

Southern Planning Committee

Agenda

Date:	Wednesday, 31st 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 - 18)

To approve the minutes of the meeting held on 3 August 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. **13/2710N Ridley Bank Farm, Wrexham Road, Ridley CW6 9RZ: Installation of wind turbine 32.5m to hub and associated ancillary works for Mr R Latham** (Pages 19 - 58)

To consider the above planning application.

6. **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 59 - 80)

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 81 - 100)

To consider the above planning application.

8. **16/1024C Alsager Arms Hotel, 4, Sandbach Road South, Alsager ST7 2LU: Demolition of existing pub hotel building and construction of 14no. apartments for Jack Middleton** (Pages 101 - 116)

To consider the above planning application.

9. **16/1134C Land Off Marsh Green Road, Sandbach, Cheshire: Outline application for proposed development of 30 dwellings including open space (allotments), internal access road and car parking for Safeguard Limited** (Pages 117 - 142)

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 143 - 166)

To consider the above planning application.
11. **16/2648N 5, Coppice Road, Winterley CW11 4RN: Proposed Residential Development of 4 Detached Dwellings and Extension to Existing Dwelling for The Estate of Miss M J Swain** (Pages 167 - 178)

To consider the above planning application.
12. **16/2158N Valley House, 11, Walthall Street, Crewe CW2 7JZ: Proposed construction of apartments for Dr D Fyles** (Pages 179 - 190)

To consider the above planning application.
13. **16/2950N Land Adj North View, Nantwich Road, Calveley CW6 9JN: Proposed residential development (up to 16 houses) with associated infrastructure. All matters reserved except for access for Mr & Mrs Waterhouse** (Pages 191 - 210)

To consider the above planning application.
14. **16/2557N Land Adjacent To The Cottage, Chester Road, Alpraham: Two detached dwellings with associated garaging for Mr & Mrs Frank and Pat Harding** (Pages 211 - 224)

To consider the above planning application.
15. **Site at Manchester Road, Congleton** (Pages 225 - 232)

To consider a report regarding planning application 14/4451C.

THERE ARE NO PART 2 ITEMS

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 3rd August, 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, J Clowes, W S Davies, S Edgar, J Rhodes,
B Roberts and B Walmsley

NON-COMMITTEE MEMBERS IN ATTENDANCE

Councillors M Deakin, J Hammond, D Hough and A Moran

OFFICERS PRESENT

Patricia Evans (Senior Planning and Highways Lawyer)
Andrew Goligher (Principal Development Control Officer - Highways)
Simon Hodgkiss (Land and Sites Coordinator - Standards and Learning)
Sue Orrell (Principal Planning Officer)
Paul Reeves (Flood Risk Manager)
Natalie Wise Ford (Principal Planning Officer)
Julie Zientek (Democratic Services Officer)

Apologies

Councillors D Bebbington and P Butterill

Apologies due to Council Business

Councillor A Kolker

22 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 agenda item 19, Councillor S Edgar declared that part of the application site was in his Ward, but that he had kept an open mind.

With regard to agenda item 19, Councillor J Clowes declared that part of the application site was in her Ward, but that she had kept an open mind.

With regard to application number 16/0479C, Councillor B Walmsley declared that she knew the speaker but that she had kept an open mind.

With regard to application number 16/2832N, Councillor B Walmsley declared that she had received a photograph by email.

All Members of the Committee declared that they had received correspondence with regard to application number 16/1352C.

With regard to application number 15/4447N, Councillor A Moran, who was in attendance at the meeting, declared that he had made comments in the press and at meetings of Nantwich Town Council.

With regard to application numbers 15/4367N, 16/1728N, 15/5654N, and 16/2832N 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 applications. In addition, with respect to application numbers 15/4367N and 16/1728N, he declared that he was a director of ANSA which had been consulted but that he had made no comments.

With regard to application number 16/2183N, Councillor S Davies declared that it was in his Ward but that he had not participated in any discussions about the application.

All Members of the Committee declared that they had received email correspondence with regard to application number 16/2183N.

With regard to application number 15/4367N, Councillor G Merry declared that her daughter lived in Winterley but that she had not discussed the application and had kept an open mind.

23 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meeting held on 29 June 2016 be approved as a correct record and signed by the Chairman.

24 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.

Note: Mr W Atteridge (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 Atteridge to speak.

The Committee considered a report regarding the above planning application.

RESOLVED – That, contrary to the planning officer's recommendation for approval, the application be REFUSED for the following reason:

The proposed development, together with adjoining housing developments, by virtue of the loss of open countryside and cumulative impact and erosion upon the Green Gap, is contrary to Local Plan Policies NE.2 (Open Countryside), NE.4 (Green Gap) and RES.5 (Housing in the Open Countryside) of the Crewe and Nantwich Replacement Local Plan 2011 and PG5 of the Cheshire East Local Plan Strategy (Consultation Draft) March 2016 and policies within the NPPF.

**25 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**

Note: Councillor J Hammond (Ward Councillor) attended the meeting and addressed the Committee on this matter.

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

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. 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. Submission of Revised tree protection scheme
6. Submission of No Dig Construction
7. Submission of Revised Arboricultural Method Statement (AMS)
8. Submission of Construction Management Plan
9. Submission of Tree pruning/felling specification
10. Submission and approval of land level details
11. Submission of service/drainage layout
12. Boundary Treatment details to be submitted for approval
13. Details of the proposed bridge to be submitted and approved

14. Details of the proposed LEAP to be submitted and approved
 15. Open Plan Estate/Removal of permitted development rights for means of enclosure forward of building line
 16. Bin storage
- (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.

26 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

Note: Parish Councillor R Pulford (on behalf of Bunbury Parish Council), Mr A Teage (on behalf of the applicant) and Ms G Mellor (applicant) attended the meeting and addressed the Committee on this matter.

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

RESOLVED – That the application be DEFERRED for further consideration of late evidence submitted to the Highways Department by the Applicant.

27 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

The Chairman reported that this application had been withdrawn from the agenda prior to the meeting.

28 15/5783N LAND OFF HILL CLOSE, BUNBURY: PROPOSED RESIDENTIAL DEVELOPMENT FOR 15 DWELLINGS WITH ACCESS FROM HILL CLOSE FOR COLIN BOOTH, CB HOMES LTD

Note: Parish Councillor R Pulford (on behalf of Bunbury Parish Council), Ms K Catherall and Mr A Thomson (objectors), and Mr S Goodwin (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 and an oral report of the site inspection.

RESOLVED – That the application be DEFERRED for further information concerning “co-location” as contained in the Bunbury Neighbourhood Plan.

29 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

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

Note: Mr M Massey had registered his intention to address the Committee on behalf of the applicant but did not speak.

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

RESOLVED – That the application be DEFERRED for a Committee site inspection to enable Members to assess the impact of the proposed development.

30 16/1352C LAND AT CEDAR AVENUE, ALSAGER: OUTLINE APPLICATION FOR RESIDENTIAL REDEVELOPMENT OF UP TO 14 DWELLINGS WITH ASSOCIATED INFRASTRUCTURE FOR COUNTRY & COASTAL DEVELOPMENTS LTD

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

Note: Councillors M Deakin and D Hough (Ward Councillors), Town Councillor S Helliwell (on behalf of Alsager Town Council), Mrs S Dyke (objector) and Ms B Moss (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 and a written update.

RESOLVED

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

- 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 the following conditions:

1. Time – 3 years of 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 a 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, to include submission and approval of construction traffic route to the site
 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
- (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.
- (c) That, should the application be subject to an appeal, approval be 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, subject to change)
 - 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

**31 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**

Note: Councillor J Hammond (Ward Councillor) and Councillor D Hough (Neighbouring Ward Councillor) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

RESOLVED – That, contrary to the planning officer's recommendation for approval, the application be REFUSED for the following reason:

The proposal will, by virtue of the loss of dwellings for the over 55's, from the 56 units within a mixed residential scheme granted permission under 13/1305n to 6 units would comprise a unsustainable form of development without reasonable justification to the change in the housing mix, contrary to policy SC4 of the Cheshire East Local Plan Strategy Proposed changes (consultation draft) March 2016 and policies contained within the NPPF.

**32 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**

Note: Councillor A Moran (Ward Councillor), Mrs K Wilson and Mr K Hackney (objectors), and Mr R Lee (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 and an oral report of the site inspection.

RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED 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
- (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.
- (c) That, should the application be subject to an appeal, authority be 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.

33 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

Note: Mr G Lynch (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 Lynch to speak.

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. 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 accommodation
 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
 14. A 15 year maintenance scheme for landscaped mound to be submitted and approved
- (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.

34 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

Note: Ms J Jennings (objector) attended the meeting and addressed the Committee.

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

RESOLVED

- (a) That, for the reasons set out in the report and the written update, the application be APPROVED 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 the following 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

(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.

(c) That, should the application be subject to an appeal, approval be 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

Informative
Japanese Knotweed

35 16/0420N LAND TO REAR OF SOUTH VIEW, NANTWICH ROAD, CALVELEY CW6 9JN: ONE PAIR OF SEMI DETACHED HOUSES FOR MR & MRS A BEESTON

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. 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
- (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.

36 16/2183N LAND OFF MILL LANE, BULKELEY: PROPOSED 13 DWELLINGS WITH ACCESS OFF MILL LANE FOR MR M SCHOFIELD

Note: Mr C Bowen attended the meeting and addressed the Committee on behalf of the applicant.

Note: The Principal Planning Officer read a representation from a representative of Bulkeley and Ridley Parish Council, who was unable to attend the meeting.

The Committee considered a report regarding the above planning application.

RESOLVED

- (a) That, for the reasons set out in the report, the application be REFUSED for the following reason:

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, its 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.
- (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.
- (c) That, 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

**37 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**

Note: Councillor J Hammond (Ward Councillor) and Mr K Froggatt (objector) 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:

- 1-5 Standard Advert Conditions
- 6 Approved Plans
- 7 Signage to be removed should the development site be completed before the five year consent period ends

**38 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**

The Committee considered a report regarding planning application 15/3752N, which had been considered by the Southern Planning Committee on 25 November 2015. The committee resolution included the requirement that the developer entered into a S106 Agreement to secure a contribution for off-site affordable housing provision.

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 the developer to enter into a S106 Agreement to secure a contribution for affordable housing.

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 that an additional condition be attached to state that the reserved matters application should have a maximum combined gross floorspace of no more than 1000sqm.

**39 UPDATE FOLLOWING THE RESOLUTION TO APPROVE
APPLICATION 15/2331N - OUTLINE APPLICATION FOR UP TO NINE
DWELLINGS - LAND SOUTH OF CHESTER ROAD, ALPRAHAM**

The Committee considered a report regarding planning application 15/2331N, which had been considered by the Southern Planning Committee on 25 November 2015. The committee resolution included the requirement that the developer entered into a S106 Agreement to secure two affordable units and a sum for off-site affordable housing provision.

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 the developer to enter into a S106 Agreement to secure the provision of affordable housing and a contribution for off-site affordable housing.

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 that an additional condition be attached to state that the reserved matters application should have a maximum combined gross floorspace of no more than 1000sqm.

**40 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**

The Committee considered a report regarding planning application 15/3979N, which had been approved by the Southern Planning Committee on 27 April 2016, subject to the completion of a Section 106 Agreement to secure affordable housing and an education contribution, 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 the developer to enter into a S106 Agreement to secure the provision of tariff based contributions.

RESOLVED – That, for the reasons set out in the report, the Heads of Terms for the S106 Agreement from the Committee resolution be amended to only secure an educational contribution and that 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 5.30 pm

Councillor G Merry (Chairman)

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Application No: 13/2710N

Location: Ridley Bank Farm, WREXHAM ROAD, RIDLEY, CW6 9RZ

Proposal: Installation of wind turbine 32.5m to hub and associated ancillary works

Applicant: Mr R Latham

Expiry Date: 26-Aug-2013

SUMMARY RECOMMENDATION:

- **APPROVE with conditions**

MAIN ISSUES:

- Principle
- Visual impact
- Highway safety
- Amenity
- Nature conservation
- Whether the proposal is a sustainable form of development
-

SITE DESCRIPTION

Ridley Bank Farm is located approximately 3.2km east of Bulkeley and 7.8km west of Nantwich.

The application relates to an area of agricultural land, located c.375m to the north of the farmstead at an elevation of about 125 metres AOD which is the highest point in the local area and close to a triangulation point. The topography of the surrounding area comprises gently rolling hills. It is also approximately 425m from the nearest third party dwelling, south of the development site.

The site is situated between two areas of woodland, Ridley Wood, 144m to the west and Chesterton Wood, located 178m southeast of the development site. A covered reservoir and a telecommunications tower are located 120 metres to the southeast.

The site is alongside an existing stoned access track which also serves the reservoir, telecommunications mast installation and slurry lagoon. A public right of way, which forms part of a network of paths in the vicinity, runs past the site.

DETAILS OF PROPOSAL

Planning permission is sought for the installation of a single “Norwin” wind turbine which would have a hub height of 32.5 metres and an overall blade tip height of 49 metres. The development would also involve the construction of a temporary access track, a permanent concrete pad and a small meter house.

PREVIOUS RELEVANT DECISIONS

The application was deferred by Southern Planning Committee on the 19th November 2014, for further information with respect to the following:

- Planning guidance, as referred to in the representation from Stephen O’Brien, MP;
- Bats, Barn Owls and Newts;
- The impact on the telecoms mast and the television signal; and
- The health impact (with reference to BMJ 8 March 2012 and Royal Society of Medicine August 2014)

The application was then considered at Southern Planning Committee on the 25th February 2015 where Members resolved to defer a decision on this planning application for the following reasons:

- To request a Bat Survey be submitted;
- Seek consultation with Cheshire East Council’s Public Health Department;
- Request an Environmental Health Officer attend the Southern Planning Committee meeting at which this application is considered.

PLANNING HISTORY

There are no previous permissions on the site

PLANNING POLICIES

National policy

National Planning Policy Framework

National Policy Statement for Renewable Energy

Planning Practice Guidance for Renewable and Low Carbon Energy

Local Plan policy

NE.2 (Open Countryside)

NE.19 (Renewable Energy)

BE.1 (Amenity)

BE.2 (Design Standards)

CONSULTATION RESPONSES

Manchester Airport

No objection

Ministry of Defence

No objection but require that they are advised of the following prior to commencement of any construction activities:

- Commencement/cessation dates for construction activities;
- Maximum height of construction equipment;
- The latitude and longitude of every turbine.

This information is vital as it will be plotted on flying charts to make sure that military aircraft avoid this area.

National Air Traffic Control Service

The proposed development has been examined by our technical and operational safeguarding teams. Although the proposed development is likely to impact our electronic infrastructure, NATS (En Route) plc has no safeguarding objection to the proposal.

Environmental Health

No objection subject to the following conditions:

- Prior to its installation details of the location, height, design, and luminance of any proposed lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall ensure the lighting is designed to minimise the potential loss of amenity caused by light spillage onto adjoining properties. The lighting shall thereafter be installed and operated in accordance with the approved details.
- The noise from the wind turbine shall be limited to an LA90,10min of 35dB(A), up to wind speeds of 10m/s at a height of 10 metres, to protect the amenity of local residents.

Cheshire Wildlife Trust

Initial comments on the application:

1. Bats

- CWT considers that, although location of the turbine more than 50m from existing trees/woodland will minimise the risk of harm to existing bat populations, this does not preclude the need for bat surveys. Proposals should be based on up-to-date information.
- The turbine is c.130m from Ridley Wood (listed on the Cheshire Ancient Woodland Inventory) and c.230m from Chesterton Wood. Given the size and age (both date at least as far back as the mid-C19th) of each woodland block and their locations relative to one another, it is conceivable that there could be movement of bats between them, through the proposed turbine location. A bat activity survey would provide the necessary baseline information to establish whether or not the proposed turbine location could affect actively foraging bats.

2. Great crested newts

- There is at least one pond within 50m immediately to the north of the turbine. A further c. 11 ponds lie within 500m of the turbine. CWT considers that all of these ponds should, as a minimum requirement, be subjected to a habitat suitability index (HSI)

assessment for great crested newts. The habitats surrounding the pond/s should also be assessed and any links between ponds identified.

No further comments received from CWT following consultation on additional ecological information in January and February 2016.

CPRE

Object strongly to the proposal:

- Government's planning practice guidance for renewable and low carbon energy, is a material consideration and should generally be followed unless there are clear reasons not to. There are several points in the guidance that are strong material reasons to refuse this application.
- This guidance identifies that local planning authorities can identify suitable areas for renewable energy, and that the impact on the local environment needs to be taken into account and the views of the local communities likely to be affected should be listened to. The impact on the local landscape and local amenity from this proposal outweighs the very limited benefit from the energy that this turbine would generate. The guidance states that protecting local amenity is an important consideration which should be given proper weight in planning decisions. If the local amenity of this area is given proper weight by the Council, this application will be refused.
- Government guidance encourages the use of the Local Plan to identify suitable areas for renewable energy and there may be other more appropriate locations for turbines identified. Do not consider this site is appropriate and assessing possible locations through this process would give further robust justification for refusing future speculative applications on clearly inappropriate sites such as this.
- This is within a beautiful area of Cheshire Countryside - and on high ground. Its within an ASCV (Area of Special County Value) so it warrants a formal LCA (Landscape Character Assessment). In the CPRE's opinion the impact on landscape in this sensitive location is not acceptable.

VIEWS OF THE PARISH/TOWN COUNCIL

Bulkeley and Ridley Parish Council

Strongly object to this application on the following grounds.

1. This is an area of Special Scenic Value. The turbine will be visible from the Bickerton and Bulkeley Hills which are well used by the public for walking, both locally and on the Sandstone Trail. The applicant says this turbine is for monetary gain not personal use and should be classed as industrial. It is Cheshire East policy that industrial turbines should not be placed in areas of Special Scenic Value.

2. The submission does not identify the hamlet of Ridley which has 50 homes. Viewpoints used are from distance, but from the 26 homes within half a mile of the site the turbine will be enormous and the noise will be intrusive.

3. Height of the proposed turbine is given as 32.5 metres to the hub with a rotor diameter of 33 metres and height to blade tip of 49 metres, meaning that each blade will be 16.5 metres

long. However the technical and acoustic figures relate to blades measuring 13.4 metres in length and a hub height of 30.8 metres. The difference in size means that the data is totally irrelevant to this application.

4. Two main trunk roads, the A49 and A534 intersect at three points in Ridley which have history of accidents due to poor visibility and the speed of traffic. A wind turbine will be seen from all three intersections and will add to the danger as drivers are distracted by the turbine.

5. The ancillary works will need heavy machinery which in turn will require a wider track through the woodland. The entrance to the wood is on a long double bend where visibility is severely restricted. Motorists will not be able to see large slow vehicles manoeuvring on and off the site until they are almost on top of them.

6. The applicant states that he wants to diversify his agricultural holding. There are many ways in which he can diversify which will not impinge in any way on his neighbours or on the landscape. He has already started building a very large double bay steel agricultural shed which faces south. This would be an ideal site for a large number of solar panels and/or photovoltaic tiles which could potentially give him a good income without ruining the landscape or the lives and property values of his neighbours.

Spurstow Parish Council

Objects on the following grounds:

1. The surrounding area is site of Special Scenic Value with mainly agricultural application and some long established scattered residential buildings.
2. The site is a high point in the area confirmed by its prior selection as a trig point, water relay reservoir and mobile telephone mast location.
3. The proposal seeks to exploit the location in order to generate additional income for the owner at the expense of the harm to the visual amenity to local residents and visitors to the many nearby attractions, e.g., from the Bickerton and Bulkeley Hills and Beeston Castle which are well used by the public for walking, both locally and on the Sandstone Trail.
4. The Parish Councillors are disappointed that, as a Parish less than a kilometre from the proposal, they have not been consulted or asked to comment, which is specifically at odds with recent Government policy.
5. The report outlines three Grade Two listed buildings to the north of the proposed development, but down plays the impact of them by quoting "Low Impact" in the summary despite the narrative stating it as Medium to Low. The report is factually incorrect in stating that the view from Lower Hall Cottage is partially blocked by Lower Hall Farm, as they are on an east - west grid. The two adjacent A roads (A49 and A534) are accident black spots and distractions caused by views of the turbine are clearly not welcome.
7. The owner has already started building a very large double bay steel agricultural shed which faces south. This would be an ideal site for a large number of solar panels and/or photovoltaic tiles, which could potentially give him a good income without ruining the landscape or the lives and property values of his neighbours.
8. Spurstow Parish Council understands from local residents that a large thriving population of bats and great crested newts is adjacent to the proposed turbine site in woods and pools. The danger to these is obvious.
9. The views expressed to the Council by residents are almost unanimous in their objection.

10. The Parish Council believes across the country that the time has come to move away from inshore wind turbines.

11. The Parish Council asks Cheshire East Borough Council to reject the application at the planning meeting.

Response to re-consultation – draw attention to objections set out above. Their view that the wind turbine is undesirable is unchanged and reconfirmed, however, they acknowledge the recent ecological reports that indicates risk to wildlife is low.

Haughton Parish Council

Haughton Parish Council carried out a questionnaire survey of the Parish as part of its Parish plan and 70% of replies under the environmental section objected to wind turbines in or around the Parish.

OTHER REPRESENTATIONS

Circa 113 representation of objection have been received making the following points:

Visual Impact

- The LVIA contains assumptions, irrelevant information and glosses over concerns
- Proposed turbine, sited adjacent to a trig. point at 125m, will be at the highest point in the area circa 550ft above sea level and not significantly below the level of the Sandstone trail.
- It will be clearly seen from the Peckforton Hills and the castles at Beeston and Peckforton. The visual impact of the turbine will be extremely detrimental to these popular tourist attractions.
- A wind turbine is an alien structure in open countryside and is completely inappropriate in this location.
- The proposal also contravenes a key principle in Government Policy to 'protect the countryside for the sake of its' intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife'.
- Will be a blight on the landscape,
- Moving blades will have a devastating impact on the local landscape
- Environmental impact has not been adequately assessed.
- Massive structure, well over 150ft high
- Will produce only a trickle of intermittent electrical energy. Although the capacity is 225kw, the average output will be approximately 55kw.
- Noise (amplitude modulation) from the blades operating at tip speeds up to 70 miles per hour will have a negative impact on residential amenity and health.
- Some of the very best countryside in the UK is becoming despoiled by the plethora of wind turbines being erected in inappropriate places
- Approximately 50,000 people visit Cheshire each year to enjoy and appreciate the landscape and tranquillity.
- The proposed site is a 124 meter high point. Adding a turbine which is 49meters in height which will clearly dominate the vista and detract from this stunning landscape whilst, turbine adds no aesthetic value what so ever.

- To state that the woodland will act as a barrier to this and minimize the impact is simply false as the turbine will clearly stand well above the tallest trees that make up the wooded area.
- The moving blades will have a devastating impact on the local landscape, particularly when viewed from the extensive network of local footpaths, one of which is only a very short distance from the proposed site.
- A brief survey of the area suggests that within only 1000 metres of the proposed site there are footpaths whose total length is approximately 10,000 metres (6 miles). The proposed wind turbine would be visible to walkers from most of these public rights of way.
- If you extend the area surrounding the proposed site to a circle of 1500 metres (a mile) radius, the total length of the public rights of way affected is close to 10 miles. This is quite unacceptable in my view.
- The nearest public right of way is about 55 metres from the proposed site so walkers in the vicinity are possibly vulnerable to large pieces of ice thrown from the turbine blades or debris in the event that there is a fire in the hub as sometimes happens.
- It is difficult to imagine the size and visual impact of industrial wind turbines when viewed from such a footpath, however, comparing the height of the proposed wind turbine with St Boniface's Church in Bunbury (this is the nearest man made structure to the proposed wind turbine site) the proposed wind turbine is more than twice the height of the church tower!
- Some of the very best countryside in the UK is becoming despoiled by the plethora of wind turbines being erected in inappropriate places.
- The claim of natural screening by the woodland is also erroneous. The only residence screened from view is the applicants own home! Trees that are less than one third of the height of the turbine cannot provide screening, either visual or noise
- The whole countryside will be subject to this eyesore for many miles around for 25 years
- This proposed monstrosity will dominate this glorious part of the Cheshire countryside and will be visible for miles around. Incidentally, there seem to be some discrepancies over the heights given throughout the back-up documentation. Whatever the eventual height, it will despoil the area. The damage to wildlife, especially birds, is well-reported and totally unacceptable.
- Cheshire is already blighted by motorways, railways, heavy industry and overspill from Manchester, Chester, Liverpool and the potteries. Another blight on the countryside is unforgivable.
- Residents hate seeing the wind turbines in the Welsh Mountains and think they spoil the beauty of the area.
- Bath House, Dob Lane, Spurstow is over 400 years old and Listed Grade 2 *.
- The outlook from this house is over unspoilt Cheshire countryside with historic Bath Wood to the left hand side, famous for its' ancient spa. To the right hand side is beautiful arable farm land rising to the mound where the wind turbine will be situated, and which will be directly visible.
- Recently some telegraph cables were set underground to enhance the beauty of the area which has now left a completely unspoilt and natural outlook for everyone to enjoy including the many walkers who benefit from this beautiful part of our country.
- The construction is equivalent to a 16 storey building which totally dwarfs every building within 15 miles and is almost higher than the Bickerton Hills.

- The Council is supposed to protect its citizens from loss of its green belt.
- It is also stated in the application that if the turbine is removed in 25 years time that only the above ground facility will be removed and that any underground infrastructure such as cables would be left buried. This can only be considered as industrial pollution.
- Land will not be restored afterwards and will leave an eye sore.
- Impact on High Ash has not been assessed

Questionable Benefits

- There will be no economic or ongoing benefit to the local community.
- The owner and energy suppliers are the sole beneficiaries even when taking into account the energy feed into the national grid.
- A decision by the developers of the Bickerton wind farm to cease that development determined that, after evaluating the energy generation from a test mast, there was insufficient generation from the available wind resource.
- Although this was on a larger scale, the fact remains that a commercial farm was not deemed to be viable so why would 1 turbine be considered any more viable? Has a test in conjunction with the Met Office actually been undertaken to evaluate? It is of interest that the report states the site is only “likely to have good wind resource.”
- This massive structure, well over 150ft high will produce only a trickle of intermittent electrical energy. Although the capacity is 225 kw, the average output will be approximately 55kw.
- Do not produce what is claimed by those who have interests in obtaining cash subsidies from the Government.
- According to Ofgen the average household electricity consumption is 3300kWh. The proposed 225kW turbine could generate this amount in nine hours (or 2.4 minutes per day per year). Therefore the proposed wind turbine would seem to be far in excess of the requirements for a domestic generator.
- These turbines do not provide an adequate and reliable source of power for the environmental damage caused by them and their need to have additional generating plant on stand-by for when they are unable to generate power due to either no wind or relatively high winds.
- The Prime Minister has said that any new schemes must benefit the local community
- Ridley is, in any event, sheltered from the prevailing wind by the Beeston and Peckforton Hills. On this ground alone, a windmill at this location is singularly unsuitable.
- Wind power is not carbon neutral as emergency diesel generated electricity has to be available for when there is no wind or the wind is too strong.
- “Likely to be a good wind resource” is hardly conclusive proof that the turbine will perform efficiently. An independent, year long test, should be performed to monitor wind speeds with the results published.
- The economic justification is invalid; de-commissioning earnings in 25 years have nil present value, and the cost of generation is more than the value of electricity earned - otherwise substantial subsidy through tariff support would not be needed.
- Other objectors have quoted respected professors and specialists who have reported that the building of wind turbines in this country is environmentally bankrupt

- The farm's need for electricity profit to fund investment is slight - they are currently building a substantial new farm unit without the support of electricity income. They could use the money needed to build the windmill to invest in the farm instead.
- Many eminent scientists have examined the marketing claims supporting wind turbines and found them wanting. For example, Professor Jack Steinberger, Director of the CERN particle physics laboratory in Geneva and a Nobel prize-winner, said "... wind represents an illusory technology — a cul-de-sac that will prove uneconomic and a waste of resources in the battle against climate change."
- To be acceptable the turbine should contribute to the affected community in cash, jobs and a benefit to the power supply that is in excess of the damage that it will cause. If there is no appreciable benefit then it should not be allowed. With a potential output of only 55kw coming from the turbine this will contribute nothing to the local or even national community and will serve as a burden for no purpose.
- for a turbine that is rated as having a maximum output of 225kw, the average output is likely to be only 55kw
- Ridley Bank farm could employ many other truly "green" strategies such as water collection and heat pumps that have no negative impact. Indeed, even as a commercial enterprise there are no benefits to the local economy as the farm is family run with little employment opportunity for others (see plan app 12/1235N). It is also unclear from the application as to whether this turbine is to be connected to the National Grid.
- Much larger than is required for the farm

Environmental Report

- The energy company benefitting have submitted the report to the council re impact - there is no independent report.
- Report has a pro installation bias and a lack of balance.
- Unsubstantiated and uncommitted reference to local benefits (jobs and economic) whilst down playing local concerns around visual impact.
- The proposal, which seems to have been written in subjective terms by a company with a vested financial interest in the project going ahead
- Application should only be considered when independent surveys have been completed.
- There seem to be some discrepancies over the heights given throughout the back-up documentation.
- The photographs taken in the application by the agent/applicant to support that it would not damage the vista have quite conveniently been taken from behind trees and in dips. There needs to be a bigger assessment into the visual impact on the surrounding area before any decision is made.
- The Application does not show what the turbine will look like from the A49 or the nearest dwelling. Most of the visuals are from far away and not from the perspective of local homes or local infrastructure.
- The application refers to a 32.5m to hub wind turbine. The actual height is 49m when the propeller is taken into account. The plan does not show a 40m x 40m x 6m deep (approximates) slurry storage pit that has been created adjacent to this site and close

to the public footpaths. This has already impacted on the green belt area in this vicinity and does not seem to have been subject to a planning application

- The Environmental Report and the supporting Technical Analysis prepared by VG Energy to be full of errors and misleading statements that undermine its credibility and render the submission invalid. The details of my objection are given below in comments relating directly to pages and paragraph numbers of the Environmental Report:
 - **Page 5 para1. i.** The height of the turbine to blade tip is shown as 47.6 m. This figure indicates a blade length of 14.6 m. However, at Page 7 para 2. iv the tip height is given as 49 m and the blade length 16 m. With a rotation rate of 36.71 revolutions per minute, the increase in diameter of the blades raises the tip speed significantly to well over 100 mph (calculated to be 145 mph) with associated increases in noise and damage to wild life.
 - **Page 5 para 1. ii.** The rationale for the installation of the wind turbine is purely financial. There would be no increase in employees nor in employment scope, merely an increase in revenue from subsidies. The laudable objective of decreased carbon footprint could be achieved much less obtrusively by the installation of photovoltaic (PV) panels on the south-facing roofs of the two large warehouse structures that are in the process of construction on the farm.
 - **Page 6 para 2. i.** The Site Description states that the turbine would be situated at an elevation of 124 m AOD. It adds that the turbine “is likely to have a good wind resource”. For a purportedly authoritative document, this is a staggering admission that there has been no research into wind speeds at this location and therefore no evidence is forthcoming. The whole argument is consequently based on speculation without substantiation. The elevation of the proposed turbine location, added to the height of the structure itself, makes the tip almost equivalent to the highest point in the Sandstone Hills. And yet the proposed Bickerton wind turbine was eventually abandoned by Banks Developments because there was insufficient wind to make it viable. Furthermore, the proposed site is a mere 453 m from the nearest third party dwelling. Research has shown that a separation distance of 2 kilometres is needed to avoid serious health issues affecting the inhabitants of dwellings nearer than this distance owing to the non-modulated, low-frequency noise emanating from wind turbines. The British Medical Journal Editorial of 8 March 2012 states categorically that there is epidemiological evidence of a strong link between wind turbine noise, ill health and disruption of sleep. For this reason a 2 kilometre separation has been declared mandatory in Scotland.
 - **Page 6 para 2. iii.** Topography – There is no evidence produced to support the statement that the turbine is “well placed to receive good wind resource”.
 - Nearby structures – The turbine would not be a safe distance from dwellings.
 - Landscape and visual impacts – No information is given on relative heights and the turbine would totally dominate the surrounding area.
 - Noise – As stated above, a distance a just 453 m is far too close for the health and wellbeing of the inhabitants of the nearest dwelling and could cause irreparable physical and mental damage to the inhabitants.
 - Page 7 para 2. iv. As stated above, the same outcomes could be achieved by PV panels and the proposed tip height has increased without explanation from 47.6 m on Page 5 to 49 m.

