

Application No: 12/4533N

Location: LAND NEXT TO ACTON CHURCH OF ENGLAND PRIMARY SCHOOL,
CHESTER ROAD, ACTON, CHESHIRE, CW5 8LG

Proposal: 14 houses for affordable rent, comprising four two bedroom/four person houses, nine three bedroom/five person houses and one four bedroom/six person house. The proposals also comprise the enlargement and improvement of the adjacent school car park.

Applicant: Mr Philip Palmer, Mulbury Homes Ltd.

Expiry Date: 21-Feb-2012

SUMMARY RECOMMENDATION

Refuse

MAIN ISSUES

- Principle of Development
- Housing Need
- Sustainability of the Site
- Design
- Amenity
- Drainage
- Primary School
- Highways
- Ecology
- Landscaping
- Historic Battlefield
- Renewable Energy
- Other Matters

REFERRAL

The application is referred to the Southern Planning Committee as the application is a residential development of more than 10 dwellings which represents major development.

1. SITE DESCRIPTION

The application site is part of an existing field which lies in open countryside adjacent to the main A534 Chester Road, just to the north of the hamlet of properties within the rural Parish of Acton. The site extends to approximately 0.5 hectares (1.3 acres), and is some 1.5 miles from the centre of Nantwich.

The site occupies the corner of a large field and is bounded by a mature hedgerow to the west which fronts the road, and to the south by hedging which lies adjacent to the access road to Acton Church of England Primary School. Open fields lie to the north, east and over the road to the west.

2. DETAILS OF PROPOSAL

The scheme seeks permission for 14 affordable dwellings and a new parking area for the school. The mix of housing would provide 4x 2-bed, 9x 3-bed and 1x 4-bed accommodation. The two-storey dwellings would be arranged around a central courtyard in groups of two or three with shared parking areas.

Vehicular access off Chester Road would be provided to the northern side of the site which would give access to the courtyard. Pedestrian access would be provided to the rear of the existing hedgerow along Chester Road which would lead into the courtyard. A further area of open space would be provided to the southern corner of the site adjacent to the school access.

A new area of parking for 20 cars will be provided to the east of the proposed dwellings. This area lies immediately adjacent to the school and will provide better parking for the school, while enabling the existing car park to be used as a drop off/turning area.

New hedgerows and landscaping will be provided as part of the development.

3. PREVIOUS RELEVANT DECISIONS

7/17602 – 12 Detached Dwellings and Garages – Withdrawn – 7th June 1990

4. PLANNING POLICIES

National Policy

The National Planning Policy Framework

Local Plan Policy

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)
BE.5 (Infrastructure)
BE.7 (Conservation Areas)
BE.17 (Historic Battlefields)
NE.2 (Open Countryside)
NE.5 (Nature Conservation and Habitats)
NE.9 (Protected Species)
RES.2 (Unallocated Housing Sites)
RES.3 (Housing Densities)
RES.8 (Affordable Housing in Rural Areas outside Settlement Boundaries)

Regional Spatial Strategy

DP1 – Spatial Principles
DP2 – Promote Sustainable Communities
DP4 – Make the Best Use of Existing Resources and Infrastructure
RDF2 – Rural Areas
L5 – Affordable Housing
EM18 – Decentralised Energy Supply

Other Considerations

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

5. OBSERVATIONS OF CONSULTEES (External to Planning)

Environmental Health: Insufficient information has been submitted with the application relating to the loss amenity, in order to assess adequately the impact of the proposed development having regard to noise from road traffic. In the absence of this information, it has not been possible to demonstrate that the proposal would comply with material planning considerations.

A condition suggested in relation to construction hours and an advisory note is suggested in relation to contaminated land.

Highways: No objections subject to conditions relating visibility splays and amended plans illustrating three additional parking spaces.

English Heritage: Objects to the proposal as it will lead to substantial harm or total loss to the Nantwich battlefield which is a significant heritage asset.

United Utilities: No objections

Archaeology: No objections subject to the issues surrounding the battlefield can be addressed satisfactorily and the imposition of the following condition:

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.

