

Application No: 12/1023N

Location: CHURCH FARM, CHESTER ROAD, ACTON, NANTWICH, CHESHIRE, CW5 8LG

Proposal: Proposed Residential Development to Provide 11 New Dwellings with Associated Vehicular Access, Garaging and Parking

Applicant: J Tomlinson

Expiry Date: 27-Sep-2012

### **SUMMARY RECOMMENDATION**

**Approve subject to conditions**

### **MAIN ISSUES**

- **Principle of Development**
- **Housing Land Supply**
- **Residential Amenity**
- **Ecology**
- **Contaminated Land**
- **Trees and Landscape.**
- **Access and Highway Safety.**
- **Affordable Housing**
- **Design and Layout**
- **Open Space**

### **REFERRAL**

The application has been referred to planning committee because it is for more than 10 dwellings and is therefore a major development.

### **1. SITE DESCRIPTION**

The site is located within the curtilage of Church Farm, the farmhouse being a Grade II Listed Building. The site is immediately to the west of the farm buildings which have the benefit of Planning Permission and Listed Building Consent for conversion to three residential units under permissions P03/1323 and P03/1335 dated 7<sup>th</sup> September 2004. A

material start was made following the discharging of Pre-Start Planning Conditions on 4<sup>th</sup> September 2009.

To the west of the site is located the graveyard serving St. Mary's Church. The church itself is to the south beyond a pair of dilapidated almshouses. The church is the dominant feature in the village especially when viewed from a distance.

## **2. DETAILS OF PROPOSAL**

The proposal involves the demolition of all the existing buildings on the site and the erection of 11 New Dwellings with Associated Vehicular Access, Garaging and Parking.

## **3. RELEVANT PLANNING HISTORY**

There are no relevant previous applications

## **4. PLANNING POLICIES**

### **National Policy**

National Planning Policy Framework

### **Regional Spatial Strategy**

DP1 – Spatial Principles

DP4 – Make best use of resources and infrastructure

DP5 – Managing travel demand

DP7 – Promote environmental quality

DP9 – Reduce emissions and adapt to climate change

RDF1 – Spatial Priorities

L4 – Regional Housing Provision

EM1 - Integrated Enhancement and Protection of the Region's Environmental Assets

MCR4 – South Cheshire

### **Local Plan Policy**

RES.2: (Unallocated Housing Sites)

BE.7: (Conservation Areas)

NE.5 (Nature Conservation and Habitats)

NE.9: (Protected Species)

NE.20 (Flood Prevention)

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)

TRAN.3 (Pedestrians)

TRAN.5 (Cycling)

### **Other Material Considerations**

#### 4. OBSERVATIONS OF CONSULTEES

##### United Utilities

No objection to the proposal provided that the following conditions are met: -

- This site must be drained on a separate system, with only foul drainage connected into the sewer. Surface water should discharge to the soakaway and may require the consent of the Local Authority.

##### Environment Agency

- No comments to make on this application.

##### Highways

No comment received at the time of report preparation

##### Cheshire Wildlife Trust

1. The application is accompanied by a Protected Species Survey and Biodiversity Assessment (Biota, 2008). This report is based on data that are now nearly 4 years old and would recommend that elements are resurveyed (as also recommended by the report's authors in paragraph 7.1.3 which states *'The conclusions and recommendations in this report in respect to surveys for protected species are based upon results from surveys in summer 2008. These data will only be of use for one year after which further survey to establish the position and possible changes in status will be necessary to ensure all activities are informed and guided by recent data on site status.'*
2. Also suggest that rECOrd (the Biodiversity Information System for Cheshire) is consulted for up-to-date species records, including birds. Previously, the desk study referred only to the Cheshire Mammal Group.
3. There are recent records of protected species within 1km of the site, notably water voles on the Shropshire Union Canal at Acton. Other water bodies within 1km may also support water voles and, although it is unlikely that this site has any attractions for this species, the possibility should be addressed in the report. In addition there are badgers within 1km of the site.
4. Disagree with the report's conclusion that there are no ponds within 500m of the site. There is a water-filled moat immediately to the west of the site, on land belonging to Glebe House, and another pond to the southwest of the site, on the Dorfold Hall Estate. Two other smaller ponds are shown on the OS map but may be dry. All of these should be assessed for their GCN habitat suitability as a minimum requirement. GCN are known to occur within 1km of Acton.

