

Application No: 14/5533N

Location: Land At, SCHOOL LANE, BUNBURY

Proposal: Erection of 34No. Dwellings, a School Car Park with associated access road and new landscaping.

Applicant: Bloor Homes North West

Expiry Date: 25-Feb-2015

SUMMARY:

It is acknowledged that the Council is unable to robustly demonstrate a five-year housing land supply and that, accordingly, in the light of the advice contained in the National Planning Policy Framework, it should favourably consider suitable planning applications for housing that can demonstrate that they meet the definition of sustainable development.

There is an environmental impact in the locality due to the loss of open countryside and agricultural land. The proposal will have a significant impact on the intrinsic character and beauty of the Open Countryside.

The proposal would satisfy the economic and social sustainability roles by providing for much needed housing adjoining an existing settlement where there is existing infrastructure and amenities. The proposal would provide policy compliant levels of affordable housing. In addition it would also provide appropriate levels of public open space both for existing and future residents.

Local concerns of residents are noted, particularly in respect of highway matters but the impact is not considered to be severe under the NPPF test.

Subject to conditions, the proposal is considered to be acceptable in terms of its impact upon highway safety, amenity, flood risk, drainage, landscape and ecology.

In this case it is also considered that the development would be contrary to the draft Bunbury Neighbourhood Plan. Given the scale of development it is considered that this would be such a significant and substantial change to the village that to allow it would prejudice the neighbourhood plan process.

The scheme represents an unsustainable form of development and the planning balance weighs against supporting the development.

RECOMMENDATION:

Refuse

PROPOSAL

This is a full planning application for the erection of 34 dwellings, the creation of a school car park with associated access road and new landscaping

Access to the site would be taken off School Lane, through the garden of Heath Villa and the development would comprise six 5 bed, eighteen 4 bed, six 3 bed and four 2 bed properties, with an area of public open space situated within the site. In addition a secure car park containing 10 spaces would be provided for staff and visitors of Bunbury Aldersey Primary School. This would be accessed through the development site.

SITE DESCRIPTION

The site lies in Bunbury Heath within an area designated as Open Countryside. It is part of a parcel of land that is completely enclosed by housing to the north and west, Bunbury Aldersey primary school playing field the east and Saddlers Wells woodland to the south. This area provides a very pleasant rural setting for the surrounding properties but there is no public access to the land and public views towards the site are very limited. The proposed development site is flat pasture land enclosed and subdivided by mature hedgerows.

The majority of the site is designated as being within the open countryside, with the access point from Heathfield Road being within the settlement boundary.

RELEVANT HISTORY

A previous application (14/2204N) was refused by Southern Planning Committee on 27th August 2014, the reason for which is below:

"The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies NE.2 (Open Countryside) and RES.5 (Housing in Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan, Policy PG 5 of the Cheshire East Local Plan Strategy – Submission Version and the principles of the National Planning Policy Framework and create harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework. As such the application is also contrary to the emerging Development Strategy. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan."

The refused application is now the subject of an appeal and a Public Inquiry is scheduled to begin on 2nd June 2015.

P02/0266 - Conversion of Outbuilding Double Garage and Porch – Approved – 19th April 2002
P01/0705 - Outline Application for One Dwelling – Refused – 9th October 2001
P00/0633 - Demolition of Existing House and Outbuildings, Erection of 1 Detached and 3 Terraced Dwellings and Construction of Access Road – Refused – 12th October 2000
P99/0087 - Agricultural Store and Garage and vehicular access – Approved 24th June 1999
P99/0755 - O/A for 4 Dwellings – Refused – 11th November 1999

P98/0622 – Outline Application for a Dwelling – Refused – 17th September 1998
P97/0753 - O/A For residential Development – Refused – 16th October 1997 – Appeal Dismissed

NATIONAL & LOCAL POLICY

National Policy:

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs

14. Presumption in favour of sustainable development.

47. Housing provision

50. Wide choice of quality homes

56-68 Requiring good design

216 Implementation

Development Plan:

The Development Plan for this area is the Borough of Crewe and Nantwich Replacement Local Plan 2011, which allocates part of the site as being within the Settlement Boundary of Bunbury but largely within Open Countryside.