Housing: Objects to the proposal there is no need for 14 dwellings at this locality and the type of housing proposed does not meet local needs

6. OTHER REPRESENTATIONS

7 Letters of objection have been received regarding the proposed development. The salient points raised in the letters of objection are:

- We would not like to see any further development than that currently proposed in this location;
- We have doubts over how the turning circle/school drop off will work in practice, given the level of car use to this school. The design appears to be out of character for a small rural school;
- If the application is approved, we would like to see the developer make a contribution to the traffic calming proposal on Chester Road. The Parish Council commissioned a report from Martin Stockley and Associates on how the nature of the road could be changed at the junction of Wilbraham Road to reinforce the speed limit and create a village setting. This is very much supported in the local community;
- Some residents are concerned with the effect this development will have on the existing infrastructure in the local area with regard to electricity supply capability, water supply and existing drainage for the village, we suffer power dips and water pressure drops now;
- The proposal will exacerbate road traffic in the locality which may lead more damage to the highway and increase the probability of more road traffic accidents;
- The village is losing its rural identity;
- There are sufficient houses being built elsewhere in the Borough;
- The submitted plans do not reflect the true levels of the site and neighbouring land;
- The buildings are poorly designed and do not sit comfortably in the locality;
- The proposal sits alongside the conservation area and within the historic battlefield and the proposal will destroy an important heritage asset;

- All the houses are affordable which is contrary to Local Plan which states there should be a maximum of 35% affordable housing on sites; and
- Buses are infrequent; and
- The site is located within the Greenbelt and is wholly unsustainable.

7. VIEWS OF THE PARISH COUNCIL

Acton, Edleston and Henhull Parish Council comment that it considers that no adequate justification has been made for the proposed affordable housing. The Council has a five year housing supply and this number of additional properties is not required. The Affordable Housing Officer states only 10 units are required in this locality and the proposed dwellings are too large

This is specially so as planning approval has been granted for housing, including 6 affordable dwellings, on the opposite side of Chester Road.

In addition the emerging core strategy for Cheshire East proposes further development north of Kingsley Fields, giving ample opportunity for affordable housing if needed.

No account has been taken of the Parish Council proposals for environmental improvements on Chester Road, recently safety audited by Cheshire East.

The proposal is acknowledged by the applicant to be the first phase of a larger development, without which this application is not financially viable. The Parish Council therefore questions if it can reasonably be considered in isolation.

The proposal requires the removal of yet another oak tree which is important in the village landscape and as an entry point into the conservation area.

The new access arrangements for the school seem to add to the traffic chaos that will surround that part of Chester Road. In view of the development at Church Farm which necessitates the moving of the entrance towards the School on the main road, and this proposed development on the land next door to the School, we feel that the amount of cars entering onto that section of road, is excessive. Plus the streetlights have been switched off on Chester Road.

The design of the proposed dwellings is not in keeping with the locality and greater improvements could be made. There are no children's outdoor play areas.

8. APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement

A Design and Access statement has been submitted to accompany the application. This is available on the application file and provides an understanding of the proposal and why it is required.

Ecology Survey
Botanical Appraisal
Arboricultural Assessment
Tree Survey
Housing Need Survey

These documents are available to view on the Councils website.

9. OFFICER APPRAISAL

Principle of Development

At the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking. Paragraph 14 of the NPPF states that for decision-taking this means;

'Where a development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless:

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

In relation to rural exception sites the NPPF at paragraph 54 states that;

'local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate. Local planning authorities should in particular consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs'

The site is located outside the Acton Settlement Boundary and is wholly within the Open Countryside, where Policy NE.2 carries a general presumption against new residential development.

Policy RES.8 of the Replacement Local Plan makes an exception to the general policy of restraint for affordable housing, subject to compliance with three criteria which states that:

- the housing will meet the needs of people previously shown to be in local need in a survey specifically undertaken for that purpose;
- the site is in a sustainable location immediately adjacent to an existing settlement boundary
- the scale, layout and design of the scheme are appropriate to the character of the settlement.

In relation to the rural exception sites the Interim Planning Policy on Affordable Housing requires that a local housing needs survey is carried out before submitting a planning application in order to determine the extent of any need. Subject to need being identified the IPP identifies that *'Priority will be given to sites within or on the edge of villages with a reasonable level of services and public transport'*.