5. The farm is no longer a working dairy farm. This may have had implications on its attractiveness for some species, in particular breeding and/or roosting birds. Resurvey is therefore recommended.
6. CWT agrees with the recommendations given in the 2008 report for mitigation and enhancement (paragraphs 7.2.1 – 7.2.3), and potentially with any further recommendations arising from a new set of surveys.
7. CWT recommends that suggestions for biodiversity enhancement arising from the report/s are attached as appropriately-worded Conditions to planning permission, should it be granted. The reason for this is to ensure no net loss of biodiversity and achieve net gains if possible.

### **Natural England**

- This proposal does not appear to affect any statutorily protected sites or landscapes, or have significant impacts on the conservation of soils, nor is the proposal EIA development. It appears that Natural England has been consulted on this proposal to offer advice on the impact on a protected species.
- The protected species survey has identified that bats, a European protected species may be affected by this application.
- Recommend that the Council follow standing advice in respect of this species
- Natural England have not assessed the survey for badgers, barn owls and breeding birds<sup>1</sup>, water voles, widespread reptiles or white-clawed crayfish. These are all species protected by domestic legislation the Council should use standing advice to assess the impact on these species.

### **Brine Board**

- The site which is the subject of this consultation is not within the Board's Consultation Area and therefore they would not normally make any comments.

### **Rights of Way**

- Confirm that the development does not appear to affect a public right of way.

### **Environment Agency**

- The consultation does not require a formal response from the Environment Agency as it falls outside the scope of referrals they would wish to receive.

### **Environmental Health**

- The hours of demolition / construction of the development (and associated deliveries to the site) shall be restricted to: Monday – Friday 08:00 to 18:00 hrs Saturday 09:00 to 14:00 hrs Sundays and Public Holidays Nil

- All Piling operations shall be undertaken using best practicable means to reduce the impact of noise and vibration on neighbouring sensitive properties. All piling operations shall be restricted to: Monday – Friday 09:00 – 17:30 hrs Saturday 09:00 – 13:00 hrs Sunday and Public Holidays Nil
- In addition to the above, prior to the commencement of development the applicant shall submit a method statement, to be approved by the Local Planning Authority. The piling work shall be undertaken in accordance with the approved method statement. The method statement shall include the following details: Details of the method of piling, Days / hours of work , Duration of the pile driving operations (expected starting date and completion date), Prior notification to the occupiers of potentially affected properties, Details of the responsible person (e.g. site manager / office) who could be contacted in the event of complaint
- Prior to its installation details of the location, height, design, and luminance of any proposed lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall ensure the lighting is designed to minimise the potential loss of amenity caused by light spillage onto adjoining properties. The lighting shall thereafter be installed and operated in accordance with the approved details.
- The application area has a history of agricultural use and therefore the land may be contaminated.
- The application is for new residential properties with gardens which are a sensitive end use and could be affected by any contamination present.
- The applicant has submitted a Phase I Preliminary Risk Assessment for the site, and has also provided an updated walkover survey. Parts of the farmyard are proposed to be residential gardens as part of this planning application, as such we would require some confirmation that these areas are suitable for their proposed use.
- Asbestos sheeting has been identified during the site walkover, if this is to be removed it should be disposed of in line with current guidance.
- As such, and in accordance with the NPPF, prior to development commencing:
  - (a) A scope for an investigation and Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority (LPA).
  - (b) Thereafter, prior to first occupation, the Investigation and Risk Assessment shall be carried out to assess actual and/or potential risks from land contamination in accordance with the agreed methodology, and approved in writing by the LPA.
  - (c) If such investigation and Risk Assessment identifies that remedial/protective measures are required, then a remedial/protection scheme shall be submitted to, and approved by, the LPA and shall be implemented.
  - (d) If remedial/protective measures are required, a Site Completion Statement detailing the remedial/protective measures incorporated into the extension shall be submitted to, and approved in writing by, the LPA in full prior to the first occupation and use of this development.

## **Greenspaces Officer**

No comment received at the time of report preparation

## Archaeologist

The site of the proposed development lies immediately to the north of St Mary's parish church, which has pre-Conquest origins, and to the east of Acton moated site, which is a Scheduled Monument and is likely to have been the seat of the local lord in the medieval period. Church Farm, therefore, may reasonably be considered as having lain within the heart of the early settlement and is likely to preserve evidence of earlier occupation.