The relevant Saved Policies are: -

BE.1 – Amenity

BE.2 – Design Standards

BE.3 – Access and Parking

BE.4 – Drainage, Utilities and Resources

BE.5 – Infrastructure

BE.6 – Development on Potentially Contaminated Land

NE.2 – Open Countryside

NE.5 – Nature Conservation and Habitats

NE.9 – Protected Species

NE.17 – Pollution Control

NE.20 – Flood Prevention

RES.7 – Affordable Housing

RES.3 – Housing Densities

RT.3 – Provision of Recreational Open Space and Children's Playspace in New Housing Developments

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

Cheshire East Local Plan Strategy – Submission Version (CELP)

The following are considered relevant material considerations as indications of the emerging strategy:

SD 1 Sustainable Development in Cheshire East

SD 2 Sustainable Development Principles

SE 1 Design

SE 2 Efficient Use of Land

SE 3 Biodiversity and Geodiversity
SE 4 The Landscape
SE 5 Trees, Hedgerows and Woodland
SE 9 Energy Efficient Development
SE 12 Pollution, Land Contamination and Land Instability
PG 1 Overall Development Strategy
PG 2 Settlement Hierarchy
PG5 Open Countryside
EG1 Economic Prosperity

Bunbury Neighbourhood Plan (Draft for Consultation)

H1 Housing
H2 Scale of Housing Development
H5 Design
LC1 Built Environment
ENV2 Countryside and Open Views

Other Considerations:

Bunbury Village Design Statement
Interim Planning Statement: Affordable Housing (Feb 2011)
North West Sustainability Checklist
The EC Habitats Directive 1992
Conservation of Habitats & Species Regulations 2010
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System

CONSULTATIONS:

Highways:

No objection.

Environmental Health:

Recommend conditions relating to piling, an Environmental Management Plan, travel planning, electrical vehicle infrastructure and lighting and informatives relating to construction hours and contaminated land.

Housing:

No objection.

Environment Agency (EA):

Issue their standing advice on flood risk which advises that for developments of greater than 1 hectare in Flood Zone 1 - a Flood Risk Assessment should be submitted and assessed by the Council's Flood Risk Manager.

Flood Risk Manager:

No objection.

United Utilities:

No objection subject to the submission of scheme for the disposal of foul and surface water.

Education:

None received at the time of report writing.

Sadlers Wells Community Woodland:

Express concerns relating to drainage of the site.

Bunbury Parish Council:

Bunbury Parish Council Objects to this application on the following grounds:-

The proposed development is in open countryside, on a Greenfield site and outside the Bunbury Settlement Boundary. Against Policy N.E.2

In view of the infrastructure of School Lane the increased flow of traffic will have a detrimental effect. Against Highways Policy B.E.3

There is a significant Highways safety issue. The representation of the bend in School Lane, on the submitted plans, looks as if it has been minimised and does not show the parked cars that would usually be there. Concern that the highways issue makes the development unsustainable. Against Highways Policy B.E.3

Access is inadequate. Against Highways Policy B.E.3

Concerns that due to the absence of natural containment features on the site, there is the possibility of more extensive development in future. Against Policy B.E.2

Concerns that the visual impact from School Lane is not clear from the submitted plans. A realistic view that enables the impact to be assessed is needed. Against Policy B.E.2

The design is not in keeping with the local area. There are concerns about the scale, size and density of the development. Against Policy B.E.2

The application is not in line with the adopted Bunbury Village Design Statement 2009. The development does not conform to the density in that part of the Village and to the building scale of the immediate area. In Bunbury Heath future developments should be small scale and not spread outside the existing built up area.

The design of the houses does not fit with existing stock. They are not countryside houses. Against Policy B.E.7 and Bunbury Village Design Statement 2009

The design does not reflect the fact that there are two large conservation areas in Bunbury. Against Bunbury Village Design Statement 2009

Concern that valuable hedge rows that are over 30 years old will be lost as a result of the development.

Concern that sewerage system cannot cope and that there will be increased flooding risk, with additional runoff caused by impermeable surfaces. There are currently two areas of surface water/flood risk on the site and a larger area in the field opposite.

The Parish Council asks that developers take note of, and comply with, the policies in the emerging Bunbury Neighbourhood Plan. The Draft Housing Policy is expected to be published during February 2015.

