

Application No: 14/2078N

Location: LAND ADJACENT, 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.
(Resubmission of 13/4631N)

Applicant: Mr & Mrs J Gaskell

Expiry Date: 25-Jul-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. It is a resubmission of application 13/4631N which was refused in February and is

now the subject of appeal. The difference between the 2 schemes relates to the removal access in the current application so this application concerns all matters being reserved.

The indicative proposals demonstrate the individual access points/driveways for each of the 18 proposed dwellings arranged 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)

Cheshire East Local Plan Strategy – Submission Version

Paragraph 216 of the National Planning Policy Framework (NPPF) states that, unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is

appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process.

At its meeting on the 28th February 2014, the Council resolved to approve the *Cheshire East Local Plan Strategy – Submission Version* for publication and submission to the Secretary of State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

Cheshire East Local Plan Strategy – Submission Version

PG2 – Settlement Hierarchy
PG5 - Open Countryside
PG6 – Spatial Distribution of Development
SC3 – Health and Wellbeing
SC4 – Residential Mix
SC5 – Affordable Homes
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE1 - Design
SE2 - Efficient Use of Land
SE3 – Biodiversity and Geodiversity
SE4 - The Landscape
SE5 – Trees, Hedgerows and Woodland
SE9 –Energy Efficient Development
IN1 - Infrastructure
IN2 – Developer Contributions

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: No reply at time of writing report but objected to the previous application on grounds that they 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: - : No Objection subject to 30% affordable housing being provided in a 65% affordable rent:35% intermediate split

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

VIEWS OF PARISH COUNCIL

Spurstow Parish Council: Repeat previous 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 were the houses are planned.

OTHER REPRESENTATIONS

A petition signed by 24 local residents opposing the proposal of grounds of –

Lack of need

Loss of countryside

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

16 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

Given that the application is submitted in outline, the main issues in the consideration of this application are the suitability of the site for residential development having regard to matters of planning policy and housing land supply, open countryside, affordable housing, highway safety and traffic generation, contaminated land, air quality, noise impact, landscape impact, hedge and tree matters, ecology, amenity, open space, drainage and flooding, sustainability.

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.

Housing Land Supply

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

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

The NPPF clearly states at 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.”*

Appeal decisions in October 2013 concluded that the Council could not conclusively demonstrate a five year supply of deliverable housing land. This was founded on information with a base date of 31 March 2012 selectively updated to 31 March 2013.

In response, in February 2014 The Council published a 5 Year Supply Position Statement which seeks to bring evidence up to date to 31 December 2013. The approach taken to the Statement has been informed by policy requirements and by consultation with the Housing Market Partnership.

The Position Statement set out that the Borough's five year housing land requirement as 8,311. This was calculated using the 'Sedgefield' method of apportioning the past shortfall in housing supply across the first five years. It included a 5% buffer, which was considered appropriate in light of the Borough's past housing delivery performance and the historic imposition of a moratorium.

A standard formula of build rates and lead-in times was applied to most housing sites, unless more detailed site-specific information is available. Those considered deliverable within the five year supply were 'sense-checked' and assumptions altered to reflect the circumstances of the particular site. The Criticisms made of the yields from certain sites in the recent appeals, particularly those in the merging Local Plan, were also been taken on board.

Sources of supply included sites under construction; sites with full and outline planning permission; sites awaiting Section 106 Agreements; selected Strategic Sites which are included in the emerging Local Plan; sites in adopted Local Plans; and small sites. This approach accorded with the National Planning Policy Framework, existing guidance and the emerging National Planning Policy Guidance at that time.

A discount was been applied to small sites, and a windfall allowance included reflecting the applications which will come forward for delivery of small sites in years four and five.

A number of sites without planning permission were identified and could contribute to the supply if required. However, these sites were not relied upon for the five year supply.

The current deliverable supply of housing was therefore assessed as being some 9,757 homes. With a total annual requirement of 1,662 based on the 'Sedgefield' methodology and a 5% 'buffer' the Five Year Housing Land Supply Position Statement demonstrated that the Council has a 5.87 year housing land supply. If a 20% 'buffer' was applied, this reduced to 5.14 years supply.