- Page 8 para 2. vii. I treat with scepticism the assertion that, after 25 years have elapsed, 81 cubic metres of concrete would be removed and the area reinstated.
- **Page 9 para 3. i.** There is no indication of the quality or characteristics of the small sample of 1009 adults and the assertions lack authenticity and credibility. For instance, what proportion of those questioned were town dwellers and what proportion rural dwellers? It is also interesting that the survey ignored solar power as an alternative source of energy.
- **Page 10 para 3. iv.** The arguments are both speculative and spurious. The borrow from Prince Charles, we may get used to seeing a carbuncle but it remains a carbuncle and remains no less offensive regardless of the passing of time.
- **Page 10 para 3. iv.** This paragraph reads like a cut and paste exercise taken from a standard manual. It is certainly not specific to this particular case.
- **Pages 11-12.** The arguments do not resonate locally but again appear to have been copied from a manual. There is absolutely no evidence that there will be an improvement in employment when only the owner of the turbine would benefit. The concluding statements are spurious and without foundation.
- **Pages 13 – 23.** These pages are largely irrelevant and repetitive. They are a generic series of generalisations that contribute nothing except a vain attempt at justification for the project.
- **Page 24** is another waste of print as it is a direct, word-for-word repeat of Page 6. Page 25 similarly repeats Page 7 until the final small paragraph and adds nothing to the submission. Page 29 is interesting solely for the fact that all the photomontages exclude the most affected area – namely Ridley and its inhabitants. Pages 30 to 36 continue in this vein, with lots of justification for methodology but no specific mention of the most affected area. These omissions of any reference to the most affected area are an indictment of the whole report. There is a large amount of spurious justification from sources that are not affected by the proposals but none from the areas directly affected.
- **Page 37 para 6. iv. d.** Wind turbines are clearly completely out of character with all the various descriptions of the countryside's characteristics and no attempted justification for the turbine can alter this fact.
- **Page 39 final line.** The proposed positioning of the turbine at an elevation of 124 m AOD and with its own tip height of 39 m would create a "pronounced and intrusive addition to the landscape" and for this reason alone the proposal should be rejected.
- **Page 41 line 1.** The use throughout the report of modifying adjectives and adverbs such as "slight", "somewhat", "transient" and "moderate" suggests a lack of conviction in the arguments and certainly weakens the case being presented.
- **Page 42 para g.** The impact will, as stated, be "more greatly" felt at a localised level. This localised level is Ridley. But there is no mention at all of Ridley in this report. For this reason, I find it a complete sham and totally unacceptable.
- **Page 43 para g. ii.** It is beyond belief that the so-called Zone of Theoretical Visibility excludes Ridley and its 120 inhabitants, many of whom live 400 m to the west of the proposed site. I am led to the conclusion that Ridley has been excluded because its inclusion would contradict all the spurious conclusions drawn from the report. In a similar fashion, the roads quoted (A49, A51 and

A54) might seem to produce a convincing argument to anyone unfamiliar with the area, but the conspicuous omission is the A534, which runs past the site. The turbine would be a massive item on the horizon even from west of the A49/A534 junctions and any vehicle turning east into Wrexham Road (A534) from the A49 (Whitchurch Road) would have full view of the turbine until nearly in Faddily. The A534 is statistically one of the most dangerous roads in Britain. The proposed construction, being so near to the A534, would create a major distraction to drivers and can only exacerbate the dangerous nature of the road.

- **Page 44 Viewpoint 1.** The existing power line that is used to mitigate the effects of the proposed turbine is insignificant in comparison with the size and impact of the proposed turbine. The conclusions drawn (low visual sensitivity, moderate impact and minor significance) are subjective and are used to enhance the argument in favour of the development. Local residents and indeed road users are likely to disagree very strongly with these conclusions. On subsequent pages, the photomontages from Cholmondeley Castle, Bulkeley, Haughton and Bunbury are almost irrelevant but give bulk if not substance to the developer's argument. The most significant photomontage, from Ridley, again is conspicuously absent from the report.
- **Page 47 Table 6.9.** The use of words such as "fleeting" and "transient" (twice) is designed to distract the reader by attempting to minimise the sensitivity of the visual effects. Hence the conclusions that the sensitivity is low and the impact slight, conclusions that are very contentious. There is mention of the nearest road, the A534, but the statement that the views are "transient" is both erroneous and misleading and repeats the duplicity highlighted above at Page 43. The Summary at Page 48 merely reinforces all these errors and misleading conclusions.
- **Page 49 para iii.** The statement that the development will have a minor/moderate overall effect on the landscape and landscape amenity, is not significant, is acceptable to the local landscape, and does not create an irreparable and detrimental medium change to character and landscape fabric is quite simply wrong. The proposal is fundamentally unacceptable to the residents of Ridley and the surrounding area.
- **Pages 50-51 para iv.** Mitigation. This section is simply padding to make the submission look good as the whole section is speculative. There are no mitigation schemes proposed for the project. Furthermore, the assertion that the scale of the turbine is not at odds with the local area is highly disputed, especially in Ridley, which is again excluded from mention at Page 52.
- Section 7 is largely irrelevant and adds nothing to the case for the turbine at Ridley Bank Farm. It simply begs the question why photovoltaic panels on the new sheds have not been considered as a far more acceptable option.
- **Page 71 para 10. iii.** The noise factor is dealt with in technical jargon and generalisations in statements such as "single turbines with very large separation distances between turbines and the nearest properties" without defining these distances. My studies of noise factors have concluded that the BMJ statement (see above under Page 6 para 2.i) regarding public health should be the yardstick by which any turbine installation is measured. This proposal clearly falls well short of the minimum criteria and consequently poses potential risks to the health and wellbeing of the residents of Ridley. The final justification for the turbine is meant to be in the Appendix to the report. However, the Appendix

refers to a smaller turbine and the greater span of the proposed construction would increase the wing-tip speed to well over 100 mph with concomitant noise and lethality.

- Throughout the VG Report there are references to its being a desk-top study and it certainly reads like one, with a scarcity of facts about the immediate area and a lack of attention to those living in close proximity to the site. Too much of the report is obviously taken from generic sources and little care has been taken to correct anomalies and errors. More importantly, the report fails to address the concerns of those living in the vicinity, whose views of the Cheshire landscape will be blighted for the rest of their lives if this development is allowed to proceed. There are also serious health and safety issues, not only regarding drivers along the A534 who may well be distracted by the new structure but also for the residents of Ridley who would be within earshot of the low frequency, non-modulated noise from the turbine.

Danger to Air Traffic

- The suggested site lies within a “Wind turbine Dev. Safeguarding area” and could interfere with local airspace especially the police and air ambulance helicopters.
- NATS (W(F) 17573) has objected to the development pending an operational assessment as it appears to conflict with their safeguarding criteria.
- As previously stated, this is the highest point in the area and is directly below very busy flight paths. The risk of interference to Air Traffic Control would be a real and ever present danger
- Given the frequent helicopter and light planes that pass over Ridley at low altitude, the NATS response to the proposal should be taken as a shot across the bows of the proposal and a clue to the wishes of the great majority of local residents.

Road Safety

- The staggered road intersection between the A49 and A534 is highly dangerous and has resulted in at least four major accidents in the last 7 months.
- The photomontage information included with the application is taken from too great a distance and is totally inadequate to assess the visibility of the proposed turbine at these two junctions but does suggest that it will be seen by traffic using these roads. In order to assess the increase potential risk to drivers there is a clear requirement for accurate photomontage images ;
 - From the A534 travelling east circa 200m* from the junction with the A49
 - From the A49 travelling north circa 200m* from the junction with the A534
- Cheshire East Highways Dept. should decide the actual locations and review the new images prior to the determination of the application to establish the degree of driver distraction as these junctions are already an accident blackspot and the sight of the moving blades of a sunlit turbine would further add to the risk of traffic collisions.
- Would be a distraction on an important local trunk road that already has a poor accident record

Public Consultation

- None of the neighbours to the proposal have been notified

- There are no notices near to the site.
- The proposers and Cheshire East planning department appear to be trying to sneak this application "below the radar"
- People living less than 1000m from the proposed location have not been advised of this proposal by letter or public communication.
- Such a controversial proposal should be advertised to the local community in order that their comments can be taken into the decision making process.
- The underhand approach to this proposal with zero consultation or engagement is counterproductive and provocative.
- The non-independent report refers to "Public perception".
- The local community has not been advised of this application, and the opinions sort from those being directly effected.
- Homes that are close to this proposed development have not been contacted by the Council
- It seems rather a stealthy approach.
- A recent High Court Judge, Mrs Justice Lang, ruled that the "rights of local villagers to preserve their landscape" was more important than the government's renewable energy targets. Additionally, Mrs Justice Lang stated that "lower carbon emissions did not take "primacy" over the concerns of the people". As tax payers residents deserve the right to be advised of this application and have sufficient time to respond accordingly. The timescale detailed in the "Important Dates" section of this application is not justifiable or fair. These dates should be reviewed and a public enquiry / hearing should become part of the process, along with a full independent report.
- Published Government policy (July 2013) gives local government guidance on how these inshore wind turbines should be considered in regard to local community consultation and impact on the environment. Cheshire East Council has not complied with that policy in this case.
- None of the neighbours have been consulted over this plan nor any of the residents of the village of Ridley where the proposed turbine will be erected. The impact of such a large structure will not only affect the immediate neighbours but will clearly affect residents in other villages such as Houghton, Chorley, Faddiley, Bickerton, Croxton Green, Bulkeley, Spurstow, Cholmondeley, etc and they have been consulted over this.
- decision makers should only consider the application once the whole community has been given their opportunity to comment. It is clearly stated in numerous comments that the need for renewable energy and diversity of land usage does not automatically override all other environmental protections, landscape and the visual impact of the local community.
- Communities Secretary Eric Pickles said: "The views of local people must be listened to when making planning decisions. Meeting Britain's energy needs should not be used to justify the wrong development in the wrong location.
- There are clearly a number of areas where this proposal is found wanting and it has been made worse by Cheshire East not notifying residents and allowing only a minimal time for objections to be raised to this proposed blight on our community

Noise / Residential Amenity

- Applicant uses a report based on the generally disputed ETSU-R-97 regulations, now 15 years old and set by the turbine manufactures when turbines were in their infancy. Wind turbine noise is a complex subject. Serious concerns about noise issues such as health and sleep deprivation. A recent government planning inspectors' comments on houses less than 750m from a wind turbine *"for a family to be exposed to the pervading influence of this windfarm for a period of 25 years appears to me to be wholly unacceptable and I do not consider that there is adequate reason to accept such harm in this instance"* (Mr. Chris Frost APP/Y2430/A09/2108595) These comments seem particularly relevant to this case when the only beneficiary will be the proposer.
- ETSU-R-97 is a standard written 14 years ago when wind turbines were much smaller and the blade tip speed was much slower than today. The developer states that they will comply with the ETSU-R-97 standard. However, even if they do comply with this standard, the levels of noise for residents who live nearby can still be unbearable. The internet is a telling library of evidence from people who have had their lives impacted by noise pollution from turbines and this simply cannot be ignored as a major concern.
- It should be noted that while the planning documentation for this development makes frequent reference to Scottish planning considerations, Scottish law suggests a minimum separation distance of 2km between the turbine and housing. In England there is no such guidance but if examples are to be used to add weight to the developers argument, such facts add perspective to the discussion regarding the environment in which applications are managed north of the border.
- Despite assurances in the application, noise (amplitude modulation) from the blades operating at tip speeds up to 70 miles per hour will have a negative impact on residential amenity and health.
- The noise generated by the turbine appears to have been conservatively estimated by 24Acoustics. The 35db noise level is measured at only 10m/s or 22mph; a mere breeze outside of the summer months. A noise study of the Norwin 29-33/225KW stated that the noise which is generated by the tips of the turbine rotors will increase with the wind speed and even at 12m/s or 26mph it will be over 600m before 35db is reached. Given the winter weather the conditions at Chesterton Lodge will be dreadful and the noise in the surrounding area unpleasant. Source: Noise study of Norwin 29-33/225KW Wind Turbine
- There are a number of studies which highlight issues of noise pollution which can be apparent across a wide area of the landscape.
- Government policy is being developed with the Distances from Residential Premises Bill which is proposing a minimum distance of 1500m for 50m-100m turbines. Therefore, this turbine is far too close to many family homes that derive no benefit whatsoever from its existence.
- In terms of noise generation, according to the figures given in the report, at a wind speed of 10m/s the sound generation for the proposed turbine is 100dBA (as loud as a motorbike). Only at a distance of 750m does this fall to 30dBA, an acceptable level of noise.
- A lady had a wind turbine being built close to her house in Norfolk and the effects were ill health, disruption to sleep patterns and eating patterns and a real suffering from the effect of noise pollution.
- UK Noise Association recommends that wind turbines are not sited within one mile of houses.

- The turbine will be just 216 metres from the nearest residential dwelling. The Wind Farms Distance from Housing states a minimum distance of 350m. A Bill going through parliament called, 'The Wind Turbines (Minimum Distances from Residential Premises) Act 2012' by Lord Reay states that the minimum distance from a turbine to a residential dwelling requirement is 1000m.
- There is a potential risk of sleep disturbance and related health issues from this proposal. Objectors highlight concerns from recent medical authorities on impact to mental health and sleep patterns from noise of turbines
- Reference made to concerns about noise from wind turbines identified by independent noise working group
- Will generate stress for sensitive receptors

Television Interference

- Television Interference on up to 220 homes: According to the BBC Wind Farm Assessment Tool 60 homes will be affected by interference to television service and up to 220 might be affected. Ofcom has not been consulted.
- d) Highway Safety and Shadow Flicker: Shadow and light flicker occurs within ten rotor diametres of a turbine; in this case, 192 metres. The A49 lies within 550 metres of the proposed turbine, thus it could cause significant flicker and danger to motorists as well as to local residents.
- It is recognised that Electromagnetic interference from wind turbines may affect electromagnetic or radio communication signals including, broadcast radio and television, mobile phones, radar and telemetry. Have the companies who use transmitters on the existing mast (sited within 100 meters of proposed turbine) been contacted to check the effect on their signals? And what are their responses.

Ecology and wildlife

- Residents note owls, bats and birds of prey are regular features of the local environment. A turbine would be a great risk to these creatures who thrive in this area.
- It will be a substantial danger to rare local birds and wildlife
- The application has acknowledge the potential impact on wildlife, particularly raptor and bats however the applicant has dismissed the potential impact on wildlife. No mention has been made of the peregrine falcons nesting 1.5 km distant.
- The ecological impacts of wind turbines are well documented and it short sighted that the proposed footprint of the turbine will sit not only in an area of natural beauty but also within the range of a number of protected bird and bat species. If adequate mitigation is not provided, which it almost never is, then the impacts of species covered by The Cheshire Biodiversity Action Plan could be deleterious.
- It would appear that there has not been a proper impact assessment regarding the affect on local wildlife and the consequential effect on protected species such as Buzzards, Owls and Bats which are plentiful within the immediate area of the turbine site.
- The plan of the proposed development shows its close proximity to a pond. This pond is a natural feature and is vital for the areas Great Crested Newt population. The pond

is essential for the breeding season as it is one of the few pieces of natural established standing water in hundreds of square acres.

- Request that a full independent study is performed to protect these endangered animals.
- It is illegal in this country to capture or disturb this species or otherwise endanger its wellbeing. Furthermore, we have a thriving bat population that feed in the area between the two woodlands that this turbine is proposed to be situated. This would directly effect the activities of the bats and endanger their environment and wellbeing. It is illegal to interfere with the bats.
- It is also worthy of a mention for the local wildlife in the woodlands. Since a change of ownership, efforts have been made by the new owners to encourage the local species of birds and wildlife, and increased populations are noticeable.

Impact on Footpath and Tourism

- The proposed location of the turbine is very close to the confluence of two footpaths and may well be within *topple distance*.
- Apart from the potential risk to walkers the turbine would constitute a significant reduction of the visual amenity to walkers in the area.
- Will be visible from the extensive network of local footpaths, one of which is only a very short distance from the proposed site.
- Site is adjacent to a local right of way (currently blocked by an electric cattle fence constructed by the farmer involved).
- Will have negative impact on walkers and users of public right of way network, and will impact on tourism of the area

Precedent

- Would set a precedent for further turbines
- The information included in the application appears to have been a significant investment for a single turbine
- Could be “the thin end of the wedge” attracting further applications for multiple turbines if this is approved.
- As there is no justification being put forward for this application other than as a potential income source then may we presume that all landowners in Cheshire East would be able to have their own turbine to create additional income – beware of creating a dangerous precedent.

Impact on Property Value

- There will be a substantial damage to property values as a result of the ruination of the views across the landscape.
- This farming family is rooted to their farm. Everyone else may choose to move on with their lives. This could really prevent them from selling up and moving without long delays and loss of capital.
- Presumably the applicant will compensate me for the potential loss of inheritance when the value of house prices fall. He will also be able to compensate the other house owners in the area. In other areas where wind turbines have been allowed, house

prices have fallen dramatically. The average price of a house in Ridley is over £400,000. In areas where wind turbines have been put up, similar priced houses have lost over £100,000 in value. In addition, the council tax bands have had to be reduced. This would mean a loss of over £10,000 per year for Cheshire East council.

- Do not see how the proposer would be able to compensate everyone with the estimated £1,000 profit per year he would make from a 2.5k turbine (Source - Centre for Alternative Technology).
- The erection of turbines has been shown to reduce property prices and there are some 200 residential properties within a 2 mile radius. These properties could lose up to 20% of their sale price or become unsaleable if the turbine goes ahead equating to a loss of value of well in excess of £10m.

Other matters

- Much evidence is missing and further work is required
- Not supported by Government
- On the 1st August new guidelines and planning practice for renewable energy were issued by the Department for Communities and Local Government (DCLG)
- The new advice, which replaces PPS 22, will help shape local criteria for inclusion in Local Plans and provide the context for dealing with individual planning applications.
- The document makes it clear that the need for renewable or low carbon energy does not automatically override environmental protections and that "cumulative impacts" will require particular attention
- A report by Defra will shortly be published which will show that wind farms are harmful to local areas, are inefficient and have an adverse effect on rural life and the economy.
- 25 years may be deemed temporary in the eyes of the law but for people living close by that constitutes the remainder and then some of a working life. Temporary by law is not really temporary for those living along side such invasive structures.
- Technology moves at a tremendous pace and solar panels are advancing and becoming more efficient and cheaper. How can a turbine stay concurrent with latest technology over 25 years? Government and countrywide opinion is already moving away from wind turbine technology.
- This planning application may cause local businesses such as B&B's the Thatch, Beeston Castle and the Peckfernton Hotel, to suffer despite no benefits to the local community.
- The supporting documentation at no point mentions Ridley, the very place where it is to be sited. Additionally, five photomontages purporting to show how unobtrusive the proposed turbine would be, are taken from five villages, but not a single one is taken from Ridley, the place whose residents will be most affected. Nor is there any mention of Ridley in the back-up documentation and Ridley mysteriously does not feature on the maps used to show the wind turbine's proposed position. One has to wonder why this is. Even the front-page report in the Nantwich Chronicle says that Ridley Bank Farm is near Faddiley, so presumably the editor/reporters have been deceived or misled.
- In an area of Norfolk that has seen a large number of turbines appear across open countryside and without exception they have all had a negative impact on the landscape, there appears to have been no attempt to lessen the impact when viewed from any angle or distance. Residents around the areas complain of health issues that

were not there before the turbines appeared. In addition there are extensive reports of disruption to wildlife on the ground and to bird movements and nesting areas.

- This development is a commercial enterprise as the application clearly states that it is considered to be a means of diversification, which solely benefits the applicant to provide an additional source of income. As dairy farming and electricity production are not dependant upon each other then this application should be viewed as a new business enterprise (as declared by the applicant), and should be rejected on the grounds of the negative impact on the residents, wildlife, and landscape of this beautiful, historic area.
- Solar technology is a realistic alternative which does not have an impact on its neighbours, local population or surroundings. The extremely large cattle shed that is currently being constructed has a very large south facing roof that could be utilised to provide more than enough energy for the farm.
- The carbon footprint of the farm could be better improved by reducing the road miles incurred in providing feed and bedding and the spreading of slurry and manure in the area. Recent development work at the farm suggests that this is likely to increase rather than reduce.
- Does not accord with the Government position identified in the written ministerial statement

Support

At least one letter of support has been received making the following points:

- Support the proposal as a life long resident of Bulkeley and Ridley Parish living in direct sight of the proposed wind turbine and also as an organic farmer. Feel strongly that we must use more green energy sources, especially with recent controversy about Fracking and Nuclear power stations dumping radioactive waste to sea. Having seen many wind turbines (home and abroad), feel that they are peaceful and not intrusive. Cheshire East must contribute its share of renewable energy, and the site is in one of the area's designated suitable for Wind Turbines in a report commissioned by Cheshire East in 2011. Also it is away from Bickerton Hills (area of special scenic value).
- The scale and design is as in keeping as is practical, with much of the base hidden by woodland, and has very few close neighbouring properties.
- Do not believe construction traffic is a problem, after all if we can close roads for a bike race or concerts, surely we can manage traffic for construction of something which is saving the environment.
- As a farmer myself, well aware of the importance of diversification, especially in the current over supply of milk, and extremely volatile prices of all farm produce.
- We must all remember, the price of Oil is unlikely to remain this low.
- As an immediate neighbour to Ridley Bank Farm, we have no objection to this application and would like to support Mr. Latham. The Lathams have proved themselves to be good farmers and excellent stewards of their land and surroundings.

We are familiar with the site of the proposed wind turbine and believe it will have minimal impact on the surrounding area. We have every belief Mr. Latham will conduct all works to this construction in as sympathetic manner as possible.

We as a county must consider all forms of sustainability and we applaud the efforts being made

Stephen O'Brien MP

Let me state from the outset I am against wind farms full stop. You may be aware that changes introduced by Conservatives recently will give people a much greater say over wind farms in their communities, shifting the balance of power to local communities in deciding whether to agree to onshore wind proposals. Indeed new planning guidance from the Department for Communities and Local Government will make clear that the need for renewable energy does not automatically override environmental protections and the planning concerns of local communities. It will give greater weight to landscape and visual impact concerns, especially for heritage sites.

I have written in support of the objections to this application to the office of the Chief Executive of Cheshire East Council.

7. APPLICANT'S SUPPORTING INFORMATION:

- Noise Study
- Environmental Report and bat survey

8. OFFICER APPRAISAL

Principle of development

Local Plan Policy

The application should be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Policy NE.19 of the Crewe and Nantwich Borough Local Plan states that proposals for the generation of power from renewable energy sources will be permitted where:

- the development would cause no significant harm to the character and appearance of the surrounding area;
- highway safety standards would not be adversely affected;
- the development would have no unacceptable impact on the amenities of neighbouring residential occupiers by reason of noise, disturbance, pollution, visual intrusion or traffic generation; and
- the proposal includes effective measures to safeguard features or areas of particular landscape or nature conservation interest.

Therefore the proposal is considered to accord with this policy subject to addressing the visual impact, highway safety, amenity and nature conservation implications of the proposal as discussed below.

Other Material Considerations

In the case of wind energy development, the NPPF and NPPG are important material considerations, as are relevant sections of the National Policy Statements (NPS) on Energy (EN-1) and Renewable Energy (EN-3).

National Planning Policy Framework

At the heart of the NPPF is a presumption in favour of sustainable development unless there are any adverse impacts that *significantly and demonstrably* outweigh the benefits. There are three dimensions to sustainable development: economic, social and environmental and each of these are considered below.

Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development (NPPF para 93).

Local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources, and policies should be designed to maximise renewable energy while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts. When determining planning applications, there is no requirement for a demonstration of the overall need for renewable or low carbon energy and LPAs should recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. Applications should be approved if its impacts are (or can be made) acceptable (Paragraph 98 NPPF).

Applications for wind turbines should not be approved unless the proposed development site is an area identified as suitable for wind energy development in a Local or Neighbourhood Plan (NPPG). A range of environmental and planning issues to be considered in respect of wind turbines are also identified and these are considered below.

National Policy Statements

In considering wind turbine applications, NPPF advises LPAs to follow the approach set out in Government National Policy Statement for Renewable Energy (EN-3) (and the relevant sections of the overarching National Policy Statement for Energy (EN-1)). EN-1 highlights that the need for new renewable electricity generation projects is urgent and identifies the role of renewable electricity generation in enabling the UK to source 15% of energy consumption from renewable sources by 2020.

EN-3 identifies general principles for site selection of wind turbine applications (albeit aimed at schemes over 50MW which is not applicable in this case). Key considerations include predicted wind speed, proximity of site to dwellings, capacity of a site, access, grid connection issues, biodiversity and geological conservation, historic environment impacts, landscape and visual impact, noise and vibration, shadow flicker and traffic and transport issues.

Other considerations

The UK is legally bound to cut greenhouse gas emissions by at least 34% by 2020 and 80% by 2050, compared to 1990 levels. The UK Renewable Energy Roadmap (Update November 2013) also states that 'The UK has made very good progress against the 15% target introduced in the 2009 EU Renewable Energy Directive. In 2012, 4.1% of UK energy consumption came from renewable sources, up from 3.8% in 2011.'

Accordingly, there is policy support at national level for renewable energy proposals subject to the addressing the provisions below.

Written Ministerial Statement

The Governments Written Ministerial Statement (WMS) issued in June 2015 is a material consideration and provides the most recent expression of the Government's position on wind turbine proposals. The WMS explains that *'Where a valid planning application for a wind energy development has already been submitted to a local planning authority and the development plan does not identify suitable sites.... the local planning authorities can find the proposal acceptable if, following consultation, they are satisfied it has addressed the planning impacts identified by affected local communities and therefore has their backing'*.

Emerging Policy

Policy SE8 (Renewable and Low Carbon Energy) of the Cheshire East Local Plan Strategy Proposed Changes (Consultation Draft) March 2016 states that renewable and low carbon energy schemes will be *'positively supported and considered in the context of sustainable development and any impact on the landscape'*. It confirms that weight will be given to the wider environmental, economic and social benefits arising from renewable and low carbon energy schemes, whilst considering the anticipated adverse impacts, individually and cumulatively upon:

- I. *'The surrounding landscape including natural, built, historic and cultural assets and townscape; including buildings, features, habitats and species of national and local importance and adjoining land uses'*.
- II. *Residential Amenity including visual intrusion, air, noise, dust, odour, traffic generation, recreation and access; and/or*
- III. *The operation of air traffic, radar systems, electromagnetic transmissions, and the Jodrell Bank Radio Telescope.*

The justification to the Policy identifies the technologies that will be most viable and feasible which includes *'wind turbines of small, medium, and large scale'*, and notes that the Councils evidence base studies identify potential locations suitable for renewable and low carbon technologies. The evidence base (Cheshire East Climate Change and Sustainable Energy Study) identifies that the application site lies within an area of opportunity for mid and large sized turbines. It also states that following the WMS, areas suitable for wind energy development will be formally identified in the Site Allocations and Development Policies document.

Landscape and Visual Impact

The landscape surrounding the proposed site is attractive and highly valued by local residents but has no formal designation. The nearest Local Landscape Designation Areas (formerly ASCVs) are the Cholmondeley Estate located 4.8 km to the south and the Beeston, Peckforton, Bolesworth & Bickerton Hills and c.4.0km to the west.

The application site lies within the 'Rolling Farmland' Landscape Character Type and the 'Faddiley' Landscape Character Area (2008 Cheshire Landscape Assessment), the key features of include:

- large to medium scale arable fields laid over gentle broad rolling topography, with an increase in undulation in the vicinity of High Ash.
- hedgerow trees are generally abundant and the occasional large block of woodland is locally prominent.
- narrow meandering lanes rising and falling with the topography, connecting dispersed and isolated cottages and farms passing between high hedges which restrict many views.
- at elevated open locations there are views out over large fields with an extensive and intact hedgerow system.
- some vantage points enjoy extensive views to distant higher ground including Pennine Hills to the east, Sandstone Ridge to the west, Peckforton Hills along the area's western boundary and Beeston Castle to the north.

