

Southern Planning Committee

Agenda

Date: Wednesday, 3rd August, 2016
Time: 10.00 am
Venue: Council Chamber, Municipal Buildings, Earle Street, Crewe
CW1 2BJ

Members of the public are requested to check the Council's website the week the Southern Planning Committee meeting is due to take place as Officers produce updates for some or all of the applications prior to the commencement of the meeting and after the agenda has been published.

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. **Apologies for Absence**

To receive apologies for absence.

2. **Declarations of Interest/Pre Determination**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests and for Members to declare if they have pre-determined any item on the agenda.

3. **Minutes of Previous Meeting** (Pages 1 - 10)

To approve the minutes of the meeting held on 29 June 2016.

Please contact Julie Zientek on 01270 686466

E-Mail: julie.zientek@cheshireeast.gov.uk with any apologies or requests for further information
Speakingatplanning@cheshireeast.gov.uk to arrange to speak at the meeting

4. **Public Speaking**

A total period of 5 minutes is allocated for each of the planning applications for the following:

- Ward Councillors who are not members of the Planning Committee
- The relevant Town/Parish Council

A total period of 3 minutes is allocated for each of the planning applications for the following:

- Members who are not members of the planning committee and are not the Ward Member
- Objectors
- Supporters
- Applicants

5. **16/0015N Land To Rear Of 46, Chestnut Avenue, Shavington , Crewe, Cheshire CW2 5BJ: Outline application for the demolition of no. 46 Chestnut Avenue, Shavington and erection of 44 dwellings (including access) and associated works for Oscar Planning (Pages 11 - 36)**

To consider the above planning application.

6. **15/4367N Kents Green Farm, Kents Green Lane, Haslington CW1 5TP: Reserved Matters Application for the Erection of 51no Houses, roads, public open space and associated works for Cheryl Wood, Stewart Milne Group Ltd (Pages 37 - 52)**

To consider the above planning application.

7. **16/0646N 6 & Land rear of no.6 Bunbury Lane, Bunbury CW6 9QZ: Outline planning application for the demolition of 1no. bungalow and the erection of 15 dwellings, including associated access at land east of Bunbury Lane, Bunbury for Wulvern (Pages 53 - 72)**

To consider the above planning application.

8. **15/5782N Land Off Hill Close, Bunbury: Proposed Residential Development for 15 dwellings with access from the proposed Wulvern Homes site for Colin Booth, CB Homes Ltd (Pages 73 - 94)**

To consider the above planning application.

9. **15/5783N Land Off Hill Close, Bunbury: Proposed Residential Development for 15 dwellings with access from Hill Close for Colin Booth, CB Homes Ltd (Pages 95 - 116)**

To consider the above planning application.

10. **16/1728N Land North of Pool Lane, Winterley: Outline Application for residential development of up to 33 units with all others matters reserved, except for access and landscaping for Footprint Land and Development** (Pages 117 - 140)

To consider the above planning application.

11. **16/1352C Land at Cedar Avenue, Alsager: Outline applicaion for residential redevelopment of up to 14 dwellings with associated infrastructure for Country & Coastal Developments Ltd** (Pages 141 - 164)

To consider the above planning application.

12. **15/5654N Land To The West Of Close Lane, Alsager: Variation of Condition 27 on application 13/1305N - Outline planning application for a mixed residential scheme to provide affordable, open market, and over 55's sheltered accommodation, open space (76 family dwellings comprising one to four bedrooms and 56 dwellings for the over 55's comprising 1 and 2 bedrooms) - all matters reserved for Miss Holly Stiles, Stewart Milne Homes** (Pages 165 - 174)

To consider the above planning application.

13. **15/4447N Red Lion Hotel, Barony Road, Nantwich CW5 5QS: Demolition of Public House/Hotel and the development of 21 new dwellings and ancillary works for Renew Land Developments Limited** (Pages 175 - 188)

To consider the above planning application.

14. **16/0396C Saltersford Farm, Land North of Macclesfield Road, Holmes Chapel CW4 8AL: Reserved matters for application 14/0132C - Development of residential scheme comprising up to 100 dwellings, amenity areas, landscaping and associated infrastructure for Mr Gary Lynch, Russell Homes** (Pages 189 - 204)

To consider the above planning application.

15. **16/0479C 7, King Street, Middlewich CW10 9EJ: Outline application for residential development of 24 No. dwellings on Land to the Rear of 7 King Street, Middlewich and replacement of 1 No. existing dwelling (25 No. dwellings in total) for Mrs Jill Turner** (Pages 205 - 224)

To consider the above planning application.

16. **16/0420N Land To Rear Of South View, Nantwich Road, Calveley CW6 9JN: One pair of semi detached houses for Mr & Mrs A Beeston** (Pages 225 - 236)

To consider the above planning application.

17. **16/2183N Land Off Mill Lane, Bulkeley: Proposed 13 dwellings with access off Mill Lane for Mr M Schofield** (Pages 237 - 252)

To consider the above planning application.
18. **16/2832N Land Off Crewe Road, Haslington, Cheshire: Advertisement consent for erection of 2no advertisement boards to inform public of new residential site for Mr Christopher Conlon, Bovis Homes Ltd** (Pages 253 - 258)

To consider the above planning application.
19. **Update following the resolution to approve application 15/3752N - Construction of five, detached two-storey dwellings with car parking and car parking for existing workshop with shared access - 416, Newcastle Road, Shavington, CW2 5EB** (Pages 259 - 262)

To consider proposed amendments to the committee resolution for application 15/3752N.
20. **Update following the resolution to approve application 15/2331N - Outline application for up to nine dwellings - Land South of Chester Road, Alpraham** (Pages 263 - 266)

To consider proposed amendments to the committee resolution for application 15/2331N.
21. **Update following the resolution to approve application 15/3979N - Outline Planning Application For The Demolition Of Existing House And The Construction Of An Access Road With Residential Development On Existing Garden Area And Paddock Land - Heathcote, Sandy Lane, Aston, CW5 8DG** (Pages 267 - 270)

To consider proposed amendments to the committee resolution for application 15/3979N.

THERE ARE NO PART 2 ITEMS

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 29th June, 2016 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

Councillor G Merry (Chairman)
Councillor M J Weatherill (Vice-Chairman)

Councillors Rhoda Bailey, D Bebbington, P Butterill, J Clowes, W S Davies,
S Edgar, A Kolker, J Rhodes, B Roberts and B Walmsley

NON-COMMITTEE MEMBERS IN ATTENDANCE

Councillors J Hammond and J Wray

OFFICERS PRESENT

Daniel Evans (Principal Planning Officer)
Patricia Evans (Senior Planning and Highways Lawyer)
Andrew Goligher (Principal Development Control Officer - Highways)
Sue Orrell (Principal Planning Officer)
Julie Zientek (Democratic Services Officer)

Apologies

There were no apologies for absence.

10 DECLARATIONS OF INTEREST/PRE DETERMINATION

The following declarations were made in the interests of openness:

With regard to application number 16/0015N, Councillor S Edgar declared that he had made up his mind. He would exercise his separate speaking rights as a Ward Councillor and not take part in the debate or vote.

With regard to application number 16/1487N, Councillor J Hammond, who was in attendance at the meeting, declared that he was a member of Haslington Parish Council, which had been consulted on the application.

With regard to application numbers 15/5579C and 15/5650C, Councillor G Merry declared that she was a member of Sandbach Town Council, which had been consulted on the applications. She was not a member of its planning committee. She had not discussed these applications and had kept an open mind.

11 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meeting held on 25 May 2016 be approved as a correct record and signed by the Chairman.

12 16/0015N LAND TO REAR OF 46, CHESTNUT AVENUE, SHAVINGTON, CREWE, CHESHIRE CW2 5BJ: OUTLINE APPLICATION FOR THE DEMOLITION OF NO. 46 CHESTNUT AVENUE, SHAVINGTON AND ERECTION OF 44 DWELLINGS (INCLUDING ACCESS) AND ASSOCIATED WORKS FOR OSCAR PLANNING

Note: Having exercised his separate speaking rights as a Ward Councillor, Councillor S Edgar withdrew from the meeting for the duration of the Committee's consideration of this item.

Note: Parish Councillor W McIntyre (on behalf of Shavington-cum-Gresty Parish Council) and Mr S Harris (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application, a written update and an oral report of the site inspection.

RESOLVED – That the application be DEFERRED for the following:

- Details of the accessibility of the local schools by foot
- Clarification on the numbers at Shavington Primary and Secondary Schools
- Further information in relation to the loss of employment
- To enable an Education Officer to attend Southern Planning Committee when the application is considered

13 16/1487N LAND NORTH OF POOL LANE, WINTERLEY: RESERVED MATTERS APPLICATION SEEKING CONSENT FOR APPEARANCE, LANDSCAPING, LAYOUT AND SCALE, FOLLOWING OUTLINE PLANNING PERMISSION FOR THE CONSTRUCTION OF UP TO 45NO. DWELLINGS (13/4632N) FOR JANE ASPINALL, BELLWAY HOMES LIMITED

Note: Councillor J Hammond (Ward Councillor), Mr M Riley (objector) and Ms J Aspinall (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:

1. In accordance with Outline
2. Development in accordance with approved plans
3. Soakaway drainage
4. Storm period drainage
5. External lighting condition
6. No removal of deadwood from trees
7. Hedgehog gaps in hedgerows
8. Implementation and construction of the access road serving Plots 13 – 17 – trees

- (b) That, in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) be granted delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

14 16/1575N LAND ADJACENT TO, LODMORE HOUSE, LODMORE LANE, BURLEYDAM: DEVELOPMENT OF AFFORDABLE HOUSING INCLUDING 3NO. 3BED 5PERSON HOUSES, 6NO. 2BED 4PERSON HOUSES, 4NO. 2BED 3PERSON FLATS AND 4NO. 1BED 2PERSON FLATS. 17 UNITS IN TOTAL WITH 30NO.PARKING SPACES AND PRIVATE GARDENS FOR MS KAREN WILFORD, ADACTUS HOUSING GROUP LTD

Note: Ms P Christou attended the meeting and addressed the Committee on behalf of the applicant.

The Committee considered a report regarding the above planning application and a written update.

RESOLVED

- (a) That authority be DELEGATED to the Head of Planning (Regulation), in consultation with the Chairman of Southern Planning Committee, to APPROVE the application for the reasons set out in the report, subject to:
- the resolution of the issues raised by the Council's ecologist
 - comments from the Education Department
 - the completion of a s106 agreement to secure 100% affordable units
 - requires them to transfer all units to a Registered Provider
 - Includes provisions that require the affordable homes to be let to people who are in housing need and have a local connection, and older people to be given first choice in relation to the occupancy of

the ground floor units. The local connection criteria used in the agreement should match the Councils allocations policy.

- the following conditions:
 1. Standard
 2. Approved plans
 3. Submission of samples of building materials
 4. Surfacing materials
 5. Piling Foundations
 6. Major development construction phase environmental management plan
 7. Lighting
 8. Travel Information Pack
 9. Electric Vehicle Infrastructure
 10. Dust control
 11. Contaminated Land
 12. Soil forming materials
 13. Unknown Contaminated Land
 14. Removal of PD
 15. Programme of archaeological work
 16. Foul water condition
 17. Surface water condition
 18. Suds Drainage and management condition
 19. Tree and hedgerow protection
 20. Improved landscape scheme retaining existing hedges
 21. Landscape implementation
 22. Nesting Birds
 23. Bird nesting features
 24. Hedgehog features
 25. Updated Badger Report
- (b) That, in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) be granted delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

15 15/5579C LAND ON THE SOUTH SIDE OF DRAGONS LANE, MOSTON, SANDBACH, CHESHIRE CW11 3QB: REMOVAL OF CONDITION 3 ON APPLICATION 12/0971C TO MAKE PERMISSION PERMANENT AND REMOVE LIMITATION ON OCCUPANCY TO NAMED PERSONS FOR MR MARTIN SMITH

Note: Prior to consideration of this application, the meeting was adjourned for refreshments.

Note: Councillor J Wray (Ward Councillor) and Parish Councillor A Holder (on behalf of Moston Parish Council) attended the meeting and addressed the Committee on this matter.

Note: Mr M Smith (applicant) had not registered his intention to address the Committee. However, in accordance with paragraph 2.8 of the public speaking rights at Strategic Planning Board and Planning Committee meetings, the Committee agreed to allow Mr Smith to speak.

The Committee considered a report regarding the above planning application.

RESOLVED

- (a) That, contrary to the planning officer's recommendation for approval, the application be REFUSED.
- (b) That authority be DELEGATED to the Head of Planning (Regulation), in consultation with the Chairman of Southern Planning Committee, to formulate the wording of the reason for refusal.

16 **15/5650C THIMSWARRA FARM, DRAGONS LANE, MOSTON:
VARIATION OR REMOVAL OF CONDITION 5 ON APPLICATION
14/3086C FOR MR P COSNETT**

Note: Councillor J Wray (Ward Councillor) and Parish Councillor A Holder (on behalf of Moston Parish Council) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

RESOLVED - That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:

1. Personal occupancy (named occupants within the report) and use of the land as a residential caravan site shall be discontinued on or before 14 September 2018
2. Approved plans
3. Occupation by gypsies and travellers
4. Landscaping scheme to be submitted within 3 months
5. No more than four caravans (no more than two static caravans)
6. External lighting to be approved
7. Details of external colour of stable block to be submitted
8. Manure storage details to be submitted
9. Drainage details to be submitted within 3 months
10. No commercial use of the site and no vehicle over 3.5 tonnes parked / stored on site

**17 16/0325C LAND ADJACENT TO 36, BLACK FIRS LANE, SOMERFORD
CW12 4QQ: OUTLINE PLANNING APPLICATION FOR THE ERECTION
OF 3 NO. DWELLINGS FOR GARETH JACKSON**

Note: Ms N Gibson had registered her intention to address the Committee on behalf of the applicant but did not speak.

The Committee considered a report regarding the above planning application.

RESOLVED - That, for the reasons set out in the report, authority be DELEGATED to the Head of Planning (Regulation), in consultation with the Chairman of Southern Planning Committee, to formally notify the University of Manchester (Jodrell Bank), with a further 21 day consultation period, of the intention to grant planning permission subject to the following conditions:

1. Commencement of Development (Outline)
2. Submission of Reserved Matters (Access, Appearance, Landscaping, Layout and Scale)
3. Reserved Matters to be informed by indicative layout
4. Details of existing and proposed ground levels
5. Details of surface and foul water drainage – Prior submission/approval
6. Landscaping Reserved Matters Application shall include details of existing trees to be retained along with measures for their retention
7. All subsequent Reserved Matters Application shall be supported by an updated protected species survey with regard to Badgers and Bats
8. Access reserved matter shall detail access and visibility as approved detailed on approved visibility plan
9. Dust Control Measures – Prior submission/approval
10. Contaminated Land Survey – Prior submission/approval
11. Soil Importation testing
12. Unidentified Contamination
13. Jodrell Bank insulation measures

**18 16/1309N 13, BUXTON AVENUE, CREWE CW1 6EU: CHANGE OF USE
OF EXISTING DWELLING HOUSE TO FORM 6 NO BEDSITS AND 1 NO
FLAT WITH EXTERNAL STAIR FOR TOMER SPITKOWSKI**

Note: The Principal Planning Officer read a representation from Councillor S Brookfield (Ward Councillor), who was unable to attend the meeting.

Note: Mr T Spitkowski (applicant) attended the meeting and addressed the Committee.

Note: Mr M Tweats (objector) had not registered his intention to address the Committee. However, in accordance with paragraph 2.8 of the public

speaking rights at Strategic Planning Board and Planning Committee meetings, the Committee agreed to allow Mr Smith to speak.

The Committee considered a report regarding the above planning application, a written update and an oral report of the site inspection.

RESOLVED

(a) That, for the reasons set out in the report and the written update, the application be APPROVED subject to the following conditions:

1. Time (3 years)
2. Plans
3. Materials to Match
4. Details of covered bin storage compound to be provided
5. One bike parking space for each flat/bed sit to be provided

Informative:

1. NPPF
2. Hours of construction

(b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Planning (Regulation), in consultation with the Chairman (or in her absence the Vice Chairman) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

19 16/1658N T I MIDWOOD & CO, GREEN LANE, WARDLE, CHESHIRE CW5 6BJ: VARIATION OF CONDITION 4 ON APPLICATION 15/3163N - OUTLINE APPLICATION FOR EXTENSIONS TO THE EXISTING WAREHOUSE, THE ERECTION OF A CANOPY AND THE CONSTRUCTION OF A DELIVERY DOCK AND REPLACEMENT CAR PARKING, INCLUDING DETAILS OF ACCESS, APPEARANCE, LAYOUT AND SCALE (DETAILS OF LANDSCAPING RESERVED FOR SUBSEQUENT APPROVAL), FOLLOWING THE DEMOLITION OF AN EXISTING OFFICE BUILDING FOR T I MIDWOOD AND CO LTD

Note: Councillor J Clowes left the meeting prior to consideration of this application.

The Committee considered a report regarding the above planning application.

RESOLVED

(a) That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:

1. The subsequent approval by the Local Planning Authority before development of the landscaping of the site
 2. Application for reserved matters must be made not later than the expiration of three years from the date of this permission.
 3. Development to be implemented within 3 years of the date of the 1st October 2015 or expiry of 2 years from final approval of the last of the reserved matters.
 4. Approved Plans
 5. Parking to be provided before the approved extensions are first brought into use
 6. Materials to match existing
 7. Scheme for the disposal of surface water
- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Planning (Regulation) in consultation with the Chairman (or in her absence, the Vice Chairman) of the Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

**20 16/2472M 14, LANGLEY ROAD, LANGLEY, CHESHIRE SK11 0DP:
CERTIFICATE OF LAWFUL EXISTING DEVELOPMENT - SINGLE
STOREY REAR EXTENSION, PART TWO STOREY/PART SINGLE
STOREY SIDE EXTENSION AND SINGLE STOREY FRONT
EXTENSION FOR MR C HOOLEY**

The Committee considered a report regarding an application for a Lawful Development Certificate for existing operational development at 14, Langley Road, Langley, Cheshire.

RESOLVED – That the report be noted.

**21 UPDATE FOLLOWING THE RESOLUTION TO APPROVE
APPLICATION 15/1249N - PROPOSED CONSTRUCTION OF 10 NO.
DWELLING COMPLETE WITH ACCESS, ASSOCIATED PARKING AND
LANDSCAPING - GRENSON MOTORS CO LTD, MIDDLEWICH ROAD,
MINSHULL VERNON, CHESHIRE, CW1 4RA**

The Committee considered a report regarding planning application 15/1249N which had been approved by the Southern Planning Committee subject to the completion of a Section 106 Agreement to secure affordable housing on this development and a number of conditions.

A recent Court of Appeal had ruled that a 2014 ministerial statement introducing the 'vacant building credit' and exempting small sites from affordable housing contributions was not unlawful. The Council was therefore unable to require affordable provision on this site.

RESOLVED – That, for the reasons set out in the report, the Heads of Terms for the S106 Agreement be removed from the Committee resolution and an additional condition be attached to state that the reserved matters application should have a maximum combined gross floorspace of no more than 1000sqm.

The meeting commenced at 10.00 am and concluded at 3.05 pm

Councillor G Merry (Chairman)

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Application No: 16/0015N

Location: LAND TO REAR OF, 46, CHESTNUT AVENUE, SHAVINGTON ,
CREWE, CHESHIRE, CW2 5BJ

Proposal: Outline application for the demolition of no. 46 Chestnut Avenue,
Shavington and erection of 44 dwellings (including access) and
associated works.

Applicant: Oscar Planning

Expiry Date: 18-Apr-2016

SUMMARY

The proposed development would be contrary to Policies NE.2, NE.4 and RES.5 and the development would result in a loss of open countryside and Green Gap. However as Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites policies NE.2, NE.4 and RES.5 are out-of-date for the purposes of paragraph 49 of the NPPF. The presumption in favour of sustainable development applies at paragraph 14 of the Framework where it states that LPA's should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

The development would provide benefits in terms of affordable housing provision, delivery of housing, POS provision and significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in Shavington.

The development would have a neutral impact upon education, protected species/ecology, flood risk/drainage, trees, residential amenity/noise/air quality/contaminated land and highways.

The adverse impacts of the development would be the loss of open countryside (limited weight), the little harm to the Green Gap, limited landscape impact of the development and limited weight through the loss of an employment site (although it should be noted that there will be no loss in jobs as the business are planning on relocating together to a larger more suitable site).

However, the benefits of approving this development (as listed above) would significantly and demonstrably outweigh the adverse impacts of the development. As such the application is recommended for approval.

RECOMMENDATION

APPROVE subject to the completion of a S106 Agreement and the imposition of planning conditions

REASON FOR DEFERRAL

This application was deferred at the Southern planning Committee meeting on 29th June 2016 for the following reasons;

RESOLVED – That the application be DEFERRED for the following:

- *Details of the accessibility of the local schools by foot*
- *Clarification on the numbers at Shavington Primary and Secondary Schools*
- *Further information in relation to the loss of employment*
- *To enable an Education Officer to attend Southern Planning Committee when the application is considered*

PROPOSAL

This is an outline planning application for the demolition of 46 Chestnut Avenue and the erection of 44 dwellings. Access is to be determined at this stage with all other matters reserved.

The proposed development includes a single access point onto Chestnut Avenue which would be located to southern boundary of the site.

During the course of this application a revised indicative plan was received and this now shows the provision of 3 bungalows to the south-west corner of the site.

SITE DESCRIPTION

The site comprises 1.64ha of land located on the northern edge of Shavington. The site lies to the east of the Wainhomes development which was approved at appeal as part of two phases.

The site includes 46 Chestnut Avenue which is a modern two-storey detached dwelling set within a large curtilage. The main part of the site is currently in equine use and the eastern part of the site includes areas of hardstanding, two large stable buildings, a horse walker and a manege. To the west the land levels drop down to an existing tree lined watercourse. The western part of the site is undeveloped and the land is divided into a number of small paddocks used for the keeping of horses.

The site is bound by existing fencing and hedgerows, some of which contain trees. In addition, there are two hedgerows which project into the site.

Existing residential development lies to the south of the site fronting Chestnut Avenue. Northfield Place. The site is located within the Green Gap.

RELEVANT HISTORY

The application site

7/11097 - Detached 4 bedroom house with garage – Approved 7th June 1984

7/10076 - One detached dwelling and garage – 7th June 1983

The adjacent site

15/4967N - Reserved Matters application seeking consent for appearance, landscaping, layout and scale following the approval of 14/3267N - Construction of up to 53 dwellings including details of access – Approved 9th March 2016

14/3267N - Construction of up to 53 dwellings including details of access (outline) – Refused 25th September 2014 – Appeal Lodged – Appeal Allowed 6th August 2015

14/1534N - Variation of condition 1 (plans) attached to planning application 13/1021N. Land off Rope Lane, Shavington, Crewe, Cheshire CW2 5DA Development proposed for the erection of up to 80 dwellings – Approved 20th May 2014

13/2299N - Approval of details of the appearance, landscaping, layout and scale as required by condition 1 attached to the outline planning permission 11/4549N – Refused 30th May 2013

13/1021N - Approval of details of the appearance, landscaping, layout and scale as required by condition 1 of 11/4549N attached to the outline planning permission – Appeal Against Non Determination – Appeal Allowed 22nd January 2014

11/4549N - Outline Planning Permission for Erection of Up to 80 Dwellings Including Details of Access Land – Refused 21st March 2012. Appeal Lodged. Appeal Allowed 28th November 2012

NATIONAL & LOCAL POLICY

National Policy

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

50. Wide choice of quality homes

56-68. Requiring good design

Development Plan

The Development Plan for this area is the Borough of Crewe and Nantwich Replacement Local Plan 2011, which allocates the site, under policy NE.2, as open countryside and as Green Gap under Policy NE.4.

The relevant Saved Policies are:

NE.2 (Open countryside)

NE.4 (Green Gaps)

NE.5 (Nature Conservation and Habitats)
NE.9: (Protected Species)
NE.20 (Flood Prevention)
BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
RES.5 (Housing in the Open Countryside)
RES.7 (Affordable Housing)
RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)
TRAN.3 (Pedestrians)
TRAN.5 (Cycling)

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

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

PG2 – Settlement Hierarchy
PG5 - Open Countryside
PG6 – Spatial Distribution of Development
SC4 – Residential Mix
SC5 – Affordable Homes
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE3 – Biodiversity and Geodiversity
SE5 – Trees, Hedgerows and Woodland
SE 1 - Design
SE 2 - Efficient Use of Land
SE 4 - The Landscape
SE 5 - Trees, Hedgerows and Woodland
SE 3 - Biodiversity and Geodiversity
SE 13 - Flood Risk and Water Management
SE 6 – Green Infrastructure
IN1 – Infrastructure
IN2 – Developer Contributions

Supplementary Planning Documents:

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

CONSULTATIONS

United Utilities: No objection subject to the imposition of conditions.

NHS England: No comments received.

Head of Strategic Infrastructure: No objection subject to the imposition of a planning condition.

Natural England: No comments to make.

Environment Agency: No objection subject to conditions.

CEC Environmental Health: Conditions suggested in relation to environment management plan, piling, travel plan, electric vehicle infrastructure, dust control and contaminated land. Informatives are also suggested in relation to contaminated land and hours of operation.

CEC Strategic Housing Manager: No objection.

CEC Flood Risk Manager: No objection subject to the imposition of planning conditions.

Ansa (Public Open Space): The D & A states there is a “potential” for future connectivity whereas the Planning Statement states the design “includes a new public footpath that “will” provide bridge connections into the neighbouring site”. This needs to be made clear for this development to work to meet aims and connectivity objectives of the local plan the bridge connections are vital across Swill Brook and a must to connect to the Wain Homes site to the West of the proposed development.

CEC Education: The development of 44 dwellings is expected to generate:

8 primary children (44 x 0.19)

7 secondary children (44 x 0.15)

1 SEN children (44 x 0.51 x 0.023%)

The development is forecast to increase an existing shortfall predicted for SEN provision in the locality.

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

1 x £50,000 x 0.91 = £45,500 (SEN)

VIEWS OF THE PARISH COUNCIL

Shavington Parish Council: Shavington Parish Council objects to the proposed development on the following grounds:

- Egress from the development onto an over-used and under-sized highway will exacerbate the problems already experienced.
- Flooding: There are significant problems of flooding in the parish in respect of previous sites and the flood plain in the area is such that it will add to the problems.
- Traffic from Chestnut Avenue into Crewe Road junction is not wide enough for current traffic flow and the development would exacerbate the situation.
- Erosion of the Green Gap: The development will further erode the Green Gap between the built-up areas of Shavington and Crewe and will adversely affect the visual character of the

landscape which would significantly and demonstrably outweigh the benefits of the scheme, notwithstanding the shortfall in housing land supply. The development is therefore contrary to Policy NE4 (Green Gap) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and guidance in the National Planning Policy Framework.

- The roads in the village are inadequate and unable to cope with the current level of traffic. This development will worsen the situation.
- If this site does not appear in the land allocated for development in the new Cheshire East Local Development Plan, this is a further objection to the application; and
- In the event of the application being approved, Cheshire East Council is asked to add a condition to the effect that any affordable housing should be 'pepper-potted' throughout the site.
- The size of the site is inadequate and it would appear that the development has a potential to encroach onto the Vine Tree Play Area which is owned by the Parish Council. Specific comments in respect of this are:

The development does not appear to meet the aims and connectivity objectives of the Local Plan. For the development to work, the bridge connections are vital across Swill Brook and must connect to the Wain Homes' site to the west of the proposed development. This will then allow good access to the country-side park and formal play area. The Local Plan standard of 60m² x 44 dwellings means that the required POS on site is 2,640m². The developer's proposals of 2,150m² leave a shortfall of 490m².

Rope Parish Council: No comments received.

REPRESENTATIONS

Letters of objection have been received from 32 local households raising the following points:

Principal of development

- There are currently 48 houses for sale in Shavington
- The house prices of new dwellings are too high for first time buyers
- There have been enough approvals in Shavington
- There needs to be a greater proportion of bungalows to serve the older population
- Erosion of the Green Gap between Shavington and Crewe
- Lack of employment in Shavington
- The dwellings will be occupied by commuters
- There is no need for further housing in Shavington
- There are currently 4 housing estates being built in Shavington
- Loss of village character
- Too many executive homes are being constructed in Shavington
- Shavington will merge with Crewe
 - The site is within the open countryside
 - Previous approvals meet the needs of the area
 - Piecemeal form of development (phase 3 of the Rope Lane development)
 - 1310 houses have been approved in Shavington
 - Shavington has met its housing requirements already
 - There are significant development plans at Basford East and Basford West
 - The development does not meet the needs of an ageing population
 - The provision of bungalows on this site would address the previous concerns relating to loss of light and loss of privacy

- However there is still a strong objection to the location of plots 13-16 and 17-18 which would cause overlooking
- The car-parking on site will cause noise and pollution
- The application requires further amendments

Highways

- Chestnut Avenue is used as a rat run
- Chestnut Avenue is used by large volumes of traffic
- Increased traffic
- Local highways are in a poor state of repair
- There are a number of errors within the submitted Transport Assessment
- The junction of Main Road and Rope Lane is very busy and is not included within the traffic analysis
- The appendices are missing from the submitted Transport Assessment
- Highway disruption caused during the construction phase of the development
- Lack of parking within the centre of the village
- Chestnut Avenue is too narrow and cars often mount the verge
- Hazard caused by construction traffic
- On-street parking problems on Chestnut Avenue
- Traffic congestion when heading into Crewe during peak hours
- Poor visibility at the site access
- The access to the site could be improved
- Buses struggle to get down Chestnut Avenue

Green Issues

- Impact upon wildlife
- Loss of habitat
- Lack of a protected species survey
- Loss of trees
- Landscape impact
- Most of the trees will be lost on this site
- The trees on the site are visible from Chestnut Avenue and have amenity value
- Impact upon protected species
- The site is well used by bird species

Infrastructure

- Local infrastructure cannot cope with any further development
- The local schools are full
- Doctors surgeries are full

Amenity Issues

- Loss of privacy
- Increased pollution
- Increased dust
- Increased noise
- Increased air pollution
- Noise and disturbance caused by the construction works
- Adverse visual impact
- Light pollution

- Loss of light/overshadowing
- The application site is higher than some of the adjoining dwellings
- Proximity of the access to adjacent dwellings – causing amenity issues
- The development does not meet separation distances

Design issues

- The development would not respect the character of Shavington
- Lack of thought in relation to the layout of the houses
- Two-storey development is out of character and would be visible above the bungalows on Chestnut Avenue

Other issues

- Risk of flooding from Swill Brook
- Increased risk of flooding
- Sewage infrastructure cannot cope with further development
- Insufficient information relating to surface water run-off from the site
- It is not possible to determine whether SUDS will be possible as part of this outline application
- No open space is provided as part of this application
- Increased risk of flooding to the adjoining dwellings
- Lack of notification as part of this application
- Impact upon the human rights of the existing dwellings
- The site is currently saturated following heavy rain
- Security issues to the existing dwellings
- Stability problems due to land level changes across the site

Letters of objection have been received from 5 local households raising the following points:

- Unable to find suitable housing in Shavington
- Currently having to travel from Staffordshire to work in the area
- Lack of affordable housing in Shavington
- The development will provide much needed family homes
- HS2 will increase the need for more housing in this area
- The site is only a short distance from Crewe Station

APPRAISAL

Principle of Development

The site lies largely in the Open Countryside as designated by the Borough of Crewe and Nantwich Replacement Local Plan 2011, where policy NE.2 states that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Residential development will be restricted to agricultural workers dwellings, affordable housing and limited infilling within built up frontages.

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 policy objection.

Housing Land Supply

Following the receipt of the Further Interim Views in December 2015, the Council has now prepared proposed changes to the Local Plan Strategy (LPS), alongside new and amended strategic site allocations, with all the necessary supporting evidence. The proposed changes have been approved at a Full Council meeting held on the 26 February 2016 for a period of 6 weeks public consultation which commenced on Friday 4 March 2016.

The information presented to Full Council as part of the LPS proposed changes included the Council's 'Housing Supply and Delivery Topic Paper' (CD 9.7) of February 2016. This topic paper sets out various methodologies and the preferred approach with regard to the calculation of the Council's five year housing land supply.

From this document the Council's latest position indicates that during the plan period at least 36,000 homes are required. In order to account for the historic under-delivery of housing, the Council have applied a 20% buffer as recommended by the Local Plan Inspector. The topic paper explored two main methodologies in calculating supply and delivery of housing. These included the Liverpool and Sedgfield approaches.

The paper concludes that going forward the preferred methodology would be the 'Sedgepool' approach. This relies on an 8 year + 20% buffer approach which requires an annualised delivery rate of 2923 dwellings.

The 5 year supply requirement has been calculated at 14617, this total would exceed the total deliverable supply that the Council is currently able to identify. The Council currently has a total shortfall of 5,089 dwellings (as at 30 September 2015). Given the current supply set out in the Housing Topic Paper as being at 11,189 dwellings (based on those commitments as at 30 September 2015) the Council remains unable to demonstrate a 5 year supply of housing land. However, the Council through the Housing Supply and Delivery Topic paper has proposed a mechanism to achieve a five year supply through the Development Plan process.

National Planning Policy Guidance (NPPG) indicates at 3-031 that deliverable sites for housing can include those that are allocated for housing in the development plan (unless there is clear evidence that schemes will not be implemented within five years).

Accordingly the Local Plan provides a means of delivering the 5 year supply with a spread of sites that better reflect the pattern of housing need however at the current time, the Council cannot demonstrate a 5 year supply of housing.

Green Gap

Policy NE.4 of the Local Plan states that *“approval will not be given for the construction of new buildings or the change of use of existing buildings or land which would either:*

- result in erosion of the physical gaps between built up areas or;
- adversely affect the visual character of the landscape.

Exceptions to this policy will only be considered where it can be demonstrated that no suitable alternative location is available”

A development of the scale proposed will clearly erode the physical gap between Shavington and Crewe.

At paragraph 14.2.5 of the Local Plan First Review Inspectors report it states that *“moving to the point of looking at the extent of the Green Gap land I believe that, in general, the Council is right to avoid the trap of looking in detail at the edges of the built-up areas. It would be too easy to allow those edges to be nibbled away, eroding the extent of the gaps, and through a cumulative process eventually negating their purpose”*.

However in this case as part of appeal decision for Phase 1 of the Rope Lane development the Inspector finds that:

‘The appeal site lies within an indentation in the northern boundary of the settlement formed by a spur of residential development on Burlea Drive that extends up to the bridge on Rope Lane over the A500 and residential development at Northfield Place. Thus, in views from Rope Lane and the public footpath that runs from Rope Lane to Vine Tree Avenue whilst there would be a localised loss of openness, the development would not, overall, result in Shavington coming closer to Crewe or increase the visibility of the built-up edge of Crewe. In the above context, the development would not materially reduce the physical or perceived separation of Shavington and Crewe’

As part of appeal decision for Phase 2 of the Rope Lane development the Inspector finds that:

‘in my opinion, although the proposed development would physically erode the Green Gap to a limited degree, it would not cause significant harm to the wider functions of the Green Gap in this location, given the extent of the remaining gap between the settlements, the lack of inter-visibility between Shavington and Crewe, the limited harm to the visual character landscape and that the function of this Green Gap in maintaining the definition and separation of these 2 settlements would not be significantly diminished.

I conclude, therefore, that although the proposed development would be contrary to Policy NE.4, there would be little harm to the purposes of the Green Gap in this location. As such, I have afforded this breach of policy some weight in my consideration of this appeal’

In this case it is clear that the arguments relating to Green Gap on the adjacent sites have not been sufficient and both appeals were allowed despite being contrary to Policy NE.4. The development would have a lesser projection into the Green Gap than the Phase 1 and Phase 2 Wainhome developments on Rope Lane and as a result a reason for refusal relating to Green Gap could not be defended as a reason for refusal at appeal.

The loss of Green Gap will be weighed into the planning balance.

SOCIAL SUSTAINABILITY

Affordable Housing

This is a proposed development of 44 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 13 dwellings to be provided as affordable dwellings. The SHMA 2013 shows the majority of the demand in Wybunbury and Shavington is for 8 x 1 bedroom, 20 x 2 bedroom, 7 x 3 bedroom and 12 x 4+ bedroom dwellings. Also there is a need for Older Persons dwellings for 1 x 1 bedroom and 7 x 2 bedrooms. The majority of the demand on Cheshire Homechoice is for 9 x 1 bedroom, 1 x 2 bedroom, 13 x 3 bedroom, 2 x 4 bedroom and 1 x 5 bedroom dwellings. Therefore 1 and 2 bedroom units on this site would be acceptable with 9 units should be provided as Affordable rent and 4 units as Intermediate tenure. As the need for 3 bedrooms is shown then the Intermediate Tenure should be allocated as 3 Bedroom units.

The exact details of the affordable housing will be provided at reserved matters stage. This will be secured as part of a S106 Agreement.

Public Open Space

Policy RT.3 states that where a development exceeds 20 dwellings the Local Planning Authority will seek POS on site.

Using Policy RT.3 the required level would be 1,540sq.m and using Policy SE.6 of the Cheshire East Local Plan the required level would be 2,640sq.m.

The indicative plan shows that the developer will provide 2,150sq.m of public open space within the site. As such the level of open space meets the Development Plan requirement under Policy RT.3. It should be noted that as policy SE.6 is still subject to examination and may change that it can be only given moderate weight.

The level of open space would clearly exceed the requirements of Policy RT.3 and this would be a benefit of this development.

In terms of children's play space Policy RT.3 states that if farther than 400 metres from an easily accessible playground then the LPA will require the provision or contribution towards play equipment. In this case the development would not be farther than 400 metres from the proposed play area within the countrypark on the Wain Homes site to the west of the site and would be within 400 metres of the existing play area at Vine Tree Avenue.

In order to ensure that the proposed country park and play area as part of the Wain Homes development on Rope Lane is accessible from this development it is necessary to attach a planning condition to secure the provision of bridges over the watercourse to link into the adjacent open space.

Education

An application of 44 dwellings is expected to generate 8 primary aged children, 7 secondary aged children and 1 SEN child.

Following the deferral of the application from the Southern Planning Committee meeting on 29th June 2016 the figures referred to below have been rechecked by the Councils Education Officers who have confirmed that they reflect the latest position.

In terms of primary school education, the proposed development would be served by 12 local primary schools. The Education Department have confirmed that there is capacity to accommodate the children generated by this development and there is no requirement for a primary school contribution. The details can be seen in the table below;

Primary Schools	PAN Sep-15	PAN Sep-16	Net Cap May-15	Revised Net Cap 2016	Pupil forecasts based on October 2014 School Census				
					2015	2016	2017	2018	2019
Wistaston Church Lane	60	60	420	420	421	422	418	418	417
Gainsborough	60	60	420	420	418	417	412	411	409
Wistaston Academy	60	60	420	420	392	387	387	381	375
Edleston	30	30	210	210	213	211	208	208	207
Pebble Brook	45	45	315	315	256	273	284	286	285
Shavington (catchment School)	30	30	210	210	224	277	330	363	385
St Mary's	90	90	630	630	572	572	560	548	536
Vine Tree	30	30	210	210	209	210	206	205	203
Weston	38	38	266	266	257	262	265	267	272
Willaston	30	30	210	210	216	224	235	242	246
The Berkeley	60	60	330	420	377	383	391	393	390
Wynbunbury Delves	30	30	209	209	193	200	200	200	197
Developments with S106 funded and pupil yield included in the forecasts				202					
Developments with no S106 funded and pupil yield not included in the forecasts									17
Children expected from development									8
Overall total				4,142	3748	3838	3896	3922	3947
Overall surplus places projections					394	304	246	220	195

In terms of the table above the Education Department only considers capacity at schools within a 2 mile radius for primary aged children and 3 miles for secondary aged children. This distance is taken as a straight line from a point at the centre of the development (as the crow flies).

When walking distances are considered it is clear that some schools listed above would be greater than the 2 miles quoted above. Three schools listed above would not be eligible for school transport given their proximity to the site (The Berkeley, Shavington and Wistaston Church Lane).

In terms of secondary schools, there are six schools which would serve the proposed development. The Education Department have confirmed that there is capacity to accommodate the children generated by this development and there is no requirement for a secondary school contribution. The details can be seen in the table below;

Secondary Schools	PAN Sep-15	PAN Sep-16	Net Cap May-15	Revised Net Cap 2016	Pupil forecasts based on October 2014 School Census						
					2015	2016	2017	2018	2019	2020	2021
Brine Leas	215	215	1050	1050	1117	1142	1180	1192	1203	1204	1203
Sir William Stanier	210	210	1050	1,050	836	872	919	996	1,058	1,100	1,143
Kings Grove	156	156	780	780	547	551	539	546	600	602	621
St Thomas More	128	128	642	642	642	646	656	673	686	685	693
Ruskin	140	140	666	666	470	459	476	492	497	507	525
Shavington Academy	170	170	850	850	542	597	645	670	713	739	755
Developments with S106 funded and pupil yield included in the forecasts				4							
Developments with no S106 funded and pupil yield not included in the forecasts											35
Children expected from development											7
Overall total				5,042	4154	4267	4415	4569	4757	4837	4982
Overall surplus places projections					888	775	627	473	285	205	60

Although there are no tables available for SEN education provision the Councils Education department have confirmed that children in the Borough cannot be accommodated under current provision and some children are currently being educated outside the Borough. A contribution of £45,500 is required based on the increase in population and this will be secured as part of a S106 Agreement.

Health

A number of the letters of objection raise concerns about the impact upon health provision in this area. Although no consultation response has been received from the NHS a search of the NHS Choices website shows that there are 5 GP practices within 3 miles of the application site and all are accepting patients indicating that there is capacity to serve this development.

Location of the site

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

The accessibility of the site shows that following facilities meet the minimum standard:

- Post office (1000m) – 480m
- Post Box (500m) – 480m
- Public House (1000m) – 320m
- Cash Point (1000m) – 595m
- Primary School (1000m) – 804m
- Local meeting place (1000m) – 643m
- Convenience Store (500m) – 480m
- Bus Stop (500m) – 320m
- Public Right of Way (500m) – 100m
- Secondary School (1000m) – 320m
- Medical Centre (1000m) - 700m
- Pharmacy (1000m) – 700m
- Children’s Play Space (500m) – Provided on site
- Leisure Centre (1000m) – 320m

- Outdoor Sports Facility (500m) – 320m
- Child Care Facility (nursery or crèche) (1000m) - 500m
- Amenity Open Space (500m) – Provided on site

The following amenities/facilities fail the standard:

- Supermarket (1000m) – 4000m

In summary, the site does not comply with all of the standards advised by the NWDA toolkit. However, as stated previously, these are guidelines and are not part of the development plan. Owing to its position on the edge of Shavington, there are some amenities that are not within the ideal standards set within the toolkit and will not be as close to the development as existing dwellings which are more centrally positioned. Nevertheless, this is not untypical for a sustainable village (Shavington is classed as a local service centre in the Cheshire East Local Plan Policy Principles document) and will be the same distances for the residential development on Chestnut Avenue from the application site. However, all of the services and amenities listed are accommodated within Shavington, Nantwich or Crewe and are accessible to the proposed development via a short bus journey. Accordingly, it is considered that this small scale site is a sustainable site.

ENVIRONMENTAL SUSTAINABILITY

Residential Amenity

The application is in outline form and the indicate plans show that the proposed dwellings would have a separation distance of between 40m and 70m to the existing dwellings which front Chestnut Avenue.

To the south-west of the site the indicative plans show that that would be the following separation distances;

- 31 metres between 14a Northfield Place and the proposed dwellings on plots 15-18
- 21 metres between 19 Northfield Place and the proposed bungalow on plot 19
- 17 metres between 19a Northfield Place and the proposed bungalow on plot 23

There would be adequate separation distances to the dwellings on the existing development on Rope Lane.

The indicative plans show that an acceptable layout can be achieved at reserved matters stage.

The Environmental Health Officer has requested conditions in relation to hours of construction, external lighting, and an environment management plan.

Air Quality

Whilst this scheme itself is of a relatively small scale, and as such would not require an air quality impact assessment, there is a need for the Local Planning Authority to consider the cumulative impact of a large number of development in a particular area. In particular, the impact of transport related emissions on Local Air Quality.

The transport assessment submitted with the scheme makes reference to the accessibility of public transport, walking and cycling routes. The accessibility of low or zero emission transport options has the potential to mitigate the impacts of transport related emissions. However it is felt appropriate to ensure that uptake of these options is maximised through the development and implementation of a suitable travel plan.

In addition, modern Ultra Low Emission Vehicle technology (such as all electric vehicles) are expected to increase in use over the coming years (the Government expects most new vehicles in the UK will be ultra low emission). As such it is considered appropriate to create infrastructure to allow home charging of electric vehicles in new, modern properties.

Contaminated Land

The application area has a history of stables and horticultural use and therefore the land may be contaminated. Furthermore there is a former pond on the south of the site which may have been previously infilled. Depending on the nature of any infill, there is the potential for localised contamination and ground gas issues.

The application is for new residential properties which are a sensitive end use and could be affected by any contamination present or brought onto the site.

A pre-determination questionnaire for contaminated land was submitted in support of the application. This provided some information about the site, the provided information indicated there is likely to be a quantity of made ground on site due to the site's historical redevelopment. In addition, the site was previously used as an orchard, there is the potential for pesticide/herbicide residues to be present on the site as a result of this previous use.

As such, and in accordance with the Councils Environmental Health Officer recommends that a standard contaminated land condition is attached to any approval.

Public Rights of Way

There are no PROW located on the application site.

The indicative plans show that the development would link into the footpath network and community park on the approved Wainhomes development. This is a positive aspect of the scheme.

Highways

Access

It is proposed to locate the access off Chestnut Avenue and to provide a carriageway width of 5.5m with 2m footways either side, linking to existing footways on Chestnut Avenue. The access radii will be 6m and the access as shown on the submitted plan accords with standards.

Footway and cycle access is available to the wider area of Shavington and local amenities. Bus stops are also within 400m of the site and footway access to them is available, providing access to other areas of Shavington, Crewe and Nantwich.

Three footbridges across the stream have been proposed, increasing pedestrian connectivity with the neighbouring development that has recently been approved.

Access Safety

Traffic speeds have been measured on Chestnut Avenue and have indicated 85th percentile speeds of just under 30mph. The required visibility splay of the proposed access of 43m is achievable.

An accident analysis of the local area has been carried on the local area including Rope Lane/Vine Tree Avenue junction, Chestnut Avenue/Crewe Road junction and Crewe Road/Link Road (to A500) signal junction. The accident data also covered the whole of Chestnut Avenue, Vine Tree Avenue and Crewe Road section between Chestnut Avenue and the Link Road (to A500). The accidents are summarised in the table below.

Severity	2011	2012	2013	2014	2015	Total
Fatal	0	0	0	0	0	0
Serious	0	1	0	0	0	1
Slight	4	0	2	1	0	7

There has been 1 serious accident due an alcohol impaired driver failing to look properly whilst turning into Chestnut Avenue from Crewe Road. There have been no fatalities, indicating no accident trends or issues in the local road network.

Sections of Chestnut Avenue are in poor condition. Chestnut Avenue has been included in the CEC Highway Investment Programme for 2016/17 for treatment and improvement of the road surface.

Network Capacity

The number of trips that the development would generate was predicted using UK industry standard software TRICS. A residential development of this size would produce approximately 1 vehicle trip every 2 minutes during each of the peak hours.

Junction capacity assessments have been carried out on the surrounding junctions using UK industry standard junction capacity assessment programs Junctions8 and Linsig. The impact of the vehicle trips generated from the proposal was assessed, alongside committed residential developments off Rope Lane and Newcastle Road.

The capacity assessments concluded that the development would not have a severe impact on the local road network.

Highways Conclusion

The proposal is for 44 dwellings with all matters reserved except for access. The proposed access and footways are of acceptable widths and the visibility on exiting onto Chestnut Avenue will adhere to standards.

Footway access will be available onto Chestnut Avenue and the wider area, and to bus stops providing access to other areas of Shavington and to Crewe and Nantwich.

There have been 8 accidents over the last 5 years on the surrounding local road network with no fatalities and just 1 serious accident which was not down to the road layout.

The number of trips that would be generated from the site will be less than 1 every 2 minutes during each of the peak hours and trip generation is therefore considered minor.

Trees/Hedgerows

The application is supported by an Arboricultural Statement which identifies 14 individual trees, 19 Groups of trees and 8 hedgerows within and immediately adjacent to the application site.

Access to the site will be off Chestnut Avenue by the demolition of No.46 Chestnut Avenue which will require the removal of a young poor quality Cypress, a poor quality Silver Birch and group of low quality Silver Birch, Cherry and Apple within the front garden. Whilst these trees present some limited contribution to visual amenity within the immediate area, their quality and contribution to the wider amenity is not considered significant. A formal Holly hedge along the front garden boundary fronting the adjacent highway will also require removal to accommodate the proposed access.

The proposed internal site layout will require the removal of 10 groups of trees, which have been identified as relatively low quality. A moderate (B category) group of two Hawthorn located to the northern boundary of the site (part of a former hedgerow) will require removal to accommodate the proposed internal access and footpath. The loss of this group is not considered significant in the wider amenity context.

Whilst the proposal will require the loss of trees to accommodate the proposed access and internally within the site, most present a limited contribution to the wider amenity and it is considered there is sufficient scope within the site to offset their loss by replacement planting as part of the overall landscaping of the site.

Trees along the western site boundary along Swill Brook and a high quality group of Beech, Ash, Willow and Birch located immediately offsite to the north east are to be retained within open space provision. Some minor ingress into root protection areas of retained trees is anticipated to facilitate the location of internal access roads and car parking provision. However it is not anticipated that this will have a significant impact on the long term safe well being of trees and any special construction measure can be dealt with by condition.

The D & A Statement indicates that some remodelling of the land will be required to accommodate the development which may impact upon trees. It is not anticipated that this will be a major issue; however it would be appropriate to include the submission of levels detail as a condition on any reserved matters submission.

As a result there are no objections in terms of the tree implications from this development.

Design

The importance of securing high quality design is specified within the NPPF and paragraph 61 states that:

“Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations.

Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment."

In this case the proposal would have a density of 26.8 dwellings per hectare this is consistent with the surrounding residential areas of Shavington.

In this case an indicative layout has been provided in support of this application and this shows that an acceptable layout can be achieved and that the areas of open space and all highways would be well overlooked. It is considered that an acceptable design/layout that would comply with Policy BE.2 (Design Standards) and the NPPF could be negotiated at the reserved matters stage.

Landscape

As part of the application a Landscape and Visual Appraisal has been submitted with reference to and using aspects of the guidance found within 'Guidelines for landscape and Visual Impact Assessment' 3rd Edition, this correctly identifies the baseline landscape of the application site and surrounding area. Landscape Appraisal also identifies the National Landscape Character Area and the Cheshire Landscape Character Assessment, which identifies that the application site is located with the Lower farms and Woods character Type, and specifically within the LFW7 Barthomley Character Area.

The appraisal identifies that the value of the key existing landscape features along Swill Brook is considered to be high, but low for other features within the site. That the magnitude of change will be low for features along Swill Brook, but medium to High for other features. The appraisal offers the opinion that the landscape effects will be Minor beneficial at year 1 and that the sensitivity of the landscape will be minor/moderate adverse at year 1. is also high and offers as assessment of effect on landscape features that is minor beneficial, and assessment of significance of landscape effect on the landscape character as minor adverse, for year one. The appraisal indicates that on the landscape character area, the overall sensitivity is medium, the magnitude of change is medium to high and that for the application area the significance of effect will be moderate adverse.

The appraisal identifies that the proposed development will result in changes to views for a number of receptors.

The Councils Landscape Officer would broadly agree with the appraisal and the significance of effects that are identified. The appraisal does identify that the proposals will result in adverse landscape and visual effects, and this appears to indicate that the proposals would be contrary to Policy NE.4 Green Gap in the Crewe and Nantwich Replacement Local Plan 2011, which states that approval will not be given for construction of new buildings or the change of use of existing buildings or land would:

- Result in erosion of the physical gaps between built up areas: or
- Adversely affect the visual character of the landscape.

Nevertheless, the recent appeal decision for the site to the west of Swill Brook noted that although a proposed development may cause some harm to the visual character of the landscape and physically erode the Green Gap, that only limited weight should be afforded to the changes that would result from the proposed development.

Ecology

Wybunbury Moss SSSI, Ramsar (midland Meres and Mosses Phase 1), National Nature Reserve, Special Area of Conservation

The proposed development is located approximately 1.9km from Wybunbury Moss which holds a number of statutory designations for its nature conservation value.

In this case Natural England have advised that they have no comments to make on this application.

Bats

Evidence of bat activity in the form of bat droppings was recorded at 46 Chestnut Avenue during the initial bat survey undertaken in winter. However, no evidence of roosting bats was recorded during the bat activity surveys undertaken this year. It therefore appears likely that whilst bats may have previously roosted within the building there is no evidence to suggest that an active roost is currently present.

At present this property does not currently support a legally protected bat roost. There however remains the possibility that bats may return to roost at the property over the coming years. The applicant's consultant has recommended that the demolition of the property proceeds in accordance with a method statement of precautionary Reasonable Avoidance Measures in order to minimise the potential impacts on bats. The applicant's consultant has also proposed that a bat roost be incorporated into the proposed development.

The Council's Ecologist recommends that a condition should be attached requiring an updated bat survey to be undertaken and a report of this survey including an updated mitigation strategy be submitted as part of any future reserved matters application.

