

Application No: **11/0041N**

Location: **LAND OFF, NEW ROAD, WRENBURY**

Proposal: **Development of 14 Two-Storey Affordable Dwellings**

Applicant: **Mr A Garnett, McInerney Homes**

Expiry Date: **08-Apr-2011**

Ward: **Cholmondeley**

**SUMMARY RECOMMENDATION:**

**Subject to the hedgerow proposed for removal not being important under the Hedgerow Regulations - APPROVE subject to Section 106 Agreement and conditions**

**Or**

**Refuse as the proposal would involve the removal of an 'important' hedgerow which forms the site boundary with New Road, contrary to Local Plan Policy NE.5 (Nature Conservation and Habitats).**

**MAIN ISSUES**

- **Principle of Development**
- **Site Layout**
- **Design**
- **Amenity**
- **Landscape**
- **Ecology**
- **Highways**
- **Drainage**
- **Loss of agricultural land**

**REFERRAL**

This application has been referred to planning committee because it involves a residential development of more than 10 dwellings.

**SITE DESCRIPTION AND DETAILS OF PROPOSAL**

This full application proposes an affordable housing development of fourteen houses on an area of undeveloped agricultural land on the north west side of New Road in Wrenbury.

The site has a roadside frontage of about 70m, currently defined by an established native hedgerow. The surrounding development comprises, a detached property and associated stabling / garaging, set within substantial grounds, known as Stonington, to the north east, open countryside to the north west and south west, and a row of detached and semi detached houses and bungalows on the opposite side of the road to the south east.

The scheme comprises 3 pairs of semi-detached dwellings fronting onto the road and a single larger detached dwelling at 90 degrees to the road. A further block of 3 mews houses is located to the rear of the site. A parking court has been provided in the centre of the site, with areas of open space to the rear corners. Vehicle access to the parking court is from a single T junction midway along the site frontage.

## **PREVIOUS RELEVANT DECISIONS**

None

## **PLANNING POLICIES**

### **National policy**

PPS 1 Delivering Sustainable Development  
PPS 3 Housing  
PPS7 Sustainable Development in Rural Areas  
PPG13 Transport  
PPS23 Planning and Pollution Control  
PPS25 Development and Flood risk.

### **Regional Spatial Strategy**

DP1 – Spatial Principles  
DP4 – Make best use of resources and infrastructure  
DP5 – Managing travel demand  
DP7 – Promote environmental quality  
DP9 – Reduce emissions and adapt to climate change  
RDF1 – Spatial Priorities  
L4 – Regional Housing Provision  
EM1 - Integrated Enhancement and Protection of the Region's Environmental Assets  
MCR4 – South Cheshire

### **Local Plan policy**

BE.1 (Amenity),  
BE.2 (Design Standards),  
BE.3 (Access and Parking),  
BE.4 (Drainage, Utilities and Resources)  
BE.5 (Infrastructure)  
BE.6 (Development on Potentially Contaminated Land)  
NE.2 (Open Countryside)  
NE.5 (Nature Conservation and Habitats)  
NE.9 (Protected Species)  
NE.17 (Pollution Control)

RES.5 (Housing in Open Countryside)  
RES 8. (Affordable Housing in Rural Areas Outside Settlement Boundaries)

### **Other Material Considerations**

Cheshire East Interim Housing Policy  
Cheshire East Interim Affordable Housing Policy  
Cheshire East Strategic Housing Market Assessment 2010

### **OBSERVATIONS OF CONSULTEES**

#### **United Utilities:**

No objection to the proposal provided that the following conditions are met: -

- In accordance with PPS25 surface water should not be allowed to discharge to foul/combined sewer. This prevents foul flooding and pollution of the environment. This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway/watercourse/surface water sewer and may require the consent of the Environment Agency. If surface water is allowed to be discharged to the public surface water sewerage system they may require the flow to be attenuated to a maximum discharge rate determined by United Utilities.

#### **Highways Authority:**

- In principle there are no highways objections to this proposal.
- There are however several design issues regarding the access provision, footway inclusion, parking provision and general site layout that will need to be agreed with the highways authority prior to determination.
- The highways authority would want to adopt the internal road layout and therefore should be designed and constructed to CEC specification.
- A section 278 agreement must be entered into prior to construction taking place.

#### **Natural England**

- The proposal would not affect any designated landscapes. Areas of nature conservation importance of other protected areas.
- They note that Breeding Birds may be affected and this is a material consideration in determining the application
- Breeding Birds are protected species and work must not begin if they are present on site
- Artificial nest site should be provided within the development.
- The proposal will result in the loss of Grade 3 agricultural land. The most up to date assessment of agricultural land has not been undertaken on this particular area of land and therefore no assessment has been made as to whether the land is classed as 3a (good) or 3b (moderate).

- Planning Policy Statement 7 (PPS7) which highlights that the use of such land should be taken into account when determining planning applications alongside other sustainability considerations including biodiversity and the protection of natural resources. This guidance also advises local planning authorities that areas of poorer quality land should be used (grades 3b, 4 & 5) in preference to higher quality land.
- “Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity”.
- Natural England recommends that the Council takes this into consideration when determining planning applications. Guidance is available in the Defra publication, Guidance for Local Authorities in Implementing the Biodiversity Duty
- Natural England encourages sustainable design, including water and energy use. However, sustainable design and construction entails a wider range of considerations, including development which conserves and enhances the distinctive landscape and townscape character, and conserves and enhances biodiversity, amongst other points.