Notwithstanding this, however, the recent appeal at Elworth Hall Farm, Sandbach (11 April 2014) determined that the Council had still not evidenced sufficiently the 5 year supply position, although the Inspector declined to indicate what he actually considered the actual supply figure to be.

Members should note, however, that the Elworth Hall Farm inquiry took place shortly after the publication of the Position Statement with only very limited time available to evidence the case. Since that time, the housing figures have been continuously refined as part of the preparation of evidence for further public inquiries which have taken place during March and April 2014 and are scheduled to take place within the coming months and against the RSS target, Cheshire East Council can now demonstrate a 5.94 year housing land supply with a 5% buffer or 5.2 year housing land supply with a 20% buffer.

Following the release of the Planning Practice Guidance (PPG), which now proposes that Council's include development which falls into the C2 Use Class category (i.e. care homes, halls of residence etc.) when considering housing land supply figures, the requirement provisionally drops to 6,496 (due to increased delivery in previous years) and the supply is elevated to 10,514. This equates to 8.09 years supply.

At the time of the Elworth Hall Farm inquiry the PPG was only in draft form, and although the Inspector gave consideration to the potential contribution of C2 accommodation to supply, the full implications of its inclusion were not known at that stage. The Inspector considered that the Council had a record of under-delivery and expressed the view that a 20% buffer would be appropriate. However, the inclusion of the C2 consents takes away the suggestion of persistent under supply.

The Elworth Hall Farm inspector also criticised assumptions which the Council had made around build rates and lead in times, which he considered to be overly optimistic. In response Officers have been reworking the supply figures using longer lead in times, and on build rates which do not assume that on large sites there will be two or more developers except where

there is the actual site specific evidence. Whilst this clearly reduces the overall supply, this is balanced out by the inclusion of the C2 permissions, and (subject to confirmation) the most recent figures still indicate that the Council can demonstrate a 5 year supply of housing land.

In the light of the above the Council considers that the objective of the framework to significantly boost the supply of housing is currently being met and accordingly there is no justification for a departure from Local Plan policies and policies within the Framework relating to housing land supply, settlement zone lines and open countryside in this area.

Additionally, the adverse impacts in terms of conflict of this proposal with the emerging draft strategy of releasing this site for housing development would, in the planning balance, outweigh the benefits of the proposal in terms of housing land supply, since the site is not relied upon with the emerging Core Strategy or the Assessed Housing land supply.

Therefore, the site is not required for the 5 year housing land supply plus buffer.

Open Countryside Policy

As well as assessing housing supply, the recent Appeal decisions at Sandbach Road North Congleton Road Sandbach, the Moorings/Goldfinch Close in Congleton and Crewe Road, Gresty Green are also significant for clarifying the status and intent of settlement zone line and countryside policies within the existing Plan.

Some have sought to argue that as settlement boundaries effectively contain the built area of a town or village – and so define the area in which development is usually concentrated – that accordingly they should be viewed as housing supply policies. This subsequently could mean that those policies, along with normal countryside policies, should be considered “out of date” if there is no five year supply of housing land. This view is derived from paragraph 49 of the framework which states that:

“Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”.

There are appeal decisions that appear to support this perspective, although the recent appeals in Cheshire East (mentioned above) have generally taken a different approach.

The recent appeal decisions consider this matter in some detail. It was noted by Inspectors decisions” that the settlement zone lines serve a variety of purposes – and take account of land allocated for development up to a particular point (in this case 2011). However, the Inspector considered that settlement zones lines were not driven by the need to identify land for development, but rather are based on the objective of protecting countryside once development land is identified. Consequently, he concluded that the related policy (Policy PS4 of the Congleton Local Plan) was “not sufficient directly related to housing land supply that it can be considered time expired for that purpose.” Instead the Policy is “primarily aimed at countryside & green belt protection”. These objectives are largely in conformity with the NPPF and attract “significant weight”. In both appeals conflict with countryside policies were acknowledged.