Swill Brook

Any reserved matters application for the site will need to include the provision of an undeveloped buffer/open space in the vicinity of Swill Brook in accordance with the submitted illustrative layout plan.

Other Protected Species

Whilst no active setts were recorded on site, other protected species are known to occur in this locality. If planning consent is granted the Council's Ecologist recommends that a condition be attached requiring any future reserved matters application to be supported by an updated survey.

Flood Risk

A narrow strip of the application site is located within Flood Zones 2 and 3 along the boundary with Swill Brook with the majority of the site located within Flood Zone 1. In support of this application a Flood Risk Assessment has been undertaken which recommends that:

- The finished floor levels be set a minimum of 600mm above the adjacent 1 in 100 annual probability plus climate change flood level, or 0.15m above adjacent ground levels whichever is greater
- That the detailed drainage design be developed in accordance with the principles set out within the FRA

The majority of the site is located in flood zone 1 apart from the western boundary due to a main river that issues along the boundary. The risk of flooding from this source will need to be appropriately mitigated.

Any SuDS should be designed so that the capacity takes account of the likely impacts of climate change and likely changes in impermeable area within the development over its lifetime and continues to provide effective drainage for properties.

The Councils Flood Risk Manager, the Environment Agency and United Utilities have all been consulted as part of this application and have raised no objection to the proposed development subject to the imposition of planning conditions. As a result, the development is considered to be acceptable in terms of its flood risk/drainage implications.

ECONOMIC SUSTAINABILITY

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to Shavington including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

Agricultural Land Quality

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

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

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

In this case part of the site is developed (stables, hardstanding, horse walker, manege, the dwelling and curtilage) whilst the rest is in equine use. As a result the development would not result in the loss of BMV agricultural land.

Loss of Employment

At the last Southern Planning Committee members raised concerns about the loss of employment from the existing equine businesses on this site. Although it should be noted that this site is not allocated for employment use.

In this case there are 2 businesses located on this site (a veterinary business and a livery business). The applicant has now submitted letters from both businesses.

The letter from the existing veterinary business (Tom Walters Equine Vets) is summarised as follows;

- The veterinary business employs three full time veterinary surgeons and two full time and three part time office staff
- Due to the combination of the access and space related constraints the business is predominantly ambulatory
- Where possible clients are referred to use the onsite facilities for examinations such as lameness diagnosis and procedures requiring multiple vets
- The business is currently restricted to two patients visits per day whilst operating from the current premises
- There is an incentive to move to a larger premises to provide a shift toward a more hospitalised structure which would be more cost effective and increase employment. Furthermore there would be benefits in terms of an improved access to a new premises
- Due to limitations and in order to sustain and support current growth levels then a larger premises will have to be acquired.
- Any relocation would be done together with the existing Livery Business (Walters Equine)

The letter from the existing livery business (Walters Equine) states that;

- There are 3 full time and 4 part time employees on the site
- At any 1 time there are between 14 and 16 horses on site and it is recommended that there should be 1 acre of grazing land per horse. There is currently too many horses on site given that there is only access to 4 acres of grazing land
- There are existing problems with accessing the narrow driveway with a car and horse box and there is limited car-parking on the site
- There are a number of vehicular movements associated with the existing business (horse boxes, hay delivery, manure removal) and difficulties with the narrow nature of the existing access drive is putting clients off visiting the site
- The constraints of the site are having a negative impact upon the business
- The aim is to move to new premises with more land so that the business can grow. It would only be possible to do this in support of the business owners parents (the land owners) and move together with the existing veterinary business (Tom Walters Equine Vets).
- If the applicant is unable to sell the land to a developer there is a possibility that the applicants could not afford a greater amount of land in Cheshire.
- It is very important that the applicants find a local site to move to so that they could keep existing staff and that the majority of business is attracted to the site based upon the local reputation of the site.
- By moving to a new site it is hoped that stabling could be provided for up to 25 horses and this would provide jobs for a further 3 employees.

From the above it is clear that the existing businesses on the site (Walters Equine and Tom Walters Equine Vets) are planning to move to another site together and this could only be enabled through the sale of the existing site which is constrained by an existing narrow access

drive, limited size with no current possibility of expansion. Whilst no site is identified, the occupiers have advised that they wish to remain in the local area

On this basis with a relocation to an alternative site there would not be any loss of employment in the locality. It is accepted that this small scale site would be lost but as discussed above it is currently constrained and its loss can only be given limited weight.

CIL Regulations

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.

As explained within the main report, POS is a requirement of the Local Plan Policy RT.3. It is necessary to secure these works and a scheme of management for the open space. This is directly related to the development and is fair and reasonable.

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

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

PLANNING BALANCE

The proposed development would be contrary to Policies NE.2, NE.4 and RES.5 and the development would result in a loss of open countryside and Green Gap. However as Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites and the policies NE.2, NE.4 and RES.5 are out-of-date for the purposes of paragraph 49 of the NPPF. The presumption in favour of sustainable development applies at paragraph 14 of the Framework where it states that LPA's should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

The benefits in this case are:

- The development would provide benefits in terms of much needed affordable housing provision and would help in the Councils delivery of 5 year housing land supply.
- In terms of the POS provision this would provide a facility for future residents and other residents in Shavington
- The development would provide significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in Shavington.

The development would have a neutral impact upon the following subject to mitigation:

- The impact upon education infrastructure would be neutral as the impact would be mitigated through the provision of a contribution.
- The impact upon protected species/ecology is considered to be neutral subject to the imposition of conditions to secure mitigation.
- There is not considered to be any flood risk/drainage implications raised by this development.
- The impact upon trees is considered to be neutral at this stage and further details would be provided at the reserved matters stage.
- The impact upon residential amenity/noise/air quality and contaminated land could be mitigated through the imposition of planning conditions.
- The development would provide a safe and suitable access and would not result in a severe highways impact

The adverse impacts of the development would be:

- loss of open countryside
- harm to the purposes of Green Gap in this location
- changes to the visual character of the landscape that would result from the proposed development
- Limited weight through the loss of an employment site (although it should be noted that there will be no loss in jobs as the business are planning on relocating together to a larger more suitable site and a more suitable site would arguably allow for expansion)

In this case the benefits outweigh the adverse impacts. This conclusion is informed by appeal decisions in the immediate locality that have considered the weight to be given to the relevant key issues. In accordance with paragraph 14 of the Framework the proposal constitutes sustainable development and is recommended for approval.

RECOMMENDATION:

APPROVE subject to a S106 Agreement to secure the following Heads of Terms:

1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:

- The numbers, type, tenure and location on the site of the affordable housing provision
- The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
- The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
- The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

2. Provision of Public Open Space to be maintained by a private management company

3. SEN Contribution of £45,500

And the following conditions:

- 1. Standard outline 1**
- 2. Standard outline 2**

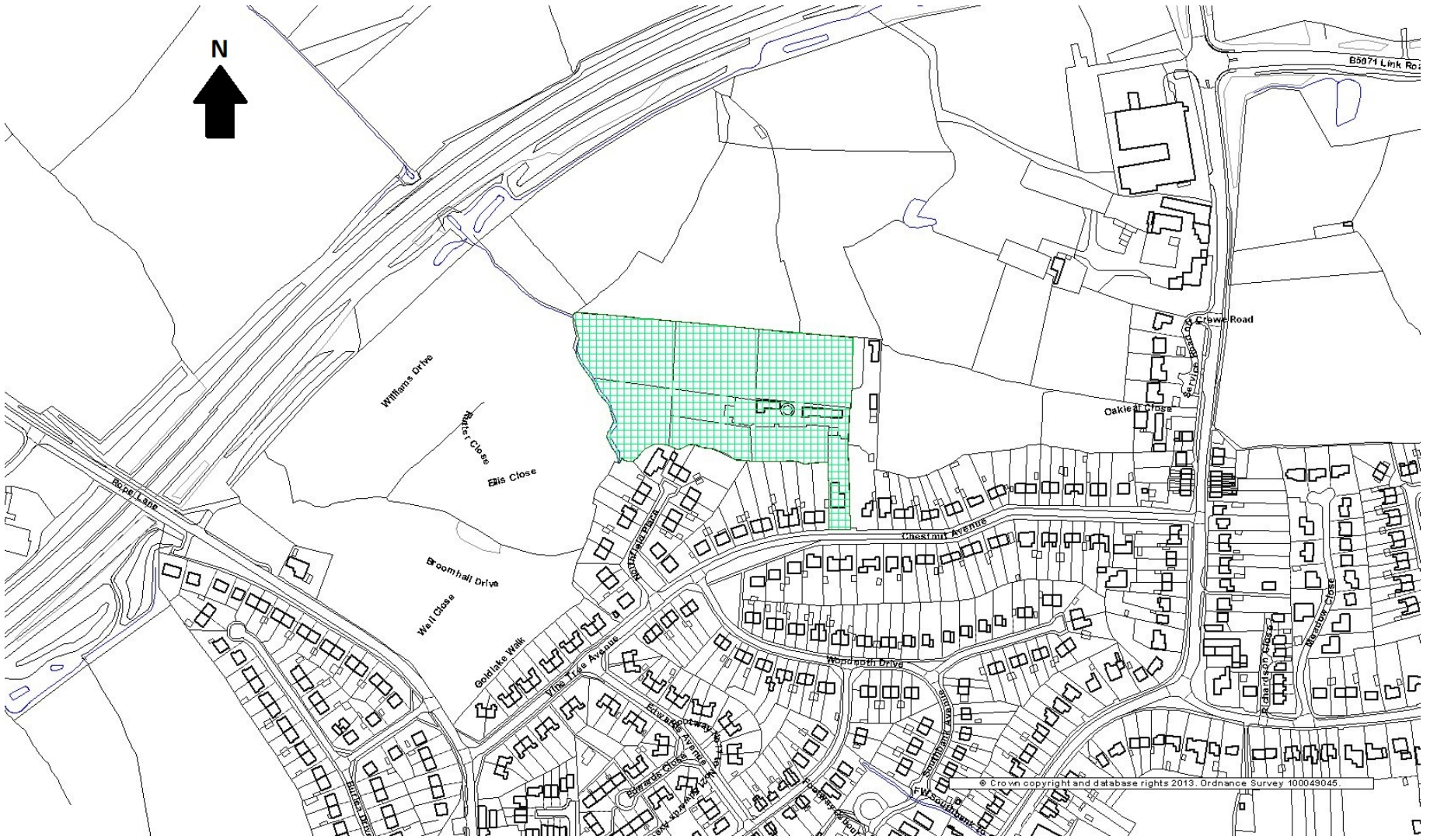
3. Standard outline 3
4. Approved Plans
5. Electric Vehicle Infrastructure to be submitted and approved
6. Construction Management Plan to be submitted and approved
7. Submission / Approval of Information regarding Contaminated Land
8. Any reserved matters application shall be supported by an Arboricultural Impact Assessment (AIA) in accordance with Section 5.4 of *BS5837:2012 Trees in Relation to Design, Demolition and Construction (Recommendations)* which shall evaluate the direct and indirect impact effect of the proposed design on existing trees.
9. Reserved Matters application to include details of the existing and proposed land levels
10. The development hereby permitted shall not commence until details of the detailed design, implementation, maintenance and management of a surface water drainage scheme have been submitted to and approved in writing by the LPA
11. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA)
12. No development should commence on site until such time as detailed proposals for disposal of surface water (including a scheme for the on-site storage and regulated discharge) have been submitted to and agreed in writing with the LPA
13. Prior to the commencement of development, a scheme for the provision and management of an undeveloped buffer zone (minimum 8 metres wide), between the banktop of Wells Green Brook (also known locally as Swill Brook) and any built development, shall be submitted to and agreed in writing by the local planning authority.
14. Updated survey for Water Vole, Badger and Bats to be undertaken and submitted as part of any reserved matters application
15. Any future reserved matters application to include details of at least 3 pedestrian bridges linking the site with the community park adjacent to the site.

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

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

1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:
 - The numbers, type, tenure and location on the site of the affordable housing provision
 - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
 - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
 - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

2. Provision of Public Open Space to be maintained by a private management company
3. SEN Contribution of £45,500



Application No: 15/4367N

Location: Kents Green Farm, KENTS GREEN LANE, HASLINGTON, CW1 5TP

Proposal: Reserved Matters Application for the Erection of 51no Houses, roads, public open space and associated works.

Applicant: Cheryl Wood, Stewart Milne Group Ltd

Expiry Date: 20-Nov-2015

Summary

The principle of development has already been accepted as part of the outline approval on this site.

Social Sustainability

The development will not have a detrimental impact upon residential amenity, it would provide benefits in terms of much needed affordable housing provision and would help in the Councils delivery of 5 year housing land supply.

The impact upon infrastructure would be neutral.

In terms of the POS and LEAP provision this is considered to be acceptable and would be a benefit to this scheme.

Environmental Sustainability

Details of the proposed landscaping would be secured through the imposition of a planning condition.

With regard to ecological impacts, the development would have a neutral impact subject to mitigation.

The drainage/flood risk implications for this proposed development are considered to be acceptable.

An update will be provided in relation to the impact upon the trees on site.

Economic Sustainability

The proposed access point is acceptable and the traffic impact as part of this development has already been accepted together with contributions for off-site highway works. The internal design of the highway layout/parking provision is considered to be

acceptable.

The development of the site would provide a number of economic benefits in the residential use of the site.

It is considered that the planning balance weighs in favour of this development.

RECOMMENDATION

Approve with conditions

PROPOSAL

This is a reserved matters application for 51 dwellings. The issues which are to be determined at this stage relate to the appearance, landscaping, layout and scale of the development.

The access would be taken from Crewe Road to the south of the site. The access point was approved as part of outline application 13/4240N.

The development would consist of 2 to 5 bedroom units. The development would consist of the following mix:

- 9 x two bed units
- 16 x three bed units
- 8 x four bed units
- 18 x five bed units

SITE DESCRIPTION:

The site of the proposed development extends to 2.67 ha and is located to the northern side of Crewe Road, Winterley. The site is within Open Countryside. To the northern boundary of the site is a tree lined watercourse known as Fowle Brook with residential development fronting Newtons Crescent and Fishermans Close beyond. To the west of the site is Kents Green Lane with the existing farmhouse and barns located onto this boundary. To the south west corner of the site are a number of trees which are protected by a Tree Preservation Order.

The land is currently in agricultural use and there are a number of trees and hedgerow to the boundaries of the site.

The land levels drop to the northern boundary of the site.

RELEVANT HISTORY:

14/5871N - Outline planning application for the development of up to 60 dwellings with associated car parking, roads and landscaped open space – Application undetermined

14/1915N - Resubmission of 13/4240N - Outline planning application for a housing development dwellings with associated car parking, roads and landscaped open space – Withdrawn 26th August 2014

13/4240N - Outline planning application for the development of up to 70 dwellings with associated car parking, roads and landscaped open space – Refused 17th March 2014 – Appeal Lodged – Appeal Allowed 7th September 2015

POLICIES

National Policy:

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

50. Wide choice of quality homes

56-68. Requiring good design

Development Plan:

The Development Plan for this area is the Borough of Crewe and Nantwich Replacement Local Plan 2011, which allocates the site within the open countryside and Green Gap..

The relevant Saved Policies are: -

NE.2 (Open countryside)

NE.4 (Green Gaps)

NE.5 (Nature Conservation and Habitats)

NE.9: (Protected Species)

NE.20 (Flood Prevention)

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)

RES.5 (Housing in the Open Countryside)

RES.7 (Affordable Housing)

RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)

TRAN.3 (Pedestrians)

TRAN.5 (Cycling)

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

Cheshire East Local Plan Strategy – Submission Version (CELP)

As the examination of this plan has now been suspended, its policies carry limited weight. The following are considered relevant material considerations as indications of the emerging strategy:

PG2 – Settlement Hierarchy

PG5 - Open Countryside

PG6 – Spatial Distribution of Development

SC4 – Residential Mix
SC5 – Affordable Homes
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE3 – Biodiversity and Geodiversity
SE5 – Trees, Hedgerows and Woodland
SE 1 - Design
SE 2 - Efficient Use of Land
SE 4 - The Landscape
SE 5 - Trees, Hedgerows and Woodland
SE 3 - Biodiversity and Geodiversity
SE 13 - Flood Risk and Water Management
SE 6 – Green Infrastructure
IN1 – Infrastructure
IN2 – Developer Contributions

Other Considerations:

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

CONSULTATIONS:

Environment Agency: No objection subject to the imposition of planning conditions.

ANSA (Public Open Space): There is a minimum requirement of 1,785sq.m of public open space. The location of the LEAP is considered to be acceptable.

Full plans must be submitted prior to the play area being installed and these must be approved, in writing prior to the commencement of any works. The layout of the development should allow for natural surveillance from nearby properties.

CEC Flood Risk Manager: No objection subject to the imposition of planning conditions.

CEC PROW: No comments received.

CEC Environmental Health: No objection subject to the imposition of planning conditions relating to Construction Management Plan, piling, dust control and contaminated land.

CEC Head of Strategic Infrastructure: The revised highway layout is acceptable and I raise no highway objections to the application.

CEC Strategic Housing Manager: No objection

VIEWS OF THE PARISH/TOWN COUNCIL:

Haslington Parish Council: No comments received.

REPRESENTATIONS:

Neighbour notification letters were sent to all adjoining occupants and a site notice erected.

Letters of objection have been received from 15 local households raising the following points;

- There should be an amalgamation with the access to Kents Green Lane
- The proposed access is too close to the junction with Kents Green Lane
- The access will result in the loss of hedgerow to the Crewe Road frontage
- The proposed flats would overlook/cause loss of light to the existing dwellings which front Fishermans Close
- The flats should be removed from the scheme
- The flats should have a greater level of car parking
- The new dwelling are positioned too close to the existing farmhouse
- Special attention needs to be given to the rear boundary of plots 21-23 with the provision of hedgerow
- There is no reason to create a footbridge over Fowle Brook to link the existing housing to the proposed development
- The proposed plans do not accurately show the existing tree cover along Fowle Brook
- The landscaping should be implemented before the dwellings are constructed
- Increased flood risk from the development
- Winterley is not a sustainable location
- The development would be too dense
- Details need to be submitted for the retention and renovation of the existing farmhouse and barns (condition 9 attached to the outline planning permission)
- The boundary hedgerows should be maintained by a private management company
- The local schools are oversubscribed
- Impact upon Winterley Pool a Grade C SBI
- The provision of new housing in the open countryside is contrary to local plan policy NE.2
- Impact upon the rural character of Kents Green Lane
- The trees within the POS are covered by a TPO
- Poor sewage infrastructure in this location which has not been considered
- The access is located at a bend in the road which would be detrimental to highway safety
- Increase in traffic
- The site has poor pedestrian connectivity
- Flooding from Fowle Brook
- The access is opposite to a Grade II Listed Building
- Inadequate parking provision
- The impact upon local air quality

APPRAISAL

The principle of residential development has already been accepted following the approval of the outline application 13/4240N which was allowed at appeal.

This application relates to the approval of the appearance, landscaping, layout and scale of the development.

Amended Plans

It should be noted that a number of the objections listed above relate to the provision of a block of flats. However following the concerns raised the block of flats was removed from the application and the amended plan was subject to a revised consultation period of 2 weeks until 18th July 2016.

Housing Mix

Policy SC4 of the submission version of the Local Plan requires that developments provide an appropriate mix of housing. In this case the development would provide the following mix:

- 9 x two bed units
- 16 x three bed units
- 8 x four bed units
- 18 x five bed units

This mix is acceptable as the majority of the development will be smaller family homes and would not be dominated by larger executive dwellings.

Affordable Housing

The s106 agreement attached to the outline application details that an Affordable Housing Scheme shall include an affordable housing provision of 30% which will comprise 65% affordable/social rent and 35% as intermediate tenure.

This is a proposed development of 51 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 15 dwellings to be provided as affordable dwellings.

For the purpose of the SHMA the site is located in the Haslington and Englesea sub-area which identified a requirement for 44 new affordable homes per year between 2013/14 – 2017/18. This is made up of 1 x one beds, 11 x two beds, 19 x three beds, 10 x four/five beds and 1 x one & 1 x two bed older person dwellings.

In addition to this information there are currently 56 active applicants on Cheshire Homechoice who have selected Haslington (which includes Winterley) as their first choice, these applicants require 23 x one beds, 20 x two beds, 10 x three beds and 3 x four beds.

This application meets the requirement of 15 affordable units (11 x two bedrooms and 4 x three bedrooms). Of these 10 would be rented units and 5 would be intermediate units.

The Affordable Housing IPS 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.

In this case the external design detail and materials would be consistent with the open market dwellings and is considered to be acceptable.

In terms of the layout of the affordable housing this is located with three areas of the site (7 dwellings at the centre of the site, a further 3 dwellings to the centre of the site and 5 dwellings to the east of the site).

The affordable layout is considered to be acceptable on this site.

Highways Implications

The wider traffic congestion issues in the locality and the point of access were considered as part of the outline application. The Unilateral Undertaking submitted as part of the outline application includes a contribution of £30,000 towards the provision of replacement bus stops on Crewe Road.

In this case the Councils Highways Officer has considered the internal layout of the development and has raised no objection to the development.

Amenity

In this case the Crewe and Nantwich SPD titled 'Development on Backland and Gardens' requires the following separation distances:

21 metres between principal elevations

13.5 metres between a non-principal and principal elevations

In this case the main properties affected by the proposed development are located to the north of the site with Fowle Brook and an existing and proposed area of open space between the existing dwellings and proposed dwellings.

In this case the dwellings on Fishermans Close face towards the application site and there would be a separation distance of over 50 metres between the nearest point of No 34 Fishermans Close and the nearest proposed dwelling, this increases to 59 metres between 42 Fishermans Close and the nearest proposed dwelling.

The dwellings on Newtons Crescent also face towards the application site and there would be a separation distance of over 50 metres between the side elevation of No 27 Newtons Crescent and the nearest proposed dwelling, this increases to 58 metres between the front elevation of No 56 Newtons Crescent and the nearest proposed dwelling and 51 metres between No 70 Newtons Crescent and the nearest proposed dwelling. All other properties on Newtons Crescent would have greater separation distances than the dwellings listed in this report.

The separation distances that would be provided as part of this application are over double the requirements contained within the SPD and as a result would be acceptable.

Light pollution

An external lighting scheme has been conditioned as part of the outline approval on this site (condition 18).

Noise

An acoustic assessment and scheme of noise mitigation has been conditioned as part of the outline approval on this site (condition 17).

Air Quality

A Travel Plan has been conditioned as part of the outline approval on this site (condition 28).

Contaminated Land

A contaminated land condition has been included as part of the outline approval on this site (condition 16).

Disturbance during the construction phase of the development

In this case there is a construction management plan attached to the outline approval (condition 19). This includes amongst other things the issues of dust and piling which are specifically referred to within the Environmental Health consultation response.

Trees

The application is supported by an Arboricultural Impact Assessment (AIA). The AIA incorporates a tree survey covering 19 individual trees and 20 groups of trees. The survey grades 7 individual trees and 14 groups of trees as grade A (high quality and value), 5 individual tree and 5 groups as Grade B (moderate quality and value) and 7 individual trees and 1 group Grade C (low quality and value).

The AIA indicates that the indicative layout would result in the removal of 5 individual trees (3 x Holly and 2 x Apple) and 1 group of trees (a group of 3 Holly) all afforded Grade C and 1 group of trees (a group of 3 Pear) rated as Grade B. All trees to be removed lie to the east and north-east of the existing farmhouse and none are protected or worthy of TPO protection.

The prominent TPO trees to the south-west corner of the site would be retained within the proposed POS and the trees along the green corridor adjoining Fowle Brook would also be retained.

In this case there are still concerns in relation to a number of locations where development works extend into the construction exclusion zone (CEZ) identified by the applicant's arboriculturalist. In this case negotiations are continuing and an update will be provided in relation to this issue.

In terms of the footpath along Fowle Brook and the proposed bridge the Councils Tree Officer considers that it would be possible to accommodate a proposed footpath within the CEZ with a suitable design methodology.

Landscape

A landscaping scheme for the site to secure replacement planting of the trees/hedgerows which are to be removed together with a scheme of landscaping the proposed open space and within plot curtilage will be secured through the use of a standard planning condition.

Design

The application is a Reserved Matters application with details of scale, layout, appearance and landscaping to be determined at this stage.

The importance of securing high quality design is specified within the NPPF and paragraph 61 states that:

“Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”

In this case the design and layout of the scheme has been subject to negotiations with the applicant and the Councils Urban Design Officer.

The positive and externally orientated perimeter blocks are welcomed with all areas of open space, footpaths and highways well overlooked by the proposed dwellings. The density of 19 dwellings per hectare is appropriate due to the location of the village on the edge of the settlement.

All of the proposed units would be two-storey in height apart from one house type (the Kellingside) which would be two and a half stories (of which there would be 6 on the site). The height of the development is consistent with the surrounding dwellings in this part of Winterley.

The layout plan includes a large amount of open space in three main areas (along the watercourse to the north, to the south-east corner and around the TPO trees to the south at the junction of Crewe Road and Kents Green Lane). The residential properties would mainly be orientated so that the areas of open space would be well overlooked and the boundary treatments to rear gardens are obscured from view.

The amended plans have increased the separation distance of the proposed housing to Kents Green Farm. The proposed relationship and arrangement is now considered to be acceptable.

There were also concerns about the positioning, height and design of the apartment block. However this has now been removed from the application.

In terms of the detailed design the proposed dwellings include canopies, projecting gables, bay windows, sill and lintel details. The design of the proposed dwellings and their scale is considered to be acceptable and would not detract from this part of Winterley.

Impact upon the Setting of the Listed Building

There is a Grade II Listed Building to the south of the site at 288 Crewe Road. In this case the development would be off-set from this Listed Building which is located to the opposite side of Crewe Road with a separation distance from the nearest proposed dwelling at Plot 40 at 65 metres. On this basis it is not considered that the development would have a detrimental impact upon the setting of this Listed Building.

Ecology

Other Protected Species

An updated survey has been submitted. However due to the dense nature of the vegetation in the corner of the site where a sett was recorded previously the surveyor was not able to gain access to this area.

The existing survey is still less than 12 months old so the Councils Ecologist accepts that this application can be determined and if consent is granted then a condition for an updated survey to be submitted prior to the commencement of development.

Bats

An updated bat survey has been submitted. This survey has confirmed the continued presence of roosting bats within the buildings on site including a number that are proposed for demolition. Roosting appears to be by relatively small numbers of animals of a common bat species. There is no evidence to suggest that a maternity roost is present at any of the buildings proposed for demolition. In the absence of mitigation the proposed development would have a low impact on bats.

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places,

- in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment and provided that there is:

- no satisfactory alternative

- no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK implements the Directive in the Conservation of Habitats & Species Regulations 2010 which contain two layers of protection

- a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and

- a licensing system administered by Natural England.

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements.

The NPPF advises that LPA's should contribute to 'protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy'.

The NPPF also states that the planning system should contribute to and enhance the natural and local environment by 'minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in

biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures’.

The converse of this advice is that if issues of detriment to the species, satisfactory alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations.

In terms of the 3 tests, it is considered that:

- There are no satisfactory alternatives as the proposed development would provide much needed open market and affordable housing
- The derogation is not detrimental to the maintenance of Bats as a scheme of mitigation would be provided as part of the development.
- There are imperative social reasons of overriding public interest as the development would provide much needed open market and affordable housing

In order to mitigate the impacts of the proposed development the applicant is proposing the timing and supervision of the proposed development and also the provision of bat boxes and a bat loft as part of the development.

The Councils Ecologist advises that the proposed mitigation and compensation is sufficient to maintain the favourable conservation status of the species concerned.

Public Open Space

The amount of open space required as part of this development is 1,785sq.m and the proposed development would easily exceed the required level of POS with the submitted plans showing an area of 8,450sq.m. As such the development is acceptable in terms of the POS provision.

The Unilateral Undertaking also secures the provision of a LEAP and this would be provided within the site. Details of the play equipment will be secured as part of the agreed UU.

Education

This issue of education capacity was dealt with as part of the outline application and the Unilateral Undertaking agreed as part of the outline application includes contributions for both primary and secondary school provision.

Flood Risk and Drainage

The vast majority of the application site is located within Flood Zone 1 according to the Environment Agency Flood Maps although a small strip along Fowle Brook is located within Flood Zones 2 & 3. Flood Zone 1 defines that the land has less than 1 in 1000 annual probability of flooding and all uses of land are appropriate in this location. As the application site is more than 1 hectare, a Flood Risk Assessment (FRA) has been submitted in support of the application. The

submitted plan shows that the area identified as Flood Zones 2 & 3 would not be developed as part of this development.

In this case the flood risk and drainage implications were considered by the Inspector as part of the approval of the outline application on this site. As part of his decision the Inspector stated that;

'A small portion of the site is said to be subject to flooding. Conditions are proposed to restrict development to Flood Zone 1 and to create a clear strip along the bank of the brook, and to require approval of details of surface water and foul drainage. Notwithstanding some local concern, it appears that subject to these measures the risk of flooding on the site and elsewhere would be adequately mitigated'

As part of the approval of the outline application the inspector then added a number of conditions relating to flood risk and the drainage of the site as listed below;

12. All built development located within Flood Zone 1
13. A scheme to limit surface water run-off and to manage the risk of overland flow to be submitted prior to the commencement of development
14. The provision of an undeveloped buffer alongside Fowle Brook to be submitted prior to the commencement of development
15. The disposal of foul water to be submitted prior to the commencement of development

The submitted FRA identifies the following recommendations for the development of this site;

- That a buffer zone is provided along the northern boundary limiting development to Flood Zone 1
- That finished floor levels are to be raised a minimum of +150mm above external ground levels.
- A surface water management strategy for the development will be required to manage and reduce the flood risk posed by the surface water runoff from the site. The developer will be required to ensure that any scheme for surface water should build in sufficient capacity for the entire site.
- Limiting the rate of surface water runoff generated by the site to discharge at a rate of not more than the existing greenfield rate as detailed in the FRA
- Provision of attenuation storage volume on the site to retain the 1 in 100 annual probability plus 30% climate change event volume, assuming the discharge rate given above

In this case the Inspector determined that the development could adequately mitigate any flood risk impacts and this is controlled through the imposition of planning conditions attached to the outline consent.

The Environment Agency and the Councils Flood Risk Officers have been consulted as part of this application and have both raised no objection to the proposed development. As a result, the development is considered to be acceptable in terms of its flood risk/drainage implications.

Other Issues

One of the letters of objection refers to the compliance with condition 9 attached to the outline consent. This condition states that;

Prior to the commencement of the development hereby permitted, details of a scheme for the retention and renovation of the farmhouse and two brick barns adjoining Kents Green Lane shall be

submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

There is no need to submit the details required by this condition as part of the Reserved Matters application as the condition trigger states that the details should be submitted prior to commencement of development.

A number of objections refer to the proposed pedestrian bridge across the Fowle Brook and that this would result in an increase in crime for the existing residents. This is not accepted as it is common practice that all new developments have good pedestrian connections with the surrounding settlements – such an approach is encouraged in local and nation policy. The provision of a bridge would be a benefit for both the future occupants and existing occupants in Winterley.

PLANNING BALANCE

The principle of development has already been accepted as part of the outline approval on this site.

Social Sustainability

The development will not have a detrimental impact upon residential amenity, it would provide benefits in terms of much needed affordable housing provision and would help in the Councils delivery of 5 year housing land supply.

The impact upon infrastructure would be neutral.

In terms of the POS and LEAP provision this is considered to be acceptable and would be a benefit to this scheme.

Environmental Sustainability

Details of the proposed landscaping would be secured through the imposition of a planning condition.

With regard to ecological impacts, the development would have a neutral impact subject to mitigation.

The drainage/flood risk implications for this proposed development are considered to be acceptable.

An update will be provided in relation to the impact upon the trees on this site.

Economic Sustainability

The proposed access point is acceptable and the traffic impact as part of this development has already been accepted together with contributions for off-site highway works. The internal design of the highway layout/parking provision is considered to be acceptable.

The development of the site would provide a number of economic benefits in the residential use of the site.

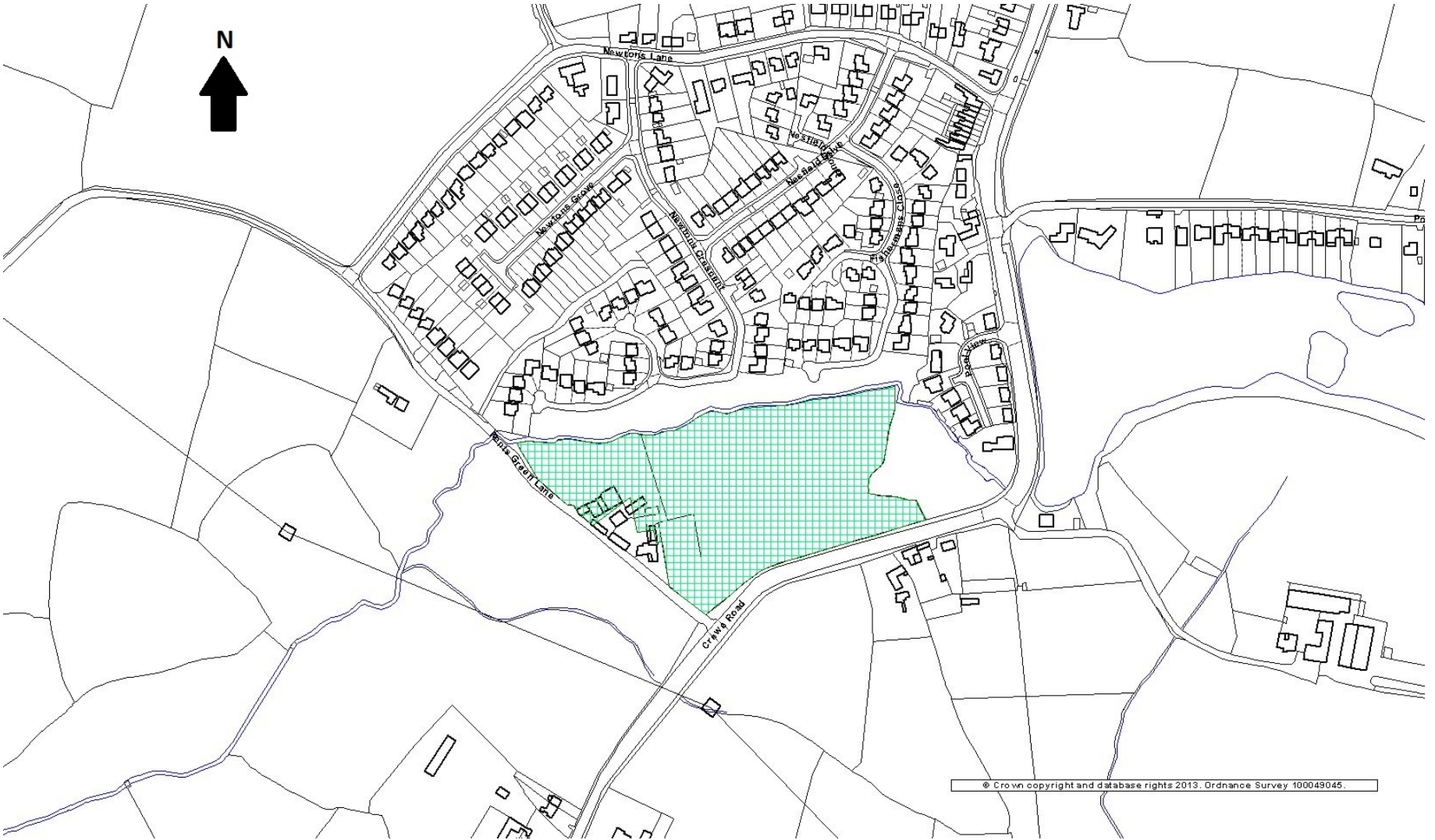
It is considered that the planning balance weighs in favour of this development.

RECOMMENDATION:

APPROVE subject to the following conditions

1. **Approved Plans**
2. **Submission of a landscaping scheme**
3. **Implementation of the approved landscape scheme**
4. **Updated survey and mitigation for other protected species**
5. **Revised Arboricultural Method Statement (AMS) to take account of any encroachment into CEZ and to include contact details for key site personnel.**
6. **Site specific engineer designed construction details for any areas of development encroaching into identified construction exclusion areas.**
7. **Tree protection in accordance with revised AMS**
8. **Submission and approval of land level details**
9. **Boundary Treatment details to be submitted for approval**
10. **Details of the proposed bridge to be submitted and approved**
11. **Details of the proposed LEAP to be submitted and approved**
12. **Open Plan Estate/Removal of permitted development rights for means of enclosure forward of building line**

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



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Application No: 16/0646N

Location: 6 & Land rear of no.6 BUNBURY LANE, BUNBURY, CW6 9QZ

Proposal: Outline planning application for the demolition of 1no. bungalow and the erection of 15 dwellings, including associated access at land east of Bunbury Lane, Bunbury

Applicant: Wulvern

Expiry Date: 13-May-2016

SUMMARY

The proposed development would be contrary to Policies NE.2 and RES.5 and the development would result in a loss of open countryside. However as Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites policies NE.2 and RES.5 are out-of-date for the purposes of paragraph 49 of the NPPF. The presumption in favour of sustainable development applies at paragraph 14 of the Framework where it states that LPA's should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

In this case the development complies with the policies contained within the Bunbury Neighbourhood Plan.

The development would provide benefits in terms of affordable housing provision, delivery of housing, ecological enhancements and significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in Bunbury.

The development would have a neutral impact upon education, flood risk/drainage, trees and residential amenity/noise/air quality/contaminated land.

The adverse impacts of the development would be the loss of open countryside and limited landscape impact of the development.

An update will be provided in relation to the highways impact of the development.

The benefits of approving this development (as listed above) would significantly and demonstrably outweigh the adverse impacts of the development. As such the application is recommended for approval.

RECOMMENDATION

Subject to the receipt of additional information to address the access concerns raised by the Head of Strategic Infrastructure APPROVE subject to the completion of a S106 Agreement and the imposition of planning conditions

PROPOSAL

This is an outline planning application for the erection of 15 dwellings. Access is to be determined at this stage with all other matters reserved.

The proposed development includes a single access point onto Bunbury Lane which would be located to the west of the site. The access would involve the demolition of a dwelling at 6 Bunbury Lane.

SITE DESCRIPTION

The site is located on the eastern side of Bunbury Lane, to the rear of existing bungalows. It is located towards the southern part of Bunbury and covers an area of approximately 1.3 hectares.

The application site is currently a field used for pasture, with a bungalow (no.6 Bunbury Lane) located on the western part of the application site. The application site has managed hedgerows along the northern and southern boundaries; the southern boundary contains a number of hedgerow trees. Part of the western boundary is marked by the rear garden boundaries of properties along Bunbury Lane. The eastern boundary is formed by a mature hedgerow. Footpath 16 Bunbury runs along a north to south alignment across the site. To the north of the application site are a number of paddocks and beyond these are the properties along Hill Close and Queen Street. To the south and east is the wider rural landscape.

To the south of the site, some distance away is the Grade II Listed Building known as Rowan Cottage.

The site lies partly within the settlement boundary of Bunbury but largely within Open Countryside as designated in the adopted local plan.

RELEVANT HISTORY

The site has no planning history

NATIONAL & LOCAL POLICY

National Policy

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

50. Wide choice of quality homes

56-68. Requiring good design

Development Plan

The Development Plan for this area is the Borough of Crewe and Nantwich Replacement Local Plan 2011, which allocates the site, under policy NE.2, as open countryside

The relevant Saved Policies are:

NE.2 (Open countryside)
NE.5 (Nature Conservation and Habitats)
NE.9: (Protected Species)
NE.20 (Flood Prevention)
BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
RES.5 (Housing in the Open Countryside)
RES.7 (Affordable Housing)
RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)
TRAN.3 (Pedestrians)
TRAN.5 (Cycling)

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

Bunbury Neighbourhood Plan

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

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

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

PG2 – Settlement Hierarchy
PG5 - Open Countryside
PG6 – Spatial Distribution of Development

SC4 – Residential Mix
SC5 – Affordable Homes
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE3 – Biodiversity and Geodiversity
SE5 – Trees, Hedgerows and Woodland
SE 1 - Design
SE 2 - Efficient Use of Land
SE 4 - The Landscape
SE 5 - Trees, Hedgerows and Woodland
SE 3 - Biodiversity and Geodiversity
SE 13 - Flood Risk and Water Management
SE 6 – Green Infrastructure
IN1 – Infrastructure
IN2 – Developer Contributions

Other considerations:

The Bunbury Village Design Statement
The EC Habitats Directive 1992
Conservation of Habitats & Species Regulations 2010
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System
Interim Planning Statement Affordable Housing

CONSULTATIONS

United Utilities: No objection subject to the imposition of conditions.

CEC PROW: It appears unlikely that the PROW will be affected by this development. An informative is suggested.

Head of Strategic Infrastructure: The revised corner radii are acceptable. However there are concerns relating to the visibility splay to the south and its position with respect to the hedge. A speed survey along Bunbury Lane will be required.

Ramblers Association: No comments received.

Mid-Cheshire Footpath Society: No representations to make.

NHS: No comments received.

ANSA (Public Open Space): A development of 15 dwellings does not have to provide POS. They are providing and maintaining existing arable grassland to enhance biodiversity and wildlife value.

CEC Environmental Health: Conditions suggested in relation to environment management plan, electric vehicle infrastructure and contaminated land. Informative is also suggested in relation to contaminated land.

CEC Strategic Housing Manager: No objection.

CEC Flood Risk Manager: No objection subject to the imposition of a planning condition.

CEC Education: The development of 15 dwellings is expected to generate:

3 primary children (15 x 0.19)

2 secondary children (15 x 0.15)

0 SEN children (15 x 0.51 x 0.023%)

The development is forecast to increase an existing shortfall predicted for secondary provision in the locality.

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

$2 \times £17,959 \times 0.91 = £32,685.38$ (secondary)

IEWS OF THE PARISH COUNCIL

Bunbury Parish Council: Bunbury Parish Council does not object in principle to development on this site as it complies with the Neighbourhood Plan in terms of the number of houses and its location. However the PC has concerns about what is currently proposed as follows:

- The 5 bed houses: The need for 5 bedroom houses has not been demonstrated by the developer and recent housing surveys have not shown that more 5 bed houses are needed in Bunbury. Three bed homes are needed and we would ask that the developer considers including some within the development. Affordable Houses.
- There is not in fact a net gain of 5 affordable houses as indicated in the application, as a current affordable home is to be demolished. 6 affordable homes should be built in order to provide a net gain of 5.
- Access/Parking: The PC asks Highways to review this because the proposed plan removes two current parking spaces for existing housing. The turning of utility vehicles into the development, in particular refuse trucks, presents a potential danger.

REPRESENTATIONS

Letters of objection have been received from 16 local households raising the following points:

Principal of development

- Urbanising form of development
- The development would reduce the area of separation between Bunbury and Spurstow
- The development would see the demolition of an existing bungalow and would result in the loss of an affordable house
- The development will not provide the sufficient level of affordable housing
- The development should provide smaller units
- There should be a greater housing mix on this development
- The bungalows on the development should be sited opposite the entrance from Bunbury Lane
- The development should be limited to 10 dwellings
- The application is contrary to the Bunbury Neighbourhood Plan

- Bunbury has already provided its own share of housing developments
- The target of 80 houses is a target for the plan period and there is plenty of time to meet this
- The development is contrary to the Bunbury Village Design Statement
- Loss of open countryside
- The application does not BREEAM quality standards
- The development is a backland site
- The development is contrary to guidance contained within the NPPF
- Lack of facilities within Bunbury – the village is not sustainable
- The development is contrary to Policies contained within the Crewe and Nantwich Local Plan
- The development is contrary to Policies contained within the Cheshire East Local Plan
- The development does not provide the mix of houses required in Bunbury
- Harm to the character of the area which is the filming location for a TV period drama

Highways

- The visibility splays cannot be achieved
- The provision of the visibility splays will result in the loss of hedgerows
- There is no pavement to the south of the site
- Bunbury Lane is very narrow
- The application does not include the amount of parking that would be provided
- Increased vehicular movements
- The proposed access is too narrow
- Pavements in Bunbury are too narrow
- Poor public transport within the village

Green Issues

- Impact upon wildlife
- Loss of habitat
- Impact upon protected species
- Loss of hedgerows/trees

Infrastructure

- The local schools are full
- Doctors surgeries are full
- Local hospitals are full
- Local sewerage infrastructure cannot cope with further development

Amenity Issues

- Plot 1 is too close to the existing bungalows on Bunbury Lane
- Plot 15 would be affected by headlights of the vehicles visiting this site
- Increased noise
- Increased air pollution
- Noise and disturbance caused by the construction works

Design issues

- The proposed dwellings are sited too close together
- There is no evidence of a high quality design within this application
- If approved there should be a condition to limit the ridge height of the proposed dwellings
- The plot sizes are out of character with Bunbury
- The development would be too dense

- The boundary treatment and proposed landscaping provides an urban form of development which is out of character for Bunbury
- Impact upon the setting of the Grade II Listed Building at Rowton Cottage
- External lighting will detract from the character of Bunbury

Other issues

- There are a number of errors within the application

APPRAISAL

Principle of Development

The site lies largely in the Open Countryside as designated by the Borough of Crewe and Nantwich Replacement Local Plan 2011, where policy NE.2 states that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Residential development will be restricted to agricultural workers dwellings, affordable housing and limited infilling within built up frontages.

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 policy objection.

Bunbury Neighbourhood Plan

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

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

This issue is considered under the spatial distribution section below.

The scale of development is covered under Policy H2 which states that development will be supported provided that it is small scale and in character with the settlement. In terms of greenfield development Policy H2 states that development shall be limited a maximum of 15 houses on any site and that such developments should not be co-located with other new housing developments unless there are demonstrable sustainable benefits of doing so. The glossary to the BNP then goes to elaborate on what it means and states that “*the separation between developments may be maintained by a significant distance, geographic features or visual segregation or a combination of these elements. A new development should not share an access road with another new development*”.

In this case the development would be limited to a maximum of 15 dwellings. At the time of writing this report there no issue of co-location as part of this development.

Housing Land Supply

Following the receipt of the Further Interim Views in December 2015, the Council has now prepared proposed changes to the Local Plan Strategy (LPS), alongside new and amended strategic site allocations, with all the necessary supporting evidence. The proposed changes have been approved at a Full Council meeting held on the 26 February 2016 for a period of 6 weeks public consultation which commenced on Friday 4 March 2016.

The information presented to Full Council as part of the LPS proposed changes included the Council's 'Housing Supply and Delivery Topic Paper' (CD 9.7) of February 2016. This topic paper sets out various methodologies and the preferred approach with regard to the calculation of the Council's five year housing land supply.

From this document the Council's latest position indicates that during the plan period at least 36,000 homes are required. In order to account for the historic under-delivery of housing, the Council have applied a 20% buffer as recommended by the Local Plan Inspector. The topic paper explored two main methodologies in calculating supply and delivery of housing. These included the Liverpool and Sedgfield approaches.

The paper concludes that going forward the preferred methodology would be the 'Sedgepool' approach. This relies on an 8 year + 20% buffer approach which requires an annualised delivery rate of 2923 dwellings.

The 5 year supply requirement has been calculated at 14617, this total would exceed the total deliverable supply that the Council is currently able to identify. The Council currently has a total shortfall of 5,089 dwellings (as at 30 September 2015). Given the current supply set out in the Housing Topic Paper as being at 11,189 dwellings (based on those commitments as at 30 September 2015) the Council remains unable to demonstrate a 5 year supply of housing land. However, the Council through the Housing Supply and Delivery Topic paper has proposed a mechanism to achieve a five year supply through the Development Plan process.

National Planning Policy Guidance (NPPG) indicates at 3-031 that deliverable sites for housing can include those that are allocated for housing in the development plan (unless there is clear evidence that schemes will not be implemented within five years).

Accordingly the Local Plan provides a means of delivering the 5 year supply with a spread of sites that better reflect the pattern of housing need however at the current time, the Council cannot demonstrate a 5 year supply of housing.

Spatial Distribution

For Bunbury - there were 21 (net) completions recorded from 1st April 2010 until 30th September 2015. In addition there are the following commitments as at 30th September 2015;

BUNBURY							
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SHLAA Ref	Site Address	Gross Total Dwellings	Completions	Remaining losses	Net remaining	Planning Application Ref	Brownfield / Greenfield / Mixed
Full Permission							
5123	6 Queen Street, Bunbury CW6 9QY	1	0	0	1	14/4887N	g
5124	The Old Methodist Chapel, College Lane, Bunbury, CW6 9PQ	1	0	0	1	14/3963N	b
	Subtotal	2	0	0	2		
Outline Permission							
5002	The Outspan, Sadlers Wells, Bunbury, CW6 9NU	4	0	1	3	14/3013N	mixed
5125	The Cedars, Whitchurch Road, Bunbury Heath, Tarporley, CW6 9SX	1	0	0	1	14/2348N	g
	Subtotal	5	0	1	4		
Under Construction							
4305	Land Adjoining School Lane, Bunbury	1	0	0	1	13/2086N	g
	Subtotal	1	0	0	1		
	Bunbury Total	8	0	1	7		

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

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

Housing Mix

Policy SC4 of the submission version of the Local Plan requires that developments provide an appropriate mix of housing. In this case the mix of housing would be negotiated at the reserved matters stage.

SOCIAL SUSTAINABILITY

Affordable Housing

This is a proposed development of 15 dwellings together with the demolition of one bungalow which is currently occupied as an affordable unit and in order to meet the Council's Policy on Affordable Housing there is a requirement for affordable dwelling provision on this site. The SHMA 2013 shows the majority of the demand in Bunbury for the next 5 years is for 18 x one bedroom and 1 x four bedroom dwellings per year.

The majority of the demand on Cheshire Homechoice is for 6 x one bedroom, 5 x two bedroom, 2 x three bedroom, and 1 x four bedroom dwellings therefore 2 and 3 bedroom units on this site would be acceptable.

This is a proposed development of 15 new dwellings plus the existing affordable rent unit (to be demolished). Therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 5 dwellings to be provided as affordable dwellings. This will be secured as part of a S106 Agreement.

Public Open Space

Policy RT.3 states that where a development exceeds 20 dwellings the Local Planning Authority will seek POS on site.

The development would be less than 20 dwellings but would provide an area of POS. This would be managed by a management company which would be secured as part of the S106 Agreement. The provision of POS on the site would be a benefit as part of this development.

Education

An application of 15 dwellings is expected to generate 3 primary aged children, 2 secondary aged children and 0 SEN child.

In terms of primary school education, the proposed development would be served by 1 local primary school. The Education Department have confirmed that there is capacity to accommodate the children generated by this development and there is no requirement for a primary school contribution. The details can be seen in the table below;

16/0646N Rear of 6 Bunbury Lane, Bunbury,											
	NET CAP May-15	Any Revised NET CAP 2016	Funded pupils Development Yields	Total Required capacity and Pupil Yield	UNFILLED PLACES	UNFILLED PLACES %	PUPIL FORECASTS based on October 2014 School Census				
							2015	2016	2017	2018	2019
Primary Schools											
Bunbury Aldersey	210	210			34	16.19	186	187	182	186	180
Developments with Section 106 funded and pupil yield											
no 106 funded pupils built into the 2014 forecasts.			0								
			0								
Children not included in forecasts (section 106 not received forecast period and approved since forecasts created.											0
the grange , wyche lane											2
											0
Children expected from this development											3
OVERALL TOTAL	210	210	0	210	34	16.19	186	187	182	186	185
OVERALL SURPLUS PLACES PROJECTIONS based on R							24	23	28	24	25
OVERALL SURPLUS % PROJECTIONS based on Revised							11.43	10.95	13.33	11.43	11.90
CONCLUSION:- NO CLAIM											

In terms of secondary schools, there is one school which would serve the proposed development. The Education Department have confirmed that there would be no capacity to accommodate the children generated by this development by 2021 and as a result there is requirement for a secondary school contribution of £32,685.38 (The details can be seen in the table below). As a result this contribution will be secured as part of a S106 Agreement.

	PAN Sep-15	PAN Sep-16	NOR (years 7- Jan-16)	NET CAP May-15	Any Revised NET CAP 2016	Funded pupils Develop- ment	Total Required capacity and	UNFILLED PLACES	UNFILLED PLACES %	PUPIL FORECASTS based on October 2014 School Census						
										2015	2016	2017	2018	2019	2020	2021
Secondary Schools								0	#DIV/0!							
Tarporley High is catchment school but CWAC																
Malbank is nearest CE Scho	120	210	895	1050	1050			155	14.76	877	905	973	1018	1065	1107	1137
								0	#DIV/0!							
								0	#DIV/0!							
								0	#DIV/0!							
								0	#DIV/0!							
								0	#DIV/0!							
Developments with Section 106 funded and pupil yield included in the forecasts																
kingsley fields						63	yield is 143 , 100 built into the forecasts but only funded for 63									
Children not included in forecasts (section 106 not received , pupils still to include beyond forecast period and approved since forecasts created.																
kingsley fields																43
church farm, acton																1
greenbank cottage																2
																0
																0
Children expected from this development																2
OVERALL TOTAL	120	210	895	1050	1050	63	1113	155	14.76	877	905	973	1018	1065	1107	1185
OVERALL SURPLUS PLACES PROJECTIONS										236	208	140	95	48	6	-72
OVERALL SURPLUS % PROJECTIONS										21.20	18.69	12.58	8.54	4.31	0.54	-6.47
										CONCLUSION :- 100% CLAIM , becomes 0 surplus in 2019 an						

Health

A number of the letters of objection raise concerns about the impact upon health provision in this area. Although no consultation response has been received from the NHS a search of the NHS Choices website shows that there are 3 GP practices within 3.5 miles of the application site and all are accepting patients indicating that there is capacity to serve this development.

