

Application No: 19/3534N

Location: Land to the rear of & 481, CREWE ROAD, WINTERLEY, CW11 4RF

Proposal: Proposed residential development of 1 no. replacement dwelling (Plot 1) and 46 no. dwellings, with associated hard and soft landscaping.

Applicant: L Embra, Pollyanna / Magenta Housing

Expiry Date: 27-Nov-2019

## **SUMMARY**

The application site is located within the open countryside as defined by the adopted Development Plan (the CELPS and the C&NLP). The Publication Draft of the SADPD identifies that the site would also be located within the open countryside. In any event the Publication Draft of the SADPP is given limited weight at this stage. The proposed development would be contrary to Policy PG6 of the CELPS.

Policies PG6 and SC6 identify that affordable housing will be permitted as an exception to other policies relating to the countryside to meet locally identified affordable need. However no up-to-date Housing Need Survey has been undertaken in support of this application and the development exceeds the threshold of 10 dwellings identified within Policy SC6. As a result the proposed development would not comply with Policies PG6 and SC6. Given that Cheshire East can demonstrate a 5 year supply of deliverable housing sites, significant weight is given to this factor.

The development would also result in some visual harm to the landscape given that it seeks to develop a site that is currently free from built form. No agricultural land quality report has been provided to consider the quality of agricultural land to be lost.

The development would provide benefits in terms of 100% affordable housing provision, open market provision, public open space, delivery of economic benefits during construction and through the spending of future occupiers.

The development would have a neutral impact upon education, flooding, living conditions, trees, design, air quality and contaminated land.

The proposed development is contrary to the Development Plan. In the light of section 38(6) of the Planning and Compulsory Purchase Act 2004 planning permission should be refused unless material considerations indicate otherwise. In this instance the material considerations put forward including the provision of 100% affordable housing provision is not considered to outweigh the adverse harm caused as the Council is meeting its affordable housing targets and no evidence of need has been provided. As

such it is considered that the development does not constitute sustainable development and should therefore be refused.

## **RECOMMENDATION**

**REFUSE**

## **PROPOSAL**

This is a proposed residential development of x1 no. replacement dwelling (Plot 1) and erection of 46 dwellings, with associated hard and soft landscaping.

The proposal involves demolishing the existing dwelling known as No.481 Crewe Road and re-developing this within the site along with a revised access of Crewe Road.

An area of POS would be provided to the western boundary.

## **SITE DESCRIPTION**

The application site comprises both the plot currently housing No.481 Crewe Road and the land to the rear.

The plot is sited with the open countryside with residential properties to the north, east and south. The settlement boundary immediately borders the site.

There are no significant variations in land levels noted on the site. The existing access is taken off Crewe Road.

The boundary treatment consists of 2m high planting to the eastern boundary and mixed trees/planting to the remaining boundaries.

Smaller trees noted inside the site between plots 47-34.

The site is located in the Open Countryside as per the Local Plan.

## **RELEVANT HISTORY**

Various alterations/extensions proposed to No.481 Crewe Road however none relevant to the current application. Most relevant is:

16/1940N – Outline Planning Application for Proposed Residential Development of 12 Number Dwellings on the land to the rear and including 481 Crewe Road Winterley Cheshire CW11 4RF Including the Demolition of 481 Crewe Road and alterations to the existing Road Access – Withdrawn 26<sup>th</sup> October 2016

## **ADOPTED PLANNING POLICY**

## **Haslington Neighbourhood Plan**

The Haslington Neighbourhood Plan has only reached Regulation 7 stage and therefore cannot be attributed any weight at this stage

### **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

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

SC6 – Rural Exceptions

IN1 – Infrastructure

IN2 – Developer Contributions

*Crewe and Nantwich Local Plan 2011 (CNLP) Saved Policies;*

It should be noted that the Cheshire East Local Plan Strategy was formally adopted on 27th July 2017. There are however policies within the legacy Local Plan that still apply and have not yet been replaced. These policies are set out below.

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)

## **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 conditions provision of the off-site pedestrian infrastructure improvements, cycle parking, turning areas and s38 agreement

**CEC Environmental Protection** – No objections, subject to a number of conditions/informatives including; piling, dust, working hours for construction, travel information pack, electric vehicle charging points and contaminated land

**CEC Flood Risk** – No objection in principle however further information required

**CEC Education** – No objections subject to a contribution of £108,902.43 towards primary and secondary education

**CEC Open Space (ANSA)** – Sufficient amount of public open space is provided but conditions required regarding the final design/layout

**CEC Housing** – Support the provision of affordable housing

**CEC Public Rights of Way (PROW)** – No comments received at the time of writing the report

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

**South Cheshire Clinical Commissioning Group (NHS)** – Request a contribution of £45,288 to support the development of Haslington Medical Centre

**Sandbach Parish Council** – Objection on the following grounds:

- The allocations of housing for this area for the next 5 years have been met
- Clarity is needed on the S106 money as the application contains affordable Housing
- The site is outside the Settlement Boundary and in Open Countryside

