

Application No: 19/5211N

Location: Land South of Monks Lane and West of Chester Road, Acton

Proposal: Residential dwellings and associated garages & car parking, public house with ancillary accommodation & car parking, vehicular accesses including link road between Monks Lane & Chester Road, footpaths, village green & associated car parking, landscaping & drainage and associated development

Applicant: Mr Charles Roundell

Expiry Date: 05-Apr-2023

SUMMARY

Dis-benefits

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 in accordance with the criteria contained in Policy SC 6 'Rural Exceptions Housing for Local Needs', where the dwelling is exceptional in design and sustainable development terms, development that is essential for the expansion or redevelopment of an existing business or development that is essential for the conservation and enhancement of a heritage asset.

The proposal does not meet any of these exceptions and is therefore contrary to Policy PG6 & SC6 and would also result in visual harm through urbanisation/countryside encroachment, contrary to Policies SE1 of the CELPS and GEN1 of the SADPD.

Insufficient information has been provided in support of the application to consider the location and tenure of the required affordable housing provision contrary to Policies SC5 of the CELPS.

Insufficient information has been provided in support of the application to consider the full ecological impacts associated with the proposal contrary to Policies SE3, ENV 1 & ENV 2.

The proposal would cause visual harm to the character/appearance of the area given the significant increase in built form and intensity of the existing village. The proposal would also cause lower to middle end of less than substantial harm to the conservation area, listed buildings and historic registered park when viewed individually or higher end of less than substantial when viewed cumulative contrary to Policies SE1, SE7 of the CELPS, GEN1, HER3, HER5, HER5 of the SADPD and the NPPF.

All of the proposed dwellings would not comply with the NDSS and insufficient information has been provided to assess the housing mix for the proposed development (there is also a distinct lack of 1 bedroom units).

The development would not provide sufficient quality of usable Public Open Space contrary to Policies SE6 of the CELPS.

Neutral impacts

The site fails a number of criteria regarding locational sustainability and is contrary to Policies SD1 & SD2 but does have access to a regular bus service with regular service to nearby towns.

The proposal would provide a suitable mix of housing and complies with Policy HOU1.

The development would not cause significant harm to living conditions of neighbouring properties and Policies HOU12 & HOU13.

The development would not provide suitable room sizes for all plots to provide sufficient living environment for future occupiers and conflicts with Policy HOU8 and the NDSS.

The development can be accommodated without significant harm to existing tree stock and comply with Policies SE5 & ENV6.

The proposal can be accommodated without significant drainage/flood risk issues and complies with Policies SE13 & ENV16.

Benefits

The benefits of the proposal would be the provision of open market and 30% affordable housing and the limited economic benefits during occupation. However, the weight to be given to the benefit of open market and affordable housing provision is more limited given this open countryside location and given that the Council has a 5 year housing land supply and is meeting and exceeding its affordable housing targets.

The supporting statement also advises of further benefits to those listed above:

- Meeting the identified needs of the Acton, Edleston and Henhull Neighbourhood Area, however no rural housing needs survey has been provided to consider the actual need.
- Provision of a new village green
- improving the setting of the Grade I listed St Mary's Church, however the LPA disagree this is a benefit given the harm caused and considered this a dis-benefit
- An improved footpath network to create a safer and more pleasant pedestrian environment
- Additional public open space forming a landscape corridor to preserve existing sightlines and create a new key view, however the LPA does not consider the level of public open space has sufficient quality and does not consider this a benefit but a dis-benefit
- Provision of a new public house
- Increased demand for places at Acton CE Primary School to improve its long term Viability, however no evidence provided to demonstrate it has issues of viability to substantiate this claim
- The transfer of the village car park to the Parish on a long lease at a Peppercorn rent, however no guarantee this will occur in planning terms
- Additional parking for the church to the north of the new village green
- A reduction in traffic through Acton village, the LPA do not consider this entirely accurate, the through road to be created will reduce traffic on Monks Lane, not the village
- Investment within Dorfold Hall funded by the residential enabling development, however the LPA do not consider the proposal constitutes enabling development and actually causes more harm to other heritage assets
- Improved access to and interpretation of the historic registered battlefield, however the LPA are unclear how this is the case when this is located outside of the application site

In conclusion the benefits of the scheme are not considered to outweigh the harm to the open countryside, visual harm through urbanisation/countryside encroachment, harm to heritage assets, lack of quality of public open space, insufficient room sizes and insufficient information to consider the full ecological and housing need impacts.

RECOMMENDATION

REFUSE

REASON FOR REFERRAL

The number of dwellings exceeds 20 so requires consideration by Southern Planning Committee.

PROPOSAL

Full planning is sought for the erection of 53 residential dwellings and associated garages & car parking, public house with ancillary accommodation & car parking, vehicular accesses including link road between Monks Lane & Chester Road, footpaths, village green & associated car parking, landscaping & drainage and associated development.

SITE DESCRIPTION

The application site comprises a vacant parcel of land at the junction of Chester Road and Monks Lane, Acton. The site is located to the south of the main built form of the village.

There are residential properties to the east and St Marys Church and further residential properties to the north. Open land to the south and west.

The site is located in the Open Countryside as per the Local Plan. The northern and eastern sections of the site are sited within the Acton Conservation Area. There are Listed Buildings within the vicinity of the site in the form of Grade I Listed Church of St Mary the Virgin & Grade II* Glebe House located to the north with further Grade II Listed Buildings beyond. Grade II The Old Farm House Village Farm, Star Inn and Start Cottages located to the east.

RELEVANT HISTORY

17/2520S – EIA Screening Opinion – Not required 17-Jul-2017

ADOPTED PLANNING POLICY

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
SC2 – Indoor and Outdoor Sports Facilities

Relevant policies of the Site Allocations and Development Policies Document (SADPD):

PG8 Development at Local Service Centres
PG9 Settlement Boundaries
PG11 Greenbelt Boundaries
GEN 1 Design Principles
ENV 1 Ecological Network
ENV 2 Ecological Implementation
ENV 3 Landscape Character
ENV5 Landscaping
ENV6 Trees, Hedgerows and Woodlands
ENV 7 Climate change
ENV16 Surface Water Management and Flood Risk
HOU1 Housing Mix
HOU3 Self Build and Custom Build Dwellings
HOU 8 Space, accessibility and wheelchair housing standards
HOU10 Backland Development
HOU12 Amenity
HOU13 Residential Standards
HOU14 Housing Densities
HOU16 Small and Medium Sites
INF3 Highways Safety and Access
INF 9 Utilities
REC 2 Indoor sport and recreation implementation
REC 3 Open space implementation
REC 5 Community Facilities
HER 1 Heritage Assets
HER 2 Heritage at Risk
HER 3 Conservation Areas
HER 4 Listed Buildings
HER 5 Registered parks and gardens
HER 6 Historic battlefields
HER 7 Non-designated heritage assets
HER 8 Archaeology
RUR 8 Visitor accommodation outside of settlement boundaries

The Acton, Edleston and Henhull Neighbourhood Development Plan (AEHNDP) – Made on the 6 April 2020:

ENV1: LANDSCAPE CHARACTER AND SETTING
ENV2: VALUED FEATURES AND CHARACTERISTICS
ENV3: OPEN COUNTRYSIDE
ENV5: HABITATS AND WILDLIFE CORRIDORS
ENV6: PROTECTING, REPLACING AND PLANTING TREES HEDGEROWS AND VEGETATION
ENV7: DARK SKIES
HER1: HERITAGE ASSETS
HER2: ACTON CONSERVATION AREA
HER3: CHESTER CANAL CONSERVATION AREA
DEV1: DESIGN FOR NEW DEVELOPMENT
DEV2: ECO-DESIGN AND ENERGY SAVING
DEV3: LOCATION OF HOUSING
DEV4: TYPE AND MIX OF HOUSING
DEV6: EMPLOYMENT DEVELOPMENT
DEV7: RURAL ECONOMY
COMM2: COMMUNITY FACILITIES
TRA1: IMPROVED PEDESTRIAN, CYCLE AND PUBLIC TRANSPORT ACCESS
TRA2: ACTON 'GATEWAYS', CAR PARK AND THE CHESTER ROAD
ENVIRONMENTAL IMPROVEMENTS

