairman (or in his absence the Vice Chairman) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, before issue of the decision notice.
- (c) That, should this application be subject to an appeal, approval be given to enter into a S106 Agreement with the following Heads of Terms:

<b>S106</b>	<b>Amount</b>	<b>Triggers</b>
Affordable Housing	100% affordable Housing	Prior to occupation and in accordance with submitted details
Health	£31,356	To be paid prior to first occupation
Private management of Public Open Space		Prior to first occupation
Education	£86,770	To be paid prior to first occupation

Ecology – Habitat Creation	£26,374	To be paid prior to first occupation
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- 28 **19/2938C HAWTHORN COTTAGE, HARVEY ROAD, CONGLETON CW12 2PS: OUTLINE APPLICATION FOR THE REFURBISHMENT OF HAWTHORN COTTAGE, CANAL SIDE FARM AND THE ERECTION OF 35 NO. DWELLINGS. THE FORMATION OF A NEW VEHICLE AND PEDESTRIAN ACCESS FROM GORDALE CLOSE FOR MR DAVID POYNER, DAVICO PROPERTIES UK LTD**

The Chairman reported that this application had been withdrawn prior to the meeting.

- 29 **19/3307N BOOT AND SLIPPER, LONG LANE, WETTENHALL: ERECTION OF 4 DWELLINGS FOR E ATKINSON, COMMERCIAL DEVELOPMENT PROJECTS LTD**

The Chairman reported that this application had been withdrawn prior to the meeting.

The meeting commenced at 10.00 am and concluded at 11.20 am

Councillor J Wray (Chairman)

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Application No: 19/3889N

Location: LAND OFF CREWE ROAD, WINTERLEY

Proposal: Outline application for the erection of up to 55 dwellings with associated works (access to be considered with all other matters reserved) (resubmission of 18/2726N)

Applicant: Footprint Land and Development Ltd

Expiry Date: 13-Nov-2019

### **SUMMARY**

The proposed development would be contrary to Policies PG6 & SD1 of the CELPS & Saved Policy RES5 of the Crewe and Nantwich Local Plan as the development would result in a loss of open countryside. Given that Cheshire East can demonstrate a 5 year supply of deliverable housing sites, significant weight is given to this factor.

The proposal has also been supported by insufficient information in which to inform an assessment of the ecological impacts to barn owls associated with the proposal which is contrary to Policies SD1, SD2, SE3 of the Cheshire East Local Plan and Saved Policies NE5, NE8 and NE9 of the Crewe and Nantwich Local Plan.

The development would also result in some visual harm to the landscape given that it seeks to develop a site that is currently free from built form. The proposal would also result in the loss of Grade 2 Agricultural Land.

The development would provide benefits in terms of 36% affordable housing provision, open market provision, public open space, delivery of economic benefits during construction and through the spending of future occupiers.

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

The proposed development is contrary to the Development Plan. In the light of section 38(6) of the Planning and Compulsory Purchase Act 2004 planning permission should be refused unless material considerations indicate otherwise. In this instance the material considerations put forward including the provision of 36% affordable housing provision is not considered to outweigh the adverse harm caused. As such it is considered that the development does not constitute sustainable development and should therefore be refused.

### **RECOMMENDATION**

**REFUSE**

## **PROPOSAL**

The proposal seeks outline consent, with access included, for the erection of up to 55 dwellings with associated works (resubmission of 18/2726N)

All other matters of appearance, layout, landscaping and scale are reserved.

## **SITE DESCRIPTION**

The application site comprises a parcel of land sited just off the junction of Crewe Road and Pool Lane.

The area consists of predominantly residential properties to the west and partly to the south. Open countryside to the north and consented residential development to the east and south.

No significant variation in land levels noted

The site itself contains a large tree covered by Tree Preservation Order (TPO) just to the east of the centre of the site. There are also other trees covered by TPO to the northern and southern boundaries.

The site is located in the Open Countryside as per the Local Plan and contains trees covered by Tree Preservation Order.

## **RELEVANT HISTORY**

### Application site

18/2726N – Outline application for the erection of up to 55 dwellings with associated works (access to be considered with all other matters reserved) – refused 31-Oct-2018 for the following reasons:

**The proposed development is unsustainable because it is located within the Open Countryside. It would result in an adverse impact on appearance and character of the area and the loss of Grade 2 agricultural land contrary to Policies PG2 (Settlement Hierarchy), PG6 (Open Countryside), SD1 (Sustainable Development in Cheshire East) and SD2 (Sustainable Development Principles), SE2 (Efficient Use of Land) of the Cheshire East Local Plan Strategy, and saved Policy RES.5 (Housing in the Open Countryside) of the Crewe and Nantwich Local Plan and the principles of the National Planning Policy Framework, which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it creates harm to interests of acknowledged importance.**

The surrounding sites also have some relevant applications:

### Site to the south-west



16/1487N - Reserved matters application seeking consent for appearance, landscaping, layout and scale, following outline planning permission for the construction of up to 45no. dwellings (13/4632N) – Approved 1st July 2016

13/4632N - Outline planning permission for the construction of up to 45 dwellings – Allowed at appeal – 14th January 2015

14/3393N - Outline planning permission for the construction of up to 45no. dwellings (Resubmission of 13/4632N) – Refused 25th September 2014

14/3962N - Outline planning permission for the construction of up to 79 dwellings – Appeal dismissed 2nd February 2016

#### Site to the south

16/1728N – Outline application for residential development of up to 33 units with all others matters reserved, except for access and landscaping – Allowed at appeal 2 March 2017

#### Site to the east

18/1621C – Reserved matters consent is sought for appearance, landscaping, layout and scale – Approved 06-Sep-2018

16/3387N - Outline application for the erection of 29 dwellings with associated works. (Re-submission of 15/2844N) – Refused 29th September 2016 – Appeal Lodged – Appeal Allowed 20th March 2017

15/2844N - Outline application for the erection of 47 dwellings with associated works – Refused 1st October 2015

### **ADOPTED PLANNING POLICY**

#### **Haslington Neighbourhood Plan**

The Haslington Neighbourhood Plan has only reached Regulation 7 stage and therefore cannot be attributed any weight at this stage

#### **Development Plan**

*Cheshire East Local Plan Strategy (CELPS);*

MP1 – Presumption in Favour of Sustainable Development

SD1 – Sustainable Development in Cheshire East

SD2 – Sustainable Development Principles

SE1 – Design

SE2 – Efficient Use of Land

SE3 – Biodiversity and Geodiversity

SE4 – The Landscape

SE5 – Trees, Hedgerows and Woodland

SE6 – Green Infrastructure

SE7 – The Historic Environment  
SE9 – Energy Efficient Development,  
SE12 – Pollution, Land Contamination and Land Instability  
SE13 – Flood Risk and Water Management  
PG1 – Overall Development Strategy  
PG2 – Settlement Hierarchy  
PG6 – Open Countryside  
PG7 – Spatial Distribution  
SC4 – Residential Mix  
IN2 – Developer Contributions  
CO1 – Sustainable Travel and Transport  
CO4 – Travel Plans and Transport Assessments  
SC5 – Affordable Homes  
IN1 – Infrastructure  
IN2 – Developer Contributions

*Crewe and Nantwich Local Plan 2011 (CNLP) Saved Policies;*

It should be noted that the Cheshire East Local Plan Strategy was formally adopted on 27th July 2017. There are however policies within the legacy Local Plan that still apply and have not yet been replaced. These policies are set out below.

NE.5 (Nature Conservation and Habitats)  
NE.8 (Sites of Local Importance for Nature Conservation)  
NE.9 (Protected Species)  
NE.20 (Flood Prevention)  
BE.1 (Amenity)  
BE.3 (Access and Parking)  
BE.4 (Drainage, Utilities and Resources)  
BE.6 (Development on Potentially Contaminated Land)  
RES.5 (Housing in the Open Countryside)  
RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)  
TRAN.3 (Pedestrians)  
TRAN.5 (Cycling)

### **National Planning Policy Framework (NPPF)**

The relevant paragraphs include;

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

### **Other Considerations**

The EC Habitats Directive 1992  
Conservation of Habitats & Species Regulations 2010  
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System

National Planning Practice Guidance

**CONSULTATIONS**

**CEC Head of Strategic Infrastructure (Highways)** – No objection subject to condition requiring a construction management plan

**CEC Environmental Protection** – No objections, subject to a number of conditions/informatives including; piling, dust, working hours for construction, travel information pack, electric vehicle charging points, low emission boilers and contaminated land

**CEC Flood Risk** – No comments received at the time of writing the report however no objection to the earlier application subject to drainage conditions

**CEC Education** – No objections subject to a contribution of £189,172 towards secondary education

**CEC Open Space (ANSA)** – Objection regarding usability of the proposed open space

**CEC Housing** – No objection

**CEC Public Rights of Way (PROW)** – No comments received at the time of writing the report

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

**South Cheshire Clinical Commissioning Group (NHS)** – Request a contribution of £47,772 to support the development of Haslington Medical Centre

**Town/Parish Council** – Objection on the following grounds:

- This application was refused due to development on Grade 2 Ag land, PG2, PG6, SD1, SD2, SE2, RES 5. As far as the application stands these have not been addressed and the objection should stand on these accounts.
- No need for further housing
- Drainage concerns
- Highways impact
- Pressure on existing services
- Harm to local wildlife
- Loss of green space
- Environmental impacts

**Ward Councillor Edgar** – Object on the following grounds:

- Outside the settlement boundary
- Not overcome previous refusal reason
- Cheshire East has 7.2year housing land supply and does not need this site to be developed
- Not a sustainable location and would be car dependant
- Increased traffic/congestion in the village

- Inadequate sewage infrastructure
- Would increase site drainage issues

### REPRESENTATIONS

32 letters of objection received regarding the following:

- Does not comply with SC6 as not rural exception
- Sited in the open countryside
- Cheshire East has 7.2year housing land supply and does not need this site to be developed
- Not a sustainable location and would be car dependant
- Other sites in the village offering affordable housing
- Traffic/congestion
- Site drainage issues
- Harm to character off the village
- Disagree with the submitted traffic assessment
- Concern that any planning conditions would not be complied with as is the case for other developments in the village
- Impact to local wildlife
- Land used for arable production
- Precedent for similar housing applications
- Strain on existing local services
- Sewage network
- No suitable housing mix
- No play space
- Pollution from cars using the development
- How many houses will be allocated to a housing association

### APPRAISAL

#### Principle of Development

The site lies largely in the Open Countryside as designated by the Adopted Cheshire East Local Plan, where policy PG6 states that within the Open Countryside only development that is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Exceptions may be made where there is the opportunity for limited infilling in villages; the infill of a small gap with one or two dwellings in an otherwise built up frontage elsewhere, affordable housing or where the dwelling is exceptional in design and sustainable development terms.

The proposed development would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside. As a result, it constitutes a “departure” from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined “*in accordance with the plan unless material considerations indicate otherwise*”.

The issue in question is whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy objection.

## **Housing Land Supply**

The Cheshire East Local Plan Strategy was adopted on the 27th July 2017 and forms part of the statutory development plan. The plan sets out the overall strategy for the pattern, scale and quality of development, and makes sufficient provision for housing (36,000 new dwellings over the plan period, equating to 1,800 dwellings per annum) in order to meet the objectively assessed needs of the area.

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted.

The National Planning Policy Framework (NPPF) identifies the circumstances in which relevant development plan policies should be considered out-of-date. These are:

- Where a local planning authority cannot demonstrate a five year supply of deliverable housing sites (with appropriate buffer) or:
- Under transitional arrangements, where the Housing Delivery Test Result indicates that the delivery of housing was substantially below 25% of housing required over the previous three years.

In accordance with the NPPF, the council produces an annual update of housing delivery and housing land supply. The council's most recent Housing Monitoring Update (base date 31 March 2018) was published on the 6th November 2018. The report confirms:

- A five year housing requirement of 12,630 net additional dwellings. This includes an adjustment to address historic shortfalls in delivery and the application of a 5% buffer.
- A deliverable five year housing land supply of 7.2 years (18,250 dwellings).

The 2018 Housing Delivery Test Result was published by the Ministry of Housing Communities and Local Government on the 19th February 2019 and this confirms a Cheshire East Housing Delivery Test Result of 183%. Housing delivery over the past three years (5,610 dwellings) has exceeded the number of homes required (3,067). The publication of the HDT result affirms that the appropriate buffer to be applied to the calculation of housing land supply in Cheshire East is 5%.

Relevant policies concerning the supply of housing should therefore be considered up-to-date and consequently the 'tilted balance' at paragraph 11 of the NPPF is not engaged.

## **SOCIAL SUSTAINABILITY**

### **Housing Mix**

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

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

The exact mix of properties will be determined at reserved matters stage. However, the supporting design and access statement advises that housing will comprise of a mix of family homes and types that could include 3 and 4 bedroom detached properties.

A condition could therefore be imposed to secure a mix of house types at the reserved matters stage.

### **Affordable Housing**

This is a full application for up to 55 dwellings and as per Policy SC5 there is a requirement for 30% of dwellings to be provided as affordable dwellings with a split of 65/35 between social rented and intermediate housing.

