

Application No: 16/0646N

Location: 6 & Land rear of no.6 BUNBURY LANE, BUNBURY, CW6 9QZ

Proposal: Outline planning application for the demolition of 1no. bungalow and the erection of 15 dwellings, including associated access at land east of Bunbury Lane, Bunbury

Applicant: Wulvern

Expiry Date: 13-May-2016

SUMMARY

The proposed development would be contrary to Policies NE.2 and RES.5 and the development would result in a loss of open countryside. However as Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites policies NE.2 and RES.5 are out-of-date for the purposes of paragraph 49 of the NPPF. The presumption in favour of sustainable development applies at paragraph 14 of the Framework where it states that LPA's should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

In this case the development complies with the policies contained within the Bunbury Neighbourhood Plan.

The development would provide benefits in terms of affordable housing provision, delivery of housing, ecological enhancements and significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in Bunbury.

The development would have a neutral impact upon education, flood risk/drainage, trees and residential amenity/noise/air quality/contaminated land.

The adverse impacts of the development would be the loss of open countryside and limited landscape impact of the development.

An update will be provided in relation to the highways impact of the development.

The benefits of approving this development (as listed above) would significantly and demonstrably outweigh the adverse impacts of the development. As such the application is recommended for approval.

RECOMMENDATION

Subject to the receipt of additional information to address the access concerns raised by the Head of Strategic Infrastructure APPROVE subject to the completion of a S106 Agreement and the imposition of planning conditions

PROPOSAL

This is an outline planning application for the erection of 15 dwellings. Access is to be determined at this stage with all other matters reserved.

The proposed development includes a single access point onto Bunbury Lane which would be located to the west of the site. The access would involve the demolition of a dwelling at 6 Bunbury Lane.

SITE DESCRIPTION

The site is located on the eastern side of Bunbury Lane, to the rear of existing bungalows. It is located towards the southern part of Bunbury and covers an area of approximately 1.3 hectares.

The application site is currently a field used for pasture, with a bungalow (no.6 Bunbury Lane) located on the western part of the application site. The application site has managed hedgerows along the northern and southern boundaries; the southern boundary contains a number of hedgerow trees. Part of the western boundary is marked by the rear garden boundaries of properties along Bunbury Lane. The eastern boundary is formed by a mature hedgerow. Footpath 16 Bunbury runs along a north to south alignment across the site. To the north of the application site are a number of paddocks and beyond these are the properties along Hill Close and Queen Street. To the south and east is the wider rural landscape.

To the south of the site, some distance away is the Grade II Listed Building known as Rowan Cottage.

The site lies partly within the settlement boundary of Bunbury but largely within Open Countryside as designated in the adopted local plan.

RELEVANT HISTORY

The site has no planning history

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.

50. Wide choice of quality homes

56-68. Requiring good design

Development Plan

The Development Plan for this area is the Borough of Crewe and Nantwich Replacement Local Plan 2011, which allocates the site, under policy NE.2, as open countryside

The relevant Saved Policies are:

NE.2 (Open countryside)
NE.5 (Nature Conservation and Habitats)
NE.9: (Protected Species)
NE.20 (Flood Prevention)
BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
RES.5 (Housing in the Open Countryside)
RES.7 (Affordable Housing)
RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)
TRAN.3 (Pedestrians)
TRAN.5 (Cycling)

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

Bunbury Neighbourhood Plan

The Bunbury Neighbourhood Plan 2015 – 2030 was made on 29th March 2016 under 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 and now forms part of the Development Plan for Cheshire East. The relevant Policies in the Neighbourhood Plan are:

H1 – Settlement Boundary
H2 - Scale of Housing Development
H3 – Design
LC1 - Built Environment
LC2 – Landscape
ENV3 – Environmental Sustainability of Buildings
ENV4 – Landscape Quality, Countryside and Open Views
BIO1 – Biodiversity
T1 – Public Rights of Way

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

PG2 – Settlement Hierarchy
PG5 - Open Countryside
PG6 – Spatial Distribution of Development

SC4 – Residential Mix
SC5 – Affordable Homes
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE3 – Biodiversity and Geodiversity
SE5 – Trees, Hedgerows and Woodland
SE 1 - Design
SE 2 - Efficient Use of Land
SE 4 - The Landscape
SE 5 - Trees, Hedgerows and Woodland
SE 3 - Biodiversity and Geodiversity
SE 13 - Flood Risk and Water Management
SE 6 – Green Infrastructure
IN1 – Infrastructure
IN2 – Developer Contributions

Other considerations:

The Bunbury Village Design Statement
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

CONSULTATIONS

United Utilities: No objection subject to the imposition of conditions.