Housing Need

The application is for 14 affordable homes, made up of 4x 2-bed houses, 9x 3-bed houses and 1x 4-bed house. The proposed tenure of these houses is not clear, the Application for Planning Permission states that the tenure will be Affordable Rent however the Design and Access Statement states that the development will be mixed tenure made up of affordable rent and shared ownership.

A rural housing needs survey was carried out in January 2010 which covered the Cheshire East Southern Rural Parishes. This survey was conducted by sending a questionnaire to all the residential households in a geographical area made up of a number of rural parishes including Acton across the Southern area of Cheshire East, The results were collated as a whole and by individual parishes. As Acton operates under a combined parish council made up of Acton, Edleston and Henhull the results were shown as a combination of the three. A hidden household is a household within an existing household such as an adult child wanting to form his/her own household. The survey showed that there were 7 hidden households in Acton at the time of the survey. In addition it was discovered that there were 7 people who had left Acton in the preceding 5 years because they could not afford to buy or rent a property in the area and who wished to return. In total 4 of the respondents would consider Shared Ownership as the preferred tenure

The survey also showed that there is a greater need for 1 and 2-bed properties rather than 3-bed and that there is a need for houses, bungalows and one respondent needs a flat.

In addition to the Rural Housing Needs survey the SHMA 2010 identifies an affordable housing need for the former Crewe and Nantwich ward of Acton. The affordable housing need is 8 new units per year between 2009/10 – 2013/14 which gives a total requirement of 40 units for the period. The SHMA also shows that there is an oversupply of 3-bed properties and an

annual need for 6x 1-bed properties. The former Crewe and Nantwich ward of Acton contains 830 households and the Acton area (the parishes of Acton, Henhull and Edleston) contain 189 households.

Cheshire Homechoice is the choice based letting system that operates throughout the Cheshire East area for the allocation of affordable housing. The majority of people registered with Homechoice are in need of rented accommodation. Applicants indicate where they would most like to live. On the 20th December 2012 24 applicants in total were registered on Homechoice with Acton as first choice. Of these 6 have demonstrated a community connection to Acton by residence or family connection. A number of the other applicants may also have a connection to Acton although this is not shown on the information from Cheshire Homechoice.

A consultation event for the proposed development was held on the 25th October 2012. Invitations were sent to all residential households in the Acton Parish. Included in the invitation was a form that allowed interested parties to register interest in one of the proposed homes. A number of these forms were returned and this shows that 8 people were interested and who would qualify in terms of need and local connection. Five of these people would consider rent as a tenure, one would consider Shared ownership and two would consider either rent or shared ownership.

Colleagues in Housing have stated that due to the identified housing need highlighted above they could only support an application for up to 10 units on this site. There is also evidence of there being a need for 1-bed properties and older person's accommodation both of which are not included in this proposal. There is no housing need information above that supports the delivery of 9x 3-bed houses.

The applicant has submitted additional information stating that there are no units to meet the demand from those applying for accommodation through Cheshire Homechoice. There are already 29 units of social/affordable rented accommodation provided by Wulvern Housing in Acton village.

However, the register of interest was sent to all households in the Acton, Henhull and Edleston parishes along with the details of the Public Consultation event of 25th October 2012. As such it was possible to register and interest without attending the Public Consultation. The Council considers that this register of interest is a good source of information on housing need and has been used previously on other similar sites. The 8 qualifying households that returned the form does not support the need for an exceptions site of 14 units and this will form a reason for refusal.

Furthermore, it is considered that the mix of housing proposed does not reflect the findings of the Strategic Housing Market Assessment (SHMA). The SHMA shows an oversupply of 3 bed accommodation however the proposal is for 9 out of 14 units to have 3 bedrooms.

Sustainability of the Site

Letters of objection refer to Acton not being a sustainable settlement. However, the proposal would meet the second point of Policy RES.8, which states that the site is;

'in a sustainable location, immediately adjacent to an existing settlement boundary (with reference to Policy RES.4)'

In this case the site is immediately adjacent to the settlement boundary of Acton which is listed as a settlement within Policy RES.4. In this case, Acton has facilities in the form of a Public House, church and primary school. Furthermore, there is a bus service. In addition, Nantwich town centre is located approximately 2.5km to the south and can be accessed via existing footpaths. Overall, it is considered given the wording contained within Policy RES.8 and the facilities available nearby it is considered that Acton is a sustainable settlement and a reason for refusal on sustainability grounds alone could not be sustained.

