

Application No: 14/5206N

Location: Land Off, HILL CLOSE, BUNBURY CHESHIRE

Proposal: Outline application for proposed residential development for 21no. dwellings and proposed new stable block and paddock

Applicant: CB HOMES

Expiry Date: 03-Mar-2015

## **SUMMARY**

The application site lies entirely within the Open Countryside as determined by the Borough of Crewe and Nantwich Local Plan.

Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by Local Plan Policy NE.2. The proposed development does not fall within any of the listed categories and as such, it constitutes a "departure" from the development plan and there is a presumption against the proposal.

The proposal remains contrary to Open Countryside policy regardless of the Council's 5-year housing land supply position in evidence at any particular time and a judgement must be made as to the value of the particular area of countryside in question and whether, in the event that a 5 year supply cannot be demonstrated, it is an area where the settlement boundary should be "flexed" in order to accommodate additional housing growth.

In this case, the development would provide market housing and affordable to meet an acknowledged shortfall in a relatively sustainable location. The proposal would also have some economic benefits in terms of jobs in construction, spending within the construction industry supply chain and spending by future residents in local shops.

Balanced against these benefits must be the negative effects that this proposal would have with respect of the loss of a Greenfield site and open countryside and the lack of information to demonstrate that the proposal would not harm species protected by law (Great Crested Newts and reptiles). Together, these negatives all translate to a proposal which is unsustainable in the environmental sense and thus coupled with the conflict with the Bunbury Neighbourhood Plan (NDP); outweigh the benefits of the scheme.

It is clear that the proposed development conflicts with housing policies within the Plan. Given the context of the existing village and the size and scale of the proposed development coupled with others currently being considered by the Council, it is considered that to allow the development would significantly impact on the settlement as a whole and its planned future development. As a consequence and taking account of the weight that can be attached to the draft NDP, it is considered that the development is sufficient to threaten the plan-making process in Bunbury.

On the basis of the above, it is considered that the proposal represents unsustainable development and paragraph 14 is not engaged and therefore the proposal should be determined in accordance with the development plan. Notwithstanding this point, even if it were engaged, it is considered that the adverse effects of the scheme significantly and demonstrably outweigh the benefits.

As a result of the above reasons, it is considered that the proposal would represent an unsustainable form of development and is therefore recommended for refusal.

## **RECOMMENDATIONS**

**REFUSE**

## **REASON for REFERRAL**

This application is referred to the Southern Planning Committee as it is a small-scale major development and relates to a departure to the Crewe and Nantwich Borough Local Plan.

## **PROPOSAL**

This application seeks outline planning permission for the erection of 21 dwellings with access taken from Hill Close in Bunbury. Details of appearance, layout, scale and landscaping have been reserved for approval at a later stage.

## **SITE DESCRIPTION**

This application relates to a greenfield site located to the southeast of Bunbury Village. The site measures approximately 2.15 hectares lying to the rear of dwellings on Bunbury Lane and Queen Street which are to the west and north respectively. The site is bound by recreational facilities to the northeast, residential development to the northwest and west and open countryside to the south and east. Public Footpath Bunbury No. 16 runs across the site. The Lower Bunbury Conservation Area is located approximately 100m to the northwest of the application site. The site is outside of the settlement boundary of the village as designated in the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011 and is not allocated for any other purpose within the Local Plan.

## **RELEVANT HISTORY**

None

## **NATIONAL & LOCAL POLICY**

### **National Policy**

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

14 - Presumption in favour of sustainable development  
47-50 - Wide choice of quality homes  
55 - Isolated dwellings in the countryside  
56-68 - Requiring good design  
69-78 - Promoting healthy communities  
216 – Neighbourhood planning

## **Development Plan**

The Development Plan for this area is the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011, which allocates the site, under Policy NE.2, as Open Countryside.

