

Application No: 13/0210N

Location: LAND SOUTH OF NEWCASTLE ROAD, HOUGH, CHESHIRE

Proposal: Outline Application for the Development of Fourteen Affordable Homes of Mixed Type and Tenure. Resubmission of 11/4548N

Applicant: Mr Thomas Bartlam

Expiry Date: 12-Apr-2013

### **MAIN ISSUES**

- Principle of Development
- Housing Need
- Sustainability of the Site
- Amenity
- Design
- Flood Prevention/Drainage
- Highways
- Renewable Energy Provision
- Trees
- Ecology

### **SUMMARY RECOMMENDATION**

**Refuse**

### **REFERRAL**

The application is referred to the Southern Planning Committee as the application relates to a residential development of more than 10 dwellings.

There has also been a call-in request from Cllr Clowes for the following reason:

*'I have been contacted by local residents and Hough and Chorlton Parish Council who have the following material objections to this application:-*

- a) The Parish Council have (with guidance from CEC) conducted a Local Housing Needs Survey which has identified that there is no current need (in next five years) for affordable housing in the Parish.*
- b) the site is situated outside the settlement boundaries, in the open countryside in a greenfield site (contrary to current Planning and the NPPF)*

- c) the site is grade 2 and 3a agricultural land (contrary to current planning and the NPPF)*
- d) the applicant's submitted ecological survey does not adequately address material ecological concerns related to the site as highlighted by the planning team in relation to the applicant's previous application for this site submitted in*
- e) The access to the site proposed in the plan is on a hazardous bend of the Newcastle Road which is the site of frequent accidents (despite a 40 mph speed limit)'*

## **1. SITE DESCRIPTION**

This application relates to a parcel of land to the southern side of Newcastle Road within the Open Countryside as defined by the Borough of Crewe and Nantwich Replacement Local Plan 2011. Immediately to the west of the site is the settlement of Hough.

The application is currently undeveloped land which is currently in agricultural use. To the west of the site is the detached residential property and barn which form Corner Farm, to the south of the site is agricultural land and to the west of the site is a wooded area which is subject to a Tree Preservation Order.

To the front of the site the four large Poplar trees have now been removed. There is an existing field gate to north-west corner of the site.

## **2. DETAILS OF PROPOSAL**

This is an outline application for the erection of 14 affordable dwellings. Access is to be determined at this stage with all other matters reserved.

## **3. PREVIOUS RELEVANT DECISIONS**

11/4548N - Fourteen 3 & 4 Bed Semi-Detached Affordable Houses – Withdrawn 31<sup>st</sup> May 2012

## **4. PLANNING POLICIES**

### **National Policy**

The National Planning Policy Framework

### **Local Plan Policy**

- BE.1 (Amenity)
- BE.2 (Design Standards)
- BE.3 (Access and Parking)
- BE.4 (Drainage, Utilities and Resources)
- BE.5 (Infrastructure)
- NE.2 (Open Countryside)
- NE.5 (Nature Conservation and Habitats)
- NE.9 (Protected Species)

RES.2 (Unallocated Housing Sites)  
RES.3 (Housing Densities)  
RES.8 (Affordable Housing in Rural Areas outside Settlement Boundaries)

### **Regional Spatial Strategy**

DP1 – Spatial Principles  
DP2 – Promote Sustainable Communities  
DP4 – Make the Best Use of Existing Resources and Infrastructure  
RDF2 – Rural Areas  
L5 – Affordable Housing  
EM18 – Decentralised Energy Supply

### **Other Considerations**

The EC Habitats Directive 1992  
Conservation of Habitats & Species Regulations 2010  
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System  
Interim Planning Statement Affordable Housing  
Interim Planning Statement Release of Housing Land  
Strategic Housing Market Assessment 2010

## **5. OBSERVATIONS OF CONSULTEES**

**United Utilities:** No objection; the site must be drained on a separate system with only foul drainage connected to the foul sewer.

**Strategic Highways Manager:** The proposal shows a new access to serve the site which has been positioned as far as possible from the junction of Pit Lane. This junction position was accepted in principle and subject to safety audit on the previous (but withdrawn) application and therefore the Strategic Highways Manager maintains that position.

