

# Southern Planning Committee

## Agenda

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**Date:** Wednesday, 27th October, 2021  
**Time:** 10.00 am  
**Venue:** Council Chamber, Municipal Buildings, Earle Street, Crewe  
CW1 2BJ

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**PLEASE NOTE – This meeting is open to the public and anyone attending this meeting will need to wear a face covering upon entering and leaving the venue. This may only be removed when seated.**

**The importance of undertaking a lateral flow test in advance of attending any committee meeting.** Lateral Flow Testing: Towards the end of May, test kits were sent to all Members; the purpose being to ensure that Members had a ready supply of kits to facilitate self-testing prior to formal face to face meetings. Anyone attending is asked to undertake a lateral flow test on the day of any meeting before embarking upon the journey to the venue. Please note that it can take up to 30 minutes for the true result to show on a lateral flow test. If your test shows a positive result, then you must not attend the meeting, and must follow the advice which can be found here:

[https://www.cheshireeast.gov.uk/council\\_and\\_democracy/council\\_information/coronavirus/testing-for-covid-19.aspx](https://www.cheshireeast.gov.uk/council_and_democracy/council_information/coronavirus/testing-for-covid-19.aspx)

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**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.**

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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 top of each report.

It should be noted that Part 1 items of Cheshire East Council decision meetings are audio recorded and the recordings are uploaded to the Council's website.

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Please contact Helen Davies on 01270 685705

E-Mail: [helen.davies@cheshireeast.gov.uk](mailto:helen.davies@cheshireeast.gov.uk) with any apologies or requests for further information  
[Speakingatplanning@cheshireeast.gov.uk](mailto:Speakingatplanning@cheshireeast.gov.uk) to arrange to speak at the meeting

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

### **1. Apologies for Absence**

To receive apologies for absence.

### **1. 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.

### **1. Minutes of Previous Meeting (Pages 3 - 6)**

To approve the minutes of the meeting held on 22 September 2021.

### **1. 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

### **1. 19/4873N: Land South of Sandfield House, STATION ROAD, WRENBURY, CW5 8EX, Proposed construction of 45 dwelling houses, access, open space and associated infrastructure for Miss J Allen, Sovini Homes Ltd (Pages 7 - 34)**

To consider the above application.

### **1. 20/4532N: WALNUT TREE FARM, RADWAY GREEN ROAD, BARTHOMLEY, CW2 5PQ, Relocation of Cheshire Microlight Center from Arclid (Sandbach) to Walnut Tree Farm, Barthomley Extension of existing barn to store microlights and existing field currently used for agricultural purposes, converted for a grassed landing strip. Field to be retained for grazing for Mr Paul Abell (Pages 35 - 54)**

To consider the above application.

**THERE ARE NO PART 2 ITEMS**

**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Southern Planning Committee**  
held on Wednesday, 22nd September, 2021 at The Ballroom, Sandbach  
Town Hall, High Street, Sandbach, CW11 1AX

**PRESENT**

Councillor A Kolker (Chair)  
Councillor S Akers Smith (Vice-Chair)

Councillors M Benson, P Butterill, K Flavell, A Gage, D Marren, J Rhodes and  
N Mannion

**OFFICERS IN ATTENDANCE**

Gareth Taylerson- Principal Planning Officer  
James Thomas- Senior Planning & Highways Solicitor  
Andrew Goligher- Development Officer  
Helen Davies- Democratic Services Officer

**28 APOLOGIES FOR ABSENCE**

Apologies of absence were received from Councillor Laura Smith  
(Councillor Nick Mannion substituted), Councillor John Wray, Councillor  
Stan Davies and Councillor Connor Naismith.

**29 DECLARATIONS OF INTEREST/PRE DETERMINATION**

There were no declarations of interest.

**30 MINUTES OF PREVIOUS MEETING**

RESOLVED:

That the minutes of the meeting 25 August 2021 be accepted as a correct  
and accurate record and be signed by the Chair.

**31 PUBLIC SPEAKING**

There were no members of the public who wished to speak.

**32 21/1711N, 396, NEWCASTLE ROAD, SHAVINGTON, CW2 5JF,  
ERECTION OF 1 NO. DETACHED BUNGALOW AND ANCILLARY  
WORKS FOR MR & MRS TIMLETT**

Consideration was given to the above application.

There were no public speakers registered to speak on the application,  
however Richard Lee, the agent for the applicant attended the meeting to  
answer any questions the Committee may have had.

RESOLVED:

That, for the reasons set out in the report, the application be APPROVED as recommended with an additional condition:

1. Standard Time
2. Approved Plans
3. Drainage Details- require implementation with the approved drainage strategy
4. Details of Ground Levels to be Submitted
5. Submission of Samples of Building Materials
6. Landscaping to Include Details of Boundary Treatment
7. Biodiversity Enhancement
8. Electric Vehicle Charging Points
9. Provision of Car Parking
10. Protection for Breeding Birds
11. Landscaping Conditions (Implementation)
12. Soil Importation
13. Unexpected Contamination
14. PD Rights – Extensions and Alterations
15. Prior to first use of the dwelling hereby approved a scheme to improve visibility at the site entrance shall be submitted in writing to the Local Planning Authority for approval. The improvements works shall then be carried out in full prior to first use/occupation of the dwelling hereby approved.

Informatives:

1. NPPF
2. Community Infrastructure Levy (CIL)
3. Highways - S184 Licence
4. Noise from Construction Works
5. Contaminated Land

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

The meeting commenced at 10.00 am and concluded at 10.28 am

Councillor A Kolker (Chair)



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Application No: 19/4873N

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

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

Applicant: Miss J Allen, Sovini Homes Ltd

Expiry Date: 05-Nov-2021

## SUMMARY

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

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

The proposal site is located within the open countryside as set out in the Cheshire East Local Plan, however, is located within the Wrenbury Settlement Boundary as set out within the Wrenbury Neighbourhood Plan Policy HOU2, it is therefore considered to lie within the settlement. Part of the site is also shown to be within the village settlement within the emerging SADPD policies.

The proposal seeks permission for 45 affordable houses across two plots, off Station Road, Wrenbury. The site is bounded by residential development to north, garages to the west, Station Road to the east and the River Weaver to the south. Permission has previously been granted at outline state for 18 dwellings (14/5260N) and a further 27 dwellings (16/0953N). Outline permission is still extant on 14/5260N which is a significant material consideration.

The benefits of the proposal would be the provision of 100% affordable housing, Children Play space on site and the limited economic benefits during construction.

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

on ecology, and trees subject to conditions, where necessary. The development will also include mitigation in terms of off-site contribution for Outdoor Sport, Education and Biodiversity net gain.

The dis-benefits would be the loss of open countryside, and lack of market housing.

It is therefore considered that on balance the development is acceptable and largely accords with the relevant policies within the Development Plan.

#### **RECOMMENDATION**

**APPROVE WITH CONDITIONS**

#### **PROPOSAL**

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

#### **SITE DESCRIPTION**

The proposal site is situated on Station Road, Wrenbury, adjacent to Sandfield House, on the edge of Wrenbury settlement.

The proposal site is two pieces of land surrounded by trees and the River Weaver to the south, garages to the west, and residential properties to the north. The site slopes down towards the river and is particularly steep towards the southern aspect of the site.

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

#### **RELEVANT HISTORY**

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

17/6363N - Proposed construction of 45 dwelling houses, access, open space and associated infrastructure – withdrawn 31<sup>st</sup> January 2019

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

15/1857N - Residential development of up to 18 dwellings to include means of access – withdrawn 23<sup>rd</sup> June 2015

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



## **PLANNING POLICY**

### **Development Plan**

*Cheshire East Local Plan Strategy (CELPS);*

MP1 – Presumption in Favour of Sustainable Development  
SD1 – Sustainable Development in Cheshire East  
SD2 – Sustainable Development Principles  
SE1 – Design  
SE2 – Efficient Use of Land  
SE3 – Biodiversity and Geodiversity  
SE4 – The Landscape  
SE5 – Trees, Hedgerows and Woodland  
SE6 – Green Infrastructure  
SE7 – The Historic Environment  
SE9 – Energy Efficient Development,  
SE12 – Pollution, Land Contamination and Land Instability  
SE13 – Flood Risk and Water Management  
PG1 – Overall Development Strategy  
PG2 – Settlement Hierarchy  
PG6 – Open Countryside  
PG7 – Spatial Distribution  
SC4 – Residential Mix  
IN2 – Developer Contributions  
CO1 – Sustainable Travel and Transport  
CO4 – Travel Plans and Transport Assessments  
SC5 – Affordable Homes  
IN1 – Infrastructure  
IN2 – Developer Contributions

Cheshire East Design Code

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

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

Development on Backland and Gardens SPD (2008)

## **Wrenbury Neighbourhood Plan (WNP) (Made 22<sup>nd</sup> May 2019)**

HOU1 – Housing Allocation  
HOU2 – Location of new residential development  
HOU3 – Housing mix and Type  
LC1 – Character and Design  
LC2 – Landscape Character  
LC3 – Natural Environment and Biodiversity  
TR2 – Sustainable Transport  
TR3 – Vehicular access to the through the Parish  
INF1 – Broadband and Telecommunications  
INF2 – Renewable Energy

## **National Planning Policy**

National Planning Policy Framework  
National Planning Practice Guidance

## **Other Considerations**

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

## **CONSULTATIONS**

**CEC Head of Strategic Infrastructure (Highways)** – No objection subject to condition for visibility splays to be kept clear of obstructions and informative for S38 Agreement.

**CEC Environmental Protection** – No objections, subject to a number of conditions; travel information pack, electric vehicle charging points, and soil importation and unexpected contaminated land, and informative for construction hours, piling foundations, Dust control, and unexpected contaminated land

**CEC Flood Risk** – No objection in principle, subject to conditions for adherence with the FRA, detailed drainage strategy/design/ management and maintenance, and Levels.

**CEC Education** – No objection subject to developer contribution of £257,515

**CEC Open Space (ANSA)** – No objection to the Childrens Play Space provision, but require further details by condition. A contribution of £45,000 is required to mitigate for Outdoor Sports towards Wrenbury Recreational Ground.