The relevant Saved Policies are:

BE.1 (Amenity)  
BE.2 (Design Standards)  
BE.3 (Access and Parking)  
BE.4 (Drainage, Utilities and Resources)  
BE.6 (Development on Potentially Contaminated Land)  
TRAN.9 (Car Parking Standards)  
NE.2 (Open Countryside)  
NE.5 (Nature Conservation and Habitats)  
NE.9 (Protected Species)  
RES.5 (Housing in the Open Countryside)  
RES.7 (Affordable Housing)  
RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)  
RT.9 (Footpaths and Bridleway)  
TRAN.3 (Pedestrians)  
TRAN.5 (Cycling)

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

## **Cheshire East Local Plan Strategy – Submission Version (CELP)**

The following are considered relevant material considerations as indications of the emerging strategy:

PG2 – Settlement Hierarchy  
PG5 - Open Countryside  
PG6 – Spatial Distribution of Development  
SC4 – Residential Mix  
SC5 – Affordable Homes  
SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
SE3 – Biodiversity and Geodiversity  
SE5 – Trees, Hedgerows and Woodland  
SE 1 – Design  
SE 2 - Efficient Use of Land

SE 4 - The Landscape  
SE 13 - Flood Risk and Water Management  
SE 6 – Green Infrastructure  
IN1 – Infrastructure  
IN2 – Developer Contributions

### **Draft Bunbury Neighbourhood Development Plan**

The following are considered relevant material considerations as indications of the emerging neighbourhood plan:

H1 – Housing Development  
H2 - Scale of Housing Development  
H3/H4 – Affordable Housing  
H5 - Design  
LC1 - Built Environment  
LC2 – Landscape  
ENV2 – Countryside & Open Views

#### **Other Material considerations:**

SPD2 – Development on Backlands and Gardens  
The EC Habitats Directive 1992  
Conservation of Habitat & Species Regulations 2010  
Interim Affordable Housing Statement: Affordable Housing  
Bunbury Village Design Statement

### **CONSULTATIONS**

#### **Head of Strategic Infrastructure (Highways)**

No objection

#### **Environmental Protection**

No objections, subject to conditions restricting hours of piling; the prior submission of a piling method statement, the prior submission of external lighting, the prior submission of a dust mitigation scheme and contaminated land. Informatives sought relate to; hours of construction and contaminated land are also sought.

#### **United Utilities**

No objections, subject to conditions relating to foul water and surface water.

#### **Education**

No objection subject to financial contributions of £49,028.07 towards secondary school provision. Forecasts show that primary provision can accommodate expected primary children.

## **Public Rights of Way Unit (PROW)**

No objection.

## **Bunbury Parish Council**

Object on the following grounds:

- The diversion of the most heavily used village footpath will be a Loss of Amenity
- The properties are larger than identified need and do not meet requirements for affordable homes. The application is not in line with the adopted Bunbury Village Design Statement 2009
- Access is inadequate due to the restrictions of the site. It is less than the minimum required width of 4.8 metres. The existing access already only allows single file traffic. The large amount of additional vehicles is a concern
- Against Highways Policy B.E.3
- Concern that sewerage system cannot cope and that there will be increased flooding risk, with additional runoff caused by impermeable surfaces
- The proposed development is in open countryside, on a Greenfield site and outside the Bunbury Settlement Boundary. Against Policy N.E.2
- Concern at the loss of an important Silver Birch tree that was to be kept as a condition, when the application for the current houses on Hill Close was approved.
- Concern that the proposed development is not sustainable
- The Parish Council requests that Cheshire East Planning asks the Developers to meet with CE to consult on the needs of the Village.

## **REPRESENTATIONS**

Over 180 representations have been received, including a report from the 'Lower Bunbury Action Group' and a letter from Wulvern Housing objecting to this proposal on the following grounds:

- Bunbury is being bombarded with speculative applications
- Loss of land used for recreational purposes
- Impact on historic character of village
- Unsustainable – lack of services, facilities and amenities in area including schools and doctors
- Public transport poor
- Contrary to development plan/ NPPG and PPG
- Contrary to Village Design Statement and Parish Plan
- Outside of settlement boundary
- Loss of greenfield / intrusion into open countryside
- Loss of views
- Standard of design would not enhance the built environment, respect the pattern, character and form of the surroundings
- Too many units / density too high / scale of development too much
- Impact on trees
- Negative impact on local economy / tourism
- Loss of wildlife and impact on protected species