In terms of landscape effects, the applicants Landscape and Visual Assessment (LVIA) predicts:

- The landscape sensitivity to be Medium
- The magnitude of change to be Moderate
- The significance of the effects of the proposed development would therefore be Moderate

The definition of 'moderately significant effect on the landscape and landscape amenity' in the LVIA is *'The proposed scheme would be moderately out of scale with the landscape or at slight odds with the local pattern and landform; will leave an adverse impact on a landscape of recognised quality'*.

With regard to visual impacts, the LVIA identifies five representative viewpoints and for each the sensitivity of the receptors and the predicted magnitude of the visual effect has been assessed to determine the significance of any impact. The definition of minor and moderately significant effects on visual amenity is:

- Minor - *The proposed scheme would slightly intrude on local visual receptors; would slightly affect important visual amenity*
- Moderate – *The proposed scheme would noticeably intrude on local visual receptors; would leave an adverse impact on the recognisably important visual amenity.*

Of the five viewpoints, two are predicted as having a moderately significant visual effect on receptors (Cholmondeley Castle and Bulkeley village) with the remainder identified as moderate/minor or minor. Cholmondeley Castle is identified as an important heritage asset and visitor attraction so receptors (visitors) are highly sensitive. The LVIA identifies that from

this viewpoint the turbine would be a relatively small feature on the skyline. From Bulkeley village, the upper part of the turbine would be visible in the distance on the skyline between trees in the foreground. The LVIA identifies that it is highly unlikely that receptors within the village would be able to see the turbine at any time of the year due to intervening distance and screening from the two wooded areas surrounding the turbine and intervening tree-lined fields.

In terms of visual impacts from other receptors the LVIA identifies that views from surrounding roads would be fleeting as the roads are flanked by established hedgerows and trees, so the significance of the effect is Minor/Moderate. For the National Cycle Route 45 (which passes through Wrenbury, Norbury Common, Egerton Green, west of the Sandstone Ridge and then Peckforton) the significance of the visual effect on this route is assessed as moderate.

Views of the Council Landscape Officer:

1) Landscape Sensitivity

The 'Cheshire East: Landscape Sensitivity to Wind Energy Development, May 2013' is one of the key evidence documents for the emerging Cheshire East Local Plan Strategy. This assesses the extent to which the character and quality of the landscape is susceptible to change as a result of wind energy development. The study finds that the landscape character type within which the site is located would have a low to medium sensitivity to wind turbine development, identifying that *'Although the gently rolling and relatively large scale reduces sensitivity to the principle of wind energy development, the undeveloped skylines, presence of human scale features and rural scenic qualities increases sensitivity'*.

Given the size of the turbine and its location on relatively high ground, the Landscape Officer concludes that the local landscape has a medium sensitivity to the type and scale of turbine proposed. The turbine would clearly be a large scale and uncharacteristic feature in the landscape and although it would be located on the highest ground in the locality, the topography and land cover would tend to minimise viewpoints. Available views of the turbine would tend to be on the skyline. The relative proximity to main A roads would tend to reduce the perception of tranquillity in the locality. The development would not obstruct or harm the network of footpaths which follow medieval field pattern and would not result in the loss of woodland or natural habitats, nor would it obscure or interrupt views to distinctive landmarks. Therefore it is considered to have a moderate impact on landscape character.

2) Visual Impacts

The Landscape Officer considers that the turbine would be a large and uncharacteristic feature in the landscape, and due to the rotor blades rotation would be more noticeable than a static structure of similar scale. It would mainly be visible against the sky, but the pale grey colour and non-reflective finish would help to reduce its prominence to some extent.

In winter, views from the A49 between the Cholmondeley Castle entrance and the Ridley Green cross roads would be more prominent as the roadside hedges have been trimmed and lowered. However no substantial difference between summer and winter views are anticipated as there are no apparent new viewpoints/areas created.

On receipt of the LVIA, five additional photomontage viewpoints were provided at the request of the Landscape Officer; who then assessed the impact as follows:

- 1) Wrexham Road (300m south of the site) - from this location (and nearby public footpath Ridley FP8) the wind turbine would be a prominent feature against the sky.
- 2) Public Footpath Ridley FP 5 (200m south of the site) - from within the same field the turbine would be a very dominant and uncharacteristic feature. This view illustrates the most conspicuous view of the wind turbine.
- 3) Ridley Green (900m west of the site) - the hub and rotor blades would be visible above Ridley Wood against the sky. In this middle distance view, it would be a recognisable new element in the overall scene and would be an uncharacteristic feature in terms of its form, scale and movement and would have a moderate visual impact on these properties.
- 4) Public Footpath Spurstow FP 25 (600m northwest of the site) - turbine would be a noticeable and uncharacteristic feature on the skyline and would be similar in scale to the surrounding trees. It would not have a marked affect on the quality of the overall scene. The telecommunications mast is visible to the left of the turbine.
- 5) Public Footpath Spurstow FP 32 (2.1km from the site) - turbine would be visible in the distance, against the sky and above the tree line. It would be a noticeable and uncharacteristic feature but it would be a fairly minor component of the overall view.

- *Impacts on Residential Properties in the Vicinity*

The nearest property is occupied by a relative of the applicant. Chesterton Lodge (425m from the site) is the closest third party property. Its front elevation faces the wood and has high hedges along the roadside frontage. Due to the orientation of the property, the Landscape Officer considers that any views of the wind turbine through or between the roadside hedges from ground floor principal room windows, and also views from first floor bedroom windows would be oblique views. In Visual Impact and Residential Visual Amenity Assessment terms, views from first floor bedroom windows are generally afforded less weight/importance than views from ground floor principal room windows because bedrooms are not usually occupied during daylight hours.

Chesterton Farm (c.750 metres to the west of the site) on Wrexham Road has mature trees on its frontage and any views from here would be oblique due to the orientation of the farm house and filtered by the trees.

For the dwellings in the converted barns at Ridley Green Farm (c.900 metres to the west), the top half of the mast and the rotor blades would be visible above the wood and against the sky. It would be an uncharacteristic feature in terms of its form, scale and movement and would have a moderate visual impact on these properties.

Ridley Hill Farm, at c.1.4km to the west, has numerous mature and semi-mature trees in the grounds of this property and high roadside hedges and trees in the vicinity which would be likely to screen views of the turbine.

Properties off Badcock Lane, Dob Lane & Bathwood Lane to the North and North West are between 750m and 1250m from the site. The turbine is unlikely to have a visual impact on any of these properties due to a combination of factors including the distance from the site, the undulating topography, agricultural buildings, intervening trees and woods plus the orientation of the dwellings.

In respect of visual impacts the Landscape Officer concludes that:

- From the public footpaths and the A534 in the immediate vicinity of the site the proposed wind turbine would obviously have a substantial visual impact.
- Views from other public footpaths in the vicinity to the north and east will vary depending on direction of travel, distance, tree cover and topography.
- Apart from a moderately adverse impact on some of the Ridley Green properties it is unlikely to have a visual impact on residential properties in the area.
- Due the undulating topography, the high and intact hedgerows and the abundance of trees in the surrounding landscape it is unlikely to have a visual impact on nearby villages and lanes. Views from main roads are likely to be intermittent and fleeting.
- In long distance views (for example from Cholmondeley Castle, the Sandstone Ridge area, and footpath 32 to the north) the turbine is likely to be visible above the tree line and against the sky but it would be a minor component in the overall panoramic views.

On this basis, the Landscape Officer concluded that it would be difficult to justify a recommendation of refusal on landscape grounds and, if the application were refused, it would be a difficult case to defend at an appeal.

Given that this is a contentious scheme, and clearly a sensitive landscape, the Council has commissioned an independent Landscape Consultant to provide a secondary appraisal of the scheme.

The conclusions of the consultants are:

- *The Applicant's LVIA is weak and formulaic and under reports on the significance of a number of the visual effects and the overall landscape effect of the turbine. It also contains a number of technical inconsistencies. However even with these criticisms its general reporting is appropriate and the conclusion it reaches as to Moderate Landscape effects and overall Moderate Visual effects are considered acceptable.*
- *From considering the descriptors and other comments in the Applicant's LVIA the landscape and visual effects should all be considered as adverse effects.*

- *The review conducted by the CEC Landscape Officer appears to be fair and reasonable. They too consider that there will be Moderate effects on the landscape as a resource and generally Moderate effects on visual receptors.*
- *With respect to users of footpath Ridley FP5, the visual effect should be classified as a Major, Adverse. Some of the residents of the Ridley Green Farm complex may experience a Major/Moderate Adverse effect. Not all will experience this level of effect, as it will depend on the orientation of home, boundary planting and from which rooms the turbine is visible from. Should great concern be expressed by these residents, a more detailed survey of their views could be undertaken.*
- *In determining the application there is a need to consider the two areas of greater than Moderate, Adverse visual effects that in Environmental Impact Assessment terminology would be considered Significant which are the Major, Adverse visual effect on Ridley FP5 users and the Major/Moderate, Adverse visual effect that may occur for some, but not likely all residents of Ridley Green Farm.*

Overall the Landscape Consultants conclude that this is a reasonable location for a wind turbine of this size. Although the turbine would be an alien, intrusive element, it would only be prominent in the landscape rather than dominant, and the overall landscape character of the surrounding area would remain attractive even with the turbine within the scene.

It would have Moderate, Adverse Landscape effects for a long time frame but these are reversible on decommissioning. Likewise the visual effects, with the exception of the two greatest adverse effects at Footpath Ridley FP5 and at Ridley Green Farm, are Moderate, Adverse or less meaning the development is relatively well sited in visual terms. This does not mean that it will not be visible from wider locations but rather that from other residential properties, roads and footpaths in the area that its adverse visual effects are considered acceptable as the turbine would not be over bearing or dominant within the view.

- *Effect on Living Conditions at Ridley Green Farm*

Following the recommendations of the Landscape Consultant, a more detailed visual amenity assessment of Ridley Green Farm complex has been undertaken by the Landscape Officer (and verified by the independent Landscape Consultant) to determine the significance of the impact on the visual amenity of each of the properties and the effect on living conditions.

Views eastward from the properties are currently wide, open, and attractive. The turbine would be located c.900m to the east on an elevated, wooded ridge. The top half of the mast, the hub and the rotor blades would be visible above the trees and against the sky. There is little screening within the gardens and the intervening field hedgerows and trees would not provide screening due to the elevated location of the proposed site. The turbine would be a conspicuous and uncharacteristic feature in views. Its form and scale would create a medium negative magnitude of change on the character and quality of the wide, open and attractive views from Ridley Green Farm. The turbine is assessed as having an adverse impact on the residential visual amenity of five properties at Ridley Green Farm and that the significance of the visual impact varies from small adverse to medium-large adverse (for two properties).

The visual effect of wind farms on living conditions has been examined at several public inquiries and from these appeal decisions it is apparent that the visual effect of a development has to be described as - overbearing, oppressive, unpleasantly overwhelming or unavoidably present in main views for there to be 'material harm' to living conditions.

From the above assessment the Landscape Officer concludes that the proposed wind turbine would not be overbearing, oppressive, unpleasantly overwhelming or unavoidably present in main views and therefore would not cause material harm to living conditions at Ridley Green Farm.

Response to objectors independent assessment

Following the deferral of this item from the Southern Planning Committee in February 2015, an independent Landscape and Visual Assessment has been submitted by an objector. This concludes that there are a large number of receptors that have not been considered, including users of the public footpath and residential properties, of which there are a much greater number of receptors than previously identified. The assessment considers that many will experience changes to views and the significance of these changes must be fully assessed, along with potential cumulative impacts.

In response the Landscape Officer notes that the additional five visualisations (and wireframe models) requested by the Council following submission of the application clearly illustrate how the adverse visual effects of the turbine would reduce over distance and this combined with the original LVIA enables an assessment of the likely visual impact on receptors in the short, medium and longer-distance views. It is also noted that relevant technical guidance advises that viewpoints should be reasonable and necessary to cover the likely visual effects; and the emphasis should always be on proportionality in relation to the scale and nature of the development and its likely effects.

In respect of the impacts on public rights of way users, the Council's independent Landscape Consultant identified that the users of the footpaths are more likely to cross open fields and benefit from less vegetative screening, and thus are more likely to experience views of the development. Users of Footpath Ridley FP5 are likely to as a worst case experience a major adverse visual effect that is reversible on removal of the turbine. The other paths in the area are not expected to experience the same level of impact, which at worst would be moderate adverse visual effects. The Sandstone Trail and National Cycle Route 45 would only experience minor adverse effects.

The impacts on the closest properties has been carefully considered as set out above, and for Ridley Green Farm where significant adverse visual effects could potentially be experienced, a detailed visual amenity assessment was undertaken which concluded that there would be no material harm to the living conditions of the residents.

The objectors assessment also identifies a number of properties within the 2km study area and four that would experience a change in views. In regard to the four identified properties the Landscape Officer concludes:

- High Ash Farm - The rear elevations will face west and have wide panoramic views towards the turbine and Sandstone Ridge. The telecommunications mast is also visible on the skyline. The turbine would be visible on the skyline at a distance of approximately 1.2km and the visual effect is considered to be moderately adverse.
- Windmill Bank and Bath House Farm - The first is located 60m northeast of the site and faces south east so any views from the principle windows would be very oblique. Bath House Farm is located 1.2km north west and the main elevation faces south east. Views of the turbine from principle windows would be highly unlikely.
- Ridley House Farm and Ridley Hill cottages – located c.1.2km from the site and may have views towards the turbine from principle rear windows; however no material harm to these dwellings is anticipated.

It is noted that the Councils independent consultant identified that there are other properties in the area that may experience views of the turbine other than those formally assessed previously; however *'what they will not experience in our opinion are significant adverse views'*.

With regards to cumulative impacts; this is a requirement of developments which are subject to Environmental Impact Assessment Regulations, which is not applicable to this application. The nearest consented turbine development is 7.5km northwest of the site (not implemented) and 13km northwest (3 turbines installed). As such no cumulative landscape or visual impacts are anticipated.

Overall, therefore the Landscape Officer concludes that in respect of visual impacts, there would be a substantial visual impact from the closest public footpaths but this would lessen on others located further away. There is unlikely to be an adverse visual impact on residential properties in the area, apart from the Ridley Green complex where the impact would be moderately adverse. However the turbine would not be overbearing, oppressive, unpleasantly overwhelming or unavoidably present in main views and therefore would not cause material harm to living conditions at Ridley Green Farm; and overall the Landscape Officer maintains his opinion that it would be difficult to justify a recommendation of refusal on landscape grounds.

Amenity

There are numerous relatively isolated residential properties and farm holdings located in the vicinity of the site. However the proposed mast is 425m from the nearest residential property and the associated equipment does not produce any significant noise. Given the limited width of the mast and the large distance from neighbouring properties it is not considered that the development would have a detrimental impact on residential amenity in terms of over domination, visual intrusion and noise pollution.

The Environmental Health Officer has not totally relied on a noise report in the recommendations as a consultee, they have also taken into account ETSU-R-97, plus the various debates around the use of this document, and their own professional knowledge. Consequently they have recommended a proposed condition to protect the

amenity of local residents. If the Environmental Health Officer had totally relied on the submitted information, then they would not be recommending conditions to be attached.

The applicant has taken into consideration ETSU-R-97 (Assessment and Rating of Noise from Wind Farms) and has submitted a simplified assessment, which is acceptable for 'smaller' wind turbines. It should be noted that there is provision within ETSU-R-97 for a simplified assessment based on predictions alone if the turbine "...noise is limited to an LA90,10min of 35 dB(A) up to wind speeds of 10 m/s at 10m height". The ETSU document considers that compliance with this condition alone would offer sufficient protection of amenity and background noise surveys and corrections for wind sheer would be unnecessary.

The submitted noise assessment is for a Norwin 29 wind turbine with a tip speed of 57.4rpm. The proposed wind turbine is a Norwin 33 wind turbine with a tip speed of 54.4rpm. In the Annex submitted with the report, details are provided to show that the proposed turbine will have a reduction of approximately 1.4dB(A) in noise level, as the tip speed is lower. Hence the distances provided in the noise report, to meet the above condition, can be classed as a worse case scenario.

The following conditions are recommended by the Environmental Health Department in the consultation response.

Prior to its installation details of the location, height, design, and luminance of any proposed lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall ensure the lighting is designed to minimise the potential loss of amenity caused by light spillage onto adjoining properties. The lighting shall thereafter be installed and operated in accordance with the approved details.

The noise from the wind turbine shall be limited to an LA90,10min of 35dB(A), up to wind speeds of 10m/s at a height of 10 metres, to protect the amenity of local residents.

In the absence of any objection from Environmental Health, it is not considered that a refusal on amenity grounds could be sustained.

In order to address the reasons for this application being deferred at Southern Planning Committee on 25th February 2015, the Environmental Health Officer will be present at Southern Planning Committee when this application is considered.

Highway Safety

The site is located over 400m from the nearest public highway and in the absence of any objection from the Strategic Highways Manager; it is not considered that there are any highways reasons for refusal.

Ecology

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

(a) 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

(b) no satisfactory alternative and

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

The UK has implemented the Directive in the Conservation (Natural Habitats etc) Regulations 2010 (as amended) which contain two layers of protection (i) a requirement on Local Planning Authorities (“LPAs”) to have regard to the Directive’s requirements above, and (ii) a licensing system administered by Natural England and supported by criminal sanctions.

Local Plan Policy NE.9 states that development will not be permitted which would have an adverse impact upon species specially protected under Schedules 1, 5 or 8 of the wildlife and Countryside Act 1981 (as amended), or their habitats. Where development is permitted that would affect these species, or their places of shelter or breeding, conditions and/or planning obligations will be used to:

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. “This may potentially justify a refusal of planning permission.”

The NPPF advises LPAs to conserve and enhance biodiversity: if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) or adequately mitigated, or as a last resort, compensated for, planning permission should be refused.

Natural England’s standing advice is that, if a (conditioned) development appears to fail the three tests in the Habitats Directive, then LPAs should consider whether Natural England is likely to grant a licence: if unlikely, then the LPA should refuse permission: if likely, then the LPA can conclude that no impediment to planning permission arises under the Directive and Regulations.

In this case specific advice has been sought from the Council’s Ecologist has commented as follows:

Birds

Wind turbines can have an adverse impact upon birds. However, only a limited number of bird species are considered to be at significant risk. It is advised that no significant habitat for sensitive birds is present in the locality of the proposed development and whilst occasional bird casualties cannot be discounted, the proposed turbine is not likely to pose a significant risk to birds.

Bats

The Council's Ecologist has advised that the pond on site and the adjacent hedgerows provide suitable foraging commuting habitat for bats. Natural England advises that to minimise the potential impacts of turbines upon bats the turbine should be positioned so that the blade tip is 50m or more from any hedgerow or tree. In this instance, the turbine base is approximately 50m from the nearest hedgerow and 40m from the adjacent pond.

Using the Natural England guidance, for the blade tip of the turbine to be 50m from the nearest relevant habitat feature the base of the turbine must be just under 75m away from the hedgerow and pond. Natural England identify 5 bat species as being sensitive to wind turbines (at the medium or high level). Only one of these species is regularly recorded in Cheshire.

It was therefore advised that the turbine may pose a risk to bats, and in order to mitigate this impact the appropriate stand-off of 75m should be provided. Accordingly the applicant has relocated the turbine and the Council's ecologist has confirmed that the revised location would be adequate to mitigate its potential impacts upon bats. In addition and following the request of Members at Southern Planning Committee on 25th February 2015 an extended phase one habitat survey has been submitted along with bat activity surveys. The bat activity survey concluded that given the distance of foraging bats to the application site, the level of foraging activity and the relatively small numbers of bats recorded, the proposal will not have a negative impact on local bat populations and the Council's Ecologist accords with this view.

Great Crested Newts

A pond is present on the eastern edge of the field (approximately 27m from the application site) which provides suitable habitat for breeding amphibians. An extended phase one habitat survey has been submitted which identifies the pond as having average suitability to support Great Crested Newts (GCNs) however given the current land use, limited size of the application footprint and the resulting loss of terrestrial habitat, the survey considers that even if GCNs are present in the pond, it is highly unlikely that any GCNs will be encountered during the construction works.

Nevertheless, as a precaution to ensure no GCNs are harmed, recommendations are made in respect of the grassland being maintained to a short sward, a fingertip search to be conducted by a suitably qualified and licenced ecologist prior to works commencing, escape routes provided in any open trenches and excavations covered to reduce the possibility of wildlife entering. Such measures could be secured by planning condition. The survey also notes that the applicant will use temporary skids instead of a permanent access track which will also minimise the potential chance of impact upon GCNs.

Considering the small scale of the proposed development the Council's Ecologist is satisfied that the proposed development would not be significantly likely to have an adverse impact upon any GCNs. The Council's Ecologist also considered that the proposed relocation of the turbine to ensure it is 75m away from the pond, as required to mitigate the potential impact of the development upon bats, would further assist in mitigating the potential risk to GCNs.

The impact on the telecoms mast and television signal

With regard to the issue of impact on television and telecoms signals, the developer has stated that:

“in the past, wind turbines have been shown to disrupt analogue signals but this is no longer an issue with the switchover to digital television signal. All television sets have now been transferred to receive digital transmission which is unaffected by wind turbine developments. From initial inspection, and no objection being raised by statutory Consultees or relevant Authorities, we do not foresee that the turbine at Ridley Bank will cause any impact to telecommunication or television signals within the local area.”

The issue of the impact of Wind Turbines on television signals was considered by an Inspector at an Appeal relating to the erection of a turbine at Land east of Dawson Farm, Bosley (application Ref 13/2314M). At paragraph 9 of his decision, the Inspector stated:

“Arqiva are responsible for providing the transmission network for the BBC and ITV and have no objection to the proposed turbine. The BBC’s windfarm tool indicated that the proposed wind turbine could affect 65 homes for which there is no alternative off air service and 224 more for which there may be an alternative service. In their report to committee, officers noted that the tool (which is no longer available) provided only rough estimates and that interference would only become apparent once the turbine had been erected. Council officers recommended the imposition of a condition to require counter measures should it be shown that the proposed wind turbine interferes with TV reception. In light of the conflicting evidence before me and given that I have read nothing to suggest that remedial measures could not be taken, I will impose a condition along the lines suggested by the Council’s officers.”

Given that planning inspectors clearly consider that this matter can be adequately dealt with by condition, it is not considered that a refusal on these grounds would be appropriate and that a similar condition should be imposed in this case.

The health impact

In respect of Health Impacts the developer has stated that:

“VG Energy has installed over four hundred wind turbines throughout the UK, and there have been no complaints registered with regards to any adverse health impacts as a result of any development. As standard, Environmental Health was consulted during the planning process and have stated that they have no objection to the proposed development at Ridley Bank Farm. It is also stressed that as demonstrated throughout the Environmental Report, all relevant guidance has been adhered to with regards to noise and shadow flicker impacts. Both factors were deemed to have negligible impact upon neighboring residents. In November 2014, the Massachusetts Department of Environmental Health published a health impact study in relation to wind turbines which was written by a team of independent engineers and doctors. The report found ‘no clear or consistent association is seen between noise from wind turbines and any reported disease or other indicator of harm to human health’.

Further information was also requested following the Committee meeting with reference to BMJ 8 March 2012. This article was written by Christopher D Hanning,

who is a member of the advisory group for 'The Society of Wind Vigilance'. Therefore the findings discussed within this article cannot be recognized as neutral, as Mr. Hanning's personal bias views against wind turbines are reflected throughout the article. The article refers to the UK noise guidance ETSU-R-97, commenting that it was 'published in 1997 and not reviewed since'. This is written to suggest that they do not believe this noise guidance is fully adequate for assessing wind turbine applications today. However, as highlighted within the 'Planning practice guidance for renewable and low carbon energy', the planning guidance which we were directed towards, it states that ETSU-R-97 'should be used by local planning authorities when assessing and rating noise from wind energy developments'. The ETSU-R-97 guidance is the recognized guidance for noise assessment and has been followed closely when addressing potential noise impacts within the Environmental Report for this proposed development, and noise levels have been found to be below the stated limits within this guidance.

Additionally we were also asked to respond with reference to an article published in the Royal Society of Medicine Journal, August 2014. The article is entitled 'Diagnostic criteria for adverse health effects in the environs of wind turbines'. Throughout the article it refers to wind turbines under the general term 'Industrial Wind Turbines (IWT)'; however there is no definition to classify the size of turbine/wind development this article is referring to. There is a large difference between a small, single wind turbine and a large wind farm, and this important difference is not acknowledged at all within the piece. The proposed turbine at Ridley Bank Farm is 49m to tip, which as highlighted is considered by the council as a small scale development, and therefore not of 'industrial' size. Furthermore, health is controlled by the World Health Organisation, European Union, the UK government and on a local level Environmental Health whom have no objection to the proposed development. All of those listed have had no involvement with the publication of this article in the Journal of the Royal Society of Medicine, and as this is an open journal there is no control governing which articles are published. Additionally it is prudent to note that there is no scientific evidence within the article to support the findings. Finally, in the article there is no mention of policy; policy dictates planning applications as there is no discussion of this within the piece, it has no bearing or relevance towards the proposed development at Ridley Bank. "

In order to address the reasons for this application being deferred at Southern Planning Committee on 25th February 2015, consultation has also taken place with CEC's Public Health Department, who in turn sought advice from Public Health England (PHE). The Public Health Department do not consider that there are any specific threats to people's health associated with the proposed development. However, they note that many members from the local community are clearly very anxious about the proposed development and such anxieties may bring their own health consequences, but the Department are unable to easily quantify these. They also agree with the comments provided by Public Health England.

PHE refers to their position statement for onshore wind farms; noting however that this is primarily aimed at Nationally Significant Infrastructure Projects and it does not cover all of the issues raised by objectors, nor noise or shadow flicker considerations. This notes that PHE's remit is for development which are likely to involve chemicals, poisons or radiation which could potentially cause harm to people.

In respect of electromagnetic fields, PHE recommend compliance with relevant technical guidance. If it is considered not practicable for compliance to be achieved at all locations accessible to the public, the report should provide a clear justification for this. The report should include an appropriate risk assessment showing that consideration has been given to mitigation measures from acute risk. In relation to possible long-term health effects and precaution, the report should include a summary of compliance with PHE advice and Government policy.

With reference to risk of chemicals, PHE note that at this point in time there is no body of evidence conclusively linking wind farms with adverse health effects arising from emissions of chemicals from wind farm developments; and when operational, wind generation should not produce emissions, pollutants or waste products so installations are unlikely to lead to public health impacts associated with emissions of chemicals.

There is potential for impacts to arise during construction and decommissioning phases from the transport of material and equipment; however PHE advise that applicants should adhere to best practice guidance during these phases and applicants should ensure that potential impacts are assessed and minimised.

Where onshore wind farms are located near to people, there is evidence that they may be more likely to give rise to other environmental impacts. The most common concerns expressed are related to noise and shadow flicker. PHE statement concludes that the onus is on the applicant to conduct the assessment of compliance with the referenced advice and policy, and to gather and present the information clearly, leaving no additional analysis necessary on the part of PHE.

In the light of the above, and in the absence of any objection from the Councils Environmental Health Officer, Public Health Department or PHE, it is not considered that a refusal on health grounds could be sustained.

Other Issues

Manchester Airport and the MOD have been consulted on the proposals and raised no objections on safety grounds.

National Planning Casework Unit

The National Planning Casework Unit have requested that should the committee be minded to approve the application, it be passed to the Secretary of State for his consideration before any decision notice is issued.

Planning Guidance

In respect of the issue of planning guidance identified by the MP, the developer has responded as follows:

"The new planning guidance produced by the Department for Communities and Local Government (DCLG) entitled 'Planning practice guidance for renewable and low

carbon energy', was mentioned in the representation from Stephen O'Brien. Although this document was not referenced within the application, the reason for this is discussed later, the topics which are raised within this practice guidance have been addressed in relation to the proposed development at Ridley Bank Farm. Within the guidance highlighted, areas of assessment include: noise impacts, safety, electromagnetic transmissions, ecology, heritage, shadow flicker, energy output, cumulative landscape and visual impacts, and decommissioning. Throughout the Environmental Report submitted, each of these key points have been thoroughly analyzed, concluding that the development will not present an adverse impact to the local area. As such, we do not feel it is necessary to repeat the findings of the assessment within this brief statement, and direct interested parties to the relevant chapters of the submitted Environmental Report.....May it also be highlighted that the proposed application was registered by Cheshire East Council on 1st July 2013, and the mentioned planning guidance was not published until post-submission of the application resulting in the document not being referenced."

Officers agree with the developers interpretation of the guidance and, the proposed development has been deemed acceptable by Officers and Consultees in relation to each of the topics noted within the guidance referred to by Mr. O'Brien as detailed elsewhere in this report. It is also noted that this DCLG planning practice guidance has now been withdrawn and has been replaced by National Planning Practice Guidance.

Concerns of Local Communities and the planning balance

As referred to earlier, the Written Ministerial Statement (WMS) states that '*...local planning authorities can find the proposal acceptable if, following consultation, they are satisfied it has addressed the planning impacts identified by affected local communities and therefore has their backing.*'

The WMS is an important material consideration, being the most recent expression of the Governments position on wind turbine development. In applying the provisions of the WMS, the starting point must be an assessment of the application against the Council's Development Plan, and the presumption in favour of development contained in paragraph 14 of the National Planning Policy Framework; after which any other relevant material planning considerations must be taken into account including the provisions of the WMS. A balancing exercise must then be undertaken to consider how much weight shall be applied to the each consideration in reaching a decision.

In this case it is considered that the proposals accord with Policy NE.19 of the Development Plan and it has been demonstrated through the advice of Council officers and additionally through independent assessment by specialist consultants where necessary that the environmental criteria in the policy have been met.

The NPPF states in paragraph 98 in respect of determining planning applications for renewable energy development that local planning authorities should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and importantly '*approve the application if its impacts are (or can be made) acceptable*'. It may be inferred from the NPPF therefore that that the delivery of renewable and low-carbon energy is central to the three dimensions of sustainable development.