On this current application the S.H.M. finds it necessary to provide additional comment against the application proposal with regard to the details of the submitted site layout plan: SK01 'A'.

This plan is inconsistent in its detail between the annotation and the drawn detail and also shows technical design significantly in excess of that required to serve the proposal for 14 properties. This is unacceptable to the S.H.M. and there should be an amended plan for the scale of the access in the agreed position which would provide an appropriate level of access. In addition the suggested internal layout should comply with Manual for Streets via a pedestrian priority design and not as shown with a major vehicular route design. This should be changed if a detailed application is made.

Given the issues with the scale of the proposed design it is recommended that a condition be imposed on any permission which may be granted that an amended plan be agreed with the Highway Authority with regard to the specification of the

access design with the provision of a stage 1 safety audit, such that an appropriate design for this access junction can be agreed.

**Environmental Health:** Insufficient information has been submitted with the application relating to the loss amenity, in order to assess adequately the impact of the proposed development having regard to noise from road traffic. In the absence of this information, it has not been possible to demonstrate that the proposal would comply with material planning considerations.

A condition suggested in relation to construction hours and an advisory note is suggested in relation to contaminated land.

**Cheshire Wildlife Trust:** The Cheshire Wildlife Trust has the following comments to make;

- Agree with Natural England that the development will not have an impact upon the Wybunbury Moss SSSI.
- We note that the Hough Residents' Action Group, in a formal presentation which is included in the relevant documents online, made a number of points regarding the ecological interest of the site. These include reference to recent bird surveys of the site and surroundings. However, the results of these surveys are not included, as referenced, in Appendix 10.4 of the presentation. It would have been helpful to have seen the results, not least because (according to the text of the presentation) they indicate that the bird surveys found 20 confirmed, 6 probable and 6 possible breeding species 'within the area of the site'. Given that much of the site is improved grassland, dominated by ryegrass (see Phase 1 habitat survey report page 3) these numbers of breeding birds actually on the site are at odds with the available site habitat. In the absence of the full survey data, the ornithological interest of the site cannot be clearly established.
- The applicant has submitted a Phase 1 Habitat and Protected Species Survey report, which has been carried out by an appropriately qualified ecologist. However, there are inconsistencies relating to the assessment of ponds and their connectivity to the site. Pond 1, only 5m from the site boundary, is described on page 3 as having 'very good' connectivity with the site, but on page 10 (para. 5.2.2) the author writes 'connectivity of the site to the closest pond, Pond 1, ... is very poor'. This is one of the reasons given for concluding that 'it is very unlikely GCN are present on the development area on the site'. Pond 1 is also described as having been 'assessed' in Appendix 1 – however, no details are given of the assessment in this Appendix, and the pond for which HSI details are given in Table 1.1 is titled POND 2.
- If Table 1.1. actually refers to Pond 1 and it is of 'average' suitability for GCNs (as also stated in paragraph 1.3), then further survey is probably required to establish whether GCNs are present.
- Natural England's standing advice would also suggest that detailed GCN surveys are required prior to determination. The site includes features listed on the 'decision tree', leading to the conclusion that 'GCN ... surveys may be required'.
- In CWT's view the proposed Illustrative layout SK01A is likely to place undue stress on existing (apparently TPO'd) trees on the western boundary of the site, where the access road and the SW pair of houses are tight to the boundary.

This will not only affect the canopies of existing mature trees but also their root spreads, and could seriously impair the trees' access to air and water. There may also be pressure from future residents (and insurers) further to reduce tree canopies which will be extremely close to and overshadow some of the properties and their gardens. It is therefore recommended that the layout is amended to avoid this conflict and to maintain the health and life expectancy of the trees.

**Natural England:** This application is in close proximity to Wybunbury Moss Site of Special Scientific Interest (SSSI). However, given the nature and scale of this proposal, Natural England raises no objection to the proposal being carried out according to the terms and conditions of the application and submitted plans on account of the impact on designated sites. In terms of protected species reference should be made to Natural England's Standing Advice.