### **Environment Agency**

- Had not commented at the time of report preparation

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

At a meeting held on 1 February 2011 the Parish Council heard a presentation from Roy Carthy, Arena Housing Association and representations from members of the public regarding the above application.

Residents raised the following issues: -

- Justification of the need in Wrenbury and the accuracy of housing survey
- Availability of other sites in the village, some of which are brownfield sites
- Capacity of the drainage system
- Access off a narrow lane with no footpath
- Unimaginative design of the scheme
- Density of the scheme
- Open countryside location
- Availability of local affordable houses for sale and for rent

The Parish Council is disappointed at the lack of prior consultation on this application. The first contact made by the Housing Association / Developer was by e-mail on 7 December informing the Parish Council that a planning application would be submitted. They asked for circulation to Parish Councillors. On 15 December they asked if they could attend the next meeting on 11 January to present the scheme. The January meeting is the budget meeting to set the precept and there is little time for any other

business. The Parish Council agreed to defer to February by which time the planning application had been submitted.

The Parish Council was aware of the Housing Needs Survey and knew that the survey was taking place. One of the problems with these surveys however is their general nature and is very difficult to obtain accurate results from a small area such as Wrenbury and surrounding parishes. The detailed information from the Housing Needs Survey has not been shared with the Parish Council and there is no means of knowing how the figure of 23 households in need (quoted at the meeting) is made up nor is there any means of checking the evidence locally. The key figure is the number of households who would be able to take up an affordable dwelling within 6-9 months of scheme completion. For anyone who indicates a need beyond this time the dwellings will obviously not be available as they will have been allocated.

The Parish Council has long been sceptical of these schemes for a number of reasons.

- 1 No evidence of need is produced which can be checked and verified on the ground.
- 2 The Parish Council has not been approached directly by those in need to campaign for affordable housing scheme.
- 3 There have been affordable dwellings for rent in Wrenbury on many occasions (Crewe and Nantwich, now Wulvern), which have been allocated to people from places far beyond the immediate locality e.g. Nantwich, Crewe. This has been due to the housing waiting allocation system, which has not given sufficient weight to local applicants. It is an example of the lack of integration of housing policy. As a result there is a suspicion that these schemes are brought forward merely because there is a funding stream to be accessed.
- 4 There remains concern about the operation of the Section 106 agreement, which would allow anyone resident in Cheshire East to be offered a home if no suitable local people came forward. In addition no approach has been made to the Parish Council to become a party to the section 106.

Following the representations made by the public the Parish Council resolved to OBJECT to the application on the following grounds: -

- 1 The lack of evidence of the housing need from the Housing Needs Survey that can be verified locally. An expression of interest is far different than a need that can be translated into an ability to buy or rent. It is somewhat surprising that the tenure of the proposed development is not known. Surely if the need had been investigated and researched properly the housing association would know how many houses to build for rent and how many to build for part ownership / rent. The Parish Council also re-iterates that it has not been approached directly and would refer to the comments of the Spatial Planning Team that the “proposal needs to be backed by a **genuine local needs assessment**”.

The Parish Council also notes Para 3.10 of the Cheshire East Draft Interim Planning Statement which states that “In all (such) cases they (proposals) must be supported by an up-to-date survey identifying the need for such provision within the local community. The Council’s Rural Housing Enabler can give advice on the methodology for the survey which should normally be carried out either by, or in association with, the Parish Council.”

2 There have been and are currently homes both for sale and rent in the village which are clearly in the affordable housing price range.

3 The proposed site is in “open countryside”. Whilst the affordable housing policy may well allow development of open countryside sites as an exception to policy, this ignores the objectives of other policies which seek to re-use previously developed land where possible. If there are brownfield sites these should be developed in advance of exception sites. The fact that there is grant support for the exception site should not override the policies relating to previously developed land.

The Parish Council also notes Para 4.1 of the Cheshire East Draft Interim Planning Statement which states that “Wherever feasible and practicable priority should be given to the use of previously developed (brownfield) sites in sustainable locations ..”

4 Development of this site will create an “infill” plot between the new houses and Stonington, the existing detached house in New Road.

The Parish Council notes Para 7.1 of the Cheshire East Draft Interim Planning Statement which states that sites may be granted planning permission where “the site adjoins the settlement boundary of a village.”

There is clearly a gap between this site and the settlement boundary.

5 New Road is a narrow country lane with no footpath or road markings. There are highway safety issues associated with use of the road by more pedestrians.

6 There is concern about the foul water pumping capacity and drainage of the area. There are known problems at the Village Hall.

7 The application refers to gas when there is no mains gas in the village.

8 The design and layout is very unimaginative and would do little preserve and enhance the character of the village and the views into and out of the conservation area.

For the above reasons the Parish Council opposes the application. However if the scheme is approved the Parish Council would wish to be a party to the Section 106 agreement (as the Parish Council is in Tattenhall) to ensure there is some local input into the allocation of the dwellings.