CEC PROW: It appears unlikely that the PROW will be affected by this development. An informative is suggested.

Head of Strategic Infrastructure: The revised corner radii are acceptable. However there are concerns relating to the visibility splay to the south and its position with respect to the hedge. A speed survey along Bunbury Lane will be required.

Ramblers Association: No comments received.

Mid-Cheshire Footpath Society: No representations to make.

NHS: No comments received.

ANSA (Public Open Space): A development of 15 dwellings does not have to provide POS. They are providing and maintaining existing arable grassland to enhance biodiversity and wildlife value.

CEC Environmental Health: Conditions suggested in relation to environment management plan, electric vehicle infrastructure and contaminated land. Informative is also suggested in relation to contaminated land.

CEC Strategic Housing Manager: No objection.

CEC Flood Risk Manager: No objection subject to the imposition of a planning condition.

CEC Education: The development of 15 dwellings is expected to generate:

3 primary children (15 x 0.19)

2 secondary children (15 x 0.15)

0 SEN children (15 x 0.51 x 0.023%)

The development is forecast to increase an existing shortfall predicted for secondary provision in the locality.

To alleviate forecast pressures, the following contributions would be required:

$2 \times £17,959 \times 0.91 = £32,685.38$ (secondary)

VIEWS OF THE PARISH COUNCIL

Bunbury Parish Council: Bunbury Parish Council does not object in principle to development on this site as it complies with the Neighbourhood Plan in terms of the number of houses and its location. However the PC has concerns about what is currently proposed as follows:

- The 5 bed houses: The need for 5 bedroom houses has not been demonstrated by the developer and recent housing surveys have not shown that more 5 bed houses are needed in Bunbury. Three bed homes are needed and we would ask that the developer considers including some within the development. Affordable Houses.
- There is not in fact a net gain of 5 affordable houses as indicated in the application, as a current affordable home is to be demolished. 6 affordable homes should be built in order to provide a net gain of 5.
- Access/Parking: The PC asks Highways to review this because the proposed plan removes two current parking spaces for existing housing. The turning of utility vehicles into the development, in particular refuse trucks, presents a potential danger.

REPRESENTATIONS

Letters of objection have been received from 16 local households raising the following points:

Principal of development

- Urbanising form of development
- The development would reduce the area of separation between Bunbury and Spurstow
- The development would see the demolition of an existing bungalow and would result in the loss of an affordable house
- The development will not provide the sufficient level of affordable housing
- The development should provide smaller units
- There should be a greater housing mix on this development
- The bungalows on the development should be sited opposite the entrance from Bunbury Lane
- The development should be limited to 10 dwellings
- The application is contrary to the Bunbury Neighbourhood Plan

- Bunbury has already provided its own share of housing developments
- The target of 80 houses is a target for the plan period and there is plenty of time to meet this
- The development is contrary to the Bunbury Village Design Statement
- Loss of open countryside
- The application does not BREEAM quality standards
- The development is a backland site
- The development is contrary to guidance contained within the NPPF
- Lack of facilities within Bunbury – the village is not sustainable
- The development is contrary to Policies contained within the Crewe and Nantwich Local Plan
- The development is contrary to Policies contained within the Cheshire East Local Plan
- The development does not provide the mix of houses required in Bunbury
- Harm to the character of the area which is the filming location for a TV period drama

Highways

- The visibility splays cannot be achieved
- The provision of the visibility splays will result in the loss of hedgerows
- There is no pavement to the south of the site
- Bunbury Lane is very narrow
- The application does not include the amount of parking that would be provided
- Increased vehicular movements
- The proposed access is too narrow
- Pavements in Bunbury are too narrow
- Poor public transport within the village

Green Issues

- Impact upon wildlife
- Loss of habitat
- Impact upon protected species
- Loss of hedgerows/trees

Infrastructure

- The local schools are full
- Doctors surgeries are full
- Local hospitals are full
- Local sewerage infrastructure cannot cope with further development

Amenity