**CEC Housing** – No objections

**Environment Agency** – No objection in principle, subject to condition for finished floor levels

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

**Wrenbury-cum-Frith Parish Council** – *The Parish Council have submitted 4 formal comments on this application. A summary of the parish council's comments are noted below. The full versions are available to view on the application file on the website.*

**[17<sup>th</sup> December 2019]**

The Parish Council considered this application at its meeting held on 12 December 2019, whereby it resolved to object to the application for the following reasons -

- The submission has factual inaccuracies, e.g. Distance to Nantwich, distance to Train Station, land is not undeveloped it is open countryside, it is not within the Green Belt, Outline permissions have lapsed, there is only one church in Wrenbury, no direct trains to Chester, Station Road is not a safe pedestrian route, Oakfield Avenue was built in the 1980's, the key on the plans is incorrect.
- There are omissions and misleading information within the statement, e.g. Footpaths are extremely narrow on Station Road, dwellings on Station Road are not within the village settlement, The Bovis site was approved prior to the adoption of the Cheshire Local Plan Strategy and Design Guide, the Ecological buffer is not clearly identified on the plans, there is a lack of information in relation to Archaeology, potential impact on the school in relation to more cars and safety, the bus service in the area is infrequent.

**[17<sup>th</sup> August 2020]**

The latest planning application for this site appears to have taken note of the criticisms made by many parties for Application 17/6363N, which was recommended for refusal and subsequently withdrawn, however despite addressing some of these concerns the Wrenbury Parish Council objects to the scheme proposed for the following reasons.

1. 100% affordable will attract younger families, however there is little employment opportunities in the village and therefore occupants will be car dependant. This will not accord with the Council policies to reduce carbon footprint.
2. There is no need for more housing in Wrenbury. Whilst there may be a national shortage of housing, there is not a local shortage. The recently built Bovis site has struggled to sell the intermediate social housing provision.
3. There is no evidence that there is need for 100% affordable housing scheme in the area.
4. Cheshire East and Wrenbury Neighbourhood Plan policies require a mix of social and market housing and this should be adhered to.
5. Wrenbury village has recently had 34 new affordable properties over 2 sites. An additional 45 affordable dwellings will increase the proportion to 35% of the village housing stock. Question why there is no market housing within the scheme. Development should be 70% market housing, 30% affordable.
6. The development does not accord with the Housing Needs Advice note used to inform the Neighbourhood Plan, which sets out that location need is for downsizing, to free up under used existing dwellings and single person households.

**[23<sup>rd</sup> August 2021]**

Having reviewed the latest information from the Applicant we make the following comments which are in addition to our earlier detailed objection posted 17th August 2020, this also attached

1. Our detailed objections, August 2020, remain fully relevant and we urge you to consider the content in detail as it identifies all the reasons why this proposed development is unsuitable for Wrenbury village. Parish Councillors live in the village and recognise the constraints of this small rural community and the impact this development will have on village life and its limited services.
2. The Applicant has failed to justify the development being 100% affordable dwellings, lacking supporting documentation to identify any local need which this property mix satisfies. This 100% affordable homes mix is contrary to LPS policies SC4 (residential mix), SC5 (affordable homes) and SC6 (rural exceptions housing for local needs)
3. The Applicant refers to 2 historic approvals of previous applications for this site, 14/5260N which was allowed at appeal on 23 June 2015 for 18 dwellings and 16/0953N for 27 dwellings which was approved on 27/09/2016. The Applicant fails to mention that each of these schemes provided a mixed development with 30% Affordable dwellings and the remainder being open market dwellings
4. Wrenbury-cum-Frith is a village included in the Housing (Right to Enfranchise) (Designated Protected Areas) (England) Order 2009 and as such the Registered Provider would be expected to comply with the requirements regarding shared ownership dwellings and retention of affordable housing in perpetuity. This obligation does not appear in the application to date and must be conditioned and not be waived by Cheshire East Council, this to ensure an element of affordable housing on this site in perpetuity.
5. Should the Planning Application be approved the Parish Council would expect the applicant/developer/Registered Provider to maintain the two play areas noted in the development. The Parish Council would not be involved with these facilities.

**[17<sup>th</sup> September 2021]** The Parish Council wish to add the following objection to its previous objections, based upon information received recently regarding the paucity of primary school places in the area.

The Parish Council is now aware that following this September's new pupil intake the 2 local primary schools of Wrenbury and Sound are almost 80% over or at their PAN (published admissions number) as noted below.

**PAN analysis**

Wrenbury Primary School - 4 year groups over PAN, (published admissions number) 1 at PAN and 2 years below PAN

Sound Primary School - 4 year groups over PAN, (published admissions number) 2 at PAN and 1 years below PAN

Aggregated at - 8 year groups over PAN, (published admissions number) 3 at PAN and only 3 years below PAN out of 14 year groups

Attendance of primary age children from this proposed development will be very difficult/impossible to achieve in these 2 schools, necessitating travel by car or bus to available places, likely in Nantwich. This is extremely undesirable for these young children and will have a detrimental impact on the environment, which Cheshire East Planning Policies seek to avoid.

## REPRESENTATIONS

Letters of objection have been received from 22 households. The main issues raised are;

- Wrenbury does not require any more housing
- Infrastructure in the area is at full capacity, e.g. Doctors, School, Roads
- Loss of open countryside will have a detrimental impact on the area
- Impact on wildlife, and protected species
- This application does not resolve the issues raised by the previously recommended for refusal application
- The Council now has a 5-year housing land supply and therefore the housing is not needed
- The proposal is an overdevelopment of the site
- Houses on the Bovis Scheme have struggled to sell, and there have been applications to change the type of affordable housing provision due to lack of demand
- There is little employment opportunities in the area and therefore all occupants will need to travel for work
- The site is on a very inadequate bus service which would not be suitable for commuting purposes
- Location of Children's Play area is not appropriate, adjacent to main road through the site
- Concerns raised of amenity impact on neighbours on the northern edge of the site
- Impact on light pollution/dark skies
- Concerns raised over the drainage scheme and it not being adhered to
- Conditions imposed on the original outline permission should be reimposed if the application is approved
- No Archaeological assessment has been carried out
- Flood risk concerns, site has recently flooded
- The design of the housing adjacent to the Station Road,
- Concerns raised over the access and impact on protected trees
- Impact on neighbouring amenity due to noise and pollution
- Amenity impact by means of overlooking, overbearing, on neighbours
- Loss of hedgerow along Station Road will have a detrimental impact on the street scene,
- Lack of detail, e.g. Electrical substation,
- The pavement along Station road is very narrow and the increase in traffic on this road will make this walking route more hazardous than it already is
- Factual errors with the application, including location to Nantwich, the site being in the greenbelt, there are no direct trains to Chester, only one church, no social club,
- Existing boundary treatment is limited and occupiers enjoy the view
- Since the Outline applications were received the LPS has been adopted and this site would not accord with those policies
- Limited Economic benefits
- Design is not in keeping with the local area
- There will be an oversupply of housing in area
- The site is unsustainable and not well linked
- Concerns raised over the level of vehicle movements through the village, and the increase cause highway safety concerns
- Train service is bi-hourly not hourly to Crewe
- 100% affordable housing provision is against policy PG6 and RES.5
- Concerns over surface water run off increases caused by the development
- No EVI charging point shown therefore the housing is not future proofed

- Issues with existing road surface caused impact on existing occupiers
- Concerns raised over the location of the children's play are near the access driveway and the river
- Development of 45 houses will create significant disruption to the village, and exacerbate existing infrastructure issues
- Development does not accord with the Neighbourhood Plan

## **OFFICER APPRAISAL**

### **Principle of Development**

The application site is located within the open countryside within the Cheshire East Local Plan Strategy where Policy PG6 is usually the relevant policy, however the settlement boundaries were not amended when the LPS was adopted in 2017.

However, since the adoption of the LPS the site is now allocated and shown as within the settlement boundary of Wrenbury village within the Wrenbury Neighbourhood Plan (Policy HOU 2 – figure G), and due to its adoption being more recently than the LPS it is considered to have primacy as part of the Development Plan for the area. Policy HOU 2 states that, *'....new housing development or redevelopment consistent with the role and function of Wrenbury as a Local Service Centre will be supported within the settlement boundary of Wrenbury'*.

This is in accordance with Section 38(5) of the Planning and Compulsory Purchase Act 2004 which states that if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.

It should also be noted that the initial smaller part of the development site, adjacent to Station Road, is proposed to be included within the settlement boundary of Wrenbury within the draft adopted policies map as part of the emerging SADPD. However, at this time the plan has limited weight.

The village of Wrenbury is identified as a Local Service centre within Policy PG2 of the LPS, where small scale development to meet the needs and priorities will be supported where they will contribute to the creation and maintenance of sustainable communities. Policy PG7 sets out that in Local Service centres around 3,500 new homes are expected to be accommodated.

### *Planning history*

Furthermore, the principle of residential development on site has already previously been accepted at outline application stage, and this is considered to be a material consideration of this development. The site was split into two outline applications, the first approved at appeal 14/5260N for 18 dwellings and 16/0953N approved for 27 dwellings. This application is a full application for 45 dwellings; however, the red edge of the site is slightly larger than the previous indicative outlines. Outline permission 14/5260N is an extant permission, with a reserved matters application outstanding which could still be determined and implemented and therefore this is a significant material consideration in the determination of this development. The outline permission for 16/0953N has lapsed but is still considered to be a material planning consideration.

### *Conclusion*

It is therefore considered that the principle of residential development on the site has previously been accepted, and its inclusion within the Wrenbury Neighbourhood Plan village settlement boundary means the site is acceptable in principle for residential development subject to compliance with all other relevant policies of the development plan.

### **Housing Land Supply**

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

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

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

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

The Council continues to monitor housing delivery and housing land supply, publishing its annual assessment through the Housing Monitoring Update

In May 2021, the Council has published an updated 5-year housing land supply position. National planning policy requires all councils to maintain a minimum 5-year supply of deliverable housing land. Not having a 5-year supply can have implications for planning application decision making, whereby the 'tilted balance' in favour of granting planning permission can apply. The Council's deliverable supply as at 31 March 2020 was 6.4 years.