- Lack of parking
- Road is too narrow
- Will be hazardous for young children playing in the area
- Emergency vehicles / service vehicles would not be able to access the site
- Pedestrian environment is poor
- Harm to local listed buildings
- Traffic generation
- Road safety
- Noise, dust and general disturbance during construction
- No alternative sources of energy proposed
- Loss of valuable amenity space including footpaths
- Loss of views
- Impact on property values
- Damage to highway
- Would undermine existing 'Home-Zone' on Oak Gardens
- Impact on historic character and appearance of the village / area
- Impact on listed buildings and conservation areas
- Impact on neighbouring amenity
- Limited public transport
- Council already has a 5 year supply of housing
- Nearby Beeston development already adds huge pressure to local area
- Lack of local employment to service new houses
- Alternative sites should be considered first
- Village does not have the infrastructure to support more houses
- Impact on cyclists
- No demand or demonstrable need for the proposed houses
- Proposed housing is not affordable
- Site suffers from poor drainage
- Cumulative impact of all developments in Bunbury would exceed need#
- Proposed open space is small and offers limited benefit

## **APPRAISAL**

The key issues are:

- Principle of the development
- Bunbury Neighbouring Development Plan
- Housing land supply
- Impact upon the Open Countryside
- Sustainability
- The acceptability of the design
- Impact on residential amenity
- The impact upon highway safety
- The impact upon ecology
- The impact upon the landscape, trees and hedgerows
- The impact upon flooding and drainage
- Affordable housing

- Residential Amenity

## **Principle of Development**

Policy NE.2 of the Local Plan advises that: *'within the Open Countryside only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.*

*An exception may be made where there is the opportunity for the infilling of a small gap with one or two dwellings in an otherwise built up frontage.'*

Policy RES.5 of the Local Plan advises that *'Outside settlement boundaries all land will be treated as open countryside. New dwellings will be restricted to those that; a) Meet the criteria for infilling contained in Policy NE.2; or b) are required for a person engaged full time in agriculture or forestry...'*

The proposed development does not meet any of the above exceptions and as such, the proposal constitutes a "departure" from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined "in accordance with the plan unless material considerations indicate otherwise".

The issue in question is whether the development represents a sustainable form of development and whether there are other material considerations associated with this proposal, which are a sufficient to outweigh the conflict with the development plan.

## **Bunbury Neighbourhood Plan**

Bunbury Parish Council has prepared a draft Neighbourhood Development Plan (NDP) for the Parish of Bunbury. The consultation period for the plan has now taken place and ran until 21st May 2015.

Paragraph 216 of the NPPF states *'from the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:*

- *the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- *the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)'*

The NPPG states that an emerging neighbourhood plan may be a material consideration.

Annex 1 of the National Planning Policy Framework explains how weight may be given to policies in emerging plans. However, in the context of the Framework and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of

granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

*a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and*

*b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.*

The NPPG also states that *'refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process'*.

The Neighbourhood Plan is therefore a material consideration which must be weighed in the planning balance taking account of the stage that the neighbourhood plan is currently at and the context, location and scale of the proposed development relative to the area.

Members may be aware there have been a number of legal cases that have supported Neighbourhood Plan policies even when a Local Plan has not been fully adopted. There have also been recent High Court cases which have rejected the Secretary of State's judgement on the weight he has given to emerging neighbourhood plans with the 'Woodcock' case further emphasising the clarity needed to refuse applications on prematurity grounds. Therefore the weight to be attached to the plan depends on the particular circumstances in each case with particular emphasis on scale and context.

Policy H1 within the Neighbourhood Plan advises that housing developments outside the Settlement Boundary will only be granted where they comply with H2 (Scale of Housing Development). H2 states that new development will be supported in principle provided its small scale and in character and for Greenfield development it should be a maximum of 15 new houses on any one site. The site is outside the Settlement Boundary and on a Greenfield site, therefore being 17 dwellings the proposal would be contrary to the policy and the wider vision for Bunbury within the draft Neighbourhood Plan.

Bunbury is an area that has been under tangible development pressure over the last 18 months with a significant number of potential developments proposed for the village varying from small scale infill developments to larger scale Greenfield developments.