The Parish Council is also aware that the Coalition Government is considering financial benefits for principal authorities that implement affordable housing schemes, a New Homes Bonus. The Parish Council hopes that Cheshire East will consider allocation of a proportion of this bonus for use locally (as in Cheshire West and Chester). Details are yet to emerge but the indications are that a sound neighbourhood plan needs to be in place. The Parish Council suggests that this is another reason for deferring consideration of this scheme until a neighbourhood plan is produced.

## **OTHER REPRESENTATIONS:**

Letters of objection have been received from the occupiers of 2 Pinsley Green Cottages, 1 Church Farm, 33 Oakfield Avenue, Church Farm, The Chalet, West End Cottage, Wayside, 6 Wrenbury Heath Road, West View, Brookside, Hazeldene, The Lilacs, Sunnyside, Springfield, Stonington, Smeaton Hall, 33 Sandfield Avenue, Ridgeway, Green Farm, Holland House, Yew Tree Lodge, Highfields, Oak Cottages

and Wrenbury Action Group (which consists of over 200 village households who have signed a petition making the following points:

### **Planning Policy Matters**

- The proposed development is on green belt land, which should be preserved. Development on green belt land should be permitted only in exceptional circumstances. There are no such circumstances here.
- The Greenfield site in question has been in continual use for crop growing. This is agricultural grade 3 land and therefore it should not be considered for affordable housing given the alternative of other sites.
- It is also a sin to destroy valuable grade three agricultural land when most of the World are starving.
- The proposed site is in “open countryside” and therefore does not meet the criteria for affordable homes. These properties should not be built on green field land. Priority for development should be previously developed land, in particular vacant and derelict sites and buildings. Brown field and other appropriate sites have been identified and are available for development. *Therefore this planning application does not meet the criteria for an exception site!*
- It will set a precedent for further development outside the village envelope;
- The area is a conservation area
- Toward the village side of the proposed development is a small agricultural field and the edge of Wrenbury’s designated Conservation Area. The development would also create an “infill” development site directly adjacent to this designated area. Furthermore, the gap left by the small field between the proposed development and the existing village means that this site does not constitute a continuation of the village. It is also of concern that this development may precipitate further housing to be developed down this narrow lane in the future – whether that be as planning policy changes, or when the development boundary is reviewed.

### **Highways**

- There would be an increase in traffic and danger to pedestrians
- New Road is busy with heavy traffic
- The junction of New Road in the village is on a busy bend
- The application shows an access to the site totally inadequate for safe egress and entrance.
- The grass verges are now so badly poached they are virtually non existent.
- New Road is not classed as main road and is rarely gritted in the winter
- There is no footpath
- Parking for 28 cars would detract from the narrow road which is a joy in the summer with its oak trees down both sides,
- There are many serious road safety issues along what is nominally a road but which is in fact a narrow country lane and near misses are a regular occurrence.
- Traffic ranges from a variety of large farm vehicles, farm supply trucks, school buses, delivery vans, railway servicing trucks and speeding commuter traffic, to horseriders and pedestrians. The proposed scheme would provide for 31 parking spaces with the probability of double that number of vehicle movements per day, in and out of a cul-de-sac,
- The arrival of yet more traffic would be intrusive and further add to the ever present dangers which already exist along New Road.

- This road is very narrow and in most places, it is impossible for two vehicles to pass unless one pulls over on to the grass verge.
- A road traffic accident back in 2002 at the Wrenbury end of the New Road occurred and the main cause of the accident was 2 very large vehicles that were having great difficulty in passing each other. On that occasion, no one was badly injured.
- No provision has been made for a footpath from the new development in to the village, and it would be very dangerous for both pedestrians and cyclist using this route without a footpath / cyclepath.
- For those in the development who cannot afford a car, the walk to the train station (and hence main employment centres) is approximately one mile – the upper limit noted within PPG13 to reduce resident's sense of isolation

## **Need**

- Affordable dwellings sounds very much like assisted accommodation, which could comprise of Council, housing association or elderly peoples accommodation.
- Is there a demand for affordable housing, and if so, is there evidence that this extends to fourteen dwellings?
- It was established at the Parish Council meeting on 1/02/2011 that there was no list or register of the residents in Wrenbury requiring affordable housing.
- The accuracy of the housing assessment survey used to determine the need for this development of affordable homes is questionable at best. Data returned from so few households in the village is not sufficient to determine an actual need figure.
- There are currently homes both for sale and rent in the village which are clearly in the affordable housing price range. For example, one such property priced at £100,000 has been on the market for two years. If there was a sufficient need such a property would not remain available.
- There may be a future need for further development in the village to sustain a diverse and healthy community. However, such development should only proceed using hard facts and working in close and honest partnership with local people.
- The results from a survey carried out in Wrenbury village very recently, shows that in excess of 150 households are against the proposed development off the New Road and hardly any residents knew of anyone who was currently looking for affordable housing
- Wrenbury, as most villages, is in need of a small number of affordable homes, but at the recent Parish Council meeting, the representative from Mosaic Town Planning stated that the average cost of the houses on the new development would be £225,000.00. If the properties are rented 100% the rent would be £120 per week. In the Rural Housing Needs Survey 2010 the suggested amount people said they could afford on mortgage was between £60 – £80,000 leaving rent of £74 per week plus the mortgage cost and a maintenance fee. This is not affordable
- There are many houses in the village that are for sale and have been for some time. The proposed price of these new developments are a higher price than these, so if the need for affordable houses have been identified why are these houses still on the open market, one of the houses for sale or rent priced at a very reasonable price of £100,000 and has been for a long time now.
- The application has been submitted purely in an attempt to secure funds which will disappear in April.
- The Rural Housing Needs Survey 2010 states it sent out 457 forms to residents in Wrenbury cum Frith with only 127 returned 28%. However there are 790 houses in Wrenbury, why did 333 houses get left out? This gives a true figure of only 16% of Wrenbury residents answering the survey.