It should be noted, however, that a recent evaluation in the proposed graveyard extension to the west did not locate significant archaeological remains and parts of the application area have been significantly disturbed by the slurry pits and existing buildings. In these circumstances, he does not think that it would be reasonable to advise that further pre-determination work should be carried out or that the area should be subject to formal excavation.

Instead, he advises that relevant aspects of the development (initial ground clearance, excavation of foundation trenches and major services) should be subject to a developer-funded watching brief. A report on the work should also be produced. The above programme of mitigation may be secured by condition, a suggested wording for which is given below:

*No development shall take place within the application area until the applicant, or their agents or successors in title, has agreed a programme of archaeological mitigation in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. The work shall be carried out strictly in accordance with the approved scheme.*

The use of such a condition is in line with the guidance set out in Paragraph 141, Section 12 (Conserving and Enhancing the Historic Environment) of the new National Planning Policy Framework. The Cheshire Archaeology Planning Advisory Service does not carry out archaeological work and the applicants will need to appoint an archaeological contractor to undertake the archaeological watching brief.

## 5. VIEWS OF THE PARISH / TOWN COUNCIL

- Acton, Edleston and Henhull Parish Council generally support this application. However, it has concerns regarding access and the house types proposed and raises these points as objections
- The Parish Council, working with consultants Martin Stockley, and with the knowledge of the highway authority, has adopted proposals for environmental improvements and traffic calming along Chester Road, Acton. The area of the junction with Wilbraham Road, almost opposite the proposed site access, has been designed in detail and safety audited by Cheshire East Council. However, the application makes no accommodation for these proposals and the Parish Council suspects that the architect is unaware of them. If the development takes place a contribution towards the environmental improvements will be sought. Furthermore, as designed, the site access lines could be impeded by a substantial oak tree, not included in the arboricultural assessment.

- The Council does not agree with the views expressed by the conservation corridor, regarding the house styles, and urges a review on the lines proposed originally by the architect and mentioned in the Design and Access Statement. The Council is strongly of the view that the three storey element is out of keeping with the locality – albeit that there is one substantial three storey house in its own grounds in the village.
- To the west the site adjoins the churchyard and its approved extensions. A substantial hedge is needed on this boundary. It is noted that storm water is to be dealt with by soakaways. It would be more appropriate for this to be dealt with by pipes to streams this reducing percolation through the churchyard.

## **6. OTHER REPRESENTATIONS**

Representations have been received from Acton CE Primary School, 1 Wilbraham Road and Madam's Farm making the following points:

- Severe concerns regarding the access to the proposed development. The access appears to be sited on a bend opposite to the school. The school already experiences significant difficulties at school drop off and collection times due to limited parking. The road on which the school and proposed development is situated is very hazardous and speeding is a regular occurrence despite 30mph limits.
- Concern that with additional cars and its position on the bend, children's safety will be put at a greater risk.
- Where the pedestrian crossing island is proposed, it would appear to make it impossible for existing residents at 1 Wilbraham Road to turn cars left toward Nantwich from their driveway. At best it would be very difficult to turn left as it is already made difficult with school children going to and leaving Acton School. They may well have to cut the kerb to make the turn which would be dangerous when school children are around.
- Residents are supportive of small-scale well-designed development in the village. This fits those criteria.
- The architecture is suited to the location.
- There is concern about the associated roadworks.
- The Parish Council and its consultant Stockley has been developing the community's aspiration for the environmental improvements in the village, which include the treatment of the Wilbraham Road junction for a good few years. This community-led aspiration has been notified to the Planning Department, recently audited by the Highways Department and requested to be added to the infrastructure delivery plan as part of the Nantwich Town Strategy. Yet this scheme includes no elements of the community-led plan and in fact includes elements such as the refuge which would conflict with the plan. The development should be either delivering this community stated aspiration or making a financial contribution towards it.
- Residents object to the road design associated with this application.