Whilst it is accepted that there will be an element of harm to the landscape caused by the scheme, energy development usually has some adverse landscape impact and it would be necessary to demonstrate that the landscape effects of the proposal would be so harmful to the extent that the presumption in favour of sustainable development would be clearly outweighed. Given the conclusions of the Landscape Officer and the independent Landscape Consultant, this is not the case. Equally the other potential environmental impacts raised by the scheme have been addressed and where necessary mitigated. It is therefore still regarded as comprising sustainable development attracting the presumption in favour as identified in the NPPF.

In respect of the WMS, the NPPF, NPPG and WMS do not offer any explanation of what the term 'addressed' means; but does confirm that the assessment of whether a proposal has the backing of the local community is 'a planning judgement for the local planning authority'

It is considered that the intention of the WMS (and NPPG) is to focus on the substance of planning concerns raised, and not the number of people raising such concerns. If the decision maker, exercising its planning judgment, is satisfied that the appellant has fully addressed the planning impacts identified by affected local communities and that the proposal complies with the principle of the adopted Development Plan, as supported by the NPPF and NPS, then it must be concluded that the proposal has the backing of the affected local community. The wording of the WMS and NPPG is clear on this point. The use of the phrase 'and therefore has their [the affected communities] backing' creates a clear objective test to determine whether a scheme can be deemed to have the backing of the community.

Schemes of this nature generate strong views and genuine concerns. Through the initial statutory consultation process on this application, and also following the submission of further information, local communities have identified a range of planning impacts and these have been considered in the assessment of this application. It is accepted that schemes such as wind turbines will always present an element of impact that cannot be fully addressed. The views of relevant technical experts have been sought on a wide range of planning issues raised by this proposal, and the statutory consultees are satisfied with the level of information submitted and consider the extent of impacts generated by the scheme to be acceptable. It is also noted the applicant has made revisions to the scheme design in response to issues raised through the consultation process and mitigation would be also secured by planning conditions. Accordingly it is considered that the planning impacts have been addressed as far as possible and accords with the approach of the WMS.

For the reasons outlined above, it is considered that that there are no material considerations sufficient to outweigh the benefits of the scheme or its compliance with development plan policies relating to renewable development, and the presumption in favour of sustainable development.

CONCLUSIONS

There is broad support at both national and regional level for renewable energy proposals and wind turbine. Local Plan policy is also permissive provided that certain criteria are met.

The application was deferred by Southern Planning Committee on the 25th February 2015 for further information with respect to the following:

- Submission of a bat survey
- Consultation with Cheshire East Council's Public Health Department
- Request an Environmental Health Officer attend the Southern Planning Committee meeting at which this application is considered.

Following the submission of additional information the proposed development has been deemed acceptable by Officers and Consultees in relation to the topics noted. The Council's Ecologist is satisfied that the proposal will not have any adverse impact on bats.

It is therefore considered that all of Members previous concerns have been addressed and for the reasons stated above, and having due regard to all other matters raised, it is concluded that the proposal complies with the local plan policy and in the absence of any other material considerations to indicate otherwise it is recommended for approval.

RECOMMENDATIONS

APPROVE subject to referral to the Secretary of State and the following conditions:

1. **Standard**
2. **Approved drawings**
3. **Removal when no-longer required for electricity generation purposes.**
4. **The noise from the wind turbine shall be limited to an LA90,10min of 35dB(A), up to wind speeds of 10m/s at a height of 10 metres, to protect the amenity of local residents.**
5. **Prior Approval of External Lighting**
6. **No development shall take place until details of a scheme for the investigation of complaints that the wind turbine hereby permitted is interfering with TV or mobile communications reception and for any remedial measures should interference be proven have been submitted to and approved in writing by the local planning authority.**
7. **Implementation of ecological mitigation identified in the ecological reports**

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



NOTES

TOTAL SITE AREA AMOUNTS TO 1386 SQUARE METRES

TURBINE BLADE TIP HEIGHT TO BE 49 METRES

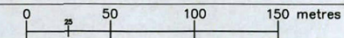
TURBINE POSITIONING TO BE A 39 METRE DIAMETER CIRCLE TO ALLOW FOR MINOR REPOSITIONING DUE TO GROUND CONDITIONS, MICRO-SITING ALLOWANCES, ETC.

ACCESS TRACK TO BE 3.5 METRES WIDE, WIDER AT CORNERS.

CRANE PAD TO BE 12 METRES BY 12 METRES.



Waterside Farm
Glasgow Road
Galsston
KA4 8PB
t: 01563 829990
f: 01563 829383
e: info@vgenergy.co.uk
w: www.vgenergy.co.uk



PROPOSED ERECTION OF ONE 49 metre TO TIP NORWIN WIND TURBINE for MR LATHAM at RIDLEY BANK FARM, WREXHAM ROAD, TARPORLEY, CW6 9RZ.

SITE REFERENCE

DRAWING NO.

03176

002

SCALE

DATE

1:2500

07/06/2013

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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

DEFERRAL

This application was deferred at the Southern Planning Committee meeting on 3rd August 2016 for further information on the definition of 'co-location' within the Bunbury Neighbourhood Plan.

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 x £17,959 x 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 to define co-location and states that;

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

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

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

In this case the development would be limited to a maximum of 15 dwellings. At the time of writing this report there no issue of co-location as part of this development and the matter is a planning judgement to be taken by the decision maker when determining the application.

In this case there would be an intervening area of land between the two housing developments proposed as part of applications 16/0646N and 15/5783N. This are of land would be retained as paddock with minimum width of 45 metres with just an existing stable block sited on the land. This is considered to represent a significant distance provide and prevent the visual segregation between the two sites.

As the retained paddock is within the ownership of the applicants for this application it would be possible to secure additional tree planting along this southern boundary to ensure that improve the visual segregation between the two sites.

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.

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 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 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 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 of 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:

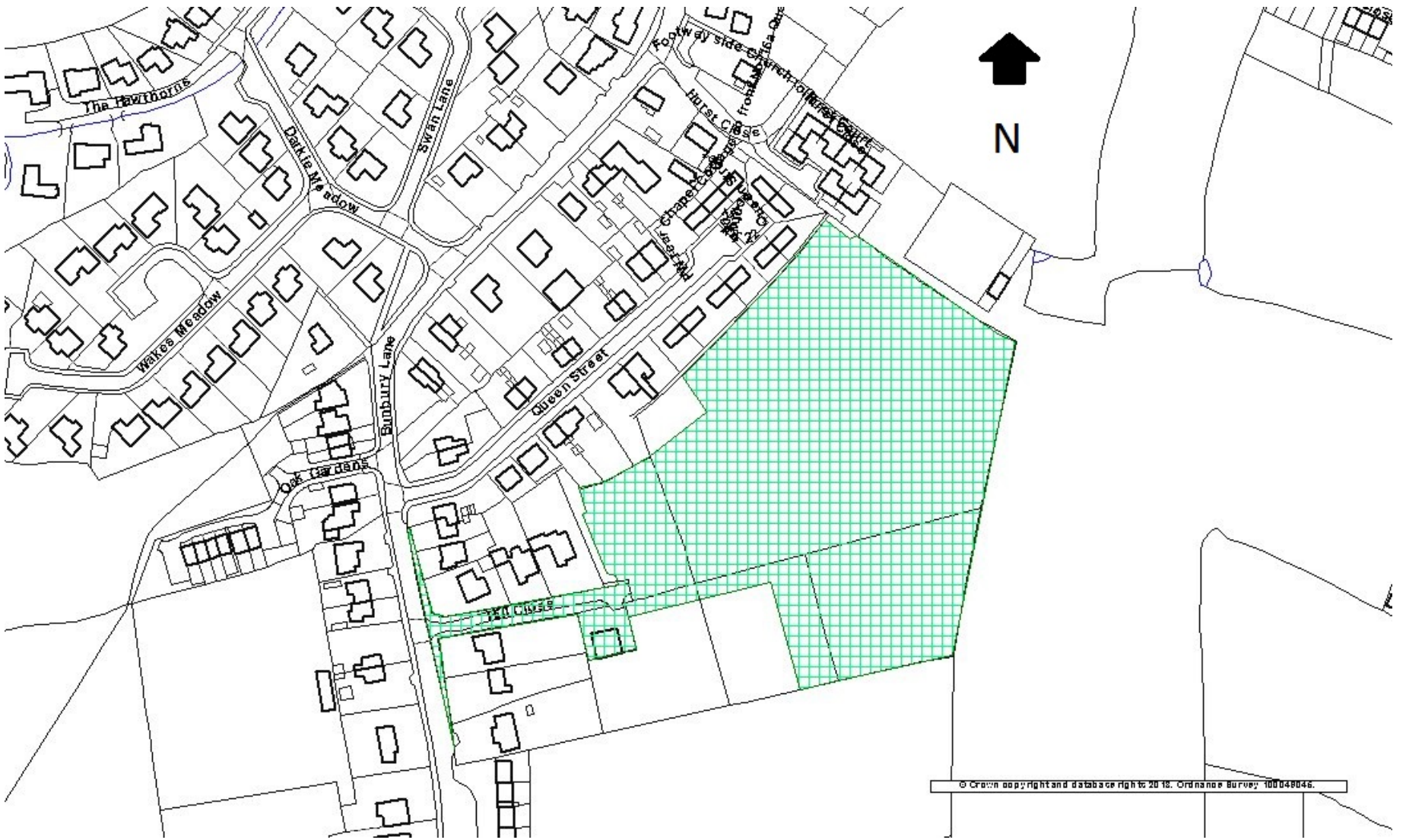
- 1. Standard outline 1**
- 2. Standard outline 2**
- 3. Standard outline 3**
- 4. Approved Plans**

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
15. The scheme of landscaping at RM stage shall include additional tree planting along the southern boundary of the retained paddock

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: 16/0646N

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

DEFERRAL

This application was deferred at the Southern Planning Committee meeting on 3rd August 2016 for further consideration of late evidence submitted to the highways department.

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)

VIEWS 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 to define co-location and states that;

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

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

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

In this case the development would be limited to a maximum of 15 dwellings. At the time of writing this report there no issue of co-location as part of this development and the matter is a planning judgement to be taken by the decision maker when determining the application.

In this case there would be an intervening area of land between the two housing developments proposed as part of applications 16/0646N and 15/5783N. This area of land would be retained as paddock with minimum width of 45 metres with just an existing stable block sited on the land. This is considered to represent a significant distance provide and presents the visual segregation between the two sites referred to in the policy definition in the BNP.

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.

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	
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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			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.											
the grange , wyche lane											0
											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 Pupil Yield	UNFILLED PLACES	UNFILLED PLACES %	PUPIL FORECASTS based on October 2014 School Census						
										2015	2016	2017	2018	2019	2020	2021
Secondary Schools								0	#DIV/0!							
Tarpotley 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!							
								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 has submitted additional information and has arranged to meet with the Councils Highways Officers. 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 Council's 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 Council's 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:

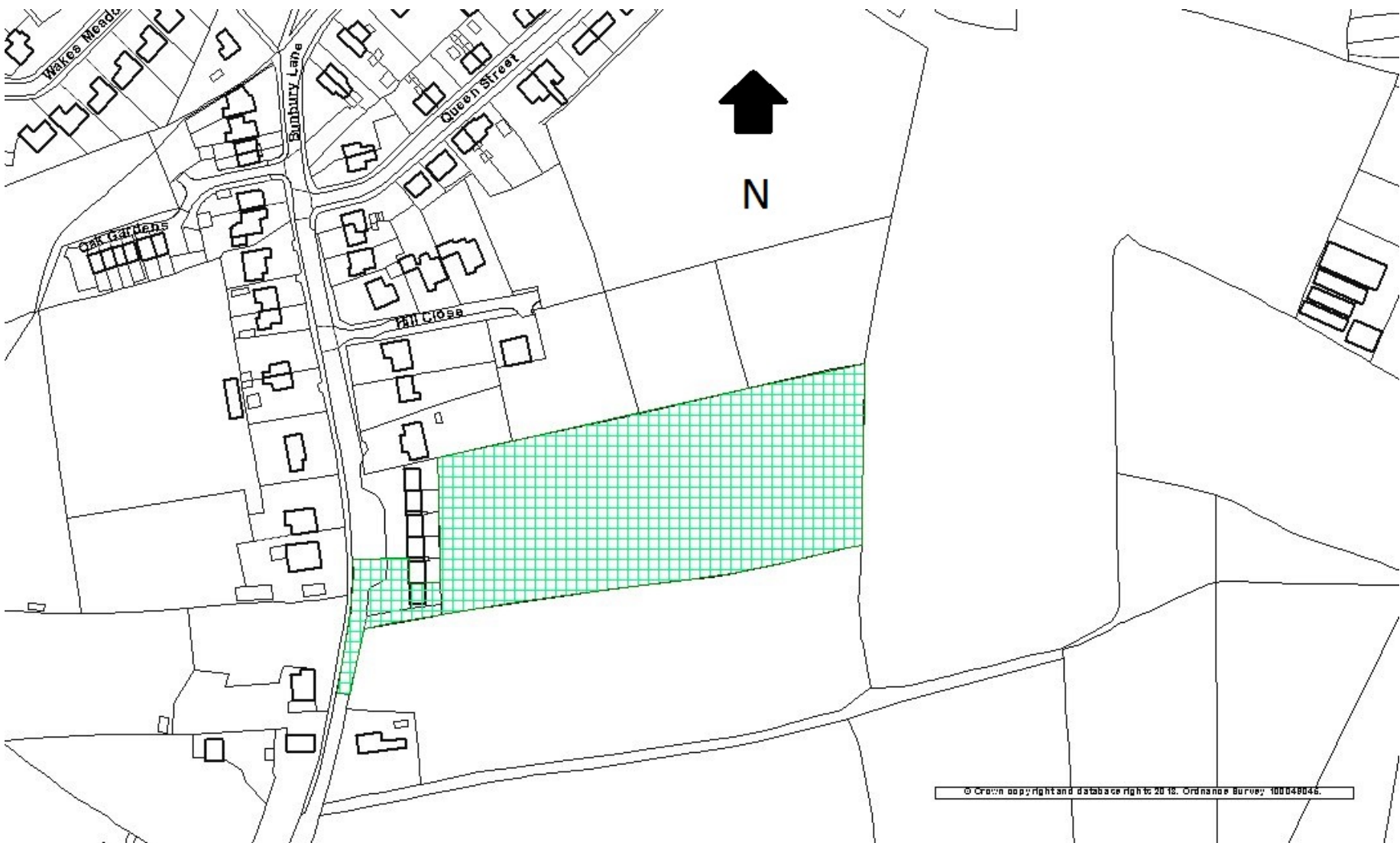
- 1. Standard outline 1**
- 2. Standard outline 2**

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: 16/1024C

Location: Alsager Arms Hotel, 4, SANDBACH ROAD SOUTH, ALSAGER, ST7 2LU

Proposal: Demolition of existing pub hotel building and construction of 14no. apartments

Applicant: Jack Middleton

Expiry Date: 13-Jun-2016

SUMMARY

The application site lies within the Alsager 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.

However, Policy RC12 states that planning permission should not be granted where *'(permission would) result in the loss of any community facility which makes a positive contribution to the social or cultural life of a community.'*

The proposal would bring positive planning benefits such as the provision of new dwellings in a sustainable location, and the usual economic benefits created in the construction of new dwellings and the spending of the future occupiers in the local area.

The negative impact of the development would be the loss of a locally valued non designated heritage asset.

No significant landscape, design, highway safety, drainage or flooding, amenity, or tree concerns would be created, subject to conditions where necessary.

Contributions towards open space and education would mitigate any impact on these facilities that the development would create.

As such, it is considered that the positives of the proposed development outweigh the negative and therefore the proposed application is recommended for approval.

RECOMMENDATION

APPROVE subject to S106 Agreement and conditions

REASON FOR REFERRAL

This level of development would usually be delegated to officers to consider however Cllr Martin Deakin has called this application in for the following reasons.

'Firstly, these proposals will constitute the loss of a building of great local interest which dates back to the 1800s. Secondly, I believe that these proposals are not within the keeping of the surrounding street scene because of the houses that are situated opposite and leading up to the railway line. Therefore, myself and many other residents believe that the proposed flats will be ill-suited to the location.'

PROPOSAL

This application seeks outline planning permission to demolish the existing public house and construct 14no apartments.

Matters of Access, Layout, Scale, appearance and landscaping are reserved for subsequent approval by reserved matters.

Revised indicative plans have been received during the application process in response to concerns raised and the application has been reduced from 18 units to 14no. apartments within an apartment block.

SITE DESCRIPTION

The application site relates to a vacant public house, the Alsager Arms, which is situated within the Alsager settlement boundary adjacent to a level crossing for the Alsager train station, on Sandbach Road South.

The application site is triangular in shape and includes the retention of an existing building to the north of the site adjacent to the road.

RELEVANT HISTORY

16/1959C - Prior approval of Proposed demolition of vacant and derelict public house – Determination – approval not required stage 1 - 19th May 2016

13/1437C - To move external seating area and smoking solution to a new area in the car park. Replicating the existing fence to enclose the new area and replacing the old seating area with car parking spaces – approved with conditions 10th June 2013

07/0495/FUL - Provision of covered area to the existing beer garden. Amended siting of smoking shelter – approved with conditions 3rd August 2007

3464/3 - Car park extension – approved with conditions 14th July 1976

36172/9 - Projecting sign, amenity panel, fascia text & menu boxes – approved with conditions 29th August 2003

19751/3 - Installation of a small receive only satellite dish and aerial – 22nd June 1988

30155/9 - Brewery signage – approved with conditions 17th August 1998

29753/9 - Brewery signage – part approved/part refused 5th May 1998

24945/3 - Extension and alterations to public lounge and ancillary areas – approved with conditions 30th March 1993

16427/9 - Illuminated medium size anells script sign – Refused 16th January 1985

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, RC12 - Retention of Existing Community Facilities 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) – [30/03/16] The proposal is for 18 apartments with associated parking, with all matters reserved. The change of use to a residential development, when compared to the existing lawful use, will result in a small increase in vehicle trips during the morning peak and no increase during the evening peak or during the whole of the day. Traffic accident data has indicated no existing safety issues in the vicinity of the site. The highways impact will be negligible and although the number of car and cycle parking spaces is below standards, and it isn't clear how refuse collections will take place, these will be looked at in more detail during the reserved matters application. No objections are raised with this application.

[12/08/2016] Have informally confirmed the reduction in numbers will not have any increased impact over and above the existing situation.

Environment Agency – The revised layout shows parking spaces within 8 metres of the culvert, which is acceptable in principle. Excalibur Brook, flows in culvert at the southern part of the site. Excalibur Brook is designated "main river". Under the Environmental Permitting (England & Wales) Regulations 2010, a permit may be required from the Environment Agency for any proposed works or structures in, under, over or within 8 metres of the top of the bank of the brook. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. A permit is separate to and in addition to any planning permission granted.

Strategic Housing – No objections. This is a proposed development of 14 dwellings therefore it is under both the unit number and site size (as showing 0.2 Hectares) so no affordable provision is required.

Environmental Protection- No objections, subject to conditions for piling foundations, dust control, noise mitigation scheme, travel plan, electric vehicle infrastructure, contaminated land, and soil information.

ANSA Open Space – No objections, subject to a contribution of an off-site commuted sum for enhancement of nearby Milton Park/ Edwards Way. Financial contributions sought from the Developer are:

£3,076.75 Enhancements
£10,029.6 for maintenance of the enhancements.
(based on 18 units)

Education - No objections, subject to a contribution of £32,685.38 towards secondary school provision

Flood Risk Manager – No objections, subject to conditions for a drainage strategy and surface water drainage

Victorian Society – Object, to the demolition of this locally important historic building and the insensitive redevelopment of the site

Historic England - We assessed the Alsager Arms for listing earlier this year but concluded that, although the building is undoubtedly of local interest, it does not merit designation at national level.

Network Rail – no objection subject to conditions for surface and foul water drainage schemes away from the railway network, ground levels, vibro-impact risk assessment and method statement, trespass proof fence to be erected, and acoustic fencing mitigation measures

Fire and Rescue Service – None received at time of writing this report.

Alsager Town Council – The Town Council objects to this application on the following grounds:-

- Adverse effect on the residential amenity of neighbours, by reason of noise, disturbance, overlooking, loss of privacy, overshadowing.
- Unacceptably high density
- Visual impact of the development
- Effect of the development on the character of the neighbourhood
- Poor space standards of design, internal and external
- The proposed development is over-bearing, out-of-scale or out of character in terms of its appearance compared with existing development in the vicinity
- The loss of existing views from neighbouring properties would adversely affect the residential amenity of neighbouring owners.
- The development would adversely affect highway safety or the convenience of road users. On certain times of the day, it takes up to 20 minutes for residents to come out of Talke Road to travel towards the village centre. The Alsager Traffic Study admits there is a problem with the traffic in the town centre and adding more cars to the busy junction will only increase the problem.
- That cycling is made prohibitive due to congestion in the area.
- That due to the sites close proximity to the railway and level crossing the Fire and Rescue Service is consulted on the application.

REPRESENTATIONS

Neighbour notification letters were sent to all adjacent occupants, and a site notice was erected. To date, approximately 9 letters of representation have been received. The main objections raised include;

- Design – proposal is too large, too tall, out of character with the surrounding area
- Highway safety – high traffic volumes on existing network, pressure on existing road infrastructure, Congestion, concerns over construction traffic impact given proximity to railway line
- Existing building should be retained on site and converted or re-opened as a public house
- Loss of a local building or architectural interest is not acceptable
- English Heritage have been approached to have the building listed
- The site could be put to better use, i.e. other commercial/public uses without demolishing the building.
- Amenity – loss of light and visual intrusion, noise and light pollution,

A letter of support has been received. The main issues raised are;

- This brownfield site is preferable over a greenfield site,
- The pub itself has not been open for many years and is not in a good state
- It is a shame that some/all of the original building is not being retained as it is a landmark building in Alsager,

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 within the Alsager 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 14 apartments replacing a vacant public house 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.

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.

Loss of a Community Asset

The existing use of the site is public house, however it has not been used as such for at least a year. Policy RC12 (Retention of Existing Community Facilities) states that *'planning permission will not be granted for any proposed development which would result in the loss of any community facility which makes a positive contribution to the social or cultural life of a community, unless suitable alternative provision is made.'*

The applicants have submitted evidence that states,

'..the building is no longer an existing community facility, nor does it currently, or has it in recent times, made any sort of positive contribution to the community. The public house is closed and boarded up, and this has been the case from at least last August 2015. The fact that the public house was not trading at a level to enable it to remain open indicates that patronage was not strong, and draws into question its value as a community facility and the contribution it made locally. In addition, the public house is not listed as an asset of community value, nor are we aware of any valid nominations for its inclusion on the list of assets of community value.'

The applicant has submitted letters from both the previous owner (Greene King) and local agent (Fleurets) confirming that the public house was not viable, and that there was no genuine operator interest despite concerted efforts to market the property'.

Furthermore, a recent Prior Notification of Demolition of the property to Cheshire East Council (Ref: 16/1959C) was received and accepted.

It is therefore considered that although it is unfortunate that this building will be lost, has already been granted prior notification for the means of its demolition and restoration of the site, and that this could be carried out at any time.

Furthermore, the building is not statutorily listed, is not a locally listed building and has not been nominated as Community Asset under the Community Right to Bid function and therefore its loss, whilst regrettable, very difficult to resist in principal.

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 is small parcel of land, within the settlement of Alsager and bounded by residential and commercial development. There is an existing building on the site which is to be demolished. The proposal will therefore have a landscaping impact on the area limited to the landscaping proposed as part of the reserved matters.

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.

Design, layout and scale are reserved for a future consideration under the reserved matters application. However, indicative plans have been received which show a two and half storey apartment building with large full length windows on all elevations and dormer windows in the roof space. The plans show a maximum height of 10.5m, and the apartment block is largely rectangular in shape with large gable roof feature on the front and rear elevations, and smaller lean-to elements on the side elevations.

The indicative plans show some small areas of landscaping and new tree planting and car parking to the rear to accommodate 18 spaces.

Whilst the design is relatively simple, it does reflect the large Victoria style window opening within the existing building. However there is a lack of any defining features in this prominent location. However, as this is an outline application with the design details reserved for a later consideration it is considered that a more detailed consideration of the design can be achieved within the reserved matters application. Key design considerations reflecting the existing building on the site and the adjoining medical centre should be considered, such as eave and lintel features and the material palette will be a key consideration.

As the revised proposal seeks predominately a 2 and half storey building, the height will be similar to the three storey medical centre adjacent to the site; however there are a number of single storey bungalows opposite. The existing building on the site is 2 storey and therefore although the building will be taller it will not be significantly larger than the existing and therefore it is considered that the development of this scale, design and layout would be acceptable in principal, subject to some design alterations.

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 and Parking

Although the application does not include details of access to be considered the Strategic Highways Officer, has considered the indicative plans and states that the change of use to a residential development, when compared to the existing lawful use, will result in a small increase in vehicle trips during the morning peak and no increase during the evening peak or during the whole of the day. Traffic accident data has indicated no existing safety issues in the vicinity of the site.

The highways impact will be negligible and although the number of car and cycle parking spaces is below standards, and it isn't clear how refuse collections will take place, these could be looked at in more detail during any reserved matters application, should permission be granted.

As a result, the HSI has raised no objections. As such, it is considered that the proposal adheres with Policy GR9 of the Local Plan.

Flood Risk and Drainage

The majority of the site is located in flood zone 1; however there is a Main River, south of the proposed development. There is also an indication there is a mass amount of flood zone 2 (1 in 1000 year) to the southern part of the site. The area in which is in flood zone two (topographic low spots) is indicated by the Environmental Agency's (EA) mapping system. The Council's Flood Risk Officer has considered the proposal and notes that the risk of flooding from this source will need to be appropriately mitigated before development can commence on site, and have requested conditions to be attached in the form of a drainage strategy and surface water flow routes.

The Environment Agency note that the revised layout shows parking spaces within 8 metres of the culvert, which is acceptable in principle. Excalibur Brook, flows in culvert at the southern part of the site. Excalibur Brook is designated "main river".

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

The site is devoid of any tree cover with only trees located off site to the west viewed as a material consideration. A number of self set early mature Ash and Sycamore have established in a linear form immediately adjacent to the boundary wall which forms part of the western aspect to the site. Their position adjacent to the structure is considered to be un-sustainable in the long term, with root

and stem expansion likely in the short term to influence the structure. A more mature group of trees some of which are protected by a 1990 Tree Preservation Order forming the boundary with the railway line present an amount of lateral branch growth over the common boundary into the site, this is not considered to be significant or an issue to restrict development. Whilst no supporting Arboricultural detail has been provided its clear that the proposed car parking associated with the north west corner of the site will not compromise the trees with minimal root development into the site anticipated given the hostile ground conditions associated with the present hard surfacing, the removal of which and installation of a communal garden area should be seen as a net gain.

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 a bat survey. The Council's ecologist comments are outstanding and will form part of an update to committee.

Environmental Conclusion

The demolition of the existing building is necessary to facilitate this development. The building is afforded no statutory or non-statutory protection and whilst it is accepted that its loss is a matter to which local feelings may be strong, given the longstanding nature of the non-use of the premises, there is potential for vandalism and neglect which can be very detrimental to the environment. The re-use of the site would protect from such environmental harm. The proposed revised development would be of an acceptable indicative design that would not create any significant issues in relation to; the landscape, highway safety, drainage or flooding, trees.

As such, it is considered that subject to the outstanding ecology comments, the proposed development would be environmentally sustainable.

Economic Role

It is accepted that the construction of a housing development of this size would bring the usual economic benefit to the closest shops in 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 to sustainability.

Affordable Housing

This is a proposed development of 14 dwellings therefore it is under both the unit number and site size (as showing 0.2 Hectares) so no affordable provision is required.

Open Space

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 Greenspace (AGS)

Having calculated the existing amount of accessible AGS within 800m of the site and the existing number of houses which use it, the proposed development will generate a need for 320m² of new amenity greenspace. The site layout plan would appear to include areas of Public open space. Actual areas of Amenity Greenspace need to be quantified by the Developer in order to calculate financial contributions for maintenance should the Public Open Space be transferred to the Council.

Children and Young Persons Provision (CYPP)

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, the proposed development will generate a need for a LEAP play facility. The developer is not providing on site CYPP due to the size of development.

An opportunity has arisen for improvements to an existing facility within the vicinity of the development for off site enhancements at nearby Milton Park/ Edwards Way. Financial contributions sought from the Developer are:

£3,076.75 Enhancements

£10,029.6 for maintenance of the enhancements.

The above comments and figures are based on the original 18 dwellings development and therefore a revised comment has been sought. An update will be provided.

Any contributions required 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:

$2 \times £17,959 \times 0.91 = £32,685.38$ (secondary)
Total education contribution: £32,685.38

The above would be secured via a S106 Agreement. These are all elements that contribute to the social sustainability of the proposal.

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 to the north-east of the site, on the opposite side of Sandbach Road south. These properties are single storey in nature.

Although the proposal is outline, the indicative plans give an indication to the separation distances between the existing dwellings and the proposed apartment block. The proposed building will be sited approximately 23m away from the opposing neighbours with the Sandbach Road South road. The proposed building will be sited on a similar footprint to the existing public house albeit slightly longer towards the south east of the site adjacent to the railway line. The proposal as it stands therefore meets the current separation standards. Furthermore, as the apartment building will be replacing an existing two storey building with a two and half storey building it is considered that it is unlikely that the development will have a significantly increase impact on neighbouring amenity by means of overshadowing or overbearing impact. The current proposal includes a number of large bedroom windows on the front elevation facing towards the bungalows, however as the separation distances are met and the given the single storey nature of the opposing bungalows it is unlikely that the proposal will create an unacceptable amenity impact by means of overlooking.

To the north west of the site is a small retail unit (Beach Hut), Alsager Heath Centre, and to the south is the railway line and Alsager Station, both units are of a sufficient distance to have limited impact on the proposed apartment block.

With regards to the amenity impact on the future occupiers of the site, Network rail have been consulted on the application and have raised no objections to the proposal in principal, but have outlined a number of conditions and legislation/legal requirements which the applicant must adhere to whilst constructed the proposed development and implementation of suitable vibration and noise mitigation measures.

Similarly the Council's Environmental Protection department have been consulted and have raised no objections subject to a number of conditions for piling foundations, dust control, noise mitigation scheme, travel plan, electric vehicle infrastructure, contaminated land, and soil information.