REPRESENTATIONS:

Neighbour notification letters were sent to adjoining occupants and a site notice posted.

At the time of report writing 180 representations including a detailed report by local residents, an objection from the local MP and 3 letters of support, have been received which can be viewed on the Council website. They express several concerns including the following:

Principle of the Development

The site is located in open countryside
The Bunbury Neighbourhood plan is progressing well
Previous applications have been refused
Development is unsustainable
No demonstrable need for the development
Adverse impact on the local economy by making Bunbury less attractive for tourists
Development of over 120 dwellings is already proposed
Loss of agricultural land
Contrary to localism
Brownfield sites should be built on first

Design and Scale

Unsympathetic to the character and appearance of the local environment
Elevated position would dominate the street scene
The village will become a town
The villagers are against large scale development
Detrimental to the historic character of Bunbury
Contrary to the Bunbury Village Design Statement
Adverse impact on views from footpaths
Design and layout is urban in nature
Green spaces should be protected
The density of the development would be excessive
Bunbury needs small scale development
Urban sprawl
Inappropriate design
Harm to the street scene

Amenity

Noise and light pollution
Loss of privacy
Loss of light
Loss of outlook

Highways

Increased traffic to the detriment of highway safety
The access would introduce an unnecessary hazard on to School Lane

There is already a staff car park at the school

Inadequate access

Infrastructure

Flooding on the land

The schools are full to overflowing

The shopping area of Bunbury is already congested

Pressure on the medical practice

There is a lack of local employment and bus services

No mains gas

Poor drainage

Ecology

Lack of ecological information

Adverse impact on wildlife

Loss of hedgerows and habitat

Heritage

Villages like Bunbury are part of the national heritage and should be preserved

Other issues

Providing greater potential for further development adjacent to the site

A cynical attempt to push an application through at a time when there are pressures on the local authority

Misleading statements submitted with the application

Seeks to circumvent the neighbourhood plan

There are more suitable sites outside Bunbury

The application is a 'Trojan Horse' for future development

Driven by profit

Bunbury's need for building on this scale is about on a par with General Custer's need for more 'injuns'

Blatant attempt to sidestep democracy

Loss of dog walking area

Why is there no local plan in place?

The letters of support make the following points:

- Need for affordable housing
- New car park and footpath would improve road safety

APPRAISAL

The key issues to be considered in the determination of this application are set out below.

Principle of Development

The site lies largely in the Open Countryside as designated in the Borough of Crewe and Nantwich Replacement Local Plan 2011, where Policies NE.2 and RES.5 state 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. Residential development will be restricted to agricultural workers dwellings, affordable housing and limited infilling within built up frontages.

The proposed development does not fall within any of these exceptions. 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”.

The issue in question is whether the development represents sustainable development and whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy objection.

Bunbury Neighbourhood Plan

Bunbury Neighbourhood Plan Group on behalf of Bunbury Parish Council has prepared a draft Neighbourhood Development Plan for the Parish of Bunbury. The consultation period for the plan will run until 21st May 2015.

Paragraph 216 of the NPPF states *From the day of publication, decision-takers may also 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 this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

The NPPG states that an emerging neighbourhood plan may be a material consideration.

Annex 1 of the National Planning Policy Framework explains how weight may be given to policies in emerging plans. However in the context of the Framework and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and

b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

The NPPG also states that *'refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process'*.

The Neighbourhood Plan is therefore a material consideration which must be weighed in the planning balance taking account of the stage that the neighbourhood plan is currently at and the context, location and scale of the proposed development relative to the Bunbury area.

Members may be aware there have been a number of recent legal cases that have supported Neighbourhood Plan policies even when a Local Plan has not been fully adopted. The weight to be attached to the plan depends on the particular circumstances in each case but this also reflects ministerial support given to Neighbourhood Plans over the last 18 months.

Policy H1 within the Neighbourhood Plan advises that housing developments outside the Settlement Boundary will only be granted where they comply with H2 (Scale of Housing Development). H2 states that new development will be supported in principle provided its small scale and in character and for Greenfield development it should be a maximum of 15 new houses on any one site. The site is outside the Settlement Boundary and on a Greenfield site, therefore being 34 dwellings the proposal would be contrary to the policy and the wider vision for Bunbury within the draft Neighbourhood Plan.