## **7. APPLICANT'S SUPPORTING INFORMATION:**

- Tree Survey
- Design and Access Statement
- Ecological Survey

## 8. OFFICER APPRAISAL

### Principle of Development

The majority of the site is located within the settlement boundary where residential development is considered to be acceptable in principle. However, the access road will involve a small encroachment into open countryside. The application therefore needs to be treated as a departure, although given that the visual impact of the road on the openness of the countryside is comparatively minor, and the fact that it will be screened by proposed tree planting, and will enable a safe highway access to be achieved, it is considered to be acceptable in principle

### Housing Land Supply

Paragraph 47 of the NPPF requires that there is a five year supply of housing plus a buffer of 5% to improve choice and competition. It is acknowledged that the Council does not currently have a five year housing land supply and, therefore regard must be given to the advice contained in paragraph 49 that:

*“housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”*

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means:

*“where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
- specific policies in the Framework indicate development should be restricted.”*

Members should note that on 23<sup>rd</sup> March 2011 the Minister for Decentralisation Greg Clark published a statement entitled ‘Planning for Growth’. On 15<sup>th</sup> June 2011 this was supplemented by a statement highlighting a ‘presumption in favour of sustainable development’ which has now been published in the National Planning Policy Framework (NPPF) in March 2012.

Collectively these statements and the National Planning Policy Framework mark a shift in emphasis of the planning system towards a more positive approach to development. As the minister says:



*“The Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy”.*

The Written Ministerial Statement: Planning for Growth (23 March 2011) goes on to say *“when deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development.”* They should, inter alia, consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession; take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing; consider the range of likely economic, environmental and social benefits of proposals; and ensure that they do not impose unnecessary burdens on development.

The proposal would assist the Council to meet its housing land requirements and would ease pressure of Greenfield sites elsewhere within the Borough. The proposal will help to maintain a flexible and responsive supply of land for housing, which is specifically identified above as a “key sector” and create jobs and economic growth in the construction industry and all the associated supply networks.

Therefore, in accordance with the NPPF the proposal should be considered favourably unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

### **Residential Amenity**

The surrounding development comprises the original farmstead, church and historic core of the village to the south, Acton Primary School, and 1950's cul-de-sac development on the opposite side of the main road to the east and open countryside to the north and west.

A distance of 21m between principal windows and 13m between a principal window and a flank elevation are generally regarded to be sufficient to maintain an adequate standard of privacy and amenity between residential properties. The layout provided demonstrates that distances in excess of 40m will be achieved between the proposed dwellings and the school / properties on the opposite side of Chester Road. Furthermore, the proposed development will be screened by the existing farm buildings and proposed garage blocks.

The majority of dwellings in the village centre to the south, will be screened by the existing farm buildings, and the church. Furthermore, the nearest neighbouring dwelling will be in excess of 60m from the boundary of the development site. Therefore, no other adverse impacts on the living condition of existing occupiers are anticipated.

Turning to the level of amenity within the proposed development, the properties are arranged in two blocks, at right angles to each other, overlooking a central courtyard. Therefore, there will be no overlooking between proposed dwellings. The Council's SPG advocates the provision of 50sq.m of private amenity space for all new family dwellings. All of the proposed plots will include significantly more than 50sq.m. Therefore, the minimum standards set out in the Council's Supplementary Guidance would be considerably

exceeded and in view of the other mitigating factors, it is not considered that a refusal on amenity grounds could be sustained.

## Ecology

Article 12 (1) of the EC Habitats Directive requires Member states to take requisite measures to establish a system of strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites and resting places. Art. 16 of the Directive provides that if there is no satisfactory alternative and the derogation is not detrimental to the maintenance of the populations of the species at a favourable conservation status in their natural range, then Member States may derogate *"in the interests of public health and public safety or for other imperative reasons of overriding public interest, including those of a social and economic nature and beneficial consequences of primary importance for the environment"* among other reasons.

The Directive is then implemented in England and Wales The Conservation of Habitats and Species Regulations 2010. ("the Regulations"). The Regulations set up a licensing regime dealing with the requirements for derogation under Art. 16 and this function is carried out by Natural England.

The Regulations provide that the Local Planning Authority must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of their functions.

It should be noted that, since a European Protected Species has been recorded on site and is likely to be adversely affected by the proposed development, the planning authority must have regard to the requirements for derogation referred to in Article 16 and the fact that Natural England will have a role in ensuring that the requirements for derogation set out in the Directive are met.

If it appears to the planning authority that circumstances exist which make it very likely that the requirements for derogation will not be met, then the planning authority will need to consider whether, taking the development plan and all other material considerations into account, planning permission should be refused. Conversely, if it seems from the information that the requirements are likely to be met, then there would be no impediment to planning permission in this regard. If it is unclear whether the requirements will be met or not, a balanced view taking into account the particular circumstances of the application should be taken and the guidance in the NPPF. In line with guidance in the NPPF, appropriate mitigation and enhancement should be secured if planning permission is granted.