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

Therefore, whilst the Council can demonstrate a 5 year supply, currently, this is not a maximum requirement, and housing is still needed to ensure the constant supply is achieved. Given the site is within the Wrenbury Neighbourhood Plan settlement boundary this is a policy compliant housing site which should be considered.

## **Housing Mix**

Paragraph 62 of the Framework states that 'the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes'.

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

The plans indicate a generally good mix of dwellings proposed, with 4 bungalows proposed, 26no semi-detached dwellings, 9no detached dwellings and 2 blocks of 3no mews properties. All dwellings are single or two storey dwellings. There is a mix of 2 and 3 bedrooms properties. The housing mix appears to adhere to the Neighbourhood Plan Policy which aims to restrict the level of detached properties to one third of the development, however it does not achieve a mix of affordable and market housing dwellings.

## **Affordable Housing**

The Cheshire East Local Plan (CELP) policy SC5 states in developments of 11 or more dwellings (or have a maximum combined gross floorspace of more than 1,000 sq.m) in Local Service Centres and all other locations at least 30% of all units are to be affordable. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

This is a proposed development of 45 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 14 (13.5) dwellings to be provided as affordable dwellings.

The CELP states in Policy SC5 justification paragraph 12.44, 'The Housing Development Study shows that there is the objectively-assessed need for affordable housing for a minimum of 7,100 dwellings over the plan period, which equates to an average of 355 dwellings per year.' This is for the whole borough of Cheshire East.

The current number of those on the Cheshire Homechoice waiting list with Wrenbury as their first choice is 26. This can be broken down to 12 x 1 bedroom, 6 x 2 bedroom, 7 x 3 bedroom and 1 x 4 bedroom dwellings. The waiting list also shows that 2 x 1 bedroom dwellings are required for over 55's.

From the available data (Without the Rural Housing Need Survey) a mix of 1, 2 and 3 dwellings would be acceptable with a provision for 1 bedroom over 55 accommodation.

9 units should be provided as Affordable/Social rent and 5 units as Intermediate tenure.

All Affordable Housing will need to be provided in line with policies SC 5 and if required SC 6 of the Cheshire East Local (CELPs).



The applicant has now confirmed that the site is to be 100% Affordable Site. The site is not considered to be a Rural Exception Site under SC 6 as it is located within the village settlement.

It is proposed that the following mix is provided.

- X 9 Affordable Rent
- X 15 Rent to Buy
- X 21 Shared Ownership

It is required that on a 100% Affordable site, 30% of the housing has to follow the preferred split of 65% Rented and 65% Intermediate, the 9 units as rented with the rest as Intermediate is considered to meet the required split.

There now has been an Affordable Housing Statement included in the revised Supplementary Planning Statement and includes the required information the housing team require. The provision should be secured by S106 Agreement.

It is therefore considered that the proposal although exceeds the normal 30% affordable housing provision required for the development site, the 100% affordable housing provision is a significant material consideration and would be a social benefit of the scheme.

### **Open Space**

The green infrastructure for this development consists of a landscaped amenity buffer on the northern boundary, green gateway from Station Road, a centrally located children's play area, and area located towards the lower section of the site, tree retention along western boundary and an ecological corridor adjacent to the River Weaver.

Policy SE6, Table 13.1 sets out the various green space land typology requirements major development should provide. The Green Space Strategy highlights Wrenbury has a shortage of 0.85ha of children and teenager play provision.

The amended plans show two areas for children's play one in the middle of the site and one towards the lower area of the site. The applicants states that there will be around 5,724 sqm of open space within the development, however part of this area is a SUDs pond and a wildlife meadow. Nevertheless, special areas of play have been shown on the plans with 4 pieces of equipment. These are indicative and it is considered that if permission is granted, a condition will be required for the full details to be agreed by condition, including the surfacing material of the proposed pathways, to ensure they are inclusive.

### ***Outdoor Sport***

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

The Play Pitch Strategy states there are various issues with the different sports played at Wrenbury Recreation Ground ranging from poor quality of pitches to sub standard changing facilities. This is classed as a local site with football capacity issues. Improvements to pitch quality and changing facilities

are suggested through the PPS. Therefore, a financial contribution of £1,000 per family dwelling or £500 per 2 bed space (or more) per apartment for off-site provision is sought. The proposal therefore requires a contribution of £45,000 to mitigate for the lack of outdoor sport provision towards the nearby Wrenbury Recreational Ground to be secured by S106 Agreement.

## Education

In Cheshire East we are committed to making a difference to the lives of children and young people in our communities.

Cheshire East had 96.3% of its schools rated as outstanding or good by Ofsted in 2016. Children's Services is committed to putting residents first and creating greater opportunities for our young people to live rewarding lives by delivering and maintaining a high standard of education in the Borough.

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.

The development of 45 dwellings is expected to generate:

- 9 - Primary children (45 x 0.19)
- 7 - Secondary children (45 x 0.15)
- 1 - SEN children (45 x 0.51 x 0.023%)

The development is expected to impact on primary and secondary school places in the locality. Contributions which have been negotiated on other developments are factored into the forecasts both in terms of the increased pupil numbers and the increased capacity at primary and secondary schools in the area as a result of agreed financial contributions. The analysis undertaken has identified that a shortfall of primary and secondary school places still remains.

The Service acknowledges that this is an existing concern, however the 9 primary age and 7 secondary age children expected from the Land South of Sandfield House, Station Road, Wrenbury application will exacerbate the shortfall.

Special Education provision within Cheshire East Council currently has a shortage of places available with at present over 47% of pupils educated outside of the Borough. The Service acknowledges that this is an existing concern, however the 1 child expected from the Land South of Sandfield House, Station Road, Wrenbury application will exacerbate the shortfall.

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

- 9 x £11,919 x 0.91 = £97,616 (primary)
- 7 x £17,959 x 0.91 = £114,399 (Secondary)
- 1 x £50,000 x 0.91 = £45,500 (SEN)

Total education contribution: £257,515

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

It is noted that the Parish Council have raised concerns regarding the existing Education Provision in the area being at full capacity, and therefore securing the contribution for additional children will be a benefit of the scheme which will therefore have a negligible impact on the schools as capacity is planned for.

### **Locational Sustainability**

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

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

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

It is noted that within the objections raised concerns relate to the lack of employment in the village, and the need for car journeys will increase. However, it is clear that within the last 18 months there has been a shift in certain sectors to enable home and flexible working and therefore although undoubtably there will be some journeys to employment outside of the village, there may also be more home working roles.

### **Residential Amenity**

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

The Council's separations standards, set out in the Development on Backland and Gardens SPD suggests a separation distance of 21m between opposing principle windows and 13.5m principle windows and flank elevations or non-habitable windows. However, the adopted standards within the Cheshire East Design Guide allow for lower separation distances where property front on to one another, and within development sites.

The plan layout generally meets the Council's separations distances externally, with an access road creating a buffer to the north of the site, with additional planting proposed along the northern boundary to help mitigate the impact further.

The amended plan shows the development moved away from the neighbours at Sandfield House, and located on the opposite side of the access road, and with a grass amenity area. Although the dwellings on plots 38/39 look toward the front garden of the dwelling they are located 22m away from the boundary and therefore are sufficient distance to adhere to the policies on separation distances. The existing protected trees are also located on this boundary and therefore will afford further protection to the neighbours at Sandfield House.

The Cheshire East Residential Design Guide sets out that a lower distance of 18m between frontages could be acceptable for new development. Within the site the majority of the houses meet the separation distances set out in the Design Guide, except plots 16 – 2, and Plots 10 – 21, which are 17m away from the front elevations, there are also some plots which are lower but do not directly overlook one another. Furthermore, the Design Guide sets out that there may be situations where a lower separation distance

can be accepted down to 12m. The design of the development has evolved over the application and the location of principle windows and side elevations has been carefully considered and where there are some closer properties the principle windows do not directly overlook one another, and therefore it is considered that the proposal is acceptable.

The Council also has a standard of 50m<sup>2</sup> garden areas for future occupiers, Plot 25 and Plot 44 fall just below this standard, but all other dwellings meet the requirement. Plot 5 is slightly affected by existing tree coverage in relation to the garden area, however it is not considered that this would have a significant impact on future neighbouring amenity due to the orientation of the dwelling.

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

It is therefore considered that the proposal is acceptable in terms of existing and proposed amenity and therefore is acceptable.

## Highways

The site currently consists of fields with little to no traffic movement associated with it. The proposal is a full application for 45 dwellings with a new access off Station Road. The site has previously had approval, via 2 separate outline applications, for the same number of dwellings as this current proposal, and the principle and detail of access has already been accepted.

There is a footway that runs from the site into Wrenbury providing access to the local destinations including to the bus stops on Nantwich Road. The train station can be accessed also, which is a short distance to the south of the site.

The Strategic Highways Officer notes that the access onto Station Road has been relocated from what has been approved but remains acceptable. The access will be sufficiently wide for vehicles and will adhere to CE adoptable standards. Also, 2m footways are provided within the site and parking is to standard. Sufficient turning areas for refuse vehicles will be available except for plots 35-44 where a bin collection point, adjacent to what will be the public highway, will be made available.

The Strategic Highways officer therefore notes that the proposal is acceptable and no objection is raised subject to a condition to ensure the visibility splays are kept obstruction free and an informative for a S38 Agreement.

## Landscape

This is a full application for 45 dwellings, access, open space and associated infrastructure on land south of Sandfield House, Station Road, Wrenbury. The application site covers an area of 2.08 hectares and is currently agricultural land, described in the Design and Access Statement as '*open grassland and comprises two linked agricultural fields which were historically grazed*'. The application site is bound to the north by existing residential development and to the south by the wider rural landscape. The River Weaver and associated woodland vegetation follows a route to the south of the western part of the proposed development.

The submission does not include either a Landscape and Visual Assessment or Appraisal. The Design and Access Statement does identify the site context and a number of constraints, including changes in level across the site, the ecological buffer zone along the River Weaver, electricity lines crossing the site and the existing hedgerow along the Station Road boundary. The Design and Access Statement also refers to the Cheshire East Design Guide, which identifies that the site is located within the Market Towns and Estate Villages Character Area.

