

Application No: 13/4631N

Location: THE GABLES, PECKFORTON HALL LANE, PECKFORTON, CW6 9TG

Proposal: Outline planning application for housing development off Back Lane on land adjacent The Gables, Spurstow with all matters reserved.

Applicant: J. Gaskell

Expiry Date: 12-Feb-2014

SUMMARY RECOMMENDATION –

Refuse

MAIN ISSUES

Principle of development

Principle of Enabling Development

Housing Land Supply

Highways

Appearance, Landscaping, Layout and Scale

Amenity

Ecology

DESCRIPTION OF SITE AND CONTEXT

The site is wholly located within the Open Countryside as defined by the Borough of Crewe and Nantwich Replacement Local Plan 2011.

The site lies to the south of the Gables outside the settlement of the village of Spurstow, although there are dwellings opposite. The site is in current use as horse grazing although it appears to be agricultural. To the rear is open countryside. The village of Spurstow has poor access to day to day services that a resident would need. The Village contains a post box, children's nursery and restaurant (Panama Hatties). Other day to day facilities and services are located elsewhere, the closest for the majority of the services being Bunbury. Power cables traverse the Back Lane Frontage and Telephone cables traverse the Peckforton Hall Lane frontage of the site. The site is enclosed by a mature hedge to both frontage with sporadic trees.

DETAILS OF PROPOSAL

This is an outline proposal for 18 dwellings (12 market and 6 affordable) with all matters reserved except for access. The indicative proposals demonstrate the individual access points/driveways for each of the 18 proposed dwellings arranging in a linear configuration along the Back Lane and Peckforton Hall Lane frontage of the site. Six of the units would be

two storey semi-detached dwellings located in a group to the western boundary of the site with the remainder being two storey detached dwellings wrapping around the street frontage of Back Lane and Peckforton Hall Lane. Each individual access would punch through the hedge

POLICIES

National Planning Policy

National Planning Policy Framework

Borough of Crewe and Nantwich Replacement Local Plan 2011

NE.2 (Open Countryside)

NE.5 (Nature Conservation)

NE.9 (Protected Species)

RES.5 (Housing in the Open Countryside)

RES.8 (Affordable Housing in rural areas outside settlement boundaries (rural exceptions policy))

TRAN.9 (Parking Standards)

BE.1 (Amenity)

BE.2 (Design)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)

BE.5 (Infrastructure)

BE.6 (Development on Potentially Contaminated Land)

Other Material 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

Core Strategy Pre-Submission Document

CONSULTATIONS (External to Planning)

United Utilities: No Objection subject to the following condition -

The site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway/watercourse/surface water sewer and may require the consent of the Local Authority. If surface water is allowed to be discharged to the public surface water sewerage system we may require the flow to be attenuated to a maximum discharge rate determined by United Utilities.

Archaeologist : No sites are currently recorded on the Cheshire Historic Environment Record from within the limits of the application area. In addition, I have carried out a rapid

examination of the 19th-century Ordnance Survey maps, the tithe map, and the aerial photographs and have not identified any features, earthworks, or field names that suggest any particular archaeological significance within the proposed development area. In these circumstances, it is advised that it would not be reasonable to secure further archaeological mitigation on the c 1ha of land affected by development.

One further point concerns the presence of the extensive area of medieval earthworks to the north of Peckforton Hall Lane, which are designated as a Scheduled Monument (SM 30388). The southern tip of the designated area lies c 80m to the north of the proposed development area and it might be thought that the effect of any development on the 'setting' of the Scheduled Monument should be considered. There is, however, relatively-recent housing to the east and north of the application area so it would be difficult to argue that 'setting' was a significant issue in this instance.

Highways: Do not consider the site to be a sustainable one as it is almost wholly dependent on car. There are very few facilities within walking distance and public transport service is poor

Housing: - Objection : This site is in a rural area however outside of the settlement boundary for Spurstow then the only type of development that would be allowed on this site would be a small scheme of affordable housing. Such rural exceptions sites need to be developed in accordance with the Council's Interim Planning Statement on Affordable Housing and can only happen where the following criteria are in place: -

- The site adjoins the settlement boundary of a village or is within a village with no settlement boundary
- There is an identified need for affordable housing in that village or locality
- All the proposed housing is affordable, for people with a local connection and will remain affordable in perpetuity
- The development is in accordance with other local plan policies

The proposals for this site do not incorporate the above criteria because the site is not for 100% affordable housing.