Other Material planning policy considerations

National Planning Policy Framework ('The Framework');

The relevant paragraphs include;

11 Presumption in favour of sustainable development
59 Delivering a Sufficient Supply of Homes
84 Rural Housing
119 Making effective use of land
124-132 Achieving well-designed places
170-183 Conserving and enhancing the natural environment
195-214 Conserving and enhancing the historic environment

Supplementary Planning Documents (SPD)

SPG Provision of Private Open Space in New Residential Developments
SPD Cheshire East Council Design Guide
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
Housing SPD
Cheshire East Playing Pitch Strategy & Action Plan June 202

Other

Nationally Described Space Standards (NDSS)

Enabling Development and Heritage Assets 30th June 2020

Conservation Area Character Appraisal and Management Strategy 28th June 2007

CONSULTATIONS

CEC Head of Strategic Infrastructure (Highways) – No objection subject to conditions requiring carriageway widths, internal visibility splays and forward visibility at the spine road

CEC Local Lead Flood Authority (LLFA) – No objection subject to condition confirming drainage strategy.

CEC Environmental Protection – No objection subject to conditions/informatives regarding compliance with the noise mitigation measures, lighting, working hours, piling, dust, electric vehicle charging, contaminated land.

CEC Public Right of Way (PROW) – Objection as Public Footpath Acton no. 1 is not accurately shown on the layout plans therefore they suggest a condition be attached requiring a management scheme for the PROW.

CEC Education – No objection subject to contribution of £176,241.52 towards secondary and SEN education.

CEC Housing – Object as require an affordable housing statement to detail tenure and location of the affordable units.

Historic England – No objection as the development has been designed to sustain the significance of the identified heritage assets in Acton, with the result that the scheme would result in a change to the village and setting of the church but a change that is not harmful.

United Utilities – Objection to building over main drain. They suggest the main drain is either diverted or condition be imposed requiring details of how the drain will be protected during the development.

Battlefield Trust – No objection as the impact on the registered battlefield area is negligible however request condition requiring an archaeological scheme of investigation.

The Gardens Trust – No objection. Although greenspace within the proposed development site overlaps a small portion of the Grade II registered park and garden of Dorfold Hall, we do not consider that the proposal has a significant impact on the historic landscape.

Archaeology – No objection subject to condition requiring a programme of archaeological work in accordance with a written scheme of investigation.

NHS – Contribution of £55,620 required

Acton, Edleston and Henhull Parish Council – No objection but suggest the following conditions be imposed:

- The lease on the existing village car park to be extended. Re-surfacing the village car park, widening of the entrance/exit, provision of a bespoke pedestrian access, replacement of the car park height barrier with a user friendly upgrade.
- Open space provision in Acton village, not just the ‘village green’ within the proposed development and/or community access to new woodland planting.
- Cycleway and footpath connection towards Nantwich along Chester Road as set out in the Neighbourhood Plan.
- Management and maintenance of the new car park spaces proposed on Monks Lane near to the Church.
- Footpath maintenance and repairs.
- Improvement of the through nature of the road to benefit the junction of Monks Lane with Chester Road, to restrict access to Monks Lane including consideration of the design of the road’s western junction with Monks Lane.
- Review location of the pub and improvements to its design and the commitment to the provision of a public bar area
- Careful consideration of the design of the ‘village green’ so that it appears as community open space and not private open space for the residents of the proposed houses, and so it can be used as additional parking for Church use.

REPRESENTATIONS

70 letters of objection regarding the following:

- Contrary to open countryside policies
- More housing not needed given 5 year land supply
- Highway safety/traffic impacts
- Not enabling application as the hall in in good condition and no financial information has been provided
- Impact to PROW
- Noise from public house
- Loss of privacy
- Loss of trees
- Flooding
- Public house out of keeping
- Precedent for similar proposals
- Impact to Listed Buildings and Conservation Area
- Visual harm to Acton village
- No need for new public house
- Light pollution
- 50% increase in size of the village would be visually harmful
- Impact to Historic Battlefield
- Impact to ecology
- Ground contamination
- Lack of village amenities

38 letters of support:

- Improvement to the village
- Improve offering of the village
- Regeneration
- Would provide funds to maintain the Dorfold Estate
- Benefits to the village from parking/public house/village green
- Economic boost for the village
- Would increase life of the village
- Through road a benefit
- Would be an asset to the local area
- Improve local facilities
- Economic benefit to the church
- Employment opportunities

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. The most relevant exceptions include:

i. 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, in accordance with the criteria contained in Policy SC 6 'Rural Exceptions Housing for Local Needs' or where the dwelling is exceptional in design and sustainable development terms;

v. for development that is essential for the expansion or redevelopment of an existing business;

vi. For development that is essential for the conservation and enhancement of a heritage asset.

Policy DEV3 of the AEHNDP also reverts to Policy PG6 of the CELPS for development outside of the settlement boundary.

limited infilling in villages

It is not considered that the proposal complies with the exception relating to limited infilling in villages as the site is not located within a village settlement boundary but seeks to extend an existing cluster of ribbon development further into the open countryside to the west and thus appears more an isolated development which is set away from the main built form to the east and north.

The term limited infilling is not defined in the CELPS but is defined in the SADPD as part of Policy PG10. The proposed development does not fall within the defined village infill boundary and as such it cannot be considered to represent 'limited infilling in villages'.

Infill of a small gap with one or two dwellings in an otherwise built up frontage elsewhere

As noted above the locality within which the development sits consists of small cluster of development with buildings set fronting the road and the main cluster of development for the village set further away to the north and east. Therefore, there is no established built form beyond the established row of development to the east with no development to the west and south. As such there is no gap in which to infill. The number of dwellings is also above the threshold.

Therefore, the proposal is not considered to constitute infilling of a small gap in an otherwise build up frontage.

Exceptional in design and sustainable development terms

The proposal has not been put forward with any justification for being of exceptional design and therefore does not comply with this part of the policy exception.

Affordable housing in accordance with the criteria contained in Policy SC 6 'Rural Exceptions Housing for Local Needs'

The proposal would provide 30% affordable housing but has not been put forward as meeting Rural Exception Housing nor has any local need been demonstrated.

As a result, the proposal conflicts with Policy SC6 and thus does not meet the affordable housing exception within PG6.

Development that is essential for the expansion or redevelopment of an existing Business

The proposal has not been put forward as directly for the expansion of an existing business. Whilst it is accepted that the public house element of the scheme would go some way to support the existing wedding venue business at the Dorfold Estate, this is just a small part of the wider scheme for housing which is not linked to any essential business expansion more the upkeep of the wider estate.

Development that is essential for the conservation and enhancement of a heritage Asset / Enabling Development

To satisfy this Policy exception to PG6 it needs to be demonstrated why the proposal is essential for conservation/enhancement of a Heritage Asset.

Paragraph 84 of the NPPF advises that planning policies and decisions should avoid the development of isolated homes in the countryside unless it meets certain criteria including where the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets.

Paragraph 214 of the NPPF advises that local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

The application is contradictory in nature in so far as the supporting statement advises "...no case for enabling development in the strictest sense is advanced here", yet further in the statement it advises "the intention is that the housing site will act as enabling development, generating capital receipts to support the future maintenance and refurbishment of the Dorfold Estate.

What is Enabling Development

As defined in paragraph 214 of the NPPF, enabling development is development that would not be in compliance with local and/or national planning policies, and not normally be given planning permission, except for the fact that it would secure the future conservation of a heritage asset.

However, paragraph 214 of the NPPF recognises that conflict with planning policies may be justified if the development proposed would secure the future conservation of the asset(s) and the wider benefits outweigh the disbenefits of not adhering to those policies.