The design principles for the proposals include a landscaped amenity buffer along the northern boundary, green access entry from Station Road, dual aspect properties, a centrally located children's play area, retention of existing trees along the western boundary, an ecological corridor and the retention of existing hedgerow. In some respects, many of these principles have been followed to an extent.

The revised landscape scheme for the site has addressed the concerns originally raised by the Landscape Officer and therefore is considered to now be acceptable. The landscape plan should be conditioned for implementation.

### **Trees**

The site is agricultural land with grassland, trees and hedgerows present. Three Pine trees to the north of the site on the boundary with Sandfield House are subject to the protection of the Crewe and Nantwich (Wrenbury No. 3) Tree Preservation Order 1984. There is significant variation in level across the site.

There is a history of planning applications relating to the site. The most recent application was withdrawn following an officer recommendation for refusal on grounds which included negative impact on trees.

Revised Layout D appears to incorporate minor amendments to the housing layout and provides further detail of the layout for the open space. The updated Arboricultural Impact Assessment dated 26/6/20 identifies likely impacts arising from the proposals and includes cross sections of areas where ground modelling is proposed near trees and hedges.

The Impacts shown are:

- Loss of 24m of roadside hedge for access and visibility splays
- Crown lifting of one tree over proposed access road
- Cutting back of hedgerows and tree groups to accommodate development
- Shading of plot 5 by a mature Ash tree T9

The Forestry Officer states that all healthy trees are shown for retention.

Ground modelling appears to have been detailed to reduce impacts on trees with the extensive use of retaining structures across the site. (No design details for structures identified other than a reference to a gabion wall in the POS on the Landscape Strategy plan). Full details can be conditioned for submission.

The Forestry Officer highlights that the layout could be improved further in the following areas:

- Affording greater separation between plot 5, mature Ash tree T9 and adjacent off site tree to the north. (As proposed, the property and half the garden will be over shadowed).

- Reducing the road back from the development boundary south of plot 34, affording space to accommodate further infill hedge planting as proposed between Tree groups G2 and G3, southeast of plots 34,35, 44 & 45).

The applicant has considered the proposed amendments, and states that although carefully considered, it has not been possible to make these amendments as it would threaten the overall delivery of the scheme, and on balance a large number of issues relating to tree have already been addressed. This should be considered within the planning balance of the scheme.

The Forestry Officer noted that in the event of approval, conditions should be attached to require the submission of a Tree Protection Scheme, submission of a AMS and the submission of detailed design detail of the proposed retaining structures.

## **Design**

The proposal has been assessed using the Council's Cheshire East Design Guide, supporting a Building for Life 12 assessment. The scheme as amended has scored 3 amber awards, and 9 Green awards for the scheme.

### *Connections* (Amber rating)

The homes are served by a single vehicular access from Station Road to the east and whilst this is clearly the only real option for connection to the existing highway, there is a concern over the nature of this entrance on what is an attractive gateway to the village. Internally, the split nature of the site (as a result of the topography) has led to an essentially linear layout with five cul-de-sac 'fingers' coming off it and whilst the reasons for this are clear, it is a not well connected layout. Whilst it is appreciated that the nature of the site, its location and topography in particular, does limit the options it is clearly not possible to award a green light here and an amber is the result.

### *Facilities and Services* (Green)

It would not be expected to provide additional facilities for a development of this size and none are included, aside from 'Children's Play'.

With regard to access to external facilities and services, it can be seen that the site lies within about a ten-minute walk of Wrenbury village centre and is slightly closer to the Primary School. As it is not reasonable to expect the provision of anything more in this location a green is awarded.

### *Public Transport* (Green)

The site is located around a ten-minute walk from the nearest stop on the only bus route serving the village which has a regular service into Nantwich at approximately 3-hour intervals. Potentially more useful for commuting is the Railway Station located only a few minutes walk down Station Road. This has hourly services into Crewe and less frequent ones into Chester where a wide range of connections can

be made. Overall, for a rural site public transport connections are good and as a result a green light is awarded here.

### *Meeting Local Housing Needs*

(Green)

The accommodation mix is suitably varied, including 2, 3 and 4-bed houses with some bungalows and has been seemingly agreed after consultation with the Local Planning Authority. Originally there was confusion over the amount of affordable housing being proposed. However, this has subsequently been confirmed as 100% affordable housing scheme and therefore is now afforded a Green award.

### *Character*

(Amber)

Site context and character analysis is included in the DAS and this makes useful reference to the Borough Design Guide, specifically the 'Market Towns and Estate Villages' character areas (CEC, 2017ii, pp59-68) and this is welcomed. Amended plans and discussions between the Design Teams were carried out and whilst originally awarded a red light, the most recent amendments have increased the award to Amber. The Design officer notes that it would be difficult to achieve any higher on this site due to the constraints posed by the location

### *Working with the Site and its Context*

(Amber)

There has been a clear attempt to retain trees on the site and the layout has been designed to accommodate these. There is also consideration of the sloping topography and the need to create an ecological buffer to the River Weaver to the south. The layout is considered to be successful in this regard, with the opportunity offered to create positive long distance views of the village and from the homes exploited with the 'fingers' of the lanes providing many oblique views. The difficult issue of the boundary to the north is also resolved as well as could be expected. One issue is the approximately 50m of mature hedgerow lost to the Station Road boundary and there is no indication of where this is to be replaced. As a result of this and the general issue over the high density of development described above, an amber is awarded here but this could be easily converted to green.

### *Creating Well Defined Streets and Spaces*

(Green)

The positioning of homes only along one side of the main entrance street is understandable given the constraints of the site and the building lines are generally appropriate. Homes turn corners well and both front doors and habitable rooms typically address the street, which is good. Overall, the height-to-width ratios are broadly appropriate too, and the homes facing the open space (plots 22-26 and 31-34) would have a pleasant outlook as well as providing useful surveillance. The termination of the views at the end of the cul-de-sac 'fingers' with the open space and river beyond could/should be successful but some more exploration of how this may look would be useful. Overall though this is successful, buildings define and enhance streets and a green is awarded.

### *Easy to Find Your Way Around*

(Green)

The scheme is relatively small and there are a number of natural signposts to act as references, so finding your way around is not likely to be an issue. The lack of internal connectivity as a result of the multiple cul-de-sac layout could be problematic as could the lack of distinctiveness with the house types but, despite this the scheme would still be easy to navigate and therefore a green light is awarded here.

### *Streets For All* (Green)

There is a suitably simple hierarchy of streets with a variation in surface treatments. Amendments have been made to the layout to clarify the hierarchy and the amber light has been increased to green.

### *Car Parking* (Green)

Initially concerns were raised regarding some of the larger parking areas and lack of visitor parking. These issues have now been amended and the scheme has been awarded a Green.

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

The consistent building lines and a layout with private gardens to the rear and semi-private spaces to the front means that public and private spaces should generally be clearly defined across the scheme. The application now identifies the various boundary treatments and has more detailed information regards the public area and Childrens Play area. The development is now awarded a Green.

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

There is adequate space for the storage of household waste including recycling at the rear of the dwellings and there is a clear external route to the front of the property for collection without the need to go through homes. Clarity on the location and storage has been shown on the amended plans and the proposal has now been scored a Green award.

### Conclusion

The Urban Design officer therefore concludes that as a result of the amended plans, there are no longer any objections to the scheme from an urban design perspective.

## **Ecology**

The application includes protected species survey, which the Councils Ecologist has considered.

### Hedgerows

Hedgerows are a priority habitat and hence a material consideration. The proposed development will result in the loss of a 24m section of hedgerow to facilitate the site access.



The Ecology officer advises that in the event that this loss of hedgerow is considered unavoidable and planning consent is granted, sufficient replacement hedgerow planting would be required to be delivered to compensate for that lost.

A condition should be included in any permission for the replacement of hedgerow to mitigate the loss.

### Other protected species

Other Protected species activity appears to have reduced on site in recent years. However, a number of habitats are still present on site. The proposed layout would result in the loss of one sett and the potential disturbance of a second. In order to avoid the risk of other protected species being harmed during the construction phase the applicant proposes to permanently close one minor habitat and temporarily close a second habitat prior to the commencement of development. The setts would be closed under the terms of a Natural England license. The submitted mitigation strategy also includes recommendations for the monitoring of activity on site prior to the commencement of development.

In the event that planning consent is granted the Councils Ecologist advises that the proposed mitigation is acceptable to address the impacts of the development upon the existing other protected species habitat.

The proposed development would also result in the loss of foraging habitat. It is advised that this is not likely to have a significant impact upon the species provided suitable habitat is retained adjacent to the river corridor.

As the status of other protected species can change within a short timescale it is recommended that if planning consent is granted a condition should be attached which requires the submission of an updated other protected species survey and mitigation strategy prior to the commencement of development.

### Barn Owl

This priority species was previously recorded foraging over the rough vegetation adjacent to the river to the south of the site. This habitat does not however appear optimal for barn owls. The Councils Ecologist advises that the retention of an undeveloped buffer between the proposed development and the river would retain the barn foraging habitat. Under the current proposals an area of 'Wild flower planting is proposed'. This is likely to retain suboptimal habitat for barn owls on site.

### Trees with Bat roosting potential

Bat foraging activity on site, as recorded during surveys to inform the earlier application at this site, was concentrated around the south west corner of the application site close to the Ash trees in this locality and also to the south east of the site adjacent to a large Oak Tree. The submitted ecological assessment identified a number of trees with potential to support roosting bats. These trees would however be retained as part of the proposed development. The proposed development is therefore unlikely to have a direct impact upon foraging bats.

To avoid any adverse impacts on bats resulting from any lighting associated with the development it is recommend that if planning permission is granted a condition should be attached requiring any additional lighting to be agreed with the LPA.

#### River Weaver

The proposed development retains a buffer between the proposed development and the adjacent River Weaver. This buffer would be sufficient to avoid any direct impacts on the river. The Council's Ecologist further advises that in the event that planning consent is granted a Construction Environmental Management Plan (CEMP) which includes proposals to safeguard the river corridor and associated habitats should be secured by means of a condition.

#### Offsetting/Defra metric - final comments

Local Plan Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity. The applicant has submitted a biodiversity assessment using the version 2.0 Biodiversity Metric. An assessment of this type quantifies the residual impacts of the development and calculates in 'units' whether the proposed development would deliver a net gain or loss for biodiversity.