The draft Neighbourhood Plan seeks to recognise that housing development will be needed over the plan period until 2030 but to accept all developments would threaten both the scale and character of the area. The policies within the plan seek to provide a structure to future development to enable it to take place in a planned and sustainable way. Consequently, the scale of this development in combination with others would prejudice the outcome of the neighbourhood plan

making process and as such, the proposal does not accord with NDP, which has been through its formal consultation process.

## **Housing Land Supply**

Paragraph 47 of the National Planning Policy Framework requires that Council's identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements.

The calculation of Five Year Housing supply has two components – the housing requirement – and then the supply of housing sites that will help meet it. In the absence of an adopted Local Plan the National Planning Practice Guidance indicates that information provided in the latest full assessment of housing needs should be considered as the benchmark for the housing requirement.

Following the suspension of the Examination into the Local Plan Strategy and the Inspectors interim views that the previous objectively assessed need (OAN) was 'too low' further evidential work has now taken place and a fresh calculation made.

Taking account of the suggested rate of economic growth and following the methodology of the NPPG, the new calculation suggests that need for housing stands at 36,000 homes over the period 2010 – 2030. Although yet to be fully examined this equates to some 1800 dwellings per year.

The 5 year supply target would amount to 9,000 dwellings without the addition of any buffer or allowance for backlog. The scale of the shortfall at this level will reinforce the suggestion that the Council should employ a buffer of 20% in its calculations – to take account of 'persistent under delivery' of housing plus an allowance for the backlog.

While the definitive methodology for buffers and backlog will be resolved via the development plan process this would amount to an identified deliverable supply of around 11,300 dwellings.

This total exceeds the total deliverable supply that the Council is currently able to identify – and accordingly it remains unable to demonstrate a 5 year supply of housing land.

## **Open Countryside Policy**

In the absence of a 5-year housing land supply we cannot rely on countryside protection policies to defend settlement boundaries and justify the refusal of development simply because it is outside of a settlement, but these policies can be used to help assess the impact of proposed development upon the countryside. Where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply. Policy NE.2, seeks to protect the intrinsic character and beauty of the countryside.

Therefore, the proposal remains contrary to Open Countryside policy regardless of the 5 year housing land supply position in evidence at any particular time and a judgement must be made as to the value of the particular area of countryside in question and whether, in the event that a 5 year supply cannot be demonstrated, it is an area where the settlement boundary should be "flexed" in order to accommodate additional housing growth.

In order to assess the impact upon the Open Countryside, a key consideration is the impact that the development would have upon the landscape, which forms part of the assessment as to whether the proposal is a sustainable form of development.

## **Sustainability**

The National Planning Policy Framework definition of sustainable development is:

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

Inspectors have determined that locational accessibility is but one element of sustainable development and it is not synonymous with it. The NPPF determines that sustainable development comprises of three dimensions:- economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

**an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

**an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

**a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being;

These roles should not be undertaken in isolation, because they are mutually dependent.

## **Environmental role**

The application site is located at the rear of residential properties which front onto Bunbury Lane and Queen Street. The proposed housing development will be accessed directly off Hill Close which in turn takes access off Bunbury Lane. The application site is located in close proximity to a number of facilities including local primary school, convenience store, public house and post office which are all readily accessible by foot. These sites on the whole can be accessed via well lit public footpaths. Given the factors above the village of Bunbury is designated as a local service centre and is therefore locationally sustainable.

## Landscape Impact

The application site is located towards the southern part of Bunbury and covers an area of 2.15 hectares and is divided into three fields. The application site is relatively flat and is used for agriculture and as a paddock; it is bound by hedgerows with a number of hedgerow trees. Footpath 16 Bunbury crosses the eastern part of the application site. The northern boundary of the site is bound by properties along the southern side of Queen Street, the western boundary by properties along the eastern side of Bunbury Lane as well as properties around Hill Close. To the south and east of the application site is the wider rural landscape.

The application does not include a Landscape assessment, although the Design and Access Statement does include a section on Site Analysis and also on Landscape Setting. The area that the site is located is identified in the Cheshire Landscape Character Assessment as being in the East Lowland Plain Character Type, and specifically the 'Ravensmoor Character Area' (ELP1). The landscape Character assessment indicates that this area is predominantly flat with hawthorn hedges and hedgerow trees and that it is an open and expansive landscape in the northern part of the character area. The application site does not have any formal landscape designations.