In such cases, enabling development is an entirely legitimate planning tool. Paragraph 84 of the NPPF also indicates that enabling development may be an acceptable exception to the restriction on isolated homes in the countryside.

What is required to constitute Enabling Development?

- 1 Carry out a condition survey of the heritage asset or assets in need of conservation repairs. This assessment usually informs a conservation statement or conservation management plan which establishes the importance of the asset as a whole and the part played by subsidiary elements. It will identify a desired reasonable level of conservation that will sustain the asset in the long term;
- 2 Undertake an options analysis comprising an assessment of alternative solutions by which the asset's future might be secured.
- 3 Carry out an assessment of the cost of repairs and how future maintenance liabilities might be met. Different scenarios may need to be costed;
- 4 Make an assessment of the market value of the heritage asset in current and repaired condition. The conservation deficit may then be calculated;
- 5 Draw up a detailed scheme design for the preferred option;
- 6 Produce a development appraisal that demonstrates the financial contribution the development will make to the conservation of the heritage asset;
- 7 Create a delivery plan that demonstrates how the heritage benefits will be secured in a timely manner.

Appraisal of Enabling Development case

It is acknowledged that it may well be the applicant's intention to use funds from the housing scheme to finance maintenance/up-keep of the Dorfold Estate. However, the level of financial information submitted and the proposed use of this money is not of a sufficient level of detail to enable the council to consider an Enabling Development as defined by Enabling Development and Heritage Assets Historic Environment Good Practice Advice in Planning Note 4.

The Council has no evidence that the housing scheme has been designed and financially appraised based on clear, defined and costed repair works to the Hall and is therefore the minimum necessary.

Historic England's enabling development Policy (F) states to constitute enabling development "it is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the place, and that its form minimises harm to other public interests"

The submission documents do not include an options appraisal for the development, no consideration of alternative sites has been considered. Nor has a justification for this site being put forward which includes the numbers of houses proposed and their design.

There is no identified conservation deficit and as part of that there are no identified works that are costed that need to be carried out to the Hall, there is no permission in place for any works, there is nothing to show why this number of houses in this location is needed to support anything at the Hall, there is no optimum viable use identified, there is no assessment as to how else the Hall could be secured into the future.

Dorfold hall is also not on the "at risk" register therefore without any of this information it is not possible to reach a conclusion that this development proposed is necessary to securely provide for the future of the Hall.

No justification has been given as to why this site was chosen and why this level of development is required. Given the harm caused what is the minimum development required to achieve the goal and can that it cannot be achieved some other way?

Therefore, the submission does also not address the other parts of the Historic England Enabling Development Policy and therefore the insufficient information has been provided to demonstrate that the proposal constitutes enabling development and section 214 of the NPPF does not therefore apply. All those factors considered for making the justification for enabling development must be through the Historic England Guidance, without this, the justification does not exist and cannot be accepted.

Historic England have also been consulted who concur that the proposal does not constitute Enabling Development.

Principle conclusion

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".

Housing Land Supply

The Council has deliverable supply of housing land in excess of the minimum of 5 years required under national planning policy. As a consequence of the decision by the Environment and Communities Committee on 1 July 2022, to carry out an update of the Local Plan Strategy (LPS), from 27 July (the fifth anniversary of its adoption), the borough's deliverable housing land supply is now calculated using the Council's Local Housing Need figure. The latest published assessment of deliverable housing land supply can be found in the Cheshire East Housing Monitoring Update 2022/23 which confirms a deliverable five-year housing land supply of 11.7 years.

The 2022 Housing Delivery Test Result was published by the Department for Levelling Up, Housing & Communities (DLUHC) on the 19 December 2023 and this confirmed a Housing Delivery Test Result of 296% for Cheshire East.

Under-performance against either of these can result in relevant policies concerning the supply of housing being considered out-of-date with the consequence that the 'tilted balance' at paragraph 11 of the NPPF is engaged. However, because of the Council's strong performance, the 'tilted balance' is not engaged by reference to these housing supply and delivery tests.

Affordable Housing

Policy SC5 requires in residential developments affordable housing to be provided as follows:

- i. In developments of 15 or more dwellings (or 0.4 hectares) in the Principal Towns and Key Service Centres at least 30% of all units are to be affordable;
- ii. In developments of 11 or more dwellings (or have a maximum combined gross floorspace of more than 1,000 sq.m) in Local Service Centres and all other locations at least 30% of all units are to be affordable;
- iii. In future, where Cheshire East Council evidence, such as housing needs studies or housing market assessments, indicate a change in the borough's housing need the above thresholds and percentage requirements may be varied;

This is a full application for 53 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.

The supporting information advises that 30% of the houses will be affordable however the plans and affordable housing statement do not indicate the proposed tenure or location of the affordable units. This was requested however never provided.

As such insufficient information has been provided to demonstrate compliance with Policy SC5 of the CELPS and the Housing SPD.

Open Space

Policy SE6 requires major developments (10 or more) to provide open space in line with Table 13.1. The minimum requirement of 65m² per dwelling consisting of children's play space, amenity green space, food growth and green infrastructure connectivity should be provided on site.

Acton is a small village. The Acton Edleston and Henhull Neighbourhood Plan 7.6.9 states "There are no outdoor recreational facilities in the Parishes and no safe informal play areas for children, other than those being delivered in the large new housing estates. Any opportunity for new community facilities would be supported".

The development in terms of overall quantum of POS most likely meets the minimum requirements however the quality would need to be demonstrated as much of it is to retain existing trees and hedgerows which is dissected into pockets by roads and paths. There is little space for informal games or formal play which this site undoubtedly needs.

The Landscape Masterplan Dwg edp4146_d001i identifies informal access (for kickabout, etc) retained into wider parkland however this is outside of the redline boundary. An informal play area adjacent to the village square is identified on the northeast corner of the site but this would need to be supplemented with a formal LEAP. This will be difficult to achieve in its current layout as the village square open space appears too small to accommodate the minimum buffer requirements of 20m from the activity zone to the nearest habitable room façade.

Informal pathways meander along the southern and western boundary however there are conflicting images as to how 'informal' these are. To be clear, these paths should be accessible for all using a resin bound surface. The Councils Open Space Officer has concerns the path would be close to the boundary of plots 12, 13 and 14, creating a pinch point with plot 12 at approx. 2m wide which could cause nuisance to residents.

With regards to food growth a small group of fruit trees are located in the south east of the site but appears desegregated from the wider community. More thought is needed for food growth, bringing more into the centre of the site to all to enjoy.

As result the proposal does not provide sufficient quality/usable Public Open Space contrary to Policy SE6 of the CELPS.

With regards to the requirement by Policy SE6 for outdoor sports contributions, having looked through the Neighbourhood Plan there seems little opportunity within the village. As Nantwich is the nearest location for sports, the Open Space Officer would expect the proposals to increase demand on existing facilities there. As such a financial contribution towards off site provision will be required at the current rate of £1,000 per family (2+bed) dwelling and £500 per 2+ bed apartment. The funds would be required on commencement of development and would be used in line with the Council's adopted Playing Pitch Strategy or any subsequent adopted document. It is also worth noting that the Playing Pitch Strategy is undergoing a complete review with many additional sports being added to become the Playing Pitch and Outdoor Sports Strategy (PPOS). This along with a new SPD for Cheshire East is expected to be adopted in March 2024.

Education

The development of 53 dwellings is expected to generate:

- 10 - Primary children (53 x 0.19)
- 8 - Secondary children (53 x 0.15)
- 1 - SEN children (53 x 0.51 x 0.023%)

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 1 child expected from the Land South of Monks Lane and West of Chester Road, Acton application will exacerbate the shortfall.

