

Application No: 16/5637N

Location: LAND ADJACENT TO, Bunbury Medical Practice, VICARAGE LANE, BUNBURY

Proposal: Detailed application for 7 dwellings on land at Vicarage Lane

Applicant: Peckforton Estate

Expiry Date: 21-Mar-2017

## **SUMMARY**

The site is not located within a settlement boundary and is located in the Open Countryside as designated in the 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 Policies NE.2 and RES.5. In this case the development is outside the settlement boundary identified by BNP Policy H1 and the scale of the development complies with BNP Policy H2.

In this instance the proposal is not listed as an appropriate form of development and is not considered capable of being an infill development. As a result, it constitutes a “departure” from the development plan and emerging plan and as such, there is a presumption against the proposal.

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 that 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 consider 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).

The planning dis-benefits are that the proposal would in a loss of open countryside.

However the proposal would bring positive planning benefits such as the provision of market housing, a minor boost to the local economy and on balance is considered to be locationally sustainable given the local services/amenities nearby and given the proximity to the bus stop. Weight also has to be attached to other approvals in the village which have deemed it to be a sustainable location.

Applying the tests within paragraph 14 it is considered that the benefits outweigh the dis-benefits. As such, on balance, it is considered that the development constitutes sustainable development and should therefore be approved.

## **RECOMMENDATION**

**APPROVE**

## **PROPOSAL**

The proposal seeks consent for the erection of 7 dwellings in the form of 4 bungalows/dormer bungalows to the road frontage, 1 pair of semi-detached and 1 detached property. The development would utilise the existing access to Bunbury Medical Centre.

## **SITE DESCRIPTION**

The application site comprises an open field in this open countryside location in between the Medical Centre and The Vicarage. The area consists of residential properties to the north and south and open land to the east and west.

The site itself is predominantly flat but it is raised from the road by approximately 1m and falls outside the site to the east. The access is currently taken of Vicarage Lane.

The boundary treatment consists of a 1m high hedge to the east and west and 1.8m high fence to The Vicarage.

No significant trees are located on the site.

## **RELEVANT HISTORY**

No relevant planning history

## **LOCAL & NATIONAL 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

17 – Core planning principles

47-50 - Wide choice of quality homes

56-68 - Requiring good design

### **Borough of Crewe and Nantwich Local Plan 2011**

Policy BE.1 – Amenity

Policy BE.2 – Design Standards

Policy BE.3 – Access and Parking  
Policy BE.4 – Drainage, Utilities and Resources  
Policy BE.7 – Conservation Areas  
Policy NE.2 – Open Countryside  
Policy NE.5 – Nature Conservation and Habitats  
Policy NE.10 – New Woodland Planting and Landscaping  
Policy RES.2 – Unallocated Housing Sites  
Policy RES.3 – Housing Densities  
Policy RES.5 – Housing in the Open Countryside  
Policy TRAN.9 – Car Parking Standards

### **Cheshire East Local Plan Strategy – Consultation Draft March 2016 (CELP)**

Policy MP1 – Presumption in Favour of Sustainable Development  
Policy PG1 – Overall Development Strategy  
Policy PG2 – Settlement Hierarchy  
Policy SD 1 – Sustainable Development in Cheshire East  
Policy SD 2 – Sustainable Development Principles  
Policy SE 1 – Design  
Policy SE2 – Efficient Use of Land  
Policy SE5 – Trees, Hedgerows and Woodlands  
Policy SE13 – Flood Risk and Water Management  
Policy CS4 – Residential Mix

### **Bunbury Neighbourhood Plan**

The Bunbury Neighbourhood Plan 2015 – 2030 was made on 29<sup>th</sup> March 2016 under 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 and now forms part of the Development Plan for Cheshire East. The relevant Policies in the Neighbourhood Plan are:

H1 – Settlement Boundary  
H2 - Scale of Housing Development  
H3 – Design  
LC1 - Built Environment  
LC2 – Landscape  
ENV3 – Environmental Sustainability of Buildings  
ENV4 – Landscape Quality, Countryside and Open Views  
BIO1 – Biodiversity  
T1 – Public Rights of Way