- Residents question the amount of affordable housing required within Wrenbury. As per the Council for the Protection of Rural England's findings in numerous other similar villages – the housing assessment questionnaire sent round can not only be inaccurate, but can also be misleading – often used as a “wish list” by respondents. As such these questionnaires are not necessarily accurate reflections of local housing need.
- As a young family who owns/mortgage their home we were surprised to see that, according to the SHMA, we should be earning twice our income to afford our 3-bed semi-detached home!
- As private rental rates in the village are comparable to those in other areas of Cheshire East it is obvious that the stated demand is simply not as high as estimated – otherwise, through the simple supply/demand model, rental rates would be significantly higher.
- Of the 200+ households in Wrenbury petitioned – stating they object to the proposed development – only a couple of households have refused to sign, although none of these actually knew of people requiring affordable housing! Prior to any planning permission being applied for (on brownfield sites!) a detailed – Wrenbury specific – housing assessment needs to be undertaken. Unfortunately the developer of this application site only promises to undertake this assessment, and village consultation, once planning permission has been granted!

### **Availability of other sites**

- The development should be located on Brownfield land adjacent to the station. Access to this site is off a main road and only minutes to walk to the school, post office and doctors surgery.
- Why has the Sandfield Court site or the brownfield site at the Creamery not been given consideration, and if they have, why have they been dismissed in favour of New Road?
- Developers only want to build on to the in open countryside because it is easier and more profitable.
- There are grants available for exception sites. However brown field sites do not appear to benefit from such help. The motives of the developer are therefore highly questionable and profit driven.
- Sandfield Court is situated right in the heart of the village perfectly placed to easily access all the amenities and has been empty for an extended period of time. The station yard brown field site is derelict and would benefit from sensitive and careful development; it is located close to the railway station and has a footpath to the village centre.
- There has been inadequate consultation on alternative sites. There are large properties on the market in the village which could be purchased, demolished and redeveloped for more affordable units.
- The Strategic Housing Market Assessment (SHMA) also indicates 40 properties being vacant within Wrenbury – properties within the village that could be brought into occupation prior to the permanent destruction of open countryside.

### **Visual impact**

- the proposal will detract from the setting of the village
- The design and quantity of the properties add nothing to the village scene. The properties have a uniform design more suited to an urban environment.

- Car parking provision lacks imagination and seems bound to contribute to future clutter and congestion.
- The current plan is untidy, over-developed and clearly based on the concept of maximisation of potential without consideration of the needs of occupants.
- Close boarded fences everywhere gives the appearance of an open prison.
- There are no garages. Tennants would have no storage and that means a variety of sheds would spring up.
- It is so important to keep the village as it is, as there are hundreds of visitors every summer from the Llangollen canal and also the caravan rallies (70+) at weekends. There is also a residents caravan park for 27.
- The proposed development would not "mirror" the existing dwellings and the design, layout, accessibility and location of the site is totally unsuitable for the edge of the village conservation area
- People who come to live in Wrenbury do so for the rural peaceful setting and because of its natural charm and character
- Wrenbury is a very special community and residents in New Road properties would have their idyllic view from their windows changed for all time

### **Amenity**

- Further to comments within the applicant's statement, quote - "Proposals will not raise any unacceptable amenity issues for existing residents" and "The proposed development will not be prominent, visually dominate or significantly change the character of the area" - What this suggests is that an estate of 2 story houses, together with its new road and junction, will hardly be noticeable and how this outrageous conclusion was reached is unexplained.
- Headlights from cars leaving the development will shine directly into existing properties opposite.

### **Ecological Issues**

- The applicant's statement has been poorly researched overall - this can be illustrated by the ecology report, with terms used such as "indicated", "majority" and "unlikely" - all very inconclusive and suggestive of a brief survey instead of the long term study required to confirm the site's locally acknowledged value to many species.
- It is probably a designated site for important habitants such as birds and wildlife not to mention the area is also surrounded by a number of Oak trees which could be deemed nesting sites for our bat population in the village. the document fails to ascertain the presence of other protected species such as grass snakes, bats, and ground-nesting birds that use the site for foraging, habitat and as a bridging route between other areas of open countryside.
- The amount of hedge proposed to be ripped out is also of concern. Given the narrow nature of the road, and the speeding traffic passing the site, a considerable length of important ancient hedge habitat would have to be removed to facilitate safe vehicular access – contrary to the environmental impact assessment. Please note that the location of the hedge is recorded on the oldest maps we have available – beyond 1877.

## Services

- There are technical issues over the foul water pumping capacity and drainage of the area. The application refers to gas when there is no mains gas in the village.
- The proposed spatially limited layout does not consider the impact of siting such highly regulated, physically large, oil or gas tanks.
- Development on New Road has been previously declined due to the foul water pumping station servicing the area already being at capacity. Contrary to the developers assertions that the foul water drainage systems run within New Road this is also not correct.
- Obviously if the site cannot safely discharge foul water in the intended manner further provision within the development layout (if indeed viable) is likely to significantly alter the design/layout proposed.