**Haslington Parish Council** – Objection on the following grounds:

- Situated in the Open Countryside
- Impact on health facilities and schools already at capacity
- Not a sustainable location
- Highways safety
- Social housing should be spread around the borough and not in on location
- Meeting housing target so no need for new housing

**Ward Councillor Edgar** – Object on the following grounds:

- Outside the settlement boundary and in Open Countryside
- Harm to character of the area
- Loss of agricultural land
- Not considered infill development as 3 sides protrude into open countryside
- Housing not required as the Council have a 7 year plus housing land supply
- Social housing has potential to cause 'Ghetto-isation' and should be spread around the village
- Unsustainable location
- No contributions to offset impact on education and medical care
- Loss of on street parking outside the site
- Sewage system put under further pressure
- Increase in hard surface area would pose surface water drainage issues
- No need for affordable units in the area as 30% affordable housing has been supplied by Pool Lane phase, 100% of 33 at phase 2 reserved matters, 30 % on the Duchy estate on Hassall Road, 30% on Kents Green Road development
- Request planning committee visit the site

## **REPRESENTATIONS**

217 letters of objection have been received raising the following points;

- Not sustainable location
- No new houses needed and Cheshire East have a 5 year housing land supply
- Lack of infrastructure in the village (schools, health, broadband)
- Other new houses remain unsold
- Sited in the open countryside and outside of the settlement boundary thus contrary to PG6
- Traffic issues
- Flooding/drainage issues
- Out of character with the scale of the village
- Not a rural exception site and thus contrary to Policy CS6
- Harm to wildlife
- Loss of parking for nearby properties
- Need for affordable housing provision not demonstrated

- Issues with social cohesion
- Loss of agricultural land
- Will substation be safe
- Air quality
- Will set a precedent for similar development
- Bound by countryside on 3 sides so not infill
- Loss of house value
- Other sites in village also refused
- Loss of privacy
- Noise and air pollution
- Vibration during construction
- No play area
- No provision for bin storage

## **APPRAISAL**

### **Principle of Development**

The site lies largely in 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 it relates to affordable housing, in accordance with the criteria contained in Policy SC 6 'Rural Exceptions Housing for Local Needs'.

In this instance the proposal relates to a 100% affordable housing scheme on the edge of Winterley (classified as other settlements and rural areas as per Policy PG2) the development needs to be considered against Policy SC 6.

### **Emerging Policies**

The Site Allocations and Development Plan Policies Document (SADPD) is the second part of the council's Local Plan and it will contain more detailed development management policies as well as identifying additional sites to ensure that the overall development needs of the borough are met, as set out in the LPS.

Consultation on the First Draft SADPD took place between 11 September and 22 October 2018 and the above site was shown as remaining outside the settlement boundary and in the open countryside. Albeit only limited with can be given to the SADPD at this stage.

### **Housing Land Supply**

The Cheshire East Local Plan Strategy was adopted on the 27th July 2017 and forms part of the statutory development plan. The plan sets out the overall strategy for the pattern, scale and quality of development, and makes sufficient provision for housing (36,000 new dwellings over the plan period, equating to 1,800 dwellings per annum) in order to meet the objectively assessed needs of the area.

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted.

The National Planning Policy Framework (NPPF) identifies the circumstances in which relevant development plan policies should be considered out-of-date. These are:

- Where a local planning authority cannot demonstrate a five year supply of deliverable housing sites (with appropriate buffer) or:
- Under transitional arrangements, where the Housing Delivery Test Measurement 2018 indicates that the delivery of housing was substantially below 25% of housing required over the previous three years (note: this will change to 45% once the Housing Delivery Test Measurement 2019 is published later this year).

In accordance with the NPPF, the council produces an annual update of housing delivery and housing land supply. The council's most recent Housing Monitoring Update (base date 31 March 2019) was published on the 7th November 2019. The report confirms:

- A five year housing requirement of 11,802 net additional dwellings. This includes an adjustment to address historic shortfalls in delivery and the application of a 5% buffer.
- A deliverable five year housing land supply of 7.5 years (17,333 dwellings).

The 2018 Housing Delivery Test Result was published by the Ministry of Housing Communities and Local Government on the 19th February 2019 and this confirms a Cheshire East Housing Delivery Test Result of 183%. Housing delivery over the past three years (5,610 dwellings) has exceeded the number of homes required (3,067). The publication of the HDT result affirms that the appropriate buffer to be applied to the calculation of housing land supply in Cheshire East is 5%.

Relevant policies concerning the supply of housing should therefore be considered up-to-date and consequently the 'tilted balance' at 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 submission version of the Local Plan requires that developments provide an appropriate mix of housing (however this does not specify a mix). The development would provide the following mix;

- 1 bed x 6 units
- 2 bed x 16 units
- 3 bed x 22 units
- 4 bed x 2 units

This is considered to provide a suitable mix of housing for use by all grounds of people. As such a condition could therefore be imposed to secure the mix of house types.