### **Supplementary Planning Documents (SPD):**

North West Sustainability Checklist

### **CONSULTATIONS**

**Highways (Cheshire East Council):** No objection

**Flood Risk (Cheshire East Council):** No objection subject to drainage conditions

**Housing (Cheshire East):** No objection

**Environmental Protection (Cheshire East Council):** No objection subject to conditions regarding piling, dust, electric vehicle charging, travel pack and contaminated land

**United Utilities:** No objection subject to drainage conditions

**Archaeology:** No objection subject to condition requiring a programme of archaeological work

### **Bunbury Parish Council**

Do not object but make the following comments:

- The PC supports the landscape report
- The PC supports the developer in their mix of housing rather than the mix of housing recommended in the housing report
- The PC would ask Highways to look at the visibility splays from the right for traffic entering vicarage lane from the development

### **REPRESENTATIONS**

Two letters of objection received raising the following points;

- Disruption of access to surgery
- Congestion
- Risk of injury during construction
- Loss of privacy
- Loss of parking to surgery
- Loss of farming land
- Sited too close to the road

### **APPRAISAL**

#### **Principle of development**

The site is located outside the settlement boundary and is within the open countryside as defined by the Local Plan. Within the open countryside Policy NE.2 advises that:

*'All land outside the settlement boundaries defined on the proposals map will be treated as open countryside'*

Within 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.'

In this instance the proposal is not listed as an appropriate form of development. As a result, it constitutes a “departure” from the development plan and emerging plan and as such, there is a presumption against the proposal.

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

## **Bunbury Neighbourhood Plan**

In this case the Bunbury Neighbourhood Plan (BNP) was made on 29<sup>th</sup> March 2016.

Policy H1 states that planning permission will be granted for a minimum of 80 homes in Bunbury between April 2010 and March 2030 with developments focused on sites on sites within or immediately adjacent to the village.

This issue is considered under the spatial distribution section below.

The scale of development is covered under Policy H2 which states that development will be supported provided that it is small scale and in character with the settlement. In terms of greenfield development Policy H2 states that development shall be limited a maximum of 15 houses on any site and that such developments should not be co-located with other new housing developments unless there are demonstrable sustainable benefits of doing so. The glossary to the BNP then goes to elaborate on to define co-location and states that;

*..’Co-location - New housing developments should be built in geographically separate parts of the village, in order that existing local communities and infrastructure are not adversely affected by a combination of new developments. No single area of the village should be subject to a large development that has resulted from smaller developments being built close to or accessed from each other.*

*The separation between developments may be maintained by a significant distance, geographic features or visual segregation or a combination of these elements. A new development should not share an access road with another new development.*

*For the purpose of this co–location definition a small development is one of 15 houses or less and this definition applies to all new houses built within the neighbourhood plan period 2015–2030 (see the glossary definition of new development and Policy H2A).’*

In this case the development would be limited to 7 dwellings. At the time of writing this report there no issue of co-location as part of this development and the matter is a planning judgement to be taken by the decision maker when determining the application.

In this case there is already built form to the north, south and west of the site with a large parcel of land sited to the east which would provide a significant visual buffer to the existing built form of Wyche Lane (103m). This is considered to represent a significant distance to provide a visual segregation between the development site and that to the east.

## **Spatial Distribution**

For Bunbury - there were 21 (net) completions recorded from 1st April 2010 until 31st March 2016. In addition there are the following commitments as at 31st March 2016;