Whilst there is no formal private amenity space afforded to the future occupiers of the site, there are some small communal areas noted on the plans. This is not an unusual living arrangement for occupiers of apartments within town centres. Furthermore there is an area of Public Open Space to the north of the site less than 100m away which is a reasonable distance for the future occupier to walk to and utilise.

As such, subject to the above suggested conditions, from the Council's Environmental Protection Officer, and the Network Rail 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 Children's and Young Persons Provision (CYPP) is required and should be secured. This sum is to be confirmed, but will be used for improvements to an existing facility within the vicinity of the development for off site enhancements at nearby Milton Park/Edwards Way. 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 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 Alsager 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.

However, Policy RC12 states that planning permission should not be granted where *'(permission would) result in the loss of any community facility which makes a positive contribution to the social or cultural life of a community.'*

The proposal would bring positive planning benefits such as the provision of new dwellings in a sustainable location, and the usual economic benefits created in the construction of new dwellings and the spending of the future occupiers in the local area.

The negative impact of the development would be the loss of a non designated heritage asset which is of value to the local community but has not been as community asset..

No significant; landscape, design, highway safety, drainage or flooding, amenity, or tree 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, it is considered that the positives of the proposed development outweigh the negative and therefore the proposed application is recommended for approval.

RECOMMENDATION

APPROVE Subject to a S106 Agreement to secure;

- 1. Secondary School Education contribution of £32,685.38**
- 2. Open Space contribution (amount to be tbc)**

And conditions;

- 1. Time – 3 years of within 2 of last Reserved Matter approval**
- 2. Reserved Matters within 3 years**
- 3. All Matters to be submitted and approved**
- 4. Plans**
- 5. Reserved Matters to be supported by existing and proposed levels plans and to include details of earthworks and excavations adjacent to the railway line**
- 6. Reserved Matters to include Bin and Cycle storage details**
- 7. Reserved Matters to be carried out in accordance with mitigation recommended in this report submitted by NVC Report No R16.0603/DRK dated 6th June 2013**
- 8. Prior submission/approval of a piling method statement**
- 9. Prior submission/approval of a dust mitigation scheme**
- 10. Provision of a Residents Travel Pack prior to first occupation**
- 11. Provision of Electric Vehicle Charging infrastructure**
- 12. Prior submission/approval of a Phase II contaminated Land report**
- 13. Prior approval of a soil contamination verification report**

14. Development should stop if contamination is encountered

15. Prior submission/approval of a Drainage Strategy for surface water drainage

16. Prior submission/approval of surface water flow routes

17. Reserved matters to include boundary treatment details

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;

- **Secondary School Education contribution of £32,685.38**
- **Open Space contribution (amount to be tbc)**



Application No: 16/1134C

Location: LAND OFF, MARSH GREEN ROAD, SANDBACH CHESHIRE

Proposal: Outline application for proposed development of 30 dwellings including open space (allotments), internal access road and car parking.

Applicant: Safeguard Limited

Expiry Date: 07-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).

Policies PS8 and H6 of the Congleton Borough Local Plan First Review and Policy PC3 of the Sandbach Neighbourhood Plan are considered consistent with the aims of the Framework. Policy PC3 of the Sandbach NP has been prepared within the context of the NPPF and independently tested against its criteria by the Inspector who considered whether the Neighbourhood Plan was consistent with the Framework.

The relevant policies of the development plan are therefore considered consistent with the Framework and should be afforded due weight, with the conclusions drawn in PC3 based on up to date and recent evidence. In this case, the SNP presents a policy approach which supports sustainable development on the basis of recent and

up to date housing evidence that advocates a strategic approach. The undermining of this approach would represent a significant and adverse impact in Para 14 terms that would outweigh the benefits of the proposal.

Neighbourhood planning provides a powerful set of tools for local people to ensure they get the right kind of development for their community. Whilst the weight afforded to those policies that restrict the supply of housing land may be limited due to the lack of a five year housing land supply, the harm done by approving a proposal which does not comply with the Development Plan and housing policies contained in the Sandbach Neighbourhood Plan is significant and directly conflicts with the overall aims of the framework to deliver sustainable development, through a plan led system which seeks to ensure that proposals contrary to an adopted neighbourhood plan should not normally be granted permission.

It is accepted that the development would provide positive planning benefits such as the provision of a market and affordable dwellings in a relatively sustainable location, The minor economic benefits created predominantly during the construction phase of the scheme and the social benefits such as open space/allotment provision and design features that are sought with the Neighbourhood Plan contributes to the social arm of sustainability.

Balanced against these benefits, however, must be the adverse impacts, which in this case would be the loss of Open Countryside, the loss of Best and Most Versatile agricultural land, and the harm caused to the plan led system by virtue of the proposal's non compliance with policies with in the made Sandbach NP.

In this instance, it is considered that the dis-benefits of the scheme, outweigh the benefits and that the proposal does not comprise sustainable development .

RECOMMENDATION

REFUSE

REASON FOR REFERRAL

The application is referred to Southern Planning Committee as it proposes residential development of over 20 units.

PROPOSAL

This application seeks outline planning permission to erect 30 dwellings. Matters of Access are also sought.

Approval of layout, scale, appearance and landscaping, and scale are not sought at this stage and as reserved for subsequent approval.

As such, this application shall consider the principle of the development only.

SITE DESCRIPTION

The site relates to a parcel of green field located between the eastern side of Marsh Green Road and the western side of Vicarage Lane, Sandbach within the Open Countryside.

The application site is largely 'U-shaped' in design and measures approximately 1.66 hectares in size and is largely flat in nature.

To the north, the site is boarded by the Crewe to Manchester railway line.

The site lies approximately 2km to the northeast of the Sandbach town centre.

RELEVANT HISTORY

09/0495H - Hedgerow Removal – Consent to remove granted 1st May 2009

19414/1 - New 18 Hole Golf Course, Clubhouse And Leisure Facilities, Residential Development (Outline) – Refused 21st June 1988

LOCAL & NATIONAL POLICY

Sandbach Neighbourhood Plan (SNP)

The Sandbach Neighbourhood Plan has been made on 12th April 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:

PC1 (Areas of Separation), PC2 (Landscape Charter), PC3 (Policy Boundary for Sandbach), PC4 (Biodiversity and Geodiversity), PC5 (Footpaths and Cycleways), H1 (Housing growth), H2 (Design and Layout), H3 (Housing mix and type), H4 (Housing and an Ageing Population) and H5 (Preferred Locations)

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, H6 - Residential development in the Open Countryside and the Green Belt, GR2 – Design, GR5 – Landscape, GR6 - Amenity and Health, GR9 - Accessibility, Servicing And Parking Provision - New Development, GR20 – Public Utilities, GR22 – Open Space Provision, NR1 – Trees and Woodlands, NR2 - Wildlife And Nature Conservation Statutory Sites, NR3 – Habitats

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

Policy SD 1 Sustainable Development in Cheshire East, Policy SD 2 Sustainable Development Principles, Policy SE 1 Design, Policy SE 2 Efficient Use of Land, Policy SE 3 Biodiversity and Geodiversity, Policy SE 4 The Landscape, Policy SE 5 Trees, Hedgerows and Woodland, Policy SE 9 Energy Efficient Development, Policy SE 12 Pollution, Land Contamination and Land Instability, Policy IN 1 Infrastructure, Policy IN 2 Developer Contributions, Policy PG 1 Overall Development Strategy, Policy PG 2 Settlement Hierarchy, Policy PG 5 Open Countryside and Policy SC 4 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

Supplementary Planning Documents:

Interim Planning Statement: Affordable Housing (Feb 2011)
North West Sustainability Checklist

CONSULTATIONS

Strategic Infrastructure Manager (SIM) – No objections

Environmental Protection – No objections, subject to a number of conditions including; the prior submission of a piling method statement; the prior submission/approval of a Construction Phase Environmental Management Plan; the prior submission/approval of lighting details; the implementation of the noise mitigation measures proposed; the provision of electric vehicle infrastructure; the prior submission/approval of a dust mitigation scheme; prior submission/approval of a Phase I and if required, Phase II contaminated Land report; The prior submission/approval of verification information that the imported soils are free of contamination and works should stop if contamination identified.

Housing (Cheshire East Council) – No objections, as the policy required 30% on-site affordable housing provision requirement is agreed by the applicant.

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 Greenspace – No objections to the provision of allotments, subject to appropriate maintenance being secured and a financial contribution of £3,835.44 towards rails within a skate facility and £21,492.00 sum for this to be maintained over a 25 year period.

Education - No objections, subject to a financial contribution towards secondary education provision of £81,713.45

Flood Risk Manager – No objections, subject to a condition that an updated micro-drainage document including further detail with regards to pipe numbers and a matching drawing to indicate specific flood risk areas is submitted for prior approval

Countryside and Rights of Way - No objections, subject to the inclusion of informatives

Network Rail - No objections, subject to a number of informatives

Cycling UK – Suggest developer contributions towards the upgrading of footpaths for cycling provision

Sandbach Town Council – Object to the proposal for the following reasons;

- That the emerging Local Plan housing requirement of 2750 is exceeded; with the housing quota fulfilled the development is not necessary

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 181 letters of representation have been received. The main objections raised include;

- Contrary to 'Made' Neighbourhood Plan
- Principle of housing development
- Loss of Countryside
- Design – loss of character, house appearance
- Highway safety – Congestion, parking, suitability of access road, pedestrian safety, impact upon emergency vehicle response/access, general unsuitability of roads into the site
- Ecology – Impact upon bats, nesting birds, owls, newts, badgers, hedgehogs, buzzards, sparrowhawks, swallows, swifts, snakes
- Loss of good agricultural land
- Loss of hedgerows, impact upon trees
- Amenity – noise and air pollution, loss of privacy, overshadowing
- Impact upon Public Right of Way
- Impact upon public facilities / infrastructure – Schools, highway network, medical facilities, dentists
- Sustainability of location
- Flooding and drainage
- Impact upon historic 'Barn Croft'
- Anti-social behaviour

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 NPPG advises that where the Local Planning Authority (LPA) cannot demonstrate a five-year supply of deliverable housing sites, decision makers may still give weight to relevant policies in neighbourhood plans, even though these policies should not be considered up-to-date.

Policy PC3 of the Sandbach Neighbourhood Plan (SNP) states that new development will be supported in principle within the policy boundary (Sandbach), but outside of the boundary, where the application proposal lies, only a limited number of developments will be permitted. New dwellings as sought are not listed as one of these permitted developments, and therefore the scheme would be contrary to SNP Policy PC3.

The application does not fall within an Area of Separation as defined by the SNP under Policy PC1, but is sited outside of the settlement boundary. In such locations, Policy H1 permits housing development to meet the housing requirement established in the Cheshire East Council Local Plan through existing commitments, sites identified in the Cheshire East Local Plan (Strategy and Allocations Documents) and windfalls.

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 30 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 Sedgfield approaches.

The paper concludes that going forward the preferred methodology would be the 'Sedgpool' 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.

In the context of the SNP, paragraph 198 of the NPPF states that where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted. However, this potentially conflicts with the clear advice in the NPPG which states that where a five year supply cannot be demonstrated then the policy is 'out of date' and the presumption in favour of sustainable development requires the granting of planning permission, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.

In this situation, when assessing the adverse impacts of the proposal against the policies in the Framework as a whole, decision makers should include within their assessment those policies in the Framework that deal with neighbourhood planning.

This includes [paragraph 198](#) which states that where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted.

It is therefore a matter for the decision maker to balance these issues to reach a conclusion on whether permission should be granted or conclude that the development should be refused as being contrary to the PC3 of Sandbach Neighbourhood Plan.

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

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

- Amenity open space (500m) – 300m
- Children’s Play space (500m) – 300m
- Public house (1000m) - 520m
- Pharmacy (1000m) – 530m
- Supermarket (1000m) – 900m
- Railway station (2000m) – 550m
- Any transport node – 550m
- Primary School (1000m) – 790m
- Outdoor Sports Facility – (1000m) – 590m
- Bus stop (500m) – 430m
- Public right of way (500m) – 0m
- Post Box (500m) – 50m

- Local meeting place (1000m) – 590m

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:

- Child care facility (1000m) – 1220m
- Bank or Cash Machine (1000m) – 1384m

The following amenities/facilities fail the standard:

- Post Office (500m) – 2896m
- Convenience Store (500m) – 900m
- Medical Centre (1000m) – 2414m
- Leisure Facilities (Leisure Centre or Library) (1000m) – 1770m
- Secondary School (1000m) – 1990m

In summary, the site complies with the majority of the standards advised by the NWDA toolkit. Where it fails, these are no significant failings. 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 is located to the northern part of Elworth, to the north west of Marsh Green Road, the boundary of which is formed by a mature hedgerow with a field gate for access. The site consists of two fields, bounded to the north by the mainline rail line.

As part of the application, a Landscape and Visual Impact Appraisal (LVIA) has been submitted, this indicates that it has been undertaken using the Guidelines for Landscape and Visual Impact Assessment, Third Edition (GLVIA 3).

As part of the LVIA, the baseline landscape character is identified at both the national and regional level. The application site lies within the National NCA 61 Shropshire, Cheshire and Staffordshire Plain. At the regional level the application site is located the area identified in the Cheshire Landscape Character Assessment (2009) as Landscape Character Type 7: East Lowland plain, Wimboldsley Character Area (ELP5). The appraisal has also includes comments on the townscape of the site and surrounding area.

The landscape appraisal indicates that the site wider landscape would have a medium susceptibility, value and sensitivity and at the site level that it would have between low to high susceptibility for landform, site use and vegetation, medium vale and a medium sensitivity. The landscape appraisal identifies a minor adverse/negligible effect on the wider landscape and a moderate to minor adverse impact on the site. The visual assessment identifies a ZTV, which identifies that there will be a restricted area of theoretical visibility, immediately around the site and to the north east. Eleven viewpoints are used for the visual appraisal. This identifies that the visual effect is mostly limited to the immediately surrounding area and site, and that for a number of receptors in closest proximity that there would in some cases be a moderate/major effect.

The Council's Principal Landscape Officer concludes that he is satisfied that the correct methodology has been used and he broadly agrees with the landscape and visual appraisal. The Landscape Officer considers that any potential landscape and visual impacts can be mitigated with appropriate design details and landscape proposals which would be secured through the reserved matters.

Trees and Hedgerows

The application is supported by an Arboricultural Report (ACS Ref 3205/DR.15 dated May 2015) which identifies 24 individual trees, 5 groups and 5 hedgerows within and immediately adjacent to the application site.

TPO trees

Individual trees to the north and north east of the application site are protected by the Congleton Borough Council (Marsh Green Farm/Barlow Wood, Moston/Bradwall) Tree Preservation Order 1988.

The indicative layout plan proposes that these are retained within the detailed Public Open Space (POS) provision/allotment site.

The Council's Tree Officer has advised that whilst the retention of protected trees within the POS is welcomed; the viability of the POS as a permanent allotment site could be significantly reduced as a consequence of the impact of mature trees, which in turn would result in future pressures to prune/fell these protected trees.

The Council's Tree Officer has further advised that the size and/or position of the allotment could be dealt with at Reserved Matters stage, but further analysis of the impact of retained TPO trees on the proposed allotment would be required to be carried out as part of a submitted Arboricultural Impact Assessment (AIA) and relevant exclusion zones from the trees provided to ensure that the efficiency of the allotment is not significantly affected by protected trees.

As such, it has been advised that should outline consent be granted, an Arboricultural Impact Assessment (AIA) and Tree Protection Plan should be conditioned as a requirement to be submitted in support of any subsequent reserved matters application which shall include further evaluation of the above matters and where necessary addressed by an Arboricultural Method Statement and Tree Protection Plan in accordance with Section 5.5 and 6.1 of BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations.

Other trees

The submitted Arboricultural Report identifies a group of moderate (B1/2) quality Ash trees located to the south of the site adjacent to Marsh Green Road. It is understood that one tree to the northern end of this group was recently felled in late 2015 where the access is proposed to be located.

The Report identifies that as moderate 'B' category trees, these should be considered for retention, and that development should be located outside root protection areas (RPA) to maintain tree viability (para 4.02).

A request has been received by the Council to consider the protection of the 3 Ash trees located on the Marsh Green Road frontage. The Arboricultural Officer has provided a report on the condition of these 3 trees and their suitability for protection. It has been concluded that whilst these trees are prominent road frontage features, due to the physiological and structural deterioration in the 3 trees, the tree officer considers that they are unsuitable for long term retention.

However, it is expected that these should be retained and detailed within the Tree Protection Plan which shall be conditioned as detailed above.

Hedgerows

The Arboricultural Report has identified 5 hedgerows within the application site and states that in arboricultural terms, the hedgerows do not accord with the criteria given in the Hedgerow Regulations 1997. The Hedgerow Regulations criteria (Part II) is concerned with Archaeology and History and Wildlife and Landscape, not arboricultural.

The Council's Tree Officer has advised that whilst hedge (H1) which forms the domestic curtilage of 'Barn Croft' cannot be deemed important, the remaining hedges may fall within the criteria.

As a section of hedgerow along Marsh Green Road is proposed to be removed to facilitate access into the site, it remains to be determined as to whether this hedge is deemed Important under the Regulations.

However, following an informal discussion with the Council's Principal Tree Officer, due to the fact that only a portion of this hedgerow is to be removed (to accommodate the access into the site), subject to replacement planting being conditioned to be submitted with the reserved matters application, he raises no significant objections.

Agricultural Land Quality

Paragraph 26 of the Natural Environment NPPG advises that Local Planning Authorities should seek to use areas of poorer quality land in preference of higher quality land for development.

The Agricultural Land Classification system classifies land into five grades, with Grade 3 subdivided into Sub-grades 3a and 3b. The best and most versatile land is defined as Grades 1, 2 and 3a and is the land which is most flexible, productive and efficient in response to inputs and which can best deliver food and non food crops for future generations.

The applicant has undertaken Agricultural Land Classification report. This has concluded that the site comprises of Grade 2 land.

Although Policy NR8 (Agricultural Land) of the Local Plan has not been saved, paragraph 26 of the Natural Environment National Planning Policy Guidance advises that;

'The National Planning Policy Framework expects local planning authorities to take into account the economic and other benefits of the best and most versatile agricultural land. This

is particularly important in plan making when decisions are made on which land should be allocated for development. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.'

As such, the loss of this best and most versatile land is a material consideration weighing against the proposal.

Safety Hazard Area (SHA)

The application site falls within a Safety Hazard Area.

The Health and Safety Executive (HSE) has subsequently been consulted and concludes 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 Ecological appraisal.

Great Crested Newts

The submitted ecological appraisal refers to a number of (potential) ponds located within 500 metres of the proposed development. A number of ponds have been identified by the applicants consultant, one of these no longer exists a second has previously been discounted as being suitable for newts. No access permission could be obtained to survey a third pond but this is thought to be an ornamental pond likely to contain fish. Based on aerial photography it appears that this pond has been constructed in the last 15 years.

The Council's Nature Conservation Officer has advised that the lack of a survey the third pond is a significant constraint on the submitted survey, but based on the limited available information he advises that on balance, great crested newts are unlikely to be affected by the proposed development.

Hedgerows

Native species hedgerows are a priority habitat and a material consideration. The proposed development is likely to result in the loss of a section of hedgerow to facilitate the site access. The remainder of the hedgerows around the site are located at the site boundaries and the Council's Nature Conservation Officer has advised that these should be retained as part of the landscaping of the site.

The Nature Conservation Officer has advised that if outline planning consent is granted it must be ensured, by means of a landscaping condition, that suitable replacement hedgerow planting is incorporated into any detailed design produced at the reserved matters stage.

'Other Protected Species'

The report advises that 'Other Protected Species' are active on site but no setts are present. The Council's Nature Conservation Officer has advised that the proposed development is likely to lead to a localised loss of foraging habitat. As the status of 'Other Protected Species' on a site can change within a short time scale, the Conservation Officer advises that if outline consent is granted, a condition should be attached requiring any future reserved matters application to be supported by an updated 'Other Protected Species' survey.

Bats

A single tree was identified on site with potential to support roosting bats. Based on the submitted illustrative layout plan it appears feasible for this tree to be retained adjacent to the allotments proposed as part of the development. The Council's Nature Conservation Officer recommends that if outline permission is granted, a condition should be attached requiring the retention of this tree (T5 on the submitted tree report).

Hedgehogs

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 Council's Nature Conservation Officer recommends that a condition ensuring that any future reserved matters application be supported by proposals for the incorporation of gaps for hedgehogs into any garden or boundary fencing proposed.

Nesting Birds

The Council's Nature Conservation Officer has advised that the application site is likely to provide nesting birds including priority species such as house sparrow. As such, he has advised that if outline planning consent is granted a condition to protect nesting birds and a condition ensuring that the Reserved Matters be supported by proposals for the incorporation of features for breeding birds including house sparrows.

The proposal is therefore considered that subject to the above conditions, the proposal would adhere to Policy NE.9 of the Local Plan.

Flood Risk and Drainage

The application proposal is supported by a Flood Risk and Drainage Strategy.

The Council's Flood Risk Manager has reviewed this and advised that they have no objections, subject to a condition.

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 30 new dwellings within the site and indicates a mixture of house types including; detached dormer bungalows, semi-detached dormer bungalows, detached houses and a row of terraced units.

It proposes that the site be accessed via a new access point onto Marsh Green Road towards the southern portion of the site and would extend in an easterly direction which curves around in a 'U' shape ending in a turning head ending close to Marsh Green Road further to the north.

The plan indicates the provision of 3 detached dormer bungalows and a detached dwelling on the northern side of the access to the site and 12 semi-detached dormer bungalows on the opposite side. On the outside of the bend a large allotment is proposed. On the inside of the bend facing the allotments, a row of 5 terraced units are proposed. Around the bend on the northern side of the road 5 detached dwellings are indicated. On the opposite side of the road would be 4 semi-detached self-build plots.

Policy H2 of the SNP refers to design and layout. The policy advises that all new developments will be expected to, amongst other considerations; be in keeping with the character and countryside setting of the local area; contribute to the local distinctiveness in terms of scale, height, density, layout and appearance; make efficient use of land while respecting the density, character, landscape and biodiversity of the surrounding area; create environments addressing crime prevention and community safety; use respectful materials and create secure and safe layouts.

It is considered that the overall layout of the development would not appear incongruous when you consider the layout of the immediate surrounding area (comprising of King Street, The Avenue and Vicarage Lane), which lies to the south-east of the site, also arranged in a 'U' shape with a cul-de-sac end.

The siting of the proposed allotments on the north-eastern corner also helps to reduce the overall incursion of built form into the countryside and to a degree, be in keeping with the countryside setting.

As such, the indicative layout is deemed to be acceptable in principle in design terms.

Matters of scale and appearance are also reserved for subsequent approval and as such, are not a strict consideration of this application. However, Policy H3 of the SNP advises that new housing developments should be designed to provide a mix of houses to meet identified need and lists examples such as; affordable housing, starter homes and provision for housing for an ageing population.

SNP Policy H4 states that development will be supported that meets the needs of an ageing population and suggests a mixture of tenures including; private, housing association, self-builds, co-housing and affordable housing.

The indicative plan suggests that such a mix would be provided which would represent a planning benefit in line with the neighbourhood plan.

In the context of the location of the site, the properties on Marsh Green Road predominantly comprise of a mixture of two-storey semi and detached properties. However, there is a detached dormer bungalow at the entrance of Marsh Green Road to the south-west (No.2A). There are also terraced properties on George Street, The Avenue and Elm Street within the vicinity. There are detached bungalows along King Street.

As such, the mix of dwellings indicated would not appear incongruous within the area. However, the provision of bungalows within the application site would be best served away from the site frontage as this parcel of Marsh Green Road is not characterised by such development. This however, would be determined at reserved matters stage.

The indicative design of the development for the purposes of the outline application is therefore considered to comply with SNP Policies H2, H3 and H4 and Policy BE.2 the Local Plan.

Access

Local highway network

Traffic surveys undertaken on Marsh Green Road at its junction with the A533 London Road in March 2015, indicate that the road is a relatively lightly trafficked residential access road with two way commuter peak hour traffic flows of around 80 trips per hour; in the vicinity of the site, however, traffic flows will be much lower as only a handful of dwellings are served by the road in this location. Adjacent to the site, Marsh Green Road has a carriageway width of around 4.5m with footway provision restricted to the western side of the carriageway only.

As with most historic residential access roads, serving housing with little or no off-street parking provision, there is a significant amount of on-street parking on Marsh Green Road, which often restricts the carriageway width such that drivers of vehicles have to give way to oncoming traffic before proceeding past parked cars. Site observations made by the Heads of Strategic Infrastructure (HSI) indicate that as a result of the relatively low level of traffic travelling along Marsh Green Road, the availability of passing places due to side roads and, good vehicle to vehicle inter-visibility, the parked cars do not normally present a significant problem for drivers.

Access from the site to the wider highway network would generally be expected to be taken via the Marsh Green Lane / A533 London Road priority junction located to the south of the site. The A533 connects Ellworth with Sandbach providing access to the strategic highway network via the A534 and the M6 motorway at junction 17.

Access

Access to the site is to be taken from a new priority controlled junction with Marsh Green Road.

The Council's Head of Strategic Infrastructure has advised that in terms of junction geometry, layout and visibility the access proposals are considered to be acceptable to serve a development of 30 dwellings.

Traffic Impact

The HSI has advised that a development of 30 dwellings would be expected to generate less than 20 two-way trips during the morning and evening commuter peak periods.

Once distributed on the road network, the HSI has advised that the development traffic would only result small increases in the traffic flow.

Conclusion

The Head of Strategic Infrastructure (HSI) is satisfied that the development proposals can be safely accommodated on the adjacent highway network and accordingly, raise no objections.

Environmental Conclusion

The proposal would result in the loss of a parcel of Open Countryside, which in itself is an environmental dis-benefit. Furthermore, the land to be developed has been classified as 'Best and Most Versatile' agricultural land which will also be lost.

The application site is considered to be in sustainable location and would not create any significant concerns with regards to; landscape, trees and hedgerows, ecology, flooding and drainage and highways safety, subject to conditions.

The provision of a mix of house types in line with the SNP would be a planning benefit.

However, as a result of the loss of the Open Countryside and Best and Most Versatile agricultural land, it is not considered that the proposed development would be environmentally sustainable.

Economic Role

It is accepted that the construction of a housing development of this size would bring the usual economic benefit to the closest facilities in Sandbach 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 proposed development would provide open market housing which in itself, would be a social benefit.

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 30 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 9 dwellings to be provided as affordable dwellings. The SHMA 2013 shows the majority of the demand in Sandbach and Sandbach Rural is for 31x 1 bedroom, 35x 2 bedroom, 18x 3 bedroom and 12x 4 bedroom dwellings. Also the SHMA advised the need for 13x 1 bedroom and 5x 2 bedroom dwellings for Older Persons. The majority of the demand on Cheshire Homechoice is for 111x 1 bedroom, 106x 2 bedroom, 62x 3 bedroom, 12x 4 bedroom, 1 x 5 bedroom and 1x 5+ bedroom dwellings therefore 1, 2, 3 and 4 bedroom units on this site would be acceptable.

The Council's Housing Officer has advised that 6 of the proposed units should be provided as Affordable rent and 3 units as Intermediate tenure.

The applicant has agreed to the required provision.

Should the application be approved, it is advised that the above be secured via S106 Agreement which;

- requires the applicant/developer 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 30 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*.

The applicant proposes the provision of on-site allotments.

Amenity Green Space (AGS)

The Council's Open Space Officer has calculated that for 30 new dwellings, a need of 720 m² of AGS would be required.

This is based on an average of 2.4 persons per dwelling in line with Interim Policy Note for POS adopted September 2008. The 720 m² is only a guide and will need to be updated once a housing schedule is produced.

SPG1 normally secures POS in the form of AGS and Children's and Young Persons Provision (CYPP), however in this instance the developer is offering POS in the form of allotments (size of area unknown at this stage). It is identified in both the Open Space Survey 2012 and in the recently adopted Sandbach Neighbourhood Plan that there is a strong requirement for a permanent allotment site within Sandbach. Therefore the Council's Open Space officer has advised that the allotment proposal is welcomed should the planning application be approved.

It is further advised by the Officer that the management of the allotment site should be by the way of Association or should be subject to discussions between developer and Cheshire East Council and Sandbach Town Council.

The applicant has advised that they are satisfied that the maintenance of this feature be secured via a management agreement amongst the future residents.

Due to concerns regarding the potential impact the provision of allotments could have upon protected trees, it is recommended that the provision of a minimum of 720m² (subject to change) of AGS **and/or** allotments and their maintenance shall be secured via a S106 Agreement.

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, 30 new homes will place extra demand on the facilities in the local area. The Council's Open Space Officer has advised that the qualitative deficit is identified for CYPP in the form of a skate/Scooter/BMX facility within in Sandbach. A site has initially been identified in within walking distance to the development.

Applying the standards and formulae in the 2008 guidance document, the Council would need £3,835.44 towards providing grind rails within the skate facility. The Council would also need a commuted sum of £21,492.00 to maintain the facilities over 25 years. These figures are offered as a guide and will be updated once a housing schedule is produced.

Education

The Council's Education Officer has advised that to date, already approved development in Sandbach is expected to create an increase of 591 additional primary aged children and 446 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 427 primary children and 232 secondary children.

Not including the current planning application registered on Land Off Marsh Green Road (16/1134C), at the time of application, 7 further registered and undetermined planning applications in Sandbach generating an additional 125 primary children and 93 secondary children.

The Council's Education Officer has advised that the development of 30 dwellings is expected to generate:

- 6 primary children (30 x 0.19)
- 5 secondary children (30 x 0.15)
- 0 SEN children (30 x 0.51 x 0.023%)

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 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 Education Officer has advised that the development is not forecast to impact primary school or SEN provision.

To alleviate forecast pressures, the Education Officer has advised that the following contributions would be required:

$5 \times £17,959 \times 0.91 = £81,713.45$ (secondary)
Total education contribution: £81,713.45

Without a secured contribution of £81,713.45, 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. Without the mitigation, 5 secondary children would not have a school place in Sandbach. The objection would be withdrawn if the financial mitigation measure is agreed. 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; Barn croft, which would be enclosed by the proposed development on 3 sides, the occupiers of the properties on the opposite side of Marsh Green Road to the development and N0.21 Marsh Green Road to the south, the occupiers of the dwellings King Street to the southeast which back onto the site and the occupiers of Marsh Green Farm and the Swallows to the east.