Location of the site

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

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

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

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

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

In this case the site is on the edge of the settlement of Bunbury which is a Local Service Centre as defined by the Cheshire East local Plan. As a result the site is considered to be a sustainable

location with access to a range of shops, health and leisure facilities and employment opportunities.

ENVIRONMENTAL SUSTAINABILITY

Residential Amenity

The application is in outline form and the indicative plans show that an acceptable layout can be achieved at reserved matters stage.

The separation distances as shown on the submitted plans vary from approximately 12.8 metres between No 5 Bunbury Lane and the dwelling on plot 1, to 22.7 metres between No 3 Bunbury Lane and Plots 2 and 3, and 19 metres between Plot 5 (and the dwelling known as Beech Lea (which is off-set to the north-west). The separation distances are largely acceptable but it is considered that there is plenty of room within the site to improve the relationship between Plot 1 and to the existing dwellings which front Bunbury Lane.

The Environmental Health Officer has requested conditions in relation to an environment management plan.

Air Quality

Whilst this scheme itself is of a relatively small scale, and as such would not require an air quality impact assessment, there is a need for the Local Planning Authority to consider the cumulative impact of a large number of development in a particular area. In particular, the impact of transport related emissions on Local Air Quality.

Modern Ultra Low Emission Vehicle technology (such as all electric vehicles) are expected to increase in use over the coming years (the Government expects most new vehicles in the UK will be ultra low emission). As such it is considered appropriate to create infrastructure to allow home charging of electric vehicles in new, modern properties. This will be controlled through the use of a planning condition.

Contaminated Land

The application site has a history of agricultural use and therefore the land may be contaminated. The application is for new residential properties which are a sensitive end use and could be affected by any contamination present or brought onto the site.

As such, and in accordance with the Councils Environmental Health Officer recommends that a standard contaminated land condition is attached to any approval.

Public Rights of Way

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

In this case the submitted plan shows that footpath Bunbury FP16 would be retained within the proposed POS on site and as such the facility would be retained for public use.

Highways

Access to the site is to be taken from Bunbury Lane to the west of the site and would involve the demolition of an existing dwelling at 6 Bunbury Lane.

At the time of writing this report there were concerns in relation to the visibility splays at the site access (specifically when looking south along Bunbury Lane). In this case the applicant is undertaking a speed survey along Bunbury Lane and an update will be provided in relation to this issue.

The village centre of Bunbury is within reasonable walking distance of the site, allowing sustainable access to a number of local facilities.

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

Trees/Hedgerows

The supporting Arboricultural Impact Assessment identifies 2 individual trees, five groups and two hedgerows within the application site. An Ash (within G4 of the survey) and located on the southern boundary of the site adjacent to the proposed access is scheduled within T49 of the Nantwich Rural District Council (Bunbury) Tree Preservation Order 1973. As the proposed access and footway is shown outside the root protection area of the tree consequently there are no significant implications for this tree.

There are a number of semi mature trees located offsite close to the site boundary hedges which have been poorly pruned, and/or provide little contribution to the wider amenity and landscape character of the area. These trees are therefore not considered to be a major constraint on the development of the site.

The submitted layout plan appears to show existing hedgerows to be retained and the Arboricultural Survey identifies these as being located offsite. As hedgerows are a priority habitat and a material consideration these should be retained.

Design

The importance of securing high quality design is specified within the NPPF and paragraph 61 states that:

“Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”

In this case an indicative layout has been provided in support of this application. Improvements to this layout could be secured at reserved matters stage. It is considered that an acceptable layout can be achieved and that the areas of open space and all highways would be well overlooked. It is considered that an acceptable design/layout that would comply with Policy BE.2 (Design Standards) and the NPPF could be negotiated at the reserved matters stage.

Impact upon the Setting of the Grade II Listed Building

Rowton Cottage is a Grade II Listed Building which is located approximately 50 metres to the south of the proposed access.

The proposed development on this site would have limited impact upon the architectural or historic interest of this Grade II listed building or its setting, given the distance of the site from the listed building, the presence of the existing development at 1-6 Bunbury Lane.

In addition there is an existing hedgerow/trees along the field boundary between the development site and the fields adjoin the site which should serve to mitigate the visual impact of the development upon the setting of the listed building.

Landscape

The application site is located towards the southern part of Bunbury and covers an area of approximately 1.3 hectares. The application site is currently a field used for pasture, with a bungalow, no.6 Bunbury Lane, located on the western part of the application site. The application site has managed hedgerows along the northern and southern boundaries, the southern boundary contains a number of hedgerow trees. Part of the western boundary is marked by the rear garden boundaries of properties along Bunbury Lane. The eastern boundary is formed by a mature hedgerow; Footpath 16 Bunbury, which runs along a north to south alignment, follows this boundary. To the north of the application site are a number of paddocks and beyond these are the properties along Hill Close and Queen Street. To the south and east is the wider rural landscape.

This is an outline application and Illustrative Landscape Proposals, have been included; these show that access will be off Bunbury Lane and that there will be an area of managed arable grass to the east of the application site. The application includes a Landscape and Visual Impact Assessment, this identifies the baseline landscape as detailed in the Cheshire Landscape Character Assessment, Landscape Character Type 7 – East Lowland Plain, and more specifically the Ravensmoor Character Area (ELP1). The landscape Character assessment indicates that this area is predominantly flat with hawthorn hedges and hedgerow trees and that it is an open and expansive landscape in the northern part of the character area. The application site does not have any landscape designations, the Lower Bunbury Conservation Area is located approximately 200m to the north west of the application site.

This proposals will inevitably have both landscape and visual impacts, since the area currently forms part of the setting of Bunbury. It should also be noted that part of the Bunbury Village Design Statement recommends that any development should '*Protect existing views within the village and into the countryside*'. There will be a visual impact for those residents living in properties adjacent to the western boundaries and those further to the north, as well as users of

Footpath 16 Bunbury, located towards the eastern part of the application site. The Councils Landscape Architect considers that the landscape and visual significance of effects will be greater than identified in the submitted assessment, although not substantially so. The level of adversity will ultimately depend on the detail of the scheme, specifically the layout, scale and landscape proposals.

Ecology

Hedgerows

Hedgerows are a priority habitat and hence a material consideration. Based on the submitted layout plan it appears likely that the existing hedgerows could be retained as part of the proposed development. If outline planning consent is granted it should be ensured that the existing hedgerows are retained and enhanced at the detailed design stage.

Bats

The Councils Ecologist advises that roosting bats are not reasonable likely to be present or affected by the proposed development. If outline consent is granted an updated survey may be required at the reserved matters stage.

Enhancement of land to east

The illustrative layout plan includes an undeveloped area of land which is proposed for ecological enhancement. The Councils Ecologist advises that if outline consent is granted a condition should be attached requiring habitat enhancement proposals for this part of the site to be submitted as part of any reserved matters application. Enhancement measures should include a wildlife pond, hibernacula creation, native shrub planting and the enhancement of the grassland habitats.

Hedgehog

Hedgehogs are a biodiversity action plan priority species and hence a material consideration. There are records of hedgehogs in the broad locality of the proposed development and so the species may occur on the site of the proposed development. If planning consent is granted the Councils Ecologist recommends the imposition of a planning condition relating to Hedgehogs.

Flood Risk

The application site does not fall within a Flood Zone and the application is accompanied by a Flood Risk Assessment. The submitted FRA indicates that the site will set finished floor levels 150mm above surrounding ground levels, carry out infiltration tests to undertake a detailed drainage design and verify the attenuation volumes required.

The Council's Flood Risk Team and United Utilities have also reviewed the application and advised that they have no objections, subject to drainage conditions and general drainage advice.

ECONOMIC SUSTAINABILITY

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to Bunbury including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

Agricultural Land Quality

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

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

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

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

CIL Regulations

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.

As explained within the main report, the area of open space would provide a scheme of ecological enhancements which 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.

The development would result in increased demand for secondary school places in the area and there is very limited spare capacity. In order to increase capacity of the secondary 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.

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

PLANNING BALANCE

The proposed development would be contrary to Policies NE.2 and RES.5 and the development would result in a loss of open countryside. However as Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites and the policies NE.2, NE.4 and RES.5 are out-of-date for the purposes of paragraph 49 of the NPPF. The presumption in favour of sustainable development applies at paragraph 14 of the Framework where it states that LPA's should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

In this case the development would comply with the relevant policies of the Bunbury Neighbourhood Plan.

The benefits in this case are:

- The development would provide benefits in terms of much needed affordable housing provision and would help in the Councils delivery of 5 year housing land supply.
- In terms of the ecological implications the development would provide an area for ecological enhancements and this would be a benefit of the application.
- The development would provide significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in Bunbury.

The development would have a neutral impact upon the following subject to mitigation:

- The impact upon education infrastructure would be neutral as the impact would be mitigated through the provision of a contribution.
- There is not considered to be any flood risk/drainage implications raised by this development.
- The impact upon trees is considered to be neutral at this stage and further details would be provided at the reserved matters stage.
- The impact upon residential amenity/noise/air quality and contaminated land could be mitigated through the imposition of planning conditions.

The adverse impacts of the development would be:

- Limited weight in terms of the loss of open countryside
- Limited weight to the changes to the visual character of the landscape that would result from the proposed development

An update will be provided in relation to the highways impacts of this development.

The benefits in approving this development would significantly and demonstrably outweigh the adverse impacts of the development. As such the application is recommended for approval.

RECOMMENDATION:

Subject to the receipt of additional information to address the access concerns raised by the Head of Strategic Infrastructure APPROVE subject to a S106 Agreement to secure the following Heads of Terms:

1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:
 - The numbers, type, tenure and location on the site of the affordable housing provision
 - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
 - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
 - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
2. Provision of an area for Ecological Enhancements to be maintained by a private management company
3. Secondary Education Contribution of £32,685.38

And the following conditions:

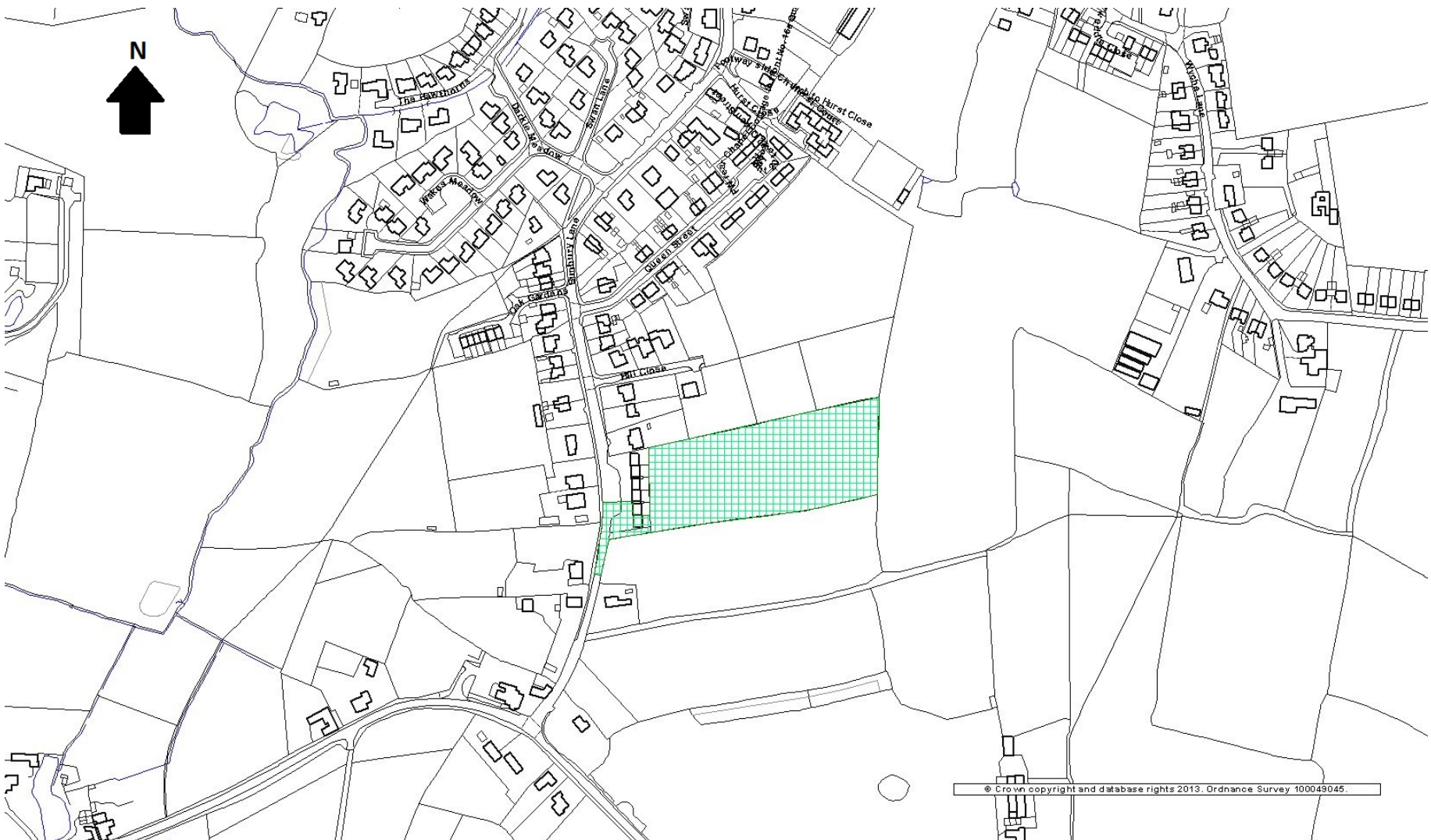
1. Standard outline 1
2. Standard outline 2
3. Standard outline 3
4. Approved Plans
5. Electric Vehicle Infrastructure to be submitted and approved
6. Construction Management Plan to be submitted and approved
7. Submission / Approval of Information regarding Contaminated Land
8. Any reserved matters application shall be supported by an Arboricultural Impact Assessment (AIA) in accordance with Section 5.4 of *BS5837:2012 Trees in Relation to Design, Demolition and Construction (Recommendations)* which shall evaluate the direct and indirect impact effect of the proposed design on existing trees.
9. Reserved Matters application to include details of the existing and proposed land levels
10. The development hereby permitted shall not commence until details of the detailed design, implementation, maintenance and management of a surface water drainage scheme have been submitted to and approved in writing by the LPA
11. The reserved matters shall include details of the habitat enhancement proposals for the site. Enhancement measures should include a wildlife pond, hibernacula creation, native shrub planting and the enhancement of the grassland habitats.
12. Updated survey for Bats to be undertaken and submitted as part of any reserved matters application
13. Any future reserved matters application to be supported by proposals for the incorporation of gaps for hedgehogs to be incorporate into any garden or boundary fencing proposed. The gaps to be 10cm by 15cm and located at least every 5m

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

Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

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

1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:
 - The numbers, type, tenure and location on the site of the affordable housing provision
 - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
 - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
 - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
2. Provision of an area for Ecological Enhancements to be maintained by a private management company
3. Secondary Education Contribution of £32,685.38



Application No: 15/5782N

Location: Land Off, HILL CLOSE, BUNBURY

Proposal: Proposed Residential Development for 15 dwellings with access from the proposed Wulvern Homes site

Applicant: Colin Booth, CB Homes Ltd

Expiry Date: 19-Jul-2016

SUMMARY

The proposed development would be contrary to Policies NE.2, NE.4 and RES.5 and the development would result in a loss of open countryside and Green Gap. However as Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites policies NE.2, NE.4 and RES.5 are out-of-date for the purposes of paragraph 49 of the NPPF. The presumption in favour of sustainable development applies at paragraph 14 of the Framework where it states that LPA's should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

The development would provide benefits in terms of affordable housing provision, delivery of housing, POS provision and significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in Bunbury.

The development would have a neutral impact upon education, protected species/ecology, flood risk/drainage, trees, residential amenity/noise/air quality/contaminated land and highways.

An update will be provided in relation to the highways impact of the development.

In this case if application 16/0646N is approved then this application would be contrary to Policy H2 of the BNP in terms of co-location and as such the application would be recommended for refusal.

On the basis of the refusal of application 16/0646N then the application would not be contrary to Policy H2 of the BNP and the application would be recommended for approval.

RECOMMENDATION

Should application 16/0646N be approved then the application is recommended for REFUSAL

Should application 16/0646N be refused then the recommendation is to APPROVE subject to a S106 Agreement

PROPOSAL

This is an outline planning application for the erection of 15 dwellings. Access is to be determined at this stage with all other matters reserved.

The proposed development includes a single access point onto Bunbury Lane which would be located to the south of the site. The access would involve the demolition of a dwelling at 6 Bunbury Lane via the proposed Wulvern Housing development.

SITE DESCRIPTION

The site comprises 1.68ha of land located on the southern edge of Bunbury. The site lies within the open countryside as defined by the Crewe and Nantwich Local Plan.

The site includes 6 Bunbury Lane which is a modern terraced bungalow. The main part of the site is to the east of Hill Close and is subdivided into a number of small fields by existing hedgerows.

The site is bound by residential properties fronting Hill Close to the east and Queen Street to the north. To the north-east of the site is an existing area of open space which includes tennis courts and football pitches.

A PROW (Bunbury FP16) crosses the eastern part of the site.

RELEVANT HISTORY

16/0646N - Outline planning application for the demolition of 1no. bungalow and the erection of 15 dwellings, including associated access at land east of Bunbury Lane, Bunbury (applicants Wulvern Housing) – No decision made

15/5783N - Proposed Residential Development for 15 dwellings with access from Hill Close – No decision made

14/5206N - Outline application for proposed residential development for 21 number dwellings and proposed new stable block and paddock – Refused 9th December 2015 for the following reasons;

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies NE2 (Open Countryside) and RES5 (Housing in the Open Countryside) of the Crewe and Nantwich Replacement Local Plan, Policy PG5 of the emerging Cheshire East Local Plan Strategy – Submission Version and the principles of the National Planning Policy Framework which seek to ensure*

development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it creates harm to interests of acknowledged importance.

- 2. The Local Planning Authority considers that the scale of the proposed development would be premature following the publication consultation draft of the Bunbury Neighbourhood Plan. As such, allowing this development would prejudice the outcome of the neighbourhood plan-making process and would be contrary to guidance contained at Paragraph 216 of the NPPF and guidance contained within the NPPG.*
- 3. Whilst it is acknowledged that there is a presumption in favour of sustainable development in the planning balance, it is considered that the development is unsustainable because of the conflict with the draft Bunbury Neighbourhood plan and because of the unacceptable environmental impacts of the scheme in terms of the lack of information to demonstrate that the proposal would not harm species protected by law (Great Crested Newts and reptiles) and the lack of information to demonstrate the development could be provided without significant harm to the landscape. These factors significantly and demonstrably outweigh the social and economic benefits of the scheme in terms of its contribution to boosting housing land supply and supporting the local economy. As such the proposal is contrary to Policies NE.5 (Nature Conservation and Habitats), NE.9 (Protected Species), RES.5 (Housing in the Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and Policies SE3 (Biodiversity and Geodiversity) and SE4 (Landscape) of the Cheshire East Local Plan Strategy – Submission Version and the provisions of the NPPF.*

NATIONAL & LOCAL POLICY

National Policy

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs:

- 14. Presumption in favour of sustainable development.
- 50. Wide choice of quality homes
- 56-68. Requiring good design

Development Plan

The Development Plan for this area is the Borough of Crewe and Nantwich Replacement Local Plan 2011, which allocates the site, under policy NE.2, as open countryside

The relevant Saved Policies are:

- NE.2 (Open countryside)
- NE.5 (Nature Conservation and Habitats)
- NE.9: (Protected Species)
- NE.20 (Flood Prevention)
- BE.1 (Amenity)
- BE.2 (Design Standards)
- BE.3 (Access and Parking)
- BE.4 (Drainage, Utilities and Resources)

RES.5 (Housing in the Open Countryside)

RES.7 (Affordable Housing)

RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)

TRAN.3 (Pedestrians)

TRAN.5 (Cycling)

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

Bunbury Neighbourhood Plan

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

H1 – Settlement Boundary

H2 - Scale of Housing Development

H3 – Design

LC1 - Built Environment

LC2 – Landscape

ENV3 – Environmental Sustainability of Buildings

ENV4 – Landscape Quality, Countryside and Open Views

BIO1 – Biodiversity

T1 – Public Rights of Way

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

PG2 – Settlement Hierarchy

PG5 - Open Countryside

PG6 – Spatial Distribution of Development

SC4 – Residential Mix

SC5 – Affordable Homes

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

SE3 – Biodiversity and Geodiversity

SE5 – Trees, Hedgerows and Woodland

SE 1 - Design

SE 2 - Efficient Use of Land

SE 4 - The Landscape

SE 5 - Trees, Hedgerows and Woodland

SE 3 - Biodiversity and Geodiversity

SE 13 - Flood Risk and Water Management

SE 6 – Green Infrastructure

IN1 – Infrastructure

IN2 – Developer Contributions

Other considerations:

The Bunbury Village Design Statement

The EC Habitats Directive 1992

Conservation of Habitats & Species Regulations 2010

Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System

Interim Planning Statement Affordable Housing

CONSULTATIONS

United Utilities: No objection subject to the imposition of conditions.

CEC PROW: It is noted that the intention is to retain the footpath along its definitive alignment, if this is the case the retained route must coincide exactly with the definitive map. The site layout indicates a slightly curving line which would require a diversion application and Order.

Details of the proposed surfacing, associated furniture and future management of the footpath would require prior discussion and approval from the Network Management Officer for this area.

Head of Strategic Infrastructure: The revised corner radii are acceptable. However there are concerns relating to the visibility splay to the south and its position with respect to the hedge. A speed survey along Bunbury Lane will be required.

CEC Environmental Health: Conditions suggested in relation to environment management plan, piling, electric vehicle infrastructure, dust control and contaminated land. Informatives are also suggested in relation to contaminated land and hours of operation.

CEC Strategic Housing Manager: No objection.

CEC Flood Risk Manager: No objection subject to the imposition of planning conditions.

CEC Education: The development of 15 dwellings is expected to generate:

3 primary children (15 x 0.19)

2 secondary children (15 x 0.15)

0 SEN children (15 x 0.51 x 0.023%)

The development is forecast to increase an existing shortfall predicted for secondary provision in the locality.

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

$2 \times £17,959 \times 0.91 = £32,685.38$ (secondary)

VIEWS OF THE PARISH COUNCIL

Bunbury Parish Council: No objection to the application on the basis that the separation between the development and the adjacent Wulvern Housing development is maintained in order to comply with policy H2 of the Bunbury Neighbourhood Plan. The following conditions are requested;

- The provision of a buffer zone to create visual separation to the proposed orchard
- The proposed paddocks be retained with further hedgerow and tree planting
- A covenant should be attached to state that there is no building on the paddock land
- The design and scale of the housing should comply with the Bunbury Village Design Statement and the Bunbury Neighbourhood Plan and not exceed two stories
- The applicant should provide a Highways Statement to address the highway implications of the development.

REPRESENTATIONS

Letters of objection have been received from 87 local households raising the following points:

Principal of development

- The application is contrary to the Bunbury Neighbourhood Plan
- The village is in need of smaller affordable housing developments
- There are a number of deficiencies within the application
- The development would result in co-location with an adjacent development which is contrary to Policy H2 of the Neighbourhood Plan
- Loss of open countryside
- Lack of facilities within Bunbury – the village is not sustainable
- The development is contrary to Policies contained within the Crewe and Nantwich Local Plan
- The development is contrary to Policies contained within the Cheshire East Local Plan
- Lack of provision for retired people
- There would be too many houses on this development
- The development would be out of character with the locality
- There is no need for more housing within the village
- Harm to the character of the area which is the filming location for a TV period drama
- The development will result in urban sprawl
- Loss of the PROW
- There is a large number of houses with approval just over the border within Cheshire West at Beeston
- The new housing will not be affordable to local people
- The development will not meet local housing needs
- The application is dependent on the undetermined Wulvern Housing application
- The retained paddock does not provide sufficient separation to protection against co-location
- The development would not be a rounding off
- There is no need for further development in Bunbury

Highways

- Increased congestion within the village especially around the Co-op
- The application relies on a Transport Statement for an adjacent development of 15 houses. The access would serve 30 dwellings
- The public transport information within the application is incorrect
- Pedestrian safety
- Cumulative highways impact with the adjacent Wulvern development
- Poor public transport within the village
- Poor quality pavements within the village
- The proposed access is not safe
- Problems with construction vehicles accessing the site

Green Issues

- Impact upon wildlife
- Loss of habitat
- Impact upon protected species
- Loss of hedgerows/trees

Infrastructure

- Local infrastructure cannot cope with any further development
- The local schools are full
- Doctors surgeries are full
- Current amenities within the village are not sufficient
- The local shop cannot cope with any further housing development
- Local sewerage infrastructure cannot cope with further development
- Bunbury has no mains gas supply

Amenity Issues

- Loss of privacy
- Increased dust
- Increased noise
- Increased air pollution
- Noise and disturbance caused by the construction works
- Noise impact caused by increased vehicular movements
- Light pollution
- Loss of light/overshadowing
- Impact upon the adjacent bungalows
- Low water pressure in Bunbury

Design issues

- The proximity of the development to the Bunbury Conservation Area and Listed Buildings
- The development is not in-keeping with the village

Other issues

- The site is well used by users of the PROW and the development would have health impacts
- Impact upon a well used PROW

APPRAISAL

Principle of Development

The site lies largely in the Open Countryside as designated by the Borough of Crewe and Nantwich Replacement Local Plan 2011, where policy NE.2 states that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Residential development will be restricted to agricultural workers dwellings, affordable housing and limited infilling within built up frontages.

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 policy objection.

Bunbury Neighbourhood Plan

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

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

This issue is considered under the spatial distribution section below.

The scale of development is covered under Policy H2 which states that development will be supported provided that it is small scale and in character with the settlement. In terms of greenfield development Policy H2 states that development shall be limited a maximum of 15 houses on any site and that such developments should not be co-located with other new housing developments unless there are demonstrable sustainable benefits of doing so. The glossary to the BNP then goes to elaborate on what it means and states that *‘the separation between developments may be maintained by a significant distance, geographic features or visual segregation or a combination of these elements. A new development should not share an access road with another new development’*.

In this case if application 16/0646N is approved then this application would be contrary to Policy H2 of the BNP in terms of co-location. As this site and the development as part of application 16/0646N would share an access road.

Housing Land Supply

Following the receipt of the Further Interim Views in December 2015, the Council has now prepared proposed changes to the Local Plan Strategy (LPS), alongside new and amended strategic site allocations, with all the necessary supporting evidence. The proposed changes have been approved at a Full Council meeting held on the 26 February 2016 for a period of 6 weeks public consultation which commenced on Friday 4 March 2016.

The information presented to Full Council as part of the LPS proposed changes included the Council’s ‘Housing Supply and Delivery Topic Paper’ (CD 9.7) of February 2016. This topic paper sets out various methodologies and the preferred approach with regard to the calculation of the Council’s five year housing land supply.

From this document the Council’s latest position indicates that during the plan period at least 36,000 homes are required. In order to account for the historic under-delivery of housing, the

Council have applied a 20% buffer as recommended by the Local Plan Inspector. The topic paper explored two main methodologies in calculating supply and delivery of housing. These included the Liverpool and Sedgfield approaches.

The paper concludes that going forward the preferred methodology would be the 'Sedgepool' approach. This relies on an 8 year + 20% buffer approach which requires an annualised delivery rate of 2923 dwellings.

The 5 year supply requirement has been calculated at 14617, this total would exceed the total deliverable supply that the Council is currently able to identify. The Council currently has a total shortfall of 5,089 dwellings (as at 30 September 2015). Given the current supply set out in the Housing Topic Paper as being at 11,189 dwellings (based on those commitments as at 30 September 2015) the Council remains unable to demonstrate a 5 year supply of housing land. However, the Council through the Housing Supply and Delivery Topic paper has proposed a mechanism to achieve a five year supply through the Development Plan process.

National Planning Policy Guidance (NPPG) indicates at 3-031 that deliverable sites for housing can include those that are allocated for housing in the development plan (unless there is clear evidence that schemes will not be implemented within five years).

Accordingly the Local Plan provides a means of delivering the 5 year supply with a spread of sites that better reflect the pattern of housing need however at the current time, the Council cannot demonstrate a 5 year supply of housing.

Spatial Distribution

For Bunbury - there were 21 (net) completions recorded from 1st April 2010 until 30th September 2015. In addition there are the following commitments as at 30th September 2015;

BUNBURY							
SHLAA Ref	Site Address	Gross Total Dwellings	Completions	Remaining losses	Net remaining	Planning Application Ref	Brownfield / Greenfield / Mixed
Full Permission							
5123	6 Queen Street, Bunbury CW6 9QY	1	0	0	1	14/4887N	g
5124	The Old Methodist Chapel, College Lane, Bunbury, CW6 9PQ	1	0	0	1	14/3963N	b
	Subtotal	2	0	0	2		
Outline Permission							
5002	The Outspan, Sadlers Wells, Bunbury CW6 9NU	4	0	1	3	14/3013N	mixed
5125	The Cedars, Whitchurch Road, Bunbury Heath, Tarporley, CW6 9SX	1	0	0	1	14/2348N	g
	Subtotal	5	0	1	4		
Under Construction							
4305	Land Adjoining School Lane, Bunbury	1	0	0	1	13/2086N	g

	Subtotal	1	0	0	1		
	Bunbury Total	8	0	1	7		

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

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

Housing Mix

Policy SC4 of the submission version of the Local Plan requires that developments provide an appropriate mix of housing. In this case the mix of housing would be negotiated at the reserved matters stage.

SOCIAL SUSTAINABILITY

Affordable Housing

This is a proposed development of 15 dwellings together and there is a requirement for affordable dwelling provision on this site. The SHMA 2013 shows the majority of the demand in Bunbury for the next 5 years is for 18 x one bedroom and 1 x four bedroom dwellings per year.

The majority of the demand on Cheshire Homechoice is for 6 x one bedroom, 5 x two bedroom, 2 x three bedroom, and 1 x four bedroom dwellings therefore 1, 2, 3 and 4 bedroom units on this site would be acceptable.

The development shall provide three units as Affordable rent and one unit as intermediate tenure. The exact details of the affordable housing will be provided at reserved matters stage and will be secured as part of a S106 Agreement.

Public Open Space

Policy RT.3 states that where a development exceeds 20 dwellings the Local Planning Authority will seek POS on site.

The development would be less than 20 dwellings but would provide an area of POS. This would be managed by a management company which would be secured as part of the S106 Agreement. The provision of POS on the site would be a benefit as part of this development.

Education

An application of 15 dwellings is expected to generate 3 primary aged children, 2 secondary aged children and 0 SEN child.

In terms of primary school education, the proposed development would be served by 1 local primary school. The Education Department have confirmed that there is capacity to accommodate the children generated by this development and there is no requirement for a primary school contribution. The details can be seen in the table below;

16/0646N Rear of 6 Bunbury Lane, Bunbury,										PUPIL FORECASTS based on October 2014 School Census				
	NET CAP May-15	Any Revised NET CAP 2016	Funded pupils Development Yields	Total Required capacity and Pupil Yield	UNFILLED PLACES	UNFILLED PLACES %	2015	2016	2017	2018	2019			
Primary Schools														
Bunbury Aldersey	210	210			34	16.19	186	187	182	186	180			
Developments with Section 106 funded and pupil yield			0											
no 106 funded pupils built into the 2014 forecasts.			0											
			0											
Children not included in forecasts (section 106 not received beyond forecast period and approved since forecasts created.														0
the grange , wyche lane														2
														0
Children expected from this development														3
OVERALL TOTAL	210	210	0	210	34	16.19	186	187	182	186	185			
OVERALL SURPLUS PLACES PROJECTIONS based on R							24	23	28	24	25			
OVERALL SURPLUS % PROJECTIONS based on Revised							11.43	10.95	13.33	11.43	11.90			
CONCLUSION:- NO CLAIM														

In terms of secondary schools, there is one school which would serve the proposed development. The Education Department have confirmed that there would be no capacity to accommodate the children generated by this development by 2021 and as a result there is requirement for a secondary school contribution of £32,685.38 (The details can be seen in the table below). As a result this contribution will be secured as part of a S106 Agreement.

	PAN Sep-15	PAN Sep-16	NOR (seats 7- Jan-16	NET CAP May-15	Any Revised NET CAP 2016	Funded pupils Development	Total Required capacity and	UNFILLED PLACES	UNFILLED PLACES %	PUPIL FORECASTS based on October 2014 School Census						
										2015	2016	2017	2018	2019	2020	2021
Secondary Schools																
Tarporley High is catchment school but CWAC								0	#DIV/0!							
Malbank is nearest CE Scho	120	210	895	1050	1050			155	14.76	877	905	973	1018	1065	1107	1137
								0	#DIV/0!							
								0	#DIV/0!							
								0	#DIV/0!							
								0	#DIV/0!							
								0	#DIV/0!							
								0	#DIV/0!							
Developments with Section 106 funded and pupil yield included in the forecasts																
kingsley fields							63	yield is 143 , 100 built into the forecasts but only funded for 63								
Children not included in forecasts (section 106 not received , pupils still to include beyond forecast period and approved since forecasts created.																
kingsley fields																43
church farm, acton																1
greenbank cottage																2
																0
																0
																0
Children expected from this development																2
OVERALL TOTAL	120	210	895	1050	1050	63	1113	155	14.76	877	905	973	1018	1065	1107	1185
OVERALL SURPLUS PLACES PROJECTIONS										236	208	140	95	48	6	-72
OVERALL SURPLUS % PROJECTIONS										21.20	18.69	12.58	8.54	4.31	0.54	-6.47
CONCLUSION :- 100% CLAIM , becomes 0 surplus in 2019 an																

Health

A number of the letters of objection raise concerns about the impact upon health provision in this area. Although no consultation response has been received from the NHS a search of the NHS Choices website shows that there are 3 GP practices within 3.5 miles of the application site and all are accepting patients indicating that there is capacity to serve this development.

Location of the site

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

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

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

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

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

In this case the site is on the edge of the settlement of Bunbury which is a Local Service Centre as defined by the Cheshire East local Plan. As a result the site is considered to be a sustainable location with access to a range of shops, health and leisure facilities and employment opportunities.

ENVIRONMENTAL SUSTAINABILITY

Residential Amenity

The application is in outline form and the indicative plans show that an acceptable layout can be achieved at reserved matters stage.

The separation distances as shown on the submitted plans vary from approximately 40 metres between No 2 Queen Street and the dwelling on plot 1, to 23 metres between No 8 Queen Street and Plot 15, and 16 metres between 18 Queen Street and Plot 10. The separation distances are largely acceptable but it is considered that there is plenty of room within the site to improve the relationship between Plot 10 and to existing dwellings which front Queen Street.

The Environmental Health Officer has requested conditions in relation to hours of construction, external lighting, and an environment management plan.

Air Quality

Whilst this scheme itself is of a relatively small scale, and as such would not require an air quality impact assessment, there is a need for the Local Planning Authority to consider the cumulative impact of a large number of development in a particular area. In particular, the impact of transport related emissions on Local Air Quality.

Modern Ultra Low Emission Vehicle technology (such as all electric vehicles) are expected to increase in use over the coming years (the Government expects most new vehicles in the UK will be ultra low emission). As such it is considered appropriate to create infrastructure to allow home charging of electric vehicles in new, modern properties. This will be controlled through the use of a planning condition.

Contaminated Land

The application site has a history of agricultural use and therefore the land may be contaminated. The application is for new residential properties which are a sensitive end use and could be affected by any contamination present or brought onto the site.

As such, and in accordance with the Councils Environmental Health Officer recommends that a standard contaminated land condition is attached to any approval.

Public Rights of Way

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

In this case the submitted plan shows that footpath Bunbury FP16 would be retained on site and as such the facility would be retained for public use.

Highways

Access to the site is to be taken from Bunbury Lane to the south-west of the site via the proposed Wulvern development as part of application 16/0646N and would involve the demolition of an existing dwelling at 6 Bunbury Lane.

Pedestrian links will be provided from the site as follows:

- To Bunbury Lane via Hill Close; and
- To Public Right of Way Footpath 16; which runs through the site to Footpaths 17 and 18 to the south of the site.

At the time of writing this report there were concerns in relation to the visibility splays at the site access (specifically when looking south along Bunbury Lane). In this case the applicant for application 16/0646N is undertaking a speed survey along Bunbury Lane and an update will be provided in relation to this issue.

The village centre of Bunbury is within reasonable walking distance of the site, allowing sustainable access to a number of local facilities.

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

Trees/Hedgerows

The application is supported by an Arboricultural Impact Assessment/Method Statement which has identified four individual trees and one tree group most of which are located along the southern field boundary (adjacent to the proposed access) and one hedgerow Ash to the eastern site boundary.

It is accepted that only one tree, an early mature Sycamore (T1) adjacent to the proposed access off Bunbury Lane has be categorised as a Moderate (B) category and the remaining trees are not significant in terms of their wider contribution to the amenity of the area and are therefore graded as low (C) category specimens.

None of the trees are currently protected by a Tree Preservation Order and their current condition, value and contribution to the wider amenity is such that formal protection would not be considered expedient.

The application would involve the loss of about 137 metres of hedgerow for the proposed access around the southern central section of the site. Where proposed development is likely to result in the loss of existing agricultural hedgerows which are more than 30 years old, it is considered that they should be assessed against the criteria in the Hedgerow Regulations 1997 in order to ascertain if they qualify as 'Important'. The Regulations require assessment on various criteria including ecological and historic value. Should any hedgerows be found to be 'Important' under any of the criteria in the Regulations, this would be a significant material consideration in the determination of the application. Hedgerows are also a habitat subject of a Biodiversity Action Plan.

A Hedgerow Regulations Assessment has been submitted with this application. In this case the Councils Tree Officer comments that this is not a comprehensive assessment as it does not include an assessment as to whether the hedge formed part of a pre 1600AD estate or manor under Part II of Schedule 1 para 4. That said the submitted DEFRA assessment and covering letter confirms the hedgerow is absent from the 1839 Tithe Maps (whether the hedge was in existence before then and subsequently replanted later is open to conjecture) and on the basis of its absence in 1839 is not 'historic' under para 1 of Part II nor does the hedgerow pre date the Inclosure Act under para 5 of Part II.

In terms of wildlife and landscape only two woody species have been identified within the required 30 metre section which would not meet the requirement for Importance under para 7 of Part II.

Whilst the covering letter states that the survey has identified that the hedgerow is not Important under the Regulations, certain criteria under Part II Schedule 1 have been excluded from the assessment including para 2 Archaeological; para 4 pre 1600 estate or manor; and para 6 biological record.

In this case the loss of hedgerow is not considered to be significant given the benefits of this development.

Design

The importance of securing high quality design is specified within the NPPF and paragraph 61 states that:

“Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”

In this case an indicative layout has been provided in support of this application and this shows that an acceptable layout can be achieved and that the areas of open space and all highways would be well overlooked. It is considered that an acceptable design/layout that would comply with Policy BE.2 (Design Standards) and the NPPF could be negotiated at the reserved matters stage.

Landscape

The application site is located towards the southern part of Bunbury and covers an area of 2.15 hectares and is divided into three fields. The application site is relatively flat and is used for agriculture and as a paddock, and is bound by hedgerows with a number of hedgerow trees. Footpath FP16 Bunbury crosses the eastern part of the application site. The northern boundary of the site is bound by properties along the southern side of Queen Street, the western boundary by properties along the eastern side of Bunbury Lane as well as properties around Hill Close. To the south and east of the application site is the wider rural landscape.

A Landscape and Visual Assessment has been submitted as part of the application, this identifies the national and local landscape character, in this case identified in the Cheshire Landscape Character Assessment as the East Lowland Plain Character Type, and specifically the Ravensmoor Character Area (ELP1). The Landscape Character Assessment indicates that this area is predominantly flat with hawthorn hedges and hedgerow trees and that it is an open and expansive landscape in the northern part of the character area; the assessment also identifies the landscape character of the site. The application site does not have any landscape designations; the Lower Bunbury Conservation Area is located approximately 100m to the North West of the application site.

This is an outline application and an indicative site layout has been included, this shows that access to the south of the site, that there will be an area of public open space along the eastern part of the application site and that the area to the south of the application site will remain as paddocks with a stable; it also indicates that the existing perimeter hedgerows will be retained. The Site Plan as proposed also shows a road access to Bunbury lane through the adjoin site to the south (Wulvern Homes) and indicates that this access will be determined at reserved matters stage.

The Landscape and Visual Assessment identifies that the site is considered to be of medium sensitivity and that the change of character due to the proposals would be moderate adverse. The assessment also identifies that the main visual effects will be to the residential receptors located along Queen Street, adjacent to the northern boundary, along with Footpath 16 which traverses the application site. The Councils Landscape Architect agree with the submitted

assessment. This is an outline application, but with the design mitigation proposals, layout, and planting proposals, the impacts could reduce over time.

Ecology

Great Crested Newts

The two ponds located within 250m of the proposed development have been subject to a Habitat Suitability Assessment to determine their potential to support breeding Great Crested Newts. The submitted assessment has assessed the ponds as offering some potential breeding habitat for newts but points out that these ponds have been subject to a recent Great Crested Newt Survey, which was submitted to the Council in support of application 14/3167N. No evidence of Great Crested Newts was recorded during this survey and the Councils Ecologist advises that this species is unlikely to be present or affected by the proposed development.

Hedgerows

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

Common Toad

This species is a priority species and a material consideration for planning. The proposed development would result in the loss of some terrestrial habitat for this species. This impact could be mitigated at least to a large extent through the creation of suitable habitat within the open space areas of the development. The provision of an additional wildlife pond would be beneficial for this species.

Reptiles

Reptiles are known to occur in the broad locality of the application site and have in fact been recently recorded as being present on the opposite side of Bunbury Lane. In addition the submitted report refers to anecdotal records of grass snake being recorded on site. However no evidence of reptiles was recorded during the submitted survey which has been undertaken to an acceptable standard. Therefore whilst it appears unlikely that the site is particularly important for reptiles there remains the risk that grass snakes may occur on the site on a transitory basis.

The submitted report includes recommendations for the retention of suitable habitats for reptiles along the sites eastern boundary. Based upon the submitted illustrative layout plan it appears feasible that this could be achieved.

If planning consent is granted the Councils Ecologist recommends that a condition be attached requiring any future reserved matters application to be brought forward in accordance with the submitted reptile survey prepared by Cheshire Ecology Ltd.

Barn Owls

Barn owls have been recorded within the broad area of the application site. The application site supports habitats which are likely to offer opportunities for foraging Barn Owls. The Council's Ecologist advises that the loss of this habitat has the potential to have a localised adverse impact upon this species. If outline planning consent is granted the Council's Ecologist recommends that this loss of habitat be offset by means of a commuted sum that could be passed onto the local Barn Owl group in order to facilitate site habitat creation. A figure of £2,000 would be appropriate.

Hedgehog

Hedgehogs are a biodiversity action plan priority species and hence a material consideration. There are records of hedgehogs in the broad locality of the proposed development and so the species may occur on the site of the proposed development. If planning consent is granted a standard condition could be attached to ensure that gaps are provided under any boundary treatment.

Bats

The loss of existing hedgerows is likely to have a localised detrimental effect on foraging and commuting bats. If outline planning consent is granted this impact should be mitigated for through appropriate native species planting incorporated into the open space associated with the proposed development at the detailed design phase.

Flood Risk

The application site does not fall within a Flood Zone and the application is accompanied by a Flood Risk Assessment. The submitted DRA indicates that the site will incorporate SuDS to reduce surface water run-off and reducing the flood risk from the site.

The Council's Flood Risk Team and United Utilities have also reviewed the application and advised that they have no objections, subject to drainage conditions and general drainage advice.

ECONOMIC SUSTAINABILITY

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to Bunbury including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

Agricultural Land Quality

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

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

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

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

Other issues

A number of the letters of objection state that the applicant has not served notice on all of the landowners on this site. This issue has been raised with the applicant's agent and the issue has now been resolved and a revised Certificate B has been submitted with this application.

CIL Regulations

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.

As explained within the main report, the area of open space 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.

The development would result in increased demand for secondary school places in the area and there is very limited spare capacity. In order to increase capacity of the secondary 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.

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

PLANNING BALANCE

The proposed development would be contrary to Policies NE.2 and RES.5 and the development would result in a loss of open countryside. However as Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites and the policies NE.2, NE.4 and RES.5 are out-of-date for the purposes of paragraph 49 of the NPPF. The presumption in favour of sustainable development applies at paragraph 14 of the Framework where it states that LPA's should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh

the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

The benefits in this case are:

- The development would provide benefits in terms of much needed affordable housing provision and would help in the Councils delivery of 5 year housing land supply.
- In terms of the ecological implications the development would provide an area for ecological enhancements and this would be a benefit of the application.
- The development would provide significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in Bunbury.

The development would have a neutral impact upon the following subject to mitigation:

- The impact upon education infrastructure would be neutral as the impact would be mitigated through the provision of a contribution.
- There is not considered to be any flood risk/drainage implications raised by this development.
- The impact upon trees is considered to be neutral at this stage and further details would be provided at the reserved matters stage.
- The impact upon residential amenity/noise/air quality and contaminated land could be mitigated through the imposition of planning conditions.

The adverse impacts of the development would be:

- Limited weight in terms of the loss of open countryside
- Limited weight to the changes to the visual character of the landscape that would result from the proposed development

An update will be provided in relation to the highways impacts of this development.

In this case if application 16/0646N is approved then this application would be contrary to Policy H2 of the BNP in terms of co-location and as such the application would be recommended for refusal.

On the basis of the refusal of application 16/0646N then the application would not be contrary to Policy H2 of the BNP and the application would be recommended for approval.

RECOMMENDATION:

Should application 16/0646N be approved then the application is recommended for REFUSAL on the following grounds:

- 1. The proposed development together with that proposed as part of application 16/0646N would result in co-location which would be prejudicial to the character of Bunbury and would have social and environmental impacts upon the immediate area. As a result the proposed development would be contrary to Policy H2 (Scale of Housing Development) of the Bunbury Neighbourhood Plan.**

Should application 16/0646N be refused then the recommendation is to APPROVE subject to a S106 Agreement to secure the following Heads of Terms:

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

1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:
 - The numbers, type, tenure and location on the site of the affordable housing provision
 - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
 - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
 - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
2. Provision of an area for Ecological Enhancements to be maintained by a private management company
3. Secondary Education Contribution of £32,685.38

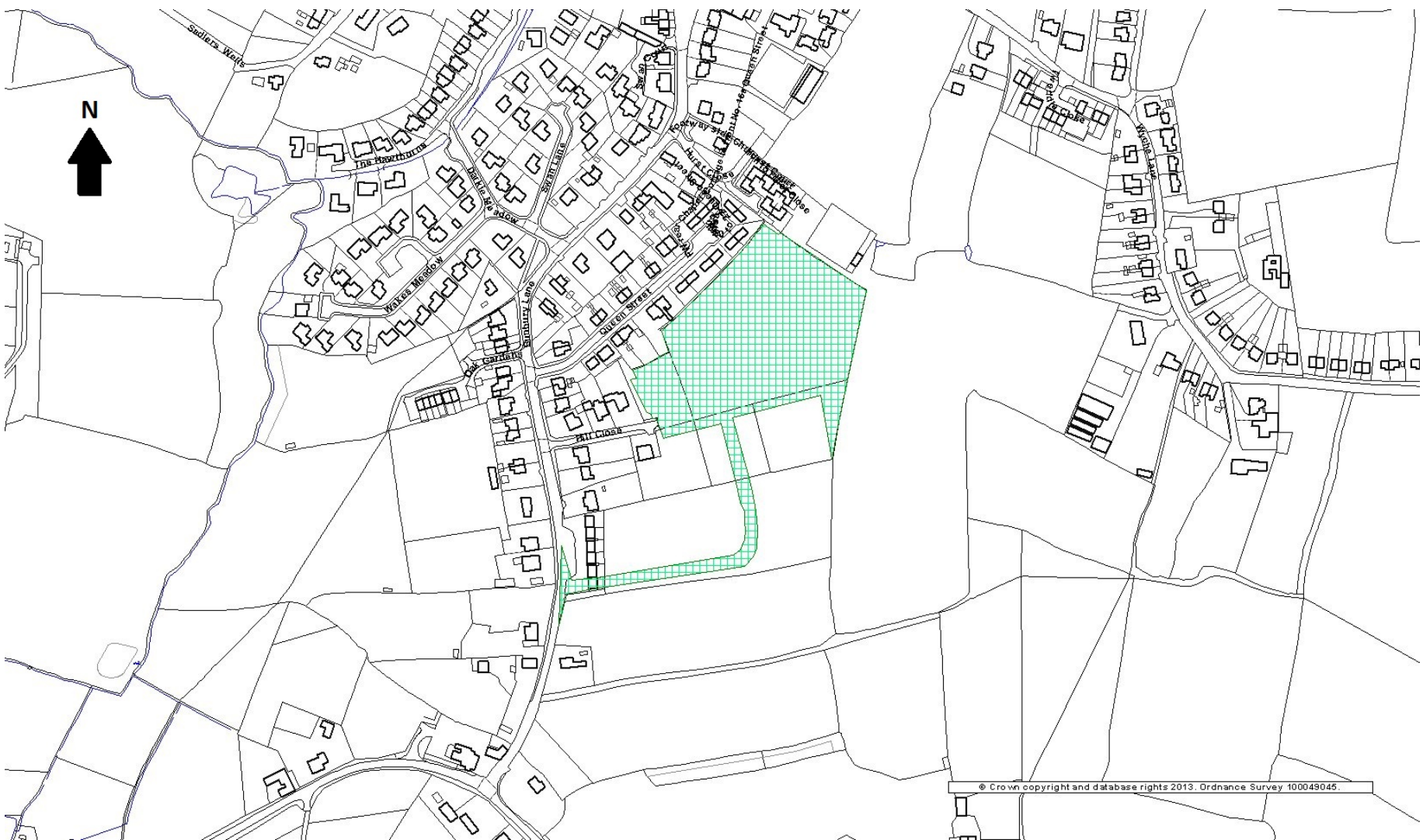
And the following conditions:

1. Standard outline 1
2. Standard outline 2
3. Standard outline 3
4. Approved Plans
5. Electric Vehicle Infrastructure to be submitted and approved
6. Construction Management Plan to be submitted and approved
7. Submission / Approval of Information regarding Contaminated Land
8. Any reserved matters application shall be supported by an Arboricultural Impact Assessment (AIA) in accordance with Section 5.4 of *BS5837:2012 Trees in Relation to Design, Demolition and Construction (Recommendations)* which shall evaluate the direct and indirect impact effect of the proposed design on existing trees.
9. Reserved Matters application to include details of the existing and proposed land levels
10. The development hereby permitted shall not commence until details of the detailed design, implementation, maintenance and management of a surface water drainage scheme have been submitted to and approved in writing by the LPA
11. The development hereby permitted shall not commence until details of the detailed design, implementation, maintenance and management of a surface water drainage scheme have been submitted to and approved in writing by the LPA
12. The reserved matters shall include details of the habitat enhancement proposals for the site. Enhancement measures should include a wildlife pond, hibernacula creation, native shrub planting and the enhancement of the grassland habitats.
13. Updated survey for Bats to be undertaken and submitted as part of any reserved matters application
14. Any future reserved matters application to be supported by proposals for the incorporation of gaps for hedgehogs to be incorporate into any garden or boundary fencing proposed. The gaps to be 10cm by 15cm and located at least every 5m

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

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

1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:
 - The numbers, type, tenure and location on the site of the affordable housing provision
 - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
 - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
 - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
2. Provision of an area for Ecological Enhancements to be maintained by a private management company
3. Secondary Education Contribution of £32,685.38



Application No: 15/5783N

Location: Land Off, HILL CLOSE, BUNBURY

Proposal: Proposed Residential Development for 15 dwellings with access from Hill Close

Applicant: Colin Booth, CB Homes Ltd

Expiry Date: 21-Mar-2016

SUMMARY

The proposed development would be contrary to Policies NE.2, NE.4 and RES.5 and the development would result in a loss of open countryside and Green Gap. However as Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites policies NE.2, NE.4 and RES.5 are out-of-date for the purposes of paragraph 49 of the NPPF. The presumption in favour of sustainable development applies at paragraph 14 of the Framework where it states that LPA's should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

In this case the development would comply with the relevant policies of the Bunbury Neighbourhood Plan.

The development would provide benefits in terms of affordable housing provision, delivery of housing, POS provision and significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in Bunbury.

The development would have a neutral impact upon education, protected species/ecology, flood risk/drainage, trees, residential amenity/noise/air quality/contaminated land and highways.

The adverse impacts of the development would be the loss of open countryside (limited weight) and limited impact to the changes to the visual character of the landscape that would result from the proposed development

The benefits of approving this development (as listed above) would significantly and demonstrably outweigh the adverse impacts of the development. As such the application is recommended for approval.

RECOMMENDATION

APPROVE subject to the completion of a S106 Agreement and the imposition of planning conditions

PROPOSAL

This is an outline planning application for the erection of 15 dwellings. Access is to be determined at this stage with all other matters reserved.