Design

Policy Context

The National Planning Policy Framework supports a mix of housing types within new development. Whilst encouraging good design, the NPPF states that planning authorities should not attempt to impose architectural styles and particular tastes, or be unnecessarily prescriptive.

Policy BE.2 (Design Standards) is broadly in accordance with this guidance but places greater emphasis on the impact to the streetscene and encouraging development which respects the character, pattern and form of development within the area. The application site is located just outside the Acton Conservation Area boundary.

With reference to the above policy context, in order to ensure that the proposal satisfactorily contributes to and improves the street scene, it needs to be reflective of and complementary to the local vernacular, which will mean modest sized properties which are simple in design terms with gardens.

The application proposes a mixture of two storey dwellings including semi detached and terraced properties. According to the submitted plans there will be 4no. semi-detached properties and 2no. blocks of terraced dwellinghouses. Typically the dwellings will measure approximately 6m high to the eaves and 9.5m high to the ridge. According to the submitted plans and the Design and Access statement the dwellings will be constructed out of facing brick, under a concrete tile roof, details of which will be secured by condition. In addition to the above, the proposal will incorporate projecting gables of various sizes, in order to make the

dwelling appear less stolid and uniform. All of the properties will incorporate a string course and include a canopy and/or porch detail.

The nature of the site, which is a rectangular plot (roughly) somewhat constrains the way in which the site can be developed. It is noted that there is a significant difference in levels between the application site and the adjoining Chester Road. This difference in height will exacerbate the scale of the proposed dwellinghouses and it is considered that the submitted streetscene plan is not a true reflection. Therefore, it is considered given the significant difference in levels will make the dwellings appear overly dominant in this prominent location.

The application site would be served by a single vehicular access point off Chester Road. According to the submitted plans plots 1 to 4 will face the internal spine road. Whereas, plots 5 to 11 will all face the internal courtyard with areas of car parking located to the sides or fronts of the dwellinghouses. The proposed courtyard will be landscaped in order to soften its appearance. Plots 12 to 14 will front directly onto Chester Road. Located in between plots 11 and 12 will be a pedestrian footpath linking the site to Chester Road.

Plots 12 to 14 are located adjacent to the corner of the internal spine road and the newly formed access off Chester Road. This group of dwellings in footprint terms resembles a letter 'L'. Plot 14 is double fronted with one elevation facing the access road and the other elevation facing Chester Road. Plots 5 to 7 and 10 to 11 are all in the shape of letter 'U'. Whereas, the remaining plots are rectangular in footprint terms.

It is acknowledged that the layout has been improved and the courtyard character within the heart of the scheme has been enhanced. However, the scheme still feels overly dense given its fringe location in respect to the village and the arrangement of plots 10 and 11 with backs to Chester Road are a symptom of this. The omission of 1 or 2 plots would help create space in proximity to the Oak tree and avoid a negative relationship between the house/garden of plot 10 and the Oak tree.

The development must be considered in accordance with the National Planning Policy Framework. Paragraph 56 of the NPPF confirms the central Government commitment that good design is a key aspect of sustainable development. Going on further to state in Paragraph 58 that....decisions should aim to ensure that developments,

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green

and other public space as part of developments) and support local facilities and transport networks;

- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
- are visually attractive as a result of good architecture and appropriate landscaping.

Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

It is clear that Local Plan policy and National Planning Policy Framework both require good design which improves the character of an area. However, it is considered given the location of the proposed development is out of character with the surrounding land use and will appear as an incongruous and alien feature within the streetscene.

All the buildings have a uniform height being 2 storeys high, and this create a very distinct and regular built edge on the fringe of the village. It is noted that this has been softened to some degree by the introduction of boundary hedging on the northern edge of the site. However, the scheme still appears to be very suburban with very little group value and appears as separate massing units. As such the proposal does not respect the rural vernacular as there was no sense of containment or completeness to the form. The proposal creates a visual challenge to the muted and subdued landscape character, and the proposal creates a threat to the sense of completeness of the village contrary to advice advocated within Policy BE.2 (Design Standards).