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

- 8 x £17,959 x 0.91 = £130,741.52 (secondary)
- 1 x £50,00 X 0.91 = £45,500 (SEN)

Total education contribution: £176,241.52

This provision could be secured as part of a S106 Agreement

NHS

The South Cheshire Commissioning Group (SCCG) has devolved powers to act on behalf of the NHS. In order to mitigate the impact of this development a contribution has been requested and this will be secured as part of a S106 Agreement. The requested contribution is as noted in the table below to support the development as they consider this planning application will have a direct impact on health care provision within the Primary Care Network boundary of Rural Alliance. They have confirmed that the money will be spent to support the development of Kiltearn Medical Centre, Tudor Surgery and Nantwich Health Centre and their ability to continue to provide the expected level of Primary Care services in Nantwich.

| 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 |

Based on the above formula, the proposal for 53 dwellings would require the below contribution:

2 bed x8 - £5,760
 3 bed x 29 – £29,232
 4 bed x 15 - £18,900
 5 bed x1 – £1,728

Total 53 units £55,620

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

Housing Mix

Policy SC4 advises that new residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities.

Policy HOU1 In line with LPS Policy SC 4 'Residential mix', housing developments should deliver a range and mix of house types, sizes and tenures, which are spread throughout the site and that reflect and respond to identified housing needs and demand. In particular it suggests a recommended mix as below as a starting point:

| | Market housing | Intermediate housing | Affordable housing for rent |
|------------|----------------|----------------------|-----------------------------|
| 1 bedroom | 5% | 14% | 26% |
| 2 bedroom | 23% | 53% | 42% |
| 3 bedroom | 53% | 28% | 20% |
| 4 bedroom | 15% | 4% | 10% |
| 5+ bedroom | 3% | 1% | 3% |

The proposal seeks the below mix:

| No. of Bedrooms | 2 | 3 | 4 | 5 | TOTAL |
|-----------------|-----|-----|-----|----|-------|
| TOTAL | 8 | 29 | 15 | 1 | 53 |
| TOTAL MIX % | 15% | 55% | 28% | 2% | 100% |

As can be seen from the table above the mix would not be provided as per the recommendation in Policy HOU1.

The aim of this policy appears to provide a mix of all housing tenure and bedroom units to suit the needs of all and not to be dominated by larger 4 plus bedroom properties. As noted above the predominant house types would be 3 bedrooms properties with the mix of 1 and 2 beds accounting for 70% of housing on the site and would not be dominated by larger homes.

However no 1 bedroom properties are proposed and the housing mix does not confirm the tenure of the affordable units. As such insufficient information has been provided to confirm compliance with Policy HOU1.

Location of the site

Policy SD1 states that wherever possible development should be accessible by public transport, walking and cycling (point 6) and that development should prioritise the most accessible and sustainable locations (point 17). The justification to Policy SD2 then provides suggested distances to services and amenities.

| Public Transport | |
|---|-----------------------------------|
| Bus Stop | 500m |
| Public Right of Way | 500m |
| Railway Station | 2km where geographically possible |
| Open Space | |
| Amenity Open Space | 500m |
| Children's Playground | 500m |
| Outdoor Sports | 500m |
| Public Park and Village Green | 1km |
| Services and Amenities | |
| Convenience Store | 500m |
| Supermarket | 1km |
| Post Box | 500m |
| Post Office | 1km |
| Bank or Cash Machine | 1km |
| Pharmacy | 1km |
| Primary School | 1km |
| Secondary School | 1km |
| Medical Centre | 1km |
| Leisure Facilities | 1km |
| Local Meeting Place / Community Centre | 1km |
| Public House | 1km |
| Child Care Facility (nursery or crèche) | 1km |

The facilities in the locality are limited with just primary school. There is a bus stop located 130m to the north of the site off Chester Road. The bus based on the Cheshire East Bus Timetable website, shows that the site has a service to Chester-Crewe running x14 services Monday to Saturday.

As a result, the site fails a number of criteria contained with Policies SD1&SD2 in terms of locational sustainability.

Nevertheless, locational sustainability is not the determinative factor in its own right.

Heritage Assets

The Planning (Listed Buildings and Conservation Areas) Act 1990 states at Section 16(2) that 'in considering whether to grant listed building consent for any works the local planning authority or

the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses’.

CELPs policy SE 7 states that all new development should seek to avoid harm to heritage assets. It states that where development would cause harm to, or loss of, a designated heritage asset and its significance, including its setting, clear and convincing justification will be required as to why that harm is considered acceptable. Where that case cannot be demonstrated, it states that proposals will not be supported.

It also requires a consideration of the level of harm in relation to the public benefits that may be gained by the proposal.

SADPD Policy HER3 states that development within or affecting the setting of a conservation area must pay special attention to the desirability of preserving or enhancing the character or appearance of the area. Proposals should take account of the established townscape and landscape character of the area and its wider setting.

SADPD HER4 states that where a proposal would lead to less than substantial harm to the significance of a listed building, the harm will be weighed against the public benefits of the proposal, including securing its optimum viable alternative use. The council will normally support proposals for the change of use or conversion of a listed building where the use secured is consistent with the preservation of its heritage significance.

SADPD HER5 states that development proposals affecting a Registered Historic Park and Garden will be expected to preserve the heritage asset, its setting and any features of special interest that contribute to its significance,

NPPF paragraph 196 also states that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The site is adjacent to the small village of Acton. It sits partly within the Acton Conservation Area and the Grade II listed historic registered park. The site is adjacent to Grade II listed houses, opposite Grade II* listed large house and Grade II listed church wall and the elevated Grade I listed St Mary’s Church. It is also within Open Countryside.

Character of the village

The design, density, and heights of the proposed housing is not in keeping with those properties within the Conservation Area and Acton village. The scheme therefore causes harm to the Conservation Area as per Policy SE 7 and SE 1 of the Local plan which in combination seek to secure high design in a heritage context and also NPPF 192.

The conservation area appraisal considers the character of the core historic properties in the village: (4.25) Although there is contrast and variation, the principle architectural characteristics are overall harmony and a very strong sense of grouping throughout the area.

The new development proposes materials and designs which are not a part of the local vernacular, this will cause harm to the setting of the Conservation Area and the church and farmhouse. The designs will not preserve or enhance the character and appearance of the conservation area as per the Planning (Listed Buildings and Conservation Areas) Act 1990.

Conservation Area impact

The Conservation Area Appraisal states: (4.8) Surrounding all these strong elements (church, listed harm and former vicarage) there are areas of open land characterised by intermittent tree and hedgerow planting. These areas are critical to the setting of the Conservation Area given the different perspectives from which the settlement is viewed.

Given the extent of the proposal it is difficult to see how the addition of 53 houses, a pub and a link road on the land specifically mentioned above cannot cause harm to the setting of the Conservation Area. The addition of 53 houses and a pub to the 129 houses currently in the village will have a considerable impact on the character and feel of the area and reduce the rural character of the village and Conservation Area resulting in a highly concentrated urbanised impact and increased intensity of the village, changing from its smaller rural character to one which dominates the existing pattern of development in the village.

The Conservation Area appraisal makes it clear that a key significant feature of the Conservation Area is the rural setting which would be dramatically altered here.

Registered Park

One corner of the development lies within the historic registered park. This will impact this section which historically was the rear access from the village to the hall. The connection of the proposed link road goes through this section of the site.

Listed Buildings

The setting of the Grade I church will be altered as the church currently has views out over a rural landscape as well as the village. The proposal will remove the rural setting to the former farmhouse and its outbuildings completely therefore it is not seen how this will not cause harm to their setting.

The setting of the grade II* vicarage will also be altered as the access will no longer be via a rural lane.

Pub – old and new

In 2016 the Local Planning Authority gave permission for the conversion and extension to the existing listed grade II village pub. The reason for its conversion being that the pub use was untenable within the village given its isolated and lack of custom. It is unclear what has changed since this view was taken as to why a new public house is now required when the one in 2016 was not.

Concern is also raised over the design of the pub which does not appear to be in keeping with the area. There are questions regarding the external materials and the design, which does not seem to respect the local vernacular, however this can be addressed by condition.

Village 'green'

The creation of a village green is welcomed, however the surface material proposed is questioned as this would not be a green grassed area but more of a hardstanding area. However this could be addressed by condition.