The proposed development includes a single access point via Hill Close which would be located to the west of the site.

SITE DESCRIPTION

The site comprises 1.68ha of land located on the southern edge of Bunbury. The site lies within the open countryside as defined by the Crewe and Nantwich Local Plan.

The site includes Hill Close and the visibility splays onto Bunbury Lane. The main part of the site is to the east of Hill Close and is subdivided into a number of small fields by existing hedgerows.

The site is bound by residential properties fronting Hill Close to the east and Queen Street to the north. To the north-east of the site is an existing area of open space which includes tennis courts and football pitches.

A PROW (Bunbury FP16) crosses the eastern part of the site.

RELEVANT HISTORY

16/0646N - Outline planning application for the demolition of 1no. bungalow and the erection of 15 dwellings, including associated access at land east of Bunbury Lane, Bunbury (applicants Wulvern Housing) – No decision made

15/5783N - Proposed Residential Development for 15 dwellings with access from Hill Close – No decision made

14/5206N - Outline application for proposed residential development for 21 number dwellings and proposed new stable block and paddock – Refused 9th December 2015 for the following reasons;

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies NE2 (Open Countryside) and RES5 (Housing in the Open Countryside) of the Crewe and Nantwich Replacement Local Plan, Policy PG5 of the emerging Cheshire East Local Plan Strategy – Submission Version and the principles of the National Planning Policy Framework which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use.*

As such it creates harm to interests of acknowledged importance.

- 2. The Local Planning Authority considers that the scale of the proposed development would be premature following the publication consultation draft of the Bunbury Neighbourhood Plan. As such, allowing this development would prejudice the outcome of the neighbourhood plan-making process and would be contrary to guidance contained at Paragraph 216 of the NPPF and guidance contained within the NPPG.*
- 3. Whilst it is acknowledged that there is a presumption in favour of sustainable development in the planning balance, it is considered that the development is unsustainable because of the conflict with the draft Bunbury Neighbourhood plan and because of the unacceptable environmental impacts of the scheme in terms of the lack of information to demonstrate that the proposal would not harm species protected by law (Great Crested Newts and reptiles) and the lack of information to demonstrate the development could be provided without significant harm to the landscape. These factors significantly and demonstrably outweigh the social and economic benefits of the scheme in terms of its contribution to boosting housing land supply and supporting the local economy. As such the proposal is contrary to Policies NE.5 (Nature Conservation and Habitats), NE.9 (Protected Species), RES.5 (Housing in the Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and Policies SE3 (Biodiversity and Geodiversity) and SE4 (Landscape) of the Cheshire East Local Plan Strategy – Submission Version and the provisions of the NPPF.*

NATIONAL & LOCAL POLICY

National Policy

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs:

- 14. Presumption in favour of sustainable development.
- 50. Wide choice of quality homes
- 56-68. Requiring good design

Development Plan

The Development Plan for this area is the Borough of Crewe and Nantwich Replacement Local Plan 2011, which allocates the site, under policy NE.2, as open countryside

The relevant Saved Policies are:

- NE.2 (Open countryside)
- NE.5 (Nature Conservation and Habitats)
- NE.9: (Protected Species)
- NE.20 (Flood Prevention)
- BE.1 (Amenity)
- BE.2 (Design Standards)
- BE.3 (Access and Parking)
- BE.4 (Drainage, Utilities and Resources)
- RES.5 (Housing in the Open Countryside)
- RES.7 (Affordable Housing)

RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)
TRAN.3 (Pedestrians)
TRAN.5 (Cycling)

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

Bunbury Neighbourhood Plan

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

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

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

PG2 – Settlement Hierarchy
PG5 - Open Countryside
PG6 – Spatial Distribution of Development
SC4 – Residential Mix
SC5 – Affordable Homes
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE3 – Biodiversity and Geodiversity
SE5 – Trees, Hedgerows and Woodland
SE 1 - Design
SE 2 - Efficient Use of Land
SE 4 - The Landscape
SE 5 - Trees, Hedgerows and Woodland
SE 3 - Biodiversity and Geodiversity
SE 13 - Flood Risk and Water Management
SE 6 – Green Infrastructure
IN1 – Infrastructure
IN2 – Developer Contributions

Other considerations:

The Bunbury Village Design Statement
The EC Habitats Directive 1992

Conservation of Habitats & Species Regulations 2010
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their
Impact within the Planning System
Interim Planning Statement Affordable Housing

CONSULTATIONS

United Utilities: No objection subject to the imposition of conditions.

CEC PROW: It is noted that the intention is to retain the footpath along its definitive alignment, if this is the case the retained route must coincide exactly with the definitive map. The site layout indicates a slightly curving line which would require a diversion application and Order.

Details of the proposed surfacing, associated furniture and future management of the footpath would require prior discussion and approval from the Network Management Officer for this area.

Head of Strategic Infrastructure: No objection

CEC Environmental Health: Conditions suggested in relation to environment management plan, piling, electric vehicle infrastructure, dust control and contaminated land. Informatives are also suggested in relation to contaminated land and hours of operation.

CEC Strategic Housing Manager: 5 Affordable units are required onsite with 3 being Rented and 2 for Intermediate Tenure.

CEC Flood Risk Manager: No objection subject to the imposition of planning conditions.

CEC Education: The development of 15 dwellings is expected to generate:

3 primary children (15 x 0.19)

2 secondary children (15 x 0.15)

0 SEN children (15 x 0.51 x 0.023%)

The development is forecast to increase an existing shortfall predicted for secondary provision in the locality.

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

$2 \times £17,959 \times 0.91 = £32,685.38$ (secondary)

VIEWS OF THE PARISH COUNCIL

Bunbury Parish Council: On 3 February 2016 at an Extra Ordinary meeting of Bunbury Parish Council in response to the consultation it was decided that BPC does not consider this application until a Highways report is provided by CEC because we are aware that there is an ongoing dispute about land ownership on the proposed access via Hill Close.

REPRESENTATIONS

Letters of objection have been received from 76 local households raising the following points:

Principal of development

- The application is contrary to the Bunbury Neighbourhood Plan
- The village is in need of smaller affordable housing developments
- There are a number of deficiencies within the application
- The development would result in co-location with an adjacent development which is contrary to Policy H2 of the Neighbourhood Plan
- Loss of open countryside
- Lack of facilities within Bunbury – the village is not sustainable
- The development is contrary to Policies contained within the Crewe and Nantwich Local Plan
- The development is contrary to Policies contained within the Cheshire East Local Plan
- Lack of provision for retired people
- There would be too many houses on this development
- The development would be out of character with the locality
- There is no need for more housing within the village
- Harm to the character of the area which is the filming location for a TV period drama
- The development will result in urban sprawl
- Loss of the PROW
- There is a large number of houses with approval just over the border within Cheshire West at Beeston
- The new housing will not be affordable to local people
- The development will not meet local housing needs
- The application is dependent on the undetermined Wulvern Housing application
- The retained paddock does not provide sufficient separation to protection against co-location
- The development would not be a rounding off
- There is no need for further development in Bunbury

Highways

- Increased congestion within the village especially around the Co-op
- The public transport information within the application is incorrect
- Pedestrian safety
- Cumulative highways impact with the adjacent Wulvern development
- Poor public transport within the village
- Poor quality pavements within the village
- The proposed access via Hill Close would be too narrow – 2 vehicles cannot pass
- Increase in vehicular movements
- Vehicular safety at the junction of Hill Close/Bunbury Lane
- The proposed access is not suitable for commercial/emergency vehicles
- There is existing on-street parking along Hill Close
- Ownership of the visibility splays/access

Green Issues

- Impact upon wildlife
- Loss of habitat
- Impact upon protected species
- Loss of hedgerows/trees

Infrastructure

- Local infrastructure cannot cope with any further development
- The local schools are full
- Doctors surgeries are full
- Current amenities within the village are not sufficient
- The local shop cannot cope with any further housing development
- Local sewerage infrastructure cannot cope with further development
- Bunbury has no mains gas supply

Amenity Issues

- Loss of privacy
- Increased dust
- Increased noise
- Increased air pollution
- Noise and disturbance caused by the construction works
- Noise impact caused by increased vehicular movements
- Light pollution
- Loss of light/overshadowing
- Impact upon the adjacent bungalows
- Low water pressure in Bunbury

Design issues

- The proximity of the development to the Bunbury Conservation Area and Listed Buildings
- The development is not in-keeping with the village

Other issues

- The site is well used by users of the PROW and the development would have health impacts
- Impact upon a well used PROW

APPRAISAL

Principle of Development

The site lies largely in the Open Countryside as designated by the Borough of Crewe and Nantwich Replacement Local Plan 2011, where policy NE.2 states that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Residential development will be restricted to agricultural workers dwellings, affordable housing and limited infilling within built up frontages.

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 policy objection.

Bunbury Neighbourhood Plan

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

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

This issue is considered under the spatial distribution section below.

The scale of development is covered under Policy H2 which states that development will be supported provided that it is small scale and in character with the settlement. In terms of greenfield development Policy H2 states that development shall be limited a maximum of 15 houses on any site and that such developments should not be co-located with other new housing developments unless there are demonstrable sustainable benefits of doing so. The glossary to the BNP then goes to elaborate on what it means and states that *'the separation between developments may be maintained by a significant distance, geographic features or visual segregation or a combination of these elements. A new development should not share an access road with another new development'*.

In this case the development would be limited to a maximum of 15 dwellings. At the time of writing this report there no issue of co-location as part of this development.

Housing Land Supply

Following the receipt of the Further Interim Views in December 2015, the Council has now prepared proposed changes to the Local Plan Strategy (LPS), alongside new and amended strategic site allocations, with all the necessary supporting evidence. The proposed changes have been approved at a Full Council meeting held on the 26 February 2016 for a period of 6 weeks public consultation which commenced on Friday 4 March 2016.

The information presented to Full Council as part of the LPS proposed changes included the Council's 'Housing Supply and Delivery Topic Paper' (CD 9.7) of February 2016. This topic paper sets out various methodologies and the preferred approach with regard to the calculation of the Council's five year housing land supply.

From this document the Council's latest position indicates that during the plan period at least 36,000 homes are required. In order to account for the historic under-delivery of housing, the Council have applied a 20% buffer as recommended by the Local Plan Inspector. The topic paper explored two main methodologies in calculating supply and delivery of housing. These included the Liverpool and Sedgfield approaches.

The paper concludes that going forward the preferred methodology would be the 'Sedgepool' approach. This relies on an 8 year + 20% buffer approach which requires an annualised delivery rate of 2923 dwellings.

The 5 year supply requirement has been calculated at 14617, this total would exceed the total deliverable supply that the Council is currently able to identify. The Council currently has a total

shortfall of 5,089 dwellings (as at 30 September 2015). Given the current supply set out in the Housing Topic Paper as being at 11,189 dwellings (based on those commitments as at 30 September 2015) the Council remains unable to demonstrate a 5 year supply of housing land. However, the Council through the Housing Supply and Delivery Topic paper has proposed a mechanism to achieve a five year supply through the Development Plan process.

National Planning Policy Guidance (NPPG) indicates at 3-031 that deliverable sites for housing can include those that are allocated for housing in the development plan (unless there is clear evidence that schemes will not be implemented within five years).

Accordingly the Local Plan provides a means of delivering the 5 year supply with a spread of sites that better reflect the pattern of housing need however at the current time, the Council cannot demonstrate a 5 year supply of housing.

Spatial Distribution

For Bunbury - there were 21 (net) completions recorded from 1st April 2010 until 30th September 2015. In addition there are the following commitments as at 30th September 2015;

BUNBURY							
SHLAA Ref	Site Address	Gross Total Dwellings	Completions	Remaining losses	Net remaining	Planning Application Ref	Brownfield / Greenfield / Mixed
Full Permission							
5123	6 Queen Street, Bunbury CW6 9QY	1	0	0	1	14/4887N	g
5124	The Old Methodist Chapel, College Lane, Bunbury, CW6 9PQ	1	0	0	1	14/3963N	b
	Subtotal	2	0	0	2		
Outline Permission							
5002	The Outspan, Sadlers Wells, Bunbury CW6 9NU	4	0	1	3	14/3013N	mixed
5125	The Cedars, Whitchurch Road, Bunbury Heath, Tarporley, CW6 9SX	1	0	0	1	14/2348N	g
	Subtotal	5	0	1	4		
Under Construction							
4305	Land Adjoining School Lane, Bunbury	1	0	0	1	13/2086N	g
	Subtotal	1	0	0	1		
	Bunbury Total	8	0	1	7		

The Council is currently in the process of completing an update to the completions / commitments to cover the period up to / as at 31st March 2016. There hasn't been that much movement (if any) for Bunbury, with no more completions having been recorded. Similarly in terms of commitments, the updated position is no different to that shown above (nothing new approved / expired). It should be noted that since 31st March 2016 the Council has issued a decision for application

14/3167N (14 dwellings) at The Grange, Wyche Lane. There is also a resolution to approve application 15/1666N (11 dwellings) at land off Bowes Gate Road.

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

Housing Mix

Policy SC4 of the submission version of the Local Plan requires that developments provide an appropriate mix of housing. In this case the mix of housing would be negotiated at the reserved matters stage.

SOCIAL SUSTAINABILITY

Affordable Housing

This is a proposed development of 15 dwellings and in order to meet the Council's Policy on Affordable Housing there is a requirement for affordable dwelling provision on this site. The SHMA 2013 shows the majority of the demand in Bunbury for the next 5 years is for 18 x one bedroom and 1 x four bedroom dwellings per year.

The majority of the demand on Cheshire Homechoice is for 6 x one bedroom, 5 x two bedroom, 2 x three bedroom, and 1 x four bedroom dwellings therefore 1, 2, 3 and 4 bedroom units on this site would be acceptable.

The development shall provide three units as Affordable rent and two units as intermediate tenure. The exact details of the affordable housing will be provided at reserved matters stage and will be secured as part of a S106 Agreement.

Public Open Space

Policy RT.3 states that where a development exceeds 20 dwellings the Local Planning Authority will seek POS on site.

The development would be less than 20 dwellings but would provide an area of POS. This would be managed by a management company which would be secured as part of the S106 Agreement. The provision of POS on the site would be a benefit as part of this development.

Education

An application of 15 dwellings is expected to generate 3 primary aged children, 2 secondary aged children and 0 SEN child.

In terms of primary school education, the proposed development would be served by 1 local primary school. The Education Department have confirmed that there is capacity to accommodate the children generated by this development and there is no requirement for a primary school contribution. The details can be seen in the table below;

16/0646N Rear of 6 Bunbury Lane, Bunbury,																
	NET CAP May-15	Any Revised NET CAP 2016	Funded pupils Development Yields	Total Required capacity and Pupil Yield	UNFILLED PLACES	UNFILLED PLACES %	PUPIL FORECASTS based on October 2014 School Census					2015	2016	2017	2018	2019
Primary Schools																
Bunbury Aldersey	210	210			34	16.19	186	187	182	186	180					
Developments with Section 106 funded and pupil yield			0													
no 106 funded pupils built into the 2014 forecasts.			0													
			0													
Children not included in forecasts (section 106 not received beyond forecast period and approved since forecasts created.																0
the grange , wyche lane																2
																0
Children expected from this development																3
OVERALL TOTAL	210	210	0	210	34	16.19	186	187	182	186	185					
OVERALL SURPLUS PLACES PROJECTIONS based on R							24	23	28	24	25					
OVERALL SURPLUS % PROJECTIONS based on Revised							11.43	10.95	13.33	11.43	11.90					
CONCLUSION:- NO CLAIM																

In terms of secondary schools, there is one school which would serve the proposed development. The Education Department have confirmed that there would be no capacity to accommodate the children generated by this development by 2021 and as a result there is requirement for a secondary school contribution of £32,685.38 (The details can be seen in the table below). As a result this contribution will be secured as part of a S106 Agreement.

	PAN Sep-15	PAN Sep-16	NOR Jan-16	NET CAP May-15	Any Revised NET CAP 2016	Funded pupils Development	Total Required capacity and	UNFILLED PLACES	UNFILLED PLACES %	PUPIL FORECASTS based on October 2014 School Census						
										2015	2016	2017	2018	2019	2020	2021
Secondary Schools																
Tarporley High is catchment school but CWAC								0	#DIV/0!							
Malbank is nearest CE Scho	120	210	895	1050	1050			155	14.76	877	905	973	1018	1065	1107	1137
								0	#DIV/0!							
								0	#DIV/0!							
								0	#DIV/0!							
								0	#DIV/0!							
								0	#DIV/0!							
Developments with Section 106 funded and pupil yield included in the forecasts																
kingsley fields						63	yield is 143 , 100 built into the forecasts but only funded for 63									
Children not included in forecasts (section 106 not received , pupils still to include beyond forecast period and approved since forecasts created.																
kingsley fields																43
church farm, acton																1
greenbank cottage																2
																0
																0
																0
Children expected from this development																2
OVERALL TOTAL	120	210	895	1050	1050	63	1113	155	14.76	877	905	973	1018	1065	1107	1185
OVERALL SURPLUS PLACES PROJECTIONS										236	208	140	95	48	6	-72
OVERALL SURPLUS % PROJECTIONS										21.20	18.69	12.58	8.54	4.31	0.54	-6.47
CONCLUSION :- 100% CLAIM , becomes 0 surplus in 2019 an																

Health

A number of the letters of objection raise concerns about the impact upon health provision in this area. Although no consultation response has been received from the NHS a search of the NHS Choices website shows that there are 3 GP practices within 3.5 miles of the application site and all are accepting patients indicating that there is capacity to serve this development.

Location of the site

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

an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources

prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

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

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

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

In this case the site is on the edge of the settlement of Bunbury which is a Local Service Centre as defined by the Cheshire East local Plan. As a result the site is considered to be a sustainable location with access to a range of shops, health and leisure facilities and employment opportunities.

ENVIRONMENTAL SUSTAINABILITY

Residential Amenity

The application is in outline form and the indicative plans show that an acceptable layout can be achieved at reserved matters stage.

The separation distances as shown on the submitted plans vary from approximately 40 metres between No 2 Queen Street and the dwelling on plot 1, to 23 metres between No 8 Queen Street and Plot 15, and 16 metres between 18 Queen Street and Plot 10. The separation distances are largely acceptable but it is considered that there is plenty of room within the site to improve the relationship between Plot 10 and to existing dwellings which front Queen Street.

Given the scale of the development it is not considered that the use of Hill Close to access the site would have a detrimental impact upon the surrounding residential properties as vehicular movements would be relatively low.

The Environmental Health Officer has requested conditions in relation to hours of construction, external lighting, and an environment management plan.

Air Quality

Whilst this scheme itself is of a relatively small scale, and as such would not require an air quality impact assessment, there is a need for the Local Planning Authority to consider the cumulative impact of a large number of development in a particular area. In particular, the impact of transport related emissions on Local Air Quality.

Modern Ultra Low Emission Vehicle technology (such as all electric vehicles) are expected to increase in use over the coming years (the Government expects most new vehicles in the UK will

be ultra low emission). As such it is considered appropriate to create infrastructure to allow home charging of electric vehicles in new, modern properties. This will be controlled through the use of a planning condition.

Contaminated Land

The application site has a history of agricultural use and therefore the land may be contaminated. The application is for new residential properties which are a sensitive end use and could be affected by any contamination present or brought onto the site.

As such, and in accordance with the Councils Environmental Health Officer recommends that a standard contaminated land condition is attached to any approval.

Public Rights of Way

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

In this case the submitted plan shows that footpath Bunbury FP16 would be retained on site and as such the facility would be retained for public use.

Highways

Access to the site is to be taken from Hill Close which is an existing un-adopted highway benefitting from a junction with Bunbury Lane. The Head of Strategic Infrastructure (HSI) has assessed the application and the submitted Transport Statement and has commented on road safety and the traffic generation. As part of the previous application on this site (14/5206N) for 21 dwellings with the same access point it was accepted that a safe and suitable access could be achieved and that the highways impact would be acceptable.

Pedestrian links will be provided from the site as follows:

- To Bunbury Lane via Hill Close; and
- To Public Right of Way Footpath 16; which runs through the site to Footpaths 17 and 18 to the south of the site.

The village centre of Bunbury is within reasonable walking distance of the site, allowing sustainable access to a number of local facilities.

Access to the site is taken from Hill Close via an improved Hill Close / Bunbury Lane priority controlled junction. Additionally, it is proposed that Hill Close will be upgraded to include a 2.0m footway on the northern side of the carriageway. The footway will link the site with a proposed uncontrolled pedestrian crossing across Bunbury Lane (located around 10m to the north of Hill Close), which is designed to link the site with the footway network on the opposite side of Bunbury Lane. The crossing point will have dropped kerbs and tactile paving to assist wheel chair users and the visually impaired. It is proposed that the carriageway width of Hill Close will be upgraded in the vicinity of Bunbury Lane to 4.8m, thereafter, a minimum width of 4.5m will be provided towards the site.

Visibility splays along Bunbury Lane of 2.4m x 45m in both directions of view. It is noted that there is an ongoing dispute between the applicant and the occupier of Hill House located on the northern corner of the Hill Close/Bunbury Lane junction, regarding the ownership of the grass verge to the front of Hill House over which the visibility splay to the north falls and which is also required for the proposed pedestrian crossing and part of the new footway; however, the outcome of that dispute should not preclude the determination of this application.

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

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

Trees/Hedgerows

The 2014 application proposed the removal of three trees to accommodate the proposed access. At the time requests were made to consider this tree to be protected by a Tree Preservation Order, however a subsequent assessment determined that whilst the tree offered some amenity value, it would not be expedient to protect the tree due to identified structural defects limiting its future life expectancy.

No other significant trees are impacted by the proposal with trees shown for retention within proposed public open space.

The application would involve the loss of about 137 metres of hedgerow for the proposed access around the southern central section of the site. Where proposed development is likely to result in the loss of existing agricultural hedgerows which are more than 30 years old, it is considered that they should be assessed against the criteria in the Hedgerow Regulations 1997 in order to ascertain if they qualify as 'Important'. The Regulations require assessment on various criteria including ecological and historic value. Should any hedgerows be found to be 'Important' under any of the criteria in the Regulations, this would be a significant material consideration in the determination of the application. Hedgerows are also a habitat subject of a Biodiversity Action Plan.

A Hedgerow Regulations Assessment has been submitted with this application. In this case the Councils Tree Officer comments that this is not a comprehensive assessment as it does not include an assessment as to whether the hedge formed part of a pre 1600AD estate or manor under Part II of Schedule 1 para 4. That said the submitted DEFRA assessment and covering letter confirms the hedgerow is absent from the 1839 Tithe Maps (whether the hedge was in existence before then and subsequently replanted later is open to conjecture) and on the basis of its absence in 1839 is not 'historic' under para 1 of Part II nor does the hedgerow pre date the Inclosure Act under para 5 of Part II.

In terms of wildlife and landscape only two woody species have been identified within the required 30 metre section which would not meet the requirement for Importance under para 7 of Part II.

Whilst the covering letter states that the survey has identified that the hedgerow is not Important under the Regulations, certain criteria under Part II Schedule 1 have been excluded from the assessment including para 2 Archaeological; para 4 pre 1600 estate or manor; and para 6 biological record.

In this case the loss of hedgerow is not considered to be significant given the benefits of this development.

Design

The importance of securing high quality design is specified within the NPPF and paragraph 61 states that:

“Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”

In this case an indicative layout has been provided in support of this application and this shows that an acceptable layout can be achieved and that the areas of open space and all highways would be well overlooked. It is considered that an acceptable design/layout that would comply with Policy BE.2 (Design Standards) and the NPPF could be negotiated at the reserved matters stage.

Landscape

The application site is located towards the southern part of Bunbury and is divided into three fields. The application site is relatively flat and is used for agriculture and as a paddock, and is bound by hedgerows with a number of hedgerow trees. Footpath FP16 Bunbury crosses the eastern part of the application site. The northern boundary of the site is bound by properties along the southern side of Queen Street, the western boundary by properties along the eastern side of Bunbury Lane as well as properties around Hill Close. To the south and east of the application site is the wider rural landscape.

A Landscape and Visual Assessment has been submitted as part of the application, this identifies the national and local landscape character, in this case identified in the Cheshire Landscape Character Assessment as the East Lowland Plain Character Type, and specifically the Ravensmoor Character Area (ELP1). The Landscape Character Assessment indicates that this area is predominantly flat with hawthorn hedges and hedgerow trees and that it is an open and expansive landscape in the northern part of the character area; the assessment also identifies the landscape character of the site. The application site does not have any landscape designations; the Lower Bunbury Conservation Area is located approximately 100m to the North West of the application site.

This is an outline application and an indicative site layout has been included, this shows that access to the west of the site, that there will be an area of public open space along the eastern part of the application site and that the area to the south of the application site will remain as paddocks with a stable; it also indicates that the existing perimeter hedgerows will be retained. The Site Plan as proposed also shows a road access to Bunbury Lane via Hill Close.

The Landscape and Visual Assessment identifies that the site is considered to be of medium sensitivity and that the change of character due to the proposals would be moderate adverse. The assessment also identifies that the main visual effects will be to the residential receptors located along Queen Street, adjacent to the northern boundary, along with Footpath 16 which traverses the application site. The Councils Landscape Architect agree with the submitted assessment. This is an outline application, but with the design mitigation proposals, layout, and planting proposals, the impacts could reduce over time.

Ecology

Great Crested Newts

The two ponds located within 250m of the proposed development have been subject to a Habitat Suitability Assessment to determine their potential to support breeding Great Crested Newts. The submitted assessment has assessed the ponds as offering some potential breeding habitat for newts but points out that these ponds have been subject to a recent Great Crested Newt Survey, which was submitted to the Council in support of application 14/3167N. No evidence of Great Crested Newts was recorded during this survey and the Councils Ecologist advises that this species is unlikely to be present or affected by the proposed development.

Hedgerows

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

Common Toad

This species is a priority species and a material consideration for planning. The proposed development would result in the loss of some terrestrial habitat for this species. This impact could be mitigated at least to a large extent through the creation of suitable habitat within the open space areas of the development. The provision of an additional wildlife pond would be beneficial for this species.

Reptiles

Reptiles are known to occur in the broad locality of the application site and have in fact been recently recorded as being present on the opposite side of Bunbury Lane. In addition the submitted report refers to anecdotal records of grass snake being recorded on site. However no evidence of reptiles was recorded during the submitted survey which has been undertaken to an

acceptable standard. Therefore whilst it appears unlikely that the site is particularly important for reptiles there remains the risk that grass snakes may occur on the site on a transitory basis.

The submitted report includes recommendations for the retention of suitable habitats for reptiles along the sites eastern boundary. Based upon the submitted illustrative layout plan it appears feasible that this could be achieved.

If planning consent is granted the Councils Ecologist recommends that a condition be attached requiring any future reserved matters application to be brought forward in accordance with the submitted reptile survey prepared by Cheshire Ecology Ltd.

Barn Owls

Barn owls have been recorded within the broad area of the application site. The application site supports habitats which are likely to offer opportunities for foraging Barn Owls. The Councils Ecologist advises that the loss of this habitat has the potential to have a localised adverse impact upon this species. If outline planning consent is granted the Councils Ecologist recommends that this loss of habitat be offset by means of a commuted sum that could be passed onto the local Barn Owl group in order to facilitate site habitat creation. A figure of £2,000 would be appropriate.

Hedgehog

Hedgehogs are a biodiversity action plan priority species and hence a material consideration. There are records of hedgehogs in the broad locality of the proposed development and so the species may occur on the site of the proposed development. If planning consent is granted a standard condition could be attached to ensure that gaps are provided under any boundary treatment.

Bats

The loss of existing hedgerows is likely to have a localised detrimental effect on foraging and commuting bats. If outline planning consent is granted this impact should be mitigated for through appropriate native species planting incorporated into the open space associated with the proposed development at the detailed design phase.

Flood Risk

The application site does not fall within a Flood Zone and the application is accompanied by a Flood Risk Assessment. The submitted DRA indicates that the site will incorporate SuDS to reduce surface water run-off and reducing the flood risk from the site.

The Council's Flood Risk Team and United Utilities have also reviewed the application and advised that they have no objections, subject to drainage conditions and general drainage advice.

ECONOMIC SUSTAINABILITY

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to Bunbury including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

Agricultural Land Quality

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

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

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

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

CIL Regulations

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.

As explained within the main report, the area of open space 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.

The development would result in increased demand for secondary school places in the area and there is very limited spare capacity. In order to increase capacity of the secondary 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.

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

PLANNING BALANCE

The proposed development would be contrary to Policies NE.2 and RES.5 and the development would result in a loss of open countryside. However as Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites and the policies NE.2, NE.4 and RES.5 are out-of-date for the purposes of paragraph 49 of the NPPF. The presumption in favour of sustainable development applies at paragraph 14 of the Framework where it states that LPA's should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

In this case the development would comply with the relevant policies of the Bunbury Neighbourhood Plan.

The benefits in this case are:

- The development would provide benefits in terms of much needed affordable housing provision and would help in the Councils delivery of 5 year housing land supply.
- In terms of the ecological implications the development would provide an area for ecological enhancements and this would be a benefit of the application.
- The development would provide significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in Bunbury.

The development would have a neutral impact upon the following subject to mitigation:

- The impact upon education infrastructure would be neutral as the impact would be mitigated through the provision of a contribution.
- There is not considered to be any flood risk/drainage implications raised by this development.
- The impact upon trees is considered to be neutral at this stage and further details would be provided at the reserved matters stage.
- The impact upon residential amenity/noise/air quality and contaminated land could be mitigated through the imposition of planning conditions.
- The development would provide a safe and suitable access and would not result in a severe highways impact

The adverse impacts of the development would be:

- Limited weight in terms of the loss of open countryside
- Limited weight to the changes to the visual character of the landscape that would result from the proposed development

The benefits in approving this development would significantly and demonstrably outweigh the adverse impacts of the development. As such the application is recommended for approval.

RECOMMENDATION:

APPROVE subject to a S106 Agreement to secure the following Heads of Terms:

1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:

- The numbers, type, tenure and location on the site of the affordable housing provision**

- The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
 - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
 - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
2. Provision of an area for Ecological Enhancements/Public Open Space to be maintained by a private management company
 3. Secondary Education Contribution of £32,685.38

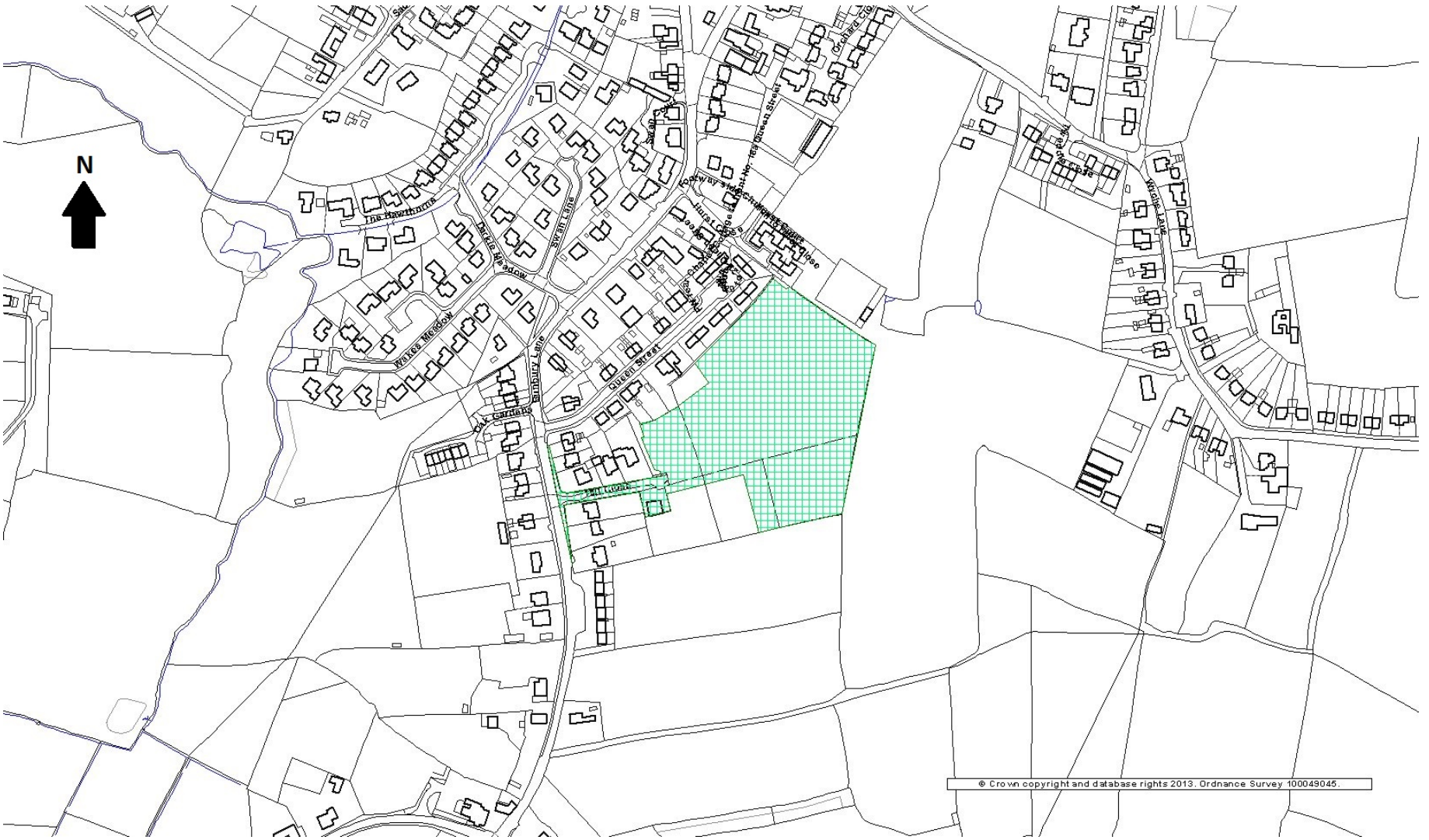
And the following conditions:

1. Standard outline 1
2. Standard outline 2
3. Standard outline 3
4. Approved Plans
5. Electric Vehicle Infrastructure to be submitted and approved
6. Construction Management Plan to be submitted and approved
7. Submission / Approval of Information regarding Contaminated Land
8. Any reserved matters application shall be supported by an Arboricultural Impact Assessment (AIA) in accordance with Section 5.4 of *BS5837:2012 Trees in Relation to Design, Demolition and Construction (Recommendations)* which shall evaluate the direct and indirect impact effect of the proposed design on existing trees.
9. Reserved Matters application to include details of the existing and proposed land levels
10. The development hereby permitted shall not commence until details of the detailed design, implementation, maintenance and management of a surface water drainage scheme have been submitted to and approved in writing by the LPA
11. The development hereby permitted shall not commence until details of the detailed design, implementation, maintenance and management of a surface water drainage scheme have been submitted to and approved in writing by the LPA
12. The reserved matters shall include details of the habitat enhancement proposals for the site. Enhancement measures should include a wildlife pond, hibernacula creation, native shrub planting and the enhancement of the grassland habitats.
13. Updated survey for Bats to be undertaken and submitted as part of any reserved matters application
14. Any future reserved matters application to be supported by proposals for the incorporation of gaps for hedgehogs to be incorporate into any garden or boundary fencing proposed. The gaps to be 10cm by 15cm and located at least every 5m

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

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

1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:
 - The numbers, type, tenure and location on the site of the affordable housing provision
 - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
 - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
 - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
2. Provision of an area for Ecological Enhancements to be maintained by a private management company
3. Secondary Education Contribution of £32,685.38



Application No: 16/1728N

Location: Land North Of, POOL LANE, WINTERLEY

Proposal: Outline Application for residential development of up to 33 units with all others matters reserved, except for access and landscaping.

Applicant: n/a, Footprint Land and Development

Expiry Date: 11-Jul-2016

SUMMARY

The proposed development would be contrary to Policies NE.2 and RES.5 and the development would result in a loss of open countryside. However as Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites and the presumption in favour of sustainable development applies at paragraph 14 of the Framework where it states that LPA's should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

The development would provide benefits in terms of affordable housing provision, delivery of housing, POS provision and significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in Winterley/Haslington.

The development would have a neutral impact upon education, protected species/ecology, drainage, highways, trees, noise/air quality/contaminated land and landscaping.

The previous concerns in relation to residential amenity have now been addressed and the impact upon residential amenity is considered to be acceptable.

The adverse impacts of the development would be the loss of open countryside and the loss of agricultural land but both were not given much weight by the previous Inspector.

An update will be provided in relation to the proposed landscape buffer.

There would be few adverse impacts in approving this development and they would not significantly and demonstrably outweigh the benefits of the development. The contribution of the development of this site towards the housing need of the Borough is considered to be significant and the presumption in favour of sustainable

development applies. As such the application is recommended for approval.

RECOMMENDATION

Approve subject to conditions and a S106 Agreement

PROPOSAL

This is an outline planning application for the erection of up to 33 dwellings. Access and landscaping is to be determined at this stage with all other matters reserved.

The proposed development includes a single access point onto Crewe Road which would be located to the western boundary of the site. The access would cross an existing site which has an outline approval for housing.

The land to the west of the application site has outline planning permission for the erection of up to 45 dwellings following the appeal decision for application 13/4632N.

SITE DESCRIPTION

The site of the proposed development extends to 1.3 ha and is located to the northern side of Pool Lane and the eastern side of Crewe Road, Winterley. The site is within Open Countryside. To the northern boundary of the site is an agricultural field and residential development fronting Crewe Road. To the east of the site is ribbon development fronting Pool Lane and to the south of the site is Pool Lane with residential properties to the opposite side.

The land is currently in agricultural use and split into two fields. There are a number of trees and hedgerow to the boundaries of the site.

RELEVANT HISTORY

14/3962N - Outline planning permission for the construction of up to 79 dwellings – Refused 11th June 2015 – Appeal Lodged – Appeal Dismissed 2nd February 2016 with a Partial Award of Costs against CEC for unreasonable behaviour.

Reasons for refusal as follows;

1. *The proposed residential development is unsustainable because it is located within the Open Countryside contrary to Policies NE.2 (Open Countryside), NE.12 (Agricultural Land Quality) and RES.5 (Housing in the Open Countryside) of the Crewe and Nantwich Replacement Local Plan, Policy PG5 of the emerging Cheshire East Local Plan Strategy – Submission Version and the principles of the National Planning Policy Framework, which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it creates harm to interests of acknowledged importance.*

2. *The proposal would result in loss of the best and most versatile agricultural land the applicant has failed to demonstrate that there is a need for the development, which could not*

be accommodated elsewhere. The use of the best and most versatile agricultural land is unsustainable and contrary to Policy NE.12 of the Borough of Crewe and Nantwich Replacement Local plan 2011 and the provisions of the National Planning Policy Framework.

3. *This application when taken cumulatively with other approved developments within Winterley would exceed the spatial distribution for Winterley and would be contrary to Policies PG2 and PG6 of the Cheshire East Local Plan Strategy - Submission Version.*

14/3393N - Outline planning permission for the construction of up to 45no. dwellings (Resubmission of 13/4632N) – Refused 25th September 2014

13/4632N - Outline planning permission for the construction of up to 45no. dwellings – Refused 1st March 2014. Appeal Lodged. Appeal Allowed

Reasons for refusal as follows:

1. *The proposed residential development is unsustainable because it is located within the Open Countryside contrary to Policies NE.2 (Open Countryside), NE.12 (Agricultural Land Quality) and RES.5 (Housing in the Open Countryside) of the Crewe and Nantwich Replacement Local Plan, Policy PG5 of the emerging Cheshire East Local Plan Strategy – Submission Version and the principles of the National Planning Policy Framework, which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it and creates harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land in accordance with the National Planning Policy Framework and consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.*

2. *The proposal would result in loss of the best and most versatile agricultural land and given that the Authority can demonstrate a housing land supply in excess of 5 years, the applicant has failed to demonstrate that there is a need for the development, which could not be accommodated elsewhere. The use of the best and most versatile agricultural land is unsustainable and contrary to Policy NE.12 of the Borough of Crewe and Nantwich Replacement Local plan 2011 and the provisions of the National Planning Policy Framework.*

NATIONAL & LOCAL POLICY

National Policy

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

50. Wide choice of quality homes

56-68. Requiring good design

Development Plan

The Development Plan for this area is the Borough of Crewe and Nantwich Replacement Local Plan 2011, which allocates the site, under policy NE.2, as open countryside.

The relevant Saved Policies are:

NE.2 (Open countryside)
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.2 (Design Standards)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
RES.5 (Housing in the Open Countryside)
RES.7 (Affordable Housing)
RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)
RT.9 (Footpaths and Bridleways)
TRAN.3 (Pedestrians)
TRAN.5 (Cycling)

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

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

PG2 – Settlement Hierarchy
PG5 - Open Countryside
PG6 – Spatial Distribution of Development
SC4 – Residential Mix
SC5 – Affordable Homes
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE3 – Biodiversity and Geodiversity
SE5 – Trees, Hedgerows and Woodland
SE 1 - Design
SE 2 - Efficient Use of Land
SE 4 - The Landscape
SE 5 - Trees, Hedgerows and Woodland
SE 3 - Biodiversity and Geodiversity
SE 13 - Flood Risk and Water Management
SE 6 – Green Infrastructure
IN1 – Infrastructure
IN2 – Developer Contributions

Supplementary Planning Documents:

The EC Habitats Directive 1992
Conservation of Habitats & Species Regulations 2010
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System

Interim Planning Statement Affordable Housing
Interim Planning Statement Release of Housing Land

CONSULTATIONS

United Utilities: No objection subject to the imposition of planning conditions.

CEC Strategic Housing Manager: No objection. The application meets the Policy for affordable housing.

Strategic Highways Manager: No objection.

CEC Environmental Health: Conditions suggested in relation to hours of operation, travel plan, electric vehicle infrastructure, dust control, construction management plan and contaminated land. An informative is also suggested in relation to contaminated land.

CEC Flood Risk Manager: No objection subject to the imposition of planning conditions.

Ansa (Public Open Space): No comments received.

CEC Education: A development of 33 dwellings will generate 6 primary places and 5 secondary places and 0 SEN.

To alleviate capacity issues at the local secondary schools a contribution of £81,713.45 will be required for secondary school education.

There is no requirement for a contribution to primary school education or SEN.

VIEWS OF THE PARISH COUNCIL

Haslington Parish Council: No comments received.

REPRESENTATIONS

Letters of objection have been received from 26 local households raising the following points:

Principal of development

- The site is within the open countryside
- The development would result in an urban extension to the village
- The application does not meet the exception categories for housing in the open countryside as set out within the Crewe and Nantwich Local Plan
- Cumulative impact of housing development within Winterley
- The development is out of character with the village
- Intrusion into the open countryside
- The site is highly visible
- Loss of agricultural land which is BMV
- Crewe and Sandbach will merge together
- The application is driven by developer profit
- There are a number of vacant properties within the village

- There are a number of properties currently for sale within the village
- This development has previously been dismissed at appeal
- Winterley is classed as an other settlement
- Incremental creep
- Lack of facilities in Winterley
- Winterley would see a 19% increase in size if all the applications are approved
- There should be a proportion of bungalows on this application site
- There should be the provision of a 6m wide buffer on this site
- The development would be contrary to the NPPF
- Brownfield sites should be developed first
- Due to its size the development cannot be classed as infill
- Contrary to Local Plan Policies
- The development will urbanise Winterley
- Haslington and Winterley will end up merging into one settlement

Highways

- Increased traffic
- Pedestrian safety
- The proposed development would not provide a safe pedestrian access to local schools
- There are no safe walking routes to local schools
- Local roads are used as rat runs
- The access point opposite Newtons Lane is dangerous
- Increased pollution from traffic
- Additional traffic will be a danger to local wildlife
- Traffic calming measures and police speeding enforcement suggest that the village is already under pressure
- Increased vehicle movements
- The impact upon the more sensitive parts of the road network; Crewe Green Roundabout, the A534/A533/The Hill and the Haslington bypass
- The existing road network is heavily overused
- Increased vehicle movements to The Dingle Primary School
- There are numerous records of traffic accidents within the vicinity of the site
- Access problems at the existing takeaway opposite the site

Green Issues

- Impact upon wildlife
- Impact upon protected species
- Landscape impact of the proposed development
- Winterley Brook is a Grade C Nature Conservation site and the development will put tourists off from visiting this site
- Loss of hedgerows/trees
- The retained hedgerows could degrade over time and be replaced by fencing
- Impact upon wildlife
- The landscape provision is inadequate
- Future maintenance of the landscape strip
- There should be a greater amount of evergreen and Oak tree planting within the buffer

Infrastructure

- There is a lack of facilities within the village

- Low water pressure
- Broadband speeds are low
- The local schools are full
- There is a lack of planning for secondary school development in the area
- Winterley is an unsustainable village
- Lack of public transport
- Lack of medical facilities in the village
- There is no Post Office in Winterley
- Doctors surgeries are full
- The local Primary School is already full
- Insufficient capacity at the high schools in Sandbach
- Sewage infrastructure is not adequate
- There is persistent flooding in the area
- Current drainage is unable to cope
- No shops in the village

Amenity Issues

- The development would over dominate the adjacent dwellings
- Visual impact
- Loss of outlook
- The appeal site is higher than the existing dwellings on Pool Lane
- Increased air pollution
- The proposed dwellings facing Pool Lane should be bungalows

Design issues

- The development would be highly visible and would detract from the character of Winterley
- The suburban nature of the development would be harmful to the area
- 2.5 storey development would not be appropriate on this site
- The indicative layout does not provide an acceptable design

Other issues

- Impact upon property value

APPRAISAL

The key issues are:

- Loss of open countryside
- Impact upon nature conservation interests
- Design and impact upon character of the area
- Landscape Impact
- Amenity of neighbouring property
- Highway safety
- Impact upon local infrastructure

Principle of Development

The site lies largely in the Open Countryside as designated by the Borough of Crewe and Nantwich Replacement Local Plan 2011, where policy NE.2 states that only development

which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Residential development will be restricted to agricultural workers dwellings, affordable housing and limited infilling within built up frontages.

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 policy objection.

Planning History

In this case it is important to note the recent appeal history for this site.

The field to the west includes an outline planning permission for residential development following the approval of application 13/4632N which was allowed at appeal. The access as part of this current application crosses field to the west.

The current application site was subject to a larger application for both fields (14/3962N). This appeal was dismissed on a single technical ground relating to residential amenity. As part of his decision the Inspector stated that;

‘I am not satisfied on the basis of the evidence before me that the proposed number of dwellings could be laid out so as not to result in a significant adverse impact upon the living conditions of the occupiers of some neighbouring dwellings. I conclude, therefore, that while the appeal proposal is unlikely to have an adverse impact upon the living conditions of the occupiers of dwellings on Crewe Road, this would not be the case with regard to outlook, privacy and light for other neighbouring properties on Pool Lane. The proposal would conflict with paragraphs 17, 56 and 61 of the National Planning Policy Framework (the Framework). These seek, among other things, to ensure that planning always seeks to secure a good standard of amenity for all existing and future occupants of land and buildings; that good design should contribute positively to making places better for people; and that planning decisions should address the integration of new development into the built environment.’

The three issues that the council pursued at the appeal were in relation to open countryside, BMV agricultural land and spatial distribution.

In terms of open countryside the Inspector found that;

The site’s appearance and character would, clearly, change as a result of the appeal scheme. There would also be an impact upon Pool Lane. However, I do not consider, given the extant planning permission for a large proportion of the site and the wider semi-rural character and appearance of this section of Pool Lane, that the scheme would appear as an incongruous incursion into the open countryside. Indeed, although I accept that the field may be of value to

local residents in visual terms, it is not of particularly remarkable landscape value of itself nor does it play a significant role in the wider countryside setting of Winterley.

In terms of BMV agricultural land the Inspector found that;

In this context, the appeal scheme would result in the loss of a relatively small amount of BMV land. In addition, in my judgment, the lack of a five-year supply of deliverable housing sites attracts weight as a 'sustainability consideration' in favour of the use of the appeal site for the appeal scheme.

It was suggested that the loss of the site could impact on the economic viability of the wider farming enterprise to which it is attached. However, no evidence was presented to support this assertion.

I conclude, therefore, that there is no inherent conflict between the appeal scheme and the loss of, in relative terms, a limited amount of BMV land. It would not conflict with the requirements of Local Plan policy NE12, cited above.

The Inspector then went onto make an award of costs against the Council due to unreasonable behaviour in relation to the reason for refusal relating to BMV agricultural land.

In relation to spatial distribution the Inspector found that;

It is evident from the Inspector's interim views that the proposed spatial distribution of development, set out in the emerging plan, is not considered to be unreasonable. Nonetheless, his letter of 11 December 2015 is explicit that he cannot firmly endorse it at this stage. It was common ground between the main parties that as the emerging plan has yet to complete examination, and is not expected to be adopted until late in 2016, very little weight can be attributed to it. Taking account of paragraph 216 of the Framework, I agree, and have determined the appeal on the basis of adopted local and national planning policy.

And that;

I am mindful of the residential schemes already granted permission in Winterley. It may be that a view will need to be taken as to when incremental development is such that further housing in Winterley is no longer 'sustainable'. This will largely be a matter of judgment. On the basis of the evidence before me, however, I am not persuaded that the level of development proposed, which is only 34 extra dwellings above those already permitted on a large proportion of the site, would give rise to an unsustainable pattern of development. Nor would it be of such a scale, or the emerging plan so far advanced, that it could reasonably be regarded as undermining or prejudicing the plan making process.

The Inspector then went onto make an award of costs against the Council due to unreasonable behaviour in relation to the reason for refusal relating to spatial distribution.

Housing Land Supply

Following the receipt of the Further Interim Views in December 2015, the Council has now prepared proposed changes to the Local Plan Strategy (LPS), alongside new and amended

strategic site allocations, with all the necessary supporting evidence. The proposed changes have been approved at a Full Council meeting held on the 26 February 2016 for a period of 6 weeks public consultation which commenced on Friday 4 March 2016.

The information presented to Full Council as part of the LPS proposed changes included the Council's 'Housing Supply and Delivery Topic Paper' (CD 9.7) of February 2016. This topic paper sets out various methodologies and the preferred approach with regard to the calculation of the Council's five year housing land supply.

From this document the Council's latest position indicates that during the plan period at least 36,000 homes are required. In order to account for the historic under-delivery of housing, the Council have applied a 20% buffer as recommended by the Local Plan Inspector. The topic paper explored two main methodologies in calculating supply and delivery of housing. These included the Liverpool and Sedgefield approaches.

The paper concludes that going forward the preferred methodology would be the 'Sedgepool' approach. This relies on an 8 year + 20% buffer approach which requires an annualised delivery rate of 2923 dwellings.

The 5 year supply requirement has been calculated at 14617, this total would exceed the total deliverable supply that the Council is currently able to identify. The Council currently has a total shortfall of 5,089 dwellings (as at 30 September 2015). Given the current supply set out in the Housing Topic Paper as being at 11,189 dwellings (based on those commitments as at 30 September 2015) the Council remains unable to demonstrate a 5 year supply of housing land. However, the Council through the Housing Supply and Delivery Topic paper has proposed a mechanism to achieve a five year supply through the Development Plan process.

National Planning Policy Guidance (NPPG) indicates at 3-031 that deliverable sites for housing can include those that are allocated for housing in the development plan (unless there is clear evidence that schemes will not be implemented within five years).

Accordingly the Local Plan provides a means of delivering the 5 year supply with a spread of sites that better reflect the pattern of housing need however at the current time, the Council cannot demonstrate a 5 year supply of housing.

SOCIAL SUSTAINABILITY

Affordable Housing

The site falls within the Haslington and Englesea sub area for the purposes of the SHMA update 2013. This comprises a need for 4 x 1 bed, 16 x 3 bed & 4 x 4+ bed general needs units and 3 units of older persons accommodation. In addition Cheshire Homechoice shows that there is demand for 21 x 1 bed, 18 x 2 bed, 10 x 3 bed and 1 x 4 bed units.

The Affordable Housing Interim Planning Statement (IPS) states that on all sites of 3 units or over in settlements with a population of 3,000 or less will be required to provide 30% of the total units as affordable housing on the site with the tenure split as 65% social or affordable rent and 35% intermediate tenure. This equates to a requirement of 10 affordable units in total on this site, split as 7 for social or affordable rent and 3 for intermediate tenure.

The exact details of the affordable housing will be provided at reserved matters stage. This will be secured as part of a S106 Agreement.

Public Open Space

Policy RT.3 states that where a development exceeds 20 dwellings the Local Planning Authority will seek POS on site. In this case the required level of POS would be 1,155sq.m for this application. In this case the applicant has stated that Phase 1 (the Bellway site which has a full planning permission under applications 16/1487N and 13/4632N) would provide POS 2,400sq.m and this application (Phase 2) would provide 418sq.m. The total requirement for Phases 1 and 2 combined would be 2,730sq.m and the total provision on phases 1 and 2 would be 2,818sq.m. As a result the development would comply with Policy RT.3.

In terms of children's play space this would be provided on site as part of phase 1 and is secured as part of the S106 Agreement for application 13/4632N.

Education

In terms of primary school education, the proposed development would be served by Haslington Primary, The Dingle Primary and Wheelock Primary. The Education Department have confirmed that there is capacity to accommodate the children generated by this development and there is no requirement for a primary school contribution. The details are available within the table below.