As layout is not sought for approval as part of this application, consideration as to whether the application site could accommodate 30 dwellings without creating any significant amenity concerns.

The indicative layout plan indicates that the closest proposed property to Barn croft would be approximately 9 metres to its east. This would result in a side-on-side relationship between existing and proposed should the indicative layout come forward at reserved matters.

It does not appear that any of the windows within the side elevation of 'Barn Croft' serve as sole windows to principal rooms and assuming that the side elevation of the closest dwelling does not include any, no issues in relation to loss of privacy, light or visual intrusion are envisaged.

All other neighbouring properties on Marsh Green Road, King Street and Vicarage Lane are either over or close to adhering with the 21.3metre separation standards detailed within SPD2. As such, no significant amenity issues in terms of loss of privacy, light or visual intrusion would be created for these neighbouring occupiers.

With regards to the future occupiers of the proposed dwellings, it is considered that sufficient private amenity space could be afforded to each of the proposed dwellings 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 submission of a piling method statement; the prior submission/approval of a Construction Phase Environmental Management Plan; the prior submission/approval of lighting details; the implementation of the noise mitigation measures proposed; the provision of electric vehicle infrastructure; the prior submission/approval of a dust mitigation scheme.

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 development site includes changes to Public Footpath No.1 Sandbach, as recorded on the Definitive Map of Public Rights of Way.

The PROW Officer has raised no objections to the planning application but recommend an informative to be inserted into the decision notice, should the application be approved, reminding the applicant of their obligations not to interfere with the public right of way either whilst development is in progress or once it has been completed.

It is indicated on the layout plan that the public footpath is to be widened and a link into the footpath to the site be created although there is no reference to this in the text.

The Officer has agreed that should the application be approved, a condition requiring that the Reserved Matters be accompanied with the details of the proposed changes to the footpath, including; its proposed width, its proposed surface materials, proposed boundary treatments and street furniture.

An informative is also requested should the application be approved to advise that the works must be undertaken in liaison with the Council's Management and Enforcement Officer.

Social Conclusion

As a result of the provision of market housing, affordable housing and the likely provision of allotments, mitigation in the form of commuted sums in respect to education and open space, 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 requirement for the provision of on site Public Open Space and/or onsite allotments and their associated management is necessary, fair and reasonable, as the proposed development will provide up to 30 dwellings of different sizes, the occupiers of which will be using these on site facilities.

The provision of a financial contribution towards grind rails within the skate facility proposed within walking distance of the site is also considered to be necessary, fair and reasonable.

The education contribution is necessary having regard to the oversubscription of local secondary schools and the demand that this proposal would add.

The proposal is of a scale that hits the trigger for affordable housing for which there is a recognised need.

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).

Policies PS8 and H6 of the Congleton Borough Local Plan First Review and Policy PC3 of the Sandbach Neighbourhood Plan are considered consistent with the aims of the Framework. Policy PC3 of the Sandbach NP has been prepared within the context of the NPPF and independently tested against its criteria by the Inspector who considered whether the Neighbourhood Plan was consistent with the Framework.

The relevant policies of the development plan are therefore considered consistent with the Framework and should be afforded due weight, with the conclusions drawn in PC3 based on up to date and recent evidence. In this case, the SNP presents a policy approach which supports sustainable development on the basis of recent and up to date housing evidence that advocates a strategic approach. The undermining of this approach would represent a significant and adverse impact in Para 14 terms that would outweigh the benefits of the proposal.

Neighbourhood planning provides a powerful set of tools for local people to ensure they get the right kind of development for their community. Whilst the weight afforded to those policies that restrict the supply of housing land may be limited due to the lack of a five year housing land supply, the harm done by approving a proposal which does not comply with the Development Plan and housing policies contained in the Sandbach Neighbourhood Plan is significant and directly conflicts with the overall aims of the framework to deliver sustainable development, through a plan led system which seeks to ensure that proposals contrary to an adopted neighbourhood plan should not normally be granted permission.

It is accepted that the development would provide positive planning benefits such as the provision of a market and affordable dwellings in a relatively sustainable location, The minor economic benefits created predominantly during the construction phase of the scheme and social benefits such as open space/allotment provision and design features that are sought with the Neighbourhood Plan.

Balanced against these benefits, however, must be the adverse impacts, which in this case would be the loss of Open Countryside, the loss of Best and Most Versatile agricultural land, and the harm caused to the plan led system by virtue of the proposal's non compliance with policies within the made Sandbach NP.

In this instance, is considered that the dis-benefits of the scheme, outweigh the benefits.

Accordingly it is recommended for refusal.

RECOMMENDATION

REFUSE

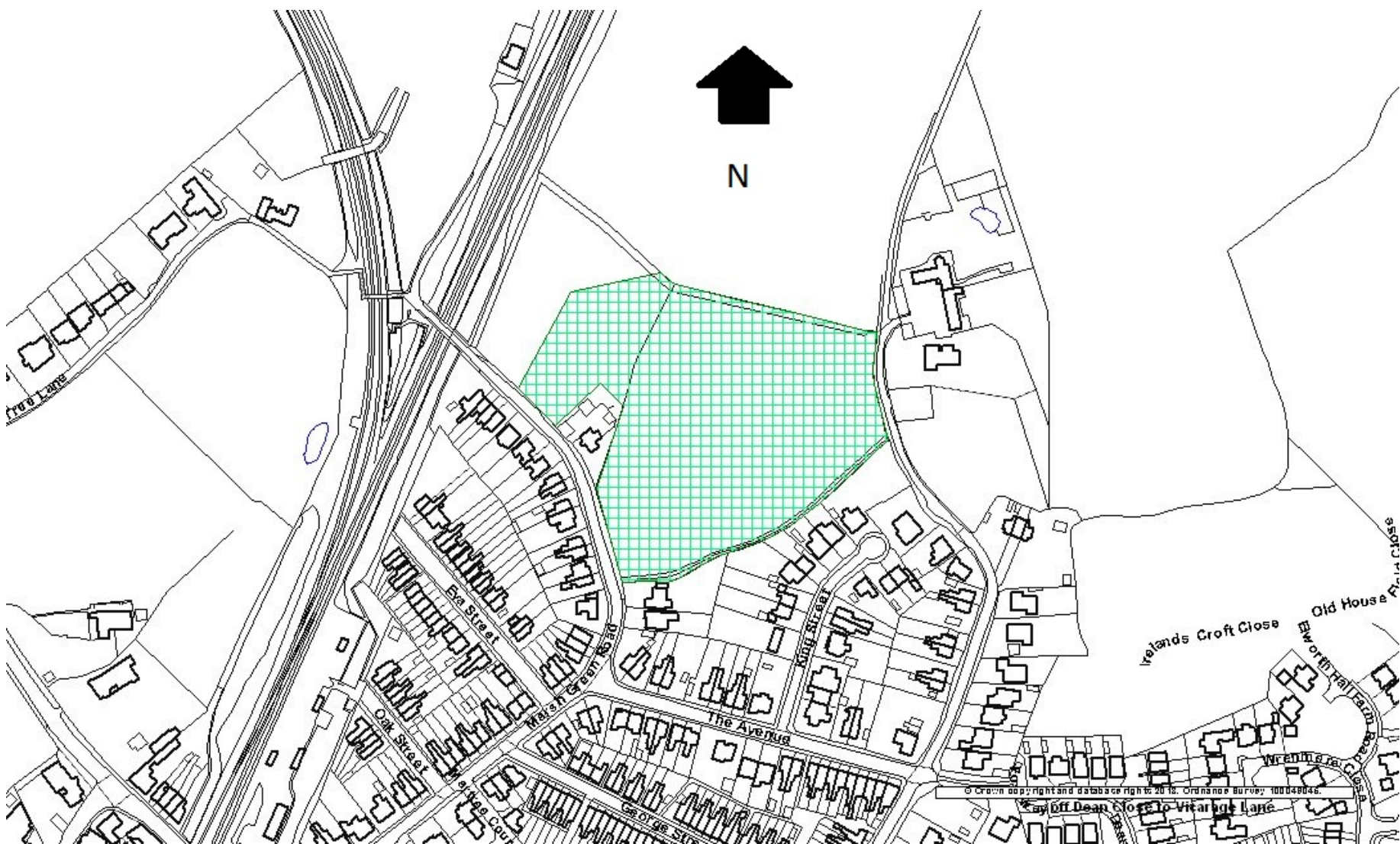
- 1. The proposal involves the development of a parcel of countryside outside of the Settlement Boundary for Sandbach as defined in the Sandbach Neighbourhood Plan 2016. It is also involves development within the Open Countryside as set out in the Congleton Borough Local Plan First Review 2005. The proposal erodes the rural character of the countryside and undermines the ability of the community to shape and direct sustainable development in their area, contrary to Sandbach Neighbourhood Plan Policy PC3, Congleton Borough Local Plan First Review 2005 policies PS8 and H6**

and the advice of NPPF paragraphs 17, 183-5 and 198. In addition, the development will also result in the loss of Best and Most Versatile agricultural land, contrary to paragraph 26 of the Natural Environment National Planning Policy Guidance. These conflicts are considered to significantly and demonstrably outweigh the benefits of the proposal.

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

Should the application be subject to an appeal, Committee authority is sought to secure the following Heads of Terms as part of any S106 Agreement:

1. On-site Amenity Green Space and/or Allotments provision of at least 720sqm and associated maintenance plan
2. Contribution of £3,835.44 towards providing grind rails within the skate facility within Sandbach and a commuted sum of £21,492.00 to maintain the facilities over 25 years
3. 30% on-site affordable housing provision in a 65:35 split affordable rent: intermediate
4. Secondary School Education contribution of £81,713.45



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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.

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

DEFERRAL

This application was deferred from the Southern Planning Committee meeting on 3rd August 2016 to allow Members to undertake a site visit.

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					
	Sep-15	Sep-16	Oct-15	May-15	CHANGES	PLACES	2015	2016	2017	2018	2019	
Primary Schools												
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						
	Sep-15	Sep-16	Oct-15	May-15	CHANGES	PLACES	2015	2016	2017	2018	2019	2020	2021
Secondary Schools													
Sir William Stanier	210	210	816	1050		234	836	872	919	996	1058	1100	1143
Sandbach High	210	210	1,018	1074		56	1027	1055	1105	1146	1230	1254	1283
Sandbach School	210	210	1,008	1050		42	1040	1079	1134	1151	1227	1254	1272
Alsager School	235	235	1,080	1125		45	1048	1041	1048	1107	1109	1112	1125
OVERALL TOTAL	865	865	3,922	4299		377	3951	4047	4206	4400	4624	4720	4823
OVERALL SURPLUS PLACES PROJECTIONS							348	252	93	-101	-325	-421	-524

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 (AQMAs) 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.

Following on from Landscape Officer comments requesting a greater provision of evergreen planting and tree planting the proposed landscape scheme has been amended and is considered acceptable by the Council's Landscape Officer.

Ecology

Winterley Pool Site of Biological Importance (SBI)

The proposed development is located in close proximity to this locally designated site. The Council's 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 Council's 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 proposed landscape buffer is considered to be acceptable

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

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**

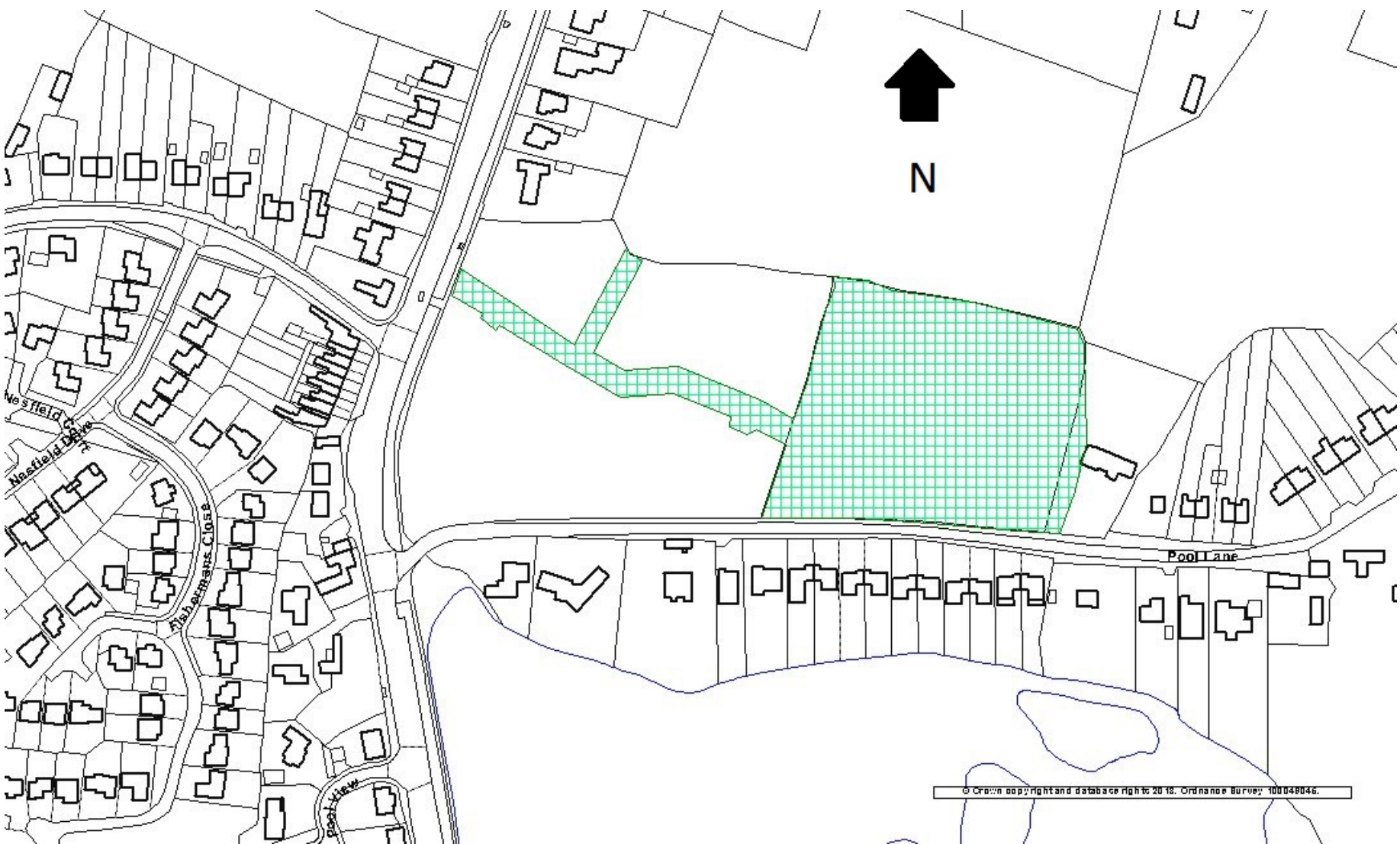
And the following conditions:-

- 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: 16/2648N

Location: 5, COPPICE ROAD, WINTERLEY, CW11 4RN

Proposal: Proposed Residential Development of 4 Detached Dwellings and Extension to Existing Dwelling

Applicant: The Estate of Miss M J Swain

SUMMARY

The application site lies within the Winterley settlement boundary where Policy RES.4 of the Local Plan advises that new development in principle is accepted provided that it is on a scale commensurate with the character of the village.

The proposal would bring positive planning benefits such as the provision of new dwellings in a sustainable location 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 highway safety, amenity, design, drainage or flooding or tree concerns would be created.

As such, the proposed application is considered to comprise a sustainable form of development and that Paragraph 14 of the Framework is engaged.

RECOMMENDATION

Approve subject to conditions

REASON FOR REFERRAL

This application has been referred to the Southern Planning Committee by Cllr David Marren for the following reasons:

- Loss of amenity
- Over intensive development in a very small village

PROPOSAL

Full planning permission for the erection of 4 detached dwellings and the two storey side extension of an existing dwelling to the front of the site. The proposed dwellings are located to the rear garden and would be 2 and a half storey dwellings

SITE DESCRIPTION

The application site relates a residential plot on of back land to the rear of 5 Coppice Road, within the Winterley Settlement Boundary.

The application site is relatively flat and comprises of garden/paddock land. Existing residential development lies to the north, west and south of the site and Open Countryside to the east beyond Coppice Road.

The site is generally un-managed garden devoid of trees other than to the northern boundary and is bordered with mature hedges.

RELEVANT HISTORY

None

NATIONAL & LOCAL POLICY

National Policy

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

14 - Presumption in favour of sustainable development, 47-50 - Wide choice of quality homes / affordable housing, countryside and 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 RES.4, as a Village with a Settlement Boundary.

The relevant saved policies are:

RES.4 – Housing in Villages With Settlement Boundaries
RES.11 – Improvements and Alterations to Existing Dwellings
BE.1 – Amenity
BE.2 – Design
BE.3 – Access and Parking
BE.4 – Drainage, Utilities and Resources
BE.5 – Infrastructure
BE.6 – Development on Potentially Contaminated Land
NE.9 – Protected Species
NE.17 – Pollution Control

Supplementary Planning Documents:

Development on Backland and Gardens

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

Environmental Protection – No objections subject to conditions relating to piling, dust control, lighting and contaminated land.

Highways - This application is for 4 new detached dwellings and an extension to an existing unit.

A private shared access is proposed to serve the site, this is taken Coppice Road. In regards to the submitted standard of access, the width is acceptable to serve the 4 dwellings. The access is not suitable to accommodate refuse vehicles and therefore a communal bin store is required to be located close to the junction with Coppice Road.

The level of off street parking for each of the units is acceptable and given that only 4 units are proposed there is no traffic impact issues to be considered.

Therefore, no highway objections are raised subject to conditions.

Forestry - The majority of this site is formed by an un-managed garden which is devoid of any meaningful tree cover apart from an early mature Chestnut located on the northern boundary. The tree is not considered to be a significant specimen and certainly not worthy of protection as part of a Tree Preservation Order.

It appears from the proposed site plan that there is an intention to retain the Chestnut with the proposed shared private driveway extending through the trees southern Root Protection Area (RPA); this is achievable subject to the driveway not being adopted and the hard surfacing implemented under a 'no dig' construction.

Ecology - Due to its age the existing 5 Coppice Road may have potential to support roosting bats. The proposed extensions to the existing house may therefore result in the disturbance of, or have an adverse impact upon roosting bats. Consequently, a bat survey will be required since all bats are European Protected Species and as such are a material consideration.

Survey work, should be carried out by a suitably qualified and appropriately licensed surveyor, using appropriate methodology, during optimal times of year. If any bats are found to be present, a scheme for their conservation and mitigation, to the satisfaction of the Council

should be submitted. It should also be noted that if bats are present, the developer will need a licence from NATURAL ENGLAND to develop the site irrespective of whether planning consent is given.

In accordance with current legal circular the survey work to establish the presence or absence of a protected Species such as bats, should be carried out prior to any planning consent being granted.

If planning consent is granted I also recommend that the standard condition to safeguard nesting birds be attached.

Haslington Parish Council – The area of Winterley has been subject to many planning applications and this is another one which needs not only a site visit but the views of the local residents understood.

The application currently shows development up to boundaries which impact on neighbours visual outlook as well as impacting on health and wellbeing through the mental wellbeing.

REPRESENTATIONS

Neighbour notification letters were sent to all adjacent occupants.

19 letters of objection has been received to date. The main areas of concern include;

- Principle of development – garden grabbing, no need for further market housing

- Design – Overdevelopment of site, layout, loss of outlook, form not in keeping, mass and bulk

- Amenity – Loss of outlook, loss of light, loss of privacy

- Highway safety – increase in traffic

- Dangerous access

- Visually overbearing

- Un-neighbourly development

- Increase in light pollution

- Few local amenities

- Refuse collection difficulties

- Loss of view

- Disturbance during construction

Adverse impact on Wildlife

APPRAISAL

The key issues are the sustainability of the proposal, including its Environmental, Economic and Social role and the planning balance

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.

Economic and Social Role

Principle of Development

As the site falls within the Winterley Settlement Boundary, the proposal is subject to Policy RES.4 of the local plan. Policy RES.4 advises that within such settlement boundaries there is a presumption

in favour of development provided that it is in keeping with the village's scale and character and does not conflict with other policies in the local plan.

In response to this policy, the site is not committed for any other purpose in the local plan and the provision of 4 new dwellings would not have a detrimental impact upon the council's housing supply totals. Indeed the provision of new market dwellings represents a planning benefit in light of the Council's 5-year housing land supply position.

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.

Other economic considerations

It is accepted that the construction of a small housing development of this size 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.

Environmental considerations

Residential Amenity

In terms of neighbouring residential amenity there are a number of existing properties that lie adjacent to the application site.

Number 7 Coppice Way lies approximately 15 metres from the nearest of the proposed dwellings (plot 4) at the closest point. The two dwellings here are not directly facing with plot 4 being offset. Furthermore the rear elevation of number 7 Coppice Road generally faces towards the side elevation of plot 4. This distance of 15 metres is in excess of the 13.5 metres as recommended paragraph 3.9 of the SPD.

To the other side of the application site lies number 3 Coppice Road, this dwelling lies approximately 19 metres from the closest of the proposed dwellings (plot 4). As with number 7, this property faces towards the side elevation of the proposed and is not in a directly facing relationship.

Further to the above, the east elevation of the proposed dwelling of plot 4 does not contain any principal windows.

There are a number of existing dwellings to the north of the application site along Alsager Road. These properties enjoy long rear gardens, as such the closest distance between these dwellings and the proposed is approximately 30 metres when measured from the rear of number 31 to plot 4.

To the west are several dwellings along Crewe Road, these properties also have substantial gardens. The closest of the proposed dwellings (plot 1) is approximately 20 metres when measured at the closest point. Several dwellings of Bowkers Croft face on to the application site,

these are located to the south west. The separation distances here are approximately 20 metres at the closest point. To follow on from this, the two proposed dwellings of plots 1 and 2 do not have a directly facing relationship with any of the properties along Crewe Road or Bowkers Croft.

With the above in mind it is not considered that the proposed development will lead to a significant harm upon the residential amenity of the existing neighbouring dwellings around the application site.

Sufficient private amenity space would be provided for each of the 4 properties in excess of the 50 sq metres recommended within the SPD.

With regards to the proposed two storey side extension of the existing 5 Coppice Road, there will be no principal windows to the side elevation that faces the adjacent property of 3 Coppice Road. This neighbouring property is approximately 10 metres away with a side to side elevation relationship. Number 3 is also stepped back from number 5. As such it is not considered that the proposed two storey side extension will have a detrimental effect on the amenity of 3 Coppice Road.

There are no other dwellings to be affected.

As a result of the above, it is considered that the proposed development would adhere with Policy BE.1 of the Local Plan.

Protected Species

The Council's Ecologist does not consider that the proposed 4 dwellings would have any significant impact on local wildlife.

However, the existing dwelling of 5 Coppice Road has the potential to support bats which are a European Protected Species. Therefore, a protected species report has been requested. The results of this will be presented to committee via a written update.

Design

Policy BE.2 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.

The application seeks the erection of 4 detached dwellings within the curtilage and backland of number 5 Coppice Way and a two storey side extension to the existing number 5.

It is proposed that the access to the site shall be via a new access to the side of the existing 5 Coppice Road with the existing making way for the proposed extension.

The proposed dwelling will be sited to the rear of existing, however this is not considered to be significantly out of character with the surrounding built form as a similar situation exists with the dwellings of Bowkers Croft to the south. Furthermore, the density of the development created as a result of this additional built form is not considered to be out of character with the immediate area. The layout of the development is therefore considered to be acceptable.

Existing development in the surrounding area is made up of predominantly two storey semi and detached dwellings with a row of 5 bungalow along Crewe Road to the west. With this in mind it is considered that the proposed two storey dwellings will be an acceptable form of development when viewed in context with the surrounding area.

Plots 1 and 2 would have a maximum ridge height of approximately 8.3 metres, with plots 3 and 4 being approximately 8.1 metres in height. As the predominant form of development in the locality is two storey then these heights would be considered acceptable.

In terms of scale, the footprints of the proposed dwellings would not appear incongruous within the area.

The proposed two storey side extension of number 5 Coppice Road will have a lower roof ridge than the existing and will be stepped back from the existing front elevation. Therefore it will be respectful of the host dwelling and those in the surrounding area.

As such, subject to the conditioning of the proposed materials, it is considered that the development would be of an acceptable design that would adhere with Policy BE.2 of the Local Plan and policies SE1 and SD2 of the Cheshire East Local Plan Strategy – Submission Version.

Highway Safety

Vehicle access to these properties will be via a newly formed access to the side of the existing and taken off Coppice Road.

The Council's Head of Strategic Infrastructure (HSI) has advised that off-road parking is adequate and the proposal will have no material impact on the highway. However, while the proposed access is acceptable to serve the proposed dwellings it is not suitable to accommodate a refuse vehicle, therefore it is advised that a communal bin store is located close to the junction with Coppice Road. Provision of refuse bin storage can be conditioned should approval be granted.

Overall it is considered that the proposed development will not have any significant traffic impacts.

It is acknowledged that some motorist do break the speed limit along Coppice Road, however this is not a material consideration when considering the highways impacts of this planning application and is for other enforcement agencies to address.

As such, it is considered that the proposal adheres with Policy BE.3 of the Local Plan.

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).

United Utilities have reviewed the submission and advised that they have no objections to the development subject to informatives.

As such, it is not considered that the proposed development would create any significant flooding or drainage concerns and would adhere with Policies BE.4 of the Local Plan.

Trees and Landscape

The majority of the site is an un-managed residential garden without any tree cover other than a Chestnut tree to the northern boundary. This tree is not considered worthy of a Tree Preservation Order.

The submitted plans show the Chestnut tree as being retained, however the proposed driveway is likely to extend through the Root Protection Area. Any potential damage to this tree caused by the construction works can be mitigated through a 'no dig' construction. A planning condition is recommended.

The final landscaping as the site will be secured through a condition attached to any permission.

Overall, it is not considered that the proposed development would raise any landscape concerns. As such, subject to the above, it is considered that the proposed development would adhere to Policy BE.2 of the Local Plan.

Conclusion

The proposed revised development would be of an acceptable design that would not create any significant issues in relation to highway safety, drainage or flooding

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

Planning Balance

The application site lies within the Winterley Village settlement boundary where Policy RES.4 of the Local Plan advises that new development in principle is accepted.

The proposal would bring positive planning benefits such as the provision of new dwellings in a sustainable location and the usual economic and social benefits created in the construction of new dwellings and the spending of the future occupiers in the local area.

No significant highway safety, amenity, design, drainage or flooding or tree concerns would be created.

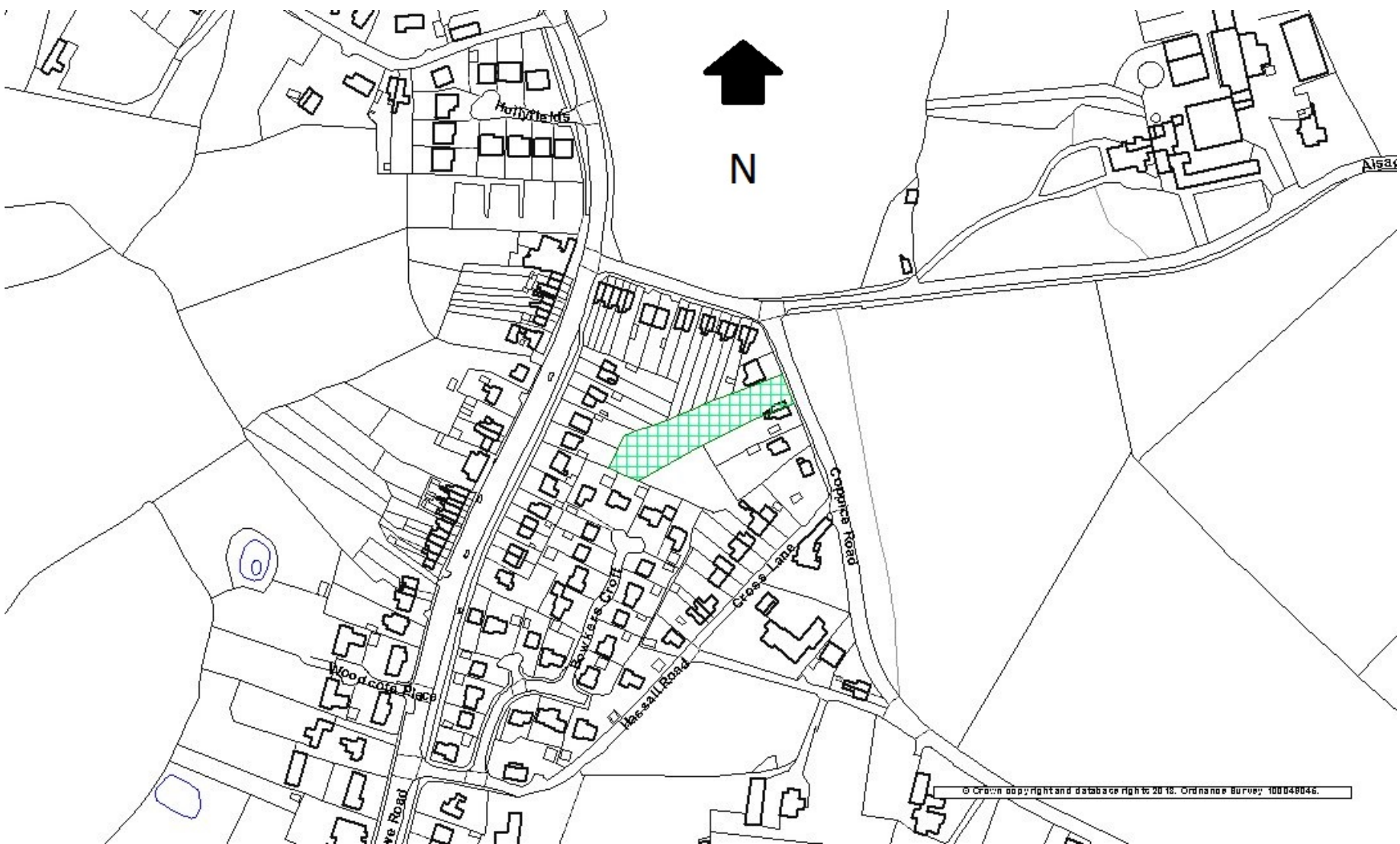
The proposal is considered to comply with Paragraph 19 of the NPPF and the 3 strands of sustainability within the NPPF are satisfied.