In order to meet the Council's Policy on Affordable Housing there is therefore a requirement for 17 dwellings to be provided as affordable dwellings with 11 units provided as Affordable/Social Rent and 6 units as Intermediate tenure.

The submitted Design and Access statement advises 30% affordable provision will be made however the Planning Statement contradicts this and advises 36% provision will be made in the form of 20 affordable dwellings. This being the case, 13 units should be provided as Affordable/Social rent and 7 units as Intermediate tenure.

The current number of those on the Cheshire Homechoice waiting list with Haslington and Winterley as their first choice is 79. This can be broken down to 25x 1 bedroom, 34x 2 bedroom, 15x 3 bedroom, 8 x 4 bedroom and 6x 4+ bedroom dwellings.

The SHMA 2013 showed the majority of the house type demand annually up to and including 2018 in the Sub area of Haslington and Englesea was for 1x 1 bedroom, 11x 2 bedroom, 19x 3 bedroom and 10x 4 bedroom dwellings for General Needs.

The exact mix and location of the affordable dwellings can be detailed in the Reserved Matters application, with the provision secured as part of a S106 Agreement.

### **Open Space**

This development requires a minimum of 40m<sup>2</sup> per family unit each of children's play & Amenity Green Space (AGS).

The proposed site plan shows three areas of green space – two linear buffers totalling 2,129m<sup>2</sup> and a small area (817m<sup>2</sup>) dominated by a large tree to the south east of the site. This is not deemed acceptable by the Councils Open Space Team as these areas offer very little meaningful public open space for formal or informal recreation.

The quantity standards are set out in the adopted Cheshire East Local Plan Criterion 4iii defined below within the Green Space Strategy.

- **Children's Play Space**

The 20m<sup>2</sup> per family dwelling combines formal and informal play provision. This amount of land could accommodate a children's kickabout area or similar facility and an area of play equipment/formal provision. The emphasis will be on creating a network of varied open spaces for children's play (all ages).

- **Amenity Green Space**

This particular type of open space (20m<sup>2</sup>) for informal recreation required in association with new development will depend on the individual site's requirements, location and existing open spaces for informal recreation in the immediate neighbourhood. It could include important landscape and historic features, wildlife areas, areas for countryside recreation/country parks, general areas for relaxing and enjoyment and areas for visual amenity.

Children's play space and amenity green space can be combined to give a figure of 40m<sup>2</sup> per family dwelling requiring this development to produce 2,200m<sup>2</sup> POS on site centrally located. This should include a formal LEAP facility to Fields in Trust standards, to include an inclusive space with a minimum area of 400m<sup>2</sup> and appropriate buffer zones. This should complement any other existing play facilities in the surrounding area.

### **Green Infrastructure Connectivity**

- The need to connect open spaces by the addition of footpath or cycle links or wildlife corridors, or to allow access to adjacent countryside or country parks is a crucial part of creating a usable network of green space

Although there are green buffers to the north and south of the site, little attention to the green infrastructure connectivity has been made. The Council's BFL12 – Connections require developments to be thought through holistically. There are potentially two developments adjacent 16/3387N and 16/1728N that could benefit from sustainable connections.

In light of the above the open space officer recommends that the design be revised to produce good quality open spaces with a minimum of pedestrian links through to other developments.

The concerns of the open space officer are noted and these features can be conditioned to secure the details at the reserved matters stage.

### **Education**

An application of up to 55 dwellings is expected to generate 10 primary aged children, 8 secondary aged children and 1 SEN child.

The development is expected to impact on secondary 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 secondary schools in the area as a result of agreed financial contributions. The analysis undertaken has identified that a shortfall of secondary school places still remains. The development is not expected to impact on primary provision.

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 9 children expected from the Land Off Crewe Road, Winterley application will exacerbate the shortfall.

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

$8 \times £17,959 \times 0.91 = £143,672$  (secondary)

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

Total education contribution: £189,172

This will be secured via a S106 Agreement should the application be approved.

### **Health**

The South Cheshire Commissioning Group (SCCG) has devolved powers to act on behalf of the NHS. In this instance they have requested a contribution of £47,772 to support the development of Haslington Medical Centre.

Having considered the contents of the response from the SCCG, officers are satisfied that the requested contribution of £47,772 is CIL compliant. This is because the NHS plan is at an advanced stage. The comments from the SCCG also provides calculations of how the requested contribution was derived and a specific scheme has been noted as to where the money will be spent which is to support the existing medical practice.

As a result the contribution is considered to be both reasonable and necessary and should be secured by way of section 106 agreement.

### **Location of the site**

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

In this instance the design and access statement has done a brief appraisal of the location in terms of sustainability. This concludes that a range of local facilities can be found within a 1km radius (approximately a 15 minute walking distance) of the site, including community, bus stop, leisure and restaurant. The pedestrian amenities catchment plan shows the location of amenities in relation to the proposed site. The application site benefits from a bus service located outside of the site on Crewe Road.

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

The site was also deemed to be locationally sustainable through approval of the surrounding developments and as such it would be difficult to argue that the site in close proximity to these other consents is not sustainable.

### **Residential Amenity**



The main residential properties affected by this development are 326-338 Crewe Road (even numbers), 4 Hassall Road and the closet plots of the developments approved to the south and east of the site.

The illustrative site plan suggests that the plots to the southern and eastern sections of the site would provide in excess of the required 13/21m interface distances to the approved properties to the south and east of the site. This is however assuming that the properties that come forward at reserved matters stage would be two storeys in height.

Similarly the plan suggests that the plots to the western boundary would provide in excess of the required 21m interface distances.

Some of the internal interface distances are slightly shy of the 21m interface as noted in the SPD, however this is just a minor deviation and it appears that the site could accommodate a slight increase here.

The indicative plan shows that Plot 1 would be sited in close proximity to the boundaries shared with Nos.328 and 330 Crewe Road. This has the potential to result in an overbearing/oppressive impact when viewed from the rear garden areas of these properties. However the site appears capable of accommodating this plot sited further away from the shared boundary to prevent such impact. Nevertheless the layout would be addressed at reserved matters stage.

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

The plan also suggests that all plots would provide in excess of the recommended 50sqm minimum garden area as per the SPD

As a result the layout suggests that the proposal could be provided without significant harm to living conditions of neighbouring properties. In any case the final layout would be determined at reserved matters stage.

### **Highways**

The applicant has submitted a Transport Statement in support of the application; this has indicated that the trip generation arising from the development would result in 40 peak two-way movements. The predicted generation for this phase of development has been added to the other phases to assess the capacity of the existing site access with Crewe Road.

The results of the capacity assessment indicate that the site access would work within capacity limits with the new development traffic added. In relation to the wider impact on the road network, the distributed traffic would not have a material impact at principal junctions that would warrant an objection.

This is the third phase of development with main access to the site being already established, the capacity of main access has been tested to ensure that there would no capacity problem with the additional development added.

As a result the highway engineer has raised no objection subject to a condition requiring a construction management plan.

## **Landscape**

The application site is currently a field, bound to the south by Phases A and B, to the west by existing residential development along Crewe Road, to the north by a number of small fields and to the east by an area of agricultural land that is currently subject to another planning application. There are a number of trees located along the northern and southern boundaries, a number of these are subject to Tree Preservation Orders, there are existing hedgerows along the northern and eastern boundaries. There is an isolated tree located towards the south eastern part of the site

The submission includes a proposed site plan this appears to show that the majority of boundary trees along the northern and southern boundaries will be retained, along with the isolated tree. The proposed site plan does not identify or make reference to the existing hedgerows along the eastern and northern boundaries.

Efforts do appear to have been made on this outline plan to incorporate most of the existing trees within open spaces and the linear offset area along the northern boundary would be effective in the longer term retention and success of the existing trees, but this all needs to be presented in the form of a parameters plan. Further consideration needs to be given to a number of locations where existing trees may impact on the future amenity of residents.

With reference to the layout, while there are a number of public open spaces shown on the outline layout, there is little scope for a hierarchy of tree planting this needs to be addressed at reserved matters stage to prevent the scheme from being reliant on existing site boundary vegetation, will little opportunity to create a wider green infrastructure across the site.

## **Trees**

The application is supported by an Arboricultural Implications Assessment and Method Statement which includes a Tree Development Plan showing the indicative layout in relation to tree constraints

Selected individual and groups of trees within and immediately adjacent to the site are protected by the Cheshire East Borough Council (Haslington - Winterley, Land to the north of Pool Lane) Tree Preservation Order 2017 which was served on 22nd May 2017 and subsequently confirmed without modification on 4th October 2017. The majority of the protected trees are located on or adjacent to the site boundaries save for one Oak tree (T3 of the TPO /T21 of the submitted Tree Survey) which is located within the central southern section of the site.

The Assessment has identified 21 individual trees, two groups of trees and six hedges within the site. One tree, a young unprotected Walnut (T9) is to be removed to accommodate the development. No trees are proposed for removal for arboricultural reasons.

The Councils arborist has considered the proposal and advised the proposal is acceptable in principle however any future layout will require the following matters to be addressed:

### Relationship to building and shading by trees

- Shading to plot 44 from trees T2 part of Group G3 of the TPO. This could result in social proximity issues

- Potential harm to trees T15 and T16 to the northern boundary shown as given the location of the road way. The proposal should avoid development in the root protection area. If not the applicant needs to be demonstrate that no harm would occur and what mitigation would be required

The above concerns are noted. As the proposal seeks outline for access only the full impacts would not be addressed until reserved matters stage. However it is considered that that Plot 44 could be revised/re-sited to avoid harmful impact. Similarly reserved matters stage could also require justification for the siting in the root protection area and appropriate mitigation.

### Hedgerows

A Hedgerow Assessment has been submitted in support of the application. Hedgerows are located along the northern, eastern and southern boundaries of the site. At Section 2.10 the Assessment states that these hedgerows qualify as being 'Important' under the archaeology and historic criteria of the Hedgerow Regulations. The proposed layout provides for the retention of these hedgerows apart from a 10 metres section of hedgerow to the south west for the proposed access to the site. It is agreed that the loss of this 10 metre section will not have a significant adverse impact and negligible harm to the remaining hedge.

## **Design**

### Connections

The proposed scheme is surrounded by established residential areas to the west and south, and approved and executed Bellway site (phase A) and the recently outline approved Phase B site to the south and the site to the East. Access to the proposed Phase C development will be off Crewe Road, utilising a consented route through the approved phase A scheme. The site will have direct pedestrian, cycle and vehicular access from Crewe Road and has potential to links to both Phase A and B, enabling the new development to integrate with the approved developments to the south and further residential area. This is not currently shown but could be secured at reserved matters stage to secure connections with surrounding sites.

### Facilities and Services

A range of local facilities can be found within a 1km radius (approximately a 15 minute walking distance) of the site, including community, bus stop, leisure and restaurant. The Pedestrian Amenities Catchment plan shows the location of amenities in relation to the proposed site.

### Public Transport

The application site benefits from a bus service located outside of the site on Crewe Road. Bus service 37 connects the site to Middlewich and Northwich, whilst along with service 38 provides links to Crewe and Haslington to the south-west, Sandbach town centre, Congleton and Macclesfield to the north east. The site has been designed to be accessible by a variety of methods, including by foot, cycling as well as private vehicles.

### Meeting Local Housing Needs

The indicative plan shows a mixture of detached, semi-detached and terrace properties. The exact mix of properties will be determined at Reserved Matters stage, however the supporting statement also advises

that the proposed dwellings will reflect local vernacular and scale with a mixture of building heights between 2 and 2.5 storeys high.

### Character

The proposed scheme includes 55 new dwellings within a total site area of 2.1 hectares, a density of approximately 27 dwellings per gross hectare, which is consistent with the other consented sites which total 33 and 26 dwellings per hectare. The indicative plan shows that the aesthetic of the proposed scheme reflect local vernacular and street scenes with reference to the consented sites to the east and south. The layout also shows that the plots to the northern boundary would have an active frontage with the open countryside as they would have their front elevations facing the open countryside to the north. The plots to the east and west would back onto existing consented sites and as such the need to front onto to these developments is not considered necessary. The supporting statement advises that the proposed dwellings will be clad in red brick with grey slate-effect roof tiles to match the local character of the area however details of appearance will be addressed at reserved matters stage.

#### - Working with the Site and its Context

The proposal will sit on vacant agricultural land between existing/consented residential properties, providing a connection between the local neighbourhood and surrounding agricultural land. Existing TPO trees to the southern boundary will be retained to enhance a proposed green corridor between the proposed scheme and approved Phase A and B developments. Existing trees and hedgerows to the northern boundary will also provide a natural buffer between the proposed development and neighbouring dwellings. A large existing tree within the centre of the site will be retained as a key feature to the Public Open Space. Further proposed trees will line internal routes as part of the green infrastructure, enhancing the visual value and relationship between the development and open agricultural land beyond.

#### - Creating Well Defined Streets and Spaces

Throughout the scheme, the buildings will face the public realm and the design and access statement advises that front doors and/or habitable room windows will give natural surveillance and active frontages will define areas of public space. The plan does not however indicate use of double frontages to help properties turn concerns however design/appearance would be addressed at reserved matters stage. It is also stated in the design and access abetment that new trees will also help define the boundary between dwelling and street, with private gardens, where possible, located to the rear of properties.