Heritage Conclusion

Given the above the Council Heritage Officer objects to the scheme as it causes harm to the Conservation Area, Listed Buildings and Historic Registered Park as outlined above. This harm mentioned above would be at the lower to middle end of less than substantial harm, however cumulatively the impact on all the heritage assets would be considerable which leads to a conclusion that the harm would be on the higher end of less than substantial. This does not mean that the harm would be minor or unimportant. The Framework states that heritage assets are an irreplaceable resource and emphasises the desirability of sustaining and enhancing their significance.

Where there is less than substantial harm to the significance of a designated heritage asset, paragraph 208 of the Framework requires the harm to be balanced against the public benefits of the proposal, including securing its optimum viable use.

Whilst a general list has been provided of proposed works to the hall, the details of the existing situation, proposed costings and the proposed benefits have not been clarified as well as the detailed reason why the estate cannot carry out this work without needing the new development. Nor has a justification/options appraisal for the extent of development required been provided. This is therefore not a clear justification or public benefit in heritage terms.

Therefore, the proposal is considered to be contrary to Policies SE1, SE7 of the CELPS,

Residential Amenity

With regards to neighbouring amenity, Policy HOU12 advises development proposals must not cause unacceptable harm to the amenities of adjoining or nearby occupiers of residential properties, sensitive uses, or future occupiers of the proposed development due to:

1. loss of privacy;
2. loss of sunlight and daylight;
3. the overbearing and dominating effect of new buildings;
4. environmental disturbance or pollution; or
5. traffic generation, access and parking.

Policy HOU13 sets standards for spacing between windows of 18m between front elevations, 21m between rear elevations or 14m between habitable to non habitable rooms. For differences in land levels it suggests an additional 2.5m for levels exceed 2m.

The main residential properties affected by this development are the properties to the east off Smithy Bank/Chester Road and those to the north off Monks Lane.

Properties off Smithy Bank

Plots 48-50 would be sited 35m to the rear elevation containing habitable room windows and 27m to shared boundary. These distances comply with the interface as noted in Policy HOU13 to prevent significant harm by reason of overbearing/overshadowing or loss of privacy.

Plot 24 would be sited 26m to the rear elevation containing habitable room windows. This distance complies with the interface as noted in Policy HOU13 to prevent significant harm by reason of overbearing/overshadowing or loss of privacy. There would be some element of overlooking of the garden area from the proposed rear facing windows of Plot 24 however the angle is such that it would not result in direct overlooking and an element of overlooking of garden areas is inevitable in residential areas.

Star Cottages

Plots 22-24 would be sited 23m to the rear elevations containing habitable room windows and 20m to shared boundary. These distances comply with the interfaces as noted in Policy HOU13 to prevent significant harm by reason of overbearing/overshadowing or loss of privacy.

Properties to the north off Monks Lane

Plots 43-44 would be sited 33m to the front elevation containing habitable room windows and over 10m to the garden area. These distances comply with the interface as noted in Policy HOU13 to prevent significant harm by reason of overbearing/overshadowing or loss of privacy.

Future amenity

Policy HOU12 does not stipulate a set size of private amenity space to be provided but requires an appropriate quantity and quality of outdoor private amenity space, having regard to the type and size of the proposed development. The SPD requires a minimum garden area of 65sqm.

The plans show that the majority of plots have garden areas in excess of this.

Two of the plots are designed as flats over garages and do not have any garden areas, however the Design Guide does advise that to achieve a mix of property types, certain design elements could justify a reduction in the size of garden areas. As the Councils Urban Design Officer advises that this could be remedied by providing balconies on the front elevation of the FOG units overlooking lanes/courts, which would provide some outdoor space in addition to the on-site areas of public open space, which could be utilised by future occupiers. This can be secured by condition.

Therefore, it appears that the proposal could be provided on site without causing significant harm living conditions of existing or future occupiers and complies with Policies HOU12 & HOU13.

Space Standards

In terms of dwelling sizes, it is noted that HOU8 of the SADPD requires that new housing developments comply with the Nationally Described Space Standards (NDSS).

| Number of bedrooms(b) | Number of bed spaces (persons) | 1 storey dwellings | 2 storey dwellings | 3 storey dwellings | Built-in storage |
|-----------------------|--------------------------------|--------------------|--------------------|--------------------|------------------|
| 1b | 1p | 39 (37) * | | | 1.0 |
| | 2p | 50 | 58 | | 1.5 |
| 2b | 3p | 61 | 70 | | 2.0 |
| | 4p | 70 | 79 | | |
| 3b | 4p | 74 | 84 | 90 | 2.5 |
| | 5p | 86 | 93 | 99 | |
| | 6p | 95 | 102 | 108 | |
| 4b | 5p | 90 | 97 | 103 | 3.0 |
| | 6p | 99 | 106 | 112 | |
| | 7p | 108 | 115 | 121 | |
| | 8p | 117 | 124 | 130 | |

The proposal would provide the following:

- 3 bedroom (1 storey) – 97sqm – COMPLIES
- 2 bedroom (1 storey) – 62sqm - COMPLIES
- 2 bedroom (1.5 storey) – 90sqm – COMPLIES
- 2 bedroom (2.5 storey) – 77sqm – CONFLICTS 2SQM short for 4 plots
- 3 bedroom (1 storey) – 92sqm – COMPLIES
- 3 bedroom (1.5 storey) – 112sqm – COMPLIES
- 3 bedroom (2 storey) – 107sqm – COMPLIES
- 3 bedroom (2.5 storey) – 135sqm – COMPLIES
- 4 bedroom (2 storey) – 166sqm – COMPLIES
- 5 bedroom (2 storey) – 186sqm – COMPLIES
- 4 bedroom (2.5 storey) – 135sqm – COMPLIES

As can be seen above, the proposal complies with the National Space Standards for 49 plots. However 4 of the plots are 2SQM short, which conflicts with Policy HOU8 and would not provide sufficient living environment for future occupiers of the affected plots.

Air Quality

Policy SE12 of the CELPS 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.

The impact upon air quality could be mitigated with the imposition of a condition to require the provision of electric vehicle charging points and low emission boilers.

Contaminated Land

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

Design

Policy SE1 advises that development proposals should make a positive contribution to their surroundings in terms of the creating a sense of place, managing design quality, sustainable urban, architectural and landscape design, live and workability and designing in safety. The Cheshire East Design Guide Volumes 1 and 2 give more specific design guidance. Emerging Policy GEN 1 of the SADPD also reflects this advice.

A design assessment was previously undertaken and this identified a scheme that was problematic and deficient in certain areas and where inadequate information was provided in respect to several of the Building for Life (BfL) criteria. It concluded that the scheme achieved 3 green and 9 amber against the 12 BfL criteria.

As a result, revised plans have been received in response to these comments. The appraisal by the Council Urban Design Officer is noted below:

Connections

There has been sufficient improvement, particularly in the South West part of the site to justify this being awarded a green.

SCORE – GREEN

Facilities

A number of local facilities were identified and the inclusion of public house within the proposals noted, however Amber is awarded because the nearest convenience retail is at the Marina just under a kilometre from the site, with further town centre opportunity circa 1.5-2km away.

SCORE – AMBER

Public transport

Green is awarded here because of the ready access to a local bus 7 day service running hourly.

SCORE – GREEN

Meeting local housing need

All of the proposed dwellings would not comply with the NDSS and insufficient information has been provided to assess the housing mix for the proposed development (there is also a distinct lack of 1 bedroom units). No updated information regarding affordable housing mix has been provided, as noted in Strategic Housing's latest comments, who maintain an objection to the scheme.

SCORE – RED

Character

The major issue of concern is the character is the pub design. Whilst welcoming an attempt to try and contextualise this part of the scheme, the changes have not resolved all issues for this, although the courtyard arrangement and the focus on something more contextual is a step in the right direction. The issue is the execution of this in terms of the detail and materiality of the buildings. The 'farm cluster' approach would potentially work but it needs to be executed more effectively. There are also concerns about some of the materials choices within the housing designs and how extensively they are used. This could be dealt with my suitable conditions controlling materiality and detailing.