As such, the proposed application is recommended for approval.

RECOMMENDATION

APPROVE subject to conditions

- 1. Time (3 years)**
- 2. Plans**
- 3. Materials as per application**
- 4. Scheme of landscaping**
- 5. Removal of PD rights A-E**
- 6. Tree protection**
- 7. No dig construction**
- 8. Bin storage/collection**
- 9. Boundary treatments**
- 10. Levels**
- 11. Nesting birds**
- 12. Drainage scheme**
- 13. External lighting**
- 14. Dust control**
- 15. Piling**
- 16. Contaminated land**



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Application No: 16/2158N

Location: Valley House, 11, WALTHALL STREET, CREWE, CW2 7JZ

Proposal: Proposed construction of apartments

Applicant: Dr D Fyles

Expiry Date: 02-Aug-2016

Summary

The application site lies entirely within the Settlement Boundary of Crewe as determined by the Crewe and Nantwich Local Plan 2011.

The proposed development for a three and a half storey block of flats with 12 units including parking and amenity facilities is acceptable in principle and would not be detrimental to the character or appearance of the surrounding area, the amenity of the neighbouring properties, or highway safety. The development is therefore considered to comply with the relevant policies in the Local Plan and a recommendation of approval is made.

SUMMARY RECOMMENDATION

Approve subject to Conditions

REASON FOR REFERRAL

This application is referred to the Southern Planning Committee in response to call in by Cllr Brookfield for the following reasons:

- Piecemeal development resulting in adverse impacts to the area from lack of contributions.
- The overdevelopment of the area;
- Parking provision – part of the occupied block would appear to have been allocated to the parking provision of the proposed block;
- The bin-storage provision for proposed and existing block for which it is proposed to be shared with;
- Location of amenity area and cycle storage in relation to site levels;
- The provision and implementation of soft and hard landscaping including boundary treatments;
- Scale and Height of the proposed block is not in keeping with the locality.

DESCRIPTION OF SITE AND CONTEXT

The application site is located to the western side of Walthall Street within the Crewe Settlement Boundary as defined by the Borough of Crewe and Nantwich Replacement Local Plan. The site comprises a brownfield site behind that of existing apartment block approved under allocation no. 13/5139N to the west of Walthall Street and adjacent to the Valley Brook. The site is mainly hard standing with some vegetation on the southern boundary with the brook. Levels fall from north to south and from east to west with the main body of the site at a lower level than Walthall Street. The area contains a mixture of residential and commercial properties.

DETAILS OF PROPOSAL

This is a full planning application for the erection of 14 apartments in one 3 and a half storey building. The apartments would comprise a 12 one and 2 two bed units.

The proposals incorporate and shared access, bin storage, parking and amenity with neighbouring apartment block.

The building would be of traditional construction with a brick and render finish with stone window headers and a pitched, tiled roof. Fourteen parking spaces are proposed to the side of the building in addition to a secure cycle storage facility to the rear. There would be an outdoor sitting area and bin storage which would be shared with existing block of apartments.

RELEVANT HISTORY

13/5139N – Construction of 12no. Apartments approved 13 February 2014

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, 47-50 - Wide choice of quality homes, 55 - Isolated dwellings in the countryside and 56-68 - Requiring good design

Local Plan Policy

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
NE.17 – Pollution Control
NE.20 – Flood Prevention
RES.7 – Affordable Housing
RES.2 – Unallocated Housing Sites
RES.3 – Housing Densities
TRAN.9 – Car Parking Standards

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,
PG5 - Open Countryside,
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,

CONSULTATIONS (External to Planning)

United Utilities: No response at the time of report writing

Drainage: No objection subject to informative

Education – No Objection

Strategic Highways Manager: No objection.

Environmental Health: No objection subject to conditions suggested in relation to dust mitigation scheme, piling works, contaminated land.

Environment Agency: No objection.

Greenspace: No Objection

Housing: No objection

Archaeology: No objection

Crewe Town Council: No objection raised – comments made relating to shared facilities with neighbouring development and attachment and enforcement of conditions for their implementation.

OTHER REPRESENTATIONS

Comments received from Cllr Brookfield raising concern on the following issues:

- parking provision;
- bin and cycle storage;
- provision of amenity space and;
- the scale of development on streetscene.

APPLICANT'S SUPPORTING INFORMATION

To support this application the application includes the following documents;

- Design and Access Statement
- Dust Control Scheme

These documents are available to view on the application file.

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;

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

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

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

ENVIRONMENTAL ROLE

Principal of Development

The National Planning Policy Framework (NPPF) states at paragraph 47 that there is a requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

“identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”.

The NPPF states that, Local Planning Authorities should have a clear understanding of housing needs in their area. This should take account of various factors including:

- housing need and demand,
- latest published household projections,
- evidence of the availability of suitable housing land,
- the Government’s overall ambitions for affordability.

Policy change is constantly occurring with new advice, evidence and case law emerging all the time. However, the Council has a duty to consider applications on the basis of the information that is pertinent at any given time.

In this case the site is located within the Crewe Settlement Boundary and Policy RES.2 of the Adopted Local Plan allows for residential development on unallocated sites in Crewe.

The site is surrounded by residential and commercial properties and good access to services and facilities. Therefore it is considered that the principal of the development is acceptable and the development would be appropriate in this location.

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.”

The building would be three / four stories in height (with use of roof space as third floor), have a maximum height of 11.8m, have a traditional brick and render finish, with a tiled roof. It is considered that the use of these materials and the set back location of the building off the main street frontage mean that it would be in keeping with the character and appearance of the area and nearby developments.

As has been demonstrated within submitted cross section dwg no. N/33/9/S, the proposed building would be no higher than the neighbouring apartments which front the highway to Walthall Street. It is therefore considered that the scale and height of the proposed building would be in keeping with adjacent development and built form and is considered acceptable in terms of design, scale and massing.

The proposal is therefore considered to be in compliance with Policy BE.2 (Design) of the adopted local plan.

Archaeology

The proposed development occupies part of the former site of the South Cheshire Brewery with potential for below ground remains, however ground works already undertaken on site in relation to another development would have likely compromised any remaining features. As such the Council's Archaeologist raises no objection to the proposals.

Trees and Landscape

The site comprises a brownfield site to the west of Walthall Street and adjacent to the tree lined Valley Brook. Recently constructed apartments stand to the east and there is ongoing building work to the north. The site is mainly hard standing with tree canopies dominating the southern section. The site and the Valley Brook boundary in particular is an area in need of enhancement. Levels fall from north to south.

No detailed landscape proposals are provided within the application.

Consultation with the Council's Landscape Officer outlines that subject to the provision of adequate landscaping and boundary treatment, remedial works that there would not be any significant landscape concerns in respect of redevelopment of the site.

The application is supported by a revised site plan dwg no. N/33/12/S showing the general location of trees along the southern boundary of Valley Brook and protection measures in form of barrier. The Council's tree officer advises, subject to condition requiring implementation of the proposed mitigation measures, that there would likely be no harm to trees on or adjacent to the site.

It is therefore considered that subject to the submission of a comprehensive landscape, boundary treatment and remediation scheme and adherence with proposed tree protection measures that there would not be any significant landscape or trees impacts as a result of the proposals.

Highways Implications

The proposed shared parking facilities with adjacent apartment development provides for 26 parking spaces for 26 units across the two developments.

Consultation with the Strategic Infrastructure Manager confirmed that the parking provision whilst below the Council's Standards is considered adequate given the sustainability and car ownership levels of this location. Cycle parking provision is also adequate. It was also commented that having unallocated spaces would also increase the efficiency of the provision and also allow for visitor parking.

As such, subject to conditions requiring parking spaces to be unallocated and for full details of secure bike storage to be provided, it is considered that the proposal would not result in any adverse highways impacts and would provide adequate parking provision in accordance with Policies BE.3 and TRAN.9 of the adopted local plan.

Bin Storage

Comment has been received from Cllr Brookfield has raising concern as to the shared provision of bin storage for the proposed and existing flats.

The proposals show the provision of a fenced off area with provision for storage of eight 'euro' (1100L) bins, which is proposed to be shared with the two blocks of flats. Consultation with the Councils Waste Services has confirmed that this proposed provision for 26 units would be adequate, with five regular waste and three recycling 1100L bins.

Ecology

The site lies adjacent to Valley Brook which runs along its southern boundary of the site in addition there are also trees and features with potential to support protected species.

Consultation with the councils Ecologist confirms that the proposals would only result in a small risk to protected species is small and raise no objection.

It is therefore considered that the proposals would not result in any significant harm to protected species and would accord with Policy NE.5 (Nature Conservation) of the adopted local plan.

Flood Risk/Drainage

The site lies adjacent to Valley Brook which runs along its southern boundary.

Consultation with the Councils flood risk Drainage Team confirm raise no objections in principle on flood risk grounds.

In addition consultation with the Environment Agency do not raise any objection in principle to the proposals but do identify that the Valley Brook is classified as a main river, as stated 'Under the Environmental Permitting (England & Wales) Regulations 2010, a permit may be required from the Environment Agency for any proposed works or structures in, under, over or within 8 metres of the top of the bank of the brook'.

Accordingly, it is considered that the proposals would not result in any significant impacts to drainage or flood risks and as such would accord with Policy BE.4 of the adopted local plan.

Environmental Role Conclusion

Subject to appropriate conditions the proposed development would not create any significant tree, design, land stability or highway safety issues. It is considered that the proposal's impact upon the streetscene and the amenity of neighbours in general would be acceptable. On this basis, the proposal can be considered to be environmentally sustainable.

ECONOMIC ROLE

It is accepted that the construction of twelve apartments would bring the economic benefit to the closest shops in centre of Crewe both in short term for the duration of the construction and long term by bringing additional residential use in close proximity to Crewe town centre. The proposal would also potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain.

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

SOCIAL ROLE

Concern has been raised about piecemeal development of this site and surrounding sites hindering the area and preventing planning gains normally seen within larger developments. Each application has to be treated on its own merits and there is no policy framework that allows for retrospective consideration of financial contribution requirement thresholds. It is also noted that the two other developments previously developed, have different applicants and landowners. Accordingly, this is reflected in the Housing, Education and Open Space assessments below.

Housing

The proposed development would provide open market housing within the established settlement boundary of Crewe which is a social benefit.

With regards the provision of affordable housing, the Interim Planning Statement: Affordable Housing states in section 3.2 that there is a requirement for affordable housing to be provided in settlements with a population of over 3,000 on any windfall sites with more than 15 dwellings or that exceed 0.4ha.

Consultation with the councils Housing Strategy raised no objection to the proposals and confirmed that as the proposal is for 14 apartments and the site is 0.13 hectares in size that there is no requirement for the provision of affordable housing

Education

The proposals are for apartment for 12 one bed and 2 two bed units

Consultation with the Councils Education Department confirmed that they would not require a contribution for the proposals. In addition it is noted that the proposals would provide 2 x two bed units with the potential to house families, and as such have only very limited to no impact on education services.

Open Space

The Councils Green Space Manager has confirmed that they would not require a contribution for the proposals, due to the scale of development.

Amenity

There are residential properties to the east and north of the proposed building. Located to the north of the proposed is a site with permission for a block of apartments which would have an elevated rear elevation facing the development with a separation of approximately 21m. Due to the set down in levels and location of facing windows is considered any loss of amenity in respect this development would be considered acceptable.

The property to the North West of the site (9 Walthall Street) would lie at right angles to the proposed apartments and as such would not be directly overlooked.

The property to the east is an apartment block with facing side elevation containing principal bedroom windows, approximately 14 metres from nearest elevation of the proposed. Whilst this is within the recommended spacing standards for principal windows outlined within the Crewe and Nantwich SPD it is considered that the windows would not oppose each other and as such reduce any direct views. On this basis it is considered that the impact upon residential amenity is acceptable in this case.

Environmental Protection have recommended conditions relating to piling, dust management and contaminated land including standard reporting condition and gas protection measures. Following this consultation response the applicant has provided a Dust Management Scheme which is deemed to be adequate. It is considered that subject to conditions for the implementation of the submitted dust scheme and piling that there would be no significant amenity impacts as a result of environmental health.

With regards the residential amenity of future residents, the proposals show the provision of a shared outdoor seating area, in addition the site is located nearby to public open space facilities in the form of 'Valley Park'.

Subject to conditions the proposals would not result any significant loss of residential amenity of neighbouring properties and would provide adequate amenity provision for future residents, and accords with Policy BE.1 (Amenity) of the Local Plan.

As such it is considered that the development would be socially sustainable.

PLANNING BALANCE

The site is within the Crewe Settlement Boundary and the principle of residential development is considered to be acceptable and the development would be appropriate in this location.

From an economic sustainability perspective, the scheme will assist in the local building business and bring usual gains to Crewe town centre from additional residential uses.

From an environmental and social perspective the proposal is considered to be acceptable in the impact upon local amenities, parking, highway safety, bin storage provision, and traffic generation terms. Nor would it have any impact upon archaeological interests and would be of an acceptable design that would have a minimal impact upon the amenities of neighbouring properties or future residents.

The proposals are considered to be a sustainable form of development which would comply with the relevant local plan policies and would not compromise key sustainability principles as set out in national planning policy. Therefore there is a presumption in favour of the development and accordingly it is recommended for approval.

RECOMMENDATIONS

APPROVE subject to the following conditions:

And the following conditions:

- 1. Standard time 3 years**
- 2. Approved Plans**
- 3. Pile driving limited to 08:30 to 17:30 Monday to Friday, 09:00 – 13:00 Saturday and not at all on Sundays**
- 4. Submission and approval of details of materials**
- 5. Landscaping details including boundary treatment of car parking area to be submitted and approved**
- 6. Implementation of landscaping**
- 7. Implementation of tree protection measures**
- 8. Gas Protection Measures**
- 9. Standard Contaminated Land Condition**
- 10. Construction Management Plan**
- 11. Parking to be provided prior to occupation**
- 12. Bins shall be only be stored within “Bin Store Area”**
- 13. Parking spaces shall be provided prior to 1st occupation and retained thereafter**

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 and Place Shaping Manager 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.

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Application No: 16/2950N

Location: Land Adj North View, NANTWICH ROAD, CALVELEY, CW6 9JN

Proposal: Proposed residential development (up to 16 houses) with associated infrastructure. All matters reserved except for access

Applicant: Mr & Mrs Waterhouse

Expiry Date: 16-Sep-2016

SUMMARY

The application site lies entirely within the Open Countryside as determined by the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011.

Within such locations, there is a presumption against development, unless the development is considered to represent and 'infill' by filling and small gap in an otherwise built up frontage. It is not considered that this aspect of policy applies in this instance.

The proposed development therefore does not fall within any of the listed categories and as such, it constitutes a "departure" from the development plan and there is a presumption against the proposal.

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, particularly given that the application site is already bound to 3 sides by development and is largely well screened on the remaining fourth side by mature shrubbery, trees and hedgerow.

Accordingly it is recommended for approval.

RECOMMENDATION

APPROVE Subject to a S106 Agreement and conditions

REASON FOR REFERRAL

This application is referred to Southern Planning Committee as it proposes housing in the Open Countryside with a positive recommendation. This would represent a departure from the Development Plan.

PROPOSAL

This application seeks outline planning permission to erect up to 16 dwellings. Matters of Access are also sought.

Approval of layout, scale, appearance and landscaping, and scale 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 measures approximately 0.8 hectares in size and comprises of paddock, a stable block, menage and hard standing. The site is a largely 'L-shaped' shaped parcel of land located entirely within the Open Countryside on the western side of the A51, Calveley, Cheshire.

The site is enclosed by open fields to the north and west, the A51 and residential development (including the applicant's property to the north-east, and the railway line to the south).

The site is relatively flat in nature.

RELEVANT HISTORY

15/0379N - Outline application for residential development for up to 5 houses – Approved 5th January 2016

P07/1679 - Relaxation of Condition 3 of Planning Permission P03/0440. Retrospective Permission for Sand Manège Permission for Track - – Approved 7th February 2008

P03/0440 – Timber stable – Approved 6th June 2003

P96/0184 – Stable block – Approved 28th May 1996

LOCAL & NATIONAL POLICY

Development Plan

The Development Plan for this area is the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011.

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
BE.6 - Development on Potentially Contaminated Land
RES.2 - Unallocated Housing Sites
RES.3 - Housing Densities
RES.5 - Housing in the Open Countryside
NE.5 - Nature Conservation and Habitats
NE.9 - Protected Species.

Emerging Cheshire East Local Plan Strategy

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

PG5 - Open Countryside,
SC4 - Residential Mix
SC5 - Affordable Homes
SC6 - Rural Exceptions Housing for Local Needs
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE1 – Design
SE2 - Efficient Use of Land
SE3 - Biodiversity and Geodiversity
SE4 - The Landscape
SE5 - Trees, Hedgerows and Woodland

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

Supplementary Planning Documents:

North West Sustainability Checklist

CONSULTATIONS

Head of Strategic Infrastructure (HSI) – No objections, subject to a requirement for a £35,520 Section 106 contribution towards traffic management and pedestrian safety measures and a condition seeking the prior submission/approval of a Construction Management Plan

Environmental Protection – No objections, subject to a number of conditions including; the prior submission/approval of a Piling method statement; the implementation of a noise mitigation scheme; the provision of Travel Packs prior to the occupation of the dwellings; the prior approval of electric vehicle charging infrastructure; the prior approval of a dust mitigation scheme; the prior submission/approval of a Phase 1 Contaminated Land Report; the prior submission/approval of soil verification report. In addition, informatives in relation to hours of construction and contaminated land are also sought

Strategic Housing (Cheshire East Council) – No objections as policy compliant 30% on-site affordable housing provision is agreed to by the applicant

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

Canal and River Trust – ‘No comment’

Children’s Service’s - No objections, subject to the provision of £32,685.38 towards secondary school education provision

Flood Risk Manager – No objections, subject to the prior approval of a surface water management scheme and the prior approval of a drainage management and maintenance plan

Public Rights of Way - No objections

Network Rail - No objections, subject to a condition and a number of informatives.

Alpraham Parish Council – Object to the proposal for the following reasons;

- Highway safety
- Drainage
- Impact upon local infrastructure

Calveley Parish Council – Object to the proposal for the following reasons;

- Overdevelopment of site
- Drainage
- Highway Safety
- Lack of Open Space provision

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 4 letters of representation have been received. The main objections raised include;

- Loss of Countryside
- Impact upon landscape
- Highway safety / pedestrian safety
- Impact upon trees
- Drainage
- Flooding

1 letter of support of the scheme has also been received.

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 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' 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”

It was concluded by the Planning Inspector as part of the previous approval on the site (ref: 15/0379N) that;

'Although the locational sustainability of the site is marginal, it is considered that it is close enough, (with footpath access) to enough facilities, in conjunction with its proximity to a regular and robust bus service to be considered as locationally sustainable.'

There is no material planning consideration why the same conclusion would not apply in this instance. As such, the application site is considered to be locationally sustainable.

Landscape Impact

The site is situated in open countryside to the west of Nantwich Road. There is agricultural land to the north and west with a railway in cutting to the south, and residential properties to the east. To the south east there is a vacant parcel of land the site currently contains stables, outbuildings, a manege, areas of hard standing and semi improved grassland. There are a number of trees on the boundaries together with lengths of established hedgerow.

The submission is supported by a landscape and visual impact assessment which states that it is undertaken using methodology taken from the GLVIA (version 3) guidelines.

The report acknowledges that the site lies within open countryside as identified in the local plan. Views are expressed to the effect that the defined Settlement Boundary within the Local Plan does not reflect the true extent of development around the village of Calveley and that the extent of actual built land extends beyond the settlement boundary defined in the local plan. The report seeks to demonstrate how the proposed development would create an extension to existing linear development along Nantwich Road, and be viewed in the context of existing development adjacent to and opposite the site.

The report indicates that of 9 representative viewpoints assessed for impacts on visual receptors, two would have moderate impact although properties opposite the site and properties adjacent to the site would have moderate - substantial impact. To mitigate potential visual impacts, proposed landscaping works and management techniques are put forward and illustrated in a framework plan. The report suggest that such mitigation is considered likely to reduce impacts for most receptors restricting impacts to properties opposite and adjacent to the site.

The report concludes that post mitigation; the landscape effects of the proposed development would be slight for the wider countryside and the site itself. It suggests that once established, the development would be viewed in the context of the existing linear settlement along Nantwich Road.

The Council's Landscape Officer has advised that whilst the site is in open countryside, it is relatively well contained and advises that should the principal of development be accepted, it would be important to ensure that a reserved matters scheme respected and supplemented existing landscape features and that the character and design of buildings and the layout was sympathetic to the area.

It is concluded that at reserved matters stage, a comprehensive landscape scheme should be required and boundary treatment would need careful consideration. However, no principal objections on landscape grounds are raised.

Trees and Hedgerows

There is tree and hedge cover within the site and on the boundaries.

The application is supported by an arboricultural survey to BS 5837, with a tree constraints plan and indicative tree protection measures. The survey covers 19 items of vegetation with 4 individual trees afforded Grade B, 3 grade U and the remainder Grade C.

The tree protection plan based on the indicative layout shows the roadside hedge retained and significant vegetation on and around the site retained and protected. Annotation on the plan indicates a layout amendment would be required in respect of the garage to indicative plot 6.

The current proposal would use a similar access to that approved under 15/0379N, although the indicative site layout plan Drawing 03 now shows the roadside hedge removed. The Council's Tree Officer has advised that she considers it should be retained. It is recommended that this be conditioned.

The Council's Tree Officer has advised that whilst it should be possible to design a layout to ensure there is no impact on significant existing trees, in the event of approval, a reserved matters application would need to be supported by a comprehensive package of arboricultural information.

As such, subject to conditions, no objections are raised.

Ecology

The application is supported by an Extended Phase 1 Habitat Survey dated 4th May 2016.

Habitats

The grassland habitats on site have been identified by the submitted report as being 'Improved'. The Council's Nature Conservation Officer has advised that this habitat is of minimal nature conservation value.

Hedgerows around the site may be of some ecological value, but these seem likely to be retained. There are opportunities for additional hedgerows to be planted to compensate for any losses that did result from the detailed design, as such, the Council's Nature Conservation Officer has suggests that this should be looked at again at the reserved matters stage.

Great Crested Newts (GCN)

Four ponds have been assessed. The two nearest ponds are of limited value for newts. The two more distant ponds have slightly more potential, but seem far from ideal for breeding GCN. The submitted report does not appear to anticipate an impact on GCN. The Council's Nature Conservation Officer advises that, based upon the quality of the ponds located in close proximity to the proposed development and the terrestrial habitat present on the application site and distance between the application site and the slightly better quality

ponds, this protected species is unlikely to be present or affected by the proposed development.

'Other' Protected Species

No 'Other' protected species activity was recorded onsite during the submitted survey however evidence of 'Other' protected species was recorded in the broader locality. As the status of 'Other' protected species on a site can change within a short timescale, the Council's Nature Conservation Officer has advised that if planning consent is granted a condition should be attached requiring an updated 'Other' protected species survey to be submitted with the reserved matters application.

Bats

A number of trees have been identified on site that have the potential to support roosting bats. No evidence of roosting bats was recorded during the initial survey submitted in support of the previous application. The trees in the additional part of the site included with this application appear to be retained. Two of the trees in the red line of the original application are however proposed for remedial works for health and safety purposes.

As with the 'Other' protected species, as the status of roosting bats on a site can change over time, so whilst no evidence of roosting bats was recorded in any of the trees as potential affected by the development, the Council's Nature Conservation Officer recommends that if outline planning consent is granted a condition should be attached requiring the submission of an updated bat survey in support of any future reserved matters application.

Subject to the above conditions, no objections on ecology grounds are raised and the proposal is considered to adhere with Policy NR2 of the Local Plan.

Flood Risk and Drainage

The site is located in flood zone 1; however, the Council's Flood Risk Manager has advised that there is surface water to the South of to the proposed development.

The Council's Flood Risk Manager has reviewed this and advised that they have no objections, subject to the prior approval of a surface water management scheme and the prior approval of a drainage management and maintenance plan.

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.

As such, no significant drainage or flooding issues are raised.

Design

Policy BE.2 of the Local Plan advises that new development will only be permitted so long as; it would achieve a high standard of design, would respect the pattern, character and form of the surroundings and would not adversely affect the streetscene in terms of scale, height, proportions and materials used.

As the application is for outline permission with access only. Matters of layout, scale and appearance from a design perspective cannot be considered as part of this scheme.

This application shall consider whether the number of dwellings sought could be accommodated within the site in an acceptable layout of any configuration, not necessarily the indicative layout submitted.

The application seeks the erection of up to 16 residential units on this 0.8 hectare plot. The indicative layout suggests that this would be achieved via construction of 5 dwellings on the site frontage, fronting the A51. To the north of these dwellings would be the proposed access, the same as that recently approved under application (15/0379C), which utilises an existing access to a paddock.

This would extend westwards into the site then extend in a southerly direction where it would end in a round-a-bout feature. The remaining 11 dwellings, would be to the rear of the site.

The application site would be bound to the rear (south) by the railway line, to the east by existing and recently approved residential development. As such, it is considered that the application site is visually relatively well contained. Furthermore, although the prevailing layout out the area is that of linear development fronting the A51, this pattern of backland cul-de-sac development although not common on the southern side of the A51, is present on the opposite side of the highway (e.g. The Chantry).

As such, due to the existing man-made boundaries on the site and the presence of back land development within the village, it is considered that the provision of up to 16 dwellings on the application site would be acceptable in design terms.

With regards to form as advised, the applicant seeks a mixture of either; terraced, semi-detached or detached units. This would respect the prevailing character of the village at this location.

In terms of scale, although this matter has not been sought for approval at this stage, it is advised within the Planning Statement that the dwellings would be 'two-storey's high'. Again, this would respect the local form and scale, subject to the detail which would be considered at reserved matters stage.

Other matters regarding scale, height and appearance will be considered at reserved matters stage.

It is considered that the proposed indicative design of the scheme is acceptable, subject to amendments which could be agreed at Reserved Matters stage. As such, it is considered that the proposed design would adhere with Policy BE.2 of the Local Plan.

Access

The Council's Head of Strategic Infrastructure (HSI) has advised that the proposals for access illustrated in Vectos drawing number VN50441 203 rev B are satisfactory and, the commuter peak hour and daily traffic generation associated with the development of 16 dwellings would not be expected to have a material impact on the operation of the adjacent or wider highway network.

The HSI advises that there are no other material highway implications associated with this proposal; accordingly, the Strategic Infrastructure Manager has no objection to the planning application, subject to the prior approval of a Construction Traffic Management Plan (CTMP) and the provision of £35,520 Section 106 contribution towards traffic management and pedestrian safety measures.

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.

There would be no significant issues created in relation to; landscape, ecology, flood risk and drainage, design and highway safety, subject to conditions.

Overall, whilst there is a loss of open countryside, this loss is mitigated by the relatively contained nature of the site, however, on balance, 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 Calveley and Alraham 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 less than 3,000 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 3 dwellings or more or larger than 0.2 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 16 dwellings 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. The SHMA 2013 shows the majority of the demand in Bunbury area for the next 5 years is for 18x 1 bedroom and 1x 4 bedroom dwellings per year. The majority of the demand on Cheshire Homechoice is for 6x 1 bedroom, 4x 2 bedroom, 3x 3 bedroom and 1x 4 bedroom dwellings therefore, the Council's Housing Officer has advised that 1, 2, 3 and 4 bedroom dwellings on this site would be acceptable. 3 units should be provided as Affordable rent and 2 units as Intermediate tenure. Neither the SHMA nor the Cheshire Homechoice register advises any need for Older Person Accommodation at this point.

The Council's housing Officer has advised that 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 HCA's housing quality indicator (HQI) standards.

This provision would be secured by way of a S106 agreement, which:

- requires the applicant/developer 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 Council's 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.

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.

Not including the current planning application registered on Land Adj North View (16/2950N), there are 15 further registered and undetermined planning applications in Nantwich generating an additional 136 primary children and 105 secondary children.

The development of 16 dwellings is expected to generate:

3 primary children (16 x 0.19)

2 secondary children (16 x 0.15)

0 Special Educational Needs children (16 x 0.51 x 0.023%)

The development is expected to impact 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 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.

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

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

Total education contribution: £32,685.38

This would be secured via a S106 Agreement.

Amenity

Policy BE.1 of the Local Plan advises that new development should not be permitted if it is deemed to have a detrimental impact upon neighbouring amenity in terms of overlooking, visual intrusion or noise and disturbance. Furthermore, the level of private amenity space provided is a material consideration as detailed within the Supplementary Planning Document on Development on Backland and Gardens.

The closest neighbouring properties to the application site include the properties to the north/north-east of the site called North View and South View and the properties on the opposite side of the A51 from the development, to the north-east.

According to the indicative layout plan, the closest of the proposed dwellings to North View, the applicant's property would be the dwellings proposed on Plots 13 and 14.

Given that the dwelling proposed on plot 14 would lie parallel with North View and the dwelling proposed on Plot 13 would be significantly offset from this existing dwelling, it is not considered that the occupiers of this property would be detrimentally impacted by the proposed development with regards to loss of privacy, light or visual intrusion, subject to the detail being agreed at reserved matters stage.

Likewise, it is also not considered that the occupiers of South View would be detrimentally impacted by the above considerations because of the offset relationship between the existing and proposed built form.

The existing dwellings on the opposite side of the A51 to the proposed development would be over 21 metres away from the closest of the proposed new dwellings. At this distance, it is considered that the amenity occupiers of these neighbouring properties would not be detrimentally impacted.

Another material consideration would be the future amenity of the occupiers of the recently approved 4 new dwellings on the track to the east of the application site. According to the submitted indicative layout plan, the relationship between all of the proposed / approved developments would

adhere to either the 21 metre front-to-rear / front-to-front standard or the 13.5 metre side-to-front or side-to-rear relationship standard, eliminating any significant amenity concerns.