### **Affordable Housing**

As a site for 100% affordable housing on the edge of Winterley (defined as an Other Settlement and Rural Area as per Policy PG2) the proposal needs to be considered under Policy SC6 of the CELPS and should meet all of the following criteria;

- Sites should adjoin Local Service Centres and Other Settlements and be close to existing employment and existing or proposed services and facilities including public transport, educational and health facilities and retail services
- Proposals must be for small schemes; small schemes are considered to be those of 10 dwellings or fewer. The scale of a Rural Exception site should broadly reflect the affordable housing need appropriate to the parish in which it is situated. However, if a higher housing need is identified (greater than 10 dwellings), then it will be considered appropriate for development of more than one site to meet this need. Any such developments must also be appropriate in scale, design and character to the locality
- A thorough site options appraisal must be submitted to demonstrate why the site is the most suitable one. Such an appraisal must demonstrate why the need cannot be met within the settlement
- In all cases, proposals for rural exceptions housing schemes must be supported by an up-to-date Housing Needs Survey (within the last 5 years) that identifies the need for such provision within the parish. Where an up-to-date survey does not already exist, the applicant must conduct a survey, based on the Cheshire East Council model survey
- Occupancy will, in perpetuity, be restricted to a person in housing need and resident or working in the relevant parish, or who has other strong links with the relevant locality in line with the community connection criteria as set out by Cheshire Homechoice
- The locality to which the occupancy criteria are to be applied is taken as the parish, unless otherwise agreed with Cheshire East Council
- To ensure that a property is let or sold to a person who either lives locally or has strong local connections in the future, the council will expect there to be a 'cascade' approach to the locality issue appropriate to the type of tenure.

In this case the application is for 46 units and as such it would exceed the number allowed under Policy SC6 by a significant margin (SC6 allows for small schemes of 10 dwellings or fewer). Also it is important to note that the application does not include an up-to-date Housing Needs Survey to identify if there is a need within the Parish. Further to this, if a rural housing need is identified greater than the 10 permitted by this policy, then it will be considered appropriate for development of more than one site to meet this need and should not be one large cluster as is the case here.

Based on the latest housing figures the need for affordable housing is also currently being met through existing local plan policies in including affordable housing requirements. The local plan sets out a



housing requirement of at least 7,100 additional affordable dwellings between 2010-2030 (average 355 per annum) for the whole borough of Cheshire East.

In the period up to 2018/2019 there were a total of 3,433 Affordable Completions in Cheshire East showing that, less than half way through the plan period, the target for new affordable housing is well on track to be met through provision on market housing schemes and rural exception sites (see table below).

Plan period	Affordable homes completed in Cheshire East
2010/11	170
2011/12	214
2012/13	184
2013/14	131
2014/15	636
2015/16	360
2016/17	398
2017/18	613
2018/19	727
Total	3433

It is also worth noting that there have been a significant number of approvals within Winterley/Haslington which provide affordable housing (Based on the 31st March 2018 data there are affordable housing commitments of 172 in Winterley/Haslington with 56 completions). As a result the proposed development is contrary to Policy SC6 of the CELPS.

The Strategic Housing Officer has stated that he has no objection to the tenure mix its location and type of housing proposed. However this does not negate the requirements of Policy SC6 in terms of the requirement for an up-to-date Housing Need Survey, the proposed development also exceeds the threshold of 10 units and is a large cluster on one site.

### **Public Open Space (POS)**

This development requires a minimum of 40m<sup>2</sup> per family unit each of children's play & Amenity Green Space (AGS).

Initially the proposed site plan indicated the majority of the POS appearing on the northern boundary. However concerns were raised by the Councils POS Officer that the open space being provided was more akin to buffers providing an interface with the surrounding countryside, landscaping containing parking, paths and a substation plus small pockets left over serving little function other than 'greening' of the site.

In line with Policy SE6, this development should produce 20m<sup>2</sup> amenity green space and 20m<sup>2</sup> children's play space. Combining the two typologies should give this development 1,960m<sup>2</sup> of POS; the POS is currently not quantified. This area should promote community cohesion and could be bespoke in its design giving the development a true sense of place. Small elements of formal play could be incorporated into a Local Area of Play (LAP) and surrounding POS to give the development a focus.

Amended plans have since been received which provide a larger area of POS to the western boundary. The Councils POS Officer is satisfied that this provides sufficient quantity of open space predominately on the western side of the site therefore a condition for the detailed layout and landscaping could be placed on this application.

## **Education**

An application of up to 55 dwellings is expected to generate 10 primary aged children, 8 secondary aged children and 1 SEN child.

The development is expected to impact on primary and 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 9 children expected from the application will exacerbate the shortfall.

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

$1 \times 11,919 \times 0.91 = \text{£}10,846.29$  (primary)  
 $6 \times \text{£}17,959 \times 0.91 = \text{£}98,056.14$  (secondary)

Total education contribution: £108,902.43

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

## **Health**

The South Cheshire Commissioning Group (SCCG) has devolved powers to act on behalf of the NHS. In this instance they have requested a contribution of £45,288 to support the development of Haslington Medical Centre.

