

Application No: 17/6363N

Location: Land South of Sandfield House, STATION ROAD, WRENBURY, CW5 8EX

Proposal: Proposed construction of 45 dwelling houses, access, open space and associated infrastructure

Applicant: Mrs Louise Davies, Sovini Homes Ltd

Expiry Date: 08-Feb-2019

## **SUMMARY**

On 27th July 2017 the Council adopted the Cheshire East Local Plan Strategy therefore the Council have demonstrated that they have a 5 year supply of deliverable housing sites.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. This is the test that legislation prescribes should be employed on planning decision making. The 'presumption in favour of sustainable development' at paragraph 11 of the NPPF means: "approving development proposals that accord with an up to date development plan without delay"

The proposal would be contrary to Policy PG6 of the CELPS and RES5 of the Crewe and Nantwich Local Plan as it is not listed as an appropriate form of development in the open countryside and therefore represents a departure from the adopted Local Plan.

The benefits of the proposal would be the provision of open market housing and affordable housing (although below standard), POS and the limited economic benefits during construction.

The development would have a neutral impact upon, flooding, air quality and contaminated land, and the loss of Agricultural Land.

The dis-benefits would be the loss of open countryside/landscape harm, ecology, trees, and impact on living conditions of the existing and future occupiers of the area.

Whilst it is acknowledged that the site has 2 extant outline permissions, for the same number of units, 45 no dwellings, it is considered that on balance, this full application deviates away from the layout proposed indicatively and has led to an overly car dominant scheme which appears overly dense, as a consequence the development

does not relate well to the existing settlement or its landscape context, has below standard amenity issues and has a negative impact on protected trees, the proposal would therefore lead to a character and quality of development that does not meet the necessary quality standard for the area.

The proposed development is contrary to the Development Plan, and there are no material considerations to indicate otherwise and is therefore recommended for refusal.

## **RECOMMENDATION**

**REFUSE**

## **PROPOSAL**

The proposal seeks full planning permission for the erection of 45 dwellings on land off Station Road, Wrenbury, with associated access, open space and associated infrastructure.

## **SITE DESCRIPTION**

The proposal site is situated on the edge of the Wrenbury settlement boundary, within the open countryside with the River Weaver to the south of the application site, however is wholly within the Open Countryside.

Proposal site is two rectangular pieces of land surrounded by trees to the south, garages to the west, and residential properties to the north.

There area group of TPO trees on the boundary frontage of the site with Sandfield House.

## **RELEVANT HISTORY**

18/3056N – Reserved Matters approval for the appearance, landscaping, layout and the layout of footpaths and associated works following approval 14/5260N - Outline application for residential development of up to 18 dwellings to include means of access – Not determined

16/0953N – Erection of 27 dwellings and associated infrastructure. – Approved subject to a legal agreement 27<sup>th</sup> September 2016

14/5260N - Residential development of up to 18 dwellings to include means of access – Refused 25<sup>th</sup> February 2015, allowed at appeal 23<sup>rd</sup> June 2015

## **ADOPTED PLANNING POLICY**

### **Development Plan**

*Cheshire East Local Plan Strategy (CELPS);*

MP1 – Presumption in Favour of Sustainable Development

SD1 – Sustainable Development in Cheshire East

SD2 – Sustainable Development Principles  
SE1 – Design  
SE2 – Efficient Use of Land  
SE3 – Biodiversity and Geodiversity  
SE4 – The Landscape  
SE5 – Trees, Hedgerows and Woodland  
SE6 – Green Infrastructure  
SE7 – The Historic Environment  
SE9 – Energy Efficient Development,  
SE12 – Pollution, Land Contamination and Land Instability  
SE13 – Flood Risk and Water Management  
PG1 – Overall Development Strategy  
PG2 – Settlement Hierarchy  
PG6 – Open Countryside  
PG7 – Spatial Distribution  
SC4 – Residential Mix  
IN2 – Developer Contributions  
CO1 – Sustainable Travel and Transport  
CO4 – Travel Plans and Transport Assessments  
SC5 – Affordable Homes  
IN1 – Infrastructure  
IN2 – Developer Contributions

*Saved policies of the Crewe and Nantwich Local Plan 2011 (CNLP);*

NE.5 (Nature Conservation and Habitats)  
NE.8 (Sites of Local Importance for Nature Conservation)  
NE.9 (Protected Species)  
NE.20 (Flood Prevention)  
BE.1 (Amenity)  
BE.3 (Access and Parking)  
BE.4 (Drainage, Utilities and Resources)  
BE.6 (Development on Potentially Contaminated Land)  
RES.5 (Housing in the Open Countryside)  
RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)  
TRAN.3 (Pedestrians)  
TRAN.5 (Cycling)

Development on Backland and Gardens SPD (2008)

**Wrenbury Neighbourhood Plan (WNP) (Regulation 18 – referendum due to be held on the 31<sup>st</sup> January 2019)**

HOU1 – Housing Allocation  
HOU2 – Location of new residential development  
HOU3 – Housing mix and Type  
LC1 – Character and Design  
LC2 – Landscape Character  
LC3 – Natural Environment and Biodiversity

TR2 – Sustainable Transport  
TR3 – Vehicular access to the through the Parish  
INF1 – Broadband and Telecommunications  
INF2 – Renewable Energy

### **National Planning Policy Framework (NPPF)**

The relevant paragraphs include;

11. Presumption in favour of sustainable development.  
59. Delivering a Sufficient Supply of Homes  
124-132. Achieving well-designed places

### **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  
National Planning Practice Guidance

### **CONSULTATIONS**

**CEC Head of Strategic Infrastructure (Highways)** – No objection subject to condition and informative.

**CEC Environmental Protection** – No objections, subject to a number of conditions/informatives including; piling, dust, environmental management plan, travel information pack, electric vehicle charging points, dust control, low emission boilers and contaminated land.