The submitted assessment concludes that the proposed development would result in a loss of 0.61 biodiversity units. With a total of 1.06 units being required to delivered 10% net gain.

The proposed development therefore fails to comply with Local Plan policy SE3.

However, if the Council is minded to approve this application the Council may accept a commuted sum in order to deliver habitat creation at an off-site location.

The commuted sum would be calculated on the basis of £10,035 being cost per biodiversity unit of grassland habitat required and an additional fee of £1,200 per unit to cover our officer time and expenses in delivering the offsite habitat creation works. These are the figures from the CEC Biodiversity SPD which has just been through its consultation period.

As 1.06units are required to secure Biodiversity Net Gain, the appropriate commuted sum would be calculated as follows:

$$1.06 \text{ (units required)} \times £11,235.00 \text{ (habitat creation + additional fee)} = £11,909.10$$

In order to ensure sufficient habitat creation is delivered on site a habitat creation method statement and 30 year management plan is required, to be secured by condition.

Furthermore, this planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development. It is therefore recommended that if planning permission is granted a condition should be attached which requires the submission of an ecological enhancement strategy.

## **Air Quality**

Policy SE12 of the Local Plan states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality. This is in accordance with paragraph 181 of the NPPF and the Government's Air Quality Strategy.

When assessing the impact of a development on Local Air Quality, this office has regard to (amongst other things) the Council's Air Quality Strategy, the Air Quality Action Plan, Local Monitoring Data and the EPUK Guidance "Land Use Planning & Development Control: Planning for Air Quality January 2017)

This proposal is for the construction of 45 new dwellings. Whilst this scheme itself is of a scale which 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 developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality.

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

- Travel Information Pack
- Electric Vehicle Infrastructure

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

## **Flood Risk**

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

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

Furthermore, the Councils Flood Risk Officers have raised no objections to the proposal and note that the FRA has been accepted by the Environment Agency. The developer will be required to seek appropriate permits in line with EA guidance on outfall into a min river. Subject to conditions the Floodrisk Officer has raised no concerns.

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

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

## **Agricultural Land Quality**

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

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

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

## **CIL Compliance**

In order to comply with the Community Infrastructure Regulations 2010, it is necessary for planning applications with planning obligations to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The proposal would result in a requirement for the provision of 14 affordable units which would be split on a social rented/intermediate basis. This is considered to be necessary and fair and reasonable in relation to the development. However, the scheme is proposed at 100% affordable and to ensure all is provided in accordance with the mix set out above, it is considered reasonable and fair to ensure it is retained as such in perpetuity.

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

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

Furthermore, the site will incur a loss of 0.61 biodiversity units with a total of 1.06 units being required to deliver a 10% net gain as required by policy. This is required to make the proposal policy compliant and there is considered to be directly related, fair and reasonable.

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

## **PLANNING BALANCE**

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

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

The proposal site is located within the open countryside as set out in the Cheshire East Local Plan, however is located within the Wrenbury settlement boundary as set out within the Wrenbury Neighbourhood Plan Policy HOU2, it is therefore considered to lie within the settlement. Part of the site is also shown to be within the village settlement within the emerging SADPD policies.

The proposal seeks permission for 45 affordable houses across two plots, off Station Road, Wrenbury. The site is bounded by residential development to north, garages to the west, Station Road to the east and the River Weaver to the south. Permission has previously been granted at outline state for 18 dwellings (14/5260N) and a further 27 dwellings (16/0953N). Outline permission is still extant on 14/5260N which is a significant material consideration.

The benefits of the proposal would be the provision of 100% affordable housing, Children Play space on site and the limited economic benefits during construction.

The development would have a neutral impact upon, flooding, air quality and contaminated land, and the loss of Agricultural Land. Also, it would have a neutral impact on ecology, and trees subject to conditions, where necessary. The development will also include mitigation in terms of offsite contribution for Outdoor Sport, Education and Bio-diversity net gain.

The dis-benefits would be the loss of open countryside, and lack of market housing.

It is therefore considered that on balance the development is acceptable and largely accords with the relevant policies within the Development Plan.

## **RECOMMENDATION:**

**Approve subject to S106 Agreement and conditions;**

**Head of Terms**

| <b>S106</b>                         | <b>Amount</b>   | <b>Triggers</b>   |
|-------------------------------------|---|---|
| <b>Affordable Housing</b>           | 100% Affordable Housing provision (9no affordable rent, 15no Rent to Buy, and 21no shared ownership)  | All development to accord   |
| <b>Education</b>                    | Contribution of £257,515 in total.<br>£97,616 towards Primary Education<br>£114,399 towards secondary education and<br>£45,5000 towards special education needs education | 50% Prior to first occupation<br>50% at occupation of 23rd dwelling   |
| <b>Public Open Space</b>            | 1 Provision of Public Open Space, and to be maintained by a private management company<br>2 Contribution of £45,000 towards the Wrenbury Recreational Ground.             | Open space on site prior to first occupation<br><br>Contribution –<br>50% Prior to first occupation<br>50% at occupation of 26th dwelling |
| <b>Ecology (Bio-diversity Gain)</b> | Contribution of £11,909.10  | Prior to first occupation   |

**And the following Conditions**

1. **Standard Time – 3 years**
2. **Compliance with the Approved plans**
3. **Materials to be submitted and approved**
4. **Surfacing materials to be submitted and approved**
5. **Landscape Scheme to be submitted and approved**
6. **Landscape Implementation**
7. **Details of boundary treatment across the whole site to be submitted and approved**
8. **Tree Protection scheme to be submitted and approved**
9. **AMS to be submitted and approved**
10. **Details of retaining structures to be submitted and approved**
11. **Lighting strategy to be submitted and approved**
12. **Habitat Creation method statement and 30 yr management plan to be submitted and approved**
13. **Updated Badger Survey to be submitted and approved**
14. **Submission of CEMP to safeguard the River Weaver to be submitted and approved**

15. Ecological Enhancement Strategy to be submitted and approved
16. Development to adhere to FRA and mitigation within it
17. Detailed strategy/design limiting the surface water runoff generated by the proposal, and associated management /maintenance plan - required prior to commencement
18. Levels information required, GFL and FFLs to be submitted and approved
19. Foul and surface water to be drained separately
20. Travel Information Pack to be submitted and approved
21. Electric Vehicle Charging Provision to be submitted and approved
22. Soil Importation to be submitted and approved
23. Unexpected contaminated land
24. Full details of Children's Play equipment, and surfacing details to be submitted and approved
25. PD rights removed including surfacing of front gardens
26. Visibility Splays as plan and kept obstruction free

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

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

| <b>S106</b>               | <b>Amount</b>   | <b>Triggers</b>   |
|---------------------------|---|---|
| <b>Affordable Housing</b> | 100% Affordable Housing provision (9no affordable rent, 15no Rent to Buy, and 21no shared ownership)  | All development to accord   |
| <b>Education</b>          | Contribution of £257,515 in total.<br>£97,616 towards Primary Education<br>£114,399 towards secondary education and<br>£45,5000 towards special education needs education | 50% Prior to first occupation<br>50% at occupation of 23rd dwelling                                 |
| <b>Public Open Space</b>  | 3Provision of Public Open Space, and to be maintained by a private management company   | Open space on site prior to first occupation<br><br>Contribution –<br>50% Prior to first occupation |

|                                     |   |                                    |
|-------------------------------------|---|------------------------------------|
|                                     | 4 Contribution of £45,000 towards the Wrenbury Recreational Ground. | 50% at occupation of 26th dwelling |
| <b>Ecology (Bio-diversity Gain)</b> | Contribution of £11,909.10  | Prior to first occupation          |





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Application No: 20/4532N

Location: WALNUT TREE FARM, RADWAY GREEN ROAD, BARTHOMLEY,  
CW2 5PQ

Proposal: Relocation of Cheshire Microlight Center from Arclid (Sandbach) to Walnut Tree Farm, Barthomley Extension of existing barn to store microlights and existing field currently used for agricultural purposes, converted for a grassed landing strip. Field to be retained for grazing.

Applicant: Mr Paul Abell

Expiry Date: 10-Feb-2021

## **SUMMARY**

The proposed development does not preserve the openness of the Green Belt. The proposed development is inappropriate within the Green Belt and no very special circumstances have been identified. The proposed development is therefore unacceptable in principle and conflicts with CELPS Policy PG3, saved C&NLP Policy NE.1 and the NPPF.

Insufficient information has been provided in relation to noise and the impact upon residential amenity and an adjacent riding school cannot be determined. The proposed development is contrary to Policies BE1, RT16 and NE17 of the C&NLP and Policies EG2, SC1 and SE12 of the CELPS and the NPPF.

The site is in close proximity to the Midland Meres & Mosses – Phase 2 Ramsar, Oakhanger Moss Site of Special Scientific Interest (SSSI), Black Firs & Cranberry Bog SSSI and Sandbach Flashes SSSI. The application could have potential significant effects on these designated sites, and no Habitat Regulations Assessment has been provided. The proposed development is contrary to Policy SE3 of the CELPS and Policies NE.6 and NE.7 of the C&NLP and the NPPF.

The development would encroach upon a PROW and insufficient information has been provided in relation to this issue. The proposed development is contrary to Policy RT.9 of the C&NLP.

A major hazard pipeline crosses the site and insufficient information has been provided in relation to this issue. The proposed development is contrary to Policy BE.21 of the C&NLP.

There are no issues in terms of the impact of the development upon built heritage, trees, highways and air quality. The development complies with the Development Plan in relation to these issues.

The benefits of the proposed development are noted. However, it is not considered that these benefits outweigh the harm identified and on this basis the application is recommended for refusal.

## **RECOMMENDATION**

**REFUSE**

## **REASON FOR REFERRAL**

This application is referred to Southern Planning Committee at the request of Cllr Edgar for the following reasons;

- *Scant details of the number and type of aircraft being stored and used.*
- *Seasonal details of when flying with take place.*
- *Number of movements per day expected.*
- *Storage of fuel, parts, accessories and the provision for servicing.*
- Why has the existing site ceased operation? Was it due noise disturbance, frequency of flights, car traffic to and from the site?*
- *Is it reasonable to expect aircraft to do their landing and take-off so close to the M6 motorway?*
- *Noise impact over predominately rural area with many stables. Will it literally 'frighten the horses'?*

## **DESCRIPTION OF SITE AND CONTEXT**

The application site is a farm located to the western side of Radway Green Road. A short distance to the east of Radway Green Road is the M6.