	PAN	PAN	NOR	NET CAP	ANY KNOWN	UNFILLED	PUPIL FORECASTS based on October 2014 School Census					
Primary Schools	Sep-15	Sep-16	Oct-15	May-15	CHANGES	PLACES	2015	2016	2017	2018	2019	
Haslington	45	45	256	270	315	14	262	267	266	265	255	
The Dingle	50	50	330	350	350	20	339	347	357	360	353	
Wheelock	45	45	273	315	315	42	280	295	301	312	304	
OVERALL TOTAL	140	140	859	935	980	76	881	909	924	937	912	
OVERALL SURPLUS PLACES PROJECTIONS based on Revised NET CAP							99	71	56	43	68	

In terms of secondary schools, there are four which would serve the proposed development (Alsager School, Sir William Stanier Community School and Sandbach High School Boys and Girls) and the proposed development would generate 5 new secondary places which cannot be accommodated (see table below).

	PAN	PAN	NOR (exc 6th Form)	NET CAP yrs 7-11 only	ANY KNOWN	UNFILLED	PUPIL FORECASTS based on October 2014 School Census					
Secondary Schools	Sep-15	Sep-16	Oct-15	May-15	CHANGES	PLACES	2015	2016	2017	2018	2019	2020
Sir William Stanier	210	210	816	1050		234	836	872	919	996	1058	1100
Sandbach High	210	210	1,018	1074		56	1027	1055	1105	1146	1230	1254
Sandbach School	210	210	1,008	1050		42	1040	1079	1134	1151	1227	1254
Alsager School	235	235	1,080	1125		45	1048	1041	1048	1107	1109	1112
OVERALL TOTAL	865	865	3,922	4299		377	3951	4047	4206	4400	4624	4720
OVERALL SURPLUS PLACES PROJECTIONS							348	252	93	-101	-325	-421

As there are capacity issues at these local schools the education department has requested a contribution of £81,713.45. This will be secured via a S106 Agreement should the application be approved.

Health

A number of the letters of objection raise concerns about the impact upon health provision in this area. A search of the NHS Choices website indicates that there are 3 GP Surgeries within 3 miles of the site and that all 3 are accepting new patients.

Location of the site

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

The accessibility of the site shows that following facilities meet the minimum standard:

- Amenity Open Space (500m) – would be provided on site
- Children’s Play Space (500m) – would be provided on site
- Bus Stop (500m) – 50m
- Public House (1000m) – 350m
- Public Right of Way (500m) – 500m
- Child Care Facility (nursery or crèche) (1000m) - 200m
- Community Centre/Meeting Place (1000m) – 200m

The following amenities/facilities fail the standard:

- Supermarket (1000m) – 3800m
- Outdoor Sports Facility (500m) – 1600m
- Convenience Store (500m) – 1700m
- Primary School (1000m) – 1700m
- Pharmacy (1000m) – 2000m
- Post office (1000m) – 2000m
- Secondary School (1000m) – 3700m
- Medical Centre (1000m) - 2000m

In summary, the site does not comply with all of the standards advised by the NWDA toolkit. However as stated previously, these are guidelines and are not part of the development plan. Owing to its position on the edge of Winterley, there are some amenities that are not within the ideal standards set within the toolkit and will not be as close to the development as existing dwellings which are more centrally positioned. Nevertheless this is not untypical for suburban dwellings and will be the same distances for the residential development in Winterley from the application site. However, the majority of the services and amenities listed are accommodated within Haslington and are accessible to the proposed development on foot or via a short bus journey (the site is located on the main bus route between Crewe and Sandbach). It should also be noted that the site is located on National Cycle Network Route 451 and is easily accessible for cyclists. Accordingly, it is considered that this small scale site is a sustainable site.

This view is supported by the Inspectors recent appeal decision on part of this site where he stated that:

‘Whilst not all services are available in Winterley, it is close to other settlements that possess a wider range of services, there is a regular bus service that passes in front of the site and it is

within some 20 minutes cycling time of Crewe. In this context, I have no reason to dispute the Statement of Common Ground conclusion regarding the sustainability of the location'

ENVIRONMENTAL SUSTAINABILITY

Residential Amenity

The previous application was dismissed as the Inspector was concerned that the applicant had not demonstrated that the development would not have a detrimental impact upon residential amenity.

In relation to No 29 Pool Lane to the east of the site the Inspector found that;

'29 Pool Lane (No 29) has a number of large windows, to a lounge, kitchen and sun room, facing west to the appeal site. There is also a paved seating area outside the sunroom on the western side of the dwelling. Given the elevated landform of the eastern end of the appeal site, the currently wide open outlook from No 29 over and through the low deciduous hedge that forms the boundary with the appeal site, and the close proximity of No 29 to the boundary with the appeal site, the impact of new development would be particularly severe. Dwellings, even if single storey, would rise well above the hedge in close proximity to No 29 and appear overbearing upon its outlook. It is also difficult to see how the privacy of No 29, both dwelling and garden, could be secured in such a way as to not, in turn, further compound the adverse impact upon outlook'

In this case the appeal scheme had dwellings which were closer to the boundary with No 29 Pool Lane with a separation distance of 13 metres between the side elevation of No 29 and the nearest plot.

As part of this application the separation distance has been increased to minimum of 21 metres at the nearest point with the provision of a 5.7m wide landscape buffer between the proposed dwellings and No 29 Pool Lane. This is a large improvement on the appeal scheme and demonstrates that a development can be provided on this site which would not have a detrimental impact upon the residential amenities at No 29 Pool Lane.

To the southern side of Pool Lane the Inspector also had concerns and found that;

'there would be adverse impacts upon a number of other dwellings, from 8 Pool Lane eastwards. Although the dwellings are set back from the lane, their frontages are completely open, with views of the appeal site. The elevation of the appeal site above Pool Lane, and the potential for new dwellings to be tight to, and rising above, the site boundary, would, in my judgment result in a very significant adverse change in, and an oppressive impact upon, the outlook from these dwellings. With regard to privacy, I am satisfied that the likely distances are such that if new dwellings were orientated appropriately there would not be any serious adverse impacts'

The previous appeal scheme showed dwellings sited side onto Pool Lane in close proximity to the boundary with a separation distance of 21 metres between the proposed dwellings and the front elevations of the dwellings at 12, 14, 18, 20 and 28 Pool Lane.

As part of this current application the submitted indicative plans show that there would be a separation distance of 34 metres between the front elevations of the proposed dwellings and the

front elevations of the dwellings at 10-30 Pool Lane with the provision of a 5.7m wide landscape buffer between the proposed dwellings and Pool Lane. Again this is a large improvement on the appeal scheme and demonstrates that a development can be provided on this site which would not have a detrimental impact upon the residential amenities at 10-30 Pool Lane.

It should also be noted that a 5.7m buffer would be consistent with the adjacent Bellway development which included a 5.7m buffer to Pool Lane and was approved at Southern Planning Committee at the meeting on 29th June 2016.

The request for bungalows facing Pool Lane has been noted but this is not considered to be reasonable given the separation distances which are shown on the indicative plan and due to the fact that a 5.7m wide buffer would be provided between the existing and proposed dwellings.

The Environmental Health Officer has requested conditions in relation to construction management, electric vehicle charging points and contaminated land. These conditions will be attached to any planning permission.

Air Quality

The proposed development is not close to any air quality management areas (AQMA's) and an air quality assessment was not deemed necessary. However, it is likely that some small impact would be made in the Nantwich Road AQMA and that when combined with the cumulative impacts of other committed and proposed developments in the Crewe area the significance is increased. There is also no assessment of the dust impacts and details of dust control would need to be submitted should planning approval be granted. Conditions would be attached in relation to dust control.

Public Rights of Way

There are no PROW located on the application site.

In response to the comments made by the Councils PROW Officer further pedestrian links onto Pool Lane could be negotiated at the reserved matters stage to improve pedestrian movements from this site.

In relation to the request for cycling parking in Haslington village centre a contribution of £5,000 would be secured as part of a S106 Agreement.

Highways

Access

The proposed development is in outline form with access to be determined at this stage. The proposed development would be accessed via a simple priority junction with a 5.5 metre wide carriageway with 2 metre wide footways on both sides and junction radii of 10 metres. The highways officer has commented that this design is typical of a residential development of this scale.

Crewe Road has a 30mph speed limit at this point. In this case the submitted plans indicate that visibility splays of at least 2.4m x 43m can be achieved in both directions. These visibility splays would comply with guidance contained within Manual for Streets.

The submitted Transport Assessment (TA) identifies that the proposed site access would operate with significant spare capacity and the traffic associated with this development can be accommodated onto the local network.

Traffic impact

The proposed development would generate 18 two-way trips during the AM peak hour and 19 two-way trips during the PM peak hour. This traffic generation will be distributed across the highway network in both directions.

There are local concerns over the impact upon the highway network and Crewe Green roundabout and there is a scheme of CEC improvements in this location. In this case the Highways Officer considers that the development would not have a severe impact upon this junction and as such no mitigation will be required from this development.

Given the scale of the development there would be no cumulative impact upon the wider network when you consider the recent approvals/committed developments in the area.

Public Transport

The application site is within easy reach of bus stops in both directions with hourly connections to Crewe, Sandbach, Winsford, Northwich and Macclesfield throughout the day.

Highways Conclusion

In conclusion the proposed development would have an access of an acceptable design with adequate visibility. The traffic impact upon the local highway network would be limited and was found to be acceptable as part of the recent appeal. Improvements would be secured to the bus stops in the locality. It is therefore considered that the development complies with the local plan policy BE.3 and the test contained within the NPPF which states that:

'Development should only be prevented or refused on transport grounds where then residual cumulative impacts of development are severe'

Trees

The submitted arboricultural statement and tree constraints plan identifies 11 high (A) category, 13 moderate (B) category and 5 low (C) category trees

CEC records shows one protected Oak tree T17 of the Crewe and Nantwich Borough Council (Winterley) Tree Preservation Order 1977) located on the Pool Lane frontage (approximately opposite 26/28 Pool Lane) although this tree appears to be no longer present. One TPO Oak is located offsite (T22 of the survey) to the east of the site. The remaining tree cover comprises of a number of large individual fully mature hedgerow Oak located on the northern and western boundaries of the application site some of which may have potential 'Veteran' status.

Whilst this is only an Outline application there are concerns with regard to the position of the internal access road extending northward to the western boundary of the site. The access road is located within the Root Protection Areas of Oaks T6 and T5 and consequently will result in harm to the rooting environment of these trees. The use of no-dig construction with a sympathetic surface to allow for adequate gaseous diffusion and water to roots may provide a solution but would need to be subject to a more detailed arboricultural assessment, taking into account the health and vitality of the trees, soil type, location of proposed services and assessment of existing and proposed levels. Such a system would be to a non adoptable standard and would therefore require agreement with the Highway Authority.

In design terms the position of the proposed plots along the northern boundary will require modifying so as to allow for an improved relationship/social proximity to retained trees. Whilst it is recognised that shading from the trees would not be an issue here due to the northerly aspect, the trees size and dominance of plots will potential give rise to future requests for felling or significant pruning.

Whilst there are no objections in principle to the development from the Councils Tree Officer, the above issues require further detailed consideration at reserved matters stage.

Hedgerows

In this case the indicative plan shows that the hedgerow boundaries to the site would be retained as part of this development apart from a small loss to provide the access point.

Design

The importance of securing high quality design is specified within the NPPF and paragraph 61 states that:

“Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”

In this case the proposal would have a density of 25.3 dwellings per hectare this is consistent with the surrounding residential areas of Winterley

In this case an indicative layout has been provided in support of this application and this shows that an acceptable layout can be achieved and that the areas of open space and all highways would be well overlooked. It is considered that an acceptable design/layout that would comply with Policy BE.2 (Design Standards) and the NPPF could be negotiated at the reserved matters stage.

Landscape

The wider landscape impact and loss of open countryside was considered by the previous Inspector as part of application 14/3962N. As part of his decision the Inspector found that;

'The site's appearance and character would, clearly, change as a result of the appeal scheme. There would also be an impact upon Pool Lane. However, I do not consider, given the extant planning permission for a large proportion of the site and the wider semi-rural character and appearance of this section of Pool Lane, that the scheme would appear as an incongruous incursion into the open countryside. Indeed, although I accept that the field may be of value to local residents in visual terms, it is not of particularly remarkable landscape value of itself nor does it play a significant role in the wider countryside setting of Winterley'

In this case the applicant is applying for the approval of landscaping as part of this application in relation to the buffers to Pool Lane and the eastern boundary. The remainder of the landscaping in relation to the open space and within curtilage would be reserved for approval as part of a later application.

In terms of the landscaping buffer the amended plans show that the buffer would be 5.7m in width which would tie in with the 5.7m wide landscape buffer on the adjacent approved Bellway site. This would be appropriate to mitigate the impact of the development.

In terms of the details of the landscape buffer at the time of writing this report negotiations were continuing with the applicant's agent in order to secure a greater level of evergreen tree planting within the buffer and to provide more tree's within the buffer. An update will be provided in relation to this issue.

Ecology

Winterley Pool Site of Biological Importance (SBI)

The proposed development is located in close proximity to this locally designated site. The Councils Ecologist advises that the proposed development is unlikely to have a significant long term adverse impact upon the ecological features for which Winterley Pool was designated.

Hedgerows

Hedgerows are a biodiversity action plan priority habitat and hence a material consideration. The greatest majority of the existing hedgerows on site are shown for retention on the submitted illustrative layout plan. There would however be a loss of hedgerow to facilitate the site access and a loss of a section of hedgerows from the interior of the site. If outline planning consent is granted any unavoidable losses of hedgerow should be compensated for through the enhancement of the retained sections of hedgerows and the creation of additional native species hedgerows. This matter could be dealt with as part of a planning condition.

Arable Field Margins

Arable field margins are a UK Biodiversity Action Plan priority habitat and hence a material consideration. The submitted report identifies the presence of arable field margins on site. However, as the arable field margins recorded on site have been recorded as being 0.5m wide the Councils Ecologist advises they fall outside of the habitat description of this habitat and the habitats located within this 0.5m area should be better regarded as forming part of the hedgerow habitats bordering the site rather than being classified as Arable Field Margins.

Bats

Two trees have been identified on site as having potential to support roosting bats. Both of these trees are identified as being subject to a TPO and appear to be retained as part of the proposed development. The Council Ecologist advises that the proposed development is unlikely to have a significant adverse impact upon roosting bats. If planning consent is granted a condition should be attached requiring the retention of these two trees.

The potential loss of hedgerows from the site may have a localised adverse impact upon foraging and commuting bats so it is important that any losses are adequately compensated for as described above.

Breeding Birds

If planning consent is granted conditions are suggested to safeguard breeding birds.

Flood Risk

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps. Flood Zone 1 defines that the land has less than 1 in 1000 annual probability of flooding and all uses of land are appropriate in this location.

There is an indication there is an amount of surface water flooding (1 in 100 year) west of the site. The area which is at risk from surface water flooding (topographic low spots) is indicated by the Environmental Agency's (EA) mapping system. The risk of flooding from this source will need to be appropriately mitigated before development can commence on site.

The Council's Flood Risk Manager and United Utilities have been consulted as part of this application and have both raised no objection to the proposed development subject to the imposition of planning conditions. As a result, the development is considered to be acceptable in terms of its flood risk/drainage implications.

This view is consistent with the previous appeal decision on this site where the Inspector stated that;

'There is no suggestion that flooding or heritage matters are significant local constraints on development'

ECONOMIC SUSTAINABILITY

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to Winterley/Haslington including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

Agricultural Land Quality

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

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

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

In this case the Agricultural Land Assessment indicates that 2 hectares of the site is Grade 2 and 0.7 hectare is Grade 3a. As a result this issue needs to be considered as part of the planning balance.

As part of the recent appeal decision for 13/4632N on this site the Inspector found that:

'the loss of B&MV agricultural land does not weigh heavily against the development'

As part of the recent appeal decision for 14/3962N the Inspector went onto make an award of costs against the Council due to unreasonable behaviour in relation to the reason for refusal relating to BMV agricultural land.

CIL Regulations

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.

As explained within the main report, POS is a requirement of the Local Plan Policy RT.3. It is necessary to secure these works and a scheme of management for the open space. This is directly related to the development and is fair and reasonable.

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

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

PLANNING BALANCE

The proposed development would be contrary to Policy NE.2 and RES.5 and the development would result in a loss of open countryside. However as Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites and the presumption in favour of sustainable development applies at paragraph 14 of the Framework where it states that LPA's should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

The benefits in this case are:

- The development would provide benefits in terms of much needed affordable housing provision and would help in the Councils delivery of 5 year housing land supply.
- In terms of the POS provision this is considered to be acceptable.
- The development would provide significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in Alsager.

The development would have a neutral impact upon the following subject to mitigation:

- The impact upon education infrastructure would be neutral as the impact would be mitigated through the provision of a contribution.
- The impact upon protected species/ecology is considered to be neutral subject to the imposition of conditions to secure mitigation.
- There is not considered to be any drainage implications raised by this development.
- The proposed development would not have a severe highways impact
- The impact upon trees is considered to be neutral at this stage and further details would be provided at the reserved matters stage.
- The impact upon residential amenity/noise/air quality and contaminated land could be mitigated through the imposition of planning conditions.
- Although there would be a change in the appearance of the site. The landscape impact is considered to be neutral

The adverse impacts of the development would be:

- The loss of open countryside.
- The loss of agricultural land – the previous Inspector has stated that this does not weigh heavily against the scheme

An update will be provided in relation to the proposed landscape buffer.

There would be few adverse impacts in approving this development and they would not significantly and demonstrably outweigh the benefits of the development.

As part of the previous appeal decision the main reason that the appeal was dismissed was on amenity grounds. The amended plans have now addressed these concerns.

The contribution of the development of this site towards the housing need of the Borough is considered to be significant and the presumption in favour of sustainable development applies. As such the application is recommended for approval.

RECOMMENDATION:

APPROVE subject to completion of Section 106 Legal Agreement to secure the following:-

- 1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:**
 - The numbers, type, tenure and location on the site of the affordable housing provision**
 - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing**
 - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved**
 - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and**
 - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.**
- 2. Provision of Public Open Space to be maintained by a private management company**
- 3. Secondary School Education Contribution of £81,713.45**

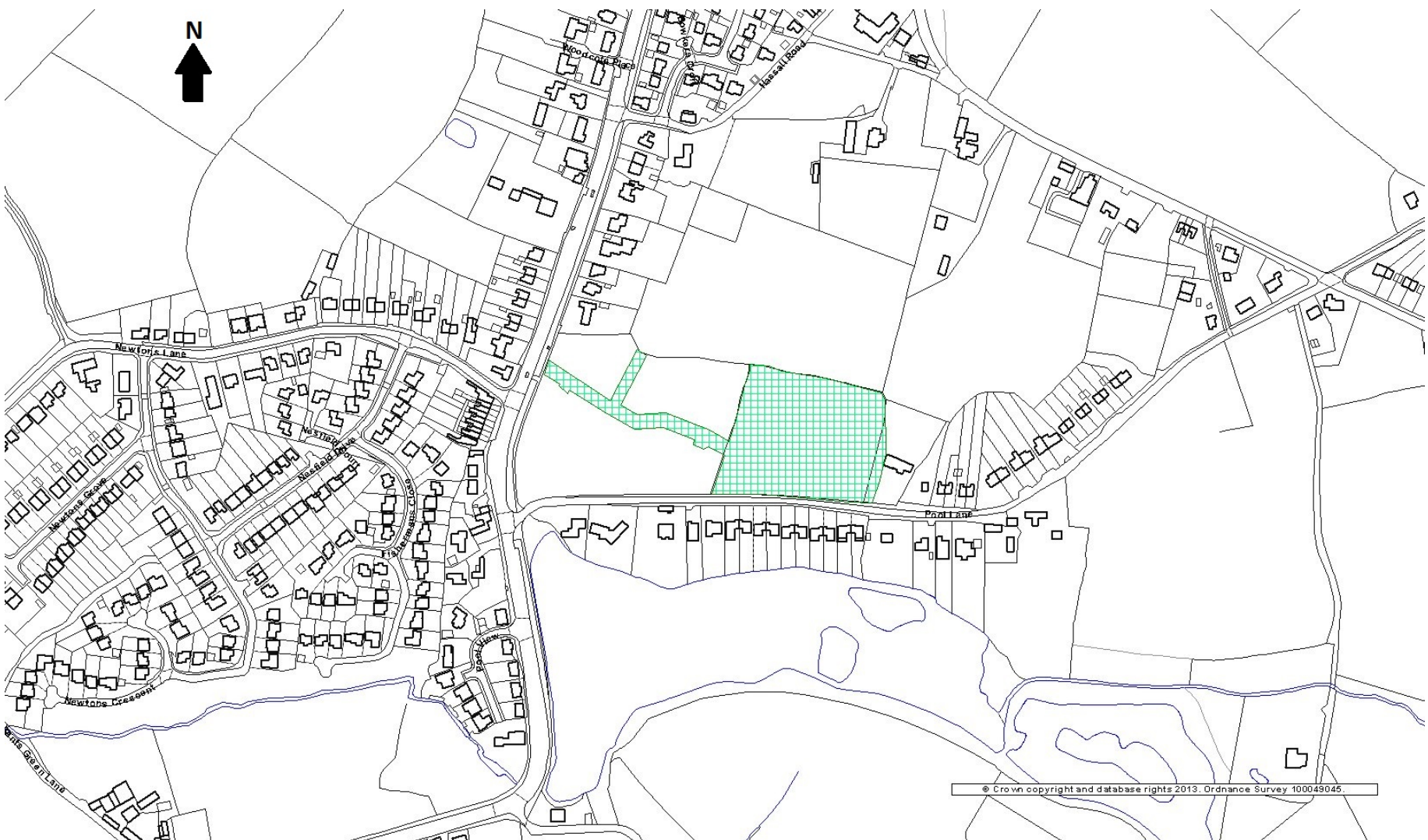
And the following conditions:-

- 1. Standard Outline**
- 2. Submission of Reserved Matters (including landscaping for the POS and within the curtilage for each plot and design/layout of the internal highway)**
- 3. Time limit for submission of reserved matters**
- 4. Approved Plans**
- 5. Details of existing and proposed land levels to be submitted for approval in writing**
- 6. Drainage Strategy to be submitted for approval in writing**
- 7. Information around the designs storm period and intensity (1 in 30 & 1 in 100 (+30% allowance for Climate Change)) and volumes to be submitted for approval in writing**
- 8. Contaminated land**
- 9. Environment Management Plan for the construction phase of development**
- 10. Electric Vehicle Infrastructure**
- 11. Hedgehog Mitigation Measures to be submitted for approval in writing**
- 12. Nesting bird and bat mitigation measures**
- 13. Arboricultural Impact Assessment and Method Statement to be submitted for approval in writing**
- 14. The dwellings shall not exceed two stories in height**
- 15. Reserved matters to incorporate a range of dwelling sizes including 2 bedroom units for market sale**

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

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

1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:
 - The numbers, type, tenure and location on the site of the affordable housing provision
 - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
 - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
 - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
2. Provision of Public Open Space to be maintained by a private management company
3. Secondary School Education Contribution of £81,713.45



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Application No: 16/1352C

Location: LAND AT CEDAR AVENUE, ALSAGER

Proposal: Outline applicaion for residential redevelopment of up to 14 dwellings with associated infrastructure.

Applicant: Country & Coastal Developments Ltd

Expiry Date: 20-Jun-2016

SUMMARY

The application site lies entirely within the Open Countryside as determined by the Congleton Borough Local Plan First Review 2005.

Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by Local Plan Policy H6. The proposed development does not fall within any of the listed categories and as such, there is a presumption against the proposal unless material considerations indicate otherwise.

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

It is therefore necessary to consider whether the proposal constitutes “sustainable development” in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

In this case, the development would provide positive planning benefits such as; the provision of a market and affordable dwellings in a sustainable location and the knock-on minor local economic benefits such a development would bring, particularly during construction.

Balanced against these benefits must be the dis-benefits, which in this case would be environmental matters predominantly comprising of the loss of Open Countryside.

All other issues are considered to be able to be mitigated against by the use of planning conditions or a S106 Agreement and as such, are considered to have a neutral impact.

In this instance, it is considered that the benefits of the scheme would outweigh the disadvantages.

Accordingly it is recommended for approval.

RECOMMENDATION

APPROVE Subject to a S106 Agreement and conditions

PROPOSAL

This application seeks outline planning permission to erect up to 14 dwellings. The access also forms part of this application.

Approval of layout, scale, appearance and landscaping, are not sought at this stage and as reserved for subsequent approval.

As such, this application shall consider the principle of the development and access arrangements only.

SITE DESCRIPTION

The site relates to a parcel of green field located between the southern side of Cedar Avenue, Alsager, within the Open Countryside.

The application site extends to approximately 0.61 hectares and is largely rectangular in shape and relatively flat. However, the land does drop-off towards the watercourse at the rear (south) of the site.

The site is bound by Cedar Avenue to the north, beyond which is residential development, to the east is residential development comprising of 4 dwellings which back onto the site from Rowan Close, to the south is the railway line and to the east is a Public Right of Way which extends along the boundary of the site, beyond which is playing fields.

RELEVANT HISTORY

None

LOCAL & NATIONAL POLICY

Congleton Borough Local Plan

The Development Plan for this area is the 2005 Congleton Borough Local Plan, which allocates the site, under Policy PS8, as Open Countryside

The relevant Saved Policies are;

PS8 – Open Countryside, GR1 – New Development, GR2 – Design, GR6 - Amenity and Health, GR9 - Highways & Parking, GR20 – Public Utilities, GR22 – Open Space Provision,

NR2 - Statutory Sites, NR3 – Habitats, NR1 - Trees and Woodlands, H1 & H2 - Provision of New Housing Development and H6 - Residential development in the Open Countryside and the Green Belt

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

Policy SD1 Sustainable Development in Cheshire East, Policy SD2 Sustainable Development Principles, Policy SE1 Design, Policy SE2 Efficient Use of Land, Policy SE3 Biodiversity and Geodiversity, Policy SE4 The Landscape, Policy SE5 Trees, Hedgerows and Woodland, Policy SE9 Energy Efficient Development, Policy SE12 Pollution, Land Contamination and Land Instability, Policy IN1 Infrastructure, Policy IN2 Developer Contributions, Policy PG1 Overall Development Strategy, Policy PG2 Settlement Hierarchy, Policy PG5 Open Countryside and Policy SC4 Residential Mix

National Policy

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

14 - Presumption in favour of sustainable development, 17 – Core planning principles, 47-50 - Wide choice of quality homes, 55 - Isolated dwellings in the countryside, 56-68 - Requiring good design, 69-78 - Promoting healthy communities

CONSULTATIONS

Head of Strategic Infrastructure (HSI) – No objections, subject to a condition that the visibility splays shown on the submitted plans should be cleared of any obstructions before commencement of development.

Environmental Protection – No objections, subject to a number of conditions including; the prior submission/approval of a Construction Phase Environmental Management Plan; the provision of electric vehicle infrastructure; the prior submission/approval of a Phase 2 Contaminated Land Report; the prior submission/approval of soil verification report and that works should stop if contamination identified. In addition, informatives in relation to hours of construction and contaminated land are also sought

Strategic Housing (Cheshire East Council) – No objections, subject to the provision of 30% on-site affordable housing, tenure split to be agreed at Reserved Matters stage

Environment Agency – No objections now a 5 metre-wide unobstructed strip of land is retained between the brook and the access gate of Cedar Avenue

United Utilities – No objections, subject to the following conditions; that foul and surface water be drained on separate systems; the prior submission/approval of a surface water drainage scheme; the prior submission/approval of a sustainable drainage management and maintenance plan

Health and Safety Executive – No objections

ANSA Open Space – No objections, subject to the provision of £5,803.62 to maintain the proposed on-site Amenity Green Space (AGS). With regards to Children and Young Persons Provision (CYPP), the development will generate a need for a new LEAP play facility. However, there is the opportunity to improve an existing facility on the nearby Milton Park. This would result in a financial requirement of £3,076.75 for capital enhancements and £10,029.60 for ongoing maintenance of the enhancements.

Children's Service's - No objections, subject to a financial contribution towards education provision of £65,224.25 (£32,538.87 – Primary education and £32,685.38 – Secondary education)

Flood Risk Manager – No objections, subject to a condition that a surface water drainage scheme be submitted to the LPA for prior approval

Public Rights of Way - No objections, but the applicant should be reminded of their responsibilities

Network Rail - No objections, subject to a number of conditions including; the prior submission/approval of both surface and foul water drainage being directed away from the railway; the prior submission/approval of a Risk Assessment and Method Statements (RAMS) for all works to be undertaken within 10 metres of the operational railway; prior approval/agreement of noise and vibration mitigation for future residents; No trees to be planted next to the boundary with the Network Rail land and the operational railway

Newcastle-under-Lyme Borough Council – No objections

Alsager Town Council – Object to the proposal for the following reasons;

- Lack of information with regards to Badgers and potential flooding
- Flood risk
- Impact upon the Green Belt
- Risk of development upon adjacent public playing fields

REPRESENTATIONS

Neighbour notification letters were sent to all adjacent occupants, a site notice was erected and an advert placed in the local newspaper. To date, approximately 18 letters of representation have been received. The main objections raised include;

- Principle of housing development in Alsager
- Loss of Countryside
- Highway safety – pressure on existing road infrastructure; poor visibility; Congestion, parking, speeding, suitability of access road, pedestrian safety
- Ecology – Loss of wildlife/habitat, impact upon badgers, birds and foxes, bats
- Impact upon trees / loss of trees

- Amenity – Impact of noise upon future residents by railway, noise pollution, visual intrusion, loss of privacy,
- Drainage / water pollution
- Impact upon Public Right of Way
- Impact upon public facilities / infrastructure – Schools, highway network, medical facilities
- Sustainability of location
- Flooding

APPRAISAL

The key issues are:

- The principle of the development
- The sustainability of the proposal, including its; Environmental, Economic and Social role
- Planning balance

Principle of Development

The site is designated as being within the Open Countryside where Policy PS8 (Open Countryside) of the Congleton Borough Local Plan states that development will only be permitted if it falls within one of a number of categories.

As the proposed development is for the erection of 14 new dwellings in the Open Countryside, it is subsequently subject to Policy H6 of the Congleton Local Plan and Policy PG5 of the emerging Cheshire East Local Plan Strategy – Submission Version.

Policies H6 and PG5 advise that residential development within the Open Countryside will not be permitted unless it falls within a number of categories.

The proposed development does also not fall within any of the categories listed within Policies PS8 and H6 relating to development within the open countryside. As a result, it constitutes a “departure” from the development plan and emerging plan and as such, there is a presumption against the proposal.

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

Housing Land Supply

Following the receipt of the Further Interim Views in December 2015, the Council has now prepared proposed changes to the Local Plan Strategy (LPS), alongside new and amended strategic site allocations, with all the necessary supporting evidence. The proposed changes have been approved at a Full Council meeting held on the 26 February 2016 for a period of 6 weeks public consultation which commenced on Friday 4 March 2016.

The information presented to Full Council as part of the LPS proposed changes included the Council's 'Housing Supply and Delivery Topic Paper' of February 2016.

This topic paper sets out various methodologies and the preferred approach with regard to the calculation of the Council's five year housing land supply. From this document the Council's latest position indicates that during the plan period at least 36,000 homes are required. In order to account for the historic under-delivery of housing, the Council have applied a 20% buffer as recommended by the Local Plan Inspector. The topic paper explored two main methodologies in calculating supply and delivery of housing. These included the Liverpool and Sedgefield approaches.

The paper concludes that going forward the preferred methodology would be the 'Sedgepool' approach. This relies on an 8 year + 20% buffer approach which requires an annualised delivery rate of 2923 dwellings.

The 5 year supply requirement has been calculated at 14617, this total would exceed the total deliverable supply that the Council is currently able to identify. The Council currently has a total shortfall of 5,089 dwellings (as at 30 September 2015). Given the current supply set out in the Housing Topic Paper as being at 11,189 dwellings (based on those commitments as at 30 September 2015) the Council remains unable to demonstrate a 5 year supply of housing land. However, the Council through the Housing Supply and Delivery Topic paper has proposed a mechanism to achieve a five year supply through the Development Plan process.

National Planning Policy Guidance (NPPG) indicates at 3-031 that deliverable sites for housing can include those that are allocated for housing in the development plan (unless there is clear evidence that schemes will not be implemented within five years).

Accordingly the Local Plan provides a means of delivering the 5 year supply with a spread of sites that better reflect the pattern of housing need. However, at the current time, the Council cannot demonstrate a 5 year supply of housing.

Sustainability

The National Planning Policy Framework definition of sustainable development is:

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

The NPPF determines that sustainable development includes three dimensions:- economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to

support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

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

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

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

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

Environmental role

Locational Sustainability

The National Planning Policy Framework definition of sustainable development is:

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

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

The criteria contained within the North West Sustainability Checklist are also being used during the Sustainability Appraisal of the Cheshire East Local Plan. With respect to accessibility, the toolkit advises on the desired distances to local facilities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

The applicant has not completed this assessment, but has completed a locational sustainability assessment as part of their Planning Statement. This advises that the

The accessibility of the site shows that following facilities meet the minimum standard:

- Amenity open space (500m) – 50m
- Children's Play space (500m) – 240m
- Public house (1000m) - 570m
- Pharmacy (1000m) – 320m
- Supermarket (1000m) – 570m
- Railway station (2000m) – 470m
- Any transport node – 643m
- Primary School (1000m) – 370m
- Outdoor Sports Facility – (1000m) – 60m
- Bus stop (500m) – 400m
- Public right of way (500m) – 0m
- Post Box (500m) – 290m
- Local meeting place (1000m) – 570m
- Child care facility (1000m) – 620m
- Bank or Cash Machine (1000m) – 420m
- Convenience Store (500m) – 420m
- Medical Centre (1000m) – 320m
- Leisure Facilities (Leisure Centre or Library) (1000m) – 470m

Where the proposal fails to meet the standards, the facilities in question are still within a reasonable distance of those specified and are therefore accessible to the proposed development. Those facilities are:

- Post Office (500m) – 570m

The following amenities/facilities fail the standard:

- Secondary School (1000m) – 1400m

In summary, the site complies with the majority of the standards advised by the NWDA toolkit. Furthermore, the site lies within a walkable distance to the local bus stop and train station. As such, the application site is considered to be locationally sustainable.

Landscape Impact

The application site covers an area of 0.611 hectares, and is located to the south of Cedar Avenue on the southern edge of Alsager. The area to the immediate north and east of the site is residential, to the south is the Crewe – Stoke-on-Trent railway, the boundary fence of which forms the southern boundary of the site and to the west are playing fields. To the north of the northern boundary is a line of mature trees, there are a number of trees located within the site boundary as well as a large area of scrub along the southern part of the application site and a pocket of scrub to the north west part of the site, the remainder of the site is

grassland, with a small brook along the southern and eastern boundaries. Footpath 12 Alsager runs along the western boundary.

There are no landscape designations on the application site and the submitted Landscape and Visual Impact Appraisal (LVIA) correctly identifies the baseline landscape character, and that it is located within the boundary of Character Type 10: Lower Farms and woods, specifically in the LFW 7: Barthomley Character Area. The area immediately to the north lies within the urban character area of Alsager.

The appraisal indicates that the broader landscape will remain unaffected but that the sensitivity of the application site landscape is medium, that the magnitude of effect will be high and that the significance of effect on the site will be moderate- major and that mitigation measures mean that this will reduce to minor adverse. The visual appraisal indicates that there will be adverse effects on Footpath 12 Alsager, adjacent to the western boundary of the application site, noting that this may reduce to a minor effect over time. It also identifies a moderately adverse visual effect on Cedar Avenue, reducing to a minor effect over time.

The Council's Principal Landscape Officer advises that he broadly agrees with the predicted initial landscape and visual impacts as assessed. He advises that any reduction will inevitably depend on the final layout and mitigation. While the Landscape Officer feels that some of the potential landscape and visual impacts can be mitigated with appropriate design details and landscape proposals, he does not feel that the reduction would be as significant as the appraisal indicates.

However, no principal objections on landscape grounds are raised.

Trees and Hedgerows

The application is supported by a Tree Survey Report (Rev B). The reports indicate that the assessment has been carried out in accordance with the recommendations of British Standard BS5837:2012 Trees in relation to design, demolition and construction. The reports have been carried out to assess the environmental and amenity values of all trees on or adjacent to the development area and the arboricultural implications of retaining trees with a satisfactory juxtaposition to the new development.

Access into the proposed development site off Cedar Avenue requires the removal of four mature Lime trees. The applicants supporting Arboricultural detail categorise both the trees as A2. BS5837:2012 identifies these trees as being of high quality, with an estimated life expectancy of at least 40 years, of particular visual importance as Arboricultural and/or landscape feature. Both trees form part of a closely spaced linear group of fourteen mature Limes which are currently a visually prominent and significant feature as part of the Cedar Avenue street scene. This visual prominence contributes considerably to the well treed nature of the area, characterised by the mature treescape of Cedar Avenue and its surroundings.

The remaining two Limes (T16 & T17) identified for removal to facilitate access are located within the north-west corner of the site, and in close proximity to both T14 and T15. Both trees have been categorised as B value, moderate quality specimens, with an estimated life expectancy of at least 20 years. This down grading of category is accepted by virtue of their

positions to the rear of the high value street trees, and the slightly suppressed form of T16. Both trees still contribute to the amenity of the area and the sylvan setting of the site.

The loss of all four trees which are visible from the immediate public vantage points associated with Cedar Avenue including the adjacent recreational ground, two public footpaths Alsager FP10 & 12, will have a moderately high impact on the amenity of the immediate area, this is supported by the applicants own supporting Arboricultural information.

However, following negotiation between the Council's Principal Tree Officer and the applicant, a revised indicative layout has been provided.

In response to this revision, the Council's Tree Officer has advised that; *'The loss of the two road frontage 'A' category Lime trees and two internal 'B' category Lime trees for the proposed access at the western end of the site will result in an initial net loss in amenity terms with a moderate adverse impact at the western end of Cedar Avenue, however the improved layout design in terms of the relationship/social proximity of plots to the avenue Limes on Cedar Avenue as a whole and provision for mitigation in the form of replacement planting as shown on drawing 5037.04 now provides for a more acceptable compromise.'*

The submitted plan shows that the mitigation will be through the provision of four small leaved Lime trees at the entrance to the site. The replacement trees would have a girth of 20-25cm and a minimum height of 450cm.

The supporting arboricultural information also identifies the removal and loss of two further individual trees (T22 & T24) and two groups (G18 & G19). Both T22 and T24 are dead, the group of Alders identified as G19 are all small inconsequential specimens (Cat C), which are considered to contribute minimally to the amenity of the immediate area and the wider landscape. The Council's Tree Officer has advised that the removal of both trees and those associated with G19 would not be contested.

The group of five Pines identified as G18 are located close to the eastern boundary of the site, and the rear gardens of the properties 1-4 Rowan Close. The Council's Tree Officer has advised that these are an attractive feature within the site, with their evergreen crowns affording welcome 'greenery' throughout the winter period, adding character and diversity to the surrounding landscape. The Pines collectively as a group have been identified as moderate value specimens, (Category B). Given the contribution and added value they afford the site, they are considered worthy of retention. It is recommended that this be conditioned.

As such, subject to conditions, no objections are raised.

Safety Hazard Area (SHA)

The application site falls within an Explosive Safeguarding Zone.

The Health and Safety Executive (HSE) has subsequently been consulted and conclude that they have no objections to the development and therefore do not consider that the development poses any risk to the future occupiers of the proposed development.

Ecology

The application is supported by an extended phase one habitat survey and further supplementary ecological information. The Council's Nature Conservation Officer (NCO) advises that this has been undertaken by a suitably experienced ecological consultant.

Grassland Habitats

Based upon the figures provided by the applicants ecologist there would be a loss of 0.15ha of moderately species rich neutral grassland habitat associated with the proposed development. This grassland habitat meets the criteria for selection as a Local Wildlife Site and the loss of this would result in a significant loss of biodiversity.

To compensate for this loss the applicant is proposing to create 0.07ha of grassland habitat within the buffer adjacent to the stream. This part of the site however already supports scrub and tall ruderal habitats and the Council's NCO is not convinced that such a narrow band of vegetation could be managed appropriately in the long term to deliver a habitat of higher value than that already present.

The applicant has also proposed the payment of a commuted sum as a means of compensating for the loss of biodiversity associated with the proposed development. In order to calculate an appropriate level of commuted sum, the Council's NCO has entered the extent of grassland habitat lost into the Environment Bank's Biodiversity Impact Calculator. This spreadsheet uses the Biodiversity Metric developed by Defra.

The NCO has entered the loss of 0.15ha of habitat which was entered as being of medium distinctiveness and in Good condition (good condition reflects the lack of bare ground, non-native invasive species). This shows a loss of biodiversity of 1.8 units.

The average cost of a biodiversity unit 'traded' during the UK Biodiversity offsetting pilot was £3,850. The Council's NCO therefore suggests that a commuted sum of £6,930.00 be sought.

The Council's NCO has recommended that if planning consent is granted planning obligation should be attached requiring the payment of this amount at commencement of development. The commuted sum would likely to be used to fund the creation/enhancement of grassland habitats at Borrow Pit Meadows in Alsager.

Reptiles

Grass snakes are known to occur around Alsager and the Council's NCO has advised that the habitats on site appear potential suitable for reptiles. A reptile survey was undertaken on site, However this survey was constrained due to the survey mats being interfered with during the course of the survey. The applicant's consultant however made a number of visits to the site and no reptiles were observed.

The Council's NCO advises that there remains a risk that the proposed development may have an adverse impact upon reptiles. The applicant's consultant has suggested that this impact be addressed through the implantation of a method statement of 'Reasonable Avoidance

measures'. The Council's NCO advises that considering the negative survey results this approach is acceptable.

If outline planning permission is granted, the Council's NCO recommends that a condition be attached requiring any future reserved matters application be supported by a reptile mitigation method statement.

Trees with bat roost potential

Mature alders adjacent to the stream have been identified as having potential to support roosting bats. Based on the submitted layout plan, the Council's NCO has advised that it appears feasible that these trees could be retained.

'Other Protected Species'

A number of potential 'Other Protected Species' setts were recorded during the submitted survey and 'Other Protected Species' were previously active on the application site. The latest surveys have however found no further evidence of 'Other Protected Species' activity.

The NCO advises that if outline consent is granted a condition should be attached requiring any future reserved matters application to be supported an updated 'Other Protected Species' survey.

Wildlife corridor

The submitted habitat survey recommends the provision of a wildlife corridor along the northern bank of the stream. A corridor of 5-8m would normally be expected in order to safeguard river corridor habitats. A 5m buffer has been proposed on the revised indicative layout plan.

If planning consent is granted, the Council's Nature Conservation Officer has advised that the following conditions /agreements should be attached:

- Reserved matters application to be supported by reptile mitigation method statement
- Updated badger survey.
- Legal agreement to secure commuted sum.
- Incorporation of wildlife of 5-8m adjacent to the watercourse.

As such, it is considered that subject to the above, the proposed development would adhere with Policies NR2 and NR3 of the Local Plan and Policy SE3 of the Emerging Local Plan Strategy.

Flood Risk and Drainage

The watercourse to the south and east of the site is classed as a main river and a small strip of land to the eastern portion of the site is classed as Flood Zone 3. The application is supported by a Flood Risk Assessment and a Sustainability Drainage Assessment.

In this case none of the proposed built development would be located within Flood Zone 3.

This has been reviewed by the Environment Agency, the Council's Flood Risk Manager and United Utilities.

The Environment Agency have advised that they have no objections now a 5 metre-wide unobstructed strip of land has been shown as being retained between the brook and the access gate of Cedar Avenue.

The Council's Flood Risk Manager has reviewed this and advised that they have no objections, subject to the prior submission/approval of a surface water disposal scheme.

With regards to drainage, United Utilities have advised that they have no objections, subject to the following conditions; that foul and surface water be drained on separate systems; the prior submission/approval of a surface water drainage scheme; the prior submission/approval of a sustainable drainage management and maintenance plan.

Design

The indicative layout shows the provision of up to 14 new dwellings within the site and indicates that 9 would be 2-storey detached dwellings comprising of 6 different house types. In addition, a 2-storey apartment block comprising of 4 flats is proposed.

It proposes that the site be accessed via a new access point onto Cedar Avenue in the north-western corner. An internal access road would then extend south into the site into 2 cul-de-sacs, one to the east and one to the southwest.

A pair of detached dwellings are proposed directly opposing the entrance to the site, fronting north, as would 5 other detached units. The remaining units would be to the south of the site towards the ends of the 2 proposed cul-de-sacs.

It is considered that the overall layout of the development would not appear incongruous when you consider the layout of the immediate surrounding area does comprise of cul-de-sac developments (e.g. Woolaston Drive and Rowan Close).

The Council's Urban Design Officer has been informally consulted and raises no objections in principle. However, he did offer suggestions on how the layout could be improved should a similar scheme be submitted at reserved matters stage including;

- An extension of the shared surfacing closer to the access points.
- The provision of a stronger entrance feature
- A re-design of the cul-de-sacs to incorporate a greater degree of soft landscaping
- Careful consideration of boundary treatment around buffer zone

With regards to the residential mix proposed, it is advised in the submitted Design and Access Statement that the scheme would comprise of;

- X8 4-bed detached units
- X2 5-bed detached units
- X4 1-bed detached units

Policy SC4 of the emerging Local Plan Strategy refers to residential mix. This policy states that;

‘New residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of a mixed, balanced and inclusive communities...’

It is considered that this is consistent with Paragraph 50 of the NPPF which states that planning should;

‘To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities...’

As such, the reserved matters application should demonstrate a more appropriate mix.

It is considered the indicative design of the development for the purposes of the outline application is considered to comply Policy GR2 the Local Plan.

Access

The access has been amended from what is shown on plan ‘2111-110-D’. The updated access, with a width of 4.8m and 6m radii, is shown on plan ‘SCP/15198/F01 A’ of Appendix 4 of the SCP Technical Note. The Council’s Head of Strategic Infrastructure (HSI) has advised that this amended access is to standard and swept paths of refuse vehicles confirmed that vehicles can comfortably enter and exit the site.

Traffic speed surveys on Cedar Avenue have been carried out and have shown the 85th percentile speed to be slightly less than 20mph, thereby requiring visibility splays of 20m in either direction for drivers exiting the site. These visibility splays have been shown on a plan to be obstructed by trees, but are only achievable by the removal of these trees.

The Council’s HSI has advised that there have been no recorded traffic accidents on this stretch of Cedar Avenue over the last 5 years indicating no existing safety issues.

As a result of the above reasons, the HSI raises no objections on highway safety grounds subject to a condition that the visibility splays shown on plan ‘SCP/15198/F01 A’ should be cleared of any obstructions before commencement of development.

Environmental Conclusion

The proposed development would result in the loss of a parcel of Open Countryside, which in itself would be an environmental dis-benefit.

Furthermore, the development would result in the loss of 2 trees of high amenity value and grassland habitat. However, acceptable mitigation for these impacts has been proposed.

There would be no issues created in relation to; landscape, the Safety Hazard Area, flood risk and drainage, design and highway safety, subject to conditions.

However, due to the loss of Open Countryside, trees and grassland, it is considered that the proposal would be environmentally unsustainable.

Economic Role

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

As such, it is considered that the proposed development would be economically sustainable. However, these benefits would predominantly be realised during the construction phase of development.

Social Role

The proposed development would provide open market housing which in itself, would be a social benefit.

Affordable Housing

The Council's Interim Planning Statement: Affordable Housing (IPS) states in Settlements with a population of 3,000 or more that 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 15 dwellings or more or larger than 0.4 hectares 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 14 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 4 dwellings to be provided as affordable dwellings. The SHMA 2013 shows the majority of the demand in Alsager for the Next 5 Years is for 38x 2 bedroom, 15x 3 bedroom and 2x 4 bedroom dwellings. Also, it advises the need for 5x 1 bedroom dwellings for Older Persons per year. The majority of the demand on Cheshire Homechoice is for 89x 1 bedroom, 80x 2 bedroom, 47x 3 bedroom and 16x 4 bedroom dwellings therefore the Council's Housing Officer has advised that 1, 2, and 3 bedroom units with provision for Older Persons on this site would be acceptable. It is advised that 3 units should be provided as Affordable rent and 1 unit as Intermediate tenure.

The Council's Housing Officer has advised that the Tenure split will have to be confirmed at reserved matters. However, as the application meets the policy for providing 4 affordable dwellings. No objections are raised.

The Affordable Housing IPS 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 affordable housing should meet the Government's Nationally Described Space Standards which were published in April this year.

The affordable housing should be 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.

Public Open Space (POS)

As the application proposal is for 14 dwellings, it triggers a POS requirement. The trigger for this requirement is 7 units as detailed within the *Revised Supplementary Planning Guidance Note 1: Provision of Public Open Space in New Residential Developments 2003*.

Amenity Green Space (AGS)

Having calculated the existing amount of accessible AGS within 800m of the site and the existing number of houses which use it, 14 new homes will generate a need for 336sqm of new AGS. The revised indicative site layout plan now includes areas of Public open space. The amount of Amenity Greenspace the developer is proposing to provide is 491sqm.

The financial requirements sought from the Developer to maintain 491sqm would be £5,803.62

Children's and Young Persons Provision (CYPP)

The developer is not providing on site CYPP due to the size of development. Having calculated the existing amount of accessible Children and Young Persons Provision within 800m of the site and the existing number of houses which use it, 14 new homes will generate a need for a new LEAP play facility. However, an opportunity exists for improvements to an existing facility within the vicinity of the development at nearby Milton Park.

Financial contributions sought from the Developer are calculated as:

Capital Enhancements	£3,076.75
For ongoing maintenance of the enhancements	£10,029.6

The above would be secured via a S106 Agreement.

Education

The Local Plan is expected to deliver 36,000 houses in Cheshire East; which is expected to create an additional 6,840 primary aged children and 5,400 secondary aged children. 422 children within this forecast are expected to have a special educational need.

To date already approved development in Alsager is expected to create an increase of 259 additional primary aged children and 195 additional secondary aged children. Of these approved developments, developer contributions have been sought to mitigate the impact on education infrastructure in accordance with the CIL Regulations. To date this equates to 191 primary children and 22 secondary children.

Not including the current planning application registered at Land at Cedar Avenue, Alsager (16/1352C), there are 5 further registered and undetermined planning applications in Alsager generating an additional 240 primary children and 183 secondary children.

The development of 14 dwellings is expected to generate:

3 primary children (14 x 0.19)

2 secondary children (14 x 0.15)

0 SEN children (14 x 0.51 x 0.023%)

The Council's Children's Services Officer has advised that the proposed development is expected to impact on both primary school and secondary places in the immediate 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 primary schools in the area as a result of agreed financial contributions. The analysis undertaken has identified that a shortfall of school places still remains.

The development is not forecast to impact SEN provision.

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

3 x £11,919 x 0.91 = £32,538.87 (primary)

2 x £17,959 x 0.91 = £32,685.38 (secondary)

0 x £50,000 x 0.91 = £0 (SEN)

Total education contribution: £65,224.25

The applicant has agreed to this provision.

Amenity

Policy GR6 (Amenity and Health) of the Local Plan, requires that new development should not have an unduly detrimental effect on the amenities of nearby residential properties in terms of loss of privacy, loss of sunlight or daylight, visual intrusion, environmental disturbance or pollution and traffic generation access and parking. Supplementary Planning Document 2 (Private Open Space) sets out the separation distances that should be maintained between dwellings and the amount of usable residential amenity space that should be provided for new dwellings.

The closest neighbouring properties to the application site would be the occupiers of; the properties on the northern side of Cedar Avenue to the north of the site and the occupiers of 1-4 Rowan Close to the east.

As layout is not sought for approval, consideration as to whether the application site could accommodate 14 dwellings without creating any significant amenity concerns.

The revised indicative layout plan indicates that the closest proposed properties to the dwellings north of Cedar Avenue and the closest dwellings on Rowan Close are all over the minimum recommended separation distance of 21.3 metres as stated within SPG2. As such, this overcomes any significant neighbouring amenity concerns in relation to loss of privacy, light or visual intrusion.

With regards to the future occupiers of the proposed dwellings, it is considered that there is space within the site for sufficient private amenity space to be accommodated for each of the proposed dwellings (including the occupiers of the proposed flats), and sufficient separation distances can be achieved between the dwellings.

The Council's Environmental Protection Team have reviewed the submission and advised that they have no objections, subject to a number of conditions including; the prior approval of a detailed acoustic report, prior submission/approval of a Construction Phase Environmental Management Plan; the provision of electric vehicle infrastructure; the prior submission/approval of a Phase 2 Contaminated Land Report; the prior submission/approval of soil verification report and that works should stop if contamination identified. In addition, informatives in relation to hours of construction and contaminated land are also sought.

As such, subject to the above suggested conditions, from the Council's Environmental Protection Officer, the proposal is considered to adhere to Policy GR6 of the Local Plan.

Public Rights of Way (PROW)

The application site lies adjacent to public footpath Alsager 12 as recorded on the Definitive Map.

The Council's PROW Officer has advised that the development is unlikely to affect the public right of way, although the PROW Unit would expect the planning department to add an advice note to any planning consent to ensure that developers are aware of their legal obligations.

Network Rail

The application proposal lies adjacent to the railway line to the south of the site.

Network Rail have been consulted on the proposal and subsequently advised that they have no objections subject to a number of conditions including; the prior submission/approval of both surface and foul water drainage being directed away from the railway; the prior submission/approval of a Risk Assessment and Method Statements (RAMS) for all works to be undertaken within 10 metres of the operational railway; prior approval/agreement of noise and vibration mitigation for future residents; No trees to be planted next to the boundary with the Network Rail land and the operational railway.