Overall, it is considered that this scheme does not relate positively to the traditional characteristics of buildings within the village. A more contextually driven approach, particularly the Chester Road frontage and the northern edge of the site would have helped better assimilate the development into the village. The application site is located on the fringe of the village and the buildings have an urban rather rural vernacular and as such will draw greater prominence to themselves and this is exacerbated by the difference in levels.

Residential Amenity

The surrounding development comprises a church, Acton Primary School located immediately to the south, and beyond that a 1950's cul-de-sac

development. Located towards the north and east are open fields and to the west is Chester Road.

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 internally all these separation distances will be met.

The nearest residential dwelling is located to the south of the application site and there is a distance in excess of 36m separating the boundary of the application site to this dwelling. Therefore, no other adverse impacts on the living condition of existing occupiers are anticipated.

The Council's SPG advocates the provision of 50sq.m of private amenity space for all new family dwellings. The majority of plots will include significantly more than 50sq.m. However, it is noted that some of the plots have much smaller garden spaces. These plots are primarily the terraced units. The amount of garden space afforded to these units is commensurate with other properties of a similar size in the locality and as such it is not considered that there is sufficient justification to warrant a refusal.

Drainage

Development on sites such as this generally reduces the permeability of at least part of the site and changes the site's response to rainfall. Advice advocated within the NPPF states that in order to satisfactorily manage flood risk in new development, appropriate surface water drainage arrangements are required. The guidance also states that surface water arising from a developed site should, as far as possible, be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development. It is possible to condition the submission of a satisfactory drainage scheme in order to ensure that any surface water runoff generated by the development is sufficiently discharged. This will probably require the use of Sustainable Drainage Systems (SUDS) which include source control measures, infiltration devices as well as filter strips and swales which mimic natural drainage patterns.

A number of local residents are concerned that the proposal will affect drainage and flooding in the area. It is considered prudent to attach a condition relating to drainage, in the event that planning permission is approved. Colleagues in United Utilities have been consulted and have raised no objections. Therefore, it is considered that the application is in accordance with policy BE.4 (Drainage, Utilities and Resources).

Primary School

Located immediately to the south of the application site is Acton Primary School. The main access to the school is via a narrow single lane track, which runs along the southern boundary of the site. The applicant is proposing on widening the existing access road and creating a run around facility on the existing car park, so that parents can pick up and drop their children off. In addition, a school car park will be formed with parking for 20 vehicles. The boundaries to the car park will be planted with native species to help assimilate the proposal into the local environ. It is considered that the proposed car park given its location will not have a significant detrimental impact on the character and appearance of the streetscene or the conservation area.

Highway Safety and Traffic Generation

The Council's Highways Engineer has examined the application and visited the site. Policy BE.3 (Access and Parking) states that proposals for development requiring access, servicing or parking facilities will only be permitted where a number of criteria are satisfied. These include adequate and safe provision for suitable access and egress by vehicles, pedestrians and other road users to a public highway.

The site is at the extreme north end of Acton village and about 2.5km from Nantwich town centre. The identified parking provision falls just below the council's minimum parking standards, which is 29 spaces, and given the site's car-dependence it is recommended that a further three spaces for residents and visitors be provided in the proposed parking square, which will be conditioned accordingly.

The proposal is seeking to create a new vehicular access directly off Chester Road towards the north of the site and a pedestrian access will link the site to Chester Road, towards the south of the site.

The proposed vehicular access would be located near the present change in speed limit from 40mph to the north to 30mph through Acton. The Highways Engineer considers adequate visibility from the proposed access onto Chester Road is needed which will require the removal of the existing boundary hedge. The submitted drawings show that to the south of the entrance to be removed but not that to the north, which is outside the redline boundary but on land in the applicant's control. This will require visibility splays of 2.4m by 70m at the access. Widening of the frontage footway on Chester Road, and improved speed limit demarcation and gateway signing will also be required to emphasise the change to urban conditions and ensure approach speeds are moderated. These improvements will require the applicant entering an agreement under S278 of the Highways Act.

In addition to the above, the proposals also comprise the enlargement and improvement of the adjacent school car park and entrance. Colleagues in

Highways have been consulted and consider that these proposals are acceptable.