#### - Easy to Find Your Way Around

A primary access road circumvents the entire site, with a clear hierarchy defining pedestrian and vehicular routes. Carefully positioned nodal points, for example the retained large tree in the centre of the Public Open Space, will highlight and define routes allowing the users to easily orientate themselves. A permeable network will be created, which will be made up of primary distribution routes, streets and green spaces (through a combination of Public Open Space, private garden and landscaping throughout the scheme).

#### - Streets For All

Road widths to the north and west of the scheme are narrower to promote slower vehicle speeds and allow for functional social space. A pavement is also shown running through the site.

- Car Parking

The proposed scheme is shown as providing 200% car parking spaces, with a mixture of detached garages, side of building and off road. Whilst trees and landscaping are shown to the front of dwellings in an attempt to soften the visual impact of parked cars it remains a concern that the plots to the eastern and western boundaries would be too dominated by car parking which would need to be addressed at reserved matters stage.

- Public and Private Spaces

Public and private spaces will be clearly defined throughout the site, with the use of active frontages and landscaping. Natural surveillance is permitted by front doors and habitable room windows overlooking public space, ensuring the safety of residents and visitors moving around the site. Clear thresholds, road and paving hierarchy and fencing will further indicate the distinction between public and private space and maintain security for residents.

- External Storage and Amenity Space

Storage for amenity will be provided within the curtilage of each individual dwelling, with direct access designed to connect rear gardens to the street to allow for rubbish collection. A number of properties will also have detached garages to provide additional external storage.

### **Ecology**

- Barn Owls

A barn owl box is present within a tree on site. An acceptable barn owl survey was undertaken in support of the 2018 application and no evidence of barn owls was recorded. As this survey was completed more than 12 months ago The Councils Ecologist advises that the survey should be repeated and an updated survey submitted to the LPA prior to the determination of this application. The planning agent was aware of this however at the time of writing the report no updated survey was provided.

- Other protected species (OPS)

An updated survey has been submitted. A sett is present off-site. The submitted ecological assessment recommends the provision of a 10m undeveloped buffer zone, which is shown on the submitted illustrative layout plan. The Councils ecologist advises that this buffer is likely to be sufficient to minimise the risk of the proposed development having a direct adverse impact on the badger sett.

The proposed development is however likely to result in indirect effects on OPS such as the loss of and fragmentation of badger foraging habitat, which would have a moderate adverse effect on the resident badger clan.

The Ecologist therefore recommends that in the event that planning consent is granted a condition should be attached which requires any future reserved matters application to be supported by an updated badger survey and mitigation proposals.

- Trees with bat roost potential

A number of trees with bat roost potential were recorded on site. Based upon the submitted illustrative layout plan it appears feasible for these trees to be retained. Therefore, provided any proposed lighting is sensitive to the bats, the proposed development would be unlikely to affect roosting bats. The Council's Ecologist recommends that if planning permission is granted a condition should be attached requiring trees identified as having High bat roost potential should be retained.

The Ecologist also suggests that any future reserved matters application to be supported by details of the proposed lighting scheme.

- Hedgehog

Hedgehogs are a biodiversity action plan priority species and hence a material consideration. There are records of hedgehogs in the broad locality of the proposed development and so the species may occur on the site of the proposed development. If planning consent is granted The Council's Ecologist recommends that the provision of features for hedgehogs should be secured by condition.

- Hedgerows

Hedgerows are a priority habitat and hence a material consideration. The proposed development will result in the loss of a section of hedgerow to facilitate the site access road. It does however appear feasible to retain the remainder of the boundary hedgerows.

If planning consent is granted the Council's Ecologist recommends that a condition be attached to ensure that replacement planting is provided for any unavoidable loss of hedgerows.

- Residual biodiversity assessment

Local Plan Policy SE3 (5) requires all development proposals to deliver an overall benefit for biodiversity. An assessment of the residual ecological impacts of the proposed development using the Defra 'metric' methodology was completed in respect of the 2018 application at this site. This assessment concluded that the proposed development had the potential to deliver a small net gain for biodiversity in respect of habitats other than hedgerows.

This gain was dependant upon the development delivering 0.7ha of tree planting. The delivery of these proposals should therefore be secured in the event that planning permission is granted.

This planning application also provides an opportunity to incorporate features to increase the biodiversity value of the final development. The Council's Ecologist therefore recommend that if planning permission is granted a condition should be attached which requires the submission of an ecological enhancement strategy.

### Air Quality

Policy SE12 of the Local Plan states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality.

This proposal is for the residential development of to 55 dwellings. This scheme does not require an air quality impact assessment. However there is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area. In particular the impact of transport related emissions on Local Air Quality.

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

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

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

### **Flood Risk**

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

The FRA concludes that the geological map of the area shows the site to be underlain by glaciofluvial sand and gravel deposits underlain by Halite-Stone and Mudstone of the Wilkesley Halite Member.

On the basis of the nature of these ground conditions, the use of sustainable urban drainage systems (SUDS) in the form of soakaways is considered a practical option. This will naturally need to be verified by the construction of soil infiltration test pits on site.

Foul water flows from the proposed development site are proposed to discharge to the existing 450mm diameter foul water sewer located beneath Crewe Road adjacent to the western boundary subject to agreement with United Utilities.

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

The Councils Flood Risk Team has also been consulted however no comments had been received at the time of writing the report. These will be provided in the update report.

However for the 2018 application which related to the same site, layout and number of dwellings, they raised no objection as the Flood Risk Assessment (FRA) concluded that soakaways were not feasible thus the development was required to be restricted to the greenfield run-off rates provided (5l/s). They did however suggest conditions requiring compliance with the FRA, detailed drainage strategy to be provided and ground and finish floor levels to be provided. As this is an identical scheme to 2018 application, the comments are considered to remain relevant here.

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

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

### **Agricultural Land Quality**

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

The National Planning Policy Framework highlights that the use of such land should be taken into account when determining planning applications. It advises local planning authorities that, 'significant developments' should utilise areas of poorer quality land (grades 3b, 4 & 5) in preference to higher quality land.

In this instance an Agricultural Land Classification and Soil Resources report has been provided. This concludes that all of the 2.1ha site is classified as Grade 2 agricultural land.

The proposal would therefore result in the loss of Grade 2 agricultural land which weights against the proposal.

### **CIL Compliance**

In order to comply with the Community Infrastructure Regulations 2010 it is necessary for planning applications with planning obligations to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The proposal would result in increased demand for medical care usage in Haslington. Evidence has been put forward by the SCCG that a contribution of £47,772 to support the development of Haslington Medical Centre. The NHS plan is also at an advanced stage and calculations of how the requested contribution was derived has been provided and has been linked to the expansion of the existing medical practice. 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 the area and there is very limited spare capacity. In order to increase capacity of the schools which would support the proposed development, a contribution towards secondary education is required. This is considered to be necessary and fair and reasonable in relation to the development.

As explained within the main report, the area of open space/LEAP is identified on the submitted plans. It is necessary to secure these works and a scheme of management. This is directly related to the development and is fair and reasonable.

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

### **PLANNING BALANCE**



The proposed development would be contrary to Policies PG6 & SD1 of the CELPS & Saved Policy RES5 of the Crewe and Nantwich Local Plan as the development would result in a loss of open countryside. Given that Cheshire East can demonstrate a 5 year supply of deliverable housing sites, significant weight is given to this factor.

The proposal has also been supported by insufficient information in which to inform an assessment of the ecological impacts to barn owls associated with the proposal which is contrary to Policies SD1, SD2, SE3 of the Cheshire East Local Plan and Saved Policies Saved Policies NE5, NE8 and NE9 of the Crewe and Nantwich Local Plan.

The development would also result in some visual harm to the landscape given that it seeks to develop a site that is currently free from built form. The proposal would also result in the loss of Grade 2 Agricultural Land.

The development would provide benefits in terms of 36% affordable housing provision, open market provision, public open space, delivery of economic benefits during construction and through the spending of future occupiers.

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

The proposed development is contrary to the Development Plan. In the light of section 38(6) of the Planning and Compulsory Purchase Act 2004 planning permission should be refused unless material considerations indicate otherwise. In this instance the material considerations put forward including the provision of 36% affordable housing provision is not considered to outweigh the adverse harm caused. As such it is considered that the development does not constitute sustainable development and should therefore be refused.

## **RECOMMENDATION:**

### **Refuse for the following reasons:**

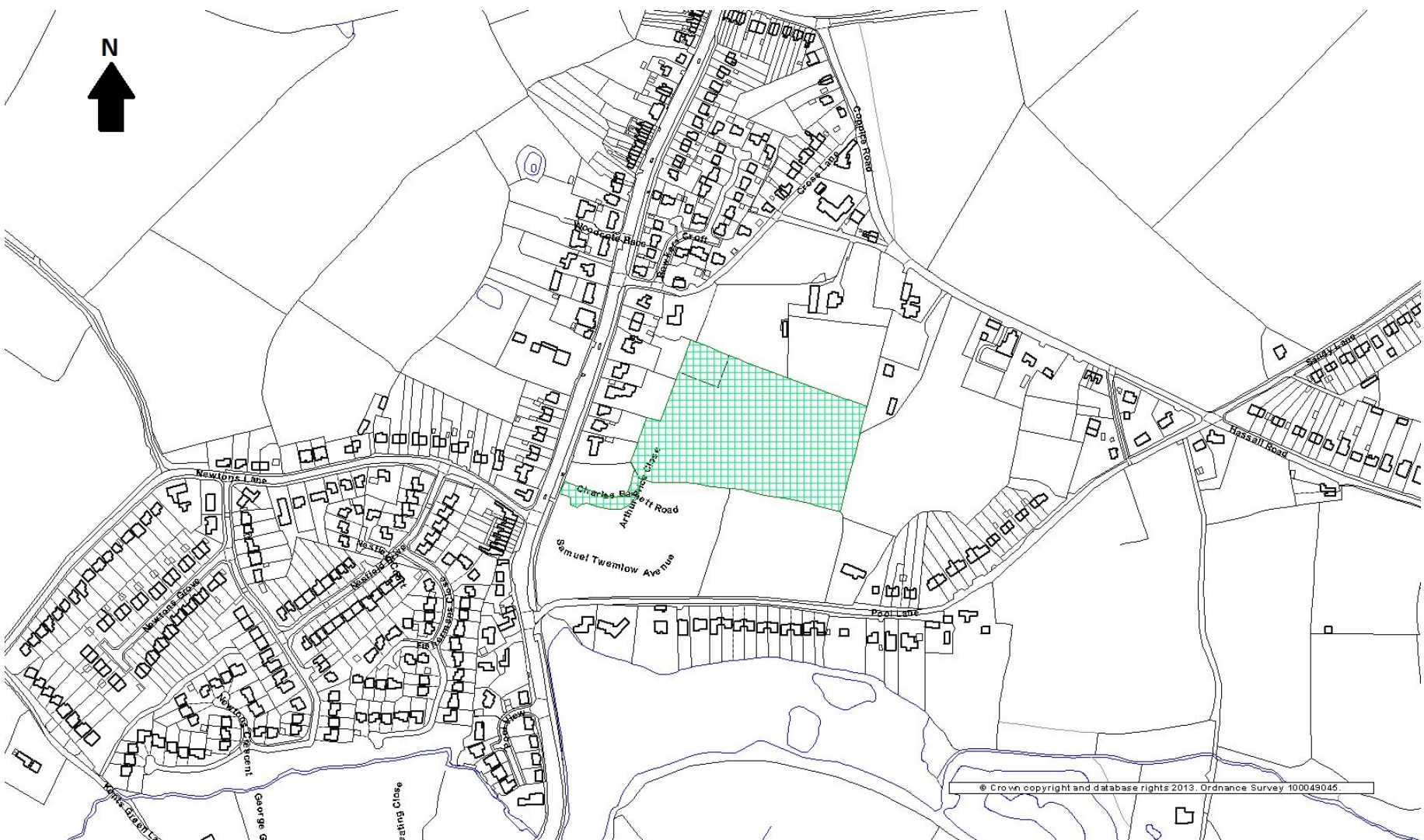
**1) The proposed development is unsustainable because it is located within the Open Countryside, it would result in an adverse impact on appearance and character of the area and the loss of Grade 2 agricultural land contrary to Policies PG2 (Settlement Hierarchy), PG6 (Open Countryside), SD1 (Sustainable Development in Cheshire East) and SD2 (Sustainable Development Principles), SE2 (Efficient Use of Land) of the Cheshire East Local Plan Strategy, and saved Policy RES.5 (Housing in the Open Countryside) of the Crewe and Nantwich Local Plan and the principles of the National Planning Policy Framework, which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it creates harm to interests of acknowledged importance.**

**2) The proposal has also been supported by insufficient information in which to inform an assessment of the ecological impacts to barn owls associated with the proposal which is contrary to Policies SD1, SD2, SE3 of the Cheshire East Local Plan, Saved Policies Saved Policies NE5, NE8 and NE9 of the Crewe and Nantwich Local Plan and the NPPF.**