Environmental Health: (Amenity) : No objection subject to conditions

VIEWS OF PARISH COUNCIL

Spurstow Parish Council: Objection on grounds of

- The proposed development site is outside of the settlement boundary of Spurstow which has been in place for many years and local plans going back to 1997 show this boundary. Cheshire East's latest Local Plan dated November 2013 confirms that the Council intends to maintain this boundary for the next twenty years to 2030.
- The residents wish that the existing Open Countryside status is maintained and the good agricultural land continues to be used for that purpose.

- The proposal does not meet CE's Council's criteria for exceptional permission, not being for essential agricultural, forestry, outdoor recreation or essential works by public service authorities.
- Neither can the proposal be considered to be "infilling" which would normally cover only one or two dwelling as this site is outside of the established development area.
- Spurstow Parish is a disparate settlement having no community facilities (shops, Post Office, village hall or church). In that part of Spurstow there is a Mexican style restaurant on the A49 road but the only pub is situated over the boundary with Bunbury.
- The proposal does not meet the definition of a sustainable settlement as there are no bus services or other public transport facilities unless you walk to either Tarporley (4 miles) or Algham (4 miles) to catch a timetabled bus. Bunbury used to offer a single daily bus journey during school terms but this was cancelled from Easter 2013.
- There are no planned extra employment opportunities in the immediate area.
- Whilst there are pedestrian footpaths to the west of the A49 trunk road there is no footpath or alternative route to walk to the centre of Bunbury on the east side of Spurstow down Long Lane which is a major commuter through road to Nantwich. Walking down the twisty Long Lane is not considered safe for family groups containing school children.
- The area is unsuitable for this number of high density family houses and nearby South Croft already provides affordable housing opportunities.
- This Parish area does not have the necessary infrastructure to accommodate young families as there are no recreational facilities for children and insufficient quality street lighting.
- Spurstow/Peckforton is 14th out of 15 priority areas set out in Cheshire East's analysis for development. (Whilst Bunbury is joint 5th)
- Spurstow does not adjoin Bunbury in any meaningful way so it cannot be assumed that the proposal is just an annex to the larger village of Bunbury.
- The telephone box mentioned in the proposal has been out of commission for many years and we are awaiting BT to attend and remove it.
- Back Lane is a narrow country road and whilst the developer has indicated willingness to widen it with a footpath even this is not likely to eliminate congestion. The road would need to be brought up to full authority standard. Not sure if much of the hedge will remain after the road widening.
- Access to both the A49 and Peckforton Hall lane poses hazards risks due to limited visibility. Now that farming has resumed at Haycroft Farm due to the narrow entrance it is often necessary for tractors and trailers to back into Back Lane to gain access to the farm.
- The site does not provide acceptable access for builder's vehicles, storage of materials and workers parking unless a large temporary builder's yard is created on the countryside behind the proposed houses. Even the building activity will be blight on the area until completed.
- Houses in the village have not sold quickly casting doubt on how much demand there is.
- Bunbury is already a nightmare for parking and transit around the Co-op shop and school, so more cars would add to current problems.

- There is already approval for 20 new houses on Beeston Market site with applications for another 120 on the cattle market area. This is only 2 miles away.
- Water and sewerage facilities fail to cope adequately at present. We would wish to avoid unnecessary damage to rural eco environment that will be caused by development such as this proposal, and damage to the recently planted trees behind where the houses are planned.

OTHER REPRESENTATIONS

A petition signed by 48 local residents opposing the proposal of grounds of –

Lack of need

Loss of countryside

Lack of Infrastructure in village – doctors, pavements, shops, public transport

22 Letters/emails of objection have been received from the occupiers of properties in the locality. The main issues raised are;

- More traffic, disruption during construction, making main road more congested. Spurstow is already congested
- Loss of privacy / daylight / views of open views of countryside
- Lack of infrastructure, schools, doctors, buses, pavements to support more residents
- No facilities in the village, walking to Bunbury is hazardous – lack of street lighting and pavements therefore people will be reliant on private car
- NO employment in area to support new dwellings
- Housing in area is already difficult to sell no need for more
- Water pressure is low

APPLICANT'S SUPPORTING INFORMATION:

- Flood Risk Assessment
- Design and Access Statement
- Transport Assessment inc framework Travel Plan
- Section 106 Heads Of Terms
- Planning Statement
- Ecological Survey
- Tree Survey

Copies of these documents can be viewed on the application file. In precise, it is the Applicants case is that the application will bring forward much needed affordable housing , the market housing is needed to bring forward the affordable housing and that development is in keeping with its environment and passes the sustainability test.