The application is supported by an ecological assessment undertaken by a suitably qualified consultant. Unfortunately none of the appendices associated the report, including the phase one habitat map have been submitted in support of the application.

The submitted report states that there are no ponds within 500m of the proposed development. This may be incorrect as a moat 160m to the west of the proposed development site and a pond located 300m to the north west of the site appear on the OS map.

In any event the report being undertaken in 2008 must now be considered out of date. The Council's Ecologist has therefore advised that up to date ecological surveys should be undertaken which include an assessment/survey of any ponds within 250m for their potential to support great crested newts and an assessment of the potential impact of the development upon this species. The report should also include a phase one map of the proposed development site.

However, the outstanding survey has been requested from the applicant and an update will be provided for Members either prior to, or at their meeting.

### **Contaminated Land**

The proposed end use of the site is considered to be a "sensitive" use, and therefore an appropriate condition to secure a full ground investigation and any necessary mitigation measures is considered to be necessary. Subject to compliance with this condition it is considered that the proposal will accord with the requirements of PPS.23 Planning and Pollution control and Policy GR.8 of the local plan.

### **Trees and Landscape.**

The Senior Landscape Officer has examined the proposals and commented that the site comprises part of a farm complex. There is some existing vegetation on / adjacent the site including trees, a roadside hedge and lengths of hedgerow adjoining the churchyard which provide screening and separation between the farm and the churchyard.

There are no TPO protected trees on site although the trees are afforded protection by the Conservation Area status. The submitted tree survey only covers one group of trees on the site and it is not considered that the survey is comprehensive. No reference is made to existing hedges on and adjacent to the site which are significant vegetation features, as is a mature oak tree on the roadside, to the north of the access.

The trees to the south west are not outstanding specimens although they are components in a hedgerow which helps to separate the site from the churchyard.

It appears tree crowns extend to the edge of buildings on plots 6 and 7 and it is likely the trees would need to be pruned significantly in order to accommodate the development. The relationship between the trees and buildings would be poor and a greater separation would be preferable. It is anticipated there may be shading problems from trees/hedges on plots 6 and 7 in particular. Therefore an amended plan has been provided by the applicant requiring the proposed properties to be moved 2m further north to increase this separation and to address this issue.

The proposed access arrangements would result in hedgerow loss. Although it is noted that replacement planting is proposed, where proposed development is likely to result in the loss of existing agricultural hedgerows which are more than 30 years old, it is considered that they should be assessed against the criteria in the Hedgerow Regulations 1997 in order to ascertain if they qualify as 'Important'. Should any hedgerows be found to be 'Important' under any of the criteria in the Regulations, this would be a significant material consideration

in the determination of the application. Hedgerows are also a habitat subject of a Biodiversity Action Plan. This information has been requested from the developer and an update will be provided for Members at committee.

It is important that the sections of hedgerow adjoining the church yard are retained and protected. This can be achieved through the use of conditions.

Indicative landscape works are shown on the site plan but no detailed hard or soft landscape proposals are provided. The site is prominent on the approach to Acton from the North and the development would be readily visible. Whilst planting is proposed to the north of the site to help to mitigate visual impacts, unless the overhead power lines are to be diverted, it is anticipated that such planting may be restricted by required clearances for the lines and it may not be possible to accommodate trees. However, a full landscaping scheme could be conditioned.

Boundary treatment will need further consideration. As stated above, existing hedgerows adjoining the churchyard have value. The close boarded fencing indicated is appropriate and no treatment is shown for the western boundary but this could also be addressed through the issue of conditions.

### **Access and Highway Safety.**

The Council's Highways Engineer has examined the application and visited the site. He expressed concerns over the visibility attainable, which in effect is limited by the mature oak tree just north of the site. He therefore requested a speed survey from the applicant to justify the reduced visibility splay. The results of this survey have now been received. However, unfortunately, these indicate that a larger splay is still required and the tree in question would need to be removed. The Senior Landscape Officer has confirmed that this is a poor specimen and that she would have no objection to its removal. Therefore an amended plan has been provided showing the required, extended visibility splay.

The splay will also require removal of a significant length of hedgerow and, as stated above, the outcome of consultations under the Hedgerow Regulations was awaited at the time of report preparation and an update will be provided. Replacement hedge planting is shown on the drawings, outside the visibility splays.