Social Conclusion

As a result of the provision of market and affordable housing, it is considered that the proposed development would be socially sustainable.

Levy (CIL) Regulations

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

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

The development would result in a loss of rich grassland habitat. In order to offset this loss, a commuted sum of £6930 is sought to fund the creation/enhancement of grassland habitats at Borrow Pit Meadows in Alsager. This is considered to be necessary, fair and reasonable in relation to the development.

The development would result in a deficiency in the quantity of provision of public open space within the area. In order to offset this loss, a contribution towards off site enhancement and maintenance of Children's and Young Persons Provision (CYPP) is required and the provision of on-site Amenity Green Space should be secured, with a commuted sum for maintenance. This is considered to be necessary, fair and reasonable in relation to the development.

The education contribution is necessary having regard to the oversubscription of both local primary and secondary schools and the demand that this proposal would add.

The above requirements are considered to be necessary, fair and reasonable in relation to the development. The S106 recommendation is compliant with the CIL Regulations 2010.

Planning Balance

The application site lies entirely within the Open Countryside as determined by the Congleton Borough Local Plan First Review 2005.

Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by Local Plan Policy H6. The proposed development does not fall within any of the listed categories and as such, there is a presumption against the proposal unless material considerations indicate otherwise.

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

It is therefore necessary to consider whether the proposal constitutes “sustainable development” in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

In this case, the development would provide positive planning benefits such as; the provision of a market and affordable dwellings in a sustainable location and the knock-on minor local economic benefits such a development would bring, particularly during construction.

Balanced against these benefits must be the dis-benefits, which in this case would be environmental matters predominantly comprising of the loss of Open Countryside.

All other issues are considered to be able to be mitigated against by the use of planning conditions or a S106 Agreement and as such, are considered to have a neutral impact.

In this instance, is considered that the benefits of the scheme would outweigh the dis-benefits.

Accordingly it is recommended for approval.

RECOMMENDATION

APPROVE Subject to a S106 Agreement to secure;

1. Open Space provision comprising of;

- **On-site Amenity Green Space (AGS) of at least 336sqm**
- **£5,803.62 for maintenance of AGS (based on provision of 491sqm as indicated on the indicative layout plan)**
- **Off site contribution of £3,076.75 for Capital Enhancements to Milton Park and £10,029.60 for on-going maintenance**

2. 30% on-site affordable housing provision to include;

- **A requirement for the applicant/developer to transfer any rented affordable units to a Registered Provider**
- **A requirement to provide details of when the affordable housing is required**
- **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 Council’s allocations policy.**
- **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.**

3. Education contribution of £65,224.25 comprising of;

- **£32,538.87 (primary)**
- **£32,685.38 (secondary)**

4. Grassland habitat contribution of £6,930

And conditions;

- 1. Time – 3 years or within 2 of last Reserved Matter approval**
- 2. Reserved Matters within 3 years**
- 3. Layout, Scale, Appearance and Landscaping Matters to be submitted and approved**
- 4. Plans**
- 5. Reserved Matters to be supported by an Arboricultural Impact Assessment in accordance with current best practice BS5837:2012; the assessment should also include a Tree Protection Plan, and associated detail**
- 6. No development shall be erected any closer to the trees on the northern boundary than indicated on the submitted indicative layout plan numbered 110 Rev H**
- 7. Replacement Tree Planting – Implementation**
- 8. Reserved matters application to be supported by reptile mitigation method statement**
- 9. Reserved matters application to be supported by an updated other protected species survey**
- 10. Reserved Matters to incorporate a wildlife buffer of 5-8m adjacent to the watercourse**
- 11. Prior submission/approval of a surface water disposal/drainage scheme**
- 12. Foul and surface water be drained on separate systems**
- 13. Prior submission/approval of a sustainable drainage management and maintenance plan**
- 14. Visibility splays shown on plan 'SCP/15198/F01 A' should be cleared of any obstructions before commencement of development**
- 15. Prior submission/approval of a Construction Phase Environmental Management Plan**
- 16. Provision of electric vehicle infrastructure**
- 17. Prior submission/approval of a Phase 2 Contaminated Land Report**
- 18. Prior submission/approval of soil verification report**
- 19. Works should stop if contamination identified**
- 20. Prior submission/approval of scheme to demonstrate that both surface and foul water drainage being directed away from the railway**
- 21. Prior approval of detailed acoustic report with respect to noise and vibration from the railway located to the south of the site**

In the event of any changes being needed to the wording of the committee's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval / refusal) prior to the decision being issued, the Planning Manager (Regulation), in consultation with the Chair of the Southern Planning Committee is delegated the authority to do so, provided that he does not exceed the substantive nature of the Committee's decision.

Should the application be subject to an appeal approval is given to enter into a S106 Agreement to secure the following Heads Of Terms;

- 1. Open Space provision comprising of;**

- On-site Amenity Green Space (AGS) of at least 336sqm
- £5,803.62 for maintenance of AGS (based on provision of 491sqm as indicated on the indicative layout plan)
- Off site contribution of £3,076.75 for Capital Enhancements to Milton Park and £10,029.60 for on-going maintenance

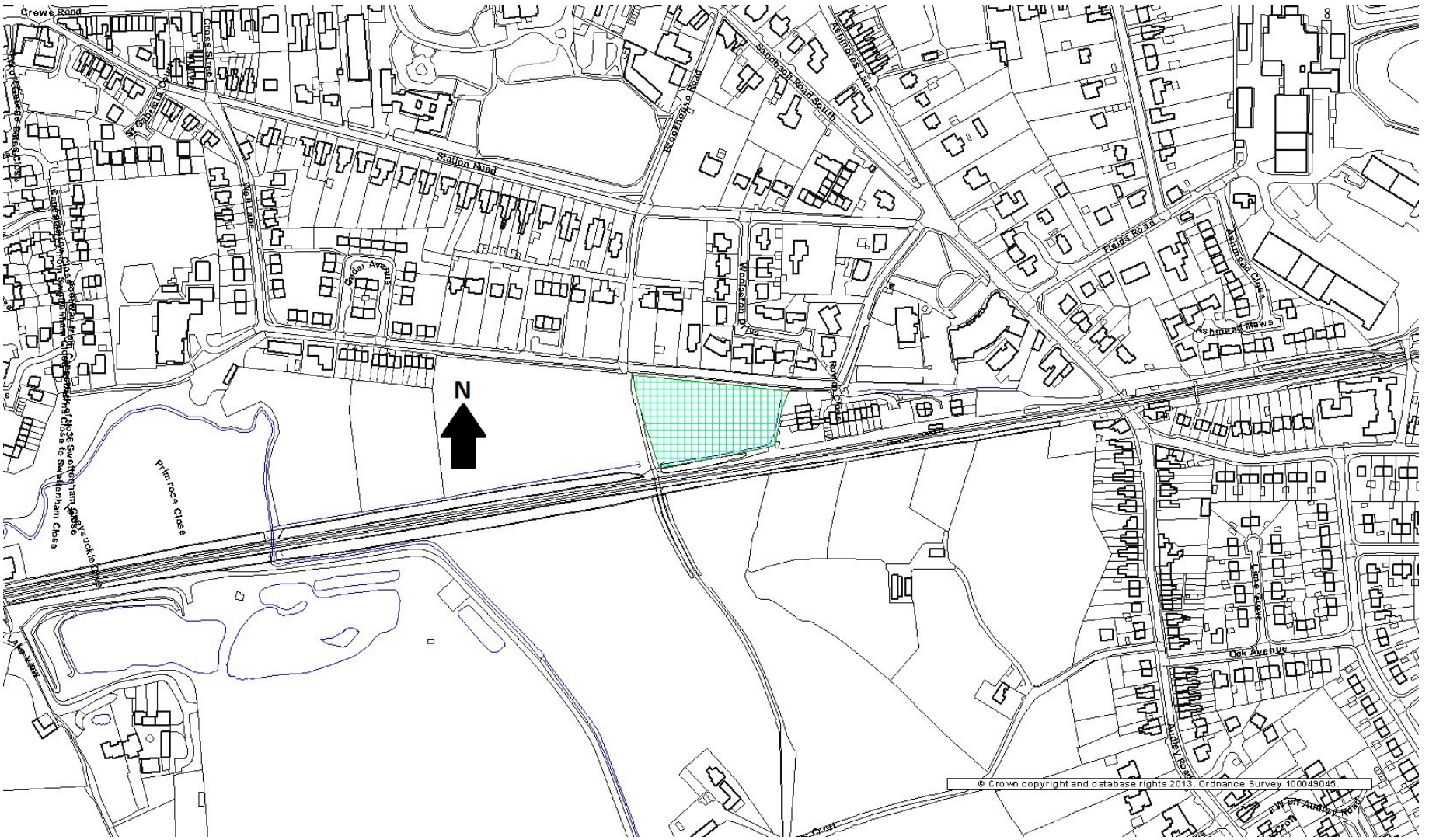
2. 30% on-site affordable housing provision to include;

- A requirement for the applicant/developer to transfer any rented affordable units to a Registered Provider
- A requirement to provide details of when the affordable housing is required
- 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 Council's allocations policy.
- 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.

3. Education contribution of £65,224.25 comprising of;

- £32,538.87 (primary)
- £32,685.38 (secondary)

4. Grassland habitat contribution of £6,930



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Application No: 15/5654N

Location: LAND TO THE WEST OF CLOSE LANE, ALSAGER

Proposal: Variation of Condition 27 on application 13/1305N - Outline planning application for a mixed residential scheme to provide affordable, open market, and over 55's sheltered accommodation, open space (76 family dwellings comprising one to four bedrooms and 56 dwellings for the over 55's comprising 1 and 2 bedrooms) - all matters reserved

Applicant: Miss Holly Stiles, Stewart Milne Homes

Expiry Date: 14-Mar-2015

SUMMARY:

The principle of development has already been accepted as part of the outline approval on this site.

The variation of condition 27 is considered to be acceptable in this case and would not change the environmental, social or economic sustainability considerations as part of the original application.

An appropriate quality of design can be achieved at reserved matters stage, as can the amenity of neighbours and the locality be safeguarded.

RECOMMENDATION: Approve subject to updated Heads Of Terms attached to the Unilateral Undertaking attached to 13/1305N with an additional education contribution of £32,539 in respect of primary education and £49,028 in respect of secondary education

PROPOSAL:

Planning permission has been granted on appeal for a 'mixed residential scheme to provide affordable, open market and over 55s sheltered accommodation, open space and new access'. The development has commenced and a small number of dwellings are occupied.

Condition 27 of the Appeal Decision Letter states:

'56 of the dwellings hereby permitted shall not be occupied except by a person or persons over the age of 55 years.'

This application seeks to vary the wording to :

'6 of the dwellings hereby permitted shall not be occupied except by a person or persons over the age of 55 years.'

SITE DESCRIPTION:

The application site is located to the west of Alsager, adjoining the existing settlement boundary of Alsager. The site however is located in the Haslington ward and is covered by the Crewe and Nantwich Borough Local Plan, the boundary of Alsager being Close Lane. However, it is considered that the site is most closely related to the Alsager settlement and that possible residents of the site would utilise services and facilities within the Alsager area. The eastern side of Close Lane features mixed 1960's onwards bungalow and housing development of Alsager.

The first phase of a housing development comprising 74 units is currently being built by the Applicant, Stewart Milne Homes. Land to the immediate west of the site at Yew Tree Farm and has recently been granted outline permission at appeal. The indicative plans show a residential layout of circa 40 units.

RELEVANT HISTORY:

13/1305N – Outline planning application for a mixed residential scheme to provide affordable, open market and over 55s sheltered accommodation, open space and new access off Close Lane. Approved on appeal 29th July 2014 Subject to S106

15/5114C - Reserved Matters (of 13/1305N) for 74 dwellings and associated works granted with conditions 09-Jul-2015

16/3310N – Variation of condition 14 (footpath link) on application 13/1305N – to be determined

16/2532N - Variation of condition 19 (renewable energy) on application 13/1305N – to be determined

16/2740N – Full planning application for the proposal of 21 dwellings (phase 2) a mixed residential scheme to provide affordable and open market dwellings on land to the west of Close Lane Alsager – to be determined

15/3651N – land at Yew Tree Farm, west of Close Lane – Outline application for the residential development and access, all other matters reserved – Appeal granted 8-Jun-2016

NATIONAL & LOCAL POLICY

National Policy

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs:

- 14. Presumption in favour of sustainable development.
- 50. Wide choice of quality homes

Borough of Crewe & Nantwich Local Plan 2011

The Development Plan for this area is the Borough of Crewe and Nantwich Replacement Local Plan 2011, which identifies that the site is within the Open Countryside.

The relevant Saved Policies are:

NE.2 (Open countryside)
NE.5 (Nature Conservation and Habitats)
NE.9 (Protected Species)
NE.20 (Flood Prevention)
NE.21 (Land Fill Sites)
BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
RES.5 (Housing in the Open Countryside)
RT.6 (Recreational Uses on the Open Countryside)
TRAN.3 (Pedestrians)
TRAN.5 (Cycling)

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

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

Policy MP1 – Presumption in Favour of Sustainable Development
Policy PG 2 – Settlement Hierarchy
Policy PG 5 - Open Countryside
Policy SD 1 - Sustainable Development in Cheshire East
Policy SD 2 - Sustainable Development Principles
Policy IN 2 – Developer Contributions
Policy SC4 – Residential Mix
Policy SC5 – Affordable Homes
Policy SE 1 – Design
Policy SE2 – Efficient Use of Land
Policy SE3 – Biodiversity and Geodiversity
Policy SE4 – The Landscape
Policy SE5 – Trees, Hedgerows and Woodland
Policy CO4 – Travel Plans and Travel Assessments

CONSULTATIONS:

Alsager Town Council: No comment to make.

Haslington Parish Council: No comments received.

Strategic Housing Manager: No objection to the variation of condition provided that 30% of the units within the revised layout are affordable.

Adult Services: No reply

Education Services: An extra 20 family dwellings would be expected to create an additional 4 primary children and 3 secondary aged children which will impact on education provision in Alsager.

Education mitigation was required as part of the UU attached to permission 13/1305N as a result of 74 family dwellings approved as part of that scheme.

The primary schools within 2 miles and the secondary schools within 3 miles have been considered for capacity. The primary schools are showing that there are forecast to be 32 unfilled places by 2016 and a shortfall of 16 places by 2017. The secondary school is showing 13 unfilled places by 2020 and then a shortfall of 18 places by 2021.

The service will require the following to be added onto the agreed sum from permission 13/1305N as a result of this variation which provides for an additional 18 dwellings suitable for families (2 already calculated at outline stage and not utilised as part of the reserved matters).

The education service will require the following to be added onto the agreed sum from permission 13/1305N as a result of this variation.

Primary = $3 \times £11,919 \times 0.91 = \text{£}32,539$ added to the agreed contribution

Secondary = $3 \times £17,959 \times 0.91 = \text{£}49,028$ for the 3 extra pupils created by the variation to be added to the existing contribution.

Provided this mitigation is provided there is no objection to the application.

Tree Officer: Proposal has no impact upon trees

Strategic Highways Manager: No objection

OTHER REPRESENTATIONS

13 Letters of objection from local addresses have been received on the basis of the following issues -

- No need for more houses in Alsager
- Inspector required the 56 units for the over 55's – Inspector should therefore consider this proposal
- Over 55's element of the overall proposals were part of the sustainability credentials of the scheme at the appeal that and it should remain
- Given population change, more need for older persons accommodation
- The road network can not cope with the additional traffic as a result of the new houses in Alsager
- Drainage problems as a result of the development presently on going
- The site has already been judged unsuitable for over 55's housing by several management groups. It is too far from the amenities needed by this age group. I feel that the inclusion of these properties is a sop to the planners to make the granting of planning permission for the other dwellings easier.

APPRAISAL:

Principle of Development

The principle of residential development has already been accepted following the approval of the outline application 13/1305C.

This application is to consider the variation of planning condition 27 attached to the outline consent.

It is necessary that planning conditions satisfy six tests as identified at paragraph 206 of the NPPF which states that conditions should only be imposed where they are:

1. Necessary;
2. Relevant to planning and;
3. To the development to be permitted;
4. Enforceable;
5. Precise and;
6. Reasonable in all other respects.

The Planning Practice Guidance also states that in determining this application the local planning authority must only consider the disputed conditions that are subject of the application – it is not an opportunity for the complete re-consideration of the original application. PPG advises that conditions must serve all 6 clauses and that ‘It is important to ensure that conditions are tailored to tackle specific problems, rather than standardised or used to impose broad unnecessary controls’

Condition 27 of the Appeal Decision Letter states:

‘56 of the dwellings hereby permitted shall not be occupied except by a person or persons over the age of 55 years.’

This application was originally submitted seeking the removal of the condition entirely but has since been amended to address Officer concerns concerning the affordable provision for the over 55’s and now seeks to vary the wording to :

‘6 of the dwellings hereby permitted shall not be occupied except by a person or persons over the age of 55 years.’

The development of the site has already commenced and the reserved matters development for 74 dwellings approved under 15/5114C (phase 1) is well under way. Conditions pertaining to the development have been discharged. The area of development within phase 1 covers approximately 80%- 85% of the overall site. Phase 1 contains the 74 family housing units allowed by 13/1305N.

It therefore follows that the remainder of the development site will need to provide the land area for the 56 no units for the over 55’s to comply with condition 27 attached to 13/1305N. This is not achievable whilst also delivering a quality scheme that would respect the

character, heights and density of existing development of this area.

Information submitted in support of the application demonstrates that neither market or social providers have any interest in developing the over 55's provision at this site. McCarthy and Stone confirmed that they considered the site to be too far away from the town centre. Gladman, Sunrise Senior Living, Churchill Retirement and Pegasus have all confirmed the site is too small and they are not interested in pursuing its development.

The lack of interest of registered social providers or market providers in what remains of this site to be development following the implementation of the family dwellings permitted as phase 1 (15/5541N) is supported by the research undertaken by the Strategic Housing Manager, who was also unable to find any social providers of sheltered accommodation who were interested in this site.

Notwithstanding these issues, during the course of this application, to address the objections of the Strategic Housing Manager to the lack of older persons provision as originally submitted, an indicative layout has been submitted which provides for 6 one and 2 bedroomed bungalows for the over 55's and 2 x two bedroomed dwellings for affordable housing purposes and the remainder of the site to be used for 20 dwellings. This would result in a development of 26 units overall, 6 of which would be bungalows and for the use of the over 55's.

The 6 no affordable bungalows are considered to be deliverable and a registered social landlord has confirmed that they will take the bungalows. The indicative layout put forward comprises 26 units in a mix of sizes which has a range of both market and affordable 2 bedroomed units, a housing variable that is under-represented on this site.

Whilst this is considerably less than the 56 no units exclusively for the over 55's across the whole site put forward in outline terms at the appeal, the Inspector did not weigh the provision of over 55's units heavily in favour of that scheme.

The Inspector considered that the Council could not demonstrate a 5 year supply of housing and overall the provision of both family and over 55's housing, together with the mitigation provided comprised a sustainable development and the benefits of the proposal to the housing land supply outweighed the harm of the development in terms of loss of open countryside, landscape harm and the loss of agricultural land. It should also be remembered that this scheme as revised provides for a mix of housing sizes and types and that the Council can not demonstrate a 5 year housing land supply. This scheme will contribute to that supply.

On balance, given the lack of any developer demand for market units for the over 55's, the limited amount of land remaining to be developed on site, which when taken with the support of the Strategic Housing Manager for the 6 no bungalows for affordable purposes that will cater for a local known need, when taken together with the fact that the Council can not demonstrate a 5 year housing land supply, it is considered that the proposal is acceptable.

S106 AGREEMENT:

The original permission comprises a S106 Agreement. As part of the Community Infrastructure Levy (CIL) Regulations 2010, it is now necessary for planning applications with

legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

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

The approved outline application was considered to comply with the CIL Regulations and a S106 Deed of Variation will be required to secure the same Heads of Terms as previously approved. However, the changes in the housing provision sought as a result of the current proposals will have an effect upon the education provision, where local schools are forecasting they are at or over capacity. Likewise the existing S106 refers to 56 units being allocated to the over 55's which will need to be varied.

PLANNING BALANCE:

The principle of development of housing on this site has already been accepted as part of the outline planning permission on this site. The development has proceeded and the majority of the site has been allocated for family type residential development

To maintain the condition as originally stated to require 56 units within the undeveloped part of the development site would not satisfy the reasonableness test with National Policy Guidance. The provision of 6 bungalows which a Registered Social Landlord has confirmed they will accept is considered to maintain the social sustainability of this site. The applicant has satisfactorily demonstrated that Older Persons Housing Providers are not interested in this site for development.

The variation of the condition is therefore considered to be acceptable in this case and would not change the environmental, social or economic sustainability considerations as part of the original application.

RECOMMENDATION:

APPROVE subject to a Deed of Variation to the Unilateral Undertaking attached to 13/1305N to provide for the following (detailed below)

- **30% of the dwellings to be affordable.**
- **6 x bungalows for over 55's - 4 x 1 bed; 2 x 2 bed (65:35 split affordable rent: intermediate)**
- **Commuted sum of £ 43,385 in lieu of primary education**
- **Commuted sum of £ 49,028 in lieu of secondary education**

and the following conditions

- 1. Standard Outline - updated**
- 2. Submission of reserved matters – all except access**
- 3. Water discharge details**
- 4. SUDS**
- 5. Buffer to water course**

- 6 Details of overland flow
7. Culvert details
8. Separate site drainage
9. Environmental Management Plan
10. Phase II Contamination report
11. Reserved matters to include scheme of noise mitigation for M6
12. Flood Attenuation
13. PROW route through site to form part of RM's
14. Footpath link to Close Lane
- 15 Nesting Birds Survey
16. Bird Features
17. Reptile mitigation
18. Travel Plan
19. 10% renewables
20. Boundary treatments
21. Landscaping implementation
22. Reserved matters to include Arboricultural Impact Assessment
23. Arboricultural method statement
24. No dig construction for the access path
25. Parking details for dwellings
26. Bin storage details for each dwelling
27. 6 dwellings to be for the use of the over 55's as detailed on plan

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Principal Planning Manager (Regulation) has delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

Should this application be the subject of an appeal, authority is approved to enter into a S106 Agreement to secure the following Heads of Terms;

- 30% of the dwellings to be affordable.
- 6 x bungalows for over 55's 4 x 1 bed; 2 x 2 bed (65:35 split affordable rent: intermediate)
- Commuted sum of £ 32539 in lieu of primary education
- Commuted sum of £ 49,028 in lieu of secondary education

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Application No: 15/4447N

Location: Red Lion Hotel, BARONY ROAD, NANTWICH, CW5 5QS

Proposal: Demolition of Public House/Hotel and the development of 21 new dwellings and ancillary works.

Applicant: Renew Land Developments Limited

Expiry Date: 01-Jan-2016

SUMMARY:

The site is within the Settlement Zone Line of Nantwich, where there is a presumption in favour of sustainable development.

The proposal would satisfy the economic and social sustainability roles by providing for much needed housing within an existing settlement where there is existing infrastructure and amenities.

Subject to conditions, the proposal is considered to be acceptable in terms of its impact upon highway safety, amenity, ecology, drainage, landscape and design.

RECOMMENDATION:

Approve subject to conditions subject to the completion of a Section 106 Agreement to secure a contribution to education and affordable housing provision

PROPOSAL

This application seeks full planning permission for the demolition of the public house and ancillary buildings and the erection of 21 dwellings and ancillary works

The dwellings would comprise 4 one bedroom flats, 12 three bedroom houses and 5 four bedroom houses. A single access would be taken from Barony Road ending in a turning head at the end of the site.

SITE DESCRIPTION

The application site comprises an existing public house situated on the southwestern side of Barony Road, Nantwich. There are a series of outbuildings set within areas of parking and hard standing and an area of landscaped garden to the eastern boundary and a green buffer to the southwest boundary.

Currently there are two vehicular access points taken from Barony Road. The existing buildings on the site comprise single storey outbuildings and the three storey public house building. One of the buildings houses a small gym, which does not appear to have the benefit of a separate planning permission, but could possibly be considered as an ancillary use to the public house.

RELEVANT HISTORY

There are several historic applications on this site none are relevant to this proposal.

NATIONAL & LOCAL POLICY

National Policy:

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Development Plan:

Borough of Crewe and Nantwich Replacement Local Plan 2011

The relevant Saved Policies are: -

- BE.1 – Amenity
- BE.2 – Design Standards
- BE.3 – Access and Parking
- BE.4 – Drainage, Utilities and Resources
- BE.5 – Infrastructure
- BE.6 – Development on Potentially Contaminated Land
- NE.5 – Nature Conservation and Habitats
- NE.9 – Protected Species
- NE.17 – Pollution Control
- NE.20 – Flood Prevention

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

Cheshire East Local Plan Strategy Proposed Changes (Consultation Draft) March 2016 (CELP)

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

- SD 1 Sustainable Development in Cheshire East
- SD 2 Sustainable Development Principles
- SE 1 Design
- SE 2 Efficient Use of Land
- SE 3 Biodiversity and Geodiversity
- SE 4 The Landscape
- SE 5 Trees, Hedgerows and Woodland
- SE 9 Energy Efficient Development
- SE 12 Pollution, Land Contamination and Land Instability
- SC 4 Residential Mix
- SC 5 Affordable Homes

PG 1 Overall Development Strategy
PG 2 Settlement Hierarchy
PG6 Spatial Distribution of Development
EG1 Economic Prosperity

CONSULTATIONS:

Highways: The Head of Strategic Infrastructure (HSI) is satisfied that the development proposals can be safely accommodated on the adjacent highway network; accordingly, the HSI has no objection to the planning application subject to conditions and an informative.

Environmental Protection: No objection subject to conditions and informatives relating to noise and disturbance, contaminated land and electric vehicle charging points.

United Utilities: No objection subject to conditions relating to foul and surface water drainage.

Flood Risk Manager: No objection subject to conditions.

Education: Require a contribution of £81,566.94 towards primary and secondary education provision.

Sport England: Have objected to the application but not in an official role as a statutory consultee.

Town Council:

This site will add an additional 21 units to the housing supply figures for Nantwich. Is the housing target in the Nantwich Town Strategy still valid?

- The Council regrets the loss of another public house but the site within the settlement boundary and a brownfield site and therefore is acceptable in principle
- A standard layout with unusual house types with eaves extending over balconies
- There is concern that allowing access to Vauxhall Road will create the opportunity for a "rat run" through to Barony Road.

REPRESENTATIONS:

Neighbour notification letters were sent to neighbouring properties and a site notice posted.

At the time of report writing 78 representations have been received which can be viewed in full on the Council website. In addition a letter of support for the objectors has been submitted by the local MP, this was accompanied by a petition against the application containing approximately 509 signatures. The objections raise the following concerns:

- Loss of a valuable community asset
- Loss of a 'clubhouse' for local sports clubs to use
- Loss of a gym
- Highway safety
- Traffic congestion

- Car parking
- Impact on wildlife
- Lack of infrastructure – schools doctors etc
- Loss of employment
- Impact on tourism
- Overlooking and loss of privacy
- No affordable housing being offered
- Uninspiring generic housing estate
- Overdevelopment
- Disruption during construction
- Site not identified in local plan strategy
- Contrary to paragraphs 69 and 70 of the NPPF
- Already too much development in the area
- Plenty of Brownfield sites in Crewe
- Not proven that the pub is not viable
- Well used by students
- The pub should be listed
- Greedy developers

APPRAISAL

The key issues to be considered in the determination of this application are set out below.

Principle of Development

The site lies within the Settlement Boundary as designated in the Borough of Crewe and Nantwich Replacement Local Plan 2011, where there is the presumption in favour of sustainable development.

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

Sustainability

The National Planning Policy Framework definition of sustainable development is:

“Sustainable means ensuring that better lives for ourselves don’t mean worse lives for future generations.

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

There are, however, three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

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

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

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

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

ENVIRONMENTAL SUSTAINABILITY

Landscape and Trees

The frontage of the site and the frontage of the existing apartment block to the west have a wide grass verge separating the development from Barony Road. The development proposals do not maintain this feature and locate development relatively close to the road although some planting is indicated in front gardens, inside a low boundary wall. This would have some impact on the street scene in the vicinity. In the event of approval, a detailed landscape scheme will be required together with details of boundary treatments.

The submission is supported by an Arboricultural Implication Statement (AIS) dated September 2015 which incorporates a tree survey and tree constraints plan.

The survey identifies 7 Grade C trees and 3 further specimens are identified for removal on grounds of poor condition. The AIS indicates that the proposed development would require the removal of 4 trees; 3 low grade trees and 1 defective specimen. 2 trees are identified for removal on grounds of condition. Four trees would be retained on the southern site boundary and the opportunity for additional planting is identified.

Whilst existing tree cover should not present a significant constraint on this site, the Landscape Officer considers that plot 11 would benefit from greater separation from the southern boundary with more than half the garden area under the canopy of a mature Ash. The Arboricultural Consultant for the applicant has put forward that the tree has a limited life span and that there should be a sympathetic drawing back of the northerly extending crown to give additional separation from the property on plot 11 and this is considered to be acceptable.

A condition should be imposed to ensure protection of trees on the site.

Ecology

The supporting Bat Survey report (revised version) indicated occupation of the Red Lion building by small numbers of non breeding bats. The acting ecology consultants are known to the Council's Ecologist and concurs with the findings and mitigation recommendations as stated in the report.

A Natural England EPS licence will be required to undertake the proposed mitigation measures, and a commitment to apply for same is stated by the applicant. The Council's Ecologist is satisfied that the level of detail on mitigation as stated in the report is satisfactory to allow the LPA to determine the application and allow assessment of the application under the Habitats Regulations three tests.

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.

Test 1: "preserving public health or public safety or other imperative reasons of overriding public interest including those of social or economic nature and beneficial consequences of primary importance for the environment"

The benefits of this application in respect of providing a supply of housing to meet identified needs is a beneficial consequence of the proposal. Whilst there would be some impact on bats this could be satisfactorily mitigated.

Test 2: No satisfactory alternative

The alternative option is a 'do nothing scenario'. However this would result in the public house closing and possibly falling into disrepair and possible adverse impact on the bats.

Test 3: "the action authorised will not be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range".

The Council's Ecologist has assessed the submitted information relating to bats and is satisfied that the mitigation proposed is satisfactory and therefore that the development would not be detrimental to the maintenance of the species.

Overall, therefore it is considered that the development contributes to meeting an imperative public interest, there are no satisfactory alternatives, and that the interest is sufficient to override the protection of, and any potential impact on bats, setting aside the proposed mitigation. It is considered that Natural England would grant a licence in this instance.

Design & Layout

The importance of securing high quality design is specified within the NPPF and paragraph 61 states that:

“Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”

The layout would comprise access from Barony Road, leading onto a cul-de-sac with a turning head at the top. Four properties would face onto Barony Road giving an active frontage. The properties would be two and two and a half storey and materials would be red brick and grey roof tiles that would be appropriate. There are a variety of property types in the vicinity and it is considered that the development would appear appropriate in its context.

The proposal is therefore considered to be in compliance with Policy BE.2 of the adopted local plan.

Highways

The Head of Strategic Infrastructure (HSI) has reviewed the highways report submitted by the applicant in support of the development proposals and finds the following:

The site is within a reasonable walking distance of Nantwich town centre, which provides sustainable access to a range of facilities. In terms of cycling, the whole of Nantwich is accessible by bicycle and the western outskirts of Crewe are also within a reasonable cycle distance.

The nearest bus stops to the site are located on Middlewich Road to the south of the site and are located within the preferred maximum walking distance of 400m.

The HSI considers the site to be in a sustainable location and is well positioned to encourage travel by modes of transport other than the private car.

Leading from Barony Road the proposed site access is 5.5m wide for the first 8.0m thereafter reducing to 4.8m wide, the access includes 2.0m wide footways on both sides of the carriageway. A turning head is provided at the end of the access and vehicle swept path analysis has been submitted to confirm a large refuse vehicle can enter and exit the site in a forward gear.

A total of 38 off-street parking spaces are provided within the site, which is five short of CEC's recommended parking standards for the proposed mix of housing; however, having regard for the sustainable location of the site, the small shortfall is acceptable to the HSI.

Access to the site is taken from a new priority controlled junction with Barony Road. The layout comprises:

- A site access carriageway width of 5.5m;
- Corner radii of 6.0m;
- 2.0m footways on both sides of the carriageway; and
- Visibility splays of 2.4m x 43m are achievable in both directions along Barony Road.

In terms of junction geometry, layout and visibility the access proposals are considered to be acceptable to serve a development of 21 dwellings in this location.

A development of 21 dwellings would be expected to generate less than 15 two-way trips during the morning and evening commuter peak periods; this level of traffic generation would not be expected to have a material impact on the operation of the adjacent or wider highway network.

The HSI is satisfied that the development proposals can be safely accommodated on the adjacent highway network; accordingly, the HSI has no objection to the planning application.

Air Quality

Whilst the scheme itself is of a relatively small scale, and as such would not require an air quality impact assessment, there is a need for the Local Planning Authority to consider the cumulative impacts of developments in Nantwich. In particular, the impact of transport-related emissions on Local Air Quality Management.

Nantwich Town has one Air Quality Management Area, and as such, the cumulative impact of developments in the town is likely to make the situation worse, unless managed.

Modern Ultra Low Emission Vehicle Technology (such as all electric vehicles) are expected to increase in use over the coming years (the Government expects most new vehicles in the UK will be ultra low emission). As such, it is considered appropriate to create infrastructure to allow home charging of electric vehicles in new, modern properties. As such a condition should be imposed requiring electric vehicle charging points for each new dwelling.

Contaminated Land

The application site has a history of commercial use, therefore there is the possibility that the land is contaminated. New residential properties are a sensitive end use and a Phase I preliminary risk assessment submitted with the application recommends the submission of a Phase II ground investigation to ensure that the site is suitable for a sensitive end use. As such a condition should be imposed requiring this to be carried out.

Flood Risk

The Flood Risk Manager has assessed the application and has no objection in principle on flood risk grounds, subject to conditions relating to a Flood Risk Assessment and surface water run-off.

ECONOMIC SUSTAINABILITY

The Framework includes a strong presumption in favour of economic growth.

Paragraph 19 states that:

‘The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth’

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to Nantwich, including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

SOCIAL SUSTAINABILITY

The site is close proximity to Nantwich town centre with all the facilities and services that are available there.

Affordable Housing

The Councils Interim Planning Statement for Affordable Housing states that affordable housing is required on all windfall sites and the general minimum proportion of affordable housing required will be 30%.

The Strategic Housing Market Assessment 2010 has been updated in 2013 and shows that for the sub-area of Nantwich, there is a requirement for 72 new affordable units per year, made up of a need for 40 x 1 beds, 15 x 3 beds, 35 x 4+ beds and 16 x 1 bed older persons units. (The SHMA Update 2013 shows an oversupply of 2 beds and 2 bed older persons accommodation).

In addition to the housing need information from the SHMA Update 2013, information taken from Cheshire Homechoice which is the Choice Based Lettings system used to allocate social rented housing across Cheshire East shows that for the area of Nantwich town centre there are currently 72 applicants, these applicants require 34 x 1 beds, 27 x 2 beds, 9 x 3 beds and 1 x 4 beds

Therefore as there is affordable housing need in Nantwich, there is a requirement that 30% of the total units at this site are affordable, which equates to up to 6.3 affordable dwellings. The Affordable Housing Interim Planning Statement (IPS) also states that the tenure mix split the Council require is 65% rented affordable units and 35% intermediate affordable units. This means that 4 rented and 2 intermediate tenure properties should be provided.

The Affordable Housing Interim Planning Statement requires that the affordable homes should be provided no later than occupation of 50% of the open market units, unless the development is phased and there is a high degree of pepper-potting in which case the maximum proportion of

open market homes that may be provided before the provision of all the affordable units may be increased to 80%.

The Affordable Homes should be integrated with the open market homes and not be segregated in discrete or peripheral areas. It is the Council's preference that any social or affordable rented units are transferred to a Registered Provider and the units will need to meet the Government's Nationally Described Space Standards and technical standards.

The affordable housing provision should therefore be secured by Section 106 Agreement.

Residential Amenity

The proposal is for 21 dwellings on this site. The required separation distances would be achieved between the existing and proposed dwellings, meaning that there would be no significant adverse impact on privacy or light levels.

Adequate private residential amenity space could be provided within the domestic curtilage of the properties to provide recreational space and bin storage.

Should the application be approved a condition should be imposed relating to piling operations.

Health

There are at least 10 medical centres within 0.5 to 5 miles of the site, all of which are accepting patients. As such a contribution to health care could not be justified.

Education

The development of 17 dwellings is expected to generate 3 primary school children and 3 secondary school children.

The development is forecast to increase an existing shortfall predicted for 2015 and beyond for primary provision, and 2021 and beyond for secondary provision, in the immediate locality. To alleviate forecast pressures, the following contributions would be required:

$3 \times £11,919 \times 0.91 = £32,538.87$ (primary)
 $3 \times £17,959 \times 0.91 = £49,028.07$ (secondary)

Total education contribution: £81,566.94

Without a secured contribution of £81,566.94, Children's Services raise an objection to this application. This objection is on the grounds that the proposed development would have a detrimental impact upon local education provision as a direct cause from the development. The objection would be withdrawn if the financial mitigation measure is agreed.

Loss of Community Facilities

Policy CF.3 relates to the loss of community facilities which make a positive contribution to the social or cultural life of a community. A statement has been submitted by Punch Taverns, the

owners of the site and this details the reasons that they no longer wish to retain the site. In this statement they explain that the pub has had four different operators in the last nine years and struggles to be a profitable and sustainable pub for the operator.

It goes on to state that the rent has to be set at such a low level in order for an operator to make any profit, that the company makes no profit in this level of rent and effectively subsidises the operator.

They appreciate that “feelings can run deep within a community when a pub is lost to alternative use; however I have to ask how many of these residents actively supported the pub. If the pub was well supported by local residents (upon which it is reliant for its success) then our company would not be considering the sale and would be prepared to invest in the pub for the future. Unfortunately the opposite is the case.

It should be noted that the pub could have been closed by the owners before submitting the application and the owners have stated that even if the planning application fails, they will no longer trade this site.

Sport England is not a statutory consultee on an application such as this but was asked to comment by interested parties. As such, should the application be approved, their comments are given only in an advisory capacity and there would be no requirement to refer the application to the National Planning Casework Service. They put forward an objection as they had been informed that the pub was a clubhouse for the local rugby team and other clubs.

Acton Nomads Rugby Club maintain that the pub is their clubhouse; however they play their home fixtures at the Barony Sports Complex, where there are excellent changing facilities, so the loss of the public house would not lead to them being unable to carry on as a rugby team. It is considered that it would not be reasonable to force the owners of the site to retain a public house, which is a privately owned business in order to accommodate the rugby team or other clubs that use it, especially when the owners could close it regardless of whether this planning application is approved.

Whilst the loss of the public house is unfortunate, it is not the role of the Local Planning Authority to force private companies to keep open unviable businesses.

Response to Objections

The representations of the members of the public have been given careful consideration in the assessment of this application and the issues raised are addressed within the individual sections of the report.

S106 Contributions:

LEVY (CIL) REGULATIONS

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

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

As explained within the main report, contributions to primary and secondary education are directly related to the development and fairly and reasonably related in scale and kind to the development. The contribution would help to make the development sustainable.

Conclusion – The Planning Balance

The site is within the Settlement Zone Line of Nantwich, where there is a presumption in favour of sustainable development.

The proposal would satisfy the economic and social sustainability roles by providing for much needed housing within an existing settlement where there is existing infrastructure and amenities.

Subject to conditions, the proposal is considered to be acceptable in terms of its impact upon highway safety, amenity, ecology, drainage, landscape and design.

RECOMMENDATION

Approve subject to the conditions listed below and the completion of a s106 Agreement for a contribution of £81,566.94 to primary and secondary education and the provision of 30% affordable housing.

1. **Commencement**
2. **Approved plans**
3. **Details of materials to be submitted**
4. **Retention of trees identified for retention within the site**
5. **Submission of tree protection measures**
6. **Submission and approval of a Construction Management Plan including a construction compound within the site**
7. **Restriction on hours of piling to 9am to 5.30pm Monday to Friday, 9am to 1pm Saturday and no working on Sundays or public holidays.**
8. **Submission of a Phase II Contaminated Land Report**
9. **Provision of electric vehicle charging points for each dwelling**
10. **Submission of a Flood Risk Assessment**
11. **Submission of details of foul and surface water drainage**
12. **Submission of a detailed drainage scheme**
13. **Boundary Treatment Details to be submitted and approved**

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) has delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

Should this application be the subject of an appeal, authority is agreed to enter into a s106 Agreement for a contribution of £81,566.94 to primary and secondary education and the provision of 30% affordable housing.



Application No: 16/0396C

Location: Saltersford Farm, Land North of Macclesfield Road, Holmes Chapel, CW4 8AL

Proposal: Reserved matters for application 14/0132C - Development of residential scheme comprising up to 100 dwellings, amenity areas, landscaping and associated infrastructure

Applicant: Mr Gary Lynch, Russell Homes

Expiry Date: 28-Apr-2016

Summary

The principle of development has already been accepted as part of the outline approval for up to 100 dwellings granted on appeal on this site.

Social Sustainability

The development will not have a detrimental impact upon residential amenity, it would provide benefits in terms of much needed affordable housing provision and would help in the Councils delivery of 5 year housing land supply.

Mitigation for health and education impacts was dealt with as part of the Outline approval, which sits in tandem with any reserved matters. The impact upon infrastructure would be neutral as it is mitigated.

In terms of the POS and NEAP provision this is considered to be acceptable.

Environmental Sustainability

Details of the proposed landscaping are considered to be acceptable.

With regard to ecological impacts, the development would have a neutral impact subject to mitigation.

The drainage/flood risk implications for this proposed development are considered to be acceptable.

The development would not have any significant impact upon the trees and hedgerows on this site.

Economic Sustainability

The proposed access point (a roundabout) was determined to be acceptable at outline stage and the traffic impact as part of this development has already been accepted. The internal design of the highway layout/parking provision is considered to be acceptable.

The development of the site would provide a number of economic benefits in the residential use of the site.

It is considered that the planning balance weighs in favour of this development.

RECOMMENDATION

Approve with conditions

PROPOSAL:

This is a reserved matters application for 93 dwellings. The issues which are to be determined at this stage relate to the appearance, landscaping, layout and scale of the development.

The access would be via the approved roundabout at the Manor Lane/Macclesfield Road junction, which was previously allowed at outline stage. A NEAP is provided with 7 pieces of equipment for all age ranges.

The development would consist of 1 to 5 bedroom units. Most units would be 2 stories in height although there is a 3 storey block of flats and some 2.5 storey town houses. The existing farmhouse on site is to be retained and amended as part of the scheme.

The development would consist of the following mix:

- 9 x 1 Bed Flats (3 storey block)
- 9 x 2 bed mews houses
- 2 x 2 bed bungalows
- 4 x 2 bed semi detached
- 25 x 3 bed town houses (2.5 storey)
- 11 x 4 bed town houses (2.5 storey)
- 24 x 4 bed detached
- 9 x 5 bed detached

SITE DESCRIPTION:

The application site comprises an agricultural field of some 3.6 hectares located in a triangular shaped site which is sandwiched between Macclesfield Road to the south and east and the railway line to the north and west. The site is located within designated open countryside although it adjoins the settlement boundary. Manor Road is located opposite Macclesfield Road and the site is circa 700m to the east. The site is relatively flat but the site elevates in northerly direction along Macclesfield Road as surrounding land falls away towards Twemlow.

Residential development is located on the other side of the railway track. Manor Road Industrial Estate is located opposite.

RELEVANT HISTORY:

14/0132C - Outline planning permission for the erection of up to 100 dwellings with open space and associated infrastructure – Appeal allowed 10 Feb 2015

POLICIES

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan for Cheshire East currently comprises the saved policies from the Congleton Borough (January 2005), Crewe and Nantwich (February 2005) and Macclesfield Local Plans (January 2004).

Policies in the Local Plan

PS3	Settlement Hierarchy
PS6	Settlements in Open Countryside
PS8	Open Countryside
GR1	New Development
GR2	Design
GR3	Residential Developments of More than 10 Dwellings
GR4	Landscaping
GR6&7	Amenity & Health
GR9	Accessibility, servicing and parking provision
GR10	Managing Travel Needs
GR18	Traffic Generation
GR19	Infrastructure
GR20	Public Utilities
GR21	Flood Prevention
GR22	Open Space Provision
GR23	Provision of Services and Facilities
H1 & H2	Provision of New Housing Development
H6	Residential Development in the Open Countryside
H14	Affordable Housing in Rural Parishes
NR1	Trees & Woodland
NR4	Nature Conservation (Non Statutory Sites)
NR5	Maximising opportunities to enhance nature conservation

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

Cheshire East Local Plan Strategy – Submission Version (CELP)

As the examination of this plan has now been suspended, its policies carry limited weight. The following are considered relevant material considerations as indications of the emerging strategy:

PG2 – Settlement Hierarchy
PG5 - Open Countryside
PG6 – Spatial Distribution of Development
SC4 – Residential Mix
SC5 – Affordable Homes
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE3 – Biodiversity and Geodiversity
SE5 – Trees, Hedgerows and Woodland
SE 1 - Design
SE 2 - Efficient Use of Land
SE 4 - The Landscape
SE 5 - Trees, Hedgerows and Woodland
SE 3 - Biodiversity and Geodiversity
SE 13 - Flood Risk and Water Management
SE 6 – Green Infrastructure
IN1 – Infrastructure
IN2 – Developer Contributions

National Policy:

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs:

- 14. Presumption in favour of sustainable development.
- 50. Wide choice of quality homes
- 56-68. Requiring good design

Other Considerations:

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

CONSULTATIONS:

Jodrell Bank: No reply

Network Rail: No objection subject to Network Rail assets not being compromised

Environment Agency: No objection subject to the imposition of planning conditions.

ANSA (Public Open Space): No objections to the landscaping proposal in general. No objection to the LEAP design, siting or equipment

CEC Flood Risk Manager: No objection subject to condition

United Utilities: No objection subject to the imposition of planning conditions.

CEC Environmental Health: No objection subject to the imposition of planning conditions relating to Environment Management Plan, external lighting, noise mitigation scheme, bin storage and electric vehicle infrastructure.

CEC Head of Strategic Infrastructure: No objection.

CEC Strategic Housing Manager: No objection.

VIEWS OF THE PARISH/TOWN COUNCIL:

Holmes Chapel Parish Council: No comments received.

Twemlow Parish Council: No comments received

REPRESENTATIONS:

15 Individual objections have been received on the following grounds

Principal of the development

- Premature to the emerging Plan
- Loss of open countryside
- Contrary to the National Planning Policy Framework

Highways

- Increased traffic congestion
- Highway safety
- No pavement on this side of the road

Infrastructure

- Impact on schools and doctors
- Impact on sewers

Amenity

- The development would have a negative impact on the quality of life of the existing populations
- Overlooking from new houses to existing houses
- Disruption during construction
- Noise chamber effect of new acoustic fencing for existing residents/ Impact of increase noise on existing residents adjacent to railway line

- Noise reduction proposals are too simplistic and that by relying on higher rated glazing solutions is not an effective solution
- Loss of trees

APPRAISAL

The principle of residential development has already been accepted following the approval of the outline application 14/0132C which was allowed at appeal for up to 100 dwellings on this site.

This application relates to the approval of the appearance, landscaping, layout and scale of the development. The proposal includes 93 dwellings, which is slightly below the quantum of development allowed at appeal.

Housing Mix

Policy SC4 of the submission version of the Local Plan requires that developments provide an appropriate mix of housing. In this case the development would provide the following mix:

9 x 1 Bed Flats
9 x 2 bed mews houses
2 x 2 bed bungalows
4 x 2 bed semi detached
25 x 3 bed town houses (2.5 storey)
11 x 4 bed town houses (2.5 storey)
24 x 4 bed detached
9 x 5 bed detached

This mix is acceptable in that a range of dwellings across the board and in all tenures are provided to meet housing needs.

Affordable Housing

The s106 agreement attached to the outline application details that an Affordable Housing Scheme shall include an affordable housing provision of 30% which will comprise 65% affordable/social rent and 35% as intermediate tenure.

This is a proposed development of 93 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 28 dwellings to be provided as affordable dwellings. 18 units are provided as Affordable rent and 10 units as Intermediate tenure. This is acceptable to the Strategic Housing Manager.

The Affordable Housing IPS 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.

In this case the external design detail and materials would be consistent with the open market dwellings and is considered to be acceptable.

In terms of the layout of the affordable housing this is located with three areas of the site which are acceptable to the Strategic Housing Manager and is considered to adequately pepper-pot the proposals

Highways Implications

The wider traffic issues in the locality and the point of access were considered as part of the outline application. The access will be provided by a roundabout at the junction of the access, Macclesfield Road and Manor Lane. The initial section of road is a standard 5.5m carriageway and then the road width reduces to 4.8m shared surface for the remainder of the internal road network. This more informal layout is in keeping with Manual for Streets and will aid reducing traffic speeds internally within the site.

The level of car parking provision across the site is in conformity with adopted and emerging parking standards.

The Strategic Highways Manager raises no objection to the scheme.

Amenity Assessment

Privacy

There is circa 30m distance between the backs of houses adjoining the railway line and the existing dwellings on the other side of the railway. There are some 2.5 storey houses, however, the windows within the roof are non habitable velux windows. The 3 storey block of flats is 30m plus distant from the closest existing residential dwelling opposite the railway line.

In this case the separation distances proposed to the existing dwellings all exceed those set out within the SPG. The separation distances between the proposed dwellings are also considered to be acceptable.

Noise

Clearly this site is in close proximity to the railway and is sandwiched between a major road into Holmes Chapel and the railway line. At outline stage, the Inspector accepted that there was a need to provide acoustic screen fencing adjoining the road and railway.

The applicant has submitted a scheme of acoustic insulation with the application. This includes an acoustic fence to the boundary of the site with Macclesfield Road (partial) and the land adjoining the railway (for the entire length of the railway boundary), to a height of 2.5 m to the southern part of the boundary with the railway rising to 3m in the northern part of the site. Some dwellings adjoining the railway are 2.5 storeys, however, none of the windows to the roof at the rear comprise habitable space.

The noise report recommends mitigation designed to ensure that occupants of the properties are not adversely affected by noise from A535 and rail noise from the Crewe to Manchester railway line.

The development is required to meet the requirements of BS8233:2014 for internal and external noise levels as detailed below:

Activity	Location	07:00 – 23:00	23:00 – 07:00
Resting	Living Room	35 dB L _{Aeq, 16hr}	-
Dining	Dining room/area	40 dB L _{Aeq, 16hr}	-
Sleeping (daytime resting)	Bedroom	35 dB L _{Aeq, 16hr}	30 dB L _{Aeq, 8hr}
Resting	Garden	55 dB L _{Aeq, 16hr}	-

Road Traffic Noise

Area South of Existing Farmhouse

For rear gardens of Plots 1, 10, 11, 79, 84 and 93. The report recommends proprietary timber acoustic fencing, or solid brick wall, of at least 1.8 metres in height for these gardens to achieve 55 dB L_{Aeq, 16hr}.

Table 2(a) pg. 6 details glazing requirements for individual plots to achieve required interior noise levels. Achieved by specifications listed in paragraph 2.12 + 2.13.

Specialist acoustic vents will also be necessary for the plots listed in Table 2(a) instead of standard window frame slot vents. Report recommend the 3-part Simon EHAS + AEA851 system which has a 43 Dn,e,w rating.

Area North of Existing Farmhouse

For the rear gardens of plots 66, 72 and 73, to achieve 55 dB L_{Aeq, 16hr} the report suggests height of the proprietary timber acoustic fencing acoustic fence would need to be 2.8m.

Table 2(b) pg. 7 details glazing requirements for individual plots to achieve required interior noise levels.

Specialist acoustic vents will also be necessary for the plots listed in Table 2(b) instead of standard window frame slot vents. The report recommends the 3-part Simon EHAS + AEA851 system which has a 43 Dn,e,w rating.

Railway Noise

To reduce the railway noise to within 55 dB LAeq (0700-2300hrs) in gardens the report recommends it is necessary to install an acoustic barrier along the western boundary of the site in the form of a proprietary acoustic fence noise barrier must be 2.5m high (above garden heights) in the southern part of the site, rising to 3.0m high in the northern area.

The Council's EHO has assessed the information and is satisfied that the amenity of future residents will be safeguarded by the acoustic fencing provided and the design and location of windows within the proposed dwellings adjoining the railway line

A neighbour on the other side of the railway line has raised concerns with regard to the acoustic screen providing an echo chamber effect. The EHO has advised that this is not a possibility in this noise environment and he has no concerns about the noise environment for existing residents on the other side of the railway line.

Trees and Hedgerows

The loss of the identified trees whilst significant in number is considered acceptable; any impact on amenity in relation to the immediate area and the wider landscape is considered to be moderately low.

The layout is considered acceptable from an Arboricultural perspective, and concurs with the discussions which have taken place as part of the application process. All the trees protected as part of the 2015 Tree Preservation Order can be protected in accordance with current best practice BS5837:2012; adequate space has also been established to ensure post development social proximity issues can be confidently dealt with should an application for tree works be submitted

The position of the proposed dwellings provides a reasonable relationship/social proximity to retained trees. Accordingly the Council Tree Officer has no objection to the development subject to the imposition of planning conditions.