SCORE – AMBER

Working with site context

The scheme still includes some loss of hedgerow in the southern part of the site, but additional information submitted indicates a significant net increase in hedgerow within the proposal. The southern part of the site has been re-designed to better relate to the countryside edge. The pub design whilst supposedly more contextual still has issues architecturally. A 'farm cluster' type arrangement might work but the execution will not deliver a high-quality building complex on the edge of the registered park and garden. This is a somewhat clumsy articulation of this rural vernacular and could have taken a stronger approach as with some of the rural edge domestic designs within the scheme. There has been no substantive information furnished regarding the scheme itself exploiting passive opportunities or the integration of sustainable drainage, this however can be secured by condition.

SCORE – AMBER

Creating well defined streets/spaces

Several plots have been reconfigured, whilst plot 30 has been handed to internalise the outrigger, however the flue has been retained in the design, creating a weak feature. As previously suggested, this could be substituted on this plot for a feature chimney could have been designed for this plot to help signify this as a key punctuating building in the street scene. This can be secured by condition.

SCORE – GREEN

Easy to find way around

The assessment recognised the inherent legibility within the layout, the strong axis presented by linear space retaining views to the Church and retaining mature trees as natural landmark elements. It was noted the Monks Lane gateway could have been enhanced by a bespoke gateway house type on the corner.

SCORE – GREEN

Streets for all

The comments of the applicant are noted regarding the treatment of the principal street and materials and managing the quality and character by condition. However, the design guide palette for conservation settings should be employed to ensure a contextual and high-quality treatment to the public realm. Materials can be secured by condition.

SCORE – GREEN

Car parking

The night time safety of some of these areas is a concern. Little additional information has been provided to explain lighting/surveillance of these areas, other than to suggest lighting could be dealt with by condition. As stated previously, accommodation above garages could help create added surveillance, alongside providing suitable, high quality landscaping and lighting as part of a detailed hard and soft landscape scheme. This can be secured by condition.

SCORE – GREEN

Public and private spaces

Whilst the majority of gardens are generously sized the Flats Over Garages (FOG) units still have no access to private space. This could be remedied by providing balconies on the front elevation of the FOG units overlooking lanes/courts. This could be secured by condition. Whilst more information has been provided regarding the character of open spaces within the site, there is still no information regarding the management of the open space within the scheme, including who will undertake that and the minimum timescales.

SCORE – AMBER

External storage and amenity space

Little additional information has been provided to address this point, including the ability for refuse vehicles to access the rear courts/lanes, where bin collection points have been indicated. Not addressing this effectively could mean that bins might end up being stored in unplanned locations that detract from the quality of place because of convenience in getting bins to active collection points by refuse operators. This could be addressed by condition.

SCORE – AMBER

Design conclusions

For the most part, aside for a few refinements (the majority of which can be addressed by condition), as previously advised in the initial design assessment, the housing element of the scheme is in a form that can be supported (when viewed purely from a design perspective). As previously stated, the design approach to develop a contemporary design response within contextual parameters should be acknowledged. However, although the design of the pub part of the scheme has evolved into a more contextual approach, there are still aspects that need to be refined, including the aspects of the architecture and detailing.

, no objection is raised from the Councils Urban Design Officer subject to the below conditions:

- Control all aspects of architectural and building design, including materials, landscape and public realm design (including boundaries and fences, street furniture, lighting etc).
- Street materiality and design shall conform to the conservation palette set out in chapter 3 Street Design of the Cheshire East Borough Design Guide SPD: volume 2 Residential Guidance (for the avoidance of doubt), unless otherwise agreed .
- Consideration should be given to removing commercial and residential PD rights for certain forms of development to protect the integrity of the development
- Landscape/public realm management plan should be for a minimum period of 25 years (check with Landscape, trees, ecology and open space for their requirements)

Highways

Site description and current application proposal

The site is currently a field with no development or vehicle trips associated with it. It is at the southern edge of Acton with Monks Lane to its northern boundary, residential properties and Chester Road to the east, and fields to the south and west.

The proposal is for just over 50 residential units and pub, with a new road through the centre of the development connecting Chester Road with Monks Lane.

Sustainable access

The site is on the edge of Acton and a short walk to existing bus stops on Chester Road which provide an hourly service to Crewe, Nantwich, and Chester. The primary school is also a short walk from the site and there is existing pedestrian infrastructure along Chester Road.

Safe and suitable access

The proposal includes a new spine road through the site from its south-eastern edge off Chester Road to its north-western edge off Monks Lane, with a new priority junction at either end. Speed surveys have been carried out and the new access points onto Monks Lane and Chester Road will have adequate visibility.

Monks Lane just off Chester Road is wide enough for 2 vehicles to pass each other but the width is constrained by a building which is flush against the carriageway. The new road through the site will provide some betterment by removing some vehicle movements from this constrained section of highway, and from traffic surveys taken this would be approximately 250 to 300 vehicle movements during the peak hour.

The new road through the site will have sufficient width to allow HGVs to safely pass each other but not too wide which will assist in managing vehicle speeds, reducing severance between the two sections of the development. It is narrower than it should be for a short section west of the build-out, but this would require a minor amendment and can be addressed by condition. It will also provide adequate footway provision for pedestrian access. The proposed footways will connect to the existing footway infrastructure providing access to the rest of the village.

There are numerous access points off the spine road and many of which are too narrow but not by a significant margin, and the widening of these can be addressed by condition.

There are various access points within the site where the visibility will be restricted, usually by a frontage boundary which would need to be amended. Again, these are relatively minor and deliverable, and can also be addressed by condition.

There is a PROW to the east of the Public House that runs in a north/south direction and there will be an informal crossing point just west of the junction with Chester Road. There needs to be sufficient inter-visibility around this bend between pedestrian and vehicles, and details of this should be addressed by condition.

The internal carriageway will have sufficient width and turning area for cars and larger refuse and delivery vehicles. Each property will have adequate parking in accordance with CEC standards and garage dimensions will exceed minimum requirements. The public house also contains a small number of rooms for overnight accommodation and the parking for this site is also adequate.

Highways Impact

The residential development would generate approximately 30 vehicle trips during the peak hour and the Public House peak would be outside typical network peak hours, and the impact of the development is considered to be acceptable.

Highways Conclusion

The proposal is acceptable subject to a number of minor amendments which can be conditioned.

Landscape

The location does not have any formal landscape designation. However, it does seek to develop a site that is free from built form so would have an increased urbanising effect from the addition of 53 houses.

The existing village of Acton has 129 dwellings according to the Settlement Report used as part of the Local Plan Examination. The proposal by adding 53 dwellings would result in an increase in the number of dwellings by 41% which is a significant increase in overall built form and intensity of the limited existing village.

Therefore, the proposal would result in landscape harm through urbanisation and countryside encroachment and intensity of the existing village.

Trees

Policy SE 5 of the LPS and ENV6 of the SADPD require that retained trees should be successfully integrated into the development design and take into account the ultimate mature size of trees and their relationship to buildings and private amenity space to avoid future conflict with residential amenities.

The Crewe and Nantwich Borough Council (Acton) Tree Preservation Order 1975 affords protection to a belt trees (scheduled as A1 of the Order) from the south of Star Cottage and immediately west of Chester Road extending southwards to Grove Cottages and an individual Oak tree (T24 of the Order) on the northern boundary of the site adjacent to Monks Lane. This tree was felled some time ago and only a stump remains which has regrown as a small multi stemmed tree.

Part of the site also lies within the Acton Conservation Area within which trees are afforded protection.

The supporting Arboricultural Impact Assessment has recorded 84 individual trees, nineteen groups of trees and four hedges within or immediately adjacent to the application site. Six of these trees are identified as Category (U) unsuitable for retention due to their poor condition.