## **6. OTHER REPRESENTATIONS**

Letters of objection have been received from 222 households in the area raising the following points;

### Principal of Development

- There is no great demand for housing in Hough
- The development contravenes a number of emerging policies
- The local residents do not want this development
- The Parish Councils assessment does not find any need for affordable housing
- The site is outside the settlement boundary
- This application is just the first phase
- The site is within the Green Gap
- Affordable housing should be built close to amenities
- The approved schemes around Crewe, Nantwich and Shavington are sufficient to accommodate affordable housing
- As the application is in outline form there is no guarantee that it will be delivered in 5 years
- Contrary to local plan policies
- Brownfield sites should be developed first
- The site is not sustainable
- Unfinished developments within Crewe
- The proposal is contrary to the NPPF
- The proposal does not comply with the interim planning policy on the release of housing land
- The affordable housing needs survey produced by the applicant is not adequate
- There should be no social housing in Hough

### Infrastructure

- There is no infrastructure within Hough
- There is no employment within the village
- There are no local schools, shops or doctors
- The schools within Shavington are at capacity
- There is no public transport within Hough

- There is no provision for pedestrians
- Inadequate utilities

### Design

- The development does not respect the character of the area
- Loss of rural character
- The development will result in urban sprawl
- The proposed dwelling are not in keeping with the character of Hough
- The site is located at the entrance to the village and would harm visual amenity
- The proposal is high density and is not appropriate

### Green issues

- Impact upon wildlife
- Impact upon Site of Biological Importance
- Impact upon the TPO trees
- Impact upon hedgerows
- The applicant has already felled 4 trees onto the site frontage
- Environmental harm
- Impact upon protected species
- The submitted protected species surveys are inadequate and not complete
- Loss of agricultural land
- The impact upon the adjacent Blue Bell woodland
- Potential impact upon Wybunbury Moss SSSI

### Highways

- Road safety
- The site is located on a blind bend
- Poor visibility at the site access point
- Proximity of the access to the junction with Pit Lane
- The existing highway network is in a poor condition
- Pedestrian safety
- Increased traffic congestion

### Other issues

- The sewer serving the site cannot cope with any more houses
- The Localism Bill requires the consideration of the views of the local community
- Lack of pre-application consultation
- The development which just make money for the developer
- The development would extend the boundary of the village and it would be harder to resist other applications
- Impact upon the setting of Hough Hall
- Poor internet connection in the area
- Drainage issues in the area
- There are more suitable sites within Shavington
- This is the first phase of a larger scheme
- Loss of agricultural land
- Increased flooding
- Impact upon property values

A petition signed by 11 local residents has been received opposing the development.

An objection has been received from Pioneer Property Services Ltd which has been commissioned by the Hough Residents Action Group which makes the following conclusions:

- The applicant has not provided sufficient evidence to justify the release of this site under Policy RES.8
- The housing needs survey which has been undertaken is not statistically robust and fails to draw out evidence in respect of the number, type, size and tenure of the affordable housing. There is also a lack of understanding of the purpose of the SHMA and there are deficiencies which arise in the application through the sub-area analysis which are not supported by National Guidance.
- The rural need survey undertaken by the Parish Council in comparison is statistically robust as a result of the 100% survey sample used and the high response rate. This survey identifies a limited requirement if any for Hough over the next 5 years
- There is no evidence of interest from a Registered Provider and their involvement would be predicated on the existence of affordable housing need as they would not otherwise wish to acquire dwellings subject to a local occupancy restriction.
- As the application is in outline form and cannot justify the dwelling mix and tenure split it appears to represent a speculative attempt to maximise the development potential of the site.