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

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

<b>S106</b>	<b>Amount</b>	<b>Triggers</b>																		
<b>Affordable Housing</b>	36% (65% Affordable Rent / 35% Intermediate)	In accordance with phasing plan. No more than 80% open market occupied prior to affordable provision in each phase																		
<b>Education</b>	Contribution of £189,172 towards secondary education	50% Prior to first occupation 50% at occupation of 26th dwelling																		
<b>Health</b>	<p>Contribution to support the development of Haslington Medical Centre using the below formula:</p> <table> <tr> <th>Size of Unit</th><th>Occupancy Assumptions Based on Size of Unit</th><th>Health Need/Sum Requested per Unit</th></tr> <tr> <td>1 bed unit</td><td>1.4 persons</td><td>£504 per 1 bed unit</td></tr> <tr> <td>2 bed unit</td><td>2.0 persons</td><td>£720 per 2 bed unit</td></tr> <tr> <td>3 bed unit</td><td>2.8 persons</td><td>£1,008 per 3 bed unit</td></tr> <tr> <td>4 bed unit</td><td>3.5 persons</td><td>£1,260 per 4 bed unit</td></tr> <tr> <td>5 bed unit</td><td>4.8 persons</td><td>£1,728 per 5 bed unit</td></tr> </table>	Size of Unit	Occupancy Assumptions Based on Size of Unit	Health Need/Sum Requested per Unit	1 bed unit	1.4 persons	£504 per 1 bed unit	2 bed unit	2.0 persons	£720 per 2 bed unit	3 bed unit	2.8 persons	£1,008 per 3 bed unit	4 bed unit	3.5 persons	£1,260 per 4 bed unit	5 bed unit	4.8 persons	£1,728 per 5 bed unit	50% Prior to first occupation 50% at occupation of 26th dwelling
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4 bed unit	3.5 persons	£1,260 per 4 bed unit																		
5 bed unit	4.8 persons	£1,728 per 5 bed unit																		
<b>Public Open Space</b>	Provision of Public Open Space and a LEAP (5 pieces of equipment) to be maintained by a private management company	50% Prior to first occupation 50% at occupation of 26th dwelling																		



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Application No: 19/2538N

Location: WHITTAKERS GREEN FARM, PEWIT LANE, HUNSTERTON,  
CHESHIRE, CW5 7PP

Proposal: Application for the erection of a New Agricultural Building for the secure storage of crops, plant and machinery.

Applicant: F H Rushton

Expiry Date: 05-Nov-2019

### **SUMMARY**

The proposal seeks permission for an agricultural building, for secure storage of crops, plant and machinery. Policy PG 6 of the Cheshire East Local Plan Strategy restricts development within the open countryside to that which is essential for the purposes of agriculture, forestry, outdoor recreation or other uses appropriate to a rural area. There is a clear emphasis within the justification of the policy that much of the Open Countryside land is fertile and Cheshire East is a vital area for food production. Saved Policy NE.14 of the Crewe and Nantwich Local Plan sets out a number of criteria which should be met for agricultural buildings requiring planning permission. The emerging Neighbourhood Plan does not have a specific policy relating to new agricultural buildings, however Policy H6 (2ii), states that outside of Settlement Boundaries; Policy PG6 of the CELPS applies.

The building is to be constructed in materials to match the existing building and is of a size which is acceptable and appropriate with the agricultural nature of its use, and will be situated adjacent to a building of a similar design, albeit slightly smaller.

There are no issues raised in relation to the ecology, highways or neighbouring amenity. Therefore, the impacts of the development are not considered to be significant and can be mitigated against with the use of planning conditions, the application is therefore considered to constitute a sustainable form of development and is recommended for approval.

**SUMMARY RECOMMENDATION - Approve with Conditions**

## REASON FOR REFERRAL

This type and size of application is usually dealt with under delegated authority. However, this application has been called into Southern Planning Committee by Councillor Clowes for the following reason;

*'The Parish Council and Local Residents have considerable concerns about this application and the absence of important material details from the application that have bearing on the proposal.*

*1. In 2012 application 12/2121N was approved for the construction of an Implement Shed and the building was constructed in 2017 at Foxes Bank to "Provide storage of essential agricultural equipment associated with the units' production of grain" also the "arable activities take place at Foxes Bank and on the adjoining land at Whittakers Green Farm which also forms part of the applicants holding".*

*This current application for storage of farm equipment - tractors, telehandler, grain trailer, sprayer, seed drill, is not credible when an Implement Shed, (especially for that purpose and constructed in the last 2 years in a more secure location) is available.*

*2. Whittakers Green Farm is 80 Ha and Foxes Bank is 5 Ha however in our previous response to the grain store application 17/2211N (Please refer to this submission or request it separately), based on a 85/90 Ha, it was shown that the following typical production was possible in' best yield years':-*

*Wheat 7.9T/Ha cropping 711T annual*

*Oats 6T/Ha cropping 540T annual*

*Or a combination*

*Volume of Wheat 1.32 cubic metres/T Storage space needed 939 cubic metres*

*Volume of Oats 1.45 cubic metres/T Storage space needed 783 cubic metres*

*In summary, at full capacity (highest yield years) arable crops produced on the holding require less than 1000 cubic metres storage space annually, yet there is a grain store in situ with a volume of 4542 cubic metres and now a proposal for an additional building of 9534 cubic metres. In addition there is a recently constructed, purpose-built Implement Shed at Foxes Bank. (Just a few hundred metres from the proposed site along the same haul road). This application for a very large additional agricultural building is clearly NOT essential for the agriculture operations capable of being carried out on these holdings.*

*In addition it represents yet another sizable incursion into open countryside, further reducing the limited agricultural land to produce crops (contrary to CELPS::Best use of Agricultural Land").*

*As this construction is not essential to the level of activity on these holdings, this remains contrary to PG6 (Open Countryside), does not comply with exception criteria and represents inappropriate and unsustainable development contrary to Policy SD1: (paras 5, 6, 15 and 17), SD2 (Para 1:i to v)*

3. It should be noted that application 17/2211N was approved with important conditions PROHIBITING the IMPORT OF GRAIN based on well-documented issues to the previous objection to this Grain Store 17/2211N with reference to appeals APP/ZO645/A/08/2080691 (the inadequate highway network) and APP/RO660/A/12/2183676 (the noise and disturbance of vehicles passing along the access track).

Should this application be approved, it is important that the new building is subject to the SAME CONDITIONS prohibiting the import of grain in the interests of Resident Amenity on Pewit Lane, and dwellings within the Whittakers Green area (including access via the haul road).

4. The site represents a major further development of isolated sites in open countryside - it should be noted that this proposal lies adjacent to the applicant's existing Green Waste site and windrow composting beds. This will have a further impact on the public's ability to safely access PROW: Hunsterson FP22. The applicant has failed to submit details of HGV movements to the Green Waste site and current farm vehicle and export vehicle numbers that must access Pewit Lane. Both access routes (Pewit Lane and the on-site Haul Road then both access onto Bridgemere Lane which is currently under review by CEC Highways in terms of on-going deterioration of the width and road surface due to HGV parking on the verges whilst waiting for the Whittakers Green sites to open or to allow other traffic past). This is a material factor and concern in regard to this application.

5. This site will have a major impact on open countryside but offers no additional employment opportunities and so does not comply with EG2(i).

6. This proposal, because it represents an unsustainable 'over-capacity' in an open countryside site does not satisfy EG2 in any 'reasonable' regard. It is "not consistent in scale with its location" but is likely to "affect nearby buildings and the surrounding area or detract from residential amenity" (as confirmed in the Appeals Reports cited in (3) above).

For these reasons, it is requested that this application is REFUSED'

## **DESCRIPTION OF SITE AND CONTEXT**

The application site forms an agricultural field located within the Open Countryside. The farming enterprise is an arable operation and comprises a large area of fields. The application site itself is located off an existing track which accesses a Green Waste composting site which is immediately adjacent to the proposed building and is also operated by the applicant. A landscape bund is sited between the site and the green waste operation. A strip of landscaping is also located adjacent to the track to the east of the site.

## **DETAILS OF PROPOSAL**

Full Planning permission is sought for the erection of a New Agricultural Building for the secure storage of crops, plant and machinery. The proposed building is 32m wide, 36m in length with an eaves height of 9.4m, rising to a ridge height of 12m. The building will be constructed in materials to match the existing buildings.

## **RELEVANT HISTORY**

17/2211N – Agricultural Building to Provide Grain Store (resubmission of 16/2930N) – Approved with conditions 23<sup>rd</sup> April 2018

16/2930N – Agricultural building to provide grain store (resubmission of 11/4249N) – Approved with conditions 14<sup>th</sup> November 2016

11/4249N – Agricultural Building to Provide Grain Store – Approved with conditions 26<sup>th</sup> January 2012

There is planning history on the agricultural holding itself with conversion of traditional buildings to dwellings, to fill in hollows/depressions in fields, also a long planning history relating to green waste composting site adjacent to application site.

## **POLICIES**

### **Local Plan Policies**

The relevant policies of the Cheshire East Local Plan Strategy are:

PG 6 Open Countryside  
SD 1 Sustainable Development in Cheshire East  
SD 2 Sustainable Development Principles  
SE 1 Design  
SE 4 The Landscape  
EG 1 Economic Prosperity  
EG 2 Rural Economy

### **Saved policies of the Crewe & Nantwich Borough Council Local Plan Policy**

NE.14 – Agricultural Buildings Requiring Planning Permission  
BE.1 – Amenity  
BE.3 – Access and Parking  
BE.4 – Drainage, Utilities and Resources

**Wybunbury Combined Neighbourhood plan (Regulation 17)** – *currently carries limited weight*

H4: Design  
E5: Landscape Quality, Countryside and Open Views  
F1: Public Rights of Way  
LE1: New and Existing Businesses  
LE3: Use of Rural Buildings  
TI1: Traffic Management  
TI2: Parking  
TI3: Traffic Generation

### **National Planning Policy**



National Planning Policy Framework  
National Planning Practice Guidance

## **CONSIDERATIONS (External to Planning)**

**Strategic Highways** – No objections

**Environmental Protection** – No objections

**PROW** – No Objections, subject to informative for safeguarding the public right of way.

## **VIEWS OF THE PARISH / TOWN COUNCIL**

The proposed building is for the use of the arable farm holding at Whittakers Green Farm and Foxes Bank. The applicant states the existing grain store is at capacity and there is nowhere other than outside to store the agricultural machinery.

The Parish Council objects to this application for the following reasons:-

1. In 2012 application 12/2121N was approved for the construction of an Implement Shed and the building was constructed in 2017 at Foxes Bank to “Provide storage of essential agricultural equipment associated with the units production of grain” also “arable activities take place at Foxes Bank and on the adjoining land at Whittakers Green Farm which also forms part of the applicants holding”.

The planning statement attached goes on to say that the building is for the secure storage of farming machinery and is necessary because the equipment is in the open air and unsightly. The location at Foxes Bank was chosen because it was the most appropriate location close to field access and the farm road. To locate the building elsewhere it would reduce agricultural land available for cultivation. It is of note that the building was constructed in 2017 and was designed to suit the needs of the holding. The grain store (11/4149N) at that time had also been approved although never built and was in the same location as the existing grain store.

This current application for storage of farm equipment - tractors, telehandler, grain trailer, sprayer, seed drill, is not credible when an Implement Shed especially for that purpose and constructed in the last 2 years in a more secure location is available.

2. Whittakers Green Farm is 80 Ha and Foxes Bank is 5 Ha however in our previous response to the grain store application 17/2211N we used 85/90 Ha and then went on to show the following typical production:-

Wheat 7.9T/Ha cropping 711T annual

Oats 6T/Ha cropping 540T annual

Or a combination

Volume of Wheat 1.32 cubic metres/T Storage space needed 939 cubic metres

Volume of Oats 1.45 cubic metres/T Storage space needed 783 cubic metres

Or a combination

(This is expressed in more detail in the previous response).

The point which was clearly made previously is that the arable crops produced on this holding is less than 1000 cubic metres per annum yet currently there is a Grain Store building with a volume of 4542 cubic metres (to the eaves) and a footprint of 745sqm, this proposal states this is not large enough for the storage of the farms crops and there is a requirement for an additional building on the holding. The footprint of the proposed building is 36.5m x 32m = 1168sqm the volume is 36.5m x 20m x 9.4m = 6862 cubic metres plus 36.5m x 12m x 6.1m = 2672 cubic metres. This new agricultural building volume is 9534 cubic metres (figure taken at eaves level).

In summary we have arable crops produced on the holding that require less than 1000 cubic metres storage space annually yet there is a grain store with a volume of 4542 cubic metres and a proposal for an additional 9534 cubic metres and in addition there is a recently constructed purpose built Implement Shed at Foxes Bank. There is no need for this additional agricultural building it is not essential for agriculture at this holding.

3. We realise it is not the subject of this application however the present permission relating to the grain store prohibits the importation of grain and we require this condition to remain. The Parish Council has some serious concerns regarding the infrastructure to support a commercial undertaking at this location which is inadequate and we would strongly oppose a commercial grain drying development at this site. The Parish Council would refer again to the previous objection to Grain Store 17/2211N with reference to appeals APP/ZO645/A/08/2080691 the inadequate highway network and APP/RO660/A/12/2183676 the noise and disturbance of vehicles passing along the access track.