OFFICER APPRAISAL

Principle of Development

Local Plan Policy

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

The Concept of Enabling Development.

Enabling Development is that which would normally be rejected as clearly contrary to other objectives of national, regional or local planning policy, but is permitted on the grounds that it would achieve a significant benefit to a heritage asset. Such proposals are normally put forward on the basis that the benefit to the community of conserving the heritage asset would outweigh the harm to other material interests. Therefore the essence of a scheme of enabling development is that the public accepts some disbenefit as a result of planning permission being granted for development which would not otherwise gain consent, in return for a benefit funded from the value added to the land by that consent.

In this case, from the information submitted, it appears that the applicant is relying upon an 'element of the market housing' to enable the provision of the 6 affordable units. The non rural exclusion housing units (12 no) that are proposed are contrary to planning policies because they would constitute development within the Open Countryside, where there is a general presumption against new residential development, except those that would comply with policy RES.8. Accordingly, the application has been advertised as a departure.

The proposed development would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside. As a result, it constitutes a "departure" from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined "*in accordance with the plan unless material considerations indicate otherwise*".

Members should note that on 23rd March 2011 the Minister for Decentralisation Greg Clark published a statement entitled 'Planning for Growth'. On 15th 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.

With specific regard to Enabling Development, Para 55 of the NPPF seeks to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and specifically refers to the circumstances where enabling development is appropriate and states;

*'.. Local planning authorities should avoid new isolated homes in the countryside unless there are **special circumstances** such as (amongst other things)*

- where such development would represent the optimal viable use of a*

heritage asset or would be **appropriate enabling development** to secure the future of **heritage assets**;

The NPPF goes on to say at paragraph 140:

*“Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would **secure the future conservation of a heritage asset**, outweigh the disbenefits of departing from those policies.”*

In determining this case, the market housing is put forward as being the enabling development to fund the delivery of the 6 affordable units, although no financial viability information is provided. The site is not a heritage asset as referred to within the NPPF and there are no listed buildings/heritage assets on this site. Accordingly, it is considered that to treat the housing as enabling development would be a mis-application of planning policy in this instance.

Planning Policy and Supply of New Housing

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

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

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.”*

To assess the contribution to housing land supply, it is therefore necessary to assess if this development could be regarded as being a sustainable form of development in order to engage Paragraph 14, and if this is so; within the overall planning balance, would *any adverse impacts of doing so significantly and demonstrably outweigh the benefits*.

Sustainable Development

Paragraph 34 of the NPPF states that decisions should ensure that developments that generate travel movement are located where the need to travel will be minimised and the use of

sustainable transport modes can be maximised. In order to access services, it is unlikely that future residents and travel movement will be minimised and due to its location, the use of sustainable transport modes maximised.

Paragraph 55 of the NPPF refers to the promotion of sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and Local Planning Authorities should avoid new isolated homes in the Countryside.

In addressing sustainability, members should be mindful of the key principles of the National Planning Policy Framework. This highlights that the principal objective of the planning system is to contribute to sustainable development. As the Planning Minister states in his preamble:

“Sustainable means ensuring that better lives for ourselves don’t mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world.”

Accessibility is a key factor of sustainability that can be measured. A methodology for the assessment of walking distance is that of the North West Sustainability Checklist, backed by the Department for Communities and Local Government (DCLG) and World Wide Fund for Nature (WWF). The Checklist has been specifically designed for this region and can be used by both developers and architects to review good practice and demonstrate the sustainability performance of their proposed developments. Planners can also use it to assess a planning application and, through forward planning, compare the sustainability of different development site options.

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

The toolkit sets maximum distances between the development and local amenities. These comprise of:

- a local shop (500m),
- post box (500m),
- playground / amenity area (500m),
- post office (1000m), bank / cash point (1000m),
- pharmacy (1000m),
- primary school (1000m),
- medical centre (1000m),
- leisure facilities (1000m),
- local meeting place / community centre (1000m),
- public house (1000m),
- public park / village green (1000m),
- child care facility (1000m),
- bus stop (500m)
- railway station (2000m).