Part of the pre-application discussions at the design stage centred around the location of the proposed access point for the link road which interfaced with the belt of protected trees to the south of the site. At the time two options were presented, Option 1 required the removal of one High (A) Category tree and two Moderate (B) category trees and a number of low (C) category specimens. Option 2 involved the removal of one moderate (A) category tree (a mature Sycamore T4) and several low (C) category trees.

Only two protected trees are identified for removal, the aforementioned Sycamore (T4) and a mature low-quality Ash (T22) showing signs of crown dieback are protected by the Tree Preservation Order. The remaining low category trees proposed for removal are not protected by the TPO as the Area designation only protects those trees present at the time the Order was made and these trees post-date the service of the Order.

Whilst both Options involved the removal of trees, Option 2 required less removal of trees and the design and location of the access would have less impact on the rooting environment (Root Protection Areas) of retained trees.

At para 3.2.6 the Assessment refers to tree T47 (an Oak) and whether the tree is protected by the TPO. This tree has been identified as a low (C) category specimen and is proposed for removal to accommodate access to the site from Monk's Lane. Examination of the original TPO map confirms that the tree is not protected by the Crewe and Nantwich Borough Council (Acton) Tree Preservation Order 1975.

One group of trees (G48) proposed for removal on the northern boundary of the site has been identified as regrowth from a previously felled tree formally a protected Oak (T24) of the Order. The removal of this group will not have any significant adverse impact on the wider amenity of the area.

Two Oak trees to the west of the proposed access (identified as T57 and T58 in the AIA) are protected by the TPO and scheduled as T26 and T27. Are not affected directly by the proposals however it is noted that these two protected trees stand close to Monks Lane and consideration needs to be given as to whether these two trees will impede any visibility splays that may be required by the Highway Engineers for the access off Monks Lane.

No pruning works to retained trees are required to accommodate the proposed development . One Oak (T69) will require some remedial pruning to remove potential hazards.

Some minor incursions are shown into the Root protection Area (RPA) of four trees (T3, T9 , T31 and T32 to accommodate the proposed access and car parking and a walkway is proposed through the northern section of the group of trees which will require a 'no dig' engineering solution. Both matters can be dealt with by way of a condition requiring the submission of a suitable method statement/construction specification.

In summary, the application will require the removal of one A category Sycamore and a low (C) category Ash. Having regard to Policy SE 5 the application will result in the loss of one A category protected Sycamore tree which contributes to the collective value of the group and a low (C) category Ash.

The application is supported by a Landscape Masterplan which provides scope for significant replacement planting along the spine road at the entrance to the development and within proposed open space which would provide a net environmental gain in policy terms.

Therefore, no objection is raised by the Councils Forestry Officer subject to conditions requiring an updated AIA given the time passed since the initial report and compliance with the methods within it an for detailed Construction Specification / Method Statement for the access road and walkway/footpath.

Therefore, it appears that the site could accommodate a development without significant impact to existing trees and complies with Policies SE5 & ENV6.

Ecology

The application site falls within the CEC ecological network which forms part of the SADPD. Policy ENV1 therefore applied to this application.

The Councils Ecologist advises that due to the age of the submitted ecological surveys/assessments, that the following should be updated:

- Bat surveys of trees to be removed.
- Great Crested Newt surveys/assessment of all ponds within 250m
- Badger survey
- UKHABS survey including condition assessment of all habitats on site.

The Biodiversity metric calculation submitted with the application uses a very outdated version of the metric spreadsheet, the calculation should be re-run using a more up to date version of the metric (version 4/statutory metric). The calculation should be informed the Councils Ecologists consultation comments on the 13/1/21 and based upon an updated UK Habitats survey and condition assessment.

This was requested from the application however to date has not been provided. The absence of the above means that insufficient information has been provided in which to consider the full ecological impacts associated with the proposal.

As per the Councils Ecologist comments on the 15th December 2020, an area of Wood Pasture and Parkland priority habitat is shown on the national inventory occurring within the red line of the application. Habitats of this type are a material consideration and receive protection under Local

Plan Core Strategy Policy SE3. This area of habitat has also been identified as a Wildlife Corridor in the Acton, Edleston and Henhull Neighbourhood Plan and receives protection under neighbourhood plan Policy ENV5.

The proposed access road passes through this area of Wood Pasture and Parkland Habitat. The Councils Ecologist advises that the access road would have an adverse impact upon this habitat with a corresponding significant loss of biodiversity.

As a result, insufficient information has been provided to consider the full ecological impacts associated with the proposal contrary to Policies SE3, ENV 1 & ENV 2.

Flood Risk

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps which has a low probability of flooding from rivers and the sea.

However, as the site area is larger than 1 hectare a Flood Risk Assessment (FRA) is required. This has been provided and concludes

- That the site has a very low risk from all sources of flooding
- United Utilities have confirmed available capacity for connection to the public combined sewer network. Owing to topography the residential properties may need to be served by pumping station
- Diffuse infiltration as a means of surface water disposal is proposed
- The site offers an opportunity to deliver a natural SUD solution
- Should infiltration not prove viable then restricted outfall connection to the nearest watercourse, limited run of rates will be required with attenuation storage provided on site.

The FRA also recommends that reasonable permeability testing should be undertaken across the site to confirm average infiltration rates at different time of the year and for a level survey of United Utilities sewer assets be undertaken to assess the viability of gravity foul connected to the public sewer.

The Local Lead Flood Authority (LLFA) have been consulted who advise that they have no objection in principle subject to condition that a drainage strategy be provided that correctly considers the drainage hierarchy.

United Utilities have also been consulted who raise concerns that the proposal would be built over a water main managed by them. As such they would not support development over it. Therefore, they suggest that the water main either be diverted or condition imposed requiring a scheme be provided prior to commencement to protect the water main to be provided agreed with United Utilities.

Therefore, subject to condition it is considered that the proposal can be accommodated without significant drainage/flood risk impacts and complies with Policies SE13 & ENV16.

Public Right of Way (PROW)

The Councils PROW Officer advises that Public Footpath Acton no. 1 is not accurately shown on the layout plans, therefore they suggest a condition be attached requiring a management scheme for the PROW. This can be added to any decision notice.

Economic Benefits

The proposed development will help to provide new housing with indirect economic benefits including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain. The construction of the public house would also have economic benefits during construction, employment from its operation and spending when in use. The public house is also considered a social benefit to future users.

Other Issues

The majority of representation responses have been covered above in the report. The remaining comments are addressed below:

- Noise from public house – opening/closing hours can be secured by condition to prevent disturbance outside of social hours
- Precedent for similar proposals – each case needs to be considered on its own merits
- No need for new public house
- Light pollution – lighting could be secured by condition to limit light pollution
- Ground contamination – this would be addressed by condition

PLANNING BALANCE

Dis-benefits

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 in accordance with the criteria contained in Policy SC 6 'Rural Exceptions Housing for Local Needs', where the dwelling is exceptional in design and sustainable development terms, development that is essential for the expansion or redevelopment of an existing business or development that is essential for the conservation and enhancement of a heritage asset.

The proposal does not meet any of these exceptions and is therefore contrary to Policy PG6 & SC6 and would also result in visual harm through urbanisation/countryside encroachment, contrary to Policies SE1 of the CELPS and GEN1 of the SADPD.

Insufficient information has been provided in support of the application to consider the location and tenure of the required affordable housing provision contrary to Policies SC5 of the CELPS.

Insufficient information has been provided in support of the application to consider the full ecological impacts associated with the proposal contrary to Policies SE3, ENV 1 & ENV 2.

The proposal would cause visual harm to the character/appearance of the area given the significant increase in built form and intensity of the existing village. The proposal would also cause lower to middle end of less than substantial harm to the conservation area, listed buildings and historic registered park when viewed individually or higher end of less than substantial when viewed cumulative contrary to Policies SE1, SE7 of the CELPS, GEN1, HER3, HER5, HER5 of the SADPD and the NPPF.