Bunbury is an area that has been under tangible development pressure over the last 18 months with a significant number of potential developments proposed for the village varying from small scale infill developments to larger scale Greenfield developments.

The draft Neighbourhood Plan seeks to recognise that housing development will be needed over the plan period until 2030 but to accept all developments would threaten both the scale and character of the area. The policies within the plan seek to provide a structure to future development to enable it to take place in a planned and sustainable way. Accepting a large development relative to the scale of the existing village at this time would have a significant impact that would be 'so substantial' that it would threaten the function that the Neighbourhood Plan is trying to perform.

The scale of this development would prejudice the outcome of the neighbourhood plan making process and this issue will form a reason for refusal.

Housing Land Supply

Paragraph 47 of the National Planning Policy Framework requires that Councils identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements.

This calculation of Five Year Housing Supply has two components – the housing requirement – and then the supply of housing sites that will meet it. In the absence of an adopted Local Plan the National Planning Practice Guidance indicates that information provided in the latest full

assessment of housing needs should be considered as the benchmark for the housing requirement.

The current Housing Supply Position Statement prepared by the Council employs the figure of 1180 homes per year as the housing requirement, being the calculation of Objectively Assessed Housing need used in the Cheshire East Local Plan Submission Draft.

The Local Plan Inspector has now published his interim views based on the first three weeks of Examination. He has concluded that the Council's calculation of Objectively Assessed Housing Need is too low. He has also concluded that following six years of not meeting housing targets, a 20% buffer should also be applied.

Given the Inspector's Interim view that the assessment of 1180 homes per year is too low, we no longer recommend that this figure be used in housing supply calculations. The Inspector has not provided any definitive steer as to the correct figure to employ, but has recommended that further work on housing need be carried out. The Council is currently considering its response to these interim views.

Any substantive increase of housing need above the figure of 1180 homes per year is likely to place the housing land supply calculation at or below five years. Consequently, at the present time, our advice is that the Council is unable to robustly demonstrate a five year supply of housing land. Accordingly recommendations on planning applications will now reflect this position.

Open Countryside Policy

In the absence of a 5 year housing land supply we cannot rely on countryside protection policies to defend settlement boundaries and justify the refusal of development simply because it is outside of a settlement, but these policies can be used to help assess the impact of proposed development upon the countryside. Where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply.

Policy NE.2, seeks to protect the intrinsic character and beauty of the countryside.

The proposal is an area where the settlement boundary should not be "flexed" in order to accommodate additional housing growth. It comprises 4 linear fields typical of the agricultural character of this part of Bunbury Heath and it is considered that the erosion of this greenspace would have an adverse impact on the intrinsic character and beauty of the open countryside.

Landscape Impact

The site lies in Bunbury Heath within an area designated as Open Countryside. It is part of a parcel of land that is completely enclosed by housing to the north and west, Aldersey primary school playing field the east and Saddlers Wells woodland to the south. This area provides a very pleasant rural setting for the surrounding properties but there is no public access to the land, however there are some public views into the site. The proposed development site is flat pasture land enclosed and subdivided by mature hedgerows.

The planning application includes a Landscape and Visual Impact Appraisal carried out in accordance with GLIVIA 3rd edition by TPM Landscape consultants.

The Landscape and Visual Impact Assessment (LVIA) states that the development site is located within the National Character Area 62 - Cheshire Sandstone Ridge and concludes that whilst the development site has some positive attributes of NCA 62, the site is visually enclosed and does not physically or visually link to the surrounding character area.

The applicants have carried out a detailed site-specific character appraisal for the site and the surrounding landscape. For the proposals site itself the landscape effect is assessed as moderate to moderate-substantial. By introducing landscape mitigation measures which will inform the overall design of the housing development the magnitude of change can be lessened and the effects reduced to slight to moderate. Over time the site would become an integrated part of the existing settlement. The landscape effect on the wider landscape is assessed as slight to negligible.

The appraisal does not refer to the Cheshire Landscape Character Assessment (CLA) 2008. In this CLA most of the site is within the East Lowland Plain character type and the Ravensmoor character area with a small part of the site falling within the Bunbury Urban character type. The land is enclosed and isolated from the wider landscape and it's considered that the proposed development would not therefore have an adverse effect on the Ravensmoor character area.