In this case the development meets the standards in the following areas:

- post box - 50m southcroft/ Peckforton Hall Lane
- childrens day care/nursery 400m Peckforton Hall Lane
- Panama Hatties – 50m restaurant, bar , lounge

A failure to meet minimum standard (with a significant failure being greater than 60% failure for amenities with a specified maximum distance of 300m, 400m or 500m and 50% failure for amenities with a maximum distance of 1000m or 2000m) exists in respect of the following:

- primary school – 1.8km Bunbury
- playground / amenity area - 1.46 Bunbury
- post office / bank / cash point - 1.34 km Bunbury
- pharmacy - 1.7km Bunbury
- medical centre – 1.7km Bunbury
- leisure facilities – 15.8km Malpas
- public house – 800m Yew Tree Inn
- public park – Bunbury
- local meeting place – 1.57 Bunbury Village Hall
- railway station (12.6km) Nantwich

Clearly, existing residents would have to travel the same distance to most everyday services. Public transport accessibility to the site is very poor. Even this limited analysis demonstrates, for day to day services and facilities that any resident would need, the site fails more criteria than it passes and locationally must be regarded as being unsustainable.

There are, in addition, three dimensions to sustainable development -: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

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

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

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

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

Inspectors have determined that locational accessibility is but one element of sustainable development and it is not synonymous with it. There are many other components of sustainability other than accessibility. These include, meeting general and affordable housing need, an environmental role in protecting and enhancing the natural environment, reducing energy consumption through sustainable design, and assisting economic growth and development. The proposal would also generate Government funding through the New Homes bonus.

The Design and Access Statement and the Transport information submitted do not provide any indication as to how principles of sustainable development / energy reduction would be met within the development. The application provides no indication as to how the development would contribute to sustainable transport options. Nevertheless, this is an outline application and a detailed scheme to achieve reduced energy consumption could be secured through the use of conditions, although it is less clear how this scheme would be designed to, or what commitment the Applicant has to encourage sustainable transport options. This is a significant failing within the context of whether this is a sustainable development.

No economic benefit analysis has been provided as part of the application, however, it is accepted that the construction of a housing development of this size would bring the usual economic benefit to the closest shops in Bunbury for the duration of the construction, and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain. There would be some economic and social benefit by virtue of new resident's spending money in the area and using local services and as a result of the New Homes Bonus. Affordable housing is also a social benefit.

To conclude, the benefits include the provision of affordable housing, which is in great need, do not outweigh the harm caused by virtue of the unsustainable location of the site.

Affordable Housing

Policy RES.8 permits the provision of affordable housing as an exception to Policy NE.2 where the housing will meet the needs of the 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, or exceptionally within or adjoin the built area of other rural settlements and the scale, layout and design of the scheme is appropriate to the character of the settlement.

As the site is within the open countryside and in a rural parish the proposal site could be considered as a rural exception site, provided 100% affordable housing is proposed.

This application is for 18 dwellings, the affordable housing requirement put forward is 30% which equates to 6 units of affordable housing in a 35%:65% split between affordable or social rent and intermediate properties. The information submitted with the application suggests that 12 market units are required to fund 6 affordable units.

The affordable Housing Officer notes that the Rural Housing Needs Survey has identified that there is need for rural exception affordable housing in the Peckforton sub area of which Spurstow is a part. As this proposal does not comprise 100% affordable units, the Strategic Housing Manager objects.

There is no information from Cheshire Homechoice specific to Spurstow as it is only a small settlement with few affordable homes. The closest are applications for nearby Bunbury. There are currently 36 active applicants on the waiting list with Cheshire Homechoice (which is the Choice based lettings system for allocating social & affordable rented accommodation across Cheshire East) who have selected Bunbury as their first choice, showing further demand for affordable housing. These applicants have stated that they require 6 x 1 bed, 19 x 2 bed, 10 x 3 bed and 1 x 4 bed.

To date there has been no delivery of the affordable housing required between 2013/14 and 2017/18 in the Peckforton sub-area.