The loss of a section of hedgerow for the formation of the access has previously been determined to be acceptable at outline stage. The loss is off set by additional hedgerow planting.

Design

The application is a Reserved Matters application for 93 dwellings with details of scale, layout, appearance and landscaping to be determined at this stage.

The importance of securing high quality design is specified within the NPPF and paragraph 61 states that:

“Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”

In this case there are a variety of house types and styles, ranging from a small number of bungalows to a block of 3 storey apartments. Key focal units also utilise 2.5 storeys to anchor points within the site. The positive and externally orientated perimeter dwellings are welcomed with all areas of open space, the NEAP, footpaths and highways well overlooked by the proposed dwellings, giving high levels of passive surveillance.

In terms of the detailed design the proposed dwellings include canopies, bay windows, sill and lintel details. Whilst brick facings are the predominate material, there are a number of focal point properties within the street scene that utilise render as a design tool, likewise there are character areas within the site where a harmonious palette of materials are utilised which are in keeping with other parts of the site but identify the character area, particularly around the existing farmhouse on site, which is retained and adapted within these proposals..

The design of the proposed dwellings are in keeping with the semi rural nature of the area and their scale is considered to be acceptable and would not detract from this part of Holmes Chapel. The Council's Urban Designer has been extensively involved in the evolution of the layout, which is generally in keeping with the parameters laid

The landscape of the area is also considered to be a priority consideration in the overall design of this site. The site levels elevate in a northerly direction and there are a number of mature and attractive trees within the site and to its periphery. Hedgerows also predominate. The landscape treatment of the Macclesfield Road frontage has been revised during the course of the application will be considered further within the Landscape section of this report.

Landscape

At the northern end of the site the land levels fall steeply from the railway boundary down to the roadside. In order to develop this part of the site the Applicant initially proposed an Ecocrib retaining wall up to 4.5 metres in height. This would have been a very stark and oppressive roadside feature at this important gateway to Holmes Chapel.

The proposed houses above the wall would have been extremely prominent and Officers were of the view that the trees and hedges that were proposed to mitigate the visual impacts would not have been successful in the long-term due to insufficient soil on top of the stone filled wall.

Following negotiations, a reinforced earth bank is now proposed along the roadside. This will be constructed using on-site subsoils reinforced with imported free-draining stone compacted in layers between Terramesh. The subsoil content will be a minimum of 75% by volume which will provide a satisfactory growing medium. The gradient of the bank will vary with a maximum slope of about 45 degrees. A Geoweb material filled with soil will be fixed to the face of the bank and this will be sown with a wildflower seed mix. A native hedgerow with trees will be planted along the top of the bank and some oak trees will be planted along the top of the bank in the roadside grass verge. Once the wildflowers have established the bank should be an attractive feature. When established, the hedge will screen the acoustic garden boundary fencing and, in the longer-term, the trees will screen and filter views of the houses.

The success of the wildflower bank, hedges and trees will depend on good long-term maintenance. The developer's landscape consultants are confident that the steep slopes adjacent to the main road will be properly and safely maintained by the site Management

Company. A landscape management plan has been submitted in accordance with the s106 agreement. Further details are required and the plan will be finalised and approved prior to commencement

The soft landscape proposals are generally acceptable but some amendments have been requested which can be resolved by condition.

Ecology

Hedgerows

Hedgerows are a UK and local Biodiversity Action Plan (BAP) priority habitat and a material consideration. There is likely to be loss of a number of sections of hedgerow to facilitate site access roads. There is however opportunities for suitable replacement hedgerows to be provided as part of proposed scheme.

In this case amended plans have been submitted which provide for replacement hedgerows.

Flood Risk

The Flood Risk Manager has assessed this application and raises no objection subject to conditions

Public Open Space and Play Space

A NEAP and Public Open Space were secured on this site via the S106 Agreement attached to the outline permission. The issue presently is the design, layout and positioning of the NEAP.

The NEAP comprises numerous pieces of equipment suitable for all ages and is position in a well over looked location in the southern boundary of the site. A path is provided through the site to the pedestrian crossing to be provided on Holmes Chapel Road. This will result in adequate access for residents from other than this site

The NEAP is considered to be acceptable by the Greenspace Officer in terms of the equipment provided, relationship with dwellings and positioning within the site.

Education

This issue of education capacity was dealt with as part of the outline application and the education department determined that no education contribution was required at that stage. The reserved matters can not address this issue now.

Health

The Unilateral Undertaking on the outline permission granted on appeal requires a commuted sum to be spent at the Holmes Chapel Health Centre. The developer is required to pay this commuted sum in its entirety to the Council upon the commencement of the development. The developer has confirmed that they will comply with this requirement in due course.

Jodrell Bank

There has been no response to the consultation undertaken to Jodrell Bank. It should be noted that the principle of the development of this site was accepted in 2015 and Jodrell Bank previously commented upon that application in 2014. Whilst Jodrell Bank may have modified their stance with respect to residential developments in the area in the recent past, that does not afford the opportunity to re-appraise the impact of this scale of development. In these circumstances, however, given the scale of the development and the influence of electromagnetic interference vis-à-vis the operations of the Telescope, it is considered appropriate to impose the standard electromagnetic interference condition.

PLANNING BALANCE

The principle of development of this site has already been accepted as part of the outline approval on this site. The roundabout access point has

Social Sustainability

The development, subject to conditions, will not have a detrimental impact upon residential amenity of future or existing residents on the other side of the railway line, it would provide benefits in terms of much needed affordable housing provision and would help in the Councils delivery of 5 year housing land supply.

The impact upon infrastructure has already been assessed at outline stage when the Unilateral Undertaken was accepted by the Planning Inspector. The impact would be mitigated and would thus be neutral.

In terms of the POS and NEAP provision this is considered to be acceptable. The social housing is provided in accordance with the IPS and is acceptable

Environmental Sustainability

The layout of this residential development site, previously allowed on appeal is considered to be acceptable. Details of the proposed landscaping are considered to be acceptable.

With regard to ecological impacts, the development would have a neutral impact subject to mitigation.

The drainage/flood risk implications for this proposed development are considered to be acceptable subject to the imposition of planning conditions.

The development would not have any significant impact upon the trees and hedgerows on this site.

Economic Sustainability

The proposed access point is acceptable and the traffic impact as part of this development has already been accepted together with the provision of the roundabout. The internal design of the highway layout/parking provision is considered to be acceptable.

The development of the site would provide a number of economic benefits in the residential use of the site.

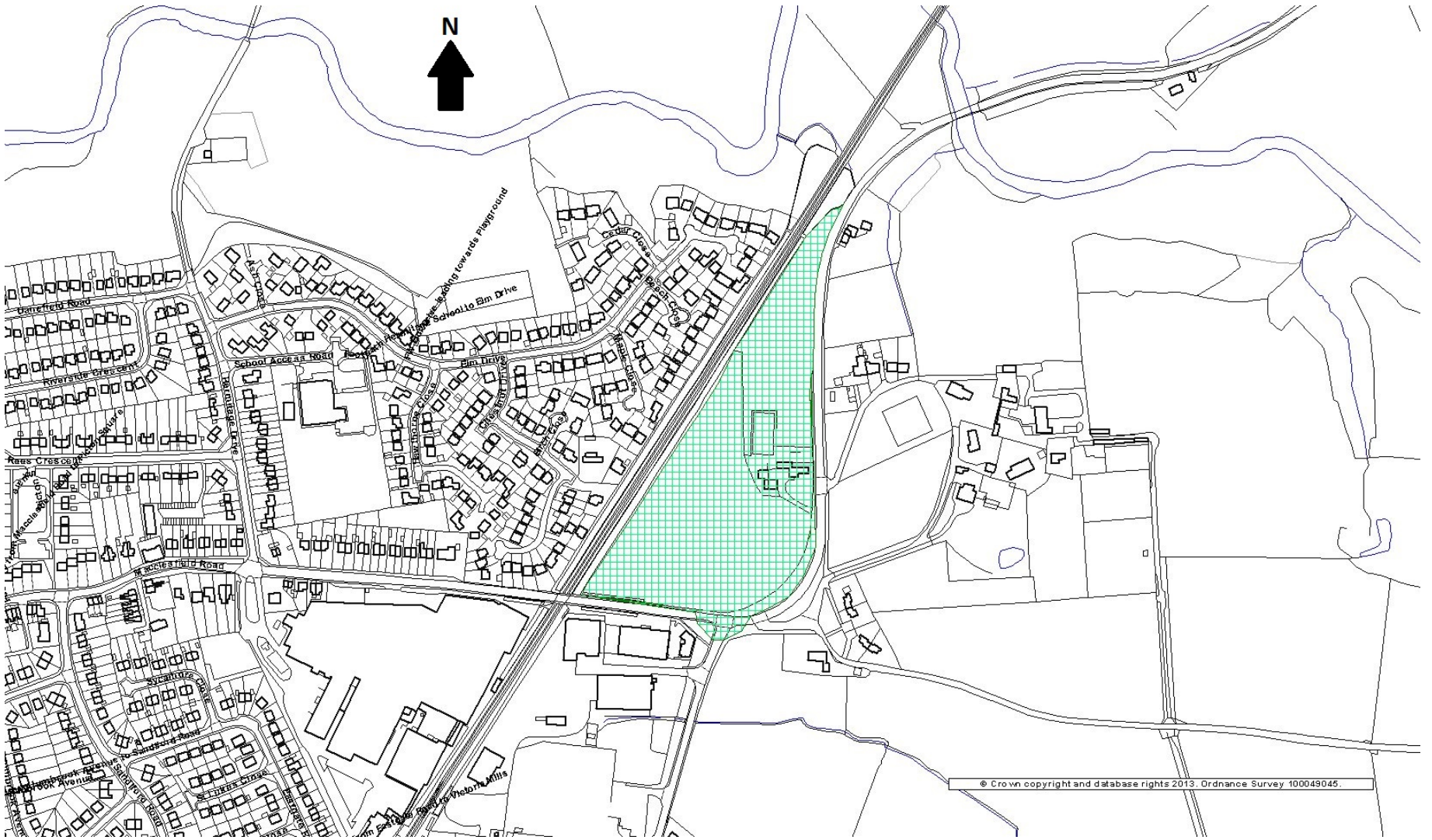
It is considered that the planning balance weighs in favour of this development.

RECOMMENDATION:

APPROVE subject to the following conditions

- 1. Approved Plans**
- 2. Submission and Implementation of landscape scheme**
- 3. Materials as application**
- 4. Removal of permitted development rights (smaller units - semi detached and terraced)**
- 5. Finished Floor Levels to be 150mm above carriageway level and carriageway level to be set 150mm above existing ground level**
- 6. The site shall be completed in accordance with the submitted Arboricultural Impact Assessment/ Method Statement and Tree Protection Plan**
- 7. Full design specifications and acoustic attenuation properties of the acoustic fencing both garden and Railway to be submitted too and approved prior to commencement of the development.**
- 8. The mitigation recommended in this report P15-607-R01-V1 shall be implemented prior to the use of the development / first occupation.**
- 9. Parking spaces to be laid out prior to occupation of each dwelling to which it relates**
- 10. Parking spaces and free standing garages to be retained for the parking of cars/motorbikes and integral garages not to be converted into habitable accomodation**
- 11. Details of bin/bike store for flats to be submitted and approved**
- 12. No fencing beyond front face of each dwelling hereby approved/open pan estate**
- 13. Electromagnetic insulation to dwellings**

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



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Application No: 16/0479C

Location: 7, KING STREET, MIDDLEWICH, CW10 9EJ

Proposal: Outline application for residential development of 24 No. dwellings on Land to the Rear of 7 King Street, Middlewich and replacement of 1 No. existing dwelling (25 No. dwellings in total)

Applicant: Mrs Jill Turner

Expiry Date: 05-Jul-2016

SUMMARY

The application site lies within the Middlewich settlement boundary where Policy PS4 of the Local Plan advises that new development in principle is accepted.

Policy H6 of the Local Plan permits housing in settlement boundaries provided that such a development adhere with all other local plan policies.

The proposal would bring positive planning benefits such as the provision of new dwellings in a sustainable location, the provision of on-site affordable housing and the usual economic benefits created in the construction of new dwellings and the spending of the future occupiers in the local area.

No significant; landscape, design, highway safety, archaeology, drainage or flooding amenity, design, tree, ecology or concerns would be created, subject to conditions where necessary.

Contributions towards open space and education would alleviate any impact on these facilities the development would create.

As such, the proposed application is recommended for approval.

RECOMMENDATION

APPROVE subject to S106 Agreement and conditions

PROPOSAL

This application seeks outline planning permission to erect up to 24 dwellings and 1 replacement dwelling. Matters of Access, Layout and Scale are also sought.

Approval of appearance and landscaping are not sought at this stage and are reserved for subsequent approval.

A revised layout plan has been received during the application process in response to concerns raised by the planning officer with regards to separation distances and subsequent amenity concerns. This has resulted in an indicative change in the housing mix, reducing the number of detached dwellings, but increasing the number of semi-detached units.

SITE DESCRIPTION

The application site relates to a parcel of scrub land located to the south-west of King Street, Middlewich, within the Middlewich Settlement Zone Line.

The site extends approximately 1.01 hectares (2.5 acres) and is largely rectangular in shape. The site slopes down in level from its north-eastern end down to its south-western end.

The application site lies within an Area of Archaeological Potential and a Brine Consultation Area.

RELEVANT HISTORY

14/3811C - Residential Development for 23No. houses on Land to the Rear of 7 King Street, Middlewich and replacement of 1No. existing dwelling (24no. dwellings in total) – Withdrawn 2nd April 2015

32022/1 - Erection Of 22no.Two-Storey 3 Bedroomed Dwellings With Detached Single Garages – Withdrawn 23rd June 2000

NATIONAL & LOCAL POLICY

National Policy

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

14 - Presumption in favour of sustainable development, 47-50 - Wide choice of quality homes / affordable housing, and 56-68 - Requiring good design

Development Plan

The Development Plan for this area is the 2005 Congleton Borough Local Plan, which allocates the site, under Policy PS4, as a Town.

The relevant saved policies are:

PS4 - Towns; GR1 - New Development; GR2 - Design, GR4 - Landscaping, GR6 - Amenity and Health, GR9 - Accessibility, Servicing and Parking Provision – New development, GR20 - Public Utilities, GR21 - Flood Prevention, GR22 - Open Space Provision, NR1 - Trees and Woodlands, NR2 - Wildlife and Nature Conservation – Statutory Sites, H1 - Provision of New Housing Development, H4 - Residential Development in Towns and H13 - Affordable and low cost-housing.

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

MP1 - Presumption in favour of sustainable development, PG1 - Overall Development Strategy, PG6 - Spatial Distribution of Development, SD1 - Sustainable Development in Cheshire East, SD2 - Sustainable Development Principles, IN1 – Infrastructure, IN2 - Developer contributions, SC4 - Residential Mix, SC5 - Affordable Homes, 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, CO1 - Sustainable Travel and Transport and CO4 - Travel plans and transport assessments

CONSULTATIONS

Head of Strategic Infrastructure (HSI) - No objections

Strategic Housing – No objections, subject to a 30% on-site affordable housing provision

Environmental Protection- No objections, subject to a number of conditions including; the prior submission/approval of a piling method statement; the prior submission/approval of a dust mitigation scheme; the prior approval/submission of a Construction Phase Environmental Management Plan; the provision of a Residents Travel Pack prior to first occupation; the provision of electric vehicle charging infrastructure; the prior submission/approval of a Phase II contaminated Land report; the prior approval of a soil contamination verification report; that development should stop if contamination is encountered. In addition, informatives advising of hours of construction and piling and further contaminated land comments are also proposed

Cheshire Brine Subsidence Compensation Board - No objections, subject to the prior submission of a ground dissolution/brine extraction related risk assessment which in turn should be used to inform suitable foundations

Archaeology – No objections, subject to the prior approval of a written scheme of archaeological investigation and the implementation of a subsequent programme of mitigation

ANSA Open Space – No objections, subject to a contribution of an off-site commuted sum for enhancement of Fountain Fields, Alsager of £4,860.36 and an associated maintenance sum of £10,879.00 with regards to Amenity Green Space (AGS). In addition, £8,242.44 is required to upgrade Fountain Fields site's children's play space and an associated sum of £27,462.00 for maintenance.

Education - No objections, subject to a contribution of £65,370.76 towards secondary school provision

Canal and River Trust – 'No comment'

Environment Agency – No objections, subject to a number of conditions including; the prior submission/approval of a preliminary risk assessment, site investigation and verification report; the prior approval of a verification report and No drainage systems for the infiltration of surface water drainage into the ground is permitted;

Flood Risk Manager – No objections, subject to conditions including; the prior submission/approval of a drainage strategy including surface water drainage; the prior and post submission of storm period mitigation

United Utilities – No objections, subject to conditions including; that foul and surface water be drained on separate systems; the a surface water drainage scheme be submitted to and approved in writing by the LPA; the prior submission/approval of a sustainable drainage management and maintenance plan.

Middlewich Town Council – Object to the proposed development on the following grounds;

- Highway safety – Access arrangements

If permission be granted, request an Archaeological watching brief condition

REPRESENTATIONS

Neighbour notification letters were sent to all adjacent occupants, a site notice was erected and an advert placed in the local newspaper. To date, approximately 6 letters of representation have been received. The main objections raised include;

- Highway safety – high traffic volumes on exiting network, pressure on existing road infrastructure; Congestion,
- Impact upon Conservation Area
- Lack of affordable housing
- Amenity – Environmental concerns such as; asbestos, subsidence, loss of privacy, Japanese Knotweed, light and visual intrusion
- Impact upon public facilities / infrastructure – Schools, doctors, dentist. highway network
- Impact upon archaeology

APPRAISAL

The key issues are:

- The principle of development
- The sustainability of the proposal, including its; Environmental, Economic and Social role
- Planning balance

Principle of development

As the site falls with the Middlewich Settlement Boundary, the proposal is subject to Policy PS4 of the local plan. Policy PS4 advises that within such settlement boundaries there is a presumption in favour of development provided that it is in keeping with the town's scale and character and does not conflict with other policies in the local plan.

For the erection of new dwellings on site, Policy H4 is the relevant principal policy to assess residential development.

Policy H4 advises that proposals for residential development within settlement boundaries shall only be permitted if a number of criteria are adhered to. These include;

- I. The proposal does not utilise a site which is allocated or committed for any other purpose in the local plan;
- II. The proposal complies with Policies GR2 and GR3;
- III. The proposal accords with other relevant local plan policies
- IV. The proposal does not detrimentally impact upon the council's housing supply totals

In response to this policy, the site is not committed for any other purpose in the local plan and the provision of 24 new dwellings and 1 replacement dwelling would not have a detrimental impact upon the council's housing supply totals. Indeed the provision of new dwellings represents a planning benefit in light of the Council's 5-year housing land supply position (3.3 year supply as of September 2015).

As such, new housing in the settlement boundary would be deemed to be acceptable in principle, subject to its adherence with all other relevant local plan policies.

Sustainability

The National Planning Policy Framework definition of sustainable development is:

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

The NPPF determines that sustainable development includes three dimensions:- economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

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

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

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

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

Environmental role

Landscape

The application site covers an area of approximately 1.01 hectares and is located to the north of the River Croco. The application site is bound to the north by residential properties located along King Street and those on the south side of Flavian Close and to the south by small industrial development which includes Kinderton Mill.

The application site is currently unmanaged grassland with a number of trees located along the south-eastern part of the site. The illustrative layout that has been submitted indicates that they could be retained as part of an area of proposed open space, along with additional tree planting along the entrance route and boundary planting along the rear boundaries of existing properties along King Street. The illustrative masterplan also indicates pedestrian access to Kinderton Mill as well as a future pedestrian link to the area to the south of the application site along the River Croco. The Council's Landscape Officer has advised that *'...every effort should be made to ensure that these connections can be achieved.'*

The Council's Landscape Officer has advised that he has no objections to proposals subject to conditions in relation to the prior approval of landscaping schemes. It should be noted that matters of 'Landscape' are not sought for approval as part of this application and would be considered at Reserved Matters stage.

Given the difference in levels within the site (the site generally slopes down from a north-east to south-west direction), the reserved matters application should be supported by existing and proposed levels information.

Design

Policy GR2 of the Local Plan states that the proposal should be sympathetic to the character, appearance and form of the site and the surrounding area in terms of: The height, scale, form and grouping of the building, choice of materials and external design features. Policies SE1 and SD2 of the Cheshire East Local Plan Strategy – Submission Version, largely reflect the Local Plan policy.

With regards to design, Layout and Scale are sought for approval as part of this outline application.

The application seeks the erection of 24 new dwellings and 1 replacement dwelling. Access is to be gained from King Street to the north-east via the residential curtilage of No.7 King Street which would be demolished as part of the scheme.

The access, also sought for approval, would extend in a south-westerly direction towards the middle of the site and then turn approximately 100 degrees extending in a north-westerly direction. Various cul-de-sacs would extend off this main access road.

The siting of the proposed new dwellings would comprise of; a replacement dwelling on the Kings Road frontage with an attached 'Flat over garage' to the rear which would front the new access road.

The remainder of the proposed units would predominantly face in either a north-west or south-east direction in largely a grid layout. The revised layout plan suggests that these would comprise of a mixture of house-types. Within the Design and Access Statement, it is indicated that the scheme would comprise of a mixture of 2, 3, 4 and 5 bed units.

It should be noted that the proximity of the proposed dwellings principal and rear elevations to each other within the site is closer than normally expected in suburban developments.

The Council's Urban Design Officer has reviewed the layout plan and advised that;

'It is an urban, brownfield site and so to get a relatively tight knit urban grain relevant to an urban location we cannot default to standard separation distances that apply to 30dph housing estates. However, there were certain areas on the pre-app layout where I thought this would be particularly detrimental to amenity and this was raised in the comments that were provided.'

I also think that the development should be predominantly 2-storey, with very limited scope to go above that.

In other respects given the discussions I am content with the key urban design key principles set out in the layout.'

In response to these comments, the applicant submitted a revised layout plan which resulted in greater gaps between the proposed dwellings. This was largely achieved by a change in the indicative house types proposed, reducing the number of detached units.

It is considered that these changes to the layout overcome these proximity concerns.

As the revised proposal seeks predominately 2 storey units with a ridge height no taller than 8.5 metres and just 2, 2.5-storey units with a maximum ridge height of 9.5 metres, it is considered that this proposed scale of the development would be acceptable.

As a result of the above reasons, it is considered that the proposed development would be of an acceptable design that would adhere with Policy GR2 of the Local Plan and policies SE1 and SD2 of the Cheshire East Local Plan Strategy – Submission Version.

Access

The site is located approximately 500m walk north west of the centre of Middlewich. The site currently consists of a field and a single dwelling unit and therefore has little vehicular traffic associated with it. It is bound by dwellings and a vehicle track to the west, dwellings and King St to the north, dwelling units to the east and industrial units to the south.

It has been proposed to demolish an existing dwelling unit and provide pedestrian and vehicle access from King Street.

It has been proposed to access the site from King Street. The Council's Head of Strategic Infrastructure (HSI) has advised that the access road will be to standard with a width of 5.5m and 6m radii. Suitable footway widths of 2m have been proposed at the site access.

Exiting the site, onto Kings Street, pedestrian footway access into central Middlewich and associated shops and amenities is available. Footway access to public transport services is also available.

The HSI has advised that adequate site access visibility onto King Street has been demonstrated and there have been no recorded traffic accidents in the vicinity of the site over the last 3 years.

Swept paths have been provided to demonstrate that large refuse vehicles can enter and exit the site safely and in a forward gear.

The HSI has advised that the development of 25 units will produce no more than 20 two-way trips during the peak hour and will therefore have a negligible impact on the capacity of the highway network.

As a result of the above reasons the HSI has raised no objections, subject to informatives. As such, it is considered that the proposal adheres with Policy GR9 of the Local Plan.

Archaeology

The site of the proposed development lies within Middlewich's Area of Archaeological Potential, as defined in the Local plan of the former Congleton Borough Council. This reflects its position within the extensive area of Roman settlement which developed to the south of the Scheduled Roman fort at Harbutt's Field. A significant proportion of this settlement has been excavated over the last 25 years, in advance of development, and has produced evidence of industrial activity, including salt production, roads, and domestic activity. Deeper features have consistently proved to contain waterlogged remains. Consequently, well-preserved timbers and other organic material have been recovered from most of recent excavations in the town. In addition, the present site was subject to limited investigations some years ago, during a community excavation. This demonstrated that Roman remains were present on the site but the limited extent of the investigations meant that the nature and spatial extent of the remains were not closely defined and the bulk of the deposits remained in situ and undisturbed.

In view of the site's undoubted archaeological potential, the applicants were advised during pre-application discussions that the site should be subject to a programme of pre-application evaluation trenching, in order to define the nature and extent of the archaeological deposits in more detail. The results of this work are presented in the report prepared by the applicant's archaeological contractors, Archaeological Research Services, which has been submitted in support of this application. The report clearly demonstrates that significant archaeological deposits are present across much of the site (as shown in green and blue on Figure 62 of the report) and that further archaeological mitigation will be required in these areas. The evidence recovered included ditches, pits, building foundations and other features similar to those examined during previous excavations in Middlewich. Once again, waterlogging and organic preservation were apparent in many features.

At the present time, the Council's Archaeological Officer has advised that insufficient evidence has been submitted to show that any of these archaeological remains can be preserved in situ and, consequently, it is likely that the sensitive areas noted above will need to be subject to a formal programme of open-area excavation, recording, and reporting, prior to the start of development works. In less sensitive areas the Council's Officer has advised that formal excavation will not be

required but a watching brief is likely to be necessary where earlier features noted during the evaluation are disturbed.

The Council's Archaeological Officer has advised that the necessary mitigation can be secured by condition, a suggested wording for which is given below:

No development shall take place within the application area until the applicant, or their agents or successors in title, has agreed a programme of archaeological mitigation in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. The work shall be carried out strictly in accordance with the approved scheme.'

The use of such a condition is in line with the guidance set out in Paragraph 141, Section 12 (Conserving and Enhancing the Historic Environment) of the National Planning Policy Framework (2012), published by the Department for Communities and Local Government and the still current PPS5 Planning for the Historic Environment: Historic Environment Planning Practice Guide (Department for Communities and Local Government, Department for Culture Media and Sport, English Heritage, 2010).

As such, subject to this condition, no objections are raised.

Cheshire Brine Board

The Board is of the opinion that the site is within an area that has previously been affected by brine subsidence and future residual movements cannot be completely discounted. BGS geological mapping also indicates the presence of subsidence features in the vicinity of the site.

Therefore, the Board in accordance with their duties under Section 38(2) of the Cheshire Brine Pumping (Compensation for Subsidence) Act 1952 require the foundations of the development to be strengthened, such as utilising a raft foundation, to mitigate the effects of minor residual brine pumping movements. The Brine Board have subsequently advised that prior to commencement of development, a ground dissolution/brine extraction related risk assessment and proposals regarding suitable foundations designed to overcome the potential effects of brine pumping related subsidence should be submitted to and approved in writing by the LPA, should the application be approved.

Flood Risk and Drainage

The application site does not fall within a Flood Risk Zone and is not of a scale that requires the submission of a Flood Risk Assessment (FRA).

The Environment Agency have raised no objections, subject to a number of conditions including; the prior submission/approval of a preliminary risk assessment, site investigation and verification report; the prior approval of a verification report and No drainage systems for the infiltration of surface water drainage into the ground is permitted.

The Council's Flood Risk Manager has advised that he has no objections, subject to conditions including; the prior submission/approval of a drainage strategy including surface water drainage; the prior and post submission of storm period mitigation.

With regards to drainage, United Utilities have no objections, subject to conditions including; that foul and surface water be drained on separate systems; the a surface water drainage scheme be submitted to and approved in writing by the LPA; the prior submission/approval of a sustainable drainage management and maintenance plan.

As such, it is not considered that the proposed development would create any significant flooding or drainage concerns and would adhere with Policies GR20 and GR21 of the Local Plan.

Trees

There are currently no Tree Preservation Orders protecting any of the trees within the site or on land immediately adjacent to the site. The site does not lie within a Conservation Area where trees may be afforded pre-emptive protection.

The application is supported by a Tree Survey Schedule and Tree Constraints Drawing.

The Tree Survey has assessed 28 individual trees, three groups of trees and a Beech hedgerow, the majority of which located within the application site are low (C) Category specimens which will require removal to accomodate the proposed layout. The one Moderate (B) category tree, a Sycamore (T13) to the eastern section of the site is shown for retention on the submitted site layout plan within a proposed area of public open space.

The Council's Tree Officer has advised that he has no principle objections to the proposals as submitted, subject to a condition that the first Reserved Matters is supported by a Tree Protection Scheme in accordance with the 2012 British Standard for every retained tree before and for the entire duration of the course of the development.

As such, subject to the above condition, it is considered that the proposed development would adhere to Policy NR1 of the Local Plan.

Ecology

The application is supported by various ecology reports.

Bats

No evidence of roosting bats was recorded in any of the buildings on site. Bats were however recorded emerging from a tree on site (T1). The submitted bat survey states that this tree would be retained and unaffected by the proposed development.

The applicant's ecological consultant has provided a plan showing the location of this tree and the Council's Ecologist confirms that roosting bats are not reasonably likely to be directly affected by the proposed development.

To ensure the roost associated with this tree is not adversely affected by excessive lighting, the Council's Ecologist recommends that if planning consent is granted a condition should be attached to ensure the lighting scheme for the site is agreed with the LPA.

Grassland

The Council's Ecologist has advised that the grassland habitats present on site are of negligible nature conservation value and do not present a constraint on the proposed development.

Japanese Knotweed

The applicant should be aware that Japanese Knotweed (*Fallopia japonica*) is present on the proposed development site. Under the terms of the Wildlife and Countryside act 1981 it is an offence to cause Japanese Knotweed to grow in the wild. Japanese knotweed may be spread simply by means of disturbance of its rhizome system, which extends for several meters around the visible parts of the plant and new growth can arise from even the smallest fragment of rhizome left in the soil as well as from cutting taken from the plant.

Disturbance of soil on the site may result in increased growth of Japanese Knotweed on the site. If the applicant intends to move any soil or waste off site, under the terms of the Environmental Protection Act 1990 any part of the plant or any material contaminated with Japanese Knotweed must be disposed of at a landfill site licensed to accept it and the operator should be made aware of the nature of the waste.

It is recommended that this be added as an informative.

Great Crested Newts and Reptiles

The Council's Nature Conservation Officer has advised that only limited survey effort has been undertaken for both of these species, both in respect of this application and the earlier application at this site. No evidence of these species have however been recorded. The pond on site is report as being shaded, potentially polluted and shallow. The Council's Nature Conservation Officer has advised that importantly, there are no other known ponds within 500m of the application site. The isolated nature of the site means that it is unlikely that either of these species could colonise the site. The Conservation Officer has concluded to advise that whilst, full surveys have not been undertaken for either of these species, he satisfied that neither species are reasonable likely to be present and no further survey effort is required.

Environmental Conclusion

The proposed revised development would be of an acceptable design that would not create any significant issues in relation to; the landscape, highway safety, archaeology, the Cheshire Brine Board, drainage or flooding, trees or ecology, subject to mitigation.

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

Economic Role

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

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

Social Role

The provision of market dwellings is considered to represent a social benefit.

Affordable Housing

The Council's Interim Planning Statement: Affordable Housing (IPS) states in Settlements with a population of 3,000 or more that 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 15 dwellings or more or larger than 0.4 hectares 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 25 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 8 dwellings to be provided as affordable dwellings. 5 units should be provided as Affordable rent and 3 units as Intermediate tenure.

The SHMA 2013 shows the demand in Middlewich is for 26 x 1 bed, 22 x 2 bed, 8 x 3 bed, 4 x 1 bed older person and 4 x 2 bed older person dwellings. The demand on Cheshire Homechoice is for 65 x 1 bed, 96 x 2 bed, 72 x 3 bed and 9 x 4 bed dwellings.

The applicant originally did not propose any provision, but has now advised that they will provide the required on-site provision. It is advised that these are likely to be located on the western boundary of the site (utilising indicative plots 11-18). It is further advised that these would range between 2 and 3-bed dwellings.

In response to this, the Council's Housing Officer has subsequently advised that the provision of this mixture of 2 and 3 bed units is broadly in line with housing need in Middlewich.

Open Space

As the application proposal is for 24 dwellings, it triggers a POS requirement. The trigger for this requirement is 7 units as detailed within the *Revised Supplementary Planning Guidance Note 1: Provision of Public Open Space in New Residential Developments 2003*.

Amenity Green Space (AGS)

The developer is proposing some POS in the eastern area of site within a triangular plot measuring 386sqm. The Council's Open Space Officer has advised that having calculated the existing amount of accessible AGS within 800m of the site and the existing number of houses which use it, 24 new homes will generate a need for 920m² of new AGS based on the housing schedule.

The Open Space Officer has advised that the AGS proposed on-site would not be suitable due to its; size, shape, proximity to dwelling and road, suitability for ball games or a community event. As such, the Council

would instead require a commuted sum for enhancement of Fountain Fields, Alsager of £4,860.36 and an associated maintenance sum of £10,879.00.

Children's and Young Persons Provision (CYPP)

Having calculated the existing amount of accessible CYPP within 800m of the site and the existing number of houses which use it, 24 new homes (92 persons) will place extra demand on the facilities at the main town park at Fountain Fields. Given the size of site, new provision on site is not practical. A qualitative deficit can be improved at Fountain Fields to meet the needs of the new development by enhancing the quantity/quality thus increasing the sites capacity.

There are several aspects of Fountain fields that could be improved such as a new DDA inclusive swings which would improve the quality and accessibility of the facility and encourage greater use of the area.

Applying the standards and formulae in the 2008 Guidance the Council would need £8,242.44 to upgrade Fountain Fields site. This would be spent on a DDA swing as mentioned above. The Council would also need a commuted sum of £27,462.00 to maintain the upgraded facilities over 25 years.

The above would be secured via a S106 Agreement.

Education

The Council's Education Officer has advised that the development is expected to impact on secondary school places in the immediate 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 school or SEN provision.

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

4 new pupils x £17,959 x 0.91 = £65,370.76 (secondary)

Total education contribution: £65,370.76

The above would be secured via a S106 Agreement.

Residential Amenity

Policy GR6 (Amenity and Health) of the Local Plan, requires that new development should not have an unduly detrimental effect on the amenities of nearby residential properties via loss of privacy, loss of sunlight or daylight, visual intrusion, environmental disturbance or pollution and traffic generation access and parking.

Supplementary Planning Guidance Note 2 (Private Open Space) sets out the separation distances that should be maintained between dwellings and the amount of usable residential amenity space that

should be provided for new dwellings. It states that 21.3 metres should be maintained between 2 principal elevations and 13.8 metres should be allowed between a principal and flank elevation.

The closest neighbouring properties to the application site would be the occupiers of; the properties on the north-eastern and eastern boundary of the site on King Street, the occupiers of the closest properties on the north-western boundary of the site on Flavian Close and the potential future occupiers of Kinderton Mill to the south.

As layout is sought for approval of part of this application, an accurate assessment of the potential impact of the development upon neighbouring amenity can be made.

There would be a number of properties on King Street which would back-on to the proposed development. The dwellings on plots; 13, 12, 7, 6, 5, 1 & 2 would be the closest proposed dwellings to these neighbouring units. The revised layout plan indicates that the dwellings proposed on plots; 13, 12, 7 and 6 would adhere to the minimum separation standards between dwellings referred to above, reducing any significant impact upon the occupiers of the closest dwellings on King Street in terms of loss of privacy, light and visual intrusion.

The dwelling proposed on Plot 1, on the site frontage with King Street, would lie parallel to the closest existing property to the north, No.9 King Street in a similar position to the dwelling to be demolished and replaced on this plot.

Given that this dwelling would replace an existing unit in a similar location, subject to their being no sole windows to principal habitable rooms on the north-western side elevation of this property, it is not considered that any significant concerns with regards to loss of privacy, light or visual intrusion would be created for this neighbour.

It is considered that the dwelling proposed on plot 2 would be sufficiently offset from the closest neighbours on King Street to create any significant amenity concerns in relation to the above considerations and any specific concerns would be addressed when appearance is considered at Reserved Matters Stage.

The dwellings proposed on plots; 13-19 inclusive would be the dwellings closest to the existing occupiers of the properties on Flavian Close.

All of these closest neighbouring properties would either adhere or be close to adhering to the 21.3 separation standard and the closest dwelling to this side (west) to the site, No.8 Flavian Close would be offset from the closest proposed dwelling (Plot 13), eliminating any direct significant amenity concerns with regards to loss of privacy, light or visual intrusion.

It is not considered that any significant neighbouring amenity issues would be created to any other side.

With regards to the future occupiers of the proposed dwellings, there are a number of instances where the recommended separation standards are not achieved between principal elevations and rear-to-rear relationships.

Although these are not achieved, the 21.3 metres is only a guide, and as advised by the Council's Urban Design Officer, given that this is effectively an urban centre location, '*we cannot default to standard separation distances that apply to 30dph housing estates*'.

That said, a balance needs to be achieved between amenity and design. Originally, it was considered that this balance was not achieved and the proposed dwellings were too close to each other resulting in future amenity issues. However, a revised plan has been submitted which while the policy separation standard of 21.3 metres is not achieved, largely alleviates this concern and it is considered a balance between design and future amenity is achieved.

However, due to the likely tight relationships between dwellings within the site, should the application be approved, it is recommended that permitted development rights be removed for extensions, alterations and outbuildings, should the application be approved.

The Council's Environmental Protection Team have reviewed the submission and advised that they have no objections, subject to a number of conditions including; the prior submission/approval of a piling method statement; the prior submission/approval of a dust mitigation scheme; the prior approval/submission of a Construction Phase Environmental Management Plan; the provision of a Residents Travel Pack prior to first occupation; the provision of electric vehicle charging infrastructure; the prior submission/approval of a Phase II contaminated Land report; the prior approval of a soil contamination verification report; that development should stop if contamination is encountered. In addition, informatives advising of hours of construction and piling and further contaminated land comments are also proposed.

As such, subject to the above suggested conditions, from the Council's Environmental Protection Officer, the proposal is considered to adhere to Policy GR6 of the Local Plan.

Levy (CIL) Regulations

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

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

The development would result in a deficiency in the quantity of provision of public open space within the area. In order to offset this loss, a contribution towards off site enhancement and maintenance of both Amenity Green Space (AGS) and Children's and Young Persons Provision (CYPP) is required and should be secured. This sum equates to £51,443.80. This is considered to be necessary, fair and reasonable in relation to the development.

The education contribution of £65,370.76 is necessary having regard to the oversubscription of secondary schools and the demand that this proposal would add.

The above requirements are considered to be necessary, fair and reasonable in relation to the development. The S106 recommendation is compliant with the CIL Regulations 2010.

Planning Balance

The application site lies within the Middlewich settlement boundary where Policy PS4 of the Local Plan advises that new development in principle is accepted.

Policy H6 of the Local Plan permits housing in settlement boundaries provided that such a development adhere with all other local plan policies.

The proposal would bring positive planning benefits such as the provision of new dwellings in a sustainable location, the provision of on-site affordable housing and the usual economic benefits created in the construction of new dwellings and the spending of the future occupiers in the local area.

No significant; landscape, design, highway safety, archaeology, drainage or flooding amenity, design, tree, ecology or concerns would be created, subject to conditions where necessary.

Contributions towards open space and education would alleviate any impact on these facilities the development would create.

As such, the proposed application is recommended for approval.

RECOMMENDATION

APPROVE Subject to a S106 Agreement to secure;

1. 30% on-site affordable housing provision to include;

- **A requirement for the applicant/developer to transfer any rented affordable units to a Registered Provider**
- **A requirement to provide details of when the affordable housing is required**
- **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 Council's allocations policy.**
- **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.**

2. Secondary School Education contribution of £65,370.76

3. Open Space provision of ;

- **£4,860.36 to upgrade Fountain Fields site in relation to Amenity Green Space provision. £10,879.00 to maintain the upgraded site over 25 years**
- **£8,242.44 to upgrade Fountain Fields site. £27,462.00 to maintain the upgraded facilities over 25 years**

And conditions;

1. Time – 3 years of within 2 of last Reserved Matter approval

2. Reserved Matters within 3 years
3. Appearance and Landscaping Matters to be submitted and approved
4. Plans
5. Reserved Matters to be supported by existing and proposed levels plans
6. Prior submission/approval of a written scheme of archaeological investigation and the implementation of a subsequent programme of mitigation
7. Prior submission/approval of a ground dissolution/brine extraction related risk assessment and proposals regarding suitable foundations designed to overcome the potential effects of brine pumping related subsidence
8. Prior submission/approval of a preliminary risk assessment, site investigation and verification report
9. Prior submission/approval of a verification report
10. No drainage systems for the infiltration of surface water drainage into the ground is permitted
11. Reserved Matters to be supported by a Tree Protection Scheme in accordance with the 2012 British Standard for every retained tree before and for the entire duration of the course of the development
12. Prior submission/approval of a piling method statement
13. Prior submission/approval of a dust mitigation scheme
14. Prior approval/submission of a Construction Phase Environmental Management Plan
15. Provision of a Residents Travel Pack prior to first occupation
16. Provision of Electric Vehicle Charging infrastructure
17. Prior submission/approval of a Phase II contaminated Land report
18. Prior approval of a soil contamination verification report
19. Development should stop if contamination is encountered
20. Prior approval of external lighting scheme
21. Removal of PD, Part 1 Classes A-E

In the event of any changes being needed to the wording of the committee's decision (such as to delete, vary or addition conditions / informatives / planning obligations or reasons for approval / refusal) prior to the decision being issued, the Planning Manager (Regulation), in consultation with the Chair of the Southern Planning Committee is delegated the authority to do so, provided that he does not exceed the substantive nature of the Committee's decision.

Should the application be the subject of an appeal approval is given to enter into a S106 Agreement to secure the following Heads of Terms;

1. 30% on-site affordable housing provision to include;
 - A requirement for the applicant/developer to transfer any rented affordable units to a Registered Provider
 - A requirement to provide details of when the affordable housing is required
 - 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 Council's allocations policy.
 - 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.

2. Secondary School Education contribution of £65,370.76

3. Open Space provision of ;

- **£4,860.36 to upgrade Fountain Fields site in relation to Amenity Green Space provision. £10,879.00 to maintain the upgraded site over 25 years**
- **£8,242.44 to upgrade Fountain Fields site. £27,462.00 to maintain the upgraded facilities over 25 years**



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Application No: 16/0420N

Location: LAND TO REAR OF SOUTH VIEW, NANTWICH ROAD, CALVELEY, CW6 9JN

Proposal: One pair of semi detached houses

Applicant: Mr & Mrs A Beeston

Expiry Date: 24-Mar-2016

SUMMARY

The application site lies entirely within the Open Countryside as determined by the Borough of Crewe and Nantwich Replacement Local Plan 2011.

Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by Local Plan Policies NE.2 and RES.5. The proposed development does not fall within any of the listed categories and as such, there is a presumption against the proposal unless material considerations indicate otherwise.

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

It is therefore necessary to consider whether the proposal constitutes “sustainable development” in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

The boost to housing supply is an important benefit – and this application achieves this in the context of a deliverable, sustainable housing land release.

Subject to conditions, the proposal is considered to be acceptable in terms of its impact upon highway safety, amenity, and landscape.

In this instance, it is considered that the economic and social benefits of the scheme would outweigh the dis-benefits by virtue of the loss of designated open countryside.

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within

paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits. Accordingly it is recommended for approval.

RECOMMENDATION

APPROVE subject to conditions

REASON FOR REFERRAL

This application is referred to Southern Planning Committee as it proposes housing in the Open Countryside. This would represent a departure from the Development Plan.

PROPOSAL

This application seeks outline planning permission for the construction of a pair of semi-detached dwellings with all matters reserved for subsequent approval. The proposal therefore merely seeks to establish whether the construction of two dwellings in this location would be acceptable as a matter of principle.

The scheme has been supported by a basic indicative layout to show two demi-detached dwellings on the land to the rear of South View.

The adjacent parcel of land has an extant planning permission for its redevelopment with two semi-detached dwellings. A further planning application on that adjacent plot, 16/0424N, is also under consideration.

SITE DESCRIPTION

The site relates to a parcel of land which is located to the rear of a property known as South View adjacent to the settlement boundary of Calveley. South View is a two storey semi-detached property which is located on a corner plot location on the junction of Nantwich Road and an unmade track. South View benefits from a linear garden adjacent to the single lane track. The application site would be accessed via the track. To the south of the site is the Chester to Crewe railway track which is located within a cutting. The Alphraham Footpath 17 runs along the adjacent track.

RELEVANT SITE HISTORY

None relevant on site

LOCAL & NATIONAL POLICY

Borough of Crewe and Nantwich Replacement Local Plan 2011

The Development Plan for this area is the Borough of Crewe and Nantwich Replacement Local Plan 2011, which allocates the site, under Policy NE2, as Open Countryside

The relevant Saved Policies are;

NE.2 Open Countryside
BE.1 Amenity
BE.2 Design Standards
BE.3 Access and Parking
BE.4 Drainage, Utilities and Resources
BE.5 Infrastructure
RES.5 Housing in the Open Countryside
RT.9 Footpaths and Bridleways

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

Policy SD1 - Sustainable Development in Cheshire East
Policy SD2 - Sustainable Development Principles
Policy SE1 – Design
Policy SE2 - Efficient Use of Land
Policy SE4 - The Landscape
Policy SE5 - Trees, Hedgerows and Woodland
Policy SE9 - Energy Efficient Development
Policy SE12 - Pollution, Land Contamination and Land Instability
Policy IN1 – Infrastructure
Policy PG1 - Overall Development Strategy
Policy PG2 - Settlement Hierarchy
Policy PG5 - Open Countryside

National Policy

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

7 – Achieving Sustainable Development; 14 - Presumption in favour of sustainable development; 17 – Core planning principles; 32 – Promoting sustainable transport; 47-50 - Wide choice of quality homes; 55 - Isolated dwellings in the countryside; 56-68 - Requiring good design; 69-78 - Promoting healthy communities; and, 109-11 – Conserving and enhancing the natural environment.

The National Planning Practice Guidance (NPPG)

CONSULTATIONS

CEC Highways – No objections

Canal and River Trust – No consultation requirement.

Environmental Protection – Insufficient information with respect to noise and vibration. Recommended conditions relating to Pile Driving (if proposed) and contaminated land.

Strategic Housing (Cheshire East Council) – No objection due to the reintroduction of the NPPG rules of Affordable housing for development under 10 units and below 1,000Sqm.

United Utilities – No objection subject to conditions

Pubic Right of Way Officer - No objection

Calveley Parish Council - With respect to Planning Application 16/0420N relating to South View, Nantwich Road, Calveley Parish Council has no fundamental objections to this development. However the Parish Council demand a Section 106 contribution that, when combined with the other S106s from the immediate area, for a pelican crossing (which has already been mooted) and traffic lights to cover vehicular access to the A51 from both sides tied into the pelican crossing.

This will allow both local residents and visitors to the area to cross the dangerous A51 in relative safety and so make it possible for local use of the canalside facilities and amenities.

We continue to record our concerns about the access from the track onto the A51 at a point where visibility is limited - especially towards the Railway Bridge. In the D & A Statement provided by the applicant it is noted that the development of the outbuildings at Clays Farm are already completed - they are NOT completed and therefore the volume of traffic is going to increase along this track. We request that Cheshire East Highways Department - who have already responded to this application with no adverse comment - make a clear and categoric statement about the point at which they will become concerned about the increasing volume of traffic joining the A51 from this track. If they always say "two more houses is not a significant increase...." after 10 applications, each for two houses, they will have allowed 20 dwellings. If this has come as one application I am sure that something would have been said

Alraham Parish Council – No adverse comments

REPRESENTATIONS

None received at time of writing report

APPRAISAL

The key issues are:

- The principle of the development
- The sustainability of the proposal, including its; Environmental, Economic and Social role
- Planning balance

Principle of Development

The site is designated as being within the Open Countryside where Policy NE.2 (Open Countryside) of the Borough and Crewe and Nantwich Replacement Local Plan states that development will only be permitted if it falls within one of a number of categories. In accordance with NE.2 and RES.5 housing development is acceptable where it represents infilling of a small gap in an otherwise built up frontage. Policy PG5 of the emerging Cheshire East Local Plan Strategy – Submission Version identifies that housing development will only be acceptable where it is the subject of a number of criteria.

The proposed development does not represent an opportunity for infilling or any of the other categories set out in Policies NE.2 or RES.5 of the Local Plan. As a result, the proposed development constitutes a “departure” from the development plan and emerging plan and as such, there is a presumption against the proposal.

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

Housing Land Supply

Following the receipt of the Further Interim Views in December 2015, the Council has now prepared proposed changes to the Local Plan Strategy (LPS), alongside new and amended strategic site allocations, with all the necessary supporting evidence. The proposed changes have been approved at a Full Council meeting held on the 26 February 2016 for a period of 6 weeks public consultation which commenced on Friday 4 March 2016.

The information presented to Full Council as part of the LPS proposed changes included the Council’s ‘Housing Supply and Delivery Topic Paper’ of February 2016.

This topic paper sets out various methodologies and the preferred approach with regard to the calculation of the Council’s five year housing land supply. From this document the Council’s latest position indicates that during the plan period at least 36,000 homes are required. In order to account for the historic under-delivery of housing, the Council have applied a 20% buffer as recommended by the Local Plan Inspector. The topic paper explored two main methodologies in calculating supply and delivery of housing. These included the Liverpool and Sedgefield approaches.

The paper concludes that going forward the preferred methodology would be the ‘Sedgepool’ approach. This relies on an 8 year + 20% buffer approach which requires an annualised delivery rate of 2923 dwellings.

The 5 year supply requirement has been calculated at 14617, this total would exceed the total deliverable supply that the Council is currently able to identify. The Council currently has a total shortfall of 5,089 dwellings (as at 30 September 2015). Given the current supply set out in the Housing Topic Paper as being at 11,189 dwellings (based on those commitments as at 30 September 2015) the Council remains unable to demonstrate a 5 year supply of housing land. However, the Council through the Housing Supply and Delivery Topic paper has proposed a mechanism to achieve a five year supply through the Development Plan process.

National Planning Policy Guidance (NPPG) indicates at 3-031 that deliverable sites for housing can include those that are allocated for housing in the development plan (unless there is clear evidence that schemes will not be implemented within five years).

Accordingly the Local Plan provides a means of delivering the 5 year supply with a spread of sites that better reflect the pattern of housing need. However, at the current time, the Council cannot demonstrate a 5 year supply of housing.

This is a material consideration in support of the proposal.

Sustainability

The National Planning Policy Framework definition of sustainable development is:

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

The NPPF determines that sustainable development includes three dimensions:- economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

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

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

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

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

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

Environmental role

Locational Sustainability

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

A locational sustainability assessment has not been provided by the applicant for this scheme. Notwithstanding this, planning permission has been approved for the construction of two dwellings immediately adjacent to the site where it has been accepted as being a locationally sustainable site. Furthermore, planning permission has been approved on the land immediately to the north of the site as a departure to the Local Plan and again, accepting that it is locationally sustainable. The site lies 60m from the settlement boundary for Calveley. Given recent permissions, and particularly given the modest scale of the proposed development, it is considered that the proposed is sustainably located with reasonable access to services and facilities.

Landscape Impact

The site is well contained visually, being opposite Station House and South View to the north. The site will read as being part of the cluster of dwellings located on the south side of the A51. Due to the contained nature of the site, it is unlikely that the proposal will result in any wider landscape impact.

In terms of the application is in outline only with all matters reserved. It is however considered feasible to erect a pair of cottages on this site which would respect the character of the area. There are many such semi-detached properties in the vicinity of the site.

Design

The application is in outline with all matters reserved including scale, layout and appearance. Notwithstanding this, an indicative layout shows the provision of up to 2 new dwellings within the site along with the provision of a pair of semi-detached dwellings considered under 16/0424N on the adjacent plot. The indicative layout shows that the development can be accommodated on the site without representing an overdevelopment of the site.

Provided the dwellings are appropriately designed it is unlikely that the proposal will have a detrimental impact on the character and appearance of the area and, the indicative layout is deemed to be acceptable in principle.

Details of existing and proposed levels would be necessary as there are slight land level changes between the application site and the lane.

Access

The submitted indicative layout plan provides no details on the means of access to the site, although there is already an existing access into the site serving South View. Access can only be achieved off the lane to which the site has a frontage. It is unlikely that traffic speeds will be high on the lane along the frontage of the site as vehicles will be slowing down as they reach the junction with the A51 or entering the lane from the A51. It is considered that the traffic movements associated with 4 dwellings will be limited and the impact upon safety would not be severe. It is considered that it should be possible to achieve an access with sufficient parking and turning at reserved matters stage.

Calveley Parish Council have suggested that a financial contribution should be made for the delivery of pedestrian crossing facilities across the A51, as sought on other developments within the area. CEC Highways have stated that they do not consider that a contribution for the scheme would be justified as no contribution was sought for the adjacent development. It is therefore considered that a financial contribution towards the delivery of pedestrian crossing facilities would be necessary to make the development acceptable in planning terms, and as such would fail to meet the tests for planning obligations.

Environmental Conclusion

It is not considered that the proposed development would create any significant environmental impacts with regards to; the landscape, highway safety, and design, subject to conditions.

As a result of the above reasons, it is not considered that the proposed development would be environmentally neutral.