The development would result in the loss of approximately 250 metres of mature hedgerow and a few small trees within the site. The indicative landscape scheme shows that the site boundary hedgerows and one mature tree would be retained. New native hedges would be planted along property frontages and about 60 new trees would be planted. The proposed landscape scheme would, in the longer term, provide some mitigation for loss of the mature hedgerows.

It is considered that the proposed residential development would adversely affect the character of the site itself but would not affect the landscape character of the wider landscape.

The current entrance to Heath Villa is already fairly formal with walls and gates. The proposed site access would change the street scene to some extent but the proposed housing would generally be screened by the properties fronting School Lane.

Most of the properties which back on to the site have very long rear gardens (34 metres to 75 metre in length) and many of the properties that front on to the A49 Whitchurch Road also have a 65 metre wide field between their garden boundaries and the development site. There would be scope to screen and filter views from these properties by allowing existing trees and hedges within gardens to increase in height and by planting additional trees and shrubs. In the longer term views would also be softened to some extent by the proposed landscape scheme

The properties known as New House and Heathfields located to the east of the proposed site entrance have very short (6m long) gardens with open views of the site. The visual effect of the development on these properties would therefore be fairly substantial. In order to

minimise the visual impact bungalows are proposed on plots 1 to 4. In addition, a five metre wide shrub bed with trees is proposed along the boundary with New House and a new hedgerow along the boundary with Heathfields. When mature this planting would provide some softening and screening. The side elevation of Bunbury Heath Cottage is located 10 metres from the site boundary but the mature boundary hedge should provide screening.

Footpath Bunbury FP12 passes through a small orchard about 65 metres to the north west of the site. The roofs and upper parts of the proposed houses would be visible above intervening mature trees and hedgerows. Footpath Bunbury FP13, which links School Lane to the A4, runs along the edge of Saddlers Wells Wood south of the site. Views towards the site from this path are through a tall, gappy hedge on top of a low sandstone wall and across a field at a distance of between 55 and 85 metres. The roofs and upper parts of the proposed houses would be visible above the mature site boundary hedgerow.

Sustainability

There are, 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 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

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

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

Environmental Role

The application site is located at the rear of residential properties which front onto School Lane, Bunbury. As previously stated the application is for 34no. dwellings and would also include a small car park to be used by the nearby school which will be directly accessed from the proposed development. The proposed housing development will be accessed directly off School Lane. The application site is located in close proximity to a number of facilities including local primary school, convenience store, public house and doctors surgery which are all readily accessible by foot. These sites on the whole can be accessed via well lit public footpaths. Given the factors above the village of Bunbury is designated as a local service centre and is therefore locationally sustainable.

Highways

There is only one access to the development that is taken from School Lane, this is a standard junction arrangement with a 5.5m carriageway and one footway on the southern side of the access. As regards to conforming to highway access standards the internal road layout is acceptable and meets Manual for Streets requirements.

Residents have expressed concerns regarding the access proposals and also in relation to on-street parking that occurs on School Lane as a result of the nearby school. Taking these concerns on board, the acceptability of the access has been assessed in detail, the level of visibility being provided at the access point is 2.4m x 47m in both directions and these visibility splays are suitable for the access location and conforms with MfS standards. There is on-street parking that occurs on the access side of School lane and certainly on occasion during school times the visibility splays are affected by this on street parking. Whilst this is clearly a concern to the Highway Authority, it would be difficult to recommend refusal on this reason as the on-street parking is limited to when the school opens and closes.

The traffic generated by the proposed development has been derived from counts undertaken within Cheshire as opposed to the Trics database that uses national data. Comparing the trip rates the Cheshire figures produce higher figures than in Trics and therefore the Council is satisfied that the assessment is not underestimating the traffic produced by the development. The impact of the development traffic on Bunbury has been raised in comments made by residents, the traffic impact issues have been considered and these relate to whether any capacity problems will result with development in place. The applicant has tested the nearby junction on the A49 with School Lane and also the site access junction; the results indicate that with the development traffic in place both junctions operate well below their theoretical capacity and given these figures a rejection on the traffic impact of 34 units could not be sustained.