Housing Completions and Losses from 01/04/2010 to 31/03/16																			
	2010-11			2011-12			2012-13			2013-14			2014-15			2015-16			Net Sum
	Gross Comps	Loss	Net Comps	Gross Comps	Loss	Net Comps	Gross Comps	Loss	Net Comps	Gross Comps	Loss	Net Comps	Gross Comps	Loss	Net Comps	Gross Comps	Loss	Net Comps	
Crewe	160	44	116	179	28	151	72	5	67	114	14	100	318	34	284	308	119	189	907
Macclesfield	180	2	178	164	0	164	123	3	120	32	49	-17	102	5	97	155	5	150	692
<b>Principal Towns</b>	<b>340</b>	<b>46</b>	<b>294</b>	<b>343</b>	<b>28</b>	<b>315</b>	<b>195</b>	<b>8</b>	<b>187</b>	<b>146</b>	<b>63</b>	<b>83</b>	<b>420</b>	<b>39</b>	<b>381</b>	<b>463</b>	<b>124</b>	<b>339</b>	<b>1599</b>
Alsager	13	1	12	2	1	1	4	2	2	0	0	0	61	1	60	56	0	56	131
Congleton	81	38	43	176	3	173	63	1	62	110	3	107	159	3	156	100	3	97	638
Handforth	0	0	0	35	42	-7	69	2	67	3	0	3	0	0	0	8	1	7	70
Knutsford	9	4	5	6	1	5	7	2	5	7	4	3	6	1	5	21	11	10	33
Middlewich	20	1	19	57	0	57	7	0	7	104	0	104	58	1	57	158	2	156	400
Nantwich	78	2	76	17	4	13	46	0	46	55	0	55	108	1	107	196	2	194	491
Poynton	3	2	1	2	39	-37	33	0	33	0	1	-1	3	2	1	24	1	23	20
Sandbach	58	3	55	77	2	75	54	0	54	123	1	122	240	0	240	150	3	147	693
Wilmslow	30	13	17	35	7	28	39	7	32	35	5	30	43	73	-30	27	7	20	97
<b>Key Service Centres</b>	<b>292</b>	<b>64</b>	<b>228</b>	<b>407</b>	<b>99</b>	<b>308</b>	<b>322</b>	<b>14</b>	<b>308</b>	<b>437</b>	<b>14</b>	<b>423</b>	<b>678</b>	<b>82</b>	<b>596</b>	<b>740</b>	<b>30</b>	<b>710</b>	<b>2573</b>
Alderley Edge	4	4	0	9	4	5	11	1	10	2	1	1	15	6	9	25	9	16	41
Audlem	1	0	1	0	0	0	1	0	1	49	9	40	10	0	10	1	0	1	53
Bollington	3	0	3	7	1	6	7	0	7	3	0	3	8	3	5	53	0	53	77
Bunbury	7	1	6	2	2	0	2	0	2	12	0	12	1	0	1	0	0	0	21
Chelford	0	0	0	0	0	0	0	0	0	1	1	0	2	0	2	0	0	0	2
Disley	4	0	4	2	1	1	0	0	0	0	20	-20	39	0	39	68	1	67	91
Goostrey	0	0	0	0	1	-1	5	0	5	0	0	0	0	0	0	2	1	1	5
Haslington	2	0	2	2	1	1	1	0	1	1	0	1	5	1	4	27	0	27	36
Holmes Chapel	1	1	0	63	1	62	2	0	2	15	0	15	64	0	64	43	0	43	186
Mobberley	7	1	6	2	0	2	0	2	-2	1	3	-2	1	0	1	1	0	1	6
Prestbury	10	3	7	6	4	2	2	0	2	5	8	-3	1	3	-2	15	3	12	18
Shavington	1	0	1	1	0	1	1	41	-40	14	0	14	5	0	5	36	0	36	17
Wrenbury	0	0	0	0	0	0	24	12	12	1	0	1	1	0	1	1	0	1	15
<b>Local Service Centres</b>	<b>40</b>	<b>10</b>	<b>30</b>	<b>94</b>	<b>15</b>	<b>79</b>	<b>56</b>	<b>56</b>	<b>0</b>	<b>104</b>	<b>42</b>	<b>62</b>	<b>152</b>	<b>13</b>	<b>139</b>	<b>272</b>	<b>14</b>	<b>258</b>	<b>568</b>
Villages and Rural	133	26	107	90	14	76	137	18	119	161	16	145	134	14	120	188	22	166	733
<b>Totals</b>	<b>805</b>	<b>146</b>	<b>659</b>	<b>934</b>	<b>156</b>	<b>778</b>	<b>710</b>	<b>96</b>	<b>614</b>	<b>848</b>	<b>135</b>	<b>713</b>	<b>1384</b>	<b>148</b>	<b>1236</b>	<b>1663</b>	<b>190</b>	<b>1473</b>	<b>5473</b>