Ecology

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

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

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

- a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and
- a licensing system administered by Natural England.

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

The converse of this advice is that if issues of detriment to the species, satisfactory alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations. In this case Bats, Badgers and Great Crested Newts are European Protected Species and need to be considered in line with the above.

Great Crested Newts

An acceptable great crested newt survey has been undertaken in support of this application. A single juvenile great crested newt was recorded at a pond some distance from the proposed development. This pond does not have any direct habitat links with the proposed development site. The Council's ecologist advises that the proposed development is unlikely to have a significant impact on this species and consequently no further action is required.

Common toad and Hedgehog

Both of the above species which are UK BAP priority species and hence a material consideration were recorded to the south of the school complex. It is considered that the proposed development is unlikely have a significant impact on the conservation status of these species. However, the provision of boundary hedgerows would provide some additional habitat for these species.

Hedgerows

Hedgerows are a Biodiversity Action plan priority habitat and hence a material consideration. The proposed development will result in the loss of section of hedgerow to facilitate the site entrance and a significant length of hedgerow on the southern boundary.

In the event that planning permission is approved, a condition relating to landscaping will be attached to the decision notice to incorporate the provision of newly planted native species hedgerows around the boundary of this site to compensate for the loss of existing hedgerows.

Bats

Bat activity around the site is relatively low. Most activity recorded was along the southern and western boundary. The loss of hedgerows on this site will have a localised adverse impact on bats. The Councils ecologist recommends that the adverse impact of the development upon bats should be addressed by the creation of new hedgerows as described above.

Badger

An active badger sett was recorded during the submitted surveys. The sett will not be directly affected by the proposed development. There will however be a loss of badger foraging habitat as a result of the proposed development. This impact could again be partially compensated for by means of the new hedgerows around the site and the incorporation of fruit bearing trees into the hedgerow planting schedule.

Breeding Birds

The proposed development of the site is likely to support a number of species of breeding birds including the more widespread Biodiversity Action Plan species which are a material consideration for planning. The loss of breeding bird habitat on site could again be compensated for through the planting of additional hedgerows.

Reptiles

No reptile survey has been undertaken however, the site does not appear particularly suitable for reptiles and so it is not anticipated that the proposed

development will be likely to have a significant impact on this species group.

Landscaping

Trees

The Senior Landscape Officer has examined the proposals and commented that site measures 0.54 hectares of agricultural land bounded by Chester Road to the west and a farm track and the school to the south. There is a well established hedgerow to the south adjoining the track and a 'gappy' hedge on the western boundary adjoining Chester Road which contains two mature trees.

The application is supported by a tree survey, tree constraints plans and an Arboricultural Impact Assessment. The tree survey affords the roadside Oak tree a Grade A and recommends the Sycamore tree for removal on grounds of poor condition.

The current proposal will involve the removal of the above mentioned Sycamore tree and a length of the southern boundary hedge. According to the tree survey protective measures are recommended to allow the successful retention of the mature Oak tree, together with retained lengths of hedgerow. According to the Councils Landscape Officer the removal of a poor quality Sycamore tree is reasonable and subject to appropriate protection the Oak tree should be retained.

Hedgerows

According to the submitted plans will necessitate the removal of a section of the southern boundary hedgerow (and in order to comply with the highways engineer request a section of the northern hedgerow will need to be removed). The 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 the hedgerow be found to be 'Important' is a significant material consideration. The applicant has failed to assess the hedgerow in order to determine whether it is 'Important'. Consequently, this will form an additional reason for refusal.

Historic Battlefield

The application site forms part of the 1644 battle of Nantwich battlefield. According to Policy BE.17 (Historic Battlefields) states development proposals within the historic Nantwich battlefield will only be permitted where there would be no adverse effects on

- The historical value of the site;

- Its archaeological value;
- The appearance of the landscape; and
- They would not prevent the historical interpretation of the site.

The battlefield at Nantwich is of considerable local, regional and national interest, although registered battlefields do not currently have statutory protection. They are, however, a material consideration in planning terms. It is noted that battlefields are not easy to conserve as part of a development because what is of significance tends to be topographical features such as slight changes in elevation.