**CEC Flood Risk** – No objection in principle, subject to conditions for disposal of surface water and regulated discharge, detailed calculation of rainfall and all habitable structures are constructed within flood risk zone 1.

**CEC Education** – No objection subject to developer contribution of £159,899.00.

**CEC Open Space (ANSA)** – Objection regarding usability of the proposed open space, and require contribution for Outdoor Sports of £45,000 towards Wrenbury Recreational Ground.

**CEC Housing** – Object, requirement for 9 units of affordable/social rent, and 5 units for intermediate tenure, 14 dwellings in total, only 13 shown on plan. .

**Environment Agency** – No objection in principle.

**United Utilities** – No objections subject to conditions regarding foul and surface water drainage and surface water drainage scheme.

**Wrenbury-cum-Frith Parish Council [17<sup>th</sup> August 2018]** – Following the submission of the revised plans and on the receipt of further information, the Wrenbury-cum-Frith Parish Council would like to submit an objection on the following grounds –

There is concern about the proximity of the properties to Sandfield House and the potential adverse effect on the trees which are subject to a Tree Preservation Order, indeed the plans show that these trees will overhang the majority of the rear gardens and are almost touching the houses. Clearly any occupiers of these houses will seek to undertake works to these trees therefore there is concern about damage to the health and aesthetic qualities of these trees. There may also be damage to these trees during the construction phase.

The Council would also challenge that these trees are Category B according to the applicant's tree survey as an independent expert has advised that they are in very good condition and thus we consider they should be identified as Category A. The Council would recommend that the Borough Council's Arboriculturist considers the impact of the development on these trees.

Having these houses so close to the boundary will have an adverse effect on the privacy for the residents of Sandfield House and the enjoyment of the garden. In addition, there is not enough room to enable standard permitted development rights on these houses.

One of the conditions of the outline approval was an area of open space in Phase 1, however, this has been included in Phase 2.

The design and layout of the houses is not in keeping with the design guide as set out in the emerging Wrenbury-cum-Frith Neighbourhood Plan. By having the two houses so close the Station Road will have a detrimental effect on the street scene as it brings the building line forward on Station Road compared to any other part of Station Road.

There is concern about the narrow width of the road particularly as it bends to move into Phase 2 and questions whether this will provide the necessary visibility splays, although the requirement for two footpaths at this point is questioned.

This application has reduced the visibility from Nos 30 and 32 Oakfield Avenue compared to the previous plans.

The Council also notes that the revised plans include an increase in the number of dwellings as it appears that the gardens are being made smaller to 'cram in more housing', to the detriment of the street scene.

The Parish Council recommends that this application be refused.

## **REPRESENTATIONS**

Letters of objection have been received from 9 households. The main issues raised are;

- Impact on the River Weaver
- Impact on Flood Risk – development is within the Flood Risk Zones 2 and 3
- Erosion of banks of the river may impact on the usability of the rear gardens
- Concerns over terracing garden features
- Light Pollution
- Impact on neighbouring amenity, construction noise, visual intrusion, overlooking, and impact on astronomy

- Out of keeping with the village
- Full application should be assessed on its own merits and refused as unacceptable residential development in the open countryside,
- Impact protected trees
- Houses on frontage, out of keeping with the streetscene
- Raise concerns over cost of open space on Cheshire East Council
- Impact on drainage in the area
- Impact on schools, local school already full
- Impact on protected species/wildlife
- Proposed planting is wrong species for the area
- Housing mix does not achieve that set out in the NP
- Houses not needed, Bovis site is struggling to sell
- The full application should have included the details required as part of the reserved matters applications

## **OFFICER APPRAISAL**

### **Principle of Development**

The site lies within the Open Countryside as designated by the Adopted Cheshire East Local Plan, where policy PG6 states that within the Open Countryside only development that is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Exceptions may be made where there is the opportunity for limited infilling in villages; the infill of a small gap with one or two dwellings in an otherwise built up frontage elsewhere, affordable housing or where the dwelling is exceptional in design and sustainable development terms.

The proposed development would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside. As a result, it constitutes a “departure” from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined “*in accordance with the plan unless material considerations indicate otherwise*”.

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

### **Planning History**

The principle of residential development on site has already been accepted at outline application stage which is a material consideration of this development. The site was split into two outline applications, the first approved at appeal 14/5260N for 18 dwellings and 16/0953N approved for 27 dwellings. This application is a full application for 45 dwellings; however the red edge of the site is larger than the previous indicative outlines. Both outline applications are extant and therefore this is a significant material consideration in the determination of this development. Furthermore, the site is shown as a commitment in the draft Wrenbury Neighbourhood Plan (WRP). It is therefore considered that the principle of residential development on the site has previously been accepted.

### **Housing Land Supply**

On 27th July 2017 the Council adopted the Cheshire East Local Plan Strategy. Accordingly the Cheshire East Local Plan Strategy forms part of the statutory development plan.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. This is the test that legislation prescribes should be employed on planning decision making. The 'presumption in favour of sustainable development' at paragraph 11 of the NPPF means: "approving development proposals that accord with an up to date development plan without delay"

The Cheshire East Local Plan Strategy is a recently adopted plan. Upon adoption, the Examining Inspector concluded that the Local Plan would produce a five year supply of housing land, stating that "I am satisfied that CEC has undertaken a robust, comprehensive and proportionate assessment of the delivery of its housing land supply, which confirms a future 5-year supply of around 5.3 years".

The Cheshire East Local Plan Strategy (LPS) was adopted after a lengthy examination and was produced through engagement with stakeholders who have an impact upon housing delivery. The adopted plan incorporated the recommendations of the Secretary of State. In accordance with paragraph 74 of the NPPF and footnote 38, the LPS should be considered 'recently adopted' until 31 October 2018 and full weight should therefore be given to the findings of the Inspector in confirming that the Local Plan would produce a five year supply of housing land.