Having considered the contents of the response from the SCCG, officers are satisfied that the requested contribution of £45,288 is CIL compliant. This is because the NHS plan is at an advanced stage. The comments from the SCCG also provides calculations of how the requested contribution was derived and a specific scheme has been noted as to where the money will be spent which is to support the existing medical practice.

As a result the contribution is considered to be both reasonable and necessary and should be secured by way of section 106 agreement.

## **Location of the site**

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.

In this instance the design and access statement has done a brief appraisal of the location in terms of sustainability. This concludes that there is a bus stop located 0.1m miles from the site with regular access to local service centres of Haslington, Crewe & Sandbach. The site is located off a national cycling route. It also advises that there are a number of services located in Haslington with shops schools and medical provision within 1.3m (25m walk).

Surrounding sites were also deemed to locationally sustainable at planning appeal and as such it would be difficult to argue that the site in close proximity to these other consents is not sustainable.

As a result it is considered that the site would be locationally sustainable albeit on a marginal level.

## **Residential Amenity**

The main residential properties affected by this development are 483-449 Crewe Road (odd numbers), 1-4 Frederick Howarth Drive and 7-11 Elton Lane (odd numbers)

### Properties on Crewe Road

Plots to the southern boundary would provide in excess of the 21m interface as recommended in the SPD to prevent significant harm through overlooking, loss of outlook or overshadowing impact between windows and would be sited sufficient distance away from shared boundaries to prevent overlooking of garden areas.

### 1-4 Frederick Horwarth Drive

The majority of plots to the eastern boundary would provide in excess of the 21m interface as recommended in the SPD to prevent significant harm through overlooking, loss of outlook or overshadowing impact between windows and would provide at least a 10m separation to the shared rear boundaries.

However plots 41-46 would fall shy if these standards. Plots 45-46 would achieve an 11m interface to rear facing windows of No.4 Fredericks Drive and would be sited just 2.5m to the shared rear boundary. However these plots are bungalows and as such would have no first floor windows as such there would be no overlooking and ground floor windows would be screened by the boundary treatment to prevent loss of privacy. These plots would also be off-set to No.4 Fredericks Drive and as such, this along with the single storey nature would prevent them being view as over dominant or with significant overshadowing impact on the rear garden area of No.4.

Plots 43-44 would achieve a 20.5m interface to rear facing windows of No.3 Fredericks Drive and would be sited just 9.5m to the shared rear boundary. Given the off-set nature of No.3 it is not considered that this interface would pose any significant harm through overlooking between windows and the distance between garden areas would prevent significant harm through overbearing/overshadowing impact.

Plots 42-41 would achieve between 18.3-20.5m interface to rear facing windows of Nos.3&2 Fredericks Drive and would be sited just 9.8m to the shared rear boundaries. Given the off-set nature of No.2&3 it is not considered that these interfaces would pose any significant harm through overlooking between windows and the distance between garden areas would prevent significant harm through overbearing/overshadowing impact.

## 7-11 Elton Lane

Plots to the northern boundary would provide in excess of the 21m interface as recommended in the SPD to prevent significant harm through overlooking, loss of outlook or overshadowing impact between windows and would be sited sufficient distance away from shared boundaries to prevent overlooking of garden areas.

Plot 35 would be sited just 5.2m to the boundary shared with No.11 Elton Lane. However the orientation of the properties is such that there would be no direct overlooking of the rear garden area as such this relationship is considered to be acceptable.

## Future occupants

Internal interface distances appear in accordance with distances recommended in the SPD.

The plan also suggests that all plots would provide in excess of the recommended 50sqm minimum garden area as per the SPD

As a result the layout suggests that the proposal could be provided without significant harm to living conditions of neighbouring properties.

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

## **Highways**

### Site description and current application proposal

The site currently consists of a single residential property and green fields, and has little transport movement associated with it. It is accessed from Crewe Road via a narrow driveway which serves an existing dwelling.

The proposal is to demolish the existing property to make way for the new access road from Crewe Road which will serve 46 affordable residential properties.

### Sustainable access

The site is within a 100m and 180m walk from the northbound and southbound bus stops each of which provide shelters. Buses 37 and 38 provide 3 services per hour on average at these stops between approximately 06:00 to 19:00 with a less frequent service until 23:00. The services run to Crewe, Arclid, Middlewich, Winsford, Sandbach, Congleton, Gawsorth, and Macclesfield. Footway access for pedestrians to the bus stops is available but will be improved.

National Cycle Route 451 runs north and south past the site along Crewe Road and connects with Crewe and Nantwich to the south and Sandbach to the north.

### Safe and suitable access

The access will be built to adoptable standards with a 5.5m wide access with 2m footways on either side. Speed surveys have been carried out on Crewe Road and following amendments to the initial access proposals, sufficient visibility to accommodate vehicle speeds can be achieved.

The footway along Crewe Road is narrow and will be widened to at least 2m from the site access to just past the bus stop to the south. Existing footway infrastructure is then provided to the wider area and destinations. The existing dropped kerb pedestrian crossing on Crewe Road will be located to the south slightly away from the new access. A further pedestrian dropped kerb crossing is provided further south on Crewe Road also.