Reference is made within the application to Mornflake who have a commercial grain store/drying operation at Prees near Whitchurch which is on an old airfield in 2 disused hangers with access directly off the A49 trunk road. The Parish Council would not welcome a repeat of this type of operation on the local country lanes and along the farm access track passing 7 residential properties (2 currently in the applicants ownership). One property is in close proximity to the proposed building within approximately 200m and whilst it is stated it will be screened we do not see how that can be achieved using native deciduous trees which lose leaves in winter and a 9.4m high side wall of a building is not acceptable.

**OTHER REPRESENTATIONS** – none received at time of writing this report.

## **OFFICER APPRAISAL**

### **Principle of Development**

Policy PG 6 of the Cheshire East Local Plan Strategy restricts development within the open countryside to that which is essential for the purposes of agriculture, forestry, outdoor recreation or other uses appropriate to a rural area. There is a clear emphasis within the justification of the policy that much of the surrounding countryside land is fertile and Cheshire East is a vital area for food production. Saved Policy NE.14 of the Crewe and Nantwich Local Plan sets out a number of criteria which should be met for agricultural buildings requiring planning permission. The emerging Neighbourhood Plan does not have a specific policy relating to new agricultural buildings, however Policy H6 (2ii), states that outside of Settlement Boundaries; Policy PG6 of the CELPS applies.

The applicant states that the total land holding of the farm is 225 acres, and is an arable farm, which produces cereals which are largely supplied to Mornflake. The existing building recently permitted under 17/2211N is at full capacity and includes a drying facility within it (Biomass boiler). The new building is proposed to be used for storage of arable crops and the storage of essential machinery and plant associated with the agricultural activity on site.

Additional information received from NFU states that in view of Brexit, on farm storage will provide a more flexible way to manage the price fluctuations in the markets, storing grain for longer time periods. Furthermore, different varieties of grain must be kept separately, and require suitable segregation. There is also a need to store for seeds and fertilisers and this can not be stored within the same building as the Biomass boiler.

The proposed building is 32m wide (12m with an open fronted elevation), 36m in length with an eaves height of 9.4m, rising to a ridge height of 12m. The proposed building is of a design and size which is in keeping with the surrounding area. It will be constructed adjacent to an existing building, and adjacent to existing development associated with the Green Waste Site.

The building is to be constructed in materials to match the existing building and is of a size which is acceptable and appropriate with the agricultural nature of its use, and adjacent to a building of a similar design, albeit smaller.

It is therefore considered that the building is required for the essential need of agriculture and is therefore acceptable in principle.

The main issues of the proposal are therefore if the development would have an impact on design, amenity or Highways, which are discussed further below.

### **Design and impact on the open countryside**

The proposed building will be seen within the context of the existing rural building on site from the surrounding open countryside. Although the building will be taller at 12m, than the adjacent building which has a maximum height of 9m; the eaves of the two building will be the same and therefore the design is considered to be typical of a group of agricultural building in a rural area.

The applicant has stated that the height it required to enable the Telehandler to reach full height within the building, and grain trailers to reach full tipping height inside the building.

It is considered that the proposal is acceptable in this location, adjacent to an existing agricultural building and is of a design which is typical of its use and the location within this rural area.

As a result the proposed development is considered to be acceptable in design terms, and its impact on the open countryside.

### **Amenity**

The surrounding area is largely open fields with sporadic residential development and farms. There is a minimum of 200m between the applications site and the nearest dwellinghouse, at Fox Moss and therefore it is considered unlikely that the proposed building would have a detrimental impact on neighbour amenity.

Furthermore, the dwellings are situated in a rural area and agricultural development is part of the fabric of the countryside.

Furthermore, the Environmental Protection Officer have been consulted on the proposal and have raised no objections in relation to Public Protection and Health, Air Quality or Contaminated Land. As a result the proposed development is considered to be in accordance with Policy BE.1 (Amenity) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

### **Highways**

The proposal is for an agricultural building which would make use of an existing access onto Pewit Lane. The building will be ancillary to the existing farm use and will be used to store agricultural machinery and crops. The additional vehicular movements generated will be low and the highways impact on the local network minimal. The Strategic Highways Officer is therefore raising no objections to the proposal.

### **Other matters**

It is noted that within the ward members call in and parish councils comments, it is stated that the permission was granted for a storage building at Foxes Bank in 2012 (12/2121N). It would appear that this building was constructed around 2 years ago, 2017. The applicant has stated that the Grain needs to be stored close to the grain drying facility and the building at Foxes Bank is 1km away.

In line with the adjacent permission for the Grain Store and dryer, a condition is proposed to ensure that the Grain stored in this building is not imported onto the site, and is simply a storage building associated with the building, as stated within the application. Any importation would therefore require a further application.

### **CONCLUSIONS**

Policy PG 6 of the Cheshire East Local Plan Strategy restricts development within the open countryside to that which is essential for the purposes of agriculture, forestry, outdoor recreation or other uses appropriate to a rural area. There is a clear emphasis within the justification of the policy that much of the Open Countryside land is fertile and Cheshire East is a vital area for food production. Saved Policy NE.14 of the Crewe and Nantwich Local Plan sets out a number of criteria which should be met for agricultural buildings requiring planning permission. The emerging Neighbourhood Plan does not have a specific policy relating to new agricultural buildings, however Policy H6 (2ii), states that outside of Settlement Boundaries; Policy PG6 of the CELPS applies.

The building is to be constructed in materials to match the existing building and is of a size which is acceptable and appropriate with the agricultural nature of its use, and will be situated adjacent to a building of a similar design, albeit slightly smaller.

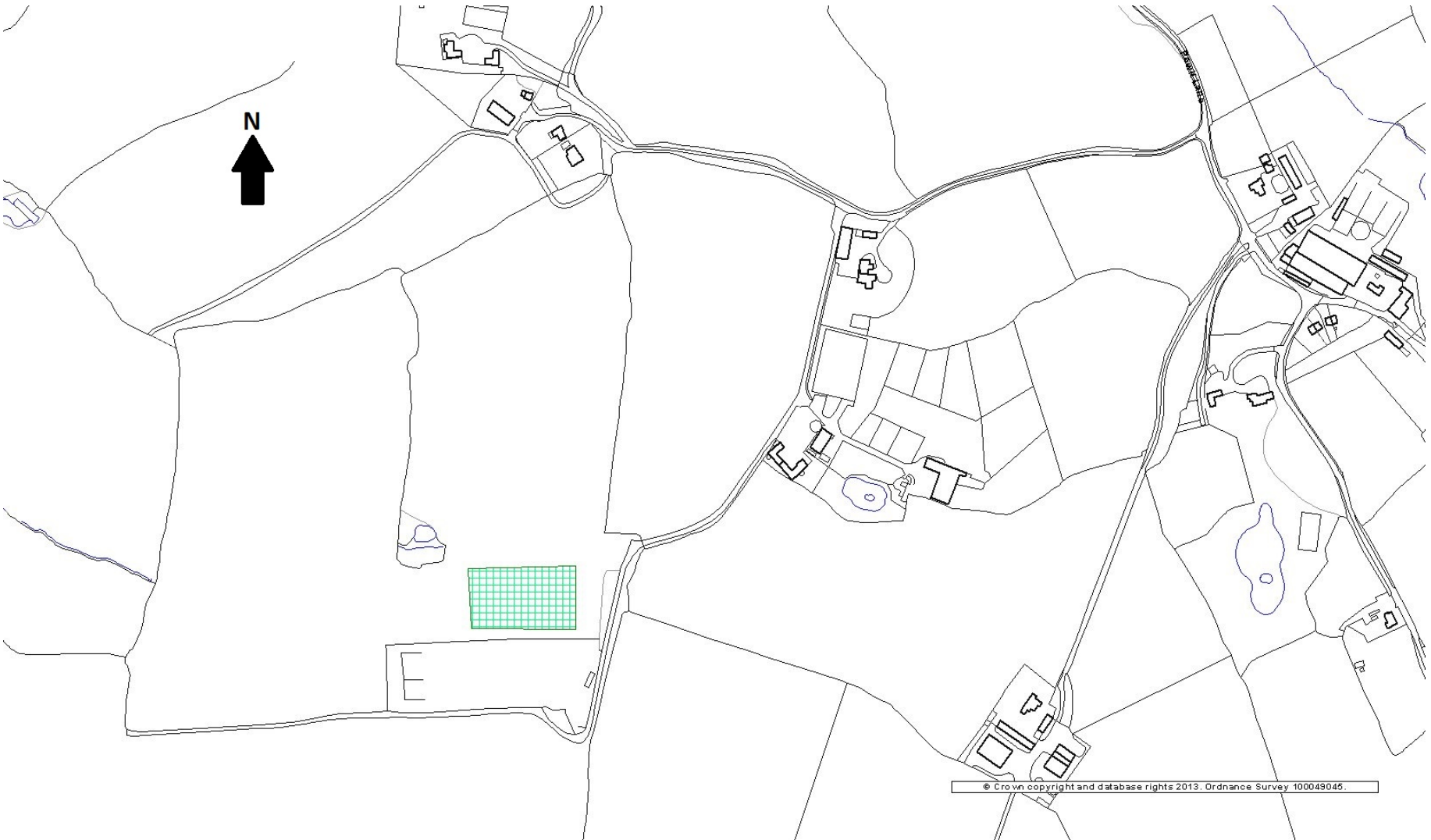
There are no issues raised in relation to the ecology, highways or neighbouring amenity. Therefore, the impacts of the development are not considered to be significant and can be mitigated against with the use of planning conditions, the application is therefore considered to constitute a sustainable form of development and is recommended for approval.

## **RECOMMENDATIONS**

**APPROVE** subject to the following conditions:

- 1. Standard Time**
- 2. Approved plans**
- 3. Materials as per submitted plans**
- 4. Landscaping scheme to be submitted and approved**
- 5. Landscaping implementation**
- 6. Building to be removed within 6 months of cessation of use**
- 7. No grain sourced from outside of the applicants agricultural holding shall be imported, stored or dried in the building hereby approved.**

**In order to give proper effect to the Southern Planning Committee`s intent and without changing the substance of its decision, authority is delegated to the Head of Planning 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**



Application No: 18/4211N

Location: Land Off, MILL LANE, BULKELEY

Proposal: Development of the currently vacant site on Mill Lane, Bulkeley. The new proposed scheme is for 17 dwellings comprising a mix of 2,3 and 4 bedroom detached and semi-detached blocks.

Applicant: Adam Smith, Torus Group

Expiry Date: 01-Nov-2019

### **SUMMARY:**

The principle of residential development on this site has already been established and does not fall to be re-visited in the determination of this application. However this principle relates to a development of 13 dwellings and the previous Inspector acknowledged that the appeal decision was 'finely balanced'.

The Council is now able to demonstrate a housing land supply of 7.2 years.

The increase in units would result in an additional 4 units within an unsustainable location and is contrary to Policies SD1 and SD2 of the CELPS.

The design of the proposed development is considered to be suburban and does not make any attempt to respect to the characteristics of this part of the Borough. The development would be contrary to Policy SE.1 of the CELPS, the CEC Design Guide and the NPPF.

Furthermore the increase in density would have a greater impact upon the Open Countryside and the LLD. This would result in a greater harm than the 'moderate harm' previously identified by the Planning Inspector. The development is contrary to Policies SE1, SE4, SD1 and SD2 of the CELPS and Policy NE.3 of the C&NLP.

The previous appeal decision was based on a higher affordable housing offer of 38% in order to help tip the balance in favour of approval. The applicant is relying on this extant planning permission as part of the consideration of the principle of the development and as such the affordable housing provision should match that of the previous appeal decision. The affordable housing provision on the site is not considered to be acceptable.

As things stand there is insufficient information contained within the application to demonstrate that the proposed development is acceptable in terms of its drainage implications. The proposed development is contrary to Policy SE13 of the CELPS and Policy BE.4 of the C&NLP.

The highways impact, internal road layout and parking provision are considered to be acceptable. An updated plan is awaited in terms of the visibility splays at the site access point onto Mill Lane.

The ecological impacts and tree impacts of the development are considered to be acceptable.

The development would not have a significant impact upon the residential amenities of the nearby dwellings.

As the Council is now able to demonstrate a 5 year housing land supply there are no overriding reasons to tip the balance in favour of allowing an additional 4 units on this site. In addition the development is unacceptable in terms of its affordable housing provision, design and there is insufficient drainage information.

**Recommendation:**

**REFUSE**

**REASON FOR REFERRAL**

This application is referred to Southern Planning Committee at the request of Cllr Davies for the following reason;

*‘Overcrowding of the site, not enough smaller first time buyer properties and design not in keeping with the area.’*

**PROPOSAL:**

The application seeks full planning permission for the erection of 17 dwellings on land off Mill Lane, Bulkeley. Access would be taken from Mill Lane and the proposal includes the provision of four affordable homes.