It is noted from the Transport Statement that under committed development that the applicant has not identified any committed developments. However, there has been a recently approved development in Cheshire West at Beeston Market that would add traffic to Bunbury. Whilst this is an omission from the report CEC have considered the additional traffic impact of the development once distributed on the road network it does not add sufficient trips to cause capacity issues as the base traffic flows on both the A49 and School Lane are not high.

It is proposed to provide a 10 space staff car park for use by the local school, to reduce to on-street parking problems. The spaces would be accessed through the proposed site with a pedestrian link to the school.

With regard to the accessibility of the site; as with all developments situated in a semi-rural community the accessibility of the site to good public transport and numerous walking and cycling routes cannot be considered good. However, the site can be accessed by non-car modes and there is a public transport service and it is accepted that the site can be considered accessible in the light of Inspectors decisions on accessibility of sites. It is noted that a small section of footway is to be provided between Sadlers wells and The Acreage to link the existing footways.

In summary, whilst mindful of the residents concerns regarding this development proposal, as highway issues are predominantly technical issues the development proposals either conforms to the standards or does not. Having considered the development proposals Officers consider that there are no substantial severe highway impact issues that the Highway Authority could defend should an appeal be lodged.

Flood Risk

The submitted Flood Risk Assessment (FRA) makes reference to a ditch along the north west boundary which may link into a piped drainage system running along an internal field boundary. The ultimate outfall of this drainage system has not however been confirmed within the FRA. Confirmation of this outfall and evidence of any connectivity with surrounding watercourses will be required and this can be secured by condition.

It should be noted that the area in which the school car park is proposed is in an area considered to be at 'high' risk of flooding from surface water (based on Environment Agency (EA) surface water flood maps). The developer will need to provide evidence that the site can be developed safely, providing mitigation measures where appropriate.

The submitted FRA indicates that surface water from the proposed development will discharge into the United Utilities (UU) public sewer with the piped system catering for flows up to the 1 in 30 annual probability event. For events in excess of this, the developer will need to demonstrate that flows up to the 1 in 100 annual probability event (with a 30% allowance for climate change) can be managed safely on site without adversely impacting on flood risk either on or off site. Again these issues can be controlled by condition.

Ecology

Sadlers Wells Woodland Local Wildlife Site (LWS) is located to the south of the pro development. The presence of this LWS is not acknowledged by the submitted ecol assessment. However it is considered that the proposed development is unlikely to r significant adverse impact upon the LWS.

Native species hedgerows are a UK Biodiversity Action Plan priority habitat and hence a material consideration. A number of hedgerows on site (numbered 1-9) have been identified as being of UK BAP habitat quality. The proposed development is likely to result in the loss of number of sections of hedgerow from the interior of the site.

It is considered that if planning consent is granted it must be ensured that any opportunities for hedgerow creation on site are maximised and that the retained hedgerows should be enhanced as part of the landscaping of the site to help to compensate for any losses. This matter should be dealt with through a landscaping condition.

The grassland habitats, hedgerows and trees around this site are likely to be used by at least small numbers of widespread species of bats for foraging and commuting. The site however is unlikely to be of particular importance for foraging /commuting bats.

The enhancement of the retained hedgerows and the creation of new hedgerows

would help to mitigate the adverse impact of the development upon foraging bats and it is also recommended that if consent is granted, a condition be attached requiring the applicant to submit an external lighting scheme for agreement with the LPA prior to the commencement of development. A condition requiring the provision of bat boxes would also assist in compensating for any adverse impacts on this species group.

There is no evidence of protected species habitat either on site or within 30m of the application site boundary.

A Protected species is however active on site and there is considerable activity on the western boundary of the site with some further activity associated with the north eastern corner. It is considered that provided suitable access for protected species is maintained through the south western corner of the application site this species would continue to have access to a significant proportion of the habitat where existing activity has been recorded.

The proposed site is likely to support breeding birds including a number of the more widespread Biodiversity Action Plan priority species which are a material consideration for planning. The removal of hedgerows from this site is likely to have an adverse impact on breeding birds. If planning consent is granted a condition should be imposed for the protection of breeding birds.

Hedgehogs are a biodiversity action plan priority species and hence a material consideration. There are records of hedgehogs in the broad locality of the proposed development, but the species has not been observed on the application site itself. There remains a chance that the species may occur on the application site and consequently a condition should be imposed requiring the incorporation of gaps in garden and boundary fencing.