Economic Role

The Framework includes a strong presumption in favour of economic growth.

Paragraph 19 states that:

'The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth'.

Given the countryside location of the site, consideration must also be given to one of the core principles of the Framework, which identifies that planning, should recognise:

'the intrinsic character and beauty of the countryside and supporting thriving rural communities within it'.

Specifically, in relation to the rural economy the Framework identifies that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

‘support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings’

The economic benefits of the development need to be balanced against the impact upon the open countryside.

With regard to the economic role of sustainable development, the proposed development will help, albeit in a small way, to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits, to Calverley, and the surrounding villages, including additional trade for local businesses, jobs in construction and economic benefits to the construction industry supply chain. The proposal, although small, will generate economic benefits to the area.

Social Role

The proposed development would provide two open market dwellings which in itself, would be a social benefit.

Amenity

Policy BE.1 (Amenity) of the Local Plan, requires that new development should not have an unduly detrimental effect on the amenities of nearby residential properties in terms of overshadowing, overlooking, visual intrusion, noise and disturbance, odour or in any other way.

The proposed indicative layout shows the proposed semi-detached dwellings to be sited in line with the building line of the adjacent extant planning permission. The indicative layout demonstrates that the proposed development can be sited accommodated on the site without resulting in any overshadowing or overbearing on adjoining properties. To the east and west of the site is agricultural land, there would be no overlooking or loss of privacy issues arising on that land.

The site can be developed whilst providing an appropriate level of private amenity space for the proposed dwellings.

The site is located close to a railway line and the A51. Environmental Protection have stated that insufficient information has been provided to support the application to determine the noise impact from existing infrastructure on the proposed development. The adjacent site has been granted planning permission without the requirement for a noise survey, while the land to the rear has also been granted planning permission for 5 dwellings without such a requirement, whilst being subjected to the same sources of noise. The redevelopment of the Davenport Arms on the opposite side of the A51 required the submission of a Noise Assessment by way of condition. It is therefore considered that it would be appropriate to secure this detail by condition in this instance.

Planning Balance

The application site lies entirely within the Open Countryside as determined by the Borough of Crewe and Nantwich Replacement Local Plan 2011.

Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by Local Plan Policies NE.2 and RES.5. The proposed development does not fall within any of the listed categories and as such, there is a presumption against the proposal unless material considerations indicate otherwise.

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

It is therefore necessary to consider whether the proposal constitutes “sustainable development” in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

The boost to housing supply is an important benefit – and this application achieves this in the context of a deliverable, sustainable housing land release.

Subject to conditions, the proposal is considered to be acceptable in terms of its impact upon highway safety, amenity, and landscape.

In this instance, it is considered that the economic and social benefits of the scheme would outweigh the dis-benefits by virtue of the loss of designated open countryside.

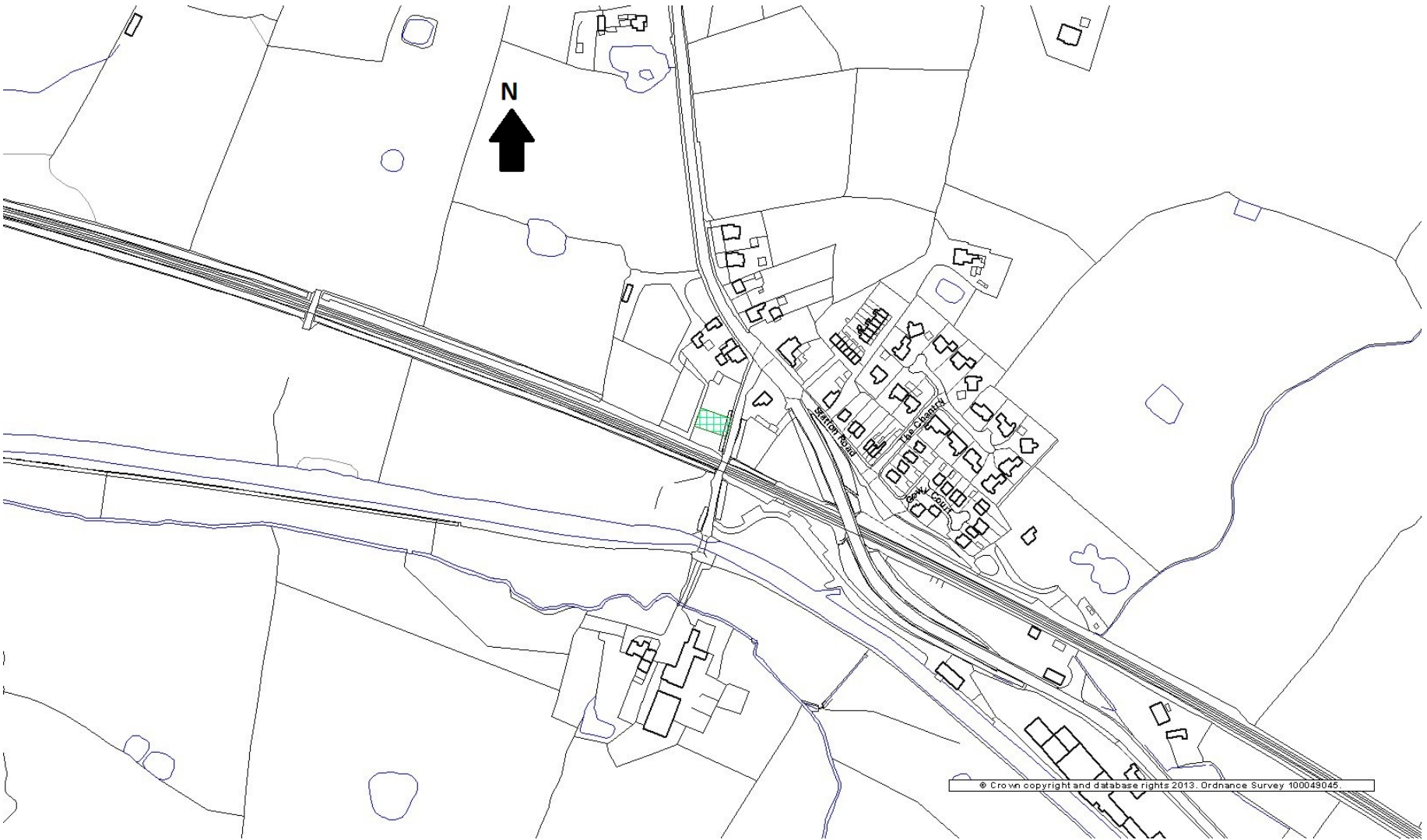
On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits. Accordingly it is recommended for approval.

RECOMMENDATION

Approve subject to conditions;

- 1. Submission of Reserved Matters (Access, Appearance, Landscaping, Layout and Scale)**
- 2. Time Limit for submission of reserved matters**
- 3. Time limit for outline permission**
- 4. Development in accordance with approved plans**
- 5. Details of materials to be submitted for approval**
- 6. Tree Protection Measures**
- 7. Landscaping**
- 8. Details of Piling to be submitted if required**
- 9. Land Contamination Risk Assessment**
- 10. Dust Control Measures**
- 11. Noise Assessment**
- 12. Existing and Proposed Site Levels**
- 13. Drainage scheme to be provided**

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



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Application No: 16/2183N
Location: Land Off, MILL LANE, BULKELEY
Proposal: Proposed 13 dwellings with access off Mill Lane
Applicant: Mr M Schofield
Expiry Date: 23-Aug-2016

CONCLUSION:

The proposed development would be contrary to Policies NE.2 and RES.5 and the development would result in a loss of open countryside. However as Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites then the presumption in favour of sustainable development applies unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits.

The development would provide benefits in terms of housing provision, delivery of housing, and economic benefits through the provision of employment during the construction phase, new homes and benefits for nearby businesses.

The development would have a neutral impact upon flood risk/drainage, trees, residential amenity/noise/air quality/contaminated land and highways.

The adverse impacts of the development would be the unsustainability of the location of the site, the loss of open countryside, and limited landscape impact of the development.

However, the identified benefits do not outweigh the concerns outlined above and it is therefore considered to be unsustainable development and accordingly is recommended for refusal.

RECOMMENDATION: REFUSE**PROPOSAL**

The application seeks full planning permission to erect 13 dwellings on land off Mill Lane, Bulkeley

SITE DESCRIPTION

The site of the proposed development extends to 0.73 ha and is located to the western side of Mill Lane, Bulkeley. The site is within the Open Countryside and Area of Special County Value. The site is a rectangular field which is bound by hedgerows and trees to all sides with a wide grass verge to

Mill Lane. To the south of the site are residential properties which front Mill Grove and Mill Lane. To the north of the site is a dwelling known as The Oaks and a nursery which includes a number of polytunnels.

The site includes 5 trees along the northern boundary and 2 trees to the south-east corner which are subject to TPO protection.

RELEVANT HISTORY

15/0275N – Full planning application to erect 14 dwellings – Refused 19th August 2015
14/0943N - Outline application for 26no. dwellings with access to Mill Lane including 10no. two bedroom and 16no. three bedroom houses – Withdrawn 23rd April 2014
P92/0850 - Detached house – Refused 20th November 1992
P92/0500 - Detailed application for a detached house – Withdrawn 12th June 1992
7/19786 - Detached dwelling – Withdrawn 5th June 1991
7/08254 - Residential development – Refused 20th August 1981. Refused for the following reasons:
- The proposed development is contrary to the County Development Plan
- Extension of the settlement in agricultural land
- The site is not identified for development within the Cheshire Structure Plan
7/08093 - Residential development – Withdrawn 3rd July 1987

NATIONAL & LOCAL POLICY

National Policy

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs:

- 14. Presumption in favour of sustainable development.
- 50. Wide choice of quality homes
- 56-68. Requiring good design

Local Plan Policy

The Development Plan for this area is the Borough of Crewe and Nantwich Replacement Local Plan 2011, which identifies that the site is within the open countryside

The relevant Saved Policies are:

- NE.2 (Open countryside)
- NE.3 (Areas of Special County Value)
- NE.5 (Nature Conservation and Habitats)
- NE.9: (Protected Species)
- NE.20 (Flood Prevention)
- BE.1 (Amenity)
- BE.2 (Design Standards)
- BE.3 (Access and Parking)
- BE.4 (Drainage, Utilities and Resources)
- RES.5 (Housing in the Open Countryside)
- RES.7 (Affordable Housing)

RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)
RT.9 (Footpaths and Bridleways)
TRAN.3 (Pedestrians)
TRAN.5 (Cycling)

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

Other Considerations

The EC Habitats Directive 1992

Conservation of Habitats & Species Regulations 2010

Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System

Interim Planning Statement Affordable Housing

Cheshire East Local Plan Strategy – Submission Version

PG2 – Settlement Hierarchy

PG5 - Open Countryside

PG6 – Spatial Distribution of Development

SC4 – Residential Mix

SC5 – Affordable Homes

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

SE3 – Biodiversity and Geodiversity

SE5 – Trees, Hedgerows and Woodland

SE 1 Design

SE 2 Efficient Use of Land

SE 4 The Landscape

SE 5 Trees, Hedgerows and Woodland

SE 3 Biodiversity and Geodiversity

SE 13 Flood Risk and Water Management

SE 6 – Green Infrastructure

IN1 – Infrastructure

IN2 – Developer Contributions

CONSULTATIONS:

Bulkeley and Ridley Parish Council: A housing needs survey carried out in September 2013 indicated a perceived need for more low cost housing in Bulkeley. Therefore the Parish Council support this application provided that the affordable houses are administered by a recognised provider.

Highways: No objection subject to conditions.

United Utilities: No objection subject to conditions relating to foul and surface water drainage.

CEC Flood Risk Manager: No comments received at the time of report writing.

Public Rights of Way: None received at the time of report writing. However, below are their comments on the previous application.

The development will not affect any Public Rights of Way although the northern end of Bulkeley FP4, a 'cul de sac' footpath, is just 6 metres from the boundary of the development site as recorded on the Definitive Map of Public Rights of Way Given that Bulkeley FP4 is close by, the PROW Unit expects that the Planning department will ensure that any planning conditions concerning this right of way are fully complied with. In addition, advisory notes should be added to the planning consent.

Environmental Health: No objection subject to conditions/informatives relating to noise, disturbance and contaminated land.

Education: No comments received at the time of report writing.

REPRESENTATIONS:

Neighbour notification letters were sent to all adjoining occupants and a site notice erected. Three representations have been received making the following points:

- Housing is not needed here
- Affordable housing is needed locally
- Has been refused before
- Photos accompanying the application are misleading
- Loss of outlook
- Noise, disturbance and pollution
- Traffic generation
- Highway safety
- Impact on wildlife

APPRAISAL

The key issues to be considered in the determination of this application are set out below.

Principle of Development

The site lies largely in the Open Countryside and Area of Special County Value as designated in the Borough of Crewe and Nantwich Replacement Local Plan 2011, where policies NE.2 and RES.5 state that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Residential development will be restricted to agricultural workers dwellings, affordable housing and limited infilling within built up frontages.

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 policy objection.

Housing Land Supply

Following the receipt of the Further Interim Views in December 2015, the Council has now prepared proposed changes to the Local Plan Strategy (LPS), alongside new and amended strategic site allocations, with all the necessary supporting evidence. The proposed changes have been approved at a Full Council meeting held on the 26 February 2016 for a period of 6 weeks public consultation which commenced on Friday 4 March 2016.

The information presented to Full Council as part of the LPS proposed changes included the Council's 'Housing Supply and Delivery Topic Paper' (CD 9.7) of February 2016. This topic paper sets out various methodologies and the preferred approach with regard to the calculation of the Council's five year housing land supply.

From this document the Council's latest position indicates that during the plan period at least 36,000 homes are required. In order to account for the historic under-delivery of housing, the Council have applied a 20% buffer as recommended by the Local Plan Inspector. The topic paper explored two main methodologies in calculating supply and delivery of housing. These included the Liverpool and Sedgefield approaches.

The paper concludes that going forward the preferred methodology would be the 'Sedgepool' approach. This relies on an 8 year + 20% buffer approach which requires an annualised delivery rate of 2923 dwellings.

The 5 year supply requirement has been calculated at 14617, this total would exceed the total deliverable supply that the Council is currently able to identify. The Council currently has a total shortfall of 5,089 dwellings (as at 30 September 2015). Given the current supply set out in the Housing Topic Paper as being at 11,189 dwellings (based on those commitments as at 30 September 2015) the Council remains unable to demonstrate a 5 year supply of housing land. However, the Council through the Housing Supply and Delivery Topic paper has proposed a mechanism to achieve a five year supply through the Development Plan process.

National Planning Policy Guidance (NPPG) indicates at 3-031 that deliverable sites for housing can include those that are allocated for housing in the development plan (unless there is clear evidence that schemes will not be implemented within five years).

Accordingly the Local Plan provides a means of delivering the 5 year supply with a spread of sites that better reflect the pattern of housing need however at the current time, the Council cannot demonstrate a 5 year supply of housing.

Social Sustainability

Affordable Housing

The Councils Interim Planning Statement: Affordable Housing (IPS) states in Settlements with a population of 3,000 or more that 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 15 dwellings

or more or larger than 0.4 hectares 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 13 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 4 dwellings to be provided as affordable dwellings. 3 units should be provided as Affordable rent and 1 units as Intermediate tenure. This application provides a slightly higher number of affordable dwellings than is required, however to require this would not meet with the CIL Regulations.

The site falls within the Peckforton sub-area for the purposes of the Strategic Housing Market Update 2013. This identified a net requirement for 13 affordable units per annum for the period 2013/14 - 2017/18. Broken down there is a requirement for 5 x 1 bed, 4 x 2 bed, 3 x 3 bed general needs units and 1 x 1bd older persons accommodation.

Cheshire Homechoice shows there are currently 2 applicants who have selected the Bulkeley lettings area as their first choice. These applicants require 1 x 2 bed and 1 x 3 bed units.

There has also been a recent Rural Housing Needs Survey carried out for the Parish of Bulkeley and Ridley in November 2013. This identified 9 households who required affordable housing within the Bulkeley and Ridley Parish.

Health

There are 2 medical practices just over 3 miles away from the site and according to the NHS choices website they are currently accepting patients indicating that they have capacity.

Public Open Space

Policy RT.3 states that where a development exceeds 20 dwellings the Local Planning Authority will seek Public Open Space (POS) on site. In this case the development would be less than 20 dwellings, therefore there is no requirement for POS on site.

Education

The Council's Education Officer has not commented on this application at the time of report writing. However on the previous application there was considered to be sufficient capacity in local schools, meaning a contribution to education was not required. An update will be given to Members on this matter prior to the Committee meeting.

Environmental Sustainability

Landscape

This is an outline application for 13 dwellings on land off Mill Lane, Bulkeley. The application site is located to the north of the village of Bulkeley in what is currently agricultural land, adjacent to the A534.

As part of the application a Landscape and Visual Impact Assessment has been submitted, this identifies that the application site is located within the boundary of a Local Landscape Designation Area and refers to saved Policy NE3 - Areas of Special County Value. The application site is located within the boundary of the Beeston/Peckforton/Bolesworth/Bickerton Hills Local Landscape Designation Area (formerly ASCV). This is characterised by the dramatic wooded sandstone ridge that forms a distinctive landform from long distances and the surrounding landscape, creating rich texture and character. The wooded slopes of Bulkeley Hill are clearly visible to the north of the application site.

With regards to the landscape assessment; it is considered that the landscape sensitivity is greater than the submitted assessment indicates and consequently that the significance of landscape effects would also be greater.

The visual assessment identifies a number of viewpoints in proximity to the application area. It is considered that the significance of visual effect would also be greater for a number of these viewpoints than the assessment indicates.

Policy NE.3 of the Crewe and Nantwich Replacement Local Plan 2011 provides additional protection to areas which have been designated in order to preserve and enhance their special landscape quality. It is not clear how the proposed development will either preserve or enhance the landscape quality of the area, which lies within the boundary of the Local Landscape Designation Area (formerly ASCV).

Trees

The site is a parcel of agricultural land bounded by hedgerows with hedgerow trees. There are also three early mature trees on the roadside verge. The Crewe and Nantwich Borough Council (Bulkeley) TPO 1973 covers a number of the trees in the vicinity, including five specimens on the northern boundary. The TPO shows two Elm trees on the eastern boundary however, these are no longer present.

The application is supported by a Peter Jackson Tree Survey dated October 2014 version 2. The submission is out of date relating to the previous planning application, and is considered to have no relevance to this application.

Following Arboricultural comments made in respect of the previous application (15/0275N) the design layout has been amended to reflect the need to establish design build footprints outside identified Root Protection Areas (RPA) in accordance with current best practice BS5837:2012 (5.3.1). There are two minor incursions in respect of the service road and driveway associated with the plot located within the North West corner of the site. These incursions are extremely limited representing less than 5% of the individual tree RPA's. Subject to suitable design construction method statements this can be addressed by condition. The reduction in house numbers has established adequate space and social proximity in relation to the dwellings located on the northern boundary, and the adjacent tree cover, to ensure the trees are defensible should the development proceed.

In the absence of quantifiable arboricultural detail, if consent is granted, conditions will be required to ensure adequate protection and retention of trees.

Hedgerows

The proposals would involve the creation of a new access into the site, removing a section of hedge. Whilst normally a full assessment would be made under the Hedgerow Regulations, outside a planning application, the Regulations include an exemption to make provision for the creation of a new opening for access, provided the existing access is infilled with hedge within 8 months. It would appear this could be achieved on this site. Infill of the hedge would need to be secured by condition.

Ecology

Three trees on site have been identified as having potential to support roosting bats, these trees are all located on the boundary of the application site and so it seems feasible that these trees could be retained as part of the proposed development. If planting consent is granted it is recommended that a condition be attached to secure the retention of these trees.

The northern and western boundaries of the application site have been identified as being of importance in the context of the site for foraging bats. The submitted ecological assessment identifies the need to retain these hedgerows within an appropriate buffer of semi-natural habitat. The submitted layout plan shows the provision of additional screening planting along the northern boundary of the application site which would assist in part in achieving this objective.

If planning consent is granted it is recommended that a condition should be imposed requiring habitat buffer zones to be provided along the northern and western boundaries and for the provision of bat boxes.

To avoid any potential impact arising from excessive lighting it is recommended that if planning consent is granted a condition be attached requiring any lighting associated with the proposed development be submitted for approval.

Hedgerows are priority habitat and a material consideration. The proposed development is likely to result in the loss of a section of hedgerow to facilitate the proposed entrance to the site. It is recommended that if planting consent is granted, detailed proposals for the provision of suitable replacement native species planting should be secured by means of a condition.

No evidence of other protected species activity was recorded during the submitted survey; however the survey was completed in excess of 12 months ago. An updated survey is therefore required prior to determination.

If planning consent is granted conditions are required to safeguard nesting birds.

Location of the site

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

The accessibility of the site shows that following facilities meet the minimum standard:

- Bus Stop (500m) – 250m
- Public Right of Way (500m) – 20m
- Community Centre/Meeting Place (1000m) – 320m

Where the proposal fails to meet the standards, the facilities / amenities in question are still within a reasonable distance of those specified and are therefore accessible to the proposed development. Those amenities are:

- Public House (1000m) – 1280m

The following amenities/facilities fail the standard:

- Supermarket (1000m) – 12500m
- Convenience Store (500m) – 4500m
- Primary School (1000m) – 2500m
- Amenity Open Space (500m) – 4500m
- Pharmacy (1000m) – 5600m
- Post office (1000m) – 2500m
- Children's Play Space (500m) – 4500m
- Secondary School (1000m) – 7400m
- Medical Centre (1000m) - 5790m
- Outdoor Sports Facility (500m) – 4500m
- Child Care Facility (nursery or crèche) (1000m) - 3800m

In summary, the site does not comply with all of the standards advised by the NWDA toolkit. However as stated previously, these are guidelines and are not part of the development plan. Owing to its position on the edge of Bulkeley, there are some amenities that are not within the ideal standards set within the toolkit and will not be as close to the development as existing dwellings which are more centrally positioned. Nevertheless this is not untypical and will be the same distances for the residential development in Bulkeley from the application site. However, the majority of the services and amenities listed are accommodated within Bunbury.

On this basis a previous application (14/3052N) was considered to be acceptable in locational sustainability at the time of determination as this view was considered to be consistent with two appeal decisions which were refused on sustainability grounds but allowed at appeal. They were at 4 Audlem Road, Hankelow an application for 10 dwellings (12/2309N) and at land adjacent to Rose Cottages, Holmes Chapel Road, Somerford an application for 25 dwellings (12/3807C).

However, an appeal decision for a site known as “The Gables” at Peckforton, dismissed the appeal and the Inspector stated:

“The defects of this location and the dearth of facilities are matters of fact. A place that can boast of containing little more than a post box and a restaurant (transformed from an old public house beside the A49) can provide few of the day-to-day facilities that prospective occupants might need. Moreover, since there is barely a bus service to speak of, the means of reaching such facilities must mainly depend on using the private car. (Mr Augustine’s ability to push his 2 children to Bunbury and

back being the exception that proves the rule). True, there is a 'Brambley Hedge Nursery' amongst the 'farmsteads' a little way beyond the settlement, but everything else (a small Co-op, a butcher, a post office, a medical centre, the village hall, the primary school, 2 churches and 3 public houses) are at last 1.5km away in the village of Bunbury. No doubt prospective residents would make some use of those facilities, often travelling back and forth by car. But, the use of the car also presents immediate opportunities to travel further afield. And, the need to do so to reach facilities and services unavailable locally could well encourage such journeys. The contrary possibility that the appeal proposal might contribute to re-establishing the post office and shop, the police station, the primary school or the Methodist Chapel in Spurstow a quarter of a century or so since their demise is, I fear, little more than a 'pipe dream'."

On this basis Inspectors decisions have evolved as material considerations in this case and this site is no longer considered to be acceptable in locational sustainability terms.

Access

The proposal is for 13 dwelling units with a new vehicle and pedestrian access off Mill Lane, and associated car parking provision. There have been previous applications on this site which have either been withdrawn or refused, but for each of them no highways objection has been raised.

The traffic impact of such a development of this scale would be negligible and visibility onto Mill Lane from the site would be sufficient.

There are no pedestrian footways from the existing site into the village of Bulkeley but footways have been proposed as shown on plan 'Proposed Site and Location Plan' dated April 2016.

Parking provision within the site does conform to current CEC standards and there is a turning facility provided at the head of the cul-de-sac. The internal layout reflects a previous application for which no highways objection was raised, and is therefore considered adequate.

Amenity

The surrounding development comprises a nursery and caravan site to the north, open countryside to the east and west and an existing residential cul-de-sac (Mill Grove) to the south. The recommended minimum distance of 21m between principal elevations would be exceeded between the proposed dwellings and these properties. This would also be achieved within the site as would the recommended minimum distance of 13m between principal elevations and flank elevations.

The minimum garden area of 50sqm would be achieved in the majority of cases with the exception of the terraced affordable units, where rear garden areas would be reduced to around 40sqm in 2 out of 3 cases. However, the properties do benefit from substantial front gardens as well, and such garden areas are not untypical for this type of property. Therefore it is not considered that a refusal on amenity grounds could be sustained.

Design

In this case the density of the development is considered to be acceptable and would be consistent with the surrounding area of Bulkeley. The development is for 13 dwellings. The proposed dwellings are a mixture of 2 storey and single storey types, which are of a simple, vernacular pitched roof form,

and include features such as arched window heads and gable detailing which is reminiscent of the many farm buildings and estate cottages in the vicinity. Subject to conditions controlling materials it is considered that these house types would be appropriate in this locality.

The proposal is considered to be an acceptable layout and all highways would be well overlooked. Car dominated frontages would be avoided. Secure bin storage, for both recycling and household waste, should be provided that is adequate for the size of the development. This could be secured by condition.

Overall, therefore, it is considered that an acceptable design/layout that would comply with Policy BE.2 (Design Standards) and the NPPF has been achieved.

Noise

No noise concerns are raised with regard to impact on future occupiers from existing noise sources such as roads or rail lines. However, to protect the amenity of neighbouring occupiers from construction noise, a condition requiring a construction management plan would be required as well as an informative to limit the operating hours of the construction site.

Air Quality

This scheme is of a relatively small scale and as such would not require an air quality impact assessment. Given the rural location of the site and the distance from any Air Quality Management Areas it is not considered that the development would raise any air quality impacts. However to ensure that sustainable vehicle technology is a real option for future occupants, a vehicle charging point should be provided for each dwelling. This could be secured by condition.

Contaminated Land

The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. The applicant has submitted a contaminated land assessment for the site. This assessment identified a low risk of contamination on the site. There is a nursery adjacent to the north of the site. There may be localised contamination on this site from fuel/oil tanks for example. If there are any tanks on the southern boundary of the nursery, any spillages may migrate onto the site and pose localised contamination issues. A watching brief during construction for any contamination should be employed. This could be secured by condition.

Flood Risk and Drainage

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps. Flood Zone 1 defines that the land has less than 1 in 1000 annual probability of flooding and all uses of land are appropriate in this location. As the application site is less than 1 hectare, a Flood Risk Assessment (FRA) is not required in support of this application.

The councils Strategic Flood Risk Manager was consulted on the previous application and had no objections in principle subject to drainage conditions.

Economic Sustainability

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to the area including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

Agricultural Land Quality

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

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

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

In this case the applicant has provided supporting information which identifies that the site is Grade 2 agricultural land which is contrary to Policy NE.12 and the NPPF.

S106 contributions:

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

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

In this case, however, no Section 106 financial Contributions are required. Should education comment revise this requirement an update will be provided.

Policy does require the provision of affordable housing on the site and this is necessary, directly related to the development and fairly and reasonably related in scale and kind to the development.

PLANNING BALANCE AND CONCLUSION

The proposed development would be contrary to Policies NE.2 and RES.5 and the development would result in a loss of open countryside. However as Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites then the presumption in favour of sustainable development applies unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits.

The development would provide benefits in terms of housing provision, delivery of housing, and economic benefits through the provision of employment during the construction phase, new homes and benefits for nearby businesses.

The development would have a neutral impact upon flood risk/drainage, trees, residential amenity/noise/air quality/contaminated land and highways.

The adverse impacts of the development would be the unsustainability of the location of the site, the loss of open countryside, and landscape impact of the development.

However, the identified benefits do not outweigh the concerns outlined above and it is therefore considered to be unsustainable development and accordingly is recommended for refusal.

RECOMMENDATION

REFUSE for the following reasons:

Whilst it is acknowledged that there is a presumption in favour of sustainable development in the planning balance, it is considered that the development is unsustainable because:

- 1. The unacceptable environmental impact of the scheme on the open countryside and character and appearance of the landscape, coupled with it's unsustainable location, and the economic impact of loss of best and most versatile agricultural land significantly demonstrably outweighs the economic and social benefits in terms of its contribution to boosting housing land supply, including the contribution to affordable housing. As such, the proposal is contrary to Policy NE2, NE.3, and NE12, of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and Policy SE4 of the Cheshire East Local Plan Strategy Submission Version as well as the provisions of the National Planning Policy Framework.**
- 2. Insufficient information has been submitted with the application in order to assess adequately the impact of the proposed development on nature conservation interests. In particular, adequate/up to date surveys of the site for the existence of Badgers were not submitted. In the absence of this information, it has not been possible to demonstrate that the proposal would comply with the provisions of the National planning Policy Framework and Development Plan policies relating to nature conservation and would therefore be contrary to Policy NE.9 of the Borough of Crewe and Nantwich Replacement Local Plan 2011.**

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

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

1. A scheme for the provision of affordable housing – 3 units to be provided as social rent/affordable rent with 1 unit as intermediate tenure. The scheme shall include:

- The numbers, type, tenure and location on the site of the affordable housing provision
- The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
- The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
- The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.



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Application No: 16/2832N

Location: LAND OFF CREWE ROAD, HASLINGTON, CHESHIRE

Proposal: Advertisement consent for erection of 2no advertisement boards to inform public of new residential site

Applicant: Mr Christopher Conlon, Bovis Homes Ltd

Expiry Date: 04-Aug-2016

SUMMARY

The proposed signage would not have an adverse effect on the character of the streetscene nor would it pose a threat to public or highway safety and therefore would accord with Policies BE.2 (Design) and BE.19 (Advertisements and Signs) of the Crewe and Nantwich Local Plan 2011, as such is recommended for approval.

RECOMMENDATION – Approve with conditions**REASON FOR REFERRAL**

This application is referred to the Southern Planning Committee in response to call in by Cllr Hammond on the following grounds;

‘This proposal would create an unnecessary significant adverse impact on the visual amenity of the surrounding area and street scene creating highway clutter when most importantly no development can take place on this site until the Grampian Condition relating to access and visibility splay imposed by the Inspector at Public Inquiry is resolved’

DESCRIPTION OF SITE AND CONTEXT

The application site is located within the Settlement Boundary of Haslington and relates to the development of the site for housing approved under application no. 13/4301N.

DETAILS OF PROPOSAL

The application seeks Advertisement Consent for a primary ‘main entrance’ V board sign measuring 3m x 1.5m with overall height of 4m and secondary sign measuring 1.5m x 1m with overall height of 2.4m. Both signs are to be located off Crewe Road adjacent to the location of the proposed access for the approved housing development.

RELEVANT HISTORY

13/4301N - Outline Planning Application for Demolition of existing structures and foundations of a partly constructed building, and the erection of up to 250 dwellings, medical centre/community use, public open space, green infrastructure and associated works – Approved under appeal 2014

POLICIES

Local Plan Policy

- BE.2 (Design)
- BE.19 (Advertisements and Signs)

National Planning Policy Framework

Advertisement Regulations

CONSULTATIONS (External to Planning)

None

VIEWS OF THE PARISH/TOWN COUNCIL

None received at the time of report writing

OTHER REPRESENTATIONS

Comments received from Cllr Hammond raises concerns relating to the prematurity of the application and also relating to adverse streetscene impacts.

A number of public representations (39 at the time of report writing) from have been received raising objection to the proposed signage.

A number raise concern in relation to highways safety and design / streetscene impacts (these impacts are discussed below within the Officer Appraisal).

A large number of representations raise concerns relating to the prematurity of the installation of signage for a permitted housing development which has a condition requirement relating to the access. In addition there are also a number of representations directly referring to specific impacts of the housing development. Such matters are not material to the determination under this advertisement consent.

OFFICER APPRAISAL

The principle issues surrounding the determination of this application is whether the development is in accordance with the provisions of Local Plan Policies BE.2 (Design Standards), and BE.19 (Advertisements and Signs) of the Borough of Crewe and Nantwich Replacement Local Plan 2011. These policies seek to ensure advertisements contribute a high standard of design, are discreet; do not introduce excessive illumination, compatible with

the surroundings and the general streetscape and to ensure they have no adverse effect upon amenity and public safety.

Paragraph 67 of the National Planning Policy Framework states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment and that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts

Policy BE.19 of the Local Plan adds to these:

- Should not have an adverse effect on the character of the streetscene and individual buildings,
- Should not be above ground floor fascia level or on gable ends or flank walls,
- They do not obscure important architectural features
- Should not introduce excessive illumination,
- should be discreet and avoid highly glossy materials or unnecessarily large lettering
- Should not present a threat to public or highway safety.

Amenity

Streetscene

The proposed signage is of appropriate scale in keeping with the context and surroundings of the area and would not adversely affect the streetscene.

The materials are typical of adverts used for housing developments and are considered acceptable for a temporary period during the construction of the development.

Illumination

The signage would not be illuminated.

Public Safety

Adverts can have a detrimental impact on highway safety by either obstructing pedestrians or vehicular highways or by providing a distraction to drivers and passers by.

The adverts do not use intermittent light sources and are located back approximately 3m from the highway boundary behind an existing hedgerow. It is not considered that the proposed signage would provide a distraction in the streetscene or pose a threat to public or highway safety.

Other Issues

A number of the letters of objection relate to the grounds of principle (the development does not have planning permission so the signs are premature) and issues relating to a Grampian condition on the outline permission for the 250 houses that were granted on appeal.

This is not relevant to the determination of whether the proposed advertising boards are detrimental to the character and appearance of the area or have an adverse impact upon highway safety. Advertisements are not planning applications and planning policy is a material consideration.

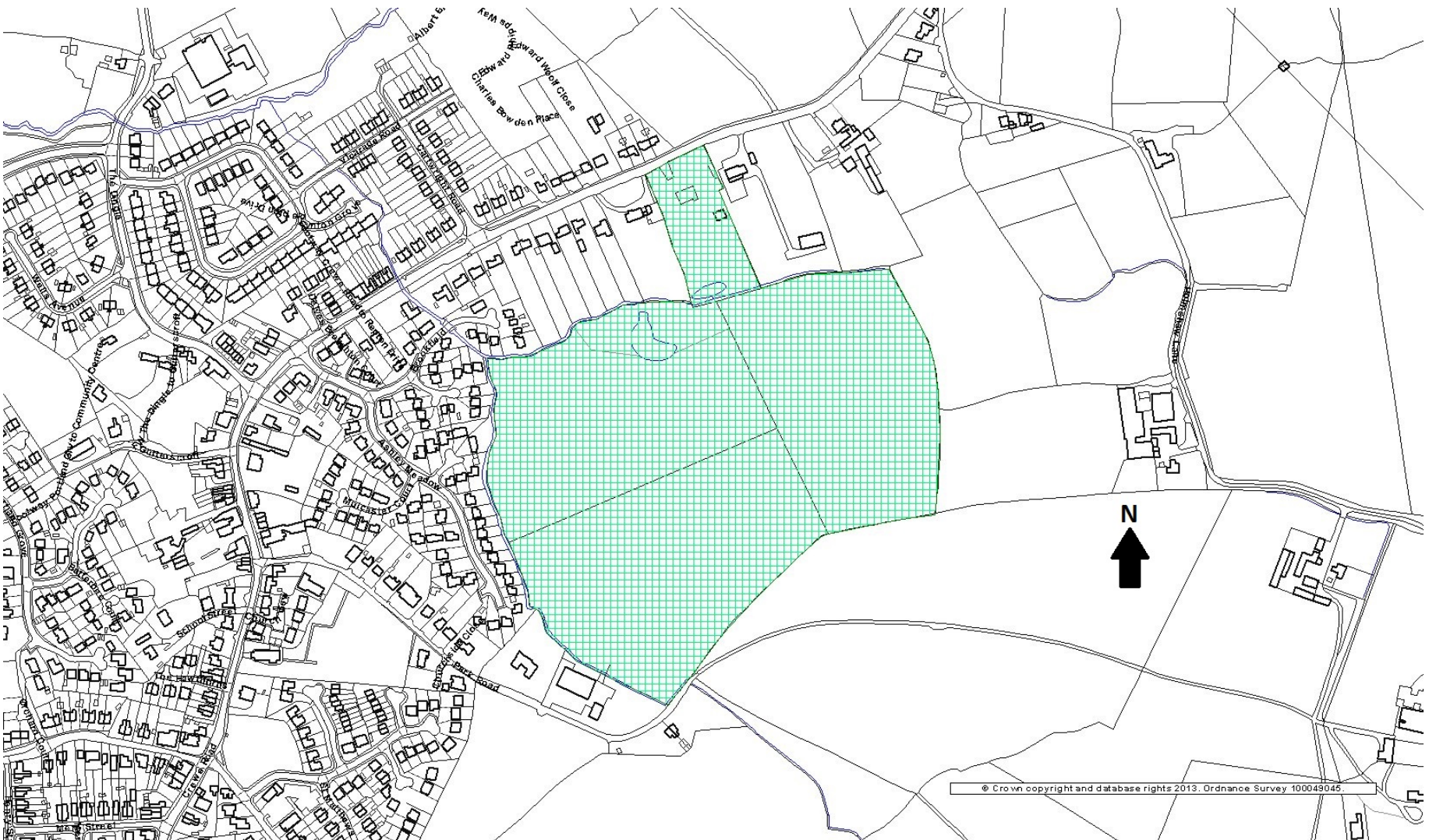
CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposed signage would not have an adverse effect on the character of the streetscene nor would it pose a threat to public or highway safety and therefore would accord with Policies BE.2 (Design) and BE.19 (Advertisements and Signs) of the Crewe and Nantwich Local Plan 2011, as such is recommended for approval.

RECOMMENDATIONS

APPROVE subject to the following conditions:-

- | | |
|------------|-----------------------------------|
| 1-5 | Standard Advert Conditions |
| 6 | Approved Plans |



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CHESHIRE EAST COUNCIL

SOUTHERN PLANNING COMMITTEE REPORT

Date: 3rd August 2016

Report of: Philippa Radia – Senior Planning Officer

Title: Update following the resolution to approve application 15/3752N – Construction of five, detached two-storey dwellings with car parking and car parking for existing workshop with shared access.

Site: 416, Newcastle Road, Shavington, CW2 5EB.

1.0 Purpose of Report

- 1.1 Planning application 15/3752N was referred to Southern Planning Committee on 25th November 2015. This report is to consider a recent Court of Appeal judgement which has ruled that a 2014 ministerial statement introducing the 'vacant building credit' and exempting small sites from affordable housing contributions was not unlawful.
- 1.2 The minutes from the meeting are as follows:

RESOLVED

(a) That authority be DELEGATED to the Head of Planning (Regulation), in consultation with the Chairman of Southern Planning Committee, to APPROVE the application for the reasons set out in the report, subject to the completion of a s106 agreement to secure a contribution for off-site affordable housing and the following conditions:

- 1. Commencement*
- 2. Submission of reserved matters (all matters other than access)*
- 3. Approved plans*
- 4. Submission of a Phase II Contaminated Land Investigation*
- 5. Submission and approval of a construction management plan including any piling operations and a construction compound within the site*
- 6. Restriction on hours of piling to 9am to 5.30pm Monday to Friday, 9am to 1pm Saturday and no working on Sundays or public holidays*
- 7. Reserved matters to include details of any external lighting*
- 8. Submission of a drainage scheme to include foul and surface water including sustainable drainage systems*
- 9. Tree and hedgerow protection measures*
- 10. Breeding bird survey for works in the nesting season*

11. *Reserved matters to include details of boundary treatments in particular acoustic fencing*
12. *Reserved matters to include details of existing and proposed levels*
13. *Reserved matters to include details of bin/cycle storage*
14. *Reserved matters to include a single electric vehicle charging point for each dwelling*
15. *Reserved Matters to include a pedestrian footway through the site*

(b) That, in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal prior to the decision being issued. The Head of Planning (Regulation) be granted delegated authority to do so in consultation with the Chairman of Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

(c) That, should this application be the subject of an appeal, authority be delegated to the Head of Planning (Regulation) in consultation with the Chairman of Southern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

2.0 Decision Required

- 2.1 Since the resolution above the Court of Appeal has ruled that a 2014 ministerial statement introducing the 'vacant building credit' and exempting small sites from affordable housing contributions was not unlawful (*Secretary of State for Communities and Local Government v West Berkshire District Council and Another* [2016] EWCA Civ 441 (11 May 2016)).

3.0 Background

- 3.1 The application site is located on the southern side of Newcastle Road just outside the Shavington Settlement Boundary and within the Open Countryside. The site is currently occupied by a parking area and a strip of landscaping. To the north-west of the site is a petrol filling station, to the west of the site is a garage (ABP) and a childrens play centre (Playworld). To the north-east of the site is 418 Newcastle Road, which is a detached dwelling and an area of gravelled land which has planning permission for 2 units of B1/B8 use.

4 Proposed Development

- 4.1 The proposal seeks outline planning permission for the erection of five, two-storey detached dwellings on this site. The application is in outline form with access to be determined at this point, with all other matters reserved (layout, scale, appearance and landscaping)

5 Officer Comment

- 5.1 This committee resolution includes the requirement that the developer enters into a S106 Agreement to secure a contribution for off-site affordable housing provision.
- 5.2 Following the Court of Appeal judgement referred to above the Planning Practice Guidance has been amended and this states that the in the following circumstances contributions for affordable housing and tariff style planning obligations should not be sought from small scale and self-build development;
- *Contributions should not be sought from developments of 10 units or less and which have a maximum combined gross floorspace of no more than 1000sqm*
 - *in designated rural areas, local planning authorities may choose to apply a lower threshold of 5-units or less. No affordable housing or tariff-style contributions should then be sought from these developments. In addition, in a rural area where the lower 5-unit or less threshold is applied, affordable housing and tariff style contributions should be sought from developments of between 6 and 10-units in the form of cash payments which are commuted until after completion of units within the development.*
- 5.3 In this case it is clear that the development is of 10 units or less and a condition could be attached to ensure that the reserved matters is limited to a maximum combined gross floorspace of no more than 1000sqm. On this basis the Council is unable to require affordable provision on this site.

6 Conclusion

- 6.1 On the basis of the above, the Council is unable to require the developer to enter into a S106 Agreement to secure affordable housing on this development and this should be removed from the committee resolution. An additional condition will be required to state that the reserved matters application should have a maximum combined gross floorspace of no more than 1000sqm.

7 Recommendation

- 7.1 The Heads of Terms for the S106 Agreement are removed from this resolution and an additional condition is attached to the recommendation.

8 Financial Implications

- 8.1 There are no financial implications.

9 Legal Implications

- 9.1 The Borough Solicitor has been consulted on the proposals and raised no objections

10 Risk Assessment

- 10.1 There are no risks associated with this decision.

11 Reasons for Recommendation

- 11.1 To reflect the recent Court of Appeal judgement.

For further information:

Portfolio Holder: Councillor Ainsley Arnold
Officer: Philippa Radia – Senior Planning Officer
Tel No: 01270 686757
Email: philippa.radia@cheshireeast.gov.uk

Background Documents:

- *Application 15/3752N*

CHESHIRE EAST COUNCIL

SOUTHERN PLANNING COMMITTEE REPORT

Date: 3rd August 2016

Report of: Philippa Radia – Senior Planning Officer

Title: Update following the resolution to approve application 15/2331N – Outline application for up to nine dwellings.

Site: Land South of Chester Road, Alpraham.

1.0 Purpose of Report

- 1.1 Planning application 15/2331N was referred to Southern Planning Committee on 25th November 2015. This report is to consider a recent Court of Appeal judgement which has ruled that a 2014 ministerial statement introducing the 'vacant building credit' and exempting small sites from affordable housing contributions was not unlawful.
- 1.2 The minutes from the meeting are as follows:

RESOLVED

(a) That authority be DELEGATED to the Head of Planning (Regulation), in consultation with the Chairman of Southern Planning Committee, to APPROVE the application for the reasons set out in the report, subject to the completion of a s106 agreement to secure two affordable units, a sum for off-site affordable housing provision, and the following conditions:

- 1. Commencement*
- 2. Submission of reserved matters*
- 3. Approved plans*
- 4. Hours of piling limited to 9am to 5.30pm Monday to Friday, 9am to 1pm Saturday, with no working on Sundays or public holidays*
- 5. Submission of a construction management plan*
- 6. Provision of an electric vehicle charging point to each dwelling*
- 7. Submission of a drainage scheme to include foul and surface water including sustainable drainage systems*
- 8. Submission of tree/hedgerow protection scheme*
- 9. Breeding bird survey for works in the nesting season*
- 10. Compliance with Extended Phase One Habitat Survey*
- 11 Reserved matters to include noise mitigation scheme*
- 12. Reserved matters to include details of external lighting*

13. *Reserved matters to include features for breeding birds and roosting bats*
14. *Reserved Matters to include details of boundary treatments*
15. *Reserved matters to include existing and proposed levels*
16. *Reserved matters to include an access point off Cinder lane.*

(b) That, in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal prior to the decision being issued. The Head of Planning (Regulation) be granted delegated authority to do so in consultation with the Chairman of Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

(c) That, should this application be the subject of an appeal, authority be delegated to the Head of Planning (Regulation) in consultation with the Chairman of Southern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

2.0 Decision Required

- 2.1 Since the resolution above the Court of Appeal has ruled that a 2014 ministerial statement introducing the 'vacant building credit' and exempting small sites from affordable housing contributions was not unlawful (*Secretary of State for Communities and Local Government v West Berkshire District Council and Another* [2016] EWCA Civ 441 (11 May 2016)).

3.0 Background

- 3.1 The application site comprises a rectangular parcel of land situated on the southern side of the A51. There is housing to the west and north of the site and also to the east with a playing field in between. There is a hedgerow to the front of the site, but no significant trees within it.

4 Proposed Development

- 4.1 The proposal seeks outline planning permission for the erection of up to nine dwellings, with all matters reserved.

5 Officer Comment

- 5.1 This committee resolution includes the requirement that the developer enters into a S106 Agreement to secure affordable housing provision.
- 5.2 Following the Court of Appeal judgement referred to above the Planning Practice Guidance has been amended and this states that the in the following circumstances contributions for affordable housing

and tariff style planning obligations should not be sought from small scale and self-build development;

- *Contributions should not be sought from developments of 10 units or less and which have a maximum combined gross floorspace of no more than 1000sqm*
- *in designated rural areas, local planning authorities may choose to apply a lower threshold of 5-units or less. No affordable housing or tariff-style contributions should then be sought from these developments. In addition, in a rural area where the lower 5-unit or less threshold is applied, affordable housing and tariff style contributions should be sought from developments of between 6 and 10-units in the form of cash payments which are commuted until after completion of units within the development.*

- 5.3 In this case it is clear that the development is of 10 units or less and a condition could be attached to ensure that the reserved matters is limited to a maximum combined gross floorspace of no more than 1000sqm. On this basis the Council is unable to require affordable provision on this site.

6 Conclusion

- 6.1 On the basis of the above, the Council is unable to require the developer to enter into a S106 Agreement to secure affordable housing on this development and this should be removed from the committee resolution. An additional condition will be required to state that the reserved matters application should have a maximum combined gross floorspace of no more than 1000sqm.

7 Recommendation

- 7.1 The Heads of Terms for the S106 Agreement are removed from this resolution and an additional condition is attached to the recommendation.

8 Financial Implications

- 8.1 There are no financial implications.

9 Legal Implications

- 9.1 The Borough Solicitor has been consulted on the proposals and raised no objections

10 Risk Assessment

- 10.1 There are no risks associated with this decision.

11 Reasons for Recommendation

11.1 To reflect the recent Court of Appeal judgement.

For further information:

Portfolio Holder: Councillor Ainsley Arnold
Officer: Philippa Radia – Senior Planning Officer
Tel No: 01270 686757
Email: philippa.radia@cheshireeast.gov.uk

Background Documents:

- *Application 15/2331N*

CHESHIRE EAST COUNCIL

SOUTHERN PLANNING COMMITTEE REPORT

Date:	3 rd August 2016
Report of:	Adrian Crowther – Major Applications Team Leader
Title:	Update following the resolution to approve application 15/3979N – Outline Planning Application For The Demolition Of Existing House And The Construction Of An Access Road With Residential Development On Existing Garden Area And Paddock Land.
Site:	Heathcote, Sandy Lane, Aston, CW5 8DG

1.0 Purpose of Report

- 1.1 Planning application 15/3979N was referred to Southern Planning Committee on 27th April 2016. This report is to consider a recent Court of Appeal has ruled that a 2014 ministerial statement introducing the 'vacant building credit' and exempting small sites from affordable housing contributions was not unlawful.
- 1.2 The minutes from the meeting are as follows:

RESOLVED

(a) That, for the reasons set out in the report, the application be APPROVED subject to the signing of a Section 106 Agreement with the following Heads of Terms:

1. A scheme for the provision of 30% affordable housing – split 2 rented and 1 for intermediate sale based on 10 units. The scheme shall include:

- The numbers, type, tenure and location on the site of the affordable housing provision
- The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
- The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
- The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

2. An education contribution of £32,685 towards secondary education in Nantwich.

and the following conditions:

1. Commencement of development (3 years) or 2 from the date of approval of reserved matters.
2. Reserved matters to be approved.
3. Approved plans (to include the revised access but NOT the illustrative layout)
4. Tree retention/protection in accordance with agreed scheme
5. Further ecological surveys to be submitted as part of the reserved matters application
6. Surface water drainage
7. Separate systems for drainage
8. Contaminated land verification report
9. Construction management plan including dust control
10. Noise mitigation
11. Reserved matters to comprise no more than 8 dwellings

(b) That, in order to give proper effect to the Committee's intentions and

without changing the substance of the decision, authority be delegated to the Head of Planning (Regulation) in consultation with the Chairman (or in her absence, the Vice Chairman) of the Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

(c) That, should this application be the subject of an appeal, the following

Heads of Terms be secured as part of any S106 Agreement:

1. A scheme for the provision of 30% affordable housing – split 2 rented

and 1 for intermediate sale based on 10 units. The scheme shall include:

- The numbers, type, tenure and location on the site of the affordable housing provision
- The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
- The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
- The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

2. An education contribution of £32,685 towards secondary education in Nantwich.

2.0 Decision Required

- 2.1 Since the resolution above the Court of Appeal has ruled that a 2014 ministerial statement introducing the 'vacant building credit' and exempting small sites from affordable housing contributions was not unlawful (*Secretary of State for Communities and Local Government v*

West Berkshire District Council and Another [2016] EWCA Civ 441 (11 May 2016)).

3.0 Background

- 3.1 The application site is a garden and paddock area in Aston near Wrenbury. The site lies within the open countryside.
- 3.2 An application under 15/3979N was granted planning permission on 27th April 2016 subject to the signing of a Section 106 Agreement.
- 3.3 Dwellings lie to either side and to the north east, and there is a large mill complex to the north. The site does in part abut some open land.

4 Proposed Development

The proposal seeks outline planning application for the demolition of existing house and the construction of an access road with residential development on existing garden area and paddock land.

5. Officer Comment

- 5.1 This committee resolution includes the requirement that the developer enters into a S106 Agreement to secure a contribution for off-site affordable housing provision.
- 5.2 Following the Court of Appeal judgement referred to above the Planning Practice Guidance has been amended and this states that the in the following circumstances contributions for affordable housing and tariff style planning obligations should not be sought from small scale and self-build development;
 - *Contributions should not be sought from developments of 10 units or less and which have a maximum combined gross floorspace of no more than 1000sqm*
 - *in designated rural areas, local planning authorities may choose to apply a lower threshold of 5-units or less. No affordable housing or tariff-style contributions should then be sought from these developments. In addition, in a rural area where the lower 5-unit or less threshold is applied, affordable housing and tariff style contributions should be sought from developments of between 6 and 10-units in the form of cash payments which are commuted until after completion of units within the development.*
- 5.3 In this case it is clear that the development is of 10 units or less and a condition could be attached to ensure that the reserved matters is limited to a maximum combined gross floorspace of no more than 1000sqm. On this basis the Council is unable to require affordable provision on this site.

6 Conclusion

- 6.1 On the basis of the above, the Council is unable to require the developer to enter into a S106 Agreement to secure affordable housing on this development and this should be removed from the committee resolution. An additional condition will be required to state that the reserved matters application should have a maximum combined gross floorspace of no more than 1000sqm.

7 Recommendation

- 7.1 The Heads of Terms for the S106 Agreement be amended to only secure an educational contribution and an additional condition is attached to the resolution.

8 Financial Implications

- 8.1 There are no financial implications.

9 Legal Implications

- 9.1 The Borough Solicitor has been consulted on the proposals and raised no objections

10 Risk Assessment

- 10.1 There are no risks associated with this decision.

11 Reasons for Recommendation

- 11.1 To reflect the recent Court of Appeal judgement.

For further information:

Portfolio Holder: Councillor Ainsley Arnold
Officer: Adrian Crowther – Major Applications Team Leader
Tel No: 01625 38704
Email: Adrian.crowther@cheshireeast.gov.uk

Background Documents:

- *Application 15/3979N*