Whilst this is an outline application, an indicative site layout has been included. This shows that access will be off Hill Close, that there will be an area of public open space along the eastern part of the application site and that the area to the southwest of the application site will remain as a paddock with a stable. It also indicates that the existing perimeter hedgerows will be retained.

The Council's Principal Landscape Officer states the development will have both landscape and visual impacts, since the area currently forms part of the setting of Bunbury. It should also be noted that part of the Bunbury Village Design Statement recommends that any development should, 'Protect existing views within the village and into the countryside'. There will be a visual impact for those residents living in properties adjacent to the northern and western boundaries to the north and also for users of Footpath 16 which is located towards the eastern part of the application site.

The proposed development may cause adverse landscape and visual impacts, but the level of adversity will ultimately depend on the detail, specifically layout, scale and the landscape proposals which are not for consideration as part of this application.

## Loss of Agricultural Land

The proposal would result in the loss of an area of agricultural land. All of the site will be lost from agriculture, whether built upon or subject to open space. However, much of Cheshire East comprises best and most versatile land and use of such areas will be necessary if an adequate supply of housing land is to be provided. Furthermore, previous Inspectors have attached very limited weight to this issue in the overall planning balance. Further, due to its small area, shape and enclosed nature does not offer significant opportunities for agricultural production.

## Trees

The proposal would require the removal of the three trees on the proposed adopted access to the development. This prompted a request to consider one of the specimens (the silver birch as referenced on; Drawing No. 118.02) for a Tree Preservation Order.

The tree was previously recognised when the access to the properties on Hill Close was first constructed. The conditions associated with this request in 2009 identified the tree within the associated planning conditions and made reference to the tree making a significant contribution to the visual character of the area, thus ensuring that it was not prejudiced by the development at that time. However, whilst the tree does offer some amenity value at present, a full assessment of the tree has determined that it would not be expedient to protect the tree due to identified structural defects limiting its potential life span. As such, the Council's Tree Officer has offered no objection to the proposal.

### Ecology

The application is supported by an Extended Phase 1 habitat survey. The Council's Nature Conservation Officer (NCO) has reviewed the submitted information and advised with respect to the following considerations:

#### Great Crested Newts

Whilst the submitted survey states that there would be no material impact on protected species, the Council's Nature Conservation Officer has advised that the applicant's ecologist confirm whether the presence of 2 additional ponds was considered as part of their assessment. The Council is awaiting further information from the agent.

#### Hedgerows

Hedgerows are a UK BAP priority habitat and hence a material consideration. The development of this site is likely to result in some loss of hedgerow. It advised that if outline planning consent is granted it must be ensured that suitable replacement hedgerow planting is incorporated into the scheme at the detailed design stage. This matter may be dealt with by means of a condition.

#### Reptiles

Reptiles are known to occur in the broad locality of the application site and the application site has been identified as offering potential habitat for this species group. The submitted survey recommends that a reptile survey be undertaken to determine the presence/absence of this species on the site. This has been requested from the agent.

#### Barn Owls

Barn owls have been recorded within the broad area of the application site. The application site supports habitats which are likely to offer opportunities for foraging barn owls. The Council's NCO has advised that the loss of this habitat has the potential to have a localised adverse impact upon this species. However, it has been confirmed that this loss could be offset by means of a commuted sum that could be passed onto the local barn owl group in order to facilitate site habitat creation. The required commuted sum would be £2,000.

#### Bats

The loss of existing hedgerows is likely to have a localised detrimental effect on foraging and commuting bats. If outline planning consent is granted this impact should be mitigated for through

appropriate native species planting incorporated into the open space associated with the proposed development at the detailed design phase.

Taking the above into account, there is insufficient information to determine the impact that the proposals would have on species protected by law, contrary to Policy NE.9 of the Local Plan and advice within the NPPF. This may be addressed by way of an update if the agent clarifies the points raised above and this does not require further assessment.

### Design Standards

Policy BE.2 of the Local Plan advises that new development should respect the pattern, character and form of the surroundings and not adversely affect the streetscene by reason of scale, height, proportions or materials used. Policies SD2 and SE1 of the emerging Cheshire East Local Plan Strategy – Submission Version and H5 of the emerging Bunbury Neighbourhood Development Plan largely support this local plan policy.