In terms of the amenity of the future occupiers of the proposed dwellings, sufficient space would be available for each dwelling to have sufficient outdoor private amenity to perform normal tasks such as; hang out washing, sit outside etc.

The separation distances amongst the proposed dwellings themselves would also be acceptable.

With regards to Environmental disturbance, the Council's Environmental Protection Team have advised that they have no objections, subject to a number of conditions including; the prior submission/approval of a Piling method statement; the implementation of a noise mitigation scheme; the provision of Travel Packs prior to the occupation of the dwellings; the prior approval of electric vehicle charging infrastructure; the prior approval of a dust mitigation scheme; the prior submission/approval of a Phase 1 Contaminated Land Report; the prior submission/approval of soil verification report. In addition, informatives in relation to hours of construction and contaminated land are also sought.

As such, subject to the above recommendations, it is considered that the proposed development would adhere with Policy BE.2 of the Local Plan.

Public Rights of Way (PROW)

The Council's PROW Officer has advised that the development is unlikely to affect a public right of way and as such, has raised no objections.

Network Rail

The application site is bound by a railway line to the south of the site.

Network Rail have reviewed the proposal and raise no significant objections, subject to a number of informatives and a condition seeking the prior approval of acoustic fence details.

Social Conclusion

As a result of the provision of market and affordable housing, it is considered that the proposed development would be socially sustainable. Significant weight can be given to this in the planning balance.

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 highways contributions are towards developments within the '*Windmill Junction, Acton, Alpraham & Calverley, Wardle & Barbridge, various Junction Improvements*' document produced by Jacobs dated 12th November 2013. This document outlines a series of proposed measures for the area which total a combined indicative cost of £129,251.00. The proposed contribution would go towards funding these improvements.

The education contribution is necessary having regard to the developments impact upon secondary school places in the immediate locality.

The proposal will trigger the requirement of needed affordable housing in the area.

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 Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011.

Within such locations, there is a presumption against development, unless the development is considered to represent and 'infill' by filling and small gap in an otherwise built up frontage. It is not considered that this aspect of policy applies in this instance.

The proposed development therefore does not fall within any of the listed categories and as such, it constitutes a "departure" from the development plan and there is a presumption against the proposal.

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, particularly given that the application site is already bound to 3 sides by development and is largely well screened on the remaining fourth side by mature shrubbery, trees and hedgerow.

Accordingly it is recommended for approval.

RECOMMENDATION

APPROVE Subject to a S106 Agreement to secure;

- 1. Financial contribution of £35,520 towards a number of traffic and pedestrian safety management measures through Alpraham and Calveley**
- 2. 30% on-site affordable housing provision to include;**
 - requires the applicant/developer to transfer any rented affordable units to a Registered Provider
 - requires the applicant/developer to 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.
- 3. Education contribution of £32,685.38 towards secondary school provision**

And conditions;

- 1. Time – 3 years of 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. Prior submission/approval of a Construction Traffic Management Plan**
- 6. Retention of hedgerow fronting Nantwich Road unless otherwise agreed**
- 7. Reserved Matters application to include the provision of further hedgerow planting**
- 8. Reserved matters application would need to be supported by a comprehensive package of arboricultural information in accordance with 2012 British Standards**
- 9. Reserved matters application to be supported by an updated 'Other Protected Species' survey**
- 10. Reserved matters application to be supported by an updated bat survey**
- 11. Foul and surface water be drained on separate systems**
- 12. Prior submission/approval of a surface water disposal/drainage scheme**
- 13. Prior submission/approval of a sustainable drainage management and maintenance plan**
- 14. Prior submission/approval of a piling method statement**

- 15.Implementation of submitted noise mitigation scheme unless otherwise agreed**
- 16.Provision of travel packs to each of the proposed new dwellings prior to occupation**
- 17.Provision of electric vehicle infrastructure for each dwelling**
- 18.Prior submission/approval of a dust mitigation scheme**
- 19.Prior submission/approval of a Phase 1 Contaminated Land Report**
- 20.Prior submission/approval of soil verification report**
- 21.Prior submission/approval of acoustic fence mitigation details**

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.



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Application No: 16/2557N

Location: LAND ADJACENT TO, The Cottage, CHESTER ROAD, ALPRAHAM

Proposal: Two detached dwellings with associated garaging.

Applicant: Mr & Mrs Frank and Pat Harding

Expiry Date: 20-Jul-2016

SUMMARY

The site is not located within a settlement boundary and is located in the Open Countryside as designated in the Crewe and Nantwich Local Plan.

Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by Local Plan Policies NE.2 and RES.5

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

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

It is therefore necessary to consider whether the proposal constitutes “sustainable development” in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

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

However the proposal would bring positive planning benefits such as the provision of market housing, a minor boost to the local economy and on balance is considered to be locationally sustainable given the location to the bus stop, the wide area the bus serves and the frequency of this service.

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

RECOMMENDATION

APPROVE

PROPOSAL

The proposal seeks full planning consent for the erection of x2 detached dwellings and garages

SITE DESCRIPTION

The application site comprises an open field in this open countryside location. The area consists of predominantly residential properties in a row of ribbon development, with the exception of the pub to the west of the site.

The nearest residential properties are sited to the north and east of the site. Land level drops slightly from the road into the site and further drops against outside the site.

The existing access is taken off Chester Road. Boundary treatment consists 1-1.5m high planting to the site boundaries and a large tree and conifer belt are located to the rear boundary

RELEVANT HISTORY

No relevant planning history

LOCAL & NATIONAL POLICY

Borough of Crewe and Nantwich Local Plan 2011

Policy BE.1 – Amenity
Policy BE.2 – Design Standards
Policy BE.3 – Access and Parking
Policy BE.4 – Drainage, Utilities and Resources
Policy NE.2 – Open Countryside
Policy NE.5 – Nature Conservation and Habitats
Policy NE.10 – New Woodland Planting and Landscaping
Policy RES.2 – Unallocated Housing Sites
Policy RES.3 – Housing Densities
Policy RES.5 – Housing in the Open Countryside
Policy TRAN.9 – Car Parking Standards

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

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

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

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

National Policy

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

14 - Presumption in favour of sustainable development
17 – Core planning principles
47-50 - Wide choice of quality homes
56-68 - Requiring good design

Supplementary Planning Documents (SPD):

North West Sustainability Checklist

CONSULTATIONS

Heritage & Design – Forestry (Cheshire East Council)

No objection subject to condition requiring tree protection measures

Highways (Cheshire East Council)

No objection subject to informative for a S184 licence to create the new vehicle crossing

Environmental Protection (Cheshire East Council)

No objection subject to informatives regarding construction hours and contaminated land

United Utilities

No comments received at the time of writing the report

Parish Council

Alraham Parish Council would like to note that the proposed development will be in close vicinity to the village bowling green which uses flood lights. This is an important local amenity and the flood lights themselves are essential.

It would not be possible to mitigate flood light intrusion onto other properties if located nearby. Alraham Parish Council suggests therefore this is strongly considered when planning layout and gardens etc. We would oppose any attempt to alter the current infrastructure of this valued recreation area.

We would also request that sewage management is carefully planned as this area has had a number of problems with contamination of open drains, fields and natural ponds with household waste.

REPRESENTATIONS

One letter received requesting a planning condition be imposed that requires that no objections can be made to the use of the bowling green in the future by any occupants of the new properties

APPRAISAL

The key issues are:

- The principle of the development
- Open Countryside
- Amenity
- Impact on trees/important landscape features
- Character/appearance
- Highway safety

APPRAISAL

Principle of development

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

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

Within open countryside only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.

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

In this instance the proposal is not listed as an appropriate form of development. The issue of whether or not the proposal is sited within an otherwise built up frontage is finely balanced as it has properties sited to both sides but not to the rear and not immediately to the front. On balance given the absence of building to the front and rear, the site is not considered to be sited in an otherwise built up frontage.

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.

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

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

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

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

Environmental role

Locational Sustainability

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

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

- Post box (500m) – 7m
- Amenity Open Space (500m) – 400 m to Alpraham playground and 2574.95m - 1.6 miles. Bunbury Jubilee playing fields
- Children’s Play Space (500m) – 400m to Alpraham playground and 11426.3m - 7.1 miles away. Polar Palace Play & Party Centre
- Outdoor Sports Facility (1000m) 400m to Alpraham play area and 1.4 miles to Bunbury playing fields 10943.5m – 6.8 miles. Barony Park Sports Complex, Barony Road, Nantwich CW5 6EP
- Public House (1000m) 682.8m – The Tollemarche Arms
- Bus Stop (500m) – 50m
- Public Right of Way (500m) 7m there is a bridle way right behind the proposed site
- Any transport node on the bus link and commuting distance from a train station

It demonstrated that the proposal failed to meet the minimum standard for the following facilities;

- Post Office (500m) 2896.82m – 1.8 miles
- Primary School (1000m) 3218.69m - 2.0 miles
- Leisure Facilities (Leisure Centre or Library) (1000m) 15932.5m - 9.9 miles. Shavington Leisure Centre
- Child Care Facility (nursery or crèche) (1000m) 2253.08m - 1.4 miles to Bunbury pre school 16093.4m – 10.1 miles. Elizabeth Morris
- Pharmacy (1000m) 4023.36m – 2.5 miles. Rowlands Pharmacy

- Railway station (2000m where geographically possible) 11748.2m – 7.3miles. Nantwich station
- Bank or cash machine (1000m) 2526.67m - 1.57 miles. Link ATM
- Supermarket (1000m) 15932.5m - 9.9 miles. Sainsbury's
- Secondary School (1000m) 3057.75m - 1.9 miles. Tarporley High School
- Medical Centre (1000m) 2253.08m - 1.4 miles. Bunbury Medical Practice
- Convenience Store (500m) 3057.75m– 1.9 miles. Bunbury Village
- Local meeting place (1000m) 3057.75m– 1.9 miles. Bunbury Village

Based on the above figures the proposal meets 8 out of the 20 elements appraised. This assessment identifies that the site would not be located near to a number of key services including child care, schools, or medical centre, which are located in Bunbury village.

However on the other hand the site is in close proximity to Alpraham Village (120m outside settlement boundary) and facilities including play area, sports facilities and public house. The number 84 bus route also passes the site and this has a service to Chester, Tarporley, Crewe and Nantwich every hour Monday to Saturday but with a slightly reduced service on Sunday until approx. 5pm. The bus stop is located 50m to the north-west of the site which is assessable by footpath As a result many of the services in these centres would be readily available without the need for car travel.

As a result, whilst the location of the site would be distant from a number of key facilities and would in some circumstances encourage the use of the car, it is considered that its close proximity to Alpraham Village and regular bus service to the nearby large service centres of Crewe, Nantwich and Chester, that the site would represent a sustainable location, albeit at a marginal level, and as such would adhere to the NPPF.

It is noted that an appeal decision for a site in Alpraham (ref 15/2514N), concluded that particular site was not sustainable. However that site was further away from both the settlement boundary and the application boundary by some way (600m away to the west from the current application site) and the bus route was not assessable by public footpath. The current proposal is much closer to the settlement boundary and to bus stop is located 50m from the site via footpath. In this case therefore it is considered that a different conclusion is justified.

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

Landscape/Open Countryside

The existing tree located to the south of the site is shown as being retained. Given the coverage of this tree, it is considered that half of the site is predominantly screened when viewed from the wider setting.

It is considered that further planting along the rear boundary after this point would help to soften the visual impact of the proposal and this can be secured by condition.

Therefore no significant harm to the character/appearance of the landscape.

Trees

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

Following initial concerns from the Councils Arborist that the plot to the east would have been overshadowed by the tree to the rear, a Tree Survey & Arboricultural Impact Assessment has been provided which has concluded that the plot be forward further forward. This has also been reflected in the amended plans.

As a result the amendments have overcome initial concerns therefore it is not considered that the proposal would pose any significant impact to the trees on site subject to condition requiring protective fencing measures.

Design

The locality contains a mixture of property style, types, sizes and design therefore it is considered that the proposed 2 storey detached dwellings could be accommodated in the street scene without causing significant harm to the existing pattern of built form.

The proposed dwellings would not project beyond the established build line within the locality given the staggered nature and would be set back from the road by 21m. The heights (8.1m), length (12.5m), depths (14.7m) and plot fills would also be comparable with other properties in the locality. Therefore the properties would not be overly prominent in the street scene.

The proposed materials of Cheshire brick, slate roofs and timber windows/doors would provide an element of local distinctiveness and would blend in with the existing colour palette of the area. The proposal does seek to introduce a modern appearance with the creation of glazed feature above the porch however this is considered to add some visual interest to the elevation and is also a feature noted for new dwellings recently approved in the locality.

Finally although the proposal does involve access/parking to the front of the properties, the visual impact will be softened and filtered against the proposed boundary planting. The sharing of the existing access point with The Cottage would also have a reduced visual impact rather than the creation of two additional access points.

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

Highway Safety

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

The proposal would shared the existing access with The Cottage and provides adequate off street parking and turning areas.

The proposal has also been assessed by the Council Highways Engineer who has no objection subject to an informative requiring the applicant to require a S184 licence to create the new vehicle crossing.

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

Flood Risk and Drainage

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

United Utilities have been consulted as part of the application. Any response will be the subject of a written update.

However it is considered that drainage details could be secured by condition.

Ecology

The site is not within the proximity of any ecology related constraints. It does not contain any ponds, nor is it sited near any significant ecology habitats. A large tree is sited to the rear however this is to be retained.

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

Environmental Conclusion

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

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

Economic Role

It is accepted that the construction of a housing development would bring the usual economic benefits to the closest public facilities in the closest villages for the duration of the construction, and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain. There would be some economic and social benefit by virtue of new resident's spending money in the area and using local services.

Social Role

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

Residential Amenity

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

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

The proposed dwellings would be sited 34m to the properties to the front at the closest point. This separation distance is considered sufficient to prevent significant harm to living conditions.

The nearest plot would be sited 14m to the widows on the side elevation of The Cottage and the garage would be sited 6.3m. Whilst it has not been possible to conclude what rooms these windows serve, the proposed separation distance is not considered to cause significant harm through loss of outlook as the windows are set the middle and rear of The Cottage therefore outlook would remain straight ahead and to the left hand side of the windows. Impact from overshadowing/light loss is considered limited noting the west facing orientation of these windows. Whilst two side facing windows are proposed at first floor level these would serve an en-suite therefore can be conditioned to be fitted with obscure glazing to prevent overlooking/loss of privacy. Potential overlooking of the garden area would not be direct and is therefore considered acceptable on balance.

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

Other matters

It is noted that a bowling green backs on to the site to the west which uses floodlights. Concerns have been raised regarding potential complaints that may be raised by future occupants of the proposed properties from general noise and disturbance which may restrict use of the bowling green.

However the bowling green can operate without restriction as there are no planning restrictions in place. If any concerns are raised this would have to be considered under the Environmental Protection Act and would not be good reason to withhold planning permission in this case. Nor would a condition be fair and reasonable in this case. To some degree it is also a matter for the future buyers to be aware of.

Planning Balance

The site is not located within a settlement boundary and is located in the Open Countryside as designated in the Crewe and Nantwich Local Plan.

Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by Local Plan Policies NE.2 and RES.5

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

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

It is therefore necessary to consider whether the proposal constitutes “sustainable development” in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

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

However the proposal would bring positive planning benefits such as the provision of market housing, a minor boost to the local economy and on balance is considered to be locationally sustainable given the proximity to the bus stop, the wide area the bus serves and the frequency of this service.

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

RECOMMENDATION

Approve subject to conditions

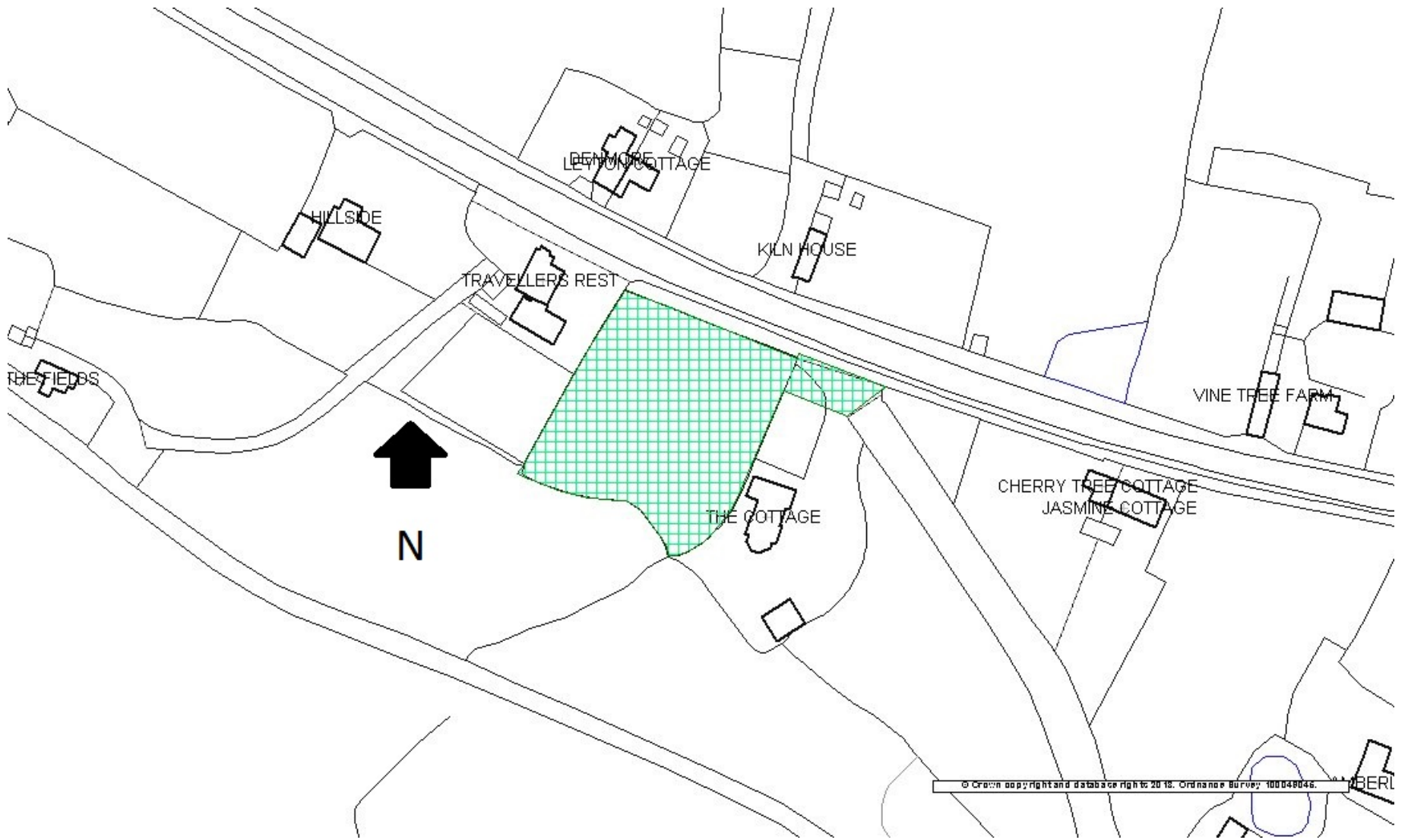
Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. A01AP Development in accord with approved plans
2. A03FP Commencement of development (3 years)
3. A02EX Submission of samples of building materials
4. A01GR Removal of permitted development rights
5. A06GR No windows to be inserted
6. A04NC Details of drainage
7. A02LS Submission of landscaping scheme
8. Obscure glazing
9. Levels
10. Tree protection
11. Positive and proactive
12. Section s184 licence

13. Construction hours

14. Contaminated land



CHESHIRE EAST COUNCIL

SOUTHERN PLANNING COMMITTEE REPORT

Date of Report: 18 August 2016
Report of: David Malcolm – Head of Planning (Regulation)
Title: Site at Manchester Road, Congleton

1.0 Purpose of Report

On the 26th April 2016, Southern Planning Committee considered a full application (ref 14/4451C) for the development of up to 137 dwellings with associated infrastructure (Phase 1).

- 1.1 The purpose of this report is to correct the Local Plan Policy reference utilised within that report from the Congleton Borough Local First Review to the Macclesfield Borough Local Plan 2004.

2.0 Previous Minutes

The minutes 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 resolution of outstanding matters relating to levels around trees
- detailed design revisions concerning the siting of a block of 2.5/3 storey houses to Plots 22-25
- negotiations/further investigations with regard to health related infrastructure requirements
- the completion of a s106 agreement to secure
 1. £51,084 in lieu of on site Public Open Space provision – upon 1st occupation
 2. NEAP including at least 8 items of equipment. Specification to be submitted to and agree by the Council.
 3. Provision for a private residents management company to maintain the on-site ecological area/ amenity space / play area and all incidental areas of open space not within the adopted public highway or domestic curtilages

4. Detailed management plan for the above Open Space/ecological mitigation area to be submitted and approved.
5. Provision of 30% on-site affordable dwellings – 65% provided as affordable rent and 35% as Intermediate tenure. The affordable units should be tenure blind and be provided no later than occupation of 50% of the open market dwellings.
6. £50,000 ecological mitigation payment to be paid on the occupation of the 109th dwelling
7. £271,157 towards primary school education provision - 50% of the money upon the occupation of the 55th dwelling house and a further 50% upon the occupation of the 109th dwelling
8. £326,854 towards secondary school education provision - 50% of the money upon the occupation of the 55th dwelling house and a further 50% upon the occupation of the 109th dwelling
9. £91,000 towards special education needs education provision (1 space primary and 1 space secondary) - 50% of the money upon the occupation of the 55th dwelling house and a further 50% upon the occupation of the 109th dwelling
10. £299,999 towards schemes of highway mitigation on the A34 and the A536 to be paid upon commencement of building of the 109th dwelling

- the following conditions:

1. Time – 2 years
2. In accordance with approved plans
3. Materials – Prior submission/approval
4. Construction Management Plan, inc wheel washing – Prior submission/approval
5. Right turn lanes from Manchester Road to be provided and implemented prior to any occupation
6. Details of bin and bike store for flats to be submitted, approved and provided prior to flat occupation
7. Parking areas to be provided as per the submitted plan prior to 1st occupation of relevant flat/house
8. Removal of PD rights for extensions – selective plots – smaller house types
9. Removal of PD rights for any walls, fences, means of enclosure forward of any buildings
10. Surface water drainage scheme – Prior submission/approval of the detailed design, implementation, maintenance and management
11. Landscaping – Prior submission/approval – To include hedgerow retention/enhancement/further planting
12. Landscaping – Implementation
13. Boundary treatments – Prior submission/approval
14. Nesting birds - Prior submission/approval
15. Breeding birds and roosting bat features – Prior submission/approval
16. Piling
17. Floor Floating

18. Environmental Management Plan – Prior submission/approval
19. Land Remediation Strategy – Prior submission/approval in accordance in Compliance with Phase II Contamination report
20. Energy Efficiency/fabric first approach
21. Residential travel plan
22. Evidence and verification report of imported soil and soil forming materials – Prior submission/approval
23. Tree and hedgerow Protection scheme – Prior submission/approval
24. Levels existing and proposed prior to any development. Implementation in accordance
25. Retention and protection scheme for existing trees and hedgerows.
26. Phasing plan for the completion of POS & ecological mitigation areas
27. Landscape Masterplan and full hard and soft landscape details submitted prior to commencement with phasing of implementation
28. Implementation of great crested newt mitigation and Scheme to fully comply with GCN Appraisal and mitigation & Habitat compensation measures (2014) prepared by CES Ecology unless varied by a subsequent Natural England license.
29. Updated badger survey prior to commencement of development
30. Safeguarding of nesting birds
31. Provision of details for the incorporation of features for nesting birds including house sparrow
32. Scheme of reduction of energy use/enhanced fabric approach

(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 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 the application be subject to an appeal, approval be given to enter into a S106 Agreement to secure the Heads of Terms as detailed above. Committee resolved to granted planning permssion subject to condtions and the satisfactory completion of a S106 Agreement.

- 2.1 Subsequent to this Officers contacted NHS England and were unable to identify any CIL compliant project in Congleton to which a contribution could be sought from this development. The applicant addressed Officers concerns about height of plots 22-25 via amended plans and provided more tree information which did not fully address the tree officer's concerns. The Head of Planning (Regulation), in consultation with the Chair of Southern Planning Committee, considered these matters further and resolved in accordance with the Delegated Authority granted by Committee on 27 April 2016 that the

planning balance weighed in favour of the development and that permission should be granted in accordance with the conditions and S106 Heads of terms as originally recommended.

- 2.2 The S106 Agreement has yet to be signed and the application is as yet not determined.

3 Decision Required

- 3.1 Since resolution it has been noted that the site is located within the ward of Eaton, within the administrative boundary of the former Borough of Macclesfield rather than in Congleton. Accordingly, the Local Plan currently in force for this site is the Macclesfield Borough Local Plan 2004, and not as determined by Committee, the Congleton Borough First Review Revised Local Plan 2005.

4 Background

- 4.1 The site comprises part of Moss Farm and its agricultural grazing land fronting onto Moss Lane and Manchester Road in Congleton. The administrative boundary between the former Borough of Macclesfield and Congleton straddles Moss Farm, however, whilst having a Congleton address, this site falls within the administrative area of the former Macclesfield Borough Council and within the ward of Eaton.
- 4.2 The site is located in the Countryside Beyond Green Belt as defined by the Macclesfield Borough Local Plan 2004 (MBLP) as opposed to the Open Countryside within the Congleton Borough Local Plan First Review 2005. The site is allocated within the emerging Cheshire East Local Plan Strategy as a housing site within Policy CS17 of the emerging Plan.

5.0 Proposed Development

- 5.1 Full Planning permission is sought under reference 14/4451C for the erection of up to 139 dwellings and associated infrastructure.

6.0 Officer Comment

- 6.1 The original Officers assessment in this case referred to the site as being located within the Open Countryside in the Congleton Borough Local Plan with the following policy context –

GR1 New Development;GR2 Design;GR3 Residential Development;GR5 Landscaping;GR6 Amenity and Health;GR9 Accessibility, servicing and provision of parking; GR14 Cycling Measures; GR15 Pedestrian Measures;GR17 Car parking; GR18 Traffic Generation; GR21 Flood Prevention;GR22 Open Space Provision;NR1 Trees and Woodland;NR2 Statutory Sites (Wildlife and Nature Conservation);NR3 Habitats;NR5

Habitats;H2 Provision of New Housing Development; H6 Residential Development in the Open countryside; H13 Affordable Housing and Low Cost Housing

- 6.2** The Planning Policy context against which this application is assessed should have been the Macclesfield Borough Local Plan 2004 and the following policies :

NE11 (Nature Conservation); NE12 (Sites of Biological Importance);BE1 (Design Guidance); GC5 Countryside Beyond Green Belt; H1 (Phasing Policy);H2 (Environmental Quality in Housing Developments);H8 (Provision of Affordable housing);H9 (Delivery of Affordable housing) ;T2 (Transport);DC1 (Design New Build);DC3 (Amenity);DC6 (Circulation and Access);DC8 (Landscaping);DC9 (Tree Protection);DC36 (Road layouts and Circulation); DC37 (landscaping);DC38 (Space, Light and Privacy); DC40 (Open Space standards)

- 6.3** The emerging planning policy context for the site as defined by the Cheshire East Local Plan Strategy does not differ and is as follows;

PG2 – Settlement Hierarchy;PG5 - Open Countryside; PG6 – Spatial Distribution of Development; CS17 - Manchester Road; 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.

- 6.4** Other Material considerations of relevance to the planning assessment are unchanged and are as follows;

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

- 6.5** Policies DC1 (Design New Build) and DC3 (Amenity) of the MBLP require development to be in keeping with the locality and provide for appropriate amenities of existing residents. Policies NE11 (Nature Conservation) and NE12 (Sites of Biological Importance) seek to safeguard interests of nature conservation and protect species. Policies DC1 (Design New Build);DC3 (Amenity);DC6 (Circulation and Access);DC8 (Landscaping);DC9 (Tree Protection);DC36 (Road layouts and Circulation); DC37 (landscaping);DC38 (Space, Light and Privacy); DC40 (Open Space standards) seek to ensure safe means of

access, adequate levels of amenity and open space and landscaping and safeguard trees.

6.6 The proposal is considered to comply with policies pertaining to design, ecology and protected species, highways, trees, amenity of the locality and future residents and mitigation requirements within the Macclesfield Borough Local Plan and that the specific policies within the Macclesfield Borough Local Plan address the same material planning issues as those policies against which this application was initially judged.

6.7 Policy GC5 (Countryside Beyond the Green Belt) of the MBLP) performs the same policy function as Policy PS8 of the Congleton Borough Local Plan First Review. Both are considered to be housing land supply policies and are out of date by virtue of Para 49 of the NPPF. In the absence of a 5-year housing land supply the Council, Paragraph 14 of the NPPF is engaged and the presumption in favour of sustainable assessment prevails. The weighting and assessment of the planning balance as detailed in the original report is unchanged by this correction of the local plan policy framework against which the application should be judged.

6.8 It is considered that there is no material difference between the policy context of a site which is defined as being in the open countryside in the Congleton Borough Local Plan First Review or a site which is defined as being within the countryside beyond the green belt within the Macclesfield Borough Local Plan. In addition, the other policies utilised in the assessment of the application within the Congleton Plan are not materially different from the corresponding planning policies within the Macclesfield Plan.

6.6 In this case, the proposal is considered to comprise sustainable development and Para 14 of the NPPF is engaged and the policies within the emerging Spatial Strategy remain unchanged. There are no other material considerations which would justify reaching a different conclusion in this case.

7 Recommendation

7.1 That the recommendations in this report are noted and the resolution to grant planning permission subject to completion of s106 legal agreement and conditions is confirmed in the light of the correction to the policy framework to refer to the Macclesfield Borough Local Plan rather than the Congleton Plan.

8.0 Assessment of Risk

- 8.1 All key planning issues have been properly assessed and remain unchanged. However, if the references to development plan policy are not corrected then the Council's decision could be open to legal challenge and associated cost. As in any case, the decision to grant planning permission would still be open to challenge, but it is considered that the information set out in this report avoids the risk of such action.

9.0 Reasons for Recommendation

- 9.1 To correct the policy framework referred to in the original committee report and because the planning merits of the planning application remain unchanged.

For further information:

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Background Documents:

Applications 14/4451C

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