The Council continues to monitor housing delivery and housing land supply, publishing its annual assessment through the Housing Monitoring Update. This report provides information on the delivery of sites and the supply of housing land to an annual base date of the 31 March. The most recent Housing Monitoring Update (base date 31 March 2017) was re-published in December 2017 and this confirmed a housing land supply of 5.45 years. The Housing Monitoring Update (base date 31 March 2018) is currently being produced and this is likely to show a continued positive direction of travel in relation to completions and commitments since the previous annual assessment.

The Council's published housing land supply position has been subject to thorough scrutiny at a number of planning appeals since the LPS was adopted. The most recent of these to report involved an appeal by Gladman Developments for 46 homes at New Road Wrenbury. Here the Council's housing land supply assessment was fully updated, looking afresh at the latest position on key sites and the housing sector generally. This appeal was dismissed on the 10th April 2018 with the Inspector finding that the Council could demonstrate a deliverable 5 year housing land supply.

In the light of the above, relevant policies for the supply of housing should be considered up-to-date – and so consequently the 'tilted balance' of paragraph 11 of the NPPF is not engaged.

## **Housing Mix**

Paragraph 61 of the Framework states that 'the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes'.

Policy SC4 of the Local Plan requires that developments provide an appropriate mix of housing (however this does not specify a mix). This is echoed within the draft WNP Policies HOU3 (Housing Mix and Type) which states new homes in developments of 10 or more should be limited to one-third detached properties (unless up – to date evidence or other material considerations for a different mix are accepted), with the remainder (both affordable and market dwellings) provided for smaller homes, bungalows, apartments, terraced or semi-detached and provide for changing needs of an ageing population.

The amended plans indicate a generally good mix of dwellings proposed, with 6 bungalows, 25no semi-detached properties, and 14no two storey detached properties. The mix includes 2, 3 and 4 bed properties, 13no of which are proposed to be affordable units. The proposed 14no detached two storey dwellings, which equates to one third of the development, with the rest made up of bungalows, and largely semi-detached properties. This appears to be a mix in line with the draft WNP policy HOU3. However the provision of affordable housing is below the 30% requirement by 1 unit.

### **Affordable Housing**

The Cheshire East Local Plan (CELP) and the Councils Interim Planning Statement: Affordable Housing (IPS) state in in Local Service Centres and all other locations, we 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 11 dwellings or more or larger than a combined Floor space of 1000sqm's in size. The desired target percentage for affordable housing for all allocated sites will be a minimum of 30%, in accordance with the recommendations of the Strategic Housing Market Assessment carried out in 2013. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

This is a proposed development of 45 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 14 dwellings to be provided as affordable dwellings – [30% of 45 = 13.5 requirement. Rounded up to 14].

The SHMA shows a net requirement for 20 affordable units per annum, up to and including 2018, in the Sub Area of Wrenbury. This is broken down to 15 x 2 bedroom and 12 x 4 bedroom General Needs dwellings. The SHMA is also showing a need for 2 x 1 bedroom Older Person's dwellings. These can be via flats, bungalows, cottage style flats or Lifetime standard homes.

The current number of those on the Cheshire Homechoice waiting list with Wrenbury as their first choice is 33. This can be broken down to 12 x 1 bedroom, 12 x 2 bedroom, and 9 x 3 bedroom.

9 units should be for Affordable/Social Rent and 5 units for Intermediate Tenure. There is need for one, two and three bed affordable units.

The Affordable Housing IPS and CELP requires that the affordable units should be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration and also that the affordable housing should be provided no later than occupation of 50% of the open market dwellings



The Strategic Housing Team prefer that the Affordable Housing meets the HCA's housing quality indicator (HQI) standards.

The Strategic Housing Teams preference is that the affordable housing is secured by way of a S106 agreement, which: -

- requires them to transfer any rented affordable units to a Registered Provider
- provide details of when the affordable housing is required
- includes provisions that require the affordable homes to be let or sold to people who are in housing need and have a local connection. The local connection criteria used in the agreement should match the Councils allocations policy.
- includes the requirement for an affordable housing scheme to be submitted prior to commencement of the development that includes full details of the affordable housing on site.

The proposed layout shows provision for 13 affordable units, 9 for affordable rent and 4 for intermediate tenure, this is 1 unit below the requirement.

The proposal therefore provides an insufficient level of affordable housing provision and is therefore a further reason for refusal.

## **Open Space**

The main area of public open space is located in the centre on the south side of the site where the site falls away towards the River Weaver, however the amended plans now show a further area of POS has been provided at the entrance to the development that addresses the previous shortfall.

With regards to the main area of POS, issues raised previously have not been addressed. The detention basins and changes in levels make this space restricted in terms of play. The DAS 6.4 goes on to state "close proximity of surrounding dwellings provides security of all POS areas however, Plots 20 and 21 offered little natural surveillance over the POS but did previously have one side window facing onto the area. These have now been replaced with bungalows (amended numbers now 22 and 23) which have no windows overlooking the POS.

In addition to this, the area is still highly planted with trees and shrubs with a change in levels from entering to the lowest accessible point a drop of 3m making this area quite secluded. Drawing no.17 158 SP04-3 Rev B appears to show a double gate (although not on any key) into the main POS. Although this keeps dogs out, POS should never be designed with one entrance/exit reason being if a member of the public enters and is followed by an undesirable there is a potential to be trapped. A gate would further hinder the escape route.

These points coupled with there being little to attract families may make this area attractive for anti-social behaviour with a potential to cause nuisance for the adjacent residents.

The Greenspace officer noted that however, should the committee deem this application acceptable, it is requested that further thought to attract more families is considered with attention to reducing some of the planting to give it a more open feel. It is also noted that a number of trees are to be felled on site which maybe able to be recycled and carved into tactile artwork for added value giving the area a bespoke sense of place. Wrenbury Parish has a wide range of flora and fauna. 20% of the birds on the RSPB "Red List" are known to feed in the area. Wrenbury Parish is within the designated Meres and Mosses area Landscape Partnership Scheme. Over 2,000 species of flora and fauna have been

recorded within 5km of the village centre (Draft Wrenbury NP). It is for this reason, the Greenspaces officer suggests the theme of local flora and fauna is used for any artwork.