**SITE DESCRIPTION:**

The site of the proposed development extends to 0.73 ha and is located to the western side of Mill Lane, Bulkeley. The site is within the Open Countryside and within an Area of Special County Value. The site is a flat rectangular field which is bound by hedgerows and trees to all sides with a wide grass verge to Mill Lane. To the south of the site are residential properties which front Mill Grove and Mill Lane. To the north of the site is a dwelling known as The Oaks and a nursery which includes a number of polytunnels.

The site includes 5 trees along the northern boundary and 2 trees to the south-east corner which are subject to TPO protection.

A previous outline application for 13 dwellings was allowed on appeal in 2017.

**RELEVANT HISTORY:**



16/6202N - Outline application for 13 dwellings with access off Mill Lane including 5 affordable homes: all matters reserved except access – Refused 2<sup>nd</sup> March 2017 – Appeal Allowed 25<sup>th</sup> July 2017

16/2183N – Full planning application for 13 dwellings – Refused 4<sup>th</sup> August 2013

15/0275N – Full planning application to erect 14 dwellings – Refused 19<sup>th</sup> August 2015

14/0943N - Outline application for 26no. dwellings with access to Mill Lane including 10no. two bedroom and 16no. three bedroom houses – Withdrawn 23rd April 2014

P92/0850 - Detached house – Refused 20th November 1992

P92/0500 - Detailed application for a detached house – Withdrawn 12th June 1992

7/19786 - Detached dwelling – Withdrawn 5th June 1991

7/08254 - Residential development – Refused 20th August 1981

7/08093 - Residential development – Withdrawn 3rd July 1987

## **NATIONAL & LOCAL POLICY**

### **Cheshire East Local Plan Strategy (CELPS)**

PG2 – Settlement Hierarchy  
PG5 - Open Countryside  
PG6 – Spatial Distribution of Development  
SC4 – Residential Mix  
SC5 – Affordable Homes  
SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
SE3 – Biodiversity and Geodiversity  
SE5 – Trees, Hedgerows and Woodland  
SE 1 - Design  
SE 2 - Efficient Use of Land  
SE 4 - The Landscape  
SE 5 - Trees, Hedgerows and Woodland  
SE 3 - Biodiversity and Geodiversity  
SE 13 - Flood Risk and Water Management  
SE 6 – Green Infrastructure  
IN1 – Infrastructure  
IN2 – Developer Contributions

### **Crewe and Nantwich Local Plan 2011 (CNLP) Saved Policies**

NE.3 – Areas of Special County Value  
NE.5 - Nature Conservation and Habitats  
NE.9 - Protected Species

NE.20 - Flood Prevention

BE.1 - Amenity

BE.3 - Access and Parking

BE.4 - Drainage, Utilities and Resources

RES.5 - Housing in the Open Countryside

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

RT.9 - Footpaths and Bridleways

TRAN.3 - Pedestrians

TRAN.5 - Cycling

## **Neighbourhood Plan**

There is no neighbourhood plan in place for Bulkeley & Ridley.

## **National Policy**

The National Planning Policy Framework establishes a presumption in favour of sustainable development. Of particular relevance are paragraphs:

11 Presumption in favour of sustainable development.

50. Wide choice of quality homes

85-90 Ensuring the Vitality of Town Centres

124-132 Requiring good design

## **Other Considerations**

The EC Habitats Directive 1992

Conservation of Habitats & Species Regulations 2010

National Planning Practice Guidance

## **CONSULTATIONS**

**CEC Highways:** The removal of the frontage driveways is a benefit from a highways point of view. It looks like the tree will be behind the visibility splay although the a plan is required to plot the visibility splays. No objection is raised to the development.

**Strategic Housing Manager:** Object to this application.

**CEC Education:** 17 dwellings would be expected to generate 3 primary pupils and 3 secondary pupils. The forecasts show that the proposal would further exacerbate an expected shortfall at both the primary and secondary school.

3 primary pupils x £11,919 x 0.91 (Cheshire East weighting) = £32,539

3 secondary pupils x £17,959 x 0.91 (Cheshire East weighting) = £49,028

SEN is not forecast to be impacted upon.

Total education = £81,567

**CEC Flood Risk:** Object due to concerns about surface water drainage outfall.

**United Utilities:** No objection subject to conditions relating to foul and surface water drainage.

**CEC Public Rights of Way:** The proposed development is adjacent to PROW Bulkeley FP4. There is the potential to create a link to Bulkeley FP4 through creating a route on the proposed development (para 98 of the NPPF).

Should the development be granted consent, the developer should be conditioned to provide new residents with information about local walking and cycling routes for both leisure and travel purposes, with key routes signposted.

**CEC POS:** Policy SE6 Table 13.1 requires 20m<sup>2</sup> of amenity green space and 20m<sup>2</sup> of children's play space per family dwelling. There is an existing shortfall on the site and a Local Area for Play (LAP) which can be equipped with 3 items (preferably wooden due to the rural setting) with a seat and pathway. A buffer of 5m will be required and it is believed that this can be achieved. This will be public open space and not limited to the residents of the new development. It will benefit the local community.

**CEC Environmental Health:** No objection subject to conditions/informatives relating to a Construction Management Plan, Travel Pack, Electric Vehicle Infrastructure, Low Emission Boilers and Contaminated Land.

**National Trust:** The proposed development conflicts with Policy Guidance. Development of this site would comprise ribbon development in the open countryside. The site would be visible from the Sandstone Ridge to the north including from the public footpath network running through the Trust land on Bulkeley Hill. It is not considered that the site would conserve and enhance local character. Other than the use of red brick there is no clear reference to local vernacular. The proposed layout is of a relatively high density and urban in appearance which would highlight its visual impact from the high ground to the north.

The ecological habitat on site is not designated but nonetheless forms an important part of the wider network of habitats. The development will result in a net loss of habitat.

The Trust would also note that the additional residents are likely to add recreational pressure to the already busy footpath network on Trust land.

The exception criteria listed in Policy PG6 do not apply. It is considered that the proposal conflicts with Policies SE1, SE3, SE4 and NE3.

It is noted that the principle of development has been established via an earlier appeal decision. In light of this the LPA should seek a more sensitively designed scheme of a lower density which would provide more informal wildlife areas including more native tree planting.

## **PARISH COUNCIL**

**Bulkeley and Ridley Parish Council:** Do not support this application for the following reasons;

- The application proposes 4 affordable homes out of 17 giving a ratio of just 23.5%. This is a significant reduction from the 38.5% which was originally proposed. This level of affordable

housing and the lack of a 5 year supply were the principle reasons that the appeal was allowed. The affordable housing offered is inadequate.

- The site is within the Beeston/Peckforton/Bolesworth/Bickerton Hills Local Landscape Designation Area (LLD), also referred to as an Area of Special County Value (ASCV). The design of the proposed housing may be appropriate in a more urban environment but are not appropriate for this location in an ASCV. They would cause harm to the area and appear out of context.
- When the earlier application was allowed at appeal it was described as a finely balanced decision. The developer should submit plans which are consistent with those submitted as part of the outline application.
- The design does not provide pavements to the front of the properties.
- How will the open space be owned/maintained?
- The development would result in an increased density from 13 to 17 dwellings on the site. This is at odds with the general character and plot sizes in the rest of the village. This will also impact upon the ASCV.
- The developer is primarily focused on larger developments in the St Helens/Warrington area and the plans do not consider the nature and character of this area. At the meeting with the PC the developer stated that the profits created from this development will help to fund projects outside the Parish Council area.
- The original remit for the development was to provide affordable homes for young people and families. The outline application included a mix of ownership models including shared ownership. This was important to local workers and young families. The new application has removed this ownership model in favour of rented properties
- There is a lack of visitor parking within the development. The development will result in cars being parked on Mill Lane which is likely to result in an increase in accidents.
- There are only 3 buses a week to Nantwich
- The sewerage provision is at capacity in the village and is struggling to cope with current levels. An additional 17 units will only exacerbate matters
- There are concerns about drainage and any application should be refused until the developer can provide a robust and positive drainage strategy.
- How will the homes be heated? There are no gas mains in the village and no Oil or LPG tanks are shown on the plan.

## **REPRESENTATIONS:**

Letters of representation have been received from 13 local households raising the following points;

### Principle of Development

- What is evidence of demand for additional housing in Bulkeley?
- There is no demand for further housing. New builds are already available in Malpas and Bunbury
- 11 houses is more sustainable than the 18 now proposed
- The mix of housing proposed will not meet local needs
- The previous appeal decision was finely balanced. The developer should closely adhere to the appeal decision
- Loss of Green Belt
- There is no need for this development. There is plenty of development happening within 15 miles of Bulkeley
- The original approval was for 13 dwellings
- The Design and Access Statement is full of vague truths
- The development is dominated by larger 3-4 bed units

- The development should include more affordable family homes
- Not clear if 17 or 18 dwellings now proposed

### Highways

- Road safety – there is a national speed limit on Mill Lane
- There are no pavements to the front of properties
- The internal access does not appear wide enough
- Increased traffic
- Disruption caused by construction traffic
- The speed limit along Mill Lane should be reduced to 30mph
- Speeding vehicles along Mill Lane
- Mill Lane is used as a rat-run
- Local roads are in a state of disrepair

### Green Issues

- The impact upon wildlife including protected species, wildlife and their habitat

### Design

- The proposed development will harm the landscape and be contrary to Policy SE4
- The National Trust have objected to the application
- The proposal is too dense
- The design of the houses is not in keeping with this area
- There is an objection from the Councils Landscape Officer due to the impact upon the Area of Special County Value
- Harm to the character of the village
- The existing dwellings are set back from Mill Lane and this development would not respect the building line
- There is no imagination in the design of the proposed scheme

### Infrastructure

- What amenities are being provided for the future occupants?
- This area and the caravan site are a flood risk. Introducing more houses will make matters worse
- The water system is very poor
- There are no amenities in the village of Bulkeley
- Impact upon tourists/hikers who use Mill Lane to visit the Bulkeley Hill/Bickerton Hills Conservation Area
- Local schools are full and are not suitable for any capacity increase
- There is no real open space provision within the village for children to play

### Amenity

- Increase in light pollution
- Housing will increase in noise pollution
- Construction work will cause disturbance to elderly residents
- Impact upon privacy
- Increased pollution
- Loss of sunlight

### Other Issues

- Loss of property value

- Who would maintain the open green space?
- There is no mention of sustainable building measures within the development
- There is no gas supply along Mill Lane. The proposed dwellings should utilise air and ground source heat pumps, multi fuel biomass boilers or solar panels

A representation has been received from Cllr Groves which raises the following points;

- Seeks clarification as to whether 'intermediate rent' can be classed as affordable housing
- We are now working on the basis of 2 affordable houses out of 17 (11.76% ratio) or if 4 are regarded as affordable (23.5% ratio). Either case is a significant reduction.
- Along with the contribution to the 5 year housing supply the affordable housing provision was a fundamental reason this proposal was approved by the Inspector.
- The Council can now provide clear evidence of a 5 year housing land supply
- The Inspector acknowledges the effect of the development, but those concerns of the proposed developments affect on the character and appearance of the area were allayed by the higher ratio of affordable properties. This appears to be no longer the case.
- There is a lot of concern locally about the application as the developer sold it to residents originally as providing homes for local workers (farm workers and staff in local pubs etc.)

## **APPRAISAL:**

### **Principle of Development**

The site lies within the Open Countryside and an Area of Special County Value. Policy PG6 states that within the open countryside only development which is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Exceptions may be made where there is the opportunity for limited infilling in villages; the infill of a small gap, with one or two dwellings in an otherwise built up frontage elsewhere, affordable housing, or where the dwelling is exceptional in design and sustainable development terms.

In the case of this site has outline planning permission (principle and access only) for a development of 13 dwellings. This follows an appeal against the refusal of application 16/6202N.

As part of this appeal decision the Inspector found that the case was 'finely balanced' and that the development of 13 dwellings would have moderate harm on the character and appearance of the area; moderate weight was attributed to the harm it would have in respect of the environmental effect (due to lack of accessibility to shops, services and facilities); and limited harm to the supply of Best and Most Versatile Agricultural Land. However this harm did not significantly and demonstrably outweigh the positive contribution the proposal would make towards the shortfall in housing provision together with an affordable housing provision exceeding the typical requirement. On this basis the appeal was allowed for 13 dwellings on the site.

### **Housing Land Supply**

The Cheshire East Local Plan Strategy was adopted on the 27<sup>th</sup> July 2017 and forms part of the statutory development plan. The plan sets out the overall strategy for the pattern, scale and quality of development, and makes sufficient provision for housing (36,000 new dwellings over the plan period, equating to 1,800 dwellings per annum) in order to meet the objectively assessed needs of the area.

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted.

The National Planning Policy Framework (NPPF) identifies the circumstances in which relevant development plan policies should be considered out-of-date. These are:

- Where a local planning authority cannot demonstrate a five year supply of deliverable housing sites (with appropriate buffer) or:
- Under transitional arrangements, where the Housing Delivery Test Result indicates that the delivery of housing was substantially below 25% of housing required over the previous three years.