Trees

Proposed section of footpath and access shown on the drawings will require the removal of a small section of Cypress/Hawthorn hedge flanking the south east side and a similar small section to the flanking north west. Both fall within domestic curtilage and do not fall within the criteria for an Important hedgerow. Impact upon the wider amenity is considered to be negligible.

The submitted Arboricultural Impact Assessment/Method Statement is comprehensive and generally accords with the requirements of the industry standard required by BS5837:2012 Trees in Relation to Design, Demolition and Construction - Recommendations.

The Assessment identifies two individual trees and a group of trees to be removed, which it is accepted do not present a significant contribution to the wider amenity of the area. A section of hedgerow will require removed to accommodate the access to the school and two small sections of hedgerow adjacent Plots 32 and 33 will require coppicing to provide working space for scaffolding to accommodate the new build. The Council's Nature Conservation Officer has identified that native species hedgerows are a UK Biodiversity Action Plan priority habitat and that any losses

should be compensated by hedgerow creation and existing hedgerows enhanced as part of the landscaping of the site

Should the application be approved, conditions should be imposed relating to tree protection and planting.

Design

The National Planning Policy Framework support a mix of housing types within areas. Policy BE.2 is broadly in accordance with this guidance but places greater emphasis on the impact to the streetscene and encouraging development which respects the character, pattern and form of development within the area.

The design of new development should be of a high standard and wherever possible the built environment and surroundings should be enhanced. It is important that the relationship with the existing street scene is considered and improved, and not harmed by new development. (SPD – Development on Backland and Gardens: paragraph 3.5)

Furthermore, the importance of securing high quality design is specified within the NPPF and paragraph 61 states that:

“Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”

The application site is in the form of a cul-de-sac with the majority of proposed fronting onto the internal spine road. A number of the proposed houses are at a slight angle which helps to break up the mass of the built form. Located to the rear of the site is an area of public open space (POS) and there is another small road which will access a small car park, which will be utilised by the adjacent primary school. The development would have adequate separation distances to the surrounding dwellings and would not appear cramped.

The proposed dwellings would have pitched roofs and include features such as projecting gables, canopies, header and sill detailing. The proposed dwellinghouses will be constructed out of a small palette of materials including facing brick, tiles and render. The proposal includes various types including bungalows, and 2 storey semi and detached dwellinghouses. It is considered that the detailed design of the dwellings would be appropriate and would not raise any design issues.

It is considered that the development would comply with Policy BE.2 (Design Standards) and the NPPF and NP policies.

Economic Role

The Framework includes a strong presumption in favour of economic growth.

Paragraph 19 states that:

‘The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth’

Given the countryside location of the site, consideration must also be given to one of the core principles of the Framework, which identifies that planning should recognise:

‘the intrinsic character and beauty of the countryside and supporting thriving rural communities within it’.

Specifically, in relation to the rural economy the Framework identifies that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

‘support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings’

The economic benefits of the development need to be balanced against the impact upon the open countryside and the loss of agricultural land.

The proposed development would bring direct and indirect economic benefits to the village including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain. The proposal will also deliver economic benefit in the form of the New Homes Bonus, which is a material consideration.

Similarly, the NPPF makes it clear that:

“the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.”

According to paragraphs 19 to 21:

“Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century. Investment in business should not be overburdened by the combined requirements of planning policy expectations.”

Social Role

The proposal will provide new family homes, including 30% affordable homes and on site public open space. The site is also within walking distance of the centre of Bunbury village, which offers a wide range of essential facilities.

Amenity

Policy BE.1 (Amenity) states that development will be permitted provided that the development is compatible with surrounding land uses, does not prejudice the amenity of future or neighbouring occupiers, does not prejudice the safe movement of traffic and does not cause an increase in air, noise, water pollution which might have an adverse impact on the use of land for other purposes.

In terms of the surrounding residential properties, the main properties affected are those which front onto School Lane and Whitchurch Road, which are located to the north and south and west respectively.

The submitted plan shows that the proposed dwellings would have a rear garden depth of a minimum of 10 metres with a distance between principal elevations varying from 22 metres to 41 metres within the site. This distance exceeds the separation distance of 21 metres between principle elevation as set out in the SPD on Development on Backland and Gardens. The impact upon the properties which front Newcastle Road is therefore considered to be acceptable.