A letter of support has been received from the occupier of Oak House making the following points

1. Rebalancing of house types in the village. Wrenbury is very popular with retired people and in sequence many smaller houses are being greatly enlarged, taking them out of the market for staff and workers in our businesses. This group of affordable houses will help to readdress the balance and might be repeated.
2. The Design of the new group. These 18 houses vary in their arrangement although each single dwelling is the same, and is individually attractive. By placing them in a group they do not present a string along New Road.
3. Their situation in the village. For some reason the whole bulk of the village development lies east of its centre which psychologically is from the group of the village green, the Church and the village shops. New Road leads directly out from this village centre and yet it is a miserable string of bungalows on one side only. This scheme is one small step in our rebalancing. However the bungalows straggle on and two more blocks would hide them.

## APPLICANT'S SUPPORTING INFORMATION:

### Utilities Investigation

- **Existing Utilities.** The proposed development is located off New Road in the village of Wrenbury, Cheshire. The proposal is to develop an agricultural usage site which currently consists of grassed farmland for the construction of 14 no. mews and semi detached properties. There are existing services in close proximity to the proposed development situated in New Road.
- **Existing Foul & Surface Water Sewers** The existing sewer records were obtained from United Utilities and they indicate a 225mm adopted combined sewer present in New Road. The proposed development will have a separate foul and surface water drainage system on site and outfall into the existing sewer in New Road. It is anticipated the stormwater drainage will be attenuated to restrict flows into the combined sewer within New Road. All works will be constructed in accordance with United Utilities current adoption standards.

- **Water:** The existing water main records were obtained from United Utilities that indicate a 90mm water main in New Road that supplies other properties along this road. We anticipate United Utilities will propose the new site mains point of connection to be this main located on the development side of New Road. We anticipate this should have the capacity to serve the proposed 14 no. additional properties.
- **Electric:** The existing electricity mains records have been obtained from SP Networks which indicate an existing overhead LV cable crossing the proposed site. We anticipate SP Networks will require the existing overhead cables to be diverted around the site boundaries, with the new site mains point of connection coming off the diverted overhead cables. It is anticipated that this should have sufficient capacity to accommodate the additional 14 no. additional properties.
- **Gas:** The existing gas mains records have been obtained from Transco. These indicate an existing 63mm gas main within New Road. We anticipate Transco will propose the new site mains point of connection to be this 63mm main located in New Road and should have the capacity to serve the 14 no. additional properties.
- **British Telecom:** The existing BT mains records have been obtained from OpenReach which indicate overhead cables that run along New Road. We anticipate that BT will propose the new site mains point of connection from this overhead service and divert it underground into the proposed development footpath. We anticipate this existing service to be sufficient to accommodate the additional 14 no. properties.

## Ground Investigation

- The desk study has identified that the site has comprised of an agricultural field since the first edition historical map of 1877. The site has remained undeveloped until present. Given the findings of the desk study and nature of existing use, no source of contamination has been identified. However due to its proposed use, it is anticipated that the Local Authority will require further investigation to identify the presence of possible contaminated land and subsequent requirements for remediation or mitigation relating to human health risks. This report should be issued to the Local Authority to obtain their approval of the findings and recommendations.

## Design and Access Statement

- The purpose of this report has been to explain the strategy behind the design. Its intent has been to highlight the site's constraints and opportunities that have been identified for consideration in the design process. The statement has also been used to assist the formulation of the detail of the final submission.
- The resultant scheme is one which provides a much needed affordable housing development which respects the character of the site and its surroundings. It will complement the character of the surrounding residential areas without detrimentally affecting the amenity of existing residents.
- The design and layout of the development, together with its location on the edge of the village and directly opposite existing built development, means that it will

appear as an integral part of the village, rather than as a harmful incursion into countryside beyond its boundary.

- The development will also address the significant need for affordable housing in Wrenbury that has been justified within the Planning and Affordable Housing Statement
- Furthermore, the affordable housing's quality will be ensured through compliance with either Level 3 of the *Code for Sustainable Homes* and the specifications required by Arena Housing Association.
- It is therefore considered that this analysis had demonstrated that the design and accessibility of the proposal are appropriate to the context and meet with the relevant policy guidance, and that planning permission should be granted.