The proposal is in outline form and therefore the submitted layout is only indicative. However, the application is supported by an indicative layout which shows that Hill Close would be extended into the site from west to east. The properties shown on the layout would all be mixed in terms of their size and scale with the larger units set within spacious plots fronting the main spinal road. There are also two limbs situated at right angles to the spinal road extending north into the site, the first providing a cul-de-sac arrangement and the second providing a liner row of dwellings overlooking an area of public open space.

The dwellings as shown would be well spaced and would provide a good mix of units and an appropriate basis to arrange 21 no. dwellings without comprising the character or appearance of the built environment to the north and west of the site. The application is considered to be acceptable in this regard.

### Access

Access to the site is to be taken from Hill Close which is an existing un-adopted highway benefitting from a junction with Bunbury Lane. The Head of Strategic Infrastructure (HSI) has assessed the application and the submitted Transport Statement and has commented on road safety and the traffic generation.

The road safety record of the of the roads within Bunbury has been reviewed for the period 2009 – 2013, there have been four PIA's recorded during this period, all classified as slight accidents. Three of the accidents are remote from the site, one on Vicarage Lane and two in relatively close proximity to each other on School Lane. The fourth accident occurred in excess of 20m to the north of the Hill Close / Bunbury Lane junction and therefore, is not attributable to the junction. The accidents all appear to be isolated incidents that are unrelated to highway layout. The HSI is satisfied that the development proposals would not be expected to negatively impact on road safety.

Access to the site is taken from Hill Close via a revised Hill Close / Bunbury Lane priority controlled junction. Additionally, it is proposed that Hill Close will be upgraded to include a 2.0m footway on the northern side of the carriageway. The footway will link the site with a proposed uncontrolled pedestrian crossing across Bunbury Lane (located around 10m to the north of Hill Close), which is

designed to link the site with the footway network on the opposite side of Bunbury Lane. The crossing point will have dropped kerbs and tactile paving to assist wheel chair users and the visually impaired. As set out above, it is proposed that the carriageway width of Hill Close will be upgraded in the vicinity of Bunbury Lane to 4.8m, thereafter, a minimum width of 4.5m will be provided towards the site.

In terms of junction geometry, the HSI considers that the overall layout and visibility of the access proposals are an acceptable solution to serve the development proposals as well as the existing houses accessed from Hill Close.

With respect to traffic generation, Bunbury Lane and the surrounding highway network is lightly trafficked. Given the arrival and departure patterns of the traffic associated with this proposal and other proposed in the vicinity, the traffic will be distributed onto Bunbury Lane at two points of access some 60 metres apart. The HSI is satisfied that there will not be a material impact on the operation of the adjacent or wider highway network.

### Flood Risk and Drainage

The application site does not fall within a Flood Zone and is not of a scale which requires the submission of a Flood Risk Assessment. The Environment Agency, the Council's Flood Risk Team and United Utilities have also reviewed the application and advised that they have no objections, subject to drainage conditions and a number of informatives relating to the provision of water metres and general drainage advice.

### Public Right of Way

Local Plan Policy RT.9 states that *'permission will not be granted for any development which would prejudice public access onto or through the network unless specific arrangements are made for suitable alternative routes'*.

The Council's Public Rights of Way Unit (PROW) has confirmed that the proposed development would lead to the obstruction of Bunbury Public Footpath 16. The proposal seeks to divert the footpath under the TCPA 90 as part of this application and as such, the proposal has been confirmed as being acceptable in this regard by the PROW Unit. The diversion would be re-routed through the proposed public open space and along the eastern boundary. This would provide suitable alternative provision and therefore the scheme would comply with Local Plan Policy RT.9.

### Conclusion

Whilst the proposed development would result in the loss of a green space outside of the settlement boundary for the village, the impact upon the wider landscape cannot be determined until a detailed design and layout has been submitted together with details of landscaping. The proposal provides insufficient information to determine the impacts on protected species. The proposal would provide a suitable alternative route within the site for Bunbury Public Footpath 16. Thus, whilst there are no objections to the indicative design and matters relating to flooding, drainage and trees, the objections to other environmental considerations outweigh these matters and as such, the scheme is not considered to be environmentally sustainable.