An objection has been received from the Hough Residents Action Group and the main points raised are as follows:

- There are many local and central planning and other environmental policies that would support the refusal of this proposed development.
- The applicant has not provided substantive evidence of any need other than that produced by Cheshire East Council itself in 2010 that covered the whole of Wybunbury, Stapeley and Shavington Wards - this is not sufficiently accurate or focused.
- The Applicant offers an inadequate housing need analysis which does not comply with the need to survey residents living close to the proposed development and has not surveyed Hough village residents effectively and has included surveys of random populations in other settlements, several miles distant, with no links with Hough village or its residents
- The Localism Act 2011, puts communities and neighbourhoods at the heart of plan making. This philosophy is reinforced by Cheshire East's Rural Housing Enabling Guide 2012, where it states that '*Cheshire East Council wishes to meet the needs of rural communities by ensuring affordable homes are provided for local people. New affordable homes built in a rural parish are prioritised for people with a connection to that parish and who are in need of affordable housing. This is known as the 'Local Connection'.*' There is no '*Local Connection*' to this application, either to its need or location. The guide itself puts the Hough area as the 12th least suitable area (out of 15) on the basis of need and sustainability for affordable housing.
- Lack of consultation

- The development would not respect the character of Hough
- Impact upon the local sewer system and drainage
- The site is not in a sustainable location and is not accessible to local services
- The impact t upon the adjacent woodland, protected species, hedgerows and TPO's.
- Road safety at the proposed access point
- Increased vehicular movements
- Lack of public transport
- The development does not comply with local or national planning policies

An objection has been received from Arbtech who has been commissioned by the Hough Residents Action Group which is summarised as follows:

- It will be necessary to remove two hawthorn trees as they are in direct conflict with the proposed development. It will be necessary to crown lift 11 trees to between 5m and 10m approximately to allow for the access for the construction and continued use of the development. These works will potentially unbalance the overall canopy of the tree and could potentially lead to damage to the tree by meteorological events in the future due to microclimate changes.
- The proposed access road and associated footpaths enters the site on the Western side of the site within the RPAs of offsite category 'A' and 'B' trees of the adjacent woodland group. To prevent the removal or irreversible damage to a number of mature offsite trees the proposed access road should not be built using traditional road construction methodology within the RPAs of retained trees but instead will be constructed as a 'Road Deck' or similar design.
- The Road Deck uses pile foundations that will have their location determine using site investigations prior to the design of the foundations to prevent the loss of roots that could be detrimental to the trees.
- Plot 14 is situated within the RPAs and beneath the canopies of offsite category 'A' and 'B' specimens, the use of traditional strip foundations can cause excessive damage and root loss and as such should be avoided. Designs for foundations that would minimise the adverse impact upon trees should pay particular to existing levels, proposed finished levels and cross sectional details. Accordingly site specific and specialist advice should be sought from the project engineers and arboriculturist.
- Offsite trees create shading of the large portions of the site within the south west corner and along the western boundary of site, as a part of this plots 13 and 14 and their associated gardens and parking areas are almost completely covered by the nominal shading arcs.
- Close proximity of the proposed development to retained trees can potentially cause direct damage the development and trees, can cause seasonal nuisances and bring future pressure for the pruning works or applications for removal.

The full text of the letters of objection are available to view on the Councils website.

## **7. PARISH COUNCIL**



**Hough and Chorlton Parish Council:** In summary Hough & Chorlton Parish Council urge Cheshire East Council to refuse this application on the following grounds;

- This Greenfield site should not be considered for development
- No housing need, affordable or otherwise has been identified within the community following the Housing Needs Assessment Survey of June 2012
- The development contravenes current, interim and emerging planning guidelines and policies
- Potential Brownfield sites have been by-passed in preference to opportunistic development of Greenfield land.
- This proposal is situated outside the established settlement boundaries of Hough Village.
- This proposal is a physical and visual intrusion into the Open Countryside which is detrimental to the visual amenity of the village.
- In the light of very limited village amenities, this application represents an unsustainable development that cannot materially support or create local employment opportunities or services for local people associated with the Village or surrounding Parish Area. It also does not meet the access criteria for public transport, a convenience store and the other amenities and services required by the Cheshire East plan.
- In a small village such as Hough, this development, situated beyond the settlement boundaries will be undermined by a physical separation from the community that will undermine and prohibit community cohesion and effective integration.