This means that these policies remain important in the planning balance – but are not necessarily determinative. The two decisions (Congleton Road and Sandbach Road North) pinpoint that much depends on the nature and character of the site and the individual circumstances pertaining to the application. At Congleton Road, the Inspector considered that the objective to boost significantly the supply of housing outweighed the “relatively moderate” landscape harm. In contrast, at Sandbach Road North the provision of housing was viewed as an “important and substantial” material consideration, but there would also be serious harm resulting from the impact on the character and appearance of the countryside. On that occasion that identified harm, combined with the significant weight attributed to countryside policies, outweighed the benefits in terms of housing supply and notwithstanding the housing supply position previously identified by Inspector Major, the appeal was dismissed.

In reaching this conclusion, the Inspector memorably noted that:

“the lack of a 5 year supply of housing land does not provide an automatic ‘green light’ to planning permission”.

It is acknowledged that the Council has recently consented to judgement in a High Court challenge to the Sandbach Road decision and that accordingly that decision has been quashed on the grounds that the Inspector erred in law in concluding that Policies PS4, PS8 and H6 were not a relevant policy for the supply of housing within the meaning of paragraph 49 of the national Planning Policy framework to the extent that it seeks to restrict the supply of housing. This is consistent with other recent court cases such as *South Northamptonshire v Secretary of State for Communities and Local Government* and *Barwood Land*.

Whilst the implications of this judgement are still being considered, the Council’s current stance on this matter, as put at recent inquiries, such as *Weston Lane, Shavington* is that, countryside policies in existing local plans can be considered as consistent with NPPF and are not housing land supply policies in so far as their primary purpose is to protect the intrinsic value of the countryside in accordance with paragraph 17 of the NPPF– and thus are not of date, even if a 5 year supply is not in evidence. However, it is acknowledged that where the Council cannot demonstrate a 5 year supply, they may be out of date in terms of their geographical extent, in that the effect of such policies is to restrict the supply of housing. They accordingly need to be played into the planning balance when decisions are made. Where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply.

Therefore, the proposal remains contrary to Open Countryside policy regardless of the 5 year housing land supply position in evidence at any particular time and a judgement must be made as to the value of the particular area of countryside in question and whether, in the event that a 5 year supply cannot be demonstrated, it is an area where the settlement boundary should be “flexed” in order to accommodate additional housing growth.

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

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.

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.

The SHMA Update 2013 identified a requirement for 65 affordable homes in the Peckforton sub-area (of which Spurstow is a part) between 2013/14 and 2017/18, this was made up of a

requirement for 5 x 1 beds, 4 x 2 beds, 3 x 3 beds and 1 x 1 bed older persons dwellings each year.

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 30% on site affordable housing which is acceptable to the Strategic Housing Manager.

Highways

The scheme is indicatively the same as the previous scheme which indicated individual access driveways for each plot. The previous application was considered to be unsustainably location by the Strategic Highways Manager. However, access is not being applied in this case the issues of concern remain unchanged

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

6) 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.

Furthermore, there 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. 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.**

2. 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, Policy PG5 of the emerging Cheshire East Local Plan Strategy - Submission Version and the principles of the National Planning Policy Framework, which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it and creates harm to interests of acknowledged importance.

3. 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.

For the purposes of the current appeal on this site and should this application also be the subject of an appeal, authority be delegated to the Principal Planning 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

- Affordable housing:
 - 30% of all dwellings to be affordable (65% social or affordable rented and 35% intermediate tenure)
 - A mix of 1, 2 , 3 bedroom and other sized properties to be determined at reserved matters
 - units to be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration.
 - constructed in accordance with the Homes and Communities Agency Design and Quality Standards (2007) and should achieve at least Level 3 of the Code for Sustainable Homes (2007).
 - no more than 50% of the open market dwellings are to be occupied unless all the affordable housing has been provided, with the exception that the percentage of open market dwellings that can be occupied can be increased to 80% if the affordable housing has a high degree of pepper-potting and the development is phased.

- **developer undertakes to provide the social or affordable rented units through a Registered Provider who are registered with the Homes and Communities Agency to provide social housing.**
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