The reference by the Parish Council to a proposed traffic calming scheme for the main road is noted. However, Highways have commented that the traffic scheme has no status at all. It is something that was mooted by the residents before reorganisation but not even on any current list for looking at by CEC. Consequently he does not consider that it has any relevance for this application.

The Highways Engineer had concerns over the standard of the access road. This needed to be 5.5m for at least 10 metres so drivers turning in do not need to abort their movement if another car is departing. Elsewhere the bend appeared to be too tight for a refuse vehicle. However, these issues have been raised with the applicant who has submitted an amended drawing and the Highways Engineer has now confirmed that the amended layout is acceptable.

Concerns of local residents regarding access to their driveways have been noted and the crossing point has been resited on the amended plans slightly southwards to ease conflict with driveways opposite. The Highways Engineer has confirmed that these amendments are acceptable.

The Highways Engineer also had concerns over the level of parking, given the site's rural character and few local facilities. Most of the parking is assigned (or would have to be assigned) to individual properties and so there is little flexibility or margin for visitors, compounded by lack of informal space on the access road. He therefore requested provision of at least two additional visitor parking spaces on the site. This has now been included within the amended plan.

### **Affordable Housing**

The site is located in Acton, which has a population of less than 3000. The Council's Interim Planning Statement on Affordable Housing states at paragraph 3.7 that monitoring has shown that in settlements of less than 3,000 populations, the majority of new housing has been delivered on sites of less than 15 dwellings. The Council will therefore negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 0.2 hectares or 3 dwellings or more in all settlements in the rural areas with a population of less than 3,000 population. The exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion for any site will normally be 30%. This proportion includes the provision of social rented and/or intermediate housing as appropriate.

The Strategic Housing Market Assessment 2010 identifies that there is a need for 40 new affordable properties between 2009/10 – 2013/14 in the Acton sub-area. This equates to 8 per year made up of 6 x 1 bed, 1 x 2 bed, 1 x 4/5 bed and 2 x 1/2 bed for older persons. The SHMA 2010 established a slight over supply of 2 x 3 bed which gives the net requirement for 8.

A Rural Housing Needs Survey was also carried out to the southern rural Parishes of Cheshire East, including Acton (Acton also includes Edelston and Henhull). 227 questionnaire surveys were sent out to Acton and 76 returned, giving a response rate of 33% for the Parish. The survey established that there were 8 hidden households currently living in Acton who wished to form a new household in Cheshire East, and there were 7 members of households in Acton who had moved out of the Parish because they could not afford to buy or rent in the area and would wish to move back to the parish if cheaper housing was available.

Further evidence of affordable housing need can also be identified from the current number of applicants on Cheshire Homechoice which is the choice based lettings system used to allocate social housing across Cheshire East. There are currently 28 applicants for Acton. The number of bedrooms that these applicants require is 12 x 1 bed, 8 x 2 bed, 5 x 3 bed, 2 x 4 bed. 1 applicant has not stated how many bedrooms they need. Only 6 of the 20 applicants who require either a 1 or 2 bed property will consider a flat

As the site is for 11 dwellings and there is evident affordable housing need there is a requirement for affordable housing.

The affordable housing provision should be 30%, with a tenure split of 65% rented units (either social rent at target rents or affordable rent at no more than 80% of local market rents) and 35% of the units provided as intermediate tenure. This equates to 2 units as rented and 1 unit as intermediate tenure.

The Affordable Housing Interim Planning Statement requires that the affordable homes should be provided no later than occupation of 50% of the open market units, unless the development is phased and there is a high degree of pepper-potting in which case the maximum proportion of open market homes that may be provided before the provision of all the affordable units may be increased to 80%.

All the Affordable homes should be constructed in accordance with the standards proposed to be adopted by the Homes and Communities Agency and should achieve at least Level 3 of the Code for Sustainable Homes (2007). The Affordable Homes should also be integrated with the open market homes and not be segregated in discrete or peripheral areas.

The Affordable Housing Interim Planning Statement states that occupancy of the affordable housing should be controlled and that it should be transferred to a Registered Provider of social housing to own and manage. These requirements could be secured through a Section 106 Agreement.

## **Design and Layout**

The overall design and layout of the dwellings generally reflects the two storey form of the adjacent barns with a simple roof form, and vernacular features and fenestration, typical of traditional farm buildings, which are sympathetic to this setting.