The Proposed Landscape Layout, Dwg. 17-158-SP04-3 Rev B shows the path meandering down to the lowest point which appears grassed. This is not acceptable. An inclusive path should be a permeable resin bound gravel to encourage maximum use, to allow free drainage and to avoid muddy unusable unsightly areas. This has not been addressed in the revisions.

The key indicates a wildflower meadow however this is not translated onto the plan so is unclear if it exists, and has not been addressed. It is often considered wildflower meadow the easier and cheaper option of maintenance however this is not the case, it requires careful specific management/maintenance for it to thrive.

There is a triangular shape within a tree on the west side of the path which is not shown on the key.

A condition could be attached for the open space to be formalised through an amended Landscape condition, and a detailed maintenance and management plan should also be submitted; however it is clear that the amended scheme has not addressed the issues previously raised by the Greenspaces Officer in this regard.

### *Outdoor Sport*

Policy SC2 – 3, states that major residential developments contribute, through land assembly and/or financial contributions, to new or improved sports facilities where development will increase demand and/or there is a recognised shortage in the locality that would be exacerbated by the increase in demand arising from the development.

The Play Pitch Strategy states there are various issues with the different sports played at Wrenbury Recreation Ground ranging from poor quality of pitches to sub standard changing facilities. This is classed as a local site with football capacity issues. Improvements to pitch quality and changing facilities are suggested through the PPS. Therefore a financial contribution of £1,000 per family dwelling or £500 per 2 bed space (or more) per apartment for off-site provision is sought. (NB. This figure may alter following the adoption of CEC SPG.)

Therefore a contribution is sought for £45,000 towards the Wrenbury Recreational Ground.

### **Education**

An application of up to 45 dwellings is expected to generate 9 primary aged children, 7 secondary aged children and 1 SEN child.

The development is expected to impact on secondary school places in the locality. Contributions which have been negotiated on other developments are factored into the forecasts both in terms of the increased pupil numbers and the increased capacity at secondary schools in the area as a result of agreed financial contributions. The analysis undertaken has identified that a shortfall of secondary school places still remains. The development is not expected to impact on primary provision.

Special Education provision within Cheshire East Council currently has a shortage of places available with at present over 47% of pupils educated outside of the Borough. The Service acknowledges that

this is an existing concern, however the 1 child expected from the South of Sandfield house application will exacerbate the shortfall. The 1 SEN child, who is thought to be of mainstream education age, has been removed from the calculations above to avoid double counting.

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

$7 \times £17,959 \times 0.91 = £114,399.00$  (secondary)

$1 \times £50,000 \times 0.91 = £45,500$  (SEN)

Total education contribution: £159,899

This will be secured via a S106 Agreement should the application be approved.

### **Locational Sustainability**

Both policies SD1 and SD2 of the CELPS refer to supporting development in sustainable locations. Within the justification text of Policy SD2 is a sustainable development location checklist.

The site is on the edge of Wrenbury village which is categorised as a Local Service Centre within Policy PG 2 of the CELPS. The site was considered to be locationally sustainable within the two previous decisions, as the majority of local services are in close proximity of the site within 1km of the site, including, post box, public house, Church, Bus Stop, Post Office, Local Shop, Medical Centre, Equipped Playground, Primary School, Railway Station, Sports Ground and Social Club and Village Green.

As a result it is considered that the site would be locationally sustainable.

### **Residential Amenity**

The main residential properties affected by this development are Sandfield House, 20-34 Oakfield Avenue, and 11-17 Oakfield Close, where the development backs onto the rear of these properties.

The Council's separations standards, set out in the Development on Backland and Gardens SPD suggests a separation distance of 21m between opposing principle windows and 13.5m principle windows and flank elevations or non habitable windows.

The amended plan layout generally meets the Council's separations distances externally except, the side elevation of Plot 33 is only 10.5m from the rear elevation of no.11 and 13 Oakfield Close.

The amended plans have reduced the number of units to the front of the site, which has had a lesser impact on the neighbour's front garden at Sandfield house, however the garden is only 8m in depth and therefore will still appear visually intrusive to the front garden area of the neighbour. The separation distance to the side elevation of Sandfield House is acceptable.

The Cheshire East Residential Design Guide sets out that a lower distance of 18m between frontages could be acceptable for new development. Within the site the majority of the houses meet the separation distances set out in the Design Guide, except plots 29 – 33 which are 17.5m away from the front elevations of plots 34 – 38, however the Design Guide sets out that there may be situations where a lower separation distance can be accepted down to 12m. There are a number of awkward situations where side elevations are very close to principle elevations of other properties, however the closest property is Plot 41 – 43 which are 12m from the side elevation of Plot 44.

The Council also has a standard of 50m<sup>2</sup> garden areas for future occupiers, Plot 11, Plot 30 and Plot 44 fall short of the standard, with a number of other plots only just meeting the standard. Furthermore the usability of the gardens of plots 28, plots 16 – 10 and plots 01 – 05 and plot 09 are affected by the existing vegetation which is to be retained, including Plot 9 which sits adjacent to protected trees in the neighbours ownership.

Environmental Protection have raised no objections to the proposal subject to conditions regarding piling, construction management plan, construction hours, travel plan, electric vehicle charging, dust, boilers, contaminated land.

As a result the layout is not considered to be acceptable and the density of the development is such that a number of separation standards and private amenity spaces are below the standards required for new development. Therefore would have some harm to living conditions of neighbouring properties and the future occupiers of the units, contrary to Policy BE.1 (Amenity) of the Crewe and Nantwich Replacement Local Plan and the guidance set out in the Development on Backland and Gardens SPD.

## **Highways**

The site has previously had approval, via 2 separate outline applications, for the same number of dwellings and the principle of access has already been accepted.