## Ecological

- Details of the development layout were made available by McInerney Homes, additionally this information was supplemented by a site visit and desk based study of the site. Information provided was used to inform category 9 of the BRE's Code for Sustainable Homes Assessment.
- The site is currently occupied by fertile grassland which has regenerated over cereal stubble and is surrounded on three sides by a native hedgerow. It is located on the outskirts of the village of Wrenbury in a rural area of Cheshire.
- Legislative issues which are relevant to this site include:
  - a. Hedgerow Protection: the hedgerow on site is a UKBAP priority habitat and should be retained and appropriately protected. Additionally trees and shrubs outside of the developable area should be protected in accordance with BS5837:2005 (*Trees in relation to construction – recommendations*).
  - b. Breeding birds: clearance of vegetation (including the grassland) must be carried out outside of the British bird breeding season (March-September) or a nesting bird check conducted beforehand. See paragraph C.13 for further details.
  - c. Marbury Brook: the nearby brook should be protected from pollution and run-off, both during development and post-development. (See sections C.14 and C.15 for more details).
  - d. Other protected species: although the presence of bats, badgers, reptiles or great crested newts on site is considered unlikely, if these or any other protected species are suspected at any time works must cease immediately and an ecologist must be contacted for advice.
- The hedgerow is a UKBAP priority habitat and has been deemed to be of ecological value. McInerney Homes have confirmed that a small section of hedgerow is to be removed to allow access to the site however provided the rest of the hedgerow is appropriately protected the overall ecological value is unlikely to be significantly affected, therefore *1 CSH credit* can be awarded under Eco1.
- If all key recommendations and two of the additional recommendations are implemented within the development scheme then *1 CSH credit* can be awarded under Eco2.
- Provided all protection methods regarding Marbury Brook and the hedgerow as mentioned in paragraph E.3 and throughout this report are adhered to, *1 CSH credit* can be awarded under Eco3.

- Based on an assessment of the current landscape scheme *0 CSH credits* can be awarded under Eco4. If enhancements as proposed within Tables 6, 7 and 8 were introduced into the scheme then a possible 3 credits may be available under Eco4.
- From categories Eco1 to Eco4 (inclusive), based on the current information provided a total of *3 CSH credits* are available to the developer providing all key recommendations and at least 2 additional recommendations (as detailed under Eco2) are implemented within the scheme. If enhancements were undertaken in line with those identified under Eco4 then a possible *6 CSH credits* are potentially available
- If an amended scheme is to be produced further information in relation to detailed landscape scheme and planting plan will need to be provided before further credits may be awarded.

### **Affordable Housing Statement**

- This statement, in conjunction with the Design and Access Statement, has clearly demonstrated that the proposal is in accordance with the development plan.
- The site's location adjacent to the settlement boundary of Wrenbury combined with the significant need for affordable housing in the local area makes it an ideal Rural Exceptions site for housing development.
- It is recognised that the approval of such housing would be an exception to general policies of restraint in the open countryside. Therefore, in accordance with central government advice, the housing must remain affordable in perpetuity and occupancy will be restricted to favour those who are either current residents of the area or have family or employment connections. The draft legal agreement forms part of the application.
- Following consultation with Cheshire East Council, the proposals have evolved to reflect the comments received. The development will integrate into the existing settlement fabric and is located in a sustainable location within close proximity of the village's community facilities, services and infrastructure.
- We therefore conclude that there is an overwhelming case for the granting of planning permission.

### **OFFICER APPRAISAL**

#### **Principle of Development**

The site is located outside the Bunbury Settlement Boundary and within the Open Countryside, where Policy NE.2 carries a general presumption against new residential development.

However Policy RES.9 of the Replacement Local Plan makes an exception to the general policy of restraint for affordable housing, subject to compliance with three criteria which states that:

- The housing will meet the needs of people previously shown to be in local need in a survey specifically undertaken for that purpose;
- The site is in a sustainable location immediately adjacent to an existing settlement boundary
- The scale, layout and design of the scheme are appropriate to the character of the settlement.

With regard to the issue of need the Housing Section has commented that the application follows an evaluation of the housing need in the parish of Wrenbury cum Frith. It draws evidence from the Cheshire East Strategic Housing Market Assessment, The Cheshire East Southern Parishes Rural Housing Needs Survey, the amount of existing housing stock and evidence from Cheshire Homechoice.

The Cheshire East Strategic Housing Market Assessment 2010 was a major piece of work carried out by Arc 4 on behalf of Cheshire East Council and assimilated many factors as well as conducting surveys. The results given were not for parishes but for geographical areas. The geographical area that included the parish of Wrenbury cum Frith also included the parishes of Baddiley, Marbury, Norbury and Wirswall. This shows that the annual net need for affordable housing over the next 5 years for this geographical area is 5 units per year of which 3 no. are 2 bed, 2 no. are 3 bed and 4 no. are 4/5 bed

The Cheshire East Southern Rural Parishes Rural Housing Needs Survey 2010 was a more localised survey that included a number of parishes including Wrenbury cum frith. To conduct the survey a questionnaire was sent out to all the households in the Parish. The results were not extrapolated.

The survey in Wrenbury had a 28% response rate and revealed that in Wrenbury cum Frith 5% of respondents live in housing association rented accommodation. There are 12 existing Householders in need of alternative accommodation for a variety of reasons including needs for larger, smaller or adapted properties, whilst 1 respondent stated a need for cheaper accommodation.

There were also 16 households containing Hidden Households (a hidden household is where there is an adult who is in an existing household in need of a separate household – for example an adult child). The number of actual Hidden Households, therefore were 20 (18 of which were adult children)

The requirements for these hidden households show that the majority of people need 2 bedroomed houses and a smaller proportion are in need of 3 bedroomed houses. 8 of these households have dependents. The annual incomes of those that disclosed their incomes show that the majority earn up to £20,000 a year. 6 stated that they could afford mortgages of up to £85,000 and 3 more in excess of this figure. There were also 10 people who had left the area due to the fact that they could not afford to buy or rent in the area. 6 of these would wish to return and they would consider a variety of tenures including rent or shared ownership.