### Network Capacity

The proposal will generate approximately 30 two-way vehicle trips during either of the network peak hours and the impact of the development on the local highway network will be minimal.

### Layout

The proposal will provide sufficient carriageway width in accordance with adoptable requirements and will deliver off-road parking provision to CEC standards.

The cul-de-sacs will not provide sufficient turning areas for refuse vehicles and a condition is required to either provide these or to provide bin collection points.

A condition for cycle parking provision for the apartments is also required.

### Highways conclusion

The access proposals and the impact on the highway network are acceptable and no objection is raised from the Councils Highways Engineer with conditions and informative regarding provision of the off-site pedestrian infrastructure improvements, cycle parking, turning areas and s38 agreement.

### **Landscape**

The majority of the application site is located within an area identified in the Cheshire Landscape Character Assessment as being in the LCT 7: Lower Wooded Farmland Character Area, and specifically within the LCA 7f: Barthomley Character Type. This is a very gently rolling landscape, much like the Cheshire Plain, but with a higher concentration of woodland. This is a traditional working landscape which retains its strong rural character and the overall strategy for this landscape is to conserve trees and woodland and rural character.

Initially the Councils Landscape Officer raised concerns that the proposal had not been supported by a Landscape Visual Impact Assessment (LVIA) and did not consider that landscape or the urban realm had been considered sufficiently. In particular he was concerned that the roadside planting was very localised and does not really allow for any hierarchy of tree planting across the site. Front gardens were considered very small and extensive areas along roads were dominated by footpaths and parking bays, resulting in a very hard and urban streetscape. Green areas to the east and south of the site were also considered to perform no function and appear to be merely left over areas that will be grassed. Reference to development along the rural boundary was also not fully considered. As a result he was

concerned that the proposal did not reflect guidance offered in the Cheshire East Design Guide in terms of positive rural transitions, nor was it apparent how the proposed development would either preserve or enhance the appearance and distinctiveness of the Cheshire East countryside.

A revised plan has since been received which seeks to reduce the number of dwellings from 49 to 46 with resultant re-configuration of the layout and introduction of a large of POS to the western boundary.

However the revised plans were received too late to receive revised comments from the Councils Landscape Officer. As such further comments will be provided on the revised layout in the update report.

## **Trees**

The application is supported by an Arboricultural Implications Assessment which includes a Tree Survey Schedule, an Arboricultural Method Statement (which includes a Tree Protection Plan)

The statement/assessment is broadly in accordance with the requirements of BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations.

The application seeks to demolish an existing two storey property and replace with similar, with a proposal for residential development consisting of 46 dwellings within open fields to the rear of the existing property. The assessment identifies 30 individual trees, 4 Groups and 8 hedgerows within the application site. No formal TPO protection exists within the boundary of the site and none to the neighbouring properties.

The proposal will not present any significant implications for existing onsite trees to be retained. Three mature Oak trees (T20, 21 & 22) are situated to the western boundary and the development has been revised to avoid incursion into the root protection area of these trees.

Ten individual trees have been identified for removal with five removed due to poor condition and five considered unsuitable for long term retention due to species or proximity to the properties. Trees proposed for removal are all situated to the southern aspect of the site in what is currently a small paddock and stabling area, their removal is considered to be of short term impact. Similarly with the Group G1 the two trees forming the group are of poor condition with a reduced safe useful life expectancy and their removal is considered appropriate.

Additional trees to be retained are placed offsite to the northern boundary with the associated root protection areas extending within areas of public open space or to proposed rear gardens of a size considered suitable in allowing for mature trees to be of reduced impact in regard to light attenuation or social proximity to properties. In this regard no issues associated with light levels or social proximity to proposed dwellings are to be expected.

One hedgerow to the northern boundary of the proposed access point (H8) is identified for removal. However it is noted the hedgerow forms part of a domestic curtilage and therefore will not be considered under the Hedgerow Regulations 1997.

## **Design**

The proposal has been assessed against the Councils adopted Cheshire East Design Guide SPD. This is appraised as below with each section either scoring a red, amber or green.

### Connections (amber)

- The scheme is essentially a large cul-de-sac with one route in and out
- There is no obvious point of pedestrian connection beyond the site boundary other than via the main access route
- The DAS (Design and Access Statement) discussed providing minimum separation to adjoining existing housing of 21 metres and retention of existing landscaping, however there are some situations where the interface seems closer and where no obvious buffering is provided (the provision of buffering is set out in the adopted CEC Design Guide p 11)
- The development does address the open countryside edge with outward looking development except on the southern edge, where there is a logic to back onto the hedgerow, given the site constraints and adjacent land use/character (although the hedge should be reinforced)

### Facilities and Services (amber)

- Certain facilities are located within the village including pub and restaurants but no real indication about access to wider facilities, such as schools, local shops etc.
- Access to open space on the western part of the site, including naturalised play provision but dependent on the comments of the open space team as to whether deemed appropriate

### Public Transport (green)

- The site is immediately adjacent to a principal bus route that runs between Crewe and Macclesfield.
- The site is circa 4-5 km from the railway stations in Sandbach and Crewe and is directly accessible via the bus route to Crewe Station.