In accordance with the NPPF, the council produces an annual update of housing delivery and housing land supply. The council's most recent Housing Monitoring Update (base date 31 March 2018) was published on the 6<sup>th</sup> November 2018. The report confirms:

- A five year housing requirement of 12,630 net additional dwellings. This includes an adjustment to address historic shortfalls in delivery and the application of a 5% buffer.
- A deliverable five year housing land supply of 7.2 years (18,250 dwellings).

The 2018 Housing Delivery Test Result was published by the Ministry of Housing Communities and Local Government on the 19<sup>th</sup> February 2019 and this confirms a Cheshire East Housing Delivery Test Result of 183%. Housing delivery over the past three years (5,610 dwellings) has exceeded the number of homes required (3,067). The publication of the HDT result affirms that the appropriate buffer to be applied to the calculation of housing land supply in Cheshire East is 5%.

Relevant policies concerning the supply of housing should therefore be considered up-to-date and consequently the 'tilted balance' at paragraph 11 of the NPPF is not engaged.

### **Location of the site**

Several of the objections to the proposal refer to the locational sustainability of the site, in terms of access to services and facilities. The services and facilities within Bulkeley are limited to a church, with a public house 0.7 miles from the site which contains a small shop. The nearest primary school is approximately 2 miles from the site. As part of the appeal decision on this site the Inspector found that *'whilst there are limited services and facilities within Bulkeley, basic provisions are available within reasonable walking distance without the need for the use of a private car'*.

The site is within proximity of a bus service that provides access to the wider area. As part of the appeal decision the Inspector found that *'the service is not particularly frequent which means that there is still likely to be a reliance on the private motor car. This would result in negative environmental effects in terms of the use of natural resources and negative social effects in terms of accessible local services'*.

The inspector then went on to conclude that *'the proposal would not provide a suitable site for housing, having regard to whether future occupiers would have reasonable access to shops, facilities*

*and services. Development in this location would lead to reliance on private transport contrary to the aims of the Framework. I attribute moderate weight to this matter*'. These concerns were then outweighed as part of the planning balancing exercise undertaken by the Inspector.

In this case the development would increase the number of dwellings on the site by four. The additional four dwellings would be provided in a location which would be reliant on private transport contrary to the aims of the NPPF and the CELPS.

### **Housing Mix**

Policy SC4 of the submission version of the Local Plan requires that developments provide an appropriate mix of housing (however this does not specify a mix). In this case the development would provide the following mix:

- 2 x two bedroom bungalows
- 2 x two bedroom dwellings
- 5 x three bedroom dwellings
- 8 x four bedroom dwelling

All dwellings would be two-stories in height apart from two units which would be bungalows.

A number of the representations state that the development should provide a greater mix of housing.

There is reference to housing mix/sizes within Policy HOU1 of the SADPD. However this policy cannot be given full weight at this stage.

In this case it considered that the mix is broadly acceptable with 9 units as smaller 2-3 bedroom units and 8 units as 4 bedroom dwellings. On this basis the housing mix is considered to be acceptable.

### **Affordable Housing**

As part of the development allowed at appeal there would be 5 affordable units on the site out of the 13 approved dwellings. This equates to 38% affordable housing provision which is above the 30% which is required by Policy SC5. As part of his appeal decision the previous Inspector stated that the development would *'make a significant contribution towards the supply of affordable housing, exceeding the typical requirements of 35%'*. This uplift in affordable housing was considered as part of the planning balance and would have weighed in favour of the development as part of the Inspectors 'finely balanced' decision.

The CELPS states that in developments of 11 or more dwellings (or have a maximum combined gross floorspace of more than 1,000sq.m) in Local Service Centres and all other locations at least 30% of all units are to be affordable. 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 17 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 5 (5.1) dwellings to be provided as affordable dwellings. 3 units should be provided as Affordable rent and 2 units as Intermediate tenure.



The current number of those on the Cheshire Homechoice waiting list with Bulkeley as their first choice is 1. This can be broken down to 1 x three bedroom dwelling. There was a Rural Housing Need Survey carried out in November 2013 but this is now expired.

The applicant on the revised layout is showing an affordable housing provision of 4 dwellings each being two bedroom bungalows or houses. This is not meeting the 3 bedroom need shown. The plan states that two units would be affordable rent and two would be intermediate tenure. Affordable rent is where the rent is set at 80% of market rent. Intermediate rent is above the 80% but below market rent. The Strategic Housing Manager has confirmed that both are acceptable forms of affordable housing.

Without up to date Rural Housing Need's data it is not possible to comment further on the required need. However a mixed bedroom type would be more appealing to a Registered Provider.

The previous appeal decision was based on a higher affordable housing offer of 38% in order to help tip the balance in favour of approval. The applicant is relying on this extant planning permission as part of the consideration of the principle of the development and as such the affordable housing provision should match that of the previous appeal decision. Furthermore the application does not include an Affordable Housing Scheme and this is required to support a full planning application.

### **Public Open Space**

This application for 17 family dwellings creates the need for 680m<sup>2</sup> of open space. Based on the submitted plan would measure approximately 335m<sup>2</sup>. In order to help mitigate the under provision on the site the POS Officer has suggested that the open space be upgraded to form a LAP (equipped with 3 items of equipment). This would then provide a benefit to the future residents and the local community. This could be secured via a S106 Agreement.

### **Education**

A development of 17 dwellings is expected to generate 3 primary aged children, 3 secondary aged children and no SEN children.

There will be a shortfall within the local primary schools and on this basis a contribution of £32,539.00 will be required to mitigate the impact of this development upon local primary provision.

There will be a shortfall within the local secondary schools and on this basis a contribution of £49,028.00 will be required to mitigate the impact of this development upon local secondary provision.

There is forecast to be no impact upon SEN provision.

### **Landscape**

The site is located within the boundary of the Beeston/Peckforton/Bolesworth/Bickerton Hills Area of Special County Value. The new review of designated landscapes identifies the designated area as the Peckforton and Bickerton Hill Local Landscape Designation (LLD). The boundary of the new designated area should be closer to the ridge, meaning this application site will no longer be within

the designated landscape boundary. However the current position is that the spatial extent of the LLD is as shown within the C&NLP as Areas of Special County Value.

This is characterised by the dramatic wooded sandstone ridge that forms a distinctive landform from long distances and the surrounding landscape, creating rich texture and character. The wooded slopes of Bulkeley Hill are clearly visible to the north of the application site.

The submission does not include a landscape and visual assessment or appraisal. Although a plan titled Visual Impact Assessment has been submitted, this is not a visual impact assessment that follows any currently recognised methodology; there is no landscape assessment or appraisal.

As part of his appeal decision the Inspector stated that;

*'I do not consider that the introduction of 13 dwellings on an undeveloped open field would make a positive landscape change to the village, even with additional landscaping. The development would result in an urbanising effect, extending the existing urban development of the village into the open countryside eroding the rural character of the area. Given the size of the site and its relationship to the adjacent residential development I consider that this would result in moderate harm to the character and appearance of the landscape'.*

The concerns raised by the Inspector were then outweighed within his planning balance. However it is clear from reading the appeal decision that in coming to this conclusion that the Inspector was specifically referring to low density housing. The appeal proposal was for 13 dwellings and had a density of 17.7 dwellings per hectare. This proposed development is for 17 units and this would have an increased density of 23 dwellings per hectare. In comparison the existing residential development to the south of the site at Mill Grove has a density of 10.5 dwellings per hectare.

The application site is on the edge of the existing settlement and the introduction of 17 dwellings on an undeveloped field will extend the existing urban development of the village into the open countryside and LLD. This application proposes more dense development than the appeal allowed for and consequently the harm and the urbanising effect will be increased.

Policy SE4 of the CELPS states that *'in Local Landscape Designation Areas, Cheshire East will seek to conserve and enhance the quality of the landscape and to protect it from development which is likely to have an adverse effect on its character and appearance and setting. Where development is considered to be acceptable in principle; measures will be sought to integrate it into the landscape character of the area by:*

- i. Protecting, restoring and enhancing the character and appearance of the local area through suitable planting, landscape and / or woodland;*
- ii. Making suitable provision for better public access to, and enjoyment of, the Local Landscape Designation Areas'*

Policy PG6 identifies that in areas designated as Open Countryside particular attention should be paid to design and landscape character so that the appearance and distinctiveness of the Cheshire East countryside is preserved and enhanced.

It is clear that there would be harm to the open countryside/LLD and this would be greater than the moderate harm previously identified within the appeal decision. The proposed development will not

conserve or enhance the quality of the landscape and as a result would be contrary to Policies SE4 and PG6 of the CELPS and NE.3 of the C&NLP.

## **Design and Layout**

The importance of securing high quality design is specified within the NPPF and paragraph 124 states that:

*'The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this'*

### Outline approval (Number of Dwellings/Density)

The issue of the number of dwellings and the density of the proposed development is considered within the landscape section above.

### Connections

*Does the scheme integrate into its surroundings by reinforcing existing connections and creating new ones; whilst also respecting existing buildings and land uses along the boundaries of the development site?*

The development would have a vehicular access to the east off Mill Lane. To the south-west corner beyond the site boundary is PROW Bulkeley FP4. The development does not provide a formal link to this PROW and this is a weakness in the proposed development.

The application is rectangular and would retain the existing vegetation to the boundaries including the TPO trees.

### Facilities and services

*Does the development provide (or is it close to) community facilities, such as shops, schools, workplaces, parks, play areas, pubs or cafes?*

This issue is considered within the location of the site section above.

### Public transport

*Does the scheme have good access to public transport to help reduce car dependency?*

This issue is considered within the location of the site section above.

### Meeting local housing requirements

*Does the development have a mix of housing types and tenures that suit local requirements?*

As discussed above the previous appeal decision was based on a higher affordable housing offer of 38% in order to help tip the balance in favour of approval. The applicant is relying on this extant planning permission as part of the consideration of the principle of the development and as such the

affordable housing provision should match that of the previous appeal decision. The affordable housing provision on the site is not considered to be acceptable.

In terms of the open market housing the development would provide the following mix;

- 2 x two bedroom bungalows
- 2 x two bedroom dwellings
- 5 x three bedroom dwellings
- 8 x four bedroom dwelling

As discussed above the mix is considered to be acceptable.

### Character

*Does the scheme create a place with a locally inspired or otherwise distinctive character?*

The design guide identifies that Bulkeley is located within the Market Towns & Estate Villages area of the design guide. Bulkeley is not identified as an example settlement within the Design SPD and the design cues for this area include the following;

- Predominant materials are brick, slate and stone
- A number of black and white and half-timbered buildings, some with jettying storeys create strong elements within the townscape
- Tall chimney stacks are a prominent feature of many buildings
- Boundary treatments include brick/stone walls and commonly metal railings with hedgerows
- Juxtaposition of town houses providing strong enclosure to the street alongside detached properties with large gardens
- Village focal points in the form of schools, village greens and churches
- Variety provided by a mix and juxtaposition of housing typologies including terraces, semi-detached and detached properties, often along the same street.
- Real variety in architectural styles and detailing
- Importance of landscape features such as waterways, trees, public open spaces etc in providing a setting for buildings
- Housing orientation is varied with some properties fronting the roads and others side-on
- The relationship of buildings to streets creates pinch points at certain locations.

There is a variation of house-types adjoining the site. There is a mix two-storey and single-storey dwellings in the area. The age of the surrounding dwellings also varies. The dwellings surrounding the site vary from detached to semi-detached to terraced.

The surrounding dwellings have largely pitched roofs but there are some properties with hipped roofs located around the site. The dwellings in the locality of the site are relatively modern and of a simple design. The materials in the locality are largely red brick with some buff brick. The roofs are largely tiled (relatively even split of blue and red).

The proposed dwellings would vary from single to two stories in height. The proposed dwellings would have pitched roofs. The roof heights vary across the development which would add some interest. The height variation across the proposed development is consistent with the wider locality in this part of Bulkeley and is considered to be acceptable.

The proposed housing design includes standard house types. They do not utilise design solutions to achieve a sense of place by protecting and enhancing the quality, distinctiveness and character of

this area. The density and detailed design of the proposal appears suburban in nature and does not reflect this rural location on the edge on Bulkeley within the LLD.

The development is contrary to para 130 of the NPPF which states that;

*'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents'*

#### Working with the site and its context

*Does the scheme take advantage of existing topography, landscape features (including watercourses), wildlife habitats, existing buildings, site orientation and microclimates?*

The site levels seem relatively level. The limited landscape features on site are the trees and hedgerows which are considered in other sections of this report.

The hedgerows and trees which form the boundaries of the site would be retained. Some Grade C trees would be lost but this would be mitigated within the proposed development.

Levels require approval and the issue could be controlled via the imposition of a planning condition.

#### Creating well defined streets and spaces

*Are buildings designed and positioned with landscaping to define and enhance streets and spaces and are buildings designed to turn street corners well?*

The proposed development includes a single access and cul-de-sac arrangement off Mill Lane. The proposed dwellings include small front gardens with tree planting and hedgerow boundaries.

The number of dwellings has been reduced from 18 to 17 as part of this application and this has enabled the development to reflect the building line of the dwelling to the south (No 20 Mill Lane). This would mean that a small portion of open space would be provided to the Mill Lane frontage.