The site access location and design are the same as already approved. The visibility splay is not what was shown on the previous application and doesn't appear to be drawn correctly, but nevertheless has previously been shown to be deliverable and details can be conditioned. The visibilities around the bends within the site would be acceptable by conditioning the height of landscaping/boundary treatments of some of the properties.

The carriageway width throughout the whole site is to CEC standards for a development of this size and the level of footway provision is sufficient. The Strategic Highways Officer notes that there is a lack of service strips along the shared surface part of the site and it is questionable if this will be adopted. The applicant has previously been made aware of this but has not proposed amendments, and is a matter to address post planning.

The off-road parking is to CEC standards and there is sufficient turning area for refuse vehicles. The Strategic Highways officer has raised no objections to the proposal.

## **Landscape**

This is a full application for 45 dwellings, access, open space and associated infrastructure on land south of Sandfield House, Station Road, Wrenbury. The application site covers an area of 1.69 hectares and is currently agricultural land, but is described in the Design and Access Statement as a vacant site. The application site is bound to the north by existing residential development and to the south by the wider rural landscape. The River Weaver, and associated woodland vegetation follows a route to the south of the western part of the proposed development.

The Design and Access Statement indicates that the proposal ties in with the urban form and the visual appearance ties in with the residential context, however the submission does not include either a Landscape and Visual Assessment or Appraisal.

The Design and Access Statement indicates that reference has been made to the Cheshire Design Guide, however there appears to be a number of concerns relating to the submitted layout, which do not reflect the rural transition of the site, or the guidance offered in the Design Guide.

The Design Guide identifies that the application site is located within the Market Towns and Estate Villages Character Area, however the submitted layout does not appear to reflect the guidance on positive rural transition. The design Guide indicates that this can be achieved through properties fronting onto surrounding countryside, and with properties facing onto lanes and streets, these points do not appear to have been considered.

The Landscape Officer has considered the amended plans and considers that little has changed to address his concerns, particularly in relation to the design and layout of plots 23-28 along the southern part of the site. The additional submitted information includes sections showing the treatment at the southern end of the gardens and the transition with the River Weaver, located to the south of the application site, Masterplan Detail Sheets –Sheet 6-Retaining Terraces (Plots 21-28) (Drawing No:17-158-SP05-6) shows a plan of the proposed layout and, and Proposed Site Sections – Sheet 2 (Drawing No: 17-158-SS06 Rev B) shows cross section D-D, E-E and F-F.

The Landscape Officer remains concerned by the design along the southern part of the site, which is not a satisfactory solution, and considers the design neither contributes to or enhances local distinctiveness, as required by Policy SE4 The Landscape.

## **Trees**

The amended layout has not been supported by an updated Arboricultural Impact Assessment which demonstrates the viability of the revised layout or addresses any of the arboricultural comments made in relation to the layout submitted in July 2018.

The layout shows an improved relationship with protected tree T22 with an area of open space indicated to the Station Road frontage and adjacent to this tree. The relationship between protected trees T21 and T20 remains largely unchanged with Plot 9. It is accepted that an increased separation of approximately 2 metres has been created between T21 and the rear elevation of the property and that the ground floor rooms are not primary aspect. However, the position of the off site trees which are out of the control of any future occupier in terms of dominance of the overhanging canopy to the rear garden space have not been addressed. BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations at section 5.2 - Constraints posed by existing trees, and 5.3 - Proximity of structures to trees, acknowledges the importance of design and the relationship of trees with new development. The standard places importance on buildings and structures being positioned in such a way that they will not dominate a property or its outdoor space in such a way as to cause apprehension which could result in pressure to prune or remove trees in the future, and these issues need to be designed out.

As stated in previous comments, the proposed easement over an existing easement also equates to an undetermined level of disturbance within the RPA of protected tree T20 and no additional information has been submitted to provide any confidence that this can be implemented without any detrimental impact to protected tree T20.

The position of Plot 28 to T12 Ash remains unchanged and comments regarding this relationship remain the same; T12 Ash is shown to be retained with some encroachment into the RPA to accommodate the retaining embankment. The relationship of the tree with Plot 28 is considered poor in terms of its dominance over the garden space taking into account the species characteristics of the tree and its overall condition. While the tree is not protected it is one of few remaining trees of any arboricultural significance located to the boundaries of the site. The re grading of levels will equate to coverage of 20% of previously unsurfaced root protection area of the tree.

The impact of the grading and terracing of the embankment in relation to tree within group G11 which comprises of a group of early mature and mature Ash, Alder, Hawthorn and Elder has still not been quantified in terms of removals or incursion into the RPA and the submitted plan does not clarify the intentions as to the definitive location of tree protection fencing as is required with a full planning application.

The development is therefore still insufficient in terms of its submission and would also result in an unsatisfactory relationship with protected trees in terms of the impact of the trees on private amenity and social proximity interests, and the long term protection of these trees would therefore be prejudiced.

## **Design**

The proposal has been assessed using the Council's Cheshire East Design Guide, supporting a Building for Life 12 assessment. The plans submitted in July 2018 failed to meet two of the criteria (red rating), and with a number of ambers (indicated within the report). Amended plans have been received since the assessment and the final re-assessment is still awaited however, from an initial consideration of the amendments it is not considered that the fundamental issues in relation to the Character and Creating Well defined Streets and Spaces has been addressed and the development does not therefore, as set out below, achieve a high standard of design by making a positive contribution to its surroundings.

### *Connections* (Amber rating)

The site connects onto Station Road by both pedestrian and vehicular access. There are no other points of connection in places to be a focus for antisocial activity.

The proposed layout adversely affects and urbanises the attractive approach to the village, including the setting of the TPO pine tree at the north western corner of the site. The outline showed an illustrative layout that created an area of greenspace that enabled shorter views of the trees and Sandfield House to remain unaffected and which also provided an open area in proximity to the trees. The amended plan has gone some way to address this by removing one dwelling but is still an issue.