### Meeting Local Housing Needs (amber)

- The proposal is for 46 affordable units to be provided comprising 2-4 bed houses and a block of 1 bed maisonettes. One open market house is also being provided to replace dwelling proposed to be demolished.

### Character (red)

- The scheme doesn't exhibit a strong enough sense of place and the sense of arrival into the development isn't especially strong.
- Within the site itself the streets are overly engineered in places. Subject to agreement with the Highways Team the width could be reduced given the size of the site.
- The apartment building is not a particularly strong entrance building with a rather complex roofscape and an imbalance to the principal elevations. The gable of the corner is relatively inactive, whilst the eastern elevation feels unbalanced.
- The bungalows at the main entrance into the site do form an especially strong grouping at the side entrance and are not a corner turning unit type
- Car parking is a little over dominant in places and impinges on the open space buffer (northern part of the site). Parts of the site are heavily reliant on the soft landscape to mitigate the effects of parked cars

- The avenue helps to define the hierarchy and create a green edge to the street but that, in combination with the placement of buildings set behind parking, weakens the built containment of the street
- The utilities infrastructure is discretely located in the SW corner of the site

#### Working with the Site and its Context (amber)

- Part of the southern hedgerow and trees are being removed, whereas much of that section of hedgerow and some trees could be retained (excluding that to enable access into the site).
- From the aerial photo, the southern, western and northern boundary seems to be almost fully enclosed by an existing hedge with hedgerow trees. However the landscape and site plan drawings appear ambiguous as to the extent of hedgerow being retained. The hedge is an important green infrastructure feature and should be retained and enhanced to contain the development

#### Creating Well Defined Streets and Spaces (amber)

- There are considerable areas of frontage parking for the size of the scheme, although the latest landscape plan does indicate landscaped areas dividing banks of parking spaces
- Building set back does not positively contain the principal street. This is exacerbated by the inclusion of the verge for street tree planting which further separates the buildings – the trees will help mitigate this to a degree
- There some areas of space that might become unloved or problem spaces over time because their management/responsibility is ambiguous.
- Frontage boundaries between private and public are generally defined by hedges. There is a need to ensure there is enough space to accommodate a positive frontage boundary. For the western private drive, the rear of plots 01 and 20 are exposed in street scenes by indenting of the frontage arising from frontage parking.

#### Easy to Find Your Way Around (green)

- It is a small scheme so is inherently legible but greater attention to place making could help reinforce this through stronger housing design and a reduction in the formality of lower tier streets
- As discussed above, the gateway into the site isn't particularly strong or memorable. Whilst there are limitations, this could be improved by reducing the engineering, better use of available landscape opportunity and stronger buildings at the point of arrival into the main part of the development.

#### Streets for All (red)

- In parts the streets are overly engineered and dominate the design of the scheme. There is a hierarchy but it is a little confused and the verge in the primary street is not being used for tree planting
- Combined with parking the street design creates a car focused development with cars visible to front of houses, exacerbating the impact of the engineered street form
- No indication of materials for streets/public realm but seems to be a continuous treatment through the scheme.



- Following the principles/materiality within the Cheshire East Design Guide could dramatically improve the feel/character of the streets/public realm

#### Car Parking (amber)

- There is a predominance of frontage parking in parts of the site
- There should be greater mix of solutions to reduce the amount of frontage parking
- Parking is provided within the open space buffer north of the shared drive, which creates a narrowing of the buffer and pinch point against the hedgerow

#### Public and Private Spaces (amber)

- Open space is provided on the western side of the site. Play provision is included as part of the landscape design of the space but no detail as to its design, the design of play etc.
- No details regarding the management of open space
- There are a couple of ambiguous areas of space where use and management are unclear from the layout and landscape details. These need to be designed out

#### External Storage and Amenity Space (amber)

- Bin and external storage included on the site layout but there is no indication of what is proposed for the flats

#### Conclusion

This assessment identifies that there are several issues that impact upon the design quality of the development. Performance against some of the criteria could be enhanced through improved information, but there are several key areas where the design is considered unacceptable and where amendment is required to improve the scheme's performance. Consequently, as it stands at present, the scheme cannot be supported in design terms.

### **Ecology**

#### Great Crested Newts (GCN)

A low population (1-10) of Great Crested Newts has been recorded at two ponds within the vicinity of the site.

The submitted Great Crested Newt Survey Report states that an application has been made to enter the GCN District Level Licensing scheme but that the counter signed agreement has not yet been received. Evidence of acceptance onto the scheme should be submitted for approval prior to decision.

The submitted GCN Report also makes some recommendations for Reasonable Avoidance Measures to reduce the risk of injury/fatality to amphibians during construction.

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected the proposed development the planning authority must have regard to whether Natural England would be likely to subsequently grant the applicant a European Protected species

license under the Habitat Regulations. A license under the Habitats Regulations can only be granted when:

- the development is of overriding public interest,
- there are no suitable alternatives and
- the favourable conservation status of the species will be maintained.