**Shavington-cum-Gresty Parish Council:** Objects to the application and supports the stance taken by Hough and Chorlton Parish Council for the following reasons:

- No housing need, affordable or otherwise has been identified within the community following the Housing Needs Assessment Survey of June 2012
- It contravenes current, interim and emerging planning guidelines and policies.
- Potential Brownfield sites have been by-passed in preference to opportunistic development of Greenfield land.
- This proposal is situated outside the established settlement boundaries of Hough Village.
- This proposal is a physical and visual intrusion into the Open Countryside which is detrimental to the visual amenity of the village.
- In the light of very limited village amenities, this application represents an unsustainable development that cannot materially support or create local employment opportunities or services for local people associated with the Village or surrounding Parish Area. It also does not meet the access criteria for public transport, a convenience store and the other amenities and services required by the Cheshire East plan.
- In a small village such as Hough, this development, situated beyond the settlement boundaries will be undermined by a physical separation from the community that will undermine and prohibit community cohesion and effective integration.

**Wybunbury Parish Council:** Object to the application on the following grounds:

- A full housing survey was undertaken in June 2012 and no need has been identified.
- Encroaching on the rural nature of the village The site is situated outside the settlement boundaries of the village and is not at all in keeping with the rural nature of the village or with the scale, character, or appearance of the area
- Infrastructure, Employment, Facilities, Community Integration There is no school, Drs, shop or chemist in the village. All these services are beyond the distance required to be considered sustainable and require car access. Wybunbury School is already oversubscribed. There is one daily bus service which starts at 9.45 am and finishes at 3.58pm, which makes it impractical for people to use for school runs or work. The Sewers and drainage system are already overloaded. It cannot be considered sustainable
- There are various planning policies which would be contravened by the building of this site and no basis for it to be considered a rural exception site.
- The construction and development of the site would destroy the natural flora and fauna of the area, including the protected ancient woodland adjacent to the site, which has many Tree Protection Orders and the adjacent lake which is listed as a site of Specific Biological Interest in the Borough plan. The proposal would result in the removal of trees and hedgerows which contribute to the beautiful views of the area.
- The site is situated on a blind corner of the Newcastle Road. This junction has a consistent record of road accidents. Safe visibility will be extremely difficult to achieve on this road frontage.
- The developers submitting this proposal have not contacted our Parish Council to consult with us.

The full text of the Parish Council objections are available to view on the Councils website.

## **8. APPLICANT'S SUPPORTING INFORMATION**

Design and Access Statement (Produced by Oligra Town planning and dated January 2013)

Phase 1 Habitat and Protected Species Survey (Produced by EVR Ecology and dated February 2012)

Planning Statement (Produced by Oligra Town planning and dated December 2012)

Affordable Housing Needs Report (Produced by Oligra Town planning and dated December 2012)

Localised Housing Needs Survey (Produced by Oligra Town planning and dated January 2013)

Pre-determination Risk Assessment (Produced by Oligra Town planning and dated April 2012)

Pre-development Tree Survey (Produced by Beechwood Tree Services and dated April 2012)

These documents are available to view on the Councils website.

## **9. OFFICER APPRAISAL**

## Principle of Development

At the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking. Paragraph 14 of the NPPF states that for decision-taking this means;

*'Where a development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless:*

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
- specific policies in this Framework indicate development should be restricted'*

In relation to rural exception sites the NPPF at paragraph 54 states that;

*'local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate. Local planning authorities should in particular consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs'*

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

Policy RES.8 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.

In relation to the rural exception sites the Interim Planning Policy on Affordable Housing requires that a local housing needs survey is carried out before submitting a planning application in order to determine the extent of any need. Subject to need being identified the IPP identifies that *'Priority will be given to sites within or on the edge of villages with a reasonable level of services and public transport'*.

## Housing Need

The Strategic Housing Market Assessment 2010 (SHMA) shows that for the sub-area of Wybunbury & Shavington which is where Hough is located, there is a requirement for 155 new affordable homes between 2009/10 – 2013/14, this equates to 31 new affordable units per year, made up of a need for 5 x 1 bed units, 10 x 2 bed units, 4 x 3 bed units, 7 x 4/5 bed units and 4 x 1/2 bed older persons units. However, this information on its own is insufficient to identify the need in Hough and does not provide justification for a rural exceptions site in this parish.