The Council is currently in the process of completing an update to the completions / commitments to cover the period up to / as at 31st March 2017. There hasn't been that much movement (if any) for Bunbury, with no more completions having been recorded. Similarly in terms of commitments, the updated position is no different to that shown above (nothing new approved / expired). It should be noted that since 31<sup>st</sup> March 2016 the Council has issued a decision for application 14/3167N (14 dwellings) at The Grange, Wyche Lane, 16/6208N (one detached house), 16/2372N (x2 dwellings) at Bunbury Heath). There is also a resolution to approve application 15/1666N (11 dwellings) at land off Bowes Gate Road and 15/5783N (x15 dwellings) off Hill Close.

As a result this proposed development would go towards meeting the housing needs set out in the BNP under policy H1.

## Housing Land Supply

On 13 December 2016 Inspector Stephen Pratt published a note which sets out his views on the further modifications needed to the Cheshire East Local Plan Strategy. This note follows 6 weeks of Examination hearings concluding on 20 October 2016.

This note confirms that his previous endorsement for the core policies on the plan still stand and that *"no new evidence or information has been presented to the examination which is sufficient to outweigh or alter my initial conclusions"*. This signals his agreement with central issues such as the 'Duty to Cooperate', the overall development strategy, the scale of housing and employment land, green belt policy, settlement hierarchy and distribution of development.

The Inspector goes on to support the Council's approach to the allocation of development sites and of addressing housing supply. He commented that the Council:

*“seems to have undertaken a comprehensive assessment of housing land supply, and established a realistic and deliverable means of meeting the objectively assessed housing need and addressing previous shortfalls in provision, including assessing the deliverability and viability of the proposed site allocations”*

The Inspector went on to state that the development strategy for the main towns, villages and rural areas appeared to be *“appropriate, justified, effective, deliverable and soundly based.”* As a consequence there was no need to consider other possible development sites at this stage.

The Inspector’s recommendations on Main Modifications mean that under paragraph 216 of the Framework the emerging policies of the Cheshire East Local Plan Strategy can be attributed a greater degree of weight – as the Plan as revised is at an enhanced stage, objections are substantially resolved and policies are compliant with National advice.

The Inspector’s recommendations on housing land supply, his support for the Cheshire East approach to meeting past shortfalls (Sedgepool 8) indicate that a remedy is at hand to housing supply problems. The Council still cannot demonstrate a 5 year supply of housing at this time but it will be able to on the adoption of the Local Plan Strategy. This is highly relevant to the assessment of weight given to housing supply policies which are deemed out of date by the absence of a 5 year supply. Following the Court of Appeal decision on the Richborough case, the weight of an out of date policy is a matter for the decision maker and could be influenced by the extent of the shortfall, the action being taken to address it and the purpose of the particular policy.

Given the solution to housing supply now at hand, correspondingly more weight can be attributed to these out of date policies. In addition given the progression of emerging policies towards adoption greater weight can now be given to those emerging policies. The scale of the development may also be a factor that should be weighed in the overall planning balance as to the degree of harm experienced.

Attention is also drawn to a recent appeal decision regarding a site in Cheshire East ref APP/R0660/W/16/3156959 where the inspector gave a view on the status of the Councils Merging Local Plan

*“This plan is now at an advanced stage of preparation, with the consultation on the main modifications having started on 6 February 2017. It was indicated that apart from a minor modification to the wording of the supporting text, the Local Plan Inspector has not suggested any modifications to this policy. As such, it is proposed that it would be adopted in its current format. In the light of this, and in accordance with paragraph 216 of the National Planning Policy Framework (the Framework), I consider that substantial weight can be given to this policy”*

## **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”*

The NPPF determines that sustainable development includes 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**

### Locational Sustainability

To aid this assessment, there is a toolkit which was developed by the former North West Development Agency. With respect to accessibility, the toolkit advises on the desired distances to local amenities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

Accessibility is a key factor of sustainability that can be measured. One methodology for the assessment of walking distance is that of the North West Sustainability Checklist, backed by the Department for Communities and Local Government (DCLG) and World Wide Fund for Nature (WWF). The Checklist has been specifically designed for this region and can be used by both developers and architects to review good practice and demonstrate the sustainability performance of their proposed developments. Planners can also use it to assess a planning application and, through forward planning, compare the sustainability of different development site options.