## **Economic Role**

It is accepted that the construction of a housing development of this size would bring the usual economic benefit to the closest shops in Bunbury for the duration of the construction, and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain. There would be some economic and social benefit by virtue of new resident's spending money in the area and using local services. On this basis, it is considered that the proposed development would be economically sustainable.

## **Social Role**

### Affordable Housing

The site falls within the Bunbury sub-area for the purposes of the Strategic Housing Market Assessment update (SHMA) 2013. This identified a net requirement for 18 affordable units per annum for the period 2013/14-2017/18. Broken down this is a requirement for 18x 1 bed and 1x 4+ bed units. The SHMA showed an over-supply of 2 bed units.

In addition to information taken from the SHMA, Cheshire Homechoice shows there are currently 19 applicants who have selected the Bunbury lettings area as their first choice. These applicants require 4 x 1 bed, 12 x 2 bed and 3 x 3 bed units.

There has also been a recent Rural Housing Needs Survey carried out in Bunbury completed in March 2013 which showed there were 27 households in housing need who would consider affordable housing, with the majority of these requiring housing within the next 2 years.

The Interim Planning Statement: Affordable Housing (IPS) states that in areas with a population of less than 3,000 the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 3 dwellings or more than 0.2 hectare in size.

The IPS also states the exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion of affordable housing for any site will normally be 30%, in accordance with the recommendation of the 2010 Strategic Housing Market Assessment. The preferred tenure split for affordable housing identified in the SHMA 2010 was 65% social or affordable rented and 35% intermediate tenure.

The proposal is for 21 dwellings, including 30% affordable dwellings which equates to 6 dwellings which should be provided as 4 affordable or social rent and 2 intermediate. The Council's Strategic Housing Section have confirmed that this is acceptable and as such, the proposal would assist in providing market and affordable housing in this location.

### Residential Amenity

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

The nearest residential properties to the site in question would be the occupiers of the properties to the north at Queen Street and those to the west on Hill Close and those fronting Bunbury Lane. As the application is in outline form, the precise position of the proposed dwellings in relation to neighbouring properties is not yet known nor is the position of windows.

Based on the indicative plan submitted, it has been demonstrated that a layout of 21 dwellings could be accommodated on the site without comprising the spacing standards advised between principal to principal elevations and principal to flanking elevations with the neighbouring properties. The minimum separation distances would be exceeded and as far as can be determined at this stage, would not materially harm the amenity afforded to these neighbouring properties.

The scheme would be capable of providing a sufficient standard of amenity for each dwelling and as such, subject to suitable reserved matters detail, it is considered that the proposed development would adhere with Policy BE.1 of the Local Plan.

### Education

The Council's Education Department have confirmed that the proposed development would generate 4 primary and 3 secondary school places. Forecasts show that the existing primary provision can accommodate the expected primary children and therefore no mitigation is required for primary provision.

With respect to secondary provision, forecasts show that secondary provision cannot accommodate the expected number of secondary children generated by the proposed development without mitigation. On this basis, a contribution for 3 secondary children is required which would amount to £49,028.07.

### Public Open Space

The Council's ANSA Section were consulted on this application but have not responded at the time of report writing. An update will be provided to members on this matter.

### **S106 contributions Levy (CIL) Regulations:**

Policy BE.5 of the Local Plan advises that the Local Planning Authority may impose conditions and/or seek to negotiate with developers to make adequate provision for any access or other infrastructure requirements and/or community facilities, the need for which arises directly as a consequence of that development. It is advised that such provision may include on site facilities, off site facilities or the payment of a commuted sum.

Policy IN1 of the Cheshire East Local Plan Strategy – Submission Version, advises that the Local Planning Authority should work in a co-ordinated manner to secure funding and delivery of physical, social, community, environmental and any other infrastructure required to support development and regeneration.

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

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

The Council's Education Department and ANSA (who deal with greenspaces) have both advised that the proposed development will need to address a shortfall of school places and public open space. Without such, the scheme would result in planning harm and would place undue pressure on local infrastructure. Without such, these would serve as negative impact and are directly and reasonably related to the scale of development.