There has been no delivery of the affordable housing required in the Wybunbury & Shavington sub-area to date. However there is anticipated delivery on the following sites: 108 dwellings at The Triangle, 24 dwellings at Rope Lane and 45 dwellings at Stapeley Water Gardens. It is unclear when these dwellings will come forward as only the Stapeley Water Gardens site has commenced development, the Rope Lane site has outline permission only and The Triangle has a resolution to approve but is awaiting the completion of a S106 Agreement.

The Interim Planning Statement on Affordable Housing states that *'In respect of rural housing schemes, the council will require that a local housing needs survey is carried out before submitting a planning application in order to establish the extent of any need'*. The IPS also states that *'Unless the survey indicates a need for such provision, planning permission will not be granted'*.

The IPS: Affordable Housing sets out that the first stage in justifying support for affordable housing provision on a Rural Exceptions site will be a rigorous assessment of will be a rigorous assessment of local housing needs by means of a survey of all households in the Parish.

The applicant has carried out a local housing needs survey using the Cheshire East Model Questionnaire as the template for the survey and included Hough, Shavington & Wybunbury. However only 150 households were surveyed, with the majority of households surveyed (125) being in the Shavington & Wybunbury Parishes and only 25 households in Hough surveyed.

The Rural Housing Enabler advised Oligra Planning that Shavington should not be surveyed as it is not a rural parish as it has a population of over 3,000. There are 338 households in the parish of Hough and only 25 of these households were surveyed in the applicants local housing needs survey. This does not provide a rigorous assessment of local housing needs as this only represents a survey of 7.4% of the households in the Parish whereas the Interim Planning Statement: Affordable Housing requires all the households to be surveyed. As a result the survey that has been carried out by the applicant to support a need for 14 affordable homes can only be given very little weight as it does not identify an affordable housing need in the Parish of Hough.

Hough & Chorlton Parish Council carried out a Rural Housing Needs Survey in June 2012 which was after the previous planning application had been submitted. 336 surveys were sent out and 187 were returned giving a response rate of 56%, this is higher than the average response rate for a Rural Housing Needs Survey in Cheshire East, which is usually around 30% - 40%.

The survey identified that in Hough & Chorlton there were 3 households where there was at least one adult in that household who wished to form a separate household in the 5 years following the survey, these are termed 'hidden households' 2 households had 1 member, 1 had 2 members and 1 had 3 or more who wished to move to form a new household, overall this equates to 7 individuals. Respondents were then asked to continue the questionnaire for the individuals from their households who needed to move earliest, 4 respondents continued stating the type of tenure they were looking for was buying on the open market, subsidised ownership to an affordable level or private renting.

The results of this survey mean that there is no need for a development of 14 affordable homes as a rural exception site in the Parish of Hough due to the lack of evidence of need. This issue will form a reason for refusal.

### **Sustainability of the site**

Letters of objection refer to Hough not being a sustainable settlement. However the proposal would meet the second point of Policy RES.8, which states that the site is;

*'in a sustainable location, immediately adjacent to an existing settlement boundary (with reference to Policy RES.4)'*

In this case the site is immediately adjacent to the settlement boundary of Hough which is listed as a settlement within Policy RES.4.

In this case Hough has facilities in the form of a Public House, Village Hall and public open space. There is also a petrol station and small shop located 625 metres to the west of the site which can be accessed via an existing footpath. Given the wording contained within Policy RES.8 and the facilities available nearby it is considered that Hough is a sustainable settlement and a reason for refusal on sustainability grounds could not be sustained.

### **Amenity**

The application is outline with only access to be determined at this stage. The indicative plan shows that a development can be achieved on this site without having a detrimental impact upon the adjoin property at Corner Farm.

Due to the large separation distances the development would not have a detrimental impact upon the residential amenities of any other property.