The site lies within the Green Belt as defined by the Development Plan.

The site includes a working farm and fishery.

PROW Barthomley FP9 runs through the application site

## **DETAILS OF PROPOSAL**

The application seeks planning permission for the relocation of the Cheshire microlight centre from Arclid.

This will involve the creation of a grassed landing strip. The application form states that the field will be retained for grazing.

The development includes the extension of an existing barn to store microlights. This building would measure 25m in width and 35m in length. The building would have an eaves height of 4.2m and a ridge height of 6.4m. A small office (10m x 4.1m would be attached to this extension). There would be associated hardstanding provided as part of this extension.

## **RELEVANT HISTORY**

21/3779N - Prior approval of agricultural building - Prior Approval Not Required 28<sup>th</sup> July 2021

14/5318N - Agricultural lean-to building - Approved 5<sup>th</sup> January 2015

11/4467N - Retention of Silage Clamp Extension - Approved 27<sup>th</sup> January 2012

11/2540N - New agricultural building - Approved 26<sup>th</sup> August 2011

11/2538N - Lean-to extension of existing building - Approved 11<sup>th</sup> October 2011

11/0591N - The Erection of a 233m<sup>2</sup> General Purpose Agricultural Building within the Farm Yard at Walnut Tree Farm - Approved 20<sup>th</sup> April 2011

10/2205N - 90m<sup>2</sup> Extension to a General Purpose Agricultural Building - Approved 2<sup>nd</sup> August 2010

10/1457N - 450m sq. General Purpose Agricultural Building - Approved 18<sup>th</sup> May 2010

P99/0112 - Quad bike and horse riding track, chalet and car parking - Approved 27<sup>th</sup> April 2000

P98/0387 - Angling and irrigation pool with car parking - Approved 23<sup>rd</sup> July 1998

P92/0530 - Farm store (GDO determination) - Permitted Development 14<sup>th</sup> July 1992

7/18580 - Agricultural fertiliser plant (retrospective) - Approved 26<sup>th</sup> July 1990

## **POLICIES**

### **Local Plan Policy**

#### **Cheshire East Local Plan Strategy (CELPS)**

MP1 - Presumption in Favour of Sustainable Development

SD1 - Sustainable Development in Cheshire East

SD2 – Sustainable Development Principles

PG3 - Green Belt

PG6 - Open Countryside

SE1 - Design

SE3 - Biodiversity and Geodiversity

SE4 - The Landscape

SE5 - Trees, Hedgerows and Woodland

SE6 - Green Infrastructure

SE7 - The Historic Environment

SE12 - Pollution, Land Contamination and Land Instability  
SE13 - Flood Risk and Water Management  
CO1 - Sustainable Travel and Transport  
CO2 - Enabling Business Growth through Transport Infrastructure  
SC1 - Leisure and Recreation  
SC3 - Health and Well-Being  
EG1 - Economic Prosperity  
EG2 - Rural Economy  
EG4 - Tourism

### **Crewe and Nantwich Local Plan**

- 1.
2. NE1 - Development in the Green Belt
3. NE5 - Nature Conservation and Habitats
4. NE9 - Protected Species
5. NE13 - Rural Diversification
6. NE17 - Pollution Control
7. NE20 - Flood Prevention
8. BE1 - Amenity
9. BE3 - Access and Parking
10. BE4 - Drainage, Utilities and Resources
11. BE6 - Development on Potentially Contaminated Land
12. BE7 Conservation Areas
13. BE21 - Hazardous Installations
14. TRAN3 - Pedestrians
15. TRAN5 - Provision for Cyclists
16. RT16 - Noise Generating Sports

### **Neighbourhood Plan**

There is no Neighbourhood Plan in Barthomley.

### **Other Material Considerations**

National Planning Policy Framework  
Department for Transport (2015) General Aviation Strategy.

## **CONSULTATION RESPONSES**

**Environment Agency:** The LPA should refer to the Environment Agency standing advice.

**Natural England:** As submitted, the application could have potential significant effects on these designated sites. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- A Habitats Regulations Assessment (HRA)

Without this information, Natural England may need to object to the proposal.

**CEC Flood Risk Manager:** No objection subject to the imposition of a planning condition regarding surface water drainage.

**CEC PROW:** It would appear from inspection of the definitive map that Public Footpath 9 Barthomley will be obstructed by the proposed development. As there is currently no proposal for the path to be suitably diverted under the Town and Country Planning Act 1990 (TCPA) by the applicant the PROW Team wish to object to the planning application. The primary duty of the Cheshire East Borough Council is to keep public rights of way open and available for members of the public. The obstruction of a public right of way is also a criminal offence, so without a suitable proposal to divert this footpath we have no option but to object to the development.

**Cadent Gas:** General Advice provided.

**National Grid:** The National Grid has reviewed this application and has issued a Holding Objection. The National Grid would like to know the following;

- How would the field be converted into a landing strip?
- Mitigation to protect the gas pipeline would be required as it runs through the middle of the proposed landing strip

**Network Rail:** No comments received.

**Manchester Airport:** No comments received.

**Civil Aviation Authority:** No comments received.

**Health and Safety Executive:** HSE's advice is that there are sufficient reasons on safety grounds, for advising against the granting of planning permission in this case.

**Highways England:** No objection.

**Strategic Highways Manager:** The application is acceptable in regard to highways and no objections are raised.

**Environmental Health:** Insufficient information provided relating to noise. Recommend refusal.

## **VIEWS OF THE PARISH / TOWN COUNCIL**

**Barthomley Parish Council:** The Parish Council together with the Barthomley Action Group object to the application. The objection concludes as follows;

- Following a detailed review of the documentation submitted, it is considered that this poorly conceived application has completely disregarded the provisions of the National Planning Policy Framework and the adopted Development Plan for Cheshire East. This is demonstrated



by the lack of detailed information submitted with the application, and in particular the lack of suitable survey work or mitigation proposed, and the disregard for the provisions of the national and local planning policies of reference to this proposal. Approval of the scheme would be to the detriment of the character and appearance of Barthomley and would not support the aims of local or national policy.

- There are also considerable flaws in how the application has been submitted and a significant amount of information is missing, making a thorough assessment of the proposal and its impacts difficult. In view of this, the Parish Council trust that the application will be refused. There are also a number of material considerations, including effect on neighbouring properties and noise, that warrant the outright refusal of the application.

- Should additional information be submitted, or a revised scheme be prepared, the Parish Council ask that they and other third parties be given the opportunity to review and comment as necessary.

- In addition, should the Council be minded to approve the proposal based on the information provided in support of the application, the Parish Council is advised to seek legal recourse.

### **OTHER REPRESENTATIONS**

Letters of objection have been received from 46 households raising the following points;

- Possibility of planning creep - light planes next
- No details of air corridors and heights that the planes will fly
- Traffic congestion in the area
- The field should be retained for the production of food
- Lack of detail contained within the application
- There is no benefit for Barthomley
- Storage of flammable liquid at the site
- There is already a quad bike centre at the site causing problems
- Danger caused by people learning to fly
- Proximity to riding stables
- Noise will affect the Conservation Area
- Impact of the development on footpaths FP9 and FP10. Diversions will need to be put in place
- Contrary to Green Belt policies
- The letters of support are coming from a wider area and the negative impact upon the residents in the area outweighs the benefits
- Obstruct PROW network
- The development and any lighting will be an eyesore
- Intrusive to local residents and businesses
- Increased pollution
- Risk of drivers landing on the M6 or local road network
- Disproportionate additions within the Green Belt
- Commercial development will impact upon the peace and quiet of the village and the Barthomley Conservation Area
- Microlights fly low and are intrusive in terms of noise and privacy
- Disruption to local wildlife
- Disruption to homes

- Distress to horses
- Access to this site will be difficult with a turning trailer and microlight
- Disturbance of church services at Barthomley
- The site is within the Green Belt
- The site is adjacent to a SSSI
- Concerns that activity will take place 6 days a week with no limit on operating hours
- Concern that microlights will distract motorists
- Impact upon a PROW
- Overhead powerlines in the area
- The airfield is over a main gas pipe
- Proximity to a railway line
- Proximity to Radway Green

Letters of support have been received from 45 households raising the following points;

- A microlight field consists of a short grass strip (around 600m in length) which is created using a tractor and mower
- Lack of hangarage within Cheshire
- As part of the application for the Arclid site in 1993 the Congleton Borough Environmental Health Officer accepted that there would be no harm in terms of noise
- An agreed pattern and variable departure routes could be established
- The NPPF advises that recreational facilities should be replaced
- There were footpaths in close proximity to the Arclid site
- For 3 decades the Arclid site has operated in close proximity to residential properties, livestock and equestrian activity
- The Arclid site has been lost due to an extension to the quarry
- There is a shortage of facilities within Cheshire
- Many people who learned to fly at Arclid have gone on to have successful careers in aviation
- The NPPF supports farm diversification
- The Arclid facility provides a location where people are able to learn to fly
- The site at Arclid provides an important facility for members of the Cheshire Flying Club
- The Arclid site provided a sense of community
- This is an ideal location for a small airstrip
- Across the country there are many airstrips which coexist harmoniously with rural dwellers and livestock
- Modern microlights are remarkably quiet and much less intrusive than motorsport counterparts
- The environmental impact is low
- This development would represent a welcome local facility in Cheshire
- The closure of the Arclid site has been a great loss to the Cheshire microlight community. People are now having to travel miles to participate in this sport
- Flying a microlight is an affordable hobby
- The proposal will provide a facility for young up and coming pilots
- The microlights are not noisy and require nice weather to fly
- Having lived near the Arclid site it has been sad to see the site close
- Microlights are a pleasure to watch
- People who use the microlights try to cause as little disruption as possible

- Local residents should not be worried about noise or inconvenience
- The microlights will fly all over Cheshire and beyond
- The noise from the M6 was more of a problem for the residents near to the Arclid site
- Noise from the motorway would be greater at this site
- Will offer a facility for people training for their drivers licence
- The Government acknowledges the benefits to the local community from aviation
- Boost to the local economy
- Training will take place by experienced professionals
- The sport is highly regulated
- Microlights can only operate in daylight hours and suitable weather conditions (low wind, no rain, no fog). This will limit the use of the site especially during winter months.