There is an indication of buffer landscaping along the northern part of the site behind properties on Oakfield Avenue/Close.

### *Facilities and Services* (Green)

A range of local facilities can be found within a 1km radius (approximately a 10 minute walking distance) of the site, including post box, public house, Church, Bus Stop, Post Office, Local Shop,

Medical Centre, Equipped Playground, Primary School, Railway Station , Sports Ground and Social Club and Village Green.

#### *Public Transport* (Green)

The application site benefits from a bus service, two minutes walk on Nantwich Road, and to the south 5 minutes walk outside the Wrenbury Rail way station. The bus service runs several times during the day (roughly every 2-3 hours until early evening), and hourly trains to Chester and 2 hourly to Crewe from Wrenbury Station.

#### *Meeting Local Housing Needs* (Amber)

The amended plans indicates a generally good mix of dwellings proposed, with 6no. bungalows, 25no semi-detached properties, and 14no two storey detached properties. The mix includes 2, 3 and 4 bed properties, 13no of which are proposed to be affordable units. The proposes 14no detached two storey dwellings, which equates to one third of the development, with the rest made up of bungalows, and largely semi-detached properties. This appears to be a mix in line with the draft WNP policy HOU3. However the provision of affordable housing is below the 30% requirement by 1.

#### *Character* (Red)

The layout is heavily constrained by the shape of the site, which makes it introverted and therefore it does not present a particularly positive or characterful outward edge to the Weaver valley. This could be mitigated to a degree by reinforcing existing boundary landscaping and creating new, locally relevant natural boundaries where they do not presently exist.

The entrance to the site feels cramped against the edge of Station Road. This contradicts the illustrative layout and creates a frontage that is a little alien in rural settings, where buildings are usually set further back from the street, particularly on the approaches into the village. Whilst the amended plan has softened the frontage slightly, by re-introducing a small area of open space to the frontage, it has not yet gone far enough, with plot 1 still being sited hard up to the road frontage.

Open space is not well integrated but seems to be sandwiched in at a point convenient in terms of site constraints rather than the most usable part of the site from an open space/recreation perspective. It will however enable views out over the river valley.

The density of the development is a real concern regarding whether this reflects the approach advocated in the design guide as a transitional edge between village and countryside, especially having regard to the density of the adjoining existing development. The indicative plans at outline indicated a layout more akin to that of the adjoining development, with mews properties and small pockets of housing. However the density is still a significant issues and the layout does not satisfactorily respond to the rural edge of the area.

The character of house types is generally a little better than some but there is no real evidence that they are locally derived to reinforce sense of place. The architectural detailing is problematic on some types, for example the size of windows at upper floor, weakly defined front doors, some finer architectural

detailing issues, plinths defined by just a change of brick colour and some of the material selection, particularly inclusion of a pale cream/yellow brick (which is an uncharacteristic material and would be out of context).

Within the site, in places streets will be defined by an excess of frontage parking, very heavily dependant on small areas of soft landscaping, which in areas would struggle to establish/thrive.

In short, whilst the site can only do so much to deliver a scheme with a strong character, given the acknowledged constraints, the proposal could do more than it is at the moment to achieve a better sense of place and quality.

#### *Working with the Site and its Context* (Red)

There will be loss of hedgerow and no firm commitment to provide new to compensate (based upon the Council Ecologist's comments). Much of the retained hedgerow would also form a garden boundary. This is generally discouraged in favour of designs where hedgerow would be designed into public land with associated management. This remains unchanged in the amended plans.

Having said that, some regard has to be had to the illustrative outline proposals that also had an introverted layout. Clearly the site constraints influence that.

The amended proposal will still have an adverse impact on trees in the northern part of the site, reflected in the comments made by the Council's Tree Officer.

Associated with that there will be impacts on the visual amenity provided by the protected pine tree in the north eastern corner. Notwithstanding, the development will effectively block out views of the tree from Station Road (from the south). Although the amended plan now indicates a small area of open space to the frontage of the site, a much larger area shown in the illustrative layout submitted at the outline stage identified as being open space, would have provided a far better relationship and setting for the protected trees and Sandfield House and a more positive gateway into the development (gateways in rural settings are often expressed by areas of open space rather than buildings).

The site has a relationship with the River Weaver but the housing effectively turns its back on this key landscape feature, with awkward rear garden relationships and the potential of creating a poor quality edge to the village. This approach is strongly discouraged in volume 1 of the CEC Design Guide. A more innovative approach, particularly in the south western part of the site, may be able to create parts of the site that are outward looking. In this location it may also be more appropriate to specify all bungalows.

The south western corner of the site requires infilling to create more level, larger gardens, and stepped terracing to address the severe levels issues. It is considered that this is not a suitable design solution on the edge of the river valley, as concurred by the Landscape Officers comments.

There is no evidence to explain whether passive solar capture and local microclimatic issues have been considered.

#### *Creating Well Defined Streets and Spaces* (Amber)



The layout does feel that buildings are designed around the route of the carriageway rather than streets principally designed around building position but the limitations of the site granted outline approval are noted.

A corner turner house type has been included in the layout defining key corners within the scheme. This has a strong double height bay on the side elevation, serving habitable rooms. The scheme is of modest size and therefore has a principal street with 2 courtyard spaces.

Frontage car parking is a real issue, and could well adversely affect the proportions of the street in certain areas and creates a plot with the back/garden exposed in the view from the street (plot 43).

### *Easy to Find Your Way Around* (Amber)

The site is modest and therefore there is unlikely to be an issue about navigability through the layout. The approach to creating distinct buildings within the layout could be further refined and an improvement to the gateway would also reinforce the sense of arrival into the scheme.

### *Streets For All* (Amber)

There is capacity for more shared surface design in the scheme, particularly the western section of the site.

At the central pinch point in the site, there seems to be a lot of the available space given over to hard surface, and it is questionable whether the verges are wide enough to support trees as indicated.