### **Design**

The development would consist of two-storey dwellings at a density of 23 dwellings per hectare which is acceptable in this location. The indicative plan does have weaknesses in that it is car dominated in parts of the site and it would include an

over-engineered internal highway layout. However as this is an outline application the appearance, scale, layout and landscaping will be determined at a later date.

It is considered that an appropriate design can be achieved as part of the reserved matters applications.

### **Flood Prevention/Drainage**

A number of the letters of objection refer to drainage and flooding in the area. In this case the application is outline and such details would be agreed at a later date. As part of this application United Utilities have been consulted and raised no objection to the development subject to foul drainage being connected to the foul sewer. In terms of surface water run-off there would be opportunities to secure SUDS Drainage as part of the reserved matters applications.

### **Highways**

The application is outline with access to be determined at this stage. A single vehicular access point is proposed and this would be positioned towards the western boundary of the site. Newcastle Road at this point has a 40mph speed limit and the access point would have visibility splays of 120m to the east and 120m to the west. The traffic generation from this site would be minimal given the number of dwellings proposed and would have no significant impact upon the highway network. The access arrangements are considered to be acceptable and no objection has been raised by the Highways Officer.

The comments raised by the highways officer regarding the internal layout and the technical design are noted. However it is considered that such issues could be dealt with at the Reserved Matters stage and controlled by condition.

### **Renewable Energy Provision**

Policy EM18 (Decentralised Energy Supply) of the North West of England Plan Regional Spatial Strategy to 2021 requires that *'all residential developments comprising 10 or more units should secure at least 10% of their renewable energy requirements from decentralised and renewable or low-carbon sources, unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable'*. This will be controlled through the imposition of a planning condition.

### **Trees**

The four Poplar trees which stood at the front of the site were not covered by a TPO and have been removed following correspondence with the Cheshire East Tree Officer who did not consider them to be suitable for long term retention.

To the west of the site there is woodland subject of TPO protection with several trees overhanging the site. The submitted tree survey covers 27 individual trees

and 5 grouped areas of trees. The Survey rates: 5 trees category A, 9 category B and 13 category C with no trees identified unsuitable for retention.

The submitted Arboricultural Impact Assessment (AIA) identifies the following potential impacts from the development:

- To allow for construction and development of the site it would be necessary to crown lift trees to between 5 and 10 metres. These works will potentially unbalance the overall canopy of the trees and could lead to damage to the trees by meteorological events in the future due to microclimate changes.
- The proposed access road would be within tree Root Protection Areas (RPA's). The use of a raised 'road deck' or similar design is proposed. This would potentially result in raising of levels across the site with associated impacts.
- Plot 14 is situated within the RPAs and beneath the canopies of offsite category 'A' and 'B' specimens. Standard strip foundations would impact on the trees.
- Offsite trees will cause shading of the south west corner and western boundary of the site. The AIA states Plots 13 and 14 and their associated gardens and parking areas are almost completely covered by the nominal shading arcs. The close proximity of the proposed development to retained trees can potentially cause direct damage to the development and trees, and can cause seasonal nuisances and bring future pressure for the pruning works or applications for removal.
- All services to be brought into the site should be designed to be situated outside of RPAs, or if this is not possible for this to happen they should be installed using trenchless techniques.

The findings of the arboricultural information provided by the residents association confirm the views expressed previously that the layout as proposed would be likely to have direct impact on and result in potential harm to protected trees. The layout would also provide very poor amenity for at least two dwellings which would be in significant shade. It is not clear that all of the issues raised could be addressed at reserved matters stage whilst maintaining the number of dwellings proposed. As a result the impact upon the adjacent trees which are subject to a TPO will form a reason for refusal.

## **Ecology**

### Habitats

The habitat survey completed as part of the ecological assessment was undertaken in February a poor time of year to complete botanical surveys. However, the Councils Ecologist has visited the site (on 3<sup>rd</sup> May 2012) and is satisfied that the habitats present on site are of limited ecological value.

The objections refer to the adjacent site being a Grade A Site of Biological Importance and a Ancient Woodland. This is not correct.

### Protected Species

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."

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 case Bats and Great Crested Newts are European Protected Species and need to be considered in line with the above.