The UK implemented the EC Directive in the Conservation (natural habitats etc) regulations which contain two layers of protection:

- A licensing system administered by Natural England which repeats the above tests
- A requirement on local planning authorities (“lpas”) to have regard to the directive’s requirements.

The Habitat Regulations 2010 require local authorities to have regard to three tests when considering applications that affect a European Protected Species. In broad terms the tests are that:

- The proposed development is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment
- There is no satisfactory alternative
- There is no detriment to the maintenance of the species population at favourable conservation status in its natural range.

Current case law instructs that if it is considered clear or very likely that the requirements of the directive cannot be met because there is a satisfactory alternative, or because there are no conceivable “other imperative reasons of overriding public interest”, then planning permission should be refused. Conversely, if it seems that the requirements are likely to be met, then there would be no impediment to planning permission be granted. If it is unclear whether the requirements would be met or not, a balanced view taking into account the particular circumstances of the application should be taken.

### Overriding Public Interest

The provision of mitigation would assist with the continued presence of newts and may also result in their enhancement on the site.

### Alternatives

There is an alternative scenario that needs to be assessed, this are:

#### No development on the site

Without any development, specialist mitigation for newts would not be provided which would be of benefit to the species.

In this instance the Councils Ecologist is satisfied that the risks will be adequately mitigated against by the implementation of the measures in the report and suggests its implementation be secured by condition.

### Bats and Hedgerows

The submitted bat report found no evidence of a legally protected bat roost in the building proposed for demolition or in the trees on site. The survey results do identify the use of hedgerows on site by bats as commuting habitat.

Hedgerows are a priority habitat and hence a material consideration. If planning consent is granted the Councils Ecologist recommends a landscape condition be attached that includes the retention and enhancement of existing hedgerow where possible, and compensatory native species planting to compensate for any sections of hedgerow unavoidable loss.

### Ecological Enhancement

Local Plan Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity. This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development in accordance with this policy. The Councils Ecologist therefore recommends that if planning permission is granted a condition should be attached which requires the submission of an ecological enhancement strategy.

### Wildlife sensitive lighting standard response

In accordance with the BCT Guidance Note 08/18 (Bats and Artificial Lighting in the UK), prior to the commencement of development details of the proposed lighting scheme should be submitted to and approved in writing by the Local Planning Authority.

### Update other protected species (OPS) check

If planning consent is granted, the Councils Ecologist recommends a condition which prevents removal of any vegetation unless a survey has been carried out to confirm the continued absence of badger setts on site.

The above conditions are considered to be reasonable and necessary and will be added to any decision notice.

## **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 46 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
- Piling
- Travel Plan
- Electric Vehicle Infrastructure

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

## **Flood Risk**

The application site is located within Flood Zone 1 (low probability of river/tidal flooding) according to the Environment Agency Flood Maps. As the site is greater than 1 hectare in size a Flood Risk Assessment (FRA) has been submitted in support of this planning application.

The FRA concludes that with the inclusion of SUDS and controlled flows there is a betterment from the existing situation which should avoid down stream flooding. Development of the site will also reduce maximum greenfield discharge rate to the existing local watercourse network and poses no risk of increased flooding.

United Utilities have been consulted as part of this application and have raised no objection to the proposed development subject to conditions regarding foul and surface water drainage and a drainage strategy. These conditions are considered reasonable and can be added to any decision notice.

The Councils Flood Risk Team has also been consulted and advises that they have no objection in principle however require further information regarding the northern boundary as the survey identifies an inlet but it is unclear if there is there an outfall to the pond. Additionally, there is a ditch line along the boundary of the proposed development, following completion but further detail is required regarding how will this be managed.

Further detail has not been received at the time of writing the report but this is expected soon so will further comments will be provided in the update report.

The above conditions are considered both reasonable and necessary and will be added to any decision notice.

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.

In this instance no report has been provided to consider the agricultural land quality.

## **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 increased demand for medical care usage in Haslington. Evidence has been put forward by the SCCG that a contribution of £45,288 to support the development of Haslington Medical Centre. The NHS plan is also at an advanced stage and calculations of how the requested contribution was derived has been provided and has been linked to the expansion of the existing medical practice. This is considered to be necessary and fair and reasonable in relation to the development.

The development would result in increased demand for primary and secondary school 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 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/LEAP is identified on the submitted plans. It is necessary to secure these works and a scheme of management. 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 and a Deed of Variation will be required to the original S106 Agreement.

## **Other**

The majority of comments from representations have been addressed above however a few remain which are addressed below:

- Other new houses remain unsold – this is not relevant to the determination of a planning application
- Loss of parking for nearby properties – this would be a civil matter
- Issues with social cohesion – this is not relevant to the determination of a planning application
- Will substation be safe – this would be dealt with under legislation outside of planning
- Will set a precedent for similar development – this is not relevant to the determination of a planning application
- Loss of house value – this is not relevant to the determination of a planning application
- Noise and air pollution – conditions could be imposed regarding dust management
- Vibration during construction – conditions could be imposed regarding piling

## **PLANNING BALANCE**

The application site is located within the open countryside as defined by the adopted Development Plan (the CELPS and the C&NLP). The Publication Draft of the SADPD identifies that the site would also be located within the open countryside. In any event the Publication Draft of the SADPP is given limited weight at this stage. The proposed development would be contrary to Policy PG6 of the CELPS.