The proposed dwellings would not include dual frontage units on plots 1 and 17. The side elevation of plot 1 would be blank whilst the side of plot 17 is weak with a few additional windows inserted to the side elevation. It is not considered that the development would provide an acceptable relationship with Mill Lane.

Internally within the site the proposed development would be include a mix of car-parking solutions. The amount of car-parking to the front of the proposed dwellings would be limited with some parking provided to the side/rear of the dwellings.

In terms of the landscaping a scheme of landscaping could be secured as part of a planning condition.

#### Easy to find your way around

*Is the scheme designed to make it easy to find your way around?*

The site is relatively small and its shape and connection to Mill Lane mean that it is well connected internally and it would be easy to navigate throughout the development.

#### Streets for all

*Are streets designed in a way that encourage low vehicle speeds and allow them to function as social spaces?*

The final details of the surfacing for the proposed development has not been provided. As such it is not possible to say if the development would comply with the Design Guide.

#### Car parking

*Is resident and visitor parking sufficient and well integrated so that it does not dominate the street?*

Internally within the site the proposed development would include a mix of car-parking solutions. The car parking would be to the front/side/rear of the dwellings and front gardens and landscaping would help to break up any frontage parking.

#### Public and private spaces

*Will public and private spaces be clearly defined and designed to be attractive, well managed and safe?*

The area of open space would not be well overlooked and would have a non-principle side elevation (with some additional windows) facing onto it.

#### External storage and amenity space

*Is there adequate external storage space for bins and recycling as well as vehicles and cycles?*

The submitted plan shows that all units on the proposed development would have private amenity space with rear access. Together with the proposed garaging there would be adequate space for future occupiers to store their bins/cycles.

#### Design Conclusion

On the basis of the above assessment it is considered that the proposed development does not represent an acceptable design solution.

#### **Trees and Hedgerows**

The application is supported by an Arboricultural Impact Assessment (AIA). Twenty individual trees, seven groups, and three hedges were recorded and detailed within the submitted AIA.

The Crewe and Nantwich Borough Council (Bulkeley) TPO 1973 protects a number of the trees associated with the development area, including five specimens on the northern boundary (T8, T9, T10, T12, & T14). The TPO first schedule and plan also depicts two Elm trees on the eastern boundary however, these are no longer present on site probably as a result of Dutch Elm disease.

The AIA identifies the removal of three individual trees (T1, T5, & T6) part of G1 and 92 metres of hedges (H1 & H3). T1 is a Grade B Tree (Moderate Value) and T5 and T6 are Grade C Trees (Low Quality and Value).

Both T1 and G1 appear to be located outside the site edged red on what appears to be highway verge. None of the trees identified for removal are considered worthy of formal protection. As part of the revised scheme the amended plans now show that tree T1 would be retained.

Apart from T4 where there is a small Root Protection Area (RPA) incursion, the development respects the constraints established by the guidance associated with current best practice BS5837:2012; the incursion is not considered significant being less than 5% of the tree's RPA. The majority of the large mature trees are located on the northern boundary of the site; a reasonable amount of utilisable garden area is associated with each dwelling, issues of light attenuation should not be a factor given the northern orientation of the trees to the proposed dwellings. The relevance of post development pressure to heavily prune or fell trees including those protected as part of the 1973 TPO is not considered significant. A limited amount of judicious pruning associated with lower canopy branches would also establish greater garden area clearance without detracting from the trees and their contribution to the amenity of the area.

A condition should be attached requiring the submission and approval of a revised AIA. This is required to reflect the amendments to the layout of the development.

## **Ecology**

### Bats

The submitted Ecological Assessment observed that several trees had potential to support roosting bats. As the trees in question are not proposed for removal there will not be a detrimental impact upon roosting bats.

### Breeding Birds

If planning consent is granted a condition will be imposed to ensure the protection of breeding birds from the construction works.

### Ecological Mitigation and Enhancement

This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development. The Councils Ecologist recommends that if planning permission is granted a condition should be attached which requires the submission of an ecological enhancement strategy. This will secure the incorporation of features to enhance the biodiversity value of the proposed development. The strategy should include proposals for: the provision of features for nesting birds including House Sparrow and roosting bats on 30% of consented units as per Cheshire East Borough Design Guide Vol 2; gaps in garden fences to facilitate the movement of hedgehogs, brash/deadwood piles; and native species planting.

### Wildlife sensitive lighting

A condition should be imposed prior to installation. The scheme should include dark areas and avoid light spill upon bat roost features, bat commuting and foraging habitat (boundary hedgerows, trees, watercourses etc.) aiming for a maximum of 1lux light spill on those features.

## **Highways**

The proposed development would have a single point of access onto Mill Lane with all of the proposed dwellings accessed off the new cul-de-sac. There is adequate visibility available at the junction with Mill Lane in both directions although an updated plan is required to show that a retained tree is outside of the visibility splays.

The parking provision within the site meets with current CEC standards and there is a turning facility provided at the head of the cul-de-sac. The traffic generation resulting from 17 units is low and given that the background traffic flow on the local highway network in the vicinity of the site is also well below capacity there can be no traffic impact grounds to reject the application.

The proposed development would not produce a severe highway impact on the local road network and the submitted layout complies with current highway standards. The accessibility of the site to public transport is limited although accessibility can be improved by providing a footway link to the site along Mill Lane.

Overall, the development of 17 units is considered acceptable and the Head of Strategic Infrastructure has not raised any objections to the proposal.

### **Amenity**

The surrounding development comprises a nursery and caravan site to the north, open countryside to the east and west and an existing residential cul-de-sac (Mill Grove) to the south. The recommended minimum distance of 21m between principal elevations would be exceeded and as such the development would not raise any harm in terms of privacy, loss of light or over-bearing impact.

Having regard to the amenity of future occupiers of the dwellings, they would have adequate residential amenity space for sitting out, drying of washing, playing and storage of bins and cycles. In all cases the private amenity space would exceed the 50sqm required within the Crewe and Nantwich SPD 'Development on Backland and Gardens'.

### **Noise**

No noise concerns are raised with regard to impact on future occupiers from existing noise sources such as roads or rail lines.

However, to protect the amenity of neighbouring occupiers from construction noise, a condition requiring a Construction Management Plan would be required as well as an informative to limit the operating hours of the construction site.

### **Air Quality**

This scheme is of a relatively small scale and as such would not require an Air Quality Impact Assessment. Given the rural location of the site and the distance from any Air Quality Management Areas it is not considered that the development would raise any air quality impacts. However to ensure that sustainable vehicle technology is a real option for future occupants, a vehicle charging point should be provided for each dwelling. This could be secured by condition.



Also a resident Travel Information Pack should be provided to the first occupants of the new dwellings. This could be secured via the imposition of a planning condition together with details of ultra low emission boilers.

### **Contaminated Land**

The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. The applicant has submitted a contaminated land assessment for the site. This assessment identified a low risk of contamination on the site. There is a nursery adjacent to the north of the site. There may be localised contamination on this site from fuel/oil tanks for example. If there are any tanks on the southern boundary of the nursery, any spillages may migrate onto the site and pose localised contamination issues. A watching brief during construction for any contamination should be employed. This could be secured by condition.

### **Flood Risk and Drainage**

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps. Flood Zone 1 defines that the land has less than 1 in 1000 annual probability of flooding and all uses of land are appropriate in this location. As the application site is less than 1 hectare, a Flood Risk Assessment (FRA) is not required in support of this application.

The Council's Strategic Flood Risk Manager was consulted on the application and currently has some concerns about surface water drainage outfall for the development. The submitted Drainage Strategy identifies an existing UU sewer which the developer states 'should be classified as a combined sewer'. The submitted correspondence with UU contained at Appendix F of the Drainage Strategy makes clear that UU maps indicate a foul but no combined sewer and as such the Flood Risk officer has stated that they are unable to approve the development with an uncertainty around the proposed surface water outfall. Additionally within the report it discounts soakaways due to percolation tests undertaken inline with national guidance.

### **Public Rights of Way**

Footpath Bulkeley FP4 runs to the south-west corner of the site. This footpath does not connect into the wider network as can be seen from the extract below from the Definitive Map.



Paragraph 98 of the NPPF advises that planning decisions *‘should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails’*.

The comments made by the PROW team to create a connection to FP4 are noted and ordinarily this would be requested. In this case there is no such provision within the extant outline planning permission on the site and there is not considered to be a wider benefit due to the nature Bulkeley FP4 (it does not connect to the wider PROW network). It is considered that the lack of a connection is a negative aspect of the development but it is not determinative.

### **S106 contributions:**

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 S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

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

The development would result in increased demand for open space provision in the Borough and there are no Council owned sites within Bulkeley. The development would not provide a sufficient level of open space within the site and the provision of a LAP on the site would help to mitigate the shortfall. This is considered to be necessary and fair and reasonable in relation to the development.

### **PLANNING BALANCE AND CONCLUSION**

The principle of residential development on this site has already been established and does not fall to be re-visited in the determination of this application. However this principle relates to a development of 13 dwellings and the previous Inspector acknowledged that the appeal decision was 'finely balanced'.

The Council is now able to demonstrate a housing land supply of 7.2 years.

The increase in units would result in an additional 4 units within an unsustainable location and is contrary to Policies SD1 and SD2 of the CELPS.

The design of the proposed development is considered to be suburban and does not make any attempt to respect to the characteristics of this part of the Borough. The development would be contrary to Policy SE.1 of the CELPS, the CEC Design Guide and the NPPF.

Furthermore the increase in density would have a greater impact upon the Open Countryside and the LLD. This would result in a greater harm than the 'moderate harm' previously identified by the Planning Inspector. The development is contrary to Policies SE1, SE4, SD1 and SD2 of the CELPS and Policy NE.3 of the C&NLP.

The previous appeal decision was based on a higher affordable housing offer of 38% in order to help tip the balance in favour of approval. The applicant is relying on this extant planning permission as part of the consideration of the principle of the development and as such the affordable housing provision should match that of the previous appeal decision. The affordable housing provision on the site is not considered to be acceptable.

As things stand there is insufficient information contained within the application to demonstrate that the proposed development is acceptable in terms of its drainage implications. The proposed development is contrary to Policy SE13 of the CELPS and Policy BE.4 of the C&NLP.

The highways impact, internal road layout and parking provision are considered to be acceptable. An updated plan is awaited in terms of the visibility splays at the site access point onto Mill Lane.

The ecological impacts and tree impacts of the development are considered to be acceptable.

The development would not have a significant impact upon the residential amenities of the nearby dwellings.

As the Council is now able to demonstrate a 5 year housing land supply there are no overriding reasons to tip the balance in favour of allowing an additional 4 units on this site. In addition the development is unacceptable in terms of its affordable housing provision, design and there is insufficient drainage information.

## **RECOMMENDATION**

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

- 1. The proposed development would result in an increase in the number of dwellings provided on this site. The Council is now able to demonstrate a housing land supply of 7.2 years and there are no overriding reasons to allow an additional 4 units on this site. The**

proposed development would cause harm in respect of the environmental effect it would have due to its lack of accessibility to shops, services and facilities and as a result would represent unsustainable development. The development is contrary to the NPPF and Policies SD1 and SD2 of the CELPS.

2. The density and detailed design of the proposed development fails to take the opportunities available for improving the character and quality of an area and the way it functions. The development would cause harm to the Open Countryside, character and appearance of the area and the Beeston/Peckforton/Bolesworth/Bickerton Hills Local Landscape Designation Area (LLD). The proposed development is contrary to Policies SE1, SE4, SD1 and SD2 of the CELPS, Policy NE.3 of the Crewe and Nantwich Local Plan, the Cheshire East design Guide and the NPPF.
3. The site is within the open countryside and the applicant is relying on a previous appeal decision in terms of the consideration of the principle of the development. This appeal decision included an affordable housing provision which exceeded the typical policy requirement and was identified as making a 'significant contribution' towards the supply of affordable housing. This proposed development does not make the same significant contribution and would be contrary to Policies PG6 and SC5 of the CELPS and the NPPF.
4. Insufficient information is included within the application to demonstrate that the proposed development would provide an acceptable surface water outfall. Without this information the proposed development is considered to be contrary to Policy SE13 of the CELPS and Policy BE.4 of the Crewe and Nantwich Local Plan.

In order to give proper effect to the Board's/Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning (Regulation), in consultation with the Chair (or in his absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

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

<b>S106</b>	<b>Amount</b>	<b>Triggers</b>
<b>Affordable Housing</b>	38% (65% Affordable Rent / 35% Intermediate)	In accordance with phasing plan to be submitted prior to the commencement of the development.  No more than 50% open market occupied prior to affordable provision.
<b>Education</b>	Primary Education Contribution - £32,539  Secondary Education Contribution - £49,028	Primary – Full amount prior to first occupation of any dwelling  Secondary – Full amount

	Total education contribution: £81,567	prior to first occupation of the 5 <sup>th</sup> dwelling
<b>Public Open Space</b>	Private Management Company  Provision of a LAP (3 pieces of equipment) and the open space	On first occupation  On occupation of 50% of the dwellings