### Great Crested Newts

A number of ponds are present within 500m of the proposed development. The application site however, has relatively limited value as terrestrial habitat for Great Crested Newt and is relatively small. Therefore the Councils Ecologist advises that it is reasonable to only consider those ponds within 250m of the proposed development of which there are two.

Pond 1 is located adjacent to the development and was not subject to a detailed inspection as part of the submitted ecological assessment. The Councils Ecologist has inspected the pond and whilst it has some limited potential to support GCN the pond is shaded and there is a total lack of aquatic vegetation. The Councils Ecologist does not consider that GCN are likely to be present at this pond due to the suboptimal habitat offered.

Pond 2 has been assessed as being of average potential for GCN and it is possible that this pond may be used by breeding GCN. The terrestrial habitat offered by the



site is however limited and there are no strong habitat linkages between this pond and the application site. Therefore it is not reasonable likely that even if GCN are present at pond 2 that they would be significantly affected by the proposed development.

### Bats

Within the Phase 1 Habitat Survey a Tree (tree 1) has been identified as having potential to support roosting bats. This tree has now been removed and it is not considered that the development would be harmful to the conservation status of bats.

### Other Protected Species

Evidence of other protected species has been recorded on this site; however no setts were recorded as being present within the application boundary.

The Council's Ecologist is satisfied that other protected species would not be affected by the development and has suggested a condition for a further survey as part of any Reserved Matters application.

### Breeding Birds

If planning consent is granted standard conditions could be attached to safeguard breeding birds.

## **10. CONCLUSIONS**

The proposed development relates to the provision of affordable housing outside the settlement boundary of Hough. This type of development is appropriate in the open countryside when it is adjacent to a settlement boundary as identified in Policy RES.4. In this case a rigorous assessment of local housing need of all households within Hough has not been produced by the applicant, whilst the survey undertaken by the Parish Council does not identify a need for affordable housing within the Parish of Hough. This is a requirement of Policy RES.8, the Interim Planning Statement on Affordable Housing and paragraph 54 of the NPPF which states that LPA's should be '*responsive to local circumstances and plan housing development to reflect local needs*'. As there is no identified need for affordable housing on this site this issue will form a reason for refusal.

The trees on the adjacent site are subject to TPO protection. In this case the development would require works to these trees which would potentially harm the trees in question. Furthermore it is not considered that the indicative plans have demonstrated that the site can accommodate the proposed development without resulting in future pressures to remove these trees. This issue will form a reason for refusal.

The proposal will not have a detrimental impact upon the conservation status of protected species or the local ecology.

The application is in outline form with access to be determined at this stage, it is considered that the development would have an acceptable access arrangement and the indicative plan shows that the development would not have a detrimental impact upon residential amenity and an acceptable design could be achieved.

Finally it is considered that the site is located within a sustainable location and that no issues relating to flooding or drainage have been identified and such issues could be resolved at a later date.

## **11. RECOMMENDATIONS**

### **REFUSE**

- 1. The proposed development relates to the provision of affordable housing within the open countryside adjacent to the Hough Settlement Boundary. The application is not supported by an adequate rural housing needs survey which relates to the Parish of Hough. Furthermore the rural housing need survey carried out by the Parish Council does not identify a need for affordable housing within the Parish of Hough. As a result there is no identified need for the proposed development and it would be harmful to the principles of sustainable development. The development would be contrary to Policy RES.8 (Affordable Housing in Rural Areas Outside the Settlement Boundaries) of the Borough of Crewe and Nantwich Replacement Local Plan 2012, the Interim Planning Statement on Affordable Housing and the NPPF.**
- 2. The proposed development would be located adjacent to woodland which is protected by a Tree Preservation Order. This woodland overhangs the application site and the extent of tree works to accommodate the proposed development would harm the trees in question. Furthermore the indicative layout does not demonstrate that the proposed development can be accommodated on the site without resulting in future pressures to remove the TPO trees which would be harmful to nature conservation and the character and appearance of the area. The development would be contrary to Policy NE.5 (Nature Conservation and Habitats) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the NPPF.**

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