Located to the north of the application are the properties New House and Heathfields and according to the submitted plans there is a distance of approximately 14m separating the rear elevations of these two dwellinghouses from the side elevation of the nearest proposed dwellinghouse (plot no.1). It is noted that plot no. 1 is a bungalow and therefore, given the separation distances, scale and design of the proposed dwellinghouse and boundary treatment and landscaping (which would be condition) will all help to mitigate any negative externalities caused by the proposed development.

Due to the separation distances involved, no other residential properties would be affected.

The Environmental Health Officer has requested conditions in relation to pile foundations, construction management plan, hours of works, dust control, travel plan, external lighting, electric vehicle infrastructure, dust control and an informative relating to contaminated land. These conditions/informatives are considered to be necessary and reasonable.

According to the submitted plans the dwellinghouses would have a proportion of private amenity space located to the rear. The Supplementary Planning Document 'Development on Backland and Gardens' states at paragraph 3.35 'dwellinghouses should have adequate open space provided; as a general indication/guideline this should be no less than 50m² per dwelling. The 50m² garden area excludes any parking provision which may have been made for the dwelling. The amount of garden area provided should be proportional with the size of the dwelling proposed. There should be sufficient open space provided to enable general activities such as drying of washing, storage of dustbins, play space for small children and sitting outside to take place in a private area'.

Education

The Education Department were consulted on this application but have not responded at the time of report writing. An update will be provided to members on this matter.

Response to Objections

The representations of the members of the public have been given careful consideration in the assessment of this application and the issues raised are addressed within the individual sections of the report. However the disbenefits of the development identified by the objectors are not considered to significantly and demonstrably outweigh the benefits provided by the development.

Conclusion – The Planning Balance

Taking account of Paragraphs 49 and 14 of the NPPF there is a presumption in favour of the development provided that it represents sustainable development unless there are any adverse impacts that *significantly and demonstrably* outweigh the benefits.

The proposal is contrary to development plan policy NE.2 (Open Countryside) and therefore the statutory presumption is against the proposal unless material considerations indicate otherwise, however given the lack of a demonstrable supply of housing land at this time it is considered that the policy in this context is out of date and cannot be relied upon simply to restrict housing.

The development would provide market and affordable housing to meet an acknowledged shortfall. The proposal would also have some economic benefits in terms of jobs in construction, spending within the construction industry supply chain and spending by future residents in local shops.

Balanced against these benefits must be the loss of an area agricultural land. All of the site will be lost from agriculture, whether built upon or subject to open space. However, much of Cheshire East comprises best and most versatile land and use of such areas will be necessary if an adequate supply of housing land is to be provided. Furthermore, previous Inspectors have attached very limited weight to this issue in the overall planning balance.

The development would not have a severe adverse impact on highway safety.

It is also necessary to consider the negative effects of this incursion into Open Countryside by built development. The loss of this area of open countryside, with its intrinsic character and beauty, is considered to outweigh the benefits identified in this report.

The draft Bunbury Neighbourhood Plan must also be weighed into the planning balance. It is clear that the proposed development conflicts with housing policies within the Plan. Given the context of the existing village and the size and scale of the proposed development it is considered that to allow the development would significantly impact on the settlement as a whole and its planned future development. As a consequence and taking account of the weight that can be attached to the draft NP, it is considered that the level of development is sufficient to threaten the plan-making process in Bunbury.

On the basis of the above, it is considered that the application should be refused.

RECOMMENDATION

Refuse for the following reason:

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies NE2 (Open Countryside) and RES5 (Housing in the Open Countryside) of the Crewe and Nantwich Replacement Local Plan , 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.**
- 2. The Local Planning Authority considers that the scale of the proposed development would be premature following the publication consultation draft of the Bunbury Neighbourhood Plan. As such allowing this development would prejudice the outcome of the neighbourhood plan-making process and would be contrary to guidance contained at Paragraph 216 of the NPPF and guidance contained within the NPPG.**

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 Head of Planning (Regulation) has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, 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 Head of Planning (Regulation) in consultation with the Chairman of the Strategic Planning Board 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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