With respect to affordable housing, the Strategic Housing Manager has confirmed that there is a need for affordable provision in the area. As discussed, this development would go some way in terms of addressing this shortfall by offering all of the units as affordable. This is necessary to help meet an identified need, and is directly and reasonably related to the scale of development.

### **Planning Balance**

Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites and where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development

It is therefore necessary to make a free-standing assessment as to whether the proposal constitutes "sustainable development" in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

In this case, the development would provide market housing and affordable housing to meet an acknowledged shortfall in a relatively sustainable location. The proposal would also have some economic benefits in terms of jobs in construction, spending within the construction industry supply chain and spending by future residents in local shops. There would be no negative impacts relating to trees, highway safety, the existing public right of way and residential amenity.

Balanced against these benefits must be the negative effects that this proposal would have with respect of the loss of a Greenfield site and open countryside and the lack of information to demonstrate that the proposal would not harm species protected by law (Great Crested Newts and reptiles). Together, these negatives all translate to a proposal which is unsustainable in the environmental sense and thus coupled with the conflict with the Banbury Neighbourhood Plan, outweigh the benefits of the scheme.

It is clear that the proposed development conflicts with housing policies within the Plan. Given the context of the existing village and the size and scale of the proposed development coupled with others currently being considered by the Council, it is considered that to allow the development would significantly impact on the settlement as a whole and its planned future development. As a consequence and taking account of the weight that can be attached to the draft NDP, it is considered that the development is sufficient to threaten the plan-making process in Bunbury.

On the basis of the above, it is considered that the proposal represents unsustainable development and paragraph 14 is not engaged and therefore the proposal should be determined in accordance

with the development plan. Notwithstanding this point, even if it were engaged, it is considered that the adverse effects of the scheme significantly and demonstrably outweigh the benefits. Accordingly it is recommended for refusal for the reasons set out below.

## **RECOMMENDATION**

**REFUSE** for the following reason(s):

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies NE2 (Open Countryside) and RES5 (Housing in the Open Countryside) of the Crewe and Nantwich Replacement Local Plan, Policy PG5 of the emerging Cheshire East Local Plan Strategy – Submission Version and the principles of the National Planning Policy Framework which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it creates harm to interests of acknowledged importance.**
- 2. The Local Planning Authority considers that the scale of the proposed development would be premature following the publication consultation draft of the Bunbury Neighbourhood Plan. As such, allowing this development would prejudice the outcome of the neighbourhood plan-making process and would be contrary to guidance contained at Paragraph 216 of the NPPF and guidance contained within the NPPG.**
- 3. Whilst it is acknowledged that there is a presumption in favour of sustainable development in the planning balance, it is considered that the development is unsustainable because of the conflict with the draft Bunbury Neighbourhood plan and because of the unacceptable environmental impacts of the scheme in terms of the lack of information to demonstrate that the proposal would not harm species protected by law (Great Crested Newts and reptiles). These factors significantly and demonstrably outweigh the social and economic benefits of the scheme in terms of its contribution to boosting housing land supply and supporting the local economy. As such the proposal is contrary to Policies NE.5 (Nature Conservation and Habitats), NE.9 (Protected Species), RES.5 (Housing in the Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and Policies SE3 (Biodiversity and Geodiversity) of the Cheshire East Local Plan Strategy – Submission Version and the provisions of the NPPF.**

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

**In order to give proper effect to the Committee`s intentions and without changing the substance of the decision, authority is delegated to the Head of Planning (Regulation), in consultation with the Chair (or in his absence the Vice Chair) of Southern Planning**

**Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice. Should the application be subject to an appeal, the following Heads of Terms should be secured as part of any S106 Agreement:**

- 1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:
  - The numbers, type, tenure and location on the site of the affordable housing provision**
  - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing**
  - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved**
  - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and**
  - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.****
- 2. Financial contribution of £2000 towards local barn owl group to facilitate site habitat creation.**
- 3. Education contribution/s of £49,028.07 towards secondary school provision**
- 4. Public Open Space (TBC)**
- 5. NHS contributions of £20,350**