There are 50 existing affordable homes in Wrenbury, comprising 9 no. 2 Bed houses, 19 no. 3 Bed houses and 12 no. 1 Bed bungalows. There are also a number of 1 bedroomed flats at Sandfield Court that are empty. Subject to planning Wulvern Housing are intending to knock these down and replace them with 8, 2 bedroomed bungalows for rent during 2011/12.

There are 38 people registered on Cheshire Homechoice with Wrenbury as the first choice Since Cheshire Homechoice went live (April 2010) 2 properties, both 2 bed bungalows, have become available. There were 35 applicants in total bidding for the 2 properties (applicants could bid for both properties).

In conclusion, the evidence from all of the sources indicate that there is a need for affordable homes in the Wrenbury cum Frith Parish and the proposed scheme will satisfy some of this need. The majority of need is for 2 and 3 bed accommodation. The proposed rental costs and prices of the shared ownership homes are consistent with the evidence in the needs surveys. Therefore in terms of need the proposal can be supported

To turn to the second criterion site does not immediately adjoin the settlement boundary of Wrenbury. There is an intervening piece of land which is currently in use as a paddock, associated with the adjacent residential property known as Stonington.

Notwithstanding this point, the site is considered to be in a sustainable location. It is within easy walking distance of the village centre, which benefits from shops, post office, pubs school, health centre and railway station, which gives access to Nantwich, Crewe and Whitchurch. It is not considered that the intervening paddock divorces the site from the settlement to the extent that it would significantly impact upon it's sustainability, and in this case any such argument is outweighed by the quality and quantity of local services available.

Local residents have expressed concern that if the proposal were implemented the intervening paddock would have potential as an infill development site. However, this would require a further planning application which would need to be considered on its merits at the time. It is a firmly established planning principle that an application should not be refused on the basis that it may be the precursor to future applications or developments.

Third party representations have also expressed the view that this Greenfield site should not be developed whilst Brownfield sites are available elsewhere within the village. However, as stated above, according to local plan policy, affordable housing is an acceptable form of development in the open countryside and there is no requirement under the policy to carry out a sequential assessment or to investigate alternative site. Furthermore, the reason why it is viable for Registered Social Landlords to carry out exceptions site developments of this nature the low land values concerned are restricted by the limited hope value of the sites, which are in turn due to the restrictive planning policies which apply. A Brownfield site within a village settlement boundary would have much greater potential for future development which would inflate its value and would make the provision of affordable housing unviable. In addition such sites generally involve remediation costs which impact on development viability.

On this basis the principle of the development is considered to be acceptable and the main issues in the determination of this application, therefore, are the acceptability of the site layout, the design of the dwellings and their impact on amenity, landscaping, wildlife and highway safety.

## **Site Layout**

With regard to site layout, the scheme makes provision for 6 dwellings along the roadside boundary of the site. This provides an active frontage to New Road, which is desirable from both a natural surveillance and a visual amenity point of view. It is also in keeping with the existing ribbon development on the opposite side of the road.



The parking has been located within courtyard areas to the rear of the properties to avoid creating the appearance of a car dominated frontage and to minimise the number of points of access. A second row of 8 dwellings is proposed along the rear boundary of the site overlooking the central courtyard area which, as well as parking, will also make provision for public amenity space. The site density is comparatively low and the extent of green space within the scheme helps to reflect the semi-rural nature of the location, and ease the transition between the built form of the village centre and the surrounding open countryside.

The layout plan indicates that the proposed boundary treatment would be predominantly closed boarding fencing. It is not considered that this would form an acceptable boundary with open countryside, nor would it provide a high quality finish to the publically accessible courtyard areas. Therefore, conditions should be attached to any permission requiring details of alternative boundary treatments to be submitted and approved. This should take the form of post and rail fencing with hedges to open countryside and brick walls to the courtyard areas.

## **Design**

The surrounding development comprises a mix of architectural styles and ranges from detached and semi-detached mid-twentieth century bungalows and houses in the immediate vicinity of the application site, to older more historic and vernacular properties closer to the church and village centre.

The architectural style of the proposed dwellings, which incorporates traditional detailing such as pitched and tiled roofs, cottage style window casements, half timbered canopies over front doors, arched headers to ground floor windows and chimneys, will therefore sit comfortably within its surroundings.

## **Amenity**

Distances in excess of 25m, will be maintained between the proposed dwellings and the properties on the opposite side of New Road. A distance of over 60m would remain between Stonington and the nearest unit. This is generally considered to be sufficient separation between principal windows to maintain an adequate standard of privacy and light.

To turn to the standard of amenity provision within the development, a distance of over 35m will be maintained between the two rows of dwellings. All properties will have the benefit of at least 65sq.m of private amenity space, and approximately 675sq.m of public amenity space, which would be managed by the RSL would also be provided. It is therefore concluded that the proposal will provide and maintain an adequate level of privacy and amenity for both existing and future residents and it therefore complies with the relevant local plan policies in this respect.

## **Landscape**

The site comprises open agricultural land with native hedgerows to the boundaries. Sufficient separation will be maintained between the proposed development and the side and rear boundaries to avoid any adverse impact on these hedges. However, the proposal will require the removal of a significant length of hedgerow on the road frontage in order to create the new access.