Letters of general observation has been received from 1 local business and 1 household raising the following points;

- No objection to the development
- Further information is required in terms of flight frequency and direction
- Concern over the impact upon horses which maybe startled
- The site is within the Green Belt
- Proximity to the M6
- Concern that noise will disturb local residents and wildlife

An objection has been received from Cllr Addison which raises the following points;

- This site will operate for 6 days per week and the main concern relates to the impact that noise and sight of aircraft will have on local animals
- There are several farms in the area, many of which house a large amount of livestock (sheep, cows and horses).
- Horses are very likely to be spooked and this can cause harm to themselves and/or their owner
- The risk to livestock outweighs any benefits to the local economy
- The development may impact upon local equine businesses
- A large amount of construction work is due to take place in the area including the duelling of the A500 which will increase traffic in the area
- Concern over increased vehicular movements through the narrow lanes in the village
- Noise pollution and loss of privacy to local residents
- Barthomley is not a suitable location for this type of development
- If approved there should be a restriction on the number of microlights which can be stored on the site and an estimation of the number of planes which fly each week and during what times.

## OFFICER APPRAISAL

### Principle of Development

The application site is in the Green Belt.

NPPF Paragraph 149 specifies that the provision of *'appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it'*

The purposes of Green Belt are identified within paragraph 138 of the NPPF and are as follows;

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

CELPS Policy PG3 3 ii of the Cheshire East Local Plan Strategy 2010-2030 (July 2017) replicates the Framework's approach to development within the Green Belt.

C&NLP Policy NE.1 sets out certain exceptions of development which are acceptable within the Green Belt, which includes 'facilities for outdoor sport and outdoor recreation'. However, the relevant assessment within NE.1 appears to set a higher bar than that within PG3 and the NPPF in that the development must be 'essential' rather than 'appropriate'.

The second part of PG3 3ii requires that development *"preserves the openness of the Green Belt and not to conflict with the purposes of including land within it"*. Similar wording is included with Policy NE.1.

The site of the proposed airstrip, building and hardstanding is undeveloped and is free from built development.

The airstrip would be grass and it is understood that this would be created by a tractor and mower. Although there would be some minor visual change in the appearance of the field it would still appear as an undeveloped field with a mown strip in the centre. There would be a very minor change in the appearance of this field and it is considered that this would preserve the openness of the Green Belt.

The proposed building and the laying of the hardstanding would result in the loss of openness, as there would be built development in a location which is currently free from development. On this basis the proposed development would fail to preserve the openness of the Green Belt and conflicts with the purposes of including land within it.

As a result the proposed development does not fall within the exceptions set out in paragraph 149 of the NPPF. In accordance with paragraph 147 of the NPPF inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances.

### Very Special Circumstances

No Supporting Statement has been provided in support of this application to demonstrate very special circumstances have been identified by the applicant. The letters of support are noted but it is not considered that this represents very special circumstances.

Bearing all the above in mind, the application does not preserve the openness of the Green Belt and on this basis the development represents inappropriate development in the Green Belt. No very special circumstances have been identified and planning permission should not be granted. The proposed development is therefore unacceptable in principle and conflicts with the NPPF, CELPS Policy PG3 and saved C&NLP Policy NE.1.

### **Design**

Policy SD1 states that wherever possible development should 'provide a locally distinct, high quality, sustainable, well designed and durable environment'.

The proposed building is designed to appear as an agricultural shed and in purely design terms there is no objection to this proposed development.

### **Built Heritage**

Concern has been raised about the impact of the development upon the Conservation Area and Listed Buildings at Barthomley. It is also noted that there are closer listed buildings at Mill Farm (Grade II), Cherry Tree Farm (Grade II) and Churchfields Farm (Grade II\*).

The noise of microlights flying over these heritage assets would be limited to a short period of time as they fly past overhead. The heritage assets will also be subject to noise from the M6 and the A500. As a result, it is not considered that the development will impact upon these heritage assets.

### **Trees and Hedgerows**

Policy SE5 of the CELPS states that development which would result in the loss of hedgerows that provide a significant contribution to the amenity, or landscape character of an area will not be permitted except where there are overriding reasons for allowing the development and there are no suitable alternatives.

The field which would contain the airstrip is linear in its form and is enclosed with by traditional hedgerows and trees. The access between the proposed building and the airstrip would utilise an existing field gate.

No trees would be removed as part of this application and the development is of a sufficient distance to the surrounding trees. As such there would be no impact upon the surrounding trees.

This proposed development is contrary to Policy SE5 of the CELPS.

### **Amenity**

A large number of the objections refer to the impact of the development upon residential amenity in terms of noise and privacy.

Policy BE.1 (Amenity) of the C&NLP states that new development will be permitted provided that it does not prejudice the amenity of the occupiers of the adjacent property by reason of overlooking and noise and disturbance.

Policy NE.17 (Pollution Control) states that development proposals will not be permitted that would be likely to lead to any permanent and unacceptable increase in noise levels in the surrounding area.

Policy RT.16 (Noise Generating Sports) states that development proposals for noisy and intrusive recreational activities should be located on sites where the impact on the amenity of the adjacent area and nearby residents can be minimised and the use will not conflict with the quiet enjoyment of other recreational users of the countryside.

Policy SE12 of the CELPS (Pollution, Land Contamination and Land Instability) states that the Council will seek to ensure all development is located and designed so as not to result in a harmful impact on air quality or noise which would detrimentally affect amenity or cause harm.

### **Noise**

The issue of noise is raised within a number of letters of objection. The British Microlight Aircraft Association (BMAA) Code of Best Practice identifies that considerate pilots will do all they can to minimise the effect that the noise of the aircraft will have on the residents in the local area. It then states that the;

*'basic layout of the circuit pattern should seek to avoid flying close to houses whilst the aircraft is using high power settings. This can be achieved by routing the climb path away from houses although this should not be done in a way that can compromise the safety of the aircraft in the event of a power failure'*

In this case it is noted that there are residential properties in close proximity to the application site. The site is also in close proximity to the M6.

In this case the noise from flying microlights is controlled via the Civil Aviation Authority (CAA) and any noise would be limited to a very small point in time when the microlight passes over a certain point on the ground.

The main impact in terms of noise is from the take-off and landing of the microlights. The impact will be greater for take-off when the power used is at its greatest.

In this case no Noise Assessment has been submitted as part of this application. Therefore insufficient information has been submitted with the application, in order to adequately assess the impact of the proposed development having regard to noise from the proposed use of the site.

In the absence of this information, it has not been possible to demonstrate that the proposal would comply with policies BE1, RT16 and NE17 of the C&NLP and Policy SE12 of the CELPS.

#### Noise Impact upon livestock

Concerns have been raised over the impact of the development upon livestock, and specifically in relation to horses and a nearby riding school to the west of the site. The concern relates to horses being spooked and the potential harm to riders and the animal.

It is accepted that the issue could result in harm to an existing business within the countryside and this issue was considered by an Inspector when he dismissed the appeal at Northern Dairies, Groby Road, Crewe

Insufficient information has been provided in relation to noise, the proposed flight paths and which direction the microlights will take-off/land.

As a result there would be some conflict with Policy EG2 (Rural Economy) which states that the Council will '*encourage the retention and expansion of existing businesses*' and Policy SC1 (Leisure and Recreation) of the CELPS which states that the Council will seek '*to protect and enhance existing leisure and recreation facilities*'.

There would also be conflict with Policy BE.1 which states that development should not result in an adverse effect on other use of land.

#### Privacy

A number of the letters of objection have raised the issue of privacy caused by microlights flying over dwellings within the vicinity of the site.

This issue was considered as part of an appeal decision at Out Rawcliffe, Wyre Borough Council. As part of this appeal decision the Inspector found that;

*'As aircraft landing and taking off pass relatively close at low altitude to dwellings near the runway, I can well understand the concern expressed by local residents about loss of privacy. At these critical times, however, I would expect the pilot to be concentrating rather more on aircraft control than on what people might be doing in their homes. Even when a twin seat aircraft were in use the likelihood is that is that, given the appellant operates a microlight flying school, the second seat would be operated by an instructor. Again, I would expect there to be little time or inclination to observe domestic activities on the ground. Aircraft flying in circuit or in entry/exit lanes would be at greater altitude giving rise, in my opinion, to negligible loss of privacy. Overall, I doubt whether in reality there is any significant loss of privacy'*

The same conclusions would apply to this application and in terms of privacy the development would comply with Policy BE.1 of the C&NLP.

### Air Quality

Concern has been raised in terms of increased air pollution. In this case the site is not in close proximity to any Air Quality Management Area and the Councils Environmental Health Officer has raised no objection to the application in terms of the impact upon air quality.

### **Ecology**

#### Designated Sites

The site is in close proximity to the Midland Meres & Mosses – Phase 2 Ramsar, Oakhanger Moss Site of Special Scientific Interest (SSSI), Black Firs & Cranberry Bog SSSI and Sandbach Flashes SSSI.

Natural England have stated that the application could have potential significant effects on these designated sites, and that they require further information in order to determine the significance of these impacts and the scope for mitigation.

Without a Habitats Regulations Assessment (HRA) the proposed development is contrary to Policy SE3 of the CELPS and Policies NE.6 and NE.7 of the C&NLP.

The disturbance of wildlife and the impact upon protected species has been raised within a number of the letters of objection. This issue has been considered by the Councils Ecologist and he has confirmed that he does not raise any objection in terms of the impact upon wildlife and protected species.

### **Highways**

The existing farm access taken from Radway Green Road is to be used for this application. The highways officer has stated that this is a suitable standard of access that can accommodate the light traffic that will be accessing the site.



There is long site access road that leads to the farm that has 26 car parking spaces. It is not considered that traffic associated with the flying of Microlights will be intensive and that it would impact upon the operation of the public highway.

Local residents have raised concerns that the development would cause a distraction to vehicles travelling on the M6. In this case the Highways Agency have been consulted and raised no objection in relation to this issue.