Frontage parking and a vehicle dominated feel to the street could make them feel more car dominated.

There is a lack of clarity about the materiality of the streets and the hard landscape plans are difficult to interpret. A clear drawing showing the breakdown of hard surface materials would assist in understanding the character of streets.

### *Car Parking* (Amber)

There are areas within the site where car parking is likely to become an overly dominant aspect of the street environment. The layout is very reliant on areas of small soft landscaping to break up parking but in places these are unlikely to be generous enough to allow the landscape to flourish, and the future occupiers to retain and maintain. The parking courts need to be designed to be attractive as a space first and foremost.

### *Public and Private Spaces* (Amber)

The public space is modest and heavily constrained by the site topography. This means that the space has limited practical use as POS. There is open space/landscape between the development zone and the river but this does not form part of the proposed open space. Whilst the levels may preclude its use

as more formal open space, the landscape could help in characterising and enclosing the development edge of the site

### *External Storage and Amenity Space* (Amber)

Bin storage locations are identified on the layout. Require further information about the size of garages and whether these are big enough to also accommodate storage provision. The amenity space for a number of units is also on the small size.

### Conclusion

Therefore although the applicant has made a number of modest changes to the layout, and housing mix, the overall density of the site is such that the layout appears cramped and overly car dominant. This has resulted in a number of awkward design solutions, such as, housing backing onto side elevations, small gardens, reduced separation distances and terracing of rear gardens adjoining the River Weaver. The scheme has an introverted rather than an outward looking character with existing landscape boundaries incorporated into private gardens (and therefore private management) and the open space associated with the site would be severely constrained by site levels and its limited extent which would restrict its usability. As a consequence the development would not relate well to the existing settlement or its landscape context and would lead to a character and quality of development that does not meet the necessary quality standard. It is therefore considered that the development is contrary to the CE Residential Design Guide and Policy SE1 Design of the CELPS.

### **Ecology**

The application includes protected species survey, which the Council's Ecologist has considered.

#### Hedgerows

Hedgerows are a priority habitat and hence a material consideration. The proposed development will result in the loss of a section of hedgerow to facilitate the site access.

The supplementary planning statement states that existing hedgerows are shown as being retained and gapped, however the Council's Ecologist advises that this is not clear from the submitted plans, and therefore is uncertain of the potential significance of the loss of hedgerow from this site.

#### Other Protected Species

A significant protected species habitat has been identified outside the boundary of the application. Based on the current level of activity on the site the proposed development is not likely to have a significant impact on the habitat, but would result in the localised loss of foraging habitat. The layout of the proposed development would allow access to the wider countryside and the submitted survey recommends a method statement of reasonable avoidance measures to safeguard the habitats during the construction phase.

As the status of a protected species habitat can change within a short timescale, and therefore the Council's ecologist recommends that if planning consent is granted a condition should be attached which requires the submission of an updated survey and mitigation strategy, prior to the commencement of development.

### Barn Owl

This priority species was previously recorded foraging on habitat (the rough vegetation) to the south of the site. This habitat does not however appear optimal for barn owls. The Council's ecologist advises that the retention of a buffer between the proposed development and the river would retain some potential foraging habitat for this species and so partially compensate for the loss of habitat for this species.

### Bats

Bat foraging activity on site, as recorded during surveys to inform the earlier application at this site, was concentrated around the south west corner of the application site close to the Ash trees in this locality and also to the south east of the site adjacent to a large Oak Tree. The Council's Ecologist states he is unsure exactly where these trees are located on site. The submitted arboricultural assessment however shows most trees being retained on site, and therefore advises that the proposed development is not likely to have a significant impact upon foraging bats.

### River Weaver

The proposed development retains a buffer of roughly 3m between the proposed development and the adjacent River Weaver. The exception to this is the south western corner of the site where development is proposed immediately adjacent to the banks of the river. The river is known to support protected species.

The Council's Ecologist advises that the buffer would be insufficient to safeguard the nature conservation interest of the river, and recommends that the layout of the site be amended to ensure an undeveloped buffer of at least 8m is provided adjacent to the river, with no retaining structures or regrading works to be undertaken in this buffer.

### Lighting

Whilst the application site offers limited opportunities for roosting bats, bats do commute and forage around the site to some extent. To avoid any adverse impacts on bats resulting from any lighting associated with the development, the Council's Ecologist recommends that if planning permission is granted a condition should be attached requiring any additional lighting to be agreed with the Local Planning Authority.

### Ecological enhancement

This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development. The Council's Ecologist therefore recommends that if planning permission is granted a condition should be attached which requires the submission of an ecological enhancement strategy.

### Conclusion

The proposal is therefore considered to be unacceptable in terms of its impact on the safe guarding of nature conservation interest of the river weaver, by means of the developed area adjacent to the river bank. The proposal is therefore considered to be unacceptable and contrary to Policy SE3 (Biodiversity and Geodiversity) of the CELPS and NPPF.

### **Air Quality**

Policy SE12 of the Local Plan states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality.

This proposal is for the residential development of to 45 dwellings. This scheme does not require an air quality impact assessment. However there is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area. In particular the impact of transport related emissions on Local Air Quality.

The Environmental Health Officer has requested the following conditions in relation to air quality;

- Dust Control
- Travel Plan
- Electric Vehicle Infrastructure
- Ultra Low Emission Gas Boilers

Subject to the imposition of these conditions the impact upon air quality from this development is considered to be acceptable.

### **Flood Risk**

The application includes a submitted Flood Risk Assessment which demonstrates the proposed dwellings will be on land that is approximately 3 metres above the modelled 1 in 100 year fluvial flood level in the River weaver.

The Environmental Agency has raised no objections to the proposal, however note that the water course along the southern boundary of the site is the River Weaver, which is designated as 'main river', and therefore any works within eight meter of the top of the bank of the river may need a permit.

Furthermore, the Councils Flood Risk Officers have raised no objections subject to conditions in relation to surface water flood risk.