Whilst as part of this proposal, the hedgerow would be replaced, it is necessary to consider whether it is “significant” in terms of the criteria laid down in the Hedgerow Regulations. In particular an assessment must be made as to whether it has any historic or archaeological value as an ancient boundary, or whether it contains any significant flora which would be worthy of retention. Therefore, consultations are currently being undertaken with the County Archaeologist, County Archivist and an ecological survey as been requested from the applicant. An update on this matter will be provided to members at the meeting.

## **Ecology**

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places,

- in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment

and provided that there is

- no satisfactory alternative and
- no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK implements the Directive in the Conservation of Habitats & Species Regulations 2010 which contain two layers of protection

- a requirement on Local Planning Authorities (“LPAs”) to have regard to the Directive’s requirements above, and
- a licensing system administered by Natural England.

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. “This may potentially justify a refusal of planning permission.”

PPS9 (2005) advises LPAs to ensure that appropriate weight is attached to protected species “Where granting planning permission would result in significant harm .... [LPAs] will need to be satisfied that the development cannot reasonably be located on any alternative site that would result in less or no harm. In the absence of such alternatives [LPAs] should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where ... significant harm ... cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused.”

PPS9 encourages the use of planning conditions or obligations where appropriate and again advises [LPAs] to “refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm.”

The converse of this advice is that if issues of detriment to the species, satisfactory alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations.

In this particular case, the applicant has undertaken an ecological survey which has indicated that the only protected species likely to be affected are breeding birds. The Council's Ecologist and Natural England have examined the report and have raised no objection. The Ecologist has completed his own ecological appraisal and review of the supporting ecological report/ BREEAM appraisal (dated November 2010), and is satisfied that neither designated wildlife sites (statutory or locally designated) nor legally protected or biodiversity target species should be impacted by the proposed development. Establishment of proposed natural landscaping should enhance the overall value of the site for wildlife in due course. However, a condition is required to protect nesting birds.

### **Highways**

A number of local residents have expressed considerable concern regarding the potential traffic generation from the site and its impact on highway safety on New Road and surrounding roads, which are very narrow and congested. Whilst these concerns are acknowledged, in the absence of any objection from the County Highway Authority, it is not considered that a refusal on these grounds could be sustained.

### **Drainage**

With regard to the issue of drainage, initially United Utilities lodged an objection to the proposal as it was intended to discharge surface water to the foul sewer. However, the developer has now confirmed that surface water will be discharged into the nearby watercourse. United Utilities have confirmed that on this basis they would have no issue with removing the said planning objection and replacing it with a condition reiterating that all surface water flows must discharge directly to watercourse.

The site does not fall within an area of high flood risk and is below the threshold for a full flood risk assessment to be undertaken. However, given that the proposal now involves discharge of surface water to the watercourse, the Environment Agency has now been consulted. Their response was awaited at the time of report preparation and members will be updated accordingly at their meeting.

### **Loss of agricultural land**

Residents have expressed concern regarding the loss of agricultural land. Policy NE.12 states that proposals should not result in the loss of the best and most versatile agricultural land (Grades 1, 2 and 5a). The developer has commissioned Soil Environment Services to carry out an assessment of the land. They have concluded that the land in question is classed as Grade 4 agricultural land bordering Grade 3. Consequently there is no conflict with local plan policy in this respect.

## **CONCLUSIONS**

According to local plan policy affordable housing is an acceptable form of development in the open countryside provided that a need for the development can be established, the proposal is sustainably located and the design and layout are appropriate. It is considered that in this case a need has been demonstrated, and although the site does not immediately adjoin the settlement boundary, it remains sustainably located. Furthermore it is considered to be of an appropriate design and layout.

The development is also considered to be acceptable in terms of amenity, landscape, ecology, highways, drainage and loss of agricultural land and complies with the relevant local plan policies in this respect.

However, the proposal will result in the removal of a length of hedgerow to create the access, and a full assessment will be required under the hedgerow regulations. Therefore subject to this assessment concluding that the proposal is not 'important', the application is recommended for approval.

## **RECOMMENDATION:**

**APPROVE** Subject to additional information concluding that the hedgerow to be removed is not 'important' under the Hedgerow Regulations and also the agricultural land classification being satisfactory

and

- The completion of a legal agreement to secure the development as affordable housing in perpetuity
- Submission of an ecological survey ;
- Satisfactory consultation responses from the County Archivist and County Archaeologist in respect of the hedgerow.
- The imposition of the following conditions:
  1. Standard
  2. Amended plans
  3. Materials
  4. Remove permitted development rights – extensions and ancillary buildings
  5. Access construction details
  6. Landscaping scheme
  7. Implementation / maintenance of landscaping
  8. Boundary treatment to include hedges / post and rail to field boundaries and brick walls to courtyard areas
  9. Full drainage details to include surface water discharge to watercourse
  10. Implementation of wildlife mitigation measures.
  11. Provision of parking
  12. Removal of hedgerows outside nesting season
  13. Provision of artificial nest sites

**Or in the event that the hedgerow is considered to be 'important' under the Hedgerow Regulations:**

**Refuse for the following reasons:**

**The application as the proposal would involve the removal of an 'important' hedgerow which forms the site boundary with Newcastle Road, without any overriding reasons, contrary to Policy NE.5 (Nature Conservation and Habitats) of the Borough of Crewe and Nantwich Replacement Local Plan.**