Accordingly whilst there is a need for affordable housing in Spurstow and therefore this site should provide on-site affordable housing in line with the Council's policies. The applicants are offering only 30% on site affordable housing which is not acceptable to the Strategic Housing Manager. In order for the scheme to be acceptable, 100% affordable housing would be required.

Highways

Policy BE3 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.

Paragraph 32 of the National Planning Policy framework states that:-

'All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment and that any plans or decisions should take into account the following;

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
- safe and suitable access to the site can be achieved for all people; and*
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.*
- Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*

This outline application also includes details of access to be agreed at outline stage.

Each of the 18 dwellings is proposed to have its own individual driveway access to either Back Lane or Peckforton Hall Lane. These are being applied for at this stage.

Key Issues

- 1) Safety of the access proposal

- 2) Width of Back Lane
- 3) Visibility at the access points
- 4) Refuse collection
- 5) Car parking
- 6) Construction traffic
- 7) Sustainability of the proposal

Assessment

The layout is proposed with no footways and all dwellings being individually access from the highway network. No evidence has been presented relating to visibility to/from the proposed dwellings or to the safety and convenience of access to the dwellings for pedestrians.

The transport report submitted in support of the application indicates average widths of 4.1m along Back Lane *'up to the start of the more modern dwellings'*. No mapping has been produced evidencing the existing width along this road and this information would normally be provided in instances of reduced carriageway width in order that the Strategic Highway Manager (SHM) could assess the safety and capacity implications of such proposals. Widths of the road need to be provided along the whole length being used for access not a simple average width.

An absence of sufficient street lighting is indicated in the report.

Peckforton Hall Lane and Back Lane are subject to a 30mph speed limit. A 50mph limit is in place on the A49.

The transport report indicates that visibility splays meets minimum required standards. The report makes no reference to what these minimum required standards are and how they have been calculated or referenced.

Typically visibility would be judged against observed traffic speeds or speed limits. Given an absence of speed surveys or plotted visibilities the Applicant's unsupported statement on visibility is not accepted. The Strategic Highways Manager accepts that traffic flows will be low. However, speed surveys on local roads and on the A49 would generally be required to justify visibility and the visibility requirement needs to be shown.

The Transport report considers that the development will encourage primarily car-borne journeys. Given the lack of any meaningful local facilities in the village (the village only supports children's day care, a restaurant, and a postbox) this is undoubtedly the case. The development site is not considered sustainable in transport terms.

No evidence is submitted to suggest that sustainable transport facilities are available or would be provided by the development (Footways, encouraging use of cycling and public transport, etc).

Bus service 56 (Vale Travel) provides one daytime service in each direction on Thursdays and Saturdays only between Tiverton and Nantwich. It seems clear that the great majority, if not all, of typical day-to-day and weekly trips from the proposed dwellings to work, shopping, education, etc will be undertaken by private car.

The proposed increased carriageway width to 4.5m with no footways is not considered suitable in the absence of further detailed information relating to design and speeds.

Conclusion

The Strategic Highways Manager recommends refusal on the grounds of a lack of highways and transport information and the lack of sustainable transport credentials of the proposal site.

Trees and Forestry

There are a number of trees and lengths of hedgerow to both the frontages of the site. Two high amenity value Oak trees and a high amenity Pine tree would be affected by the proposed site access.

The application is supported by a Tree Survey Report. The report indicates that the survey has been carried out in accordance with the recommendations of British Standard BS5837:2005 Trees in Relation to construction.

BS 5837:2005 has been superseded by *BS5837:2012 Trees in relation to design, demolition and Construction – Recommendations*. The new standard now places an emphasis on 'evidence based planning' and accords with standard RIBA work stages. The standard now requires higher levels of competency and a more precautionary approach to tree protection. The Standard requires a greater level of robustness and confidence to ensure the technical feasibility of a development in respect of the successful retention of trees.

The Arboricultural Assessment has identified three mature trees and two hedgerows which are material to this application

A mature Lime (listed as T1 in the survey) is a mature specimen located within the grounds of 'The Gables' and according to the survey has been assessed as a High 'A' category tree in accordance with the method of categorisation in BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations. The tree is protected by the Crewe and Nantwich Borough Council (Peckforton Hall Lane, Spurstow) TPO 2000.

Two mature Oak (listed as T2 and T3), located to the south of the site on Back Lane and adjacent to footpath (Spurstow FP1) are identified in the submitted survey as High 'A' category tree worthy of retention.