All of the proposed dwellings would not comply with the NDSS and insufficient information has been provided to assess the housing mix for the proposed development (there is also a distinct lack of 1 bedroom units).

The development would not provide sufficient quality of usable Public Open Space contrary to Policies SE6 of the CELPS.

Neutral impacts

The site fails a number of criteria regarding locational sustainability and is contrary to Policies SD1 & SD2 but does have access to a regular bus service with regular service to nearby towns.

The proposal would provide a suitable mix of housing and complies with Policy HOU1.

The development would not cause significant harm to living conditions of neighbouring properties and Policies HOU12 & HOU13.

The development would not provide suitable room sizes for all plots to provide sufficient living environment for future occupiers and conflicts with Policy HOU8 and the NDSS.

The development can be accommodated without significant harm to existing tree stock and comply with Policies SE5 & ENV6.

The proposal can be accommodated without significant drainage/flood risk issues and complies with Policies SE13 & ENV16.

Benefits

The benefits of the proposal would be the provision of open market and 30% affordable housing and the limited economic benefits during occupation. However, the weight to be given to the benefit of open market and affordable housing provision is more limited given this open countryside

location and given that the Council has a 5 year housing land supply and is meeting and exceeding its affordable housing targets.

The supporting statement also advises of further benefits to those listed above:

- Meeting the identified needs of the Acton, Edleston and Henhull Neighbourhood Area, however no rural housing needs survey has been provided to consider the actual need.
- Provision of a new village green
- improving the setting of the Grade I listed St Mary's Church, however the LPA disagree this is a benefit given the harm caused and considered this a dis-benefit
- An improved footpath network to create a safer and more pleasant pedestrian environment
- Additional public open space forming a landscape corridor to preserve existing sightlines and create a new key view, however the LPA does not consider the level of public open space has sufficient quality and does not consider this a benefit but a dis-benefit
- Provision of a new public house
- Increased demand for places at Acton CE Primary School to improve its long term Viability, however no evidence provided to demonstrate it has issues of viability to substantiate this claim
- The transfer of the village car park to the Parish on a long lease at a Peppercorn rent, however no guarantee this will occur in planning terms
- Additional parking for the church to the north of the new village green
- A reduction in traffic through Acton village, the LPA do not consider this entirely accurate, the through road to be created will reduce traffic on Monks Lane, not the village
- Investment within Dorfold Hall funded by the residential enabling development, however the LPA do not consider the proposal constitutes enabling development and actually causes more harm to other heritage assets
- Improved access to and interpretation of the historic registered battlefield, however the LPA are unclear how this is the case when this is located outside of the application site

In conclusion the benefits of the scheme are not considered to outweigh the harm to the open countryside, visual harm through urbanisation/countryside encroachment, harm to heritage assets, lack of quality of public open space, insufficient room sizes and insufficient information to consider the full ecological and housing need impacts.

RECOMMENDATION:

REFUSED

- 1. The proposed development is unsustainable because it is located within the Open Countryside and does not meet any of the exceptions noted for development within Open Countryside. The proposed development would also cause harm to the open countryside/local landscape through urbanisation and countryside encroachment contrary to Policies SE1 (Design), PG6 (Open Countryside), SD1 (Sustainable Development in Cheshire East) & SD2 (Sustainable Development Principles), SE2 (Efficient Use of Land) of the Cheshire East Local Plan Strategy, GEN1 (Design) and the principles of the SADPD, ENV3: Open Countryside, DEV1 Design for New Development, DEV3 Location of Housing of the AEHNDP, 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.

- 2. The proposed development by reason siting, design and appearance would cause harm to the setting/character/appearance of the Conservation Area, Listed Buildings and Historic Registered Park. This harm would be at the lower to middle end of less than substantial harm when considered individually, however cumulatively the impact on all the heritage assets would be considerable which leads to a conclusion that the harm would be on the higher end of less than substantial. This harm is not considered to be outweighed by the public benefits and is therefore contrary to Policies SE1 (Design), SD1 (Sustainable Development in Cheshire East) & SD2 (Sustainable Development Principles), SE7 (Historic Environment) of the CELPS, HER3 (Conservation areas), HER4 (Listed buildings), HER5 (Registered parks and gardens) of the SADPD, Policy ENV2: valued Features and Characteristics, HER1 Heritage Assets, HER2 Acton Conservation Area, HER3 Chester Canal Conservation Area of the AEHNDP the NPPF, Conservation Area Character Appraisal and Management Strategy 28th June 2007 and Enabling Development and Heritage Assets 30th June 2020.**
- 3. The proposed development does not provide the required level of Public Open Space to create a sustainable development. The proposed development is contrary to Policy SD1 (Sustainable Development in Cheshire East) & SD2 (Sustainable Development Principles), SE6 (Green Infrastructure) of the Cheshire East Local Plan Strategy.**
- 4. The submitted ecological surveys/assessments are out of date given the time passed since they were undertaken and the Biodiversity metric calculation submitted with the application uses an outdated version of the metric spreadsheet and should be based upon an updated UK Habitats survey and condition assessment. In absence of this insufficient information has been provided in support of the application to consider the full ecological impacts associated with the development. The proposal would also have an adverse impact upon an area of Wood Pasture and Parkland priority habitat with a corresponding significant loss of biodiversity. As a result, insufficient information has been provided to consider the full ecological impacts associated with the proposal contrary to Policies SE3 (Biodiversity and Geodiversity) of the CELPS , ENV 1 (Ecological network) & ENV 2 (Ecological implementation) of the SADPD, ENV5 Habitats and Wildlife Corridors of the AEHNDP and the NPPF.**
- 5. No information has been provided in support of the application to consider the location and tenure of the policy required affordable housing. As such insufficient information has been provided to demonstrate compliance with Policies SC5 (Affordable Housing) of the CELPS, HOU1 (Housing Mix) of the SADPD, EV4 Type and Mix of Housing of the AEHNDP and the Housing SPD.**
- 6. The proposed development would result in the creation of poor quality living environment for the future occupiers given the insufficient internal space for some of the plots and insufficient information has been submitted to demonstrate an acceptable housing mix with a lack of 1 bedroom units. The proposal is therefore contrary to Policies SE1 (Design), SD1 (Sustainable Development in Cheshire East), SC3 (Health and Well-Being) of the Cheshire East Local Plan Strategy, SADPD Policies HOU8 (Space,**

accessibility and wheelchair housing standards), The Cheshire East Design Guide (part 2 Page 95 para vii 22) the NPPF and the Nationally Described Space Standards.

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:

| S106 | Amount | Triggers |
|---------------------------|--|---|
| Affordable Housing | 30% on site provision | In accordance with phasing plan and detailed of location and tenure |
| Education | $8 \times \text{£}17,959 \times 0.91 = \text{£}130,741.52$ (secondary) $1 \times \text{£}50,00 \times 0.91 = \text{£}45,500$ (SEN) Total education contribution: £176,241.52 | To be paid prior to the occupation of the 25th dwelling |
| NHS | 2 bed x8 – £5,760 3 bed x 29 – £29,232 4 bed x 15 – £18,900 5 bed x1 – £1,728 Total 53 units – £55,620 | To be paid prior to the occupation of the 25th dwelling |
| POS | Combined amenity and play £3,000 per dwelling Recreation & Outdoor Sport £1,000 per dwelling Allotment/food growth £562.50 | To be paid prior to the occupation of the 25th dwelling |
| Enabling Works | Enabling Development Scheme to link application 19/5211N - Applicant will open a separate bank account, with statements from the bank account being sent to the Council for transparency - The Applicant will enter into a | |

| | | |
|--|---|--|
| | <p>bond to cover the amount of the works</p> <ul style="list-style-type: none">- The Council has access to the details of the sale/charging of land to check the amount of money raised by the sites- Applicant to agree a Schedule of works in priority order, when the works are to be undertaken and by when- A technical specification of proposed works for each of these ma areas shall be submitted an approve | |
|--|---|--|



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