The criteria contained within the North West Sustainability Checklist are also being used during the Sustainability Appraisal of the Cheshire East Local Plan. With respect to accessibility, the toolkit advises on the desired distances to local facilities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the

development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

- post box (500m) – 232m
- local shop (500m) – co-op store 450m
- playground / amenity area (500m) – jubilee fields 277m
- post office (1000m), bank / cash point (1000m) – Post Office 232m
- pharmacy (1000m) – in Tarporley 4 miles
- primary school (1000m) – 391m
- medical centre (1000m) – next door
- local meeting place / community centre (1000m) – village hall 210m
- public house (1000m) – 210m & 268m
- public park / village green (1000m) – 210m
- child care facility (1000m) – early birds playgroup 210m
- bus stop (500m) – 214m
- railway station (2000m) - Nantwich 10.5 km
- secondary school (2000m) – Tarporley 4 miles
- Public Right of Way (500m) – immediate and surrounding
- Children’s playground (500m) – at jubilee fields 277m

Based on the above figures the proposal meets the majority of the elements identified and is sited near to a bus stop with Bus No.56 stopping at Nantwich on Thursdays and Saturdays only and bus No.83 stopping at Nantwich and Chester on Tuesdays only. Whilst the number of buses servicing the site is limited, occupants would be able to use the above local services within the village.

It is also noted that other housing developments have been granted permission within the village which is classified as a local service centre. Therefore it would be difficult to refuse planning permission on this basis.

Notwithstanding the above, Inspectors have determined that locational accessibility is but one element of sustainable development and it is not synonymous with it.

### **Open Countryside**

The proposal would result in the loss of land forming part of the open countryside as per the Crewe and Nantwich Local Plan.

However it is considered that the proposal would be viewed as forming a natural extension to the village settlement boundary to the south which would limit the actual visual impact.

However notwithstanding the actual visual impact, the proposal would result in the loss of open countryside which weighs against the proposal.

### **Landscape**

The site comprises a parcel of grassland to the east of Vicarage Lane. The Vicarage lies to the north, the Medical Centre to the south, both separated from the site by fences. There is agricultural land to the east separated by an established hedge, agricultural land to the north with an unmarked

boundary and to the west there is a young hedge with a post and rail fence separating the site from the road.

From the access road and medical centre, there are views across the site to St Boniface's Church and the Conservation Area. The site is also visible from other public viewpoints, including further north on the road and from a public footpath running south east of the site between Wyche Road and Wyche Lane.

Previous concerns were raised from the Councils Landscape officer that although the site has capacity to accommodate some form of development public views to the church and conservation area would be impacted. Concerns were also raised regarding the need to ensure that existing boundary hedges are retained and protected, that the north eastern boundary (rear units 11 and 12) is softened by further hedge planting, the garden areas for Units 1, 2 and 3 were considered inadequate in size and required a greater separation from the road.

The plans have since been amended by reducing the number of units from 12 to 7, siting plots 1-4 further away from the road by approximately 22m and moving the plots further away from the northern and eastern boundaries with an increase in boundary treatment to the eastern boundary, which along with conditions requiring the protection of the roadside hedge, would appear to overcome the concerns raised.

## **Trees**

Policy NE.5 advises that the LPA will protect, conserve and enhance the natural conservation resource.

There are no trees on the site, therefore it is not considered to pose any threat to existing trees on site. However the proposal is considered an opportunity to provide some additional planting to soften the visual impact of the development which can be addressed by condition.

## **Design/Conservation Area**

Following concerns from the case officer that the proposal would be too prominent and harmful to the Conservation Area given the proximity to the road and not reflective the existing urban grain, the plans have been amended by reducing the number of units from 12 to 7, siting plots 1-4 further away from the road by approximately 22m and moving the plots further away from the northern and eastern boundaries with an increase in boundary treatment to the eastern boundary.