Policies PG6 and SC6 identify that affordable housing will be permitted as an exception to other policies relating to the countryside to meet locally identified affordable need. However no up-to-date Housing Need Survey has been undertaken in support of this application and the development exceeds the threshold of 10 dwellings identified within Policy SC6. As a result the proposed development would not comply with Policies PG6 and SC6. Given that Cheshire East can demonstrate a 5 year supply of deliverable housing sites, significant weight is given to this factor.

The development would also result in some visual harm to the landscape given that it seeks to develop a site that is currently free from built form. No agricultural land quality report has been provided to consider the quality of agricultural land to be lost.

The development would provide benefits in terms of 100% affordable housing provision, open market provision, public open space, delivery of economic benefits during construction and through the spending of future occupiers.

The development would have a neutral impact upon education, flooding, living conditions, trees, design, air quality and contaminated land.

The proposed development is contrary to the Development Plan. In the light of section 38(6) of the Planning and Compulsory Purchase Act 2004 planning permission should be refused unless material considerations indicate otherwise. In this instance the material considerations put forward including the provision of 100% affordable housing provision is not considered to outweigh the adverse harm caused as the Council is meeting its affordable housing targets and no evidence of need has been provided. As such it is considered that the development does not constitute sustainable development and should therefore be refused.

## **RECOMMENDATION:**

### **Refuse for the following reasons:**

- 1) The proposed development is unsustainable because it is located within the Open Countryside, it also would result in an adverse impact on character and appearance of the area and has been supported by sufficient information to address the quality of agricultural land to be lost. The application is also not supported by an up-to-date Housing Needs Survey to identify the need within this Parish. Furthermore a development of 46 affordable units would exceed the threshold criteria of 10 units identified by Policy SC6. As a result the proposal is contrary to Policies PG2 (Settlement Hierarchy), PG6 (Open Countryside), SC6 (Rural Exceptions Housing for Local Needs) SD1 (Sustainable Development in Cheshire East) and SD2 (Sustainable Development Principles), SE2 (Efficient Use of Land) of the Cheshire East Local Plan Strategy, and saved Policy RES.5 (Housing in the Open Countryside) of the Crewe and Nantwich Local Plan and the principles of the National Planning Policy Framework, which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it creates harm to interests of acknowledged importance.**
- 2) The design and layout of the proposed development is considered to be poor and fails to take the opportunities available for improving the character and quality of the area. As a result the proposal would not make a positive contribution to the area and would be contrary to Policy SE1 (Design), SD1 (Sustainable Development in Cheshire East) and SD2 (Sustainable**

Development Principles), of the CELPS, The Cheshire East Design Guide and the requirements of 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:

<b>S106</b>	<b>Amount</b>	<b>Triggers</b>																		
<b>Affordable Housing</b>	100%	In accordance with phasing plan. No more than 80% open market occupied prior to affordable provision in each phase																		
<b>Education</b>	Contribution of £108,902.43 towards primary and secondary education	50% Prior to first occupation 50% at occupation of 23rd dwelling																		
<b>Health</b>	<p>Contribution to support the development of Haslington Medical Centre using the below formula:</p> <table> <tr> <th>Size of Unit</th><th>Occupancy Assumptions Based on Size of Unit</th><th>Health Need/Sum Requested per Unit</th></tr> <tr> <td>1 bed unit</td><td>1.4 persons</td><td>£504 per 1 bed unit</td></tr> <tr> <td>2 bed unit</td><td>2.0 persons</td><td>£720 per 2 bed unit</td></tr> <tr> <td>3 bed unit</td><td>2.8 persons</td><td>£1,008 per 3 bed unit</td></tr> <tr> <td>4 bed unit</td><td>3.5 persons</td><td>£1,260 per 4 bed unit</td></tr> <tr> <td>5 bed unit</td><td>4.8 persons</td><td>£1,728 per 5 bed unit</td></tr> </table>	Size of Unit	Occupancy Assumptions Based on Size of Unit	Health Need/Sum Requested per Unit	1 bed unit	1.4 persons	£504 per 1 bed unit	2 bed unit	2.0 persons	£720 per 2 bed unit	3 bed unit	2.8 persons	£1,008 per 3 bed unit	4 bed unit	3.5 persons	£1,260 per 4 bed unit	5 bed unit	4.8 persons	£1,728 per 5 bed unit	50% Prior to first occupation 50% at occupation of 23rd dwelling
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<b>Public Open Space</b>	Provision of Public Open Space and a LEAP (5 pieces of equipment) to be maintained by a private management company	50% Prior to first occupation 50% at occupation of 23rd dwelling																		