The development complies with Policies CO2 of the CELPS, Policy BE.3 of the C&NLP.

### **Public Rights of Way (PROW)**

There are a number of PROW within the vicinity of the site as follows;

- Barthomley FP10 runs along the access to the farm heading north
- Barthomley FP9 runs east-west just to the south of the existing farm complex. The siting of the proposed building will encroach across the line of FP9
- Barthomley FP8 is located to the west of the site and is outside the red edge of the application site

Policy RT.9 of the C&NLP 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'*.

The PROW Officer notes that there is currently no proposal for the path to be suitably diverted under the Town and Country Planning Act 1990 (TCPA) by the applicant that they object to the planning application.

As a result the proposed development is contrary to Policy RT.9 of the C&NLP.

### **Hazardous Installations**

The application site is impacted by two hazardous installations; the munitions factory at Radway Green and a gas pipeline which runs through the landing strip.

Major hazard sites/pipelines are subject to the requirements of the Health and Safety at Work etc. Act 1974, which specifically includes provisions for the protection of the public. However, the possibility remains that a major accident could occur at an installation and that this could have serious consequences for people in the vicinity. Although the likelihood of a major accident occurring is small, it is felt prudent for planning purposes to consider the risks to people in the vicinity of the hazardous installation.

In this case the Council has consulted with the Health and Safety Executive who have advised that the assessment indicates that the risk of harm to people at the proposed development site is such that HSE's advice is that there are sufficient reasons on safety grounds, for advising against the granting of planning permission in this case.

The National Grid who operate the gas pipeline running through the site have also been consulted and issued a holding objection as they would like to know how the field will be converted to a landing strip together with mitigation to protect the gas pipeline.

The proposed development is contrary to Policy BE.21 of the C&NLP.

### **Benefits**

There is support for this application from a large number of residents and it is accepted that the site will offer a leisure/sporting facility for flyers of microlights. The NPPF states at paragraph 106 that Local Planning Authorities should *'recognise the importance of maintaining a national network of general aviation airfields, and their need to adapt and change over time – taking into account their economic value in serving business, leisure, training and emergency service needs, and the Government's General Aviation Strategy'*. This weighs in favour of the application.

The provision of a facility for local microlight enthusiasts is also a benefit of the proposed development. There is support for recreation and sport within the NPPF (paragraph 98) and policies SC1, SD1 and SC3 of the CELPS. A number of the letters of support also reference the former facility at Arclid which has now closed. However, in this case no assessment of need has been provided and this makes it difficult to conclude on the amount of weight which can be attributed in this case.

Finally, there will be benefits to the local economy as part of this development but again no details are provided within the application which makes it difficult to conclude on the amount of weight which can be attributed in this case.

### **CONCLUSIONS AND REASON(S) FOR THE DECISION**

The proposed development does not preserve the openness of the Green Belt. The proposed development is inappropriate within the Green Belt and no very special circumstances have been identified. The proposed development is therefore unacceptable in principle and conflicts with CELPS Policy PG3, saved C&NLP Policy NE.1 and the NPPF.

Insufficient information has been provided in relation to noise and the impact upon residential amenity and an adjacent riding school cannot be determined. The proposed development is contrary to Policies BE1, RT16 and NE17 of the C&NLP and Policies EG2, SC1 and SE12 of the CELPS and the NPPF.

The site is in close proximity to the Midland Meres & Mosses – Phase 2 Ramsar, Oakhanger Moss Site of Special Scientific Interest (SSSI), Black Firs & Cranberry Bog SSSI and Sandbach Flashes SSSI. The application could have potential significant effects on these designated sites, and no Habitat Regulations Assessment has been provided. The proposed development is contrary to Policy SE3 of the CELPS and Policies NE.6 and NE.7 of the C&NLP and the NPPF.

The development would encroach upon a PROW and insufficient information has been provided in relation to this issue. The proposed development is contrary to Policy RT.9 of the C&NLP.

A major hazard pipeline crosses the site and insufficient information has been provided in relation to this issue. The proposed development is contrary to Policy BE.21 of the C&NLP.

There are no issues in terms of the impact of the development upon built heritage, trees, highways and air quality. The development complies with the Development Plan in relation to these issues.

The benefits of the proposed development are noted. However it is not considered that these benefits outweigh the harm identified and on this basis the application is recommended for refusal.

**REFUSE for the following reasons;**

**1. The proposed development is located within the Green Belt and in the opinion of the Local Planning Authority the proposed development does not preserve the openness of the Green Belt. No very special circumstances have been identified and planning permission should not be granted. The proposed development is therefore unacceptable in principle and conflicts with Cheshire East Local Plan Policy PG3, saved Crewe and Nantwich Local Plan Policy NE.1 and the NPPF.**

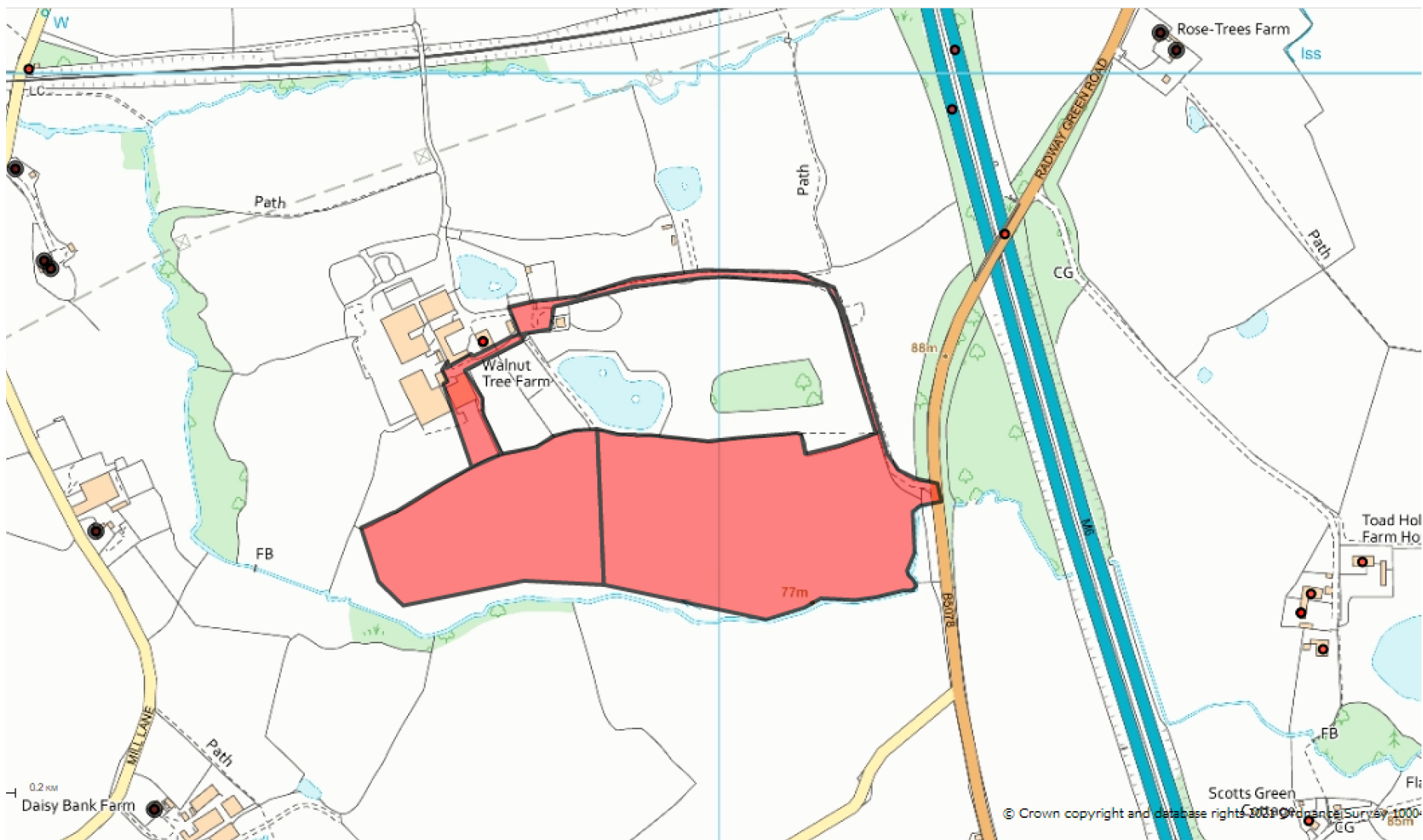
**2. No Noise Assessment, proposed flight paths or details of the direction of take-off/landing has been submitted as part of this application. The Local Planning Authority consider that insufficient information has been provided in order to adequately assess the noise impact of the proposed development upon residential amenity and a nearby riding school. In the absence of this information, it has not been possible to demonstrate that the proposal would comply with policies BE1, RT16 and NE17 of the Crewe and Nantwich Local Plan and Policies EG2, SC1 and SE12 of the Cheshire East Local Plan Strategy and the NPPF**

**3. The site is in close proximity to the Midland Meres & Mosses – Phase 2 Ramsar, Oakhanger Moss Site of Special Scientific Interest (SSSI), Black Firs & Cranberry Bog SSSI and Sandbach Flashes SSSI. The application could have potential significant effects on these designated sites, and no Habitat Regulations Assessment has been provided. It is not possible to determine the significance of these impacts and the scope for mitigation. Therefore, the proposed development is contrary to Policy SE3 of the Cheshire East Local Plan Strategy, Policies NE.6 and NE.7 of the Crewe and Nantwich Local Plan and the NPPF.**

**4. The proposed building would be sited on the route of Public Right of Way Barthomley FP9. No details have been provided to demonstrate how the PROW could be diverted. The development would prejudice public access onto the PROW and the proposed development is contrary to Policy RT.9 of the Crewe and Nantwich Local Plan.**

**5. A major hazard pipeline crosses the site, there is a risk of harm to people at the proposed development site and there are sufficient reasons on safety grounds, for advising against the granting of planning permission in this case. No information has been provided to show how the field will be converted to a landing strip together with mitigation to protect the gas pipeline. The proposed development is contrary to Policy BE.21 of the Crewe and Nantwich Replacement Local Plan**

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



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