As a result the proposals would ensure that a substantial gap would remain to the Vicarage Road frontage with properties being set behind the front build line of the nearest property (The Vicarage) which would not only prevent the proposals from being prominent in the street scene but also ensures that the area between the properties and the road would be free from built form and ensure that views are retained from north-to south through the Conservation Area.

The reduction in property numbers now means that the proposal would be just two properties deep and would reflect the density of the village settlement. Whilst the proposal would be sited just outside of the settlement boundary it would sit directly to the east of the edge of the settlement and would have built form to the north and south and would therefore be viewed in the context of the village rather than stand alone development.

It is noted that to ensure that parking does not occur to the road frontage, that the rear elevations face Vicarage Lane with the front elevations facing the rear of the site. Given the design of the properties which seeks to incorporate locally distinctive features and the significant distance from the road, it is not considered that the rear elevations facing the road frontage would cause significant visual harm.

Property dimensions, heights and plot ratios would also be comparable to those noted to the south in the main village settlement.

In design terms, the proposals incorporate locally distinctive features such as use of dormer windows, piers, timber detailing and other features under the fascia and above the windows. The materials of red brick and tiled roofs would also match the materials noted locally.

The proposal involves utilising a mix of property types from bungalows, dormer bungalows, detached and semi-detached properties. This mix reflects the mix of property types noted in the village.

As a result it is not considered that the proposal would cause significant harm to the character/appearance of the area.

### **Highway Safety**

Policy BE.3 requires proposals to provide safe access and egress and adequate off-street parking and manoeuvring.

The proposal has been assessed by the Councils Highways Engineer who is satisfied that the shared access with Bunbury Medical Practice, is considered to be suitable for the proposed use. There is sufficient space within the site for off-street parking provision to be in accordance with CEC's parking standards; and the commuter peak hour and daily traffic generation associated with 7 dwellings, would not be expected to have a material impact on highway safety or the operation of the adjacent or wider highway network.

As a result it is not considered that the proposal would pose any significant harm to the existing highway network.

### **Flood Risk and Drainage**

The application site does not fall within a Flood Risk Zone 2 or 3 and is not of a scale that triggers the requirement of a Flood Risk Assessment (FRA) to accompany the application.

United Utilities and the Councils Flood Risk Team have been consulted as part of the application and have not raised any objection subject to conditions regarding site drainage.

Subject to the above conditions it is not considered that the proposal would result in any concerns from a flood risk perspective.

### **Ecology**

An Ecological Appraisal has been provided which has been assessed by the Councils Ecologist who has advised of a number of concerns regarding the positions of the 'habitat pile for hedgehogs' and the 'reptile hibernaculum' in the gardens of units 11 and 12, the 'grass cutting heap' and 'habitat pile for hedgehogs' in the open space being cut off from the open countryside and the incorporation of semi-natural habitat corridors into the layout.

The Councils Ecologist has suggested that a part of the site be excluded from the development proposals and given over to habitat creation and the provision of the recommended ecological mitigation.

As a result the plans have been amended to include a habitat buffer, outside of the application site to the north-western boundary which appears to have addressed the concerns raised.

Therefore subject to the above conditions it is not considered that the proposal would pose any significant concerns from an ecology perspective.

### **Environmental Conclusion**

On balance the proposed development is considered to constitute sustainable development from a locational perspective with a neutral impact in terms of trees, ecology, design, flooding and drainage, subject to conditions where necessary.

As such, it is considered that the proposed development would be environmentally sustainable.

### **Economic Role**

It is accepted that the construction of a housing development would bring the usual economic benefits to the closest public facilities in the closest villages 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.

### **Agricultural Land Quality**

Policy NE.12 of the Local Plan states that development on the best and most versatile agricultural land (Grades 1, 2 and 3A) will not be permitted unless:

- The need for the development is supported by the Local Plan
- It can be demonstrated that the development proposed cannot be accommodated on land of lower agricultural quality, derelict or non-agricultural land
- Other sustainability considerations suggest that the use of higher quality land is preferable

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

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.

### **Affordable Housing**

The original scheme sought 12 dwellings which required 4 affordable units to be provided.

However following various concerns from the case officer regarding the density of the development, impact on the neighbouring property and the Conservation Area, the proposal has been reduced to just 7 dwellings.