It is noted on English Heritage interpretative plan of the battlefield includes an area of high ground that is within the proposed development. Some of the hedgerows that remain today were also of importance during the battle. Colleagues in English Heritage have been consulted and they consider that the proposed development will destroy such features and it is uncertain whether there is any suitable mitigation that would compensate for the loss.

It is considered that the applicant has failed to provide sufficient justification for the loss of this important heritage asset and as such is contrary to policy BE.17 (Historic Battlefields) and advice advocated within the National Planning Policy Framework.

Renewable Energy Provision

Policy EM18 (Decentralised Energy Supply) of the North West of England Plan Regional Spatial Strategy to 2021 requires that *'all residential developments comprising 10 or more units should secure at least 10% of their renewable energy requirements from decentralised and renewable or low-carbon sources, unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable'*. This could be controlled through the imposition of a planning condition.

Other Matters

A number of objectors are concerned that if this application is approved a precedent will be set for other similar types of development in the immediate area. However, this is a hypothetical situation and all cases must be determined on their own merits and any future applications would need to be considered against the circumstances applicable at that time.

A number of objectors state that the application site is located within the Green Belt. However, the site is located wholly within the open countryside.

10. CONCLUSIONS

The proposed development relates to the provision of affordable housing outside the settlement boundary of Acton. This type of development is

appropriate in the open countryside when it is adjacent to a settlement boundary as identified in Policy RES.4. The current proposal is for 14 dwellings which are made up of 4x 2-bed houses, 9x 3-bed houses and 1x 4-bed house. However, it is considered that there is a requirement for only 10 units and more 1 and 2 bedroom units. This is a requirement of Policy RES.8, the Interim Planning Statement on Affordable Housing and paragraph 54 of the NPPF which states that LPA's should be '*responsive to local circumstances and plan housing development to reflect local needs*'. As there is no identified need for this provision of affordable housing on this site will form a reason for refusal.

The layout, design and scale of the proposed dwellings are not considered to be appropriate. The proposal is considered to be acceptable in terms of its impact upon residential amenity, drainage/flooding, protected species.

The proposed development would not have a detrimental impact upon highway safety or traffic congestion and the Strategic Highways Manager has requested that the visibility be secured by condition.

The proposed development will be constructed on the Nantwich battlefield, which is a significant heritage asset. According to guidance advocated within Policy BE.17 and the NPPF, the applicant should provide clear and convincing justification for building on the site. The substantial harm to or loss of designated heritage asset should be wholly exceptional and it is not considered that the applicant has demonstrated the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss, and this will form a reason for refusal.

The applicant is proposing on removing sections of hedgerow, and no hedgerow assessment has been conducted to ascertain whether they are 'Important'. Consequently, this will form another reason for refusal.

11. RECOMMENDATION: Refuse for the following reasons

- 1. The proposed development, by means of its layout, design and siting would be out of character with the existing residential development in this rural settlement contrary to Policies BE.2 (Design Standards) and BE.7 (Conservation Areas) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the National Planning Policy Framework.**
- 2. The proposed development relates to the provision of affordable housing within the open countryside adjacent to the Acton Settlement Boundary. The rural housing survey does not identify a need for this number of affordable houses within the Parish of Acton. Furthermore, the SHMA shows an oversupply of 3 bed accommodation and the proposal is for 9 out of 14 units to have 3 bedrooms. As a result there is no identified need for the proposed development and it would be harmful to the principles of**

sustainable development. The development would be contrary to Policies RES.8 (Affordable Housing in Rural Areas Outside the Settlement Boundaries) and NE.2 (Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan 2011, the Interim Planning Statement on Affordable Housing and the NPPF.

- 3. Insufficient archaeological or historic information has been submitted to determine whether the hedgerow to be removed is of significance according to criteria set out in the Hedgerow Regulations. Without sufficient information the development would be contrary to policy NR.5 (Nature Conservation and Habitats) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and advice advocated within the National Planning Policy Framework.**
- 4. The development will have an adverse impact on the Nantwich battlefield which is a significant heritage asset and as such is contrary to policy BE.17 (Historic Battlefields) of the Borough of Crewe and Nantwich Replacement Local Plan and advice advocated within the National Planning Policy Framework.**

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