United Utilities have been consulted as part of this application and have raised no objection to the proposed development subject to conditions regarding implementation of the drainage scheme as set out in the FRA, foul and surface water drainage and a drainage strategy. These conditions are considered reasonable and can be added to any decision notice. The UU have also raised concerns that a public sewer crosses the site and development over it may not be permitted.

Therefore subject to conditions, the proposal would not pose significant concerns from a flood risk/drainage perspective.

### **Agricultural Land Quality**

Policies SE2, SD1, SD2 advise that development should safeguard natural resources including high quality agricultural land.

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.

It has not been possible to ascertain whether the land is Grade 3a or 3b. However; given the limited size of the site, its location and the previous permissions it is not considered that its loss would be significantly detrimental.

## **CIL Compliance**

In order to comply with the Community Infrastructure Regulations 2010 it is necessary for planning applications with planning obligations 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 proposal would result in a requirement for the provision of 14 affordable units which would be split on a social rented/intermediate basis. This is considered to be necessary and fair and reasonable in relation to the development.

The development would result in increased demand for primary, secondary school and SEN places in the area and there is very limited spare capacity. In order to increase capacity of the schools which would support the proposed development, a contribution towards secondary and SEN education is required. This is considered to be necessary and fair and reasonable in relation to the development.

As explained within the main report, the area of open space is identified on the submitted plans, and this along with the maintenance of this space by means of a private management company, it is therefore necessary to secure these works and a management scheme. Furthermore the site increased the demand for outdoor sports in the area and a contribution of £45,000 towards the Wrenbury Recreational Ground is required. This is directly related to the development and is fair and reasonable.

On this basis the S106 recommendation is compliant with the CIL Regulations 2010.

## **PLANNING BALANCE**

The proposal would be contrary to Policy PG6 of the CELPS and RES5 of the Crewe and Nantwich Local Plan as it is not listed as an appropriate form of development in the open countryside and therefore represents a departure from the adopted Local Plan.

The benefits of the proposal would be the provision of open market housing and affordable housing (although below standard), POS and the limited economic benefits during construction.

The development would have a neutral impact upon, flooding, air quality and contaminated land, and the loss of Agricultural Land.

The dis-benefits would be the loss of open countryside/landscape harm, ecology, trees, and impact on living conditions of the existing and future occupiers of the area.

Whilst it is acknowledged that the site has 2 extant outline permissions, for the same number of units, 45 no dwellings, it is considered that on balance, this full application deviates away from the layout proposed indicatively and has led to an overly car dominant scheme which appears overly dense, as a

consequence the development does not relate well to the existing settlement or its landscape context, has below standard amenity issues and has a negative impact on protected trees, the proposal would therefore lead to a character and quality of development that does not meet the necessary quality standard for the area.

The proposed development is contrary to the Development Plan, and there are no other significant material considerations to indicate otherwise and is therefore recommended for refusal.

#### **RECOMMENDATION:**

**Refuse for the following reasons:**

1) The proposed development by means of the overall density of the site is such that the layout appears cramped and overly car dominant, and below standards in relation to private amenity space and separation standards. As a consequence the development would not relate well to the existing settlement or its landscape context and would lead to a character and quality of development that does not meet the necessary quality standard. It is therefore considered that the development is contrary to the Cheshire East Residential Design Guide and Policy SE1 Design of the Cheshire East Local Plan Strategy, Policy BE.1 (Amenity) of the Crewe and Nantwich Replacement Local Plan.

2) The proposed development would result in an unsatisfactory relationship with trees which are the subject of the Crewe and Nantwich Borough Council (Wrenbury No.3) Tree Preservation Order 1984 in terms of the impact of the trees on private amenity and social proximity interests. The long term protection of these trees would therefore be prejudiced. Furthermore, insufficient information has been submitted with the application relating to the arboricultural implications posed by the amended layout in order to assess adequately the impact of the proposed development having regard to trees to be retained, tree protection and implementation of the design. In the absence of this information, it has not been possible to demonstrate that the proposal would comply with Development Plan policies and other material considerations. The proposed development is therefore contrary to Policy SE5 (Trees, Hedgerows and Woodland) of the Cheshire East Local Plan Strategy and NPPF.

3) The proposed development, by means of its proximity to the bank of the River Weaver, is considered unacceptable due to the potential impact on the nature conservation status of the River Weaver and is therefore contrary to Policies SE3 and SE4 of the Cheshire East Local Plan Strategy and the NPPF.

4) The Local Planning Authority requires a 30% affordable housing provision amounting to 14 dwellings (9 affordable rent / 5 intermediate). The application provides only 13 dwellings which is below the identified housing need and as a result is considered that the proposal would fail to address identified local housing need and is therefore considered to be contrary to Policy SC5 (Affordable Homes) of the Cheshire East Local Plan and the guidance contained with the NPPF.

In order to give proper effect to the Board's/Committee's intent and without changing the substance of its decision, authority is delegated to the Head of Planning (Regulation) in consultation with the Chair (or in their absence the Vice Chair) to correct any technical slip or omission in the resolution, before issue of the decision notice.

Should the application be subject to an appeal, the following Heads of Terms should be secured as part of any S106 Agreement:

1.

<b>S106</b>	<b>Amount</b>	<b>Triggers</b>
<b>Affordable Housing</b>	30% - 14 Dwellings (9 Affordable Rent / 5 Intermediate)	No more than 50% open market occupied prior to affordable provision
<b>Education</b>	Contribution of £1159,899. £114,399 towards secondary education and £45,5000 towards special education needs education	50% Prior to first occupation 50% at occupation of 23rd dwelling
<b>Public Open Space</b>	1 Provision of Public Open Space, and to be maintained by a private management company 2 Contribution of £45,000 towards the Wrenbury Recreational Ground.	Open space on site prior to first occupation  Contribution – 50% Prior to first occupation 50% at occupation of 26th dwelling