The concern of the Parish Council that the proposed three storey element is not appropriate in such a context, given its height which they believe serves to make it over dominant within this grouping, is noted. However, this element of the design was specifically negotiated by officers in order create a visual hierarchy within the development akin to the relationship between a traditional farmhouse, and its ancillary barns and outbuildings, which is typical of such rural settings. As a result its height is considered to be appropriate.

As originally submitted the “farmhouse” unit, which incorporates two dwellings, appeared to have two front doors. This was considered to detract from its intended appearance as a single dwelling. However, an amended plan has been submitted showing the front door to the second unit to be relocated to the side elevation, which has addressed this issue.

The proposed bricks and roof tiles need to be conditioned for submission for approval, to ensure they are appropriate in the context of this site. Given the potential visibility of rear gardens and the heritage sensitivity of the site the usual permitted development rights should be removed by condition.

The streetscene drawing shows a tower feature on the garage block, which is not shown on the more detailed elevations. This feature should be omitted to avoid such a visually dominant detail in this grouping. This could be secured by condition.

There do not appear to be any details of a proposed gate to the Chester Road end of the lane or at the access point to the proposed new off road courtyard or its adjacent garage complex, which will need to be five bar wooden gates, to reflect the rural context of the application site. The surfacing of the access lane, kerbing and definition of the threshold at the site entrance should all be sympathetically detailed in their designed and use of appropriate materials and ideally soft verge edges should be secured. These details could also be the subject of conditions.

Similarly details of the courtyard landscaping /planting need to be conditioned for submission for approval, to ensure that they are in keeping with this rural location. This should include the hard landscape elements to ensure that surfacing is appropriated it the heritage context.

The treatment of the boundaries to the scheme will also be important, both in defining the edge of the site against the countryside and against the churchyard. The boundary adjacent to the Almshouses in particular should be of a form appropriate to this context and a robust brick solution should be used rather than timber fencing. Similarly on the softer edges green boundaries should be used and hedging, tree screening and deep hurdle fencing on the northern boundary (Cheshire railings) should be secured by condition.

## **Open Space**

The proposal does not make any provision for on-site open space. At the time of report preparation comments were awaited from the Council's Greenspaces Officer with regard to whether any contributions towards off-site provision would be required.

## **9. CONCLUSION**

In summary, the proposal is considered to be acceptable in principle, as it lies predominantly within the infill boundary line as designated in the local plan. It will assist the Council in meeting its requirement for a 5 year housing land supply and will promote economic growth. The proposal is acceptable in terms of its impact on Residential Amenity. The Contaminated Land issue can be adequately addressed through conditions and the affordable housing requirement is being met on site. The design and layout is also considered to be acceptable and will enhance the character and appearance of the surrounding area.

There are a number of issues outstanding, but it is not expected that any of these would threaten the principles identified within the scheme, and therefore subject to the following the development complies with the relevant local plan policies and accordingly is recommended for approval.

## **10. RECOMMENDATION**

**APPROVE** subject to

- Receipt of additional information in respect of Hedgerow Regulations
- Receipt of updated ecological survey
- No objection from the Council's Landscape Officer / Ecologist to the additional submissions
- No objection from Greenspaces officer

**Signing of a Section 106 agreement making provision for:**

- Affordable Housing comprising to 2 units as rented and 1 unit as intermediate tenure.

**And the following conditions:**

1. Standard
2. Plans
3. Submission of details of bricks and roof tiles;
4. Submission of details of all gates;
5. Submission of details of boundary treatments;
6. Doors and windows to be in wood;
7. All gutters and fall pipes to be in black metal;
8. All external vents to be in black;
9. Submission of details of the proposed lighting scheme;
10. Submission of hard and soft landscape scheme;
11. Implementation of landscaping
12. Replacement hedgerow planting
13. Retention of hedgerow to church yard
14. Tree protection
15. Implementation of tree protection
16. Removal of permitted development rights.
17. Programme of archaeological mitigation
18. Contaminated land report
19. Hours of construction Monday – Friday 08:00 to 18:00 hrs Saturday 09:00 to 14:00 hrs Sundays and Public Holidays Nil
20. Pile driving Monday – Friday 09:00 – 17:30 hrs Saturday 09:00 – 13:00 hrs Sunday and Public Holidays Nil
21. Pile driving method statement
22. Submission of details of external lighting