As a result the proposal is now under the threshold set within the NPPG and does not require any affordable housing contribution.

### **Social Role**

The provision of market dwellings would be a social benefit and would go some way to address the national housing shortage.

### **Residential Amenity**

Policy BE.1 advises that development should not prejudice the amenity of occupiers or future occupiers of adjacent properties by reason of overshadowing, overlooking, visual intrusion, noise and disturbance, odour or in any other way.

Policy BE.2 requires a high standard of design, which respects the character and form of its surroundings.

Council SPG – Development on Backland and Gardens, advises as a general indication, there should ideally be a distance of 21m between principal elevations, 13.5 m between a principal elevation with windows to habitable rooms and blank elevation to prevent harm through overlooking/loss of privacy.

The main residential properties affected by this development are properties to the north (The Vicarage), south (Exchange House) and West (Foxdale).

Plot 4 would be sited 4m to the side elevation of the Vicarage serving secondary side facing windows, with the main windows for these rooms being sited on the front and rear elevations. The plot has been positioned so that it would be sited between the side and rear facing windows of The Vicarage meaning that outlook would remain to the right hand side of the side facing windows and the left hand side of the rear facing windows which would prevent significant harm through overbearing/oppressive impact. No side facing windows are proposed which would prevent any harm through overlooking/loss of privacy.

Plot 5 would be sited 5m from the side/rear boundary of the Vicarage with the garage sited 0.3m from the side boundary. Given the separation distance to the boundary and the single storey nature of the garage and viewing against the boundary treatment, it is not considered that plot 5 would cause any significant harm through overbearing/oppressive impact. Whilst plot 5 would have the

front elevation windows facing The Vicarage, they would provide a 38m interface to the rear elevation of this property and would not result in direct overlooking of the rear garden area.

Plot 1 would be sited 53m to the side elevation of Exchange House. This distance is considered to be sufficient to prevent significant harm to living conditions.

Plot 1 would be sited 47m to the side/rear elevation of Foxdale. This distance is considered to be sufficient to prevent significant harm to living conditions.

As a result it is not considered that the proposal would cause significant harm to the living conditions of the occupiers of neighbouring properties.

### **Public Rights of Way**

No Public Rights of Way would be affected by this development.

### **Other matters**

Public safety during construction would be dealt with by legislation separate from planning and would not be a reason to refuse planning permission.

### **Planning Balance**

The site is not located within a settlement boundary and is located in the Open Countryside as designated in the 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 Policies NE.2 and RES.5. In this case the development is outside the settlement boundary identified by BNP Policy H1 and the scale of the development complies with BNP Policy H2.

In this instance the proposal is not listed as an appropriate form of development and although it would provide 2 dwellings it considered capable of being an infill development. As a result, it constitutes a “departure” from the development plan and emerging plan and as such, there is a presumption against the proposal.

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 that 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 consider 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).

The planning dis-benefits are that the proposal would cause visual harm to the open countryside.

However the proposal would bring positive planning benefits such as the provision of market housing, a minor boost to the local economy and on balance is considered to be locationally sustainable given the local services/amenities nearby and given the proximity to the bus stop. Weight also has to be attached to other approvals in the village which have deemed it to be a sustainable location.

Applying the tests within paragraph 14 it is considered that the benefits outweigh the dis-benefits. As such, on balance, it is considered that the development constitutes sustainable development and should therefore be approved.

## **RECOMMENDATION**

### **Approve subject to conditions**

**And the following conditions:**

- 1. Time limit**
- 2. Approved Plans**
- 3. Materials to be submitted and approved**
- 4. Removal of permitted development rights**
- 5. Levels to be submitted and approved**
- 6. Foul and surface water drainage strategy**
- 7. Piling details to be submitted and approved**
- 8. Electric vehicle charging**
- 9. Dust mitigation measures to be submitted and approved**
- 10. Travel information pack to be submitted and approved**
- 11. Contaminated land to be submitted and approved**
- 12. Hard and soft landscape to be submitted and approved**
- 13. Landscaping implementation**
- 14. Boundary treatment to be submitted and approved**
- 15. Retention of the existing hedges with a protection scheme during the course of development.**

**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 her 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.**