It should be noted that the AIA provides no supporting evidence in respect of these trees in terms of the direct and indirect effects of the proposed development on these trees. The only reference to any impact is shown on the Pre-commencement Tree Protection Plan which identifies root protection areas and proposed ground protection.

Notwithstanding this lack of information, the position of the proposed plot in respect of the protected Lime tree on Peckforton Hall Lane broadly complies with the requirements of the British Standard, respects the RPA of the tree and is acceptable in terms of relationship/social proximity.

The position of the proposed driveway to the southernmost plot to Oak (T1) lies slightly within the root protection area of this tree. Given this relatively slight incursion and vitality of the tree it is considered that the proposed development will not impact significantly on the trees long term health and safe well being.

The Council's Tree Officer is satisfied that a layout can be accommodated on this site without adverse impact upon the trees.

Appearance, Landscaping, Layout and Scale

As the application is outline, the appearance, landscaping, layout and scale of development would be covered in detail within the Reserved Matters application. The indicative layout proposed is considered acceptable as it loosely reflects the development on the opposite side of the road.

Amenity

Neighbouring amenity

A key consideration of the development would be the impact it would have on neighbouring amenity.

The indicative layout suggests that the amenities of neighbours opposite can be adequately safeguarded, in line with the interface standards in the Local Plan.

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 implemented the Directive by introducing The Conservation (Natural Habitats etc) Regulations 1994 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.

Local Plan Policy NE.9 (Protected Species) states that proposal for development will not be permitted which would have an adverse impact upon species specifically protected under Schedules 1, 5 or 8 of the wildlife and countryside Act 1981 (As amended) or their habitats.

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

The NPPF advises LPAs to ensure that appropriate weight is attached to protected species "Where granting planning permission would result in significant harm [LPAs] will need to be satisfied that the development cannot reasonably be located on any alternative site that would result in less or no harm. In the absence of such alternatives [LPAs] should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where ... significant harm ... cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused."

The NPPF encourages the use of planning conditions or obligations where appropriate and again advises [LPAs] to "refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm."

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.

To compensate for any loss of existing hedgerows on the site by virtue of the formation of the access driveways to each plot a native species hedgerows and tree planting should be included in any landscaping scheme formulated for the site, and bird boxes should be erected on the site. If planning consent were granted conditions requiring safeguard breeding birds during March and September would also be required.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The application seeks outline planning permission for 18 dwellings within the Open Countryside. This proposal is considered to be contrary to Policy NE2 and RES 5 of the Crewe and Nantwich Local Plan and does not meet the requirements of RES 8.

Furthermore, the application fails to include a suitable amount of affordable housing for a rural site, and there is insufficient information submitted with the application with regards to Highways access for the Council to determine the impact the proposal may have. It is therefore considered that the application is unacceptable and therefore recommended for refusal on the following grounds

Recommendation: REFUSE for the following reasons

- 1. Due to the location of the site, the development is likely to be a car dependant and thereby comprises unsustainable development contrary to the NPPF and comprises the loss of agricultural land within the open countryside. It is therefore contrary to Policy NE.2 (Open Countryside) NE 12 (Agricultural Land Quality) and Policy RES.5 (Housing in**

the Open Countryside) of the Borough Crewe and Nantwich Local Plan 2011 and the provisions of the NPPF with respect to unsustainable development.

2. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework, and as such the housing supply policies of the Local Plan can be considered to be up to date. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan. The proposed development is therefore contrary to Policy NE.2 (Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within the NPPF.

3. An inadequate provision of affordable housing has been proposed on the site contrary to both Policy RES.5 (Housing in Open Countryside) and Policy RES.8 (Affordable Housing in rural areas outside settlement boundaries (rural exceptions policy) of the Crewe and Nantwich Replacement Local Plan and the Interim Policy Statement: Affordable Housing.

4. Insufficient information has been submitted in relation to speed surveys to justify the visibility splays for the access driveways and sustainable transport provision. It is therefore considered that insufficient information has been submitted in relation to highway matters therefore the application does not accord with Policy BE.3 (Access and Parking) of the Crewe and Nantwich Replacement Local Plan 2011.

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Planning and Place Shaping Manager has delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

Should this application be the subject of an appeal, authority be delegated to the Planning and Place Shaping Manager in consultation with the Chairman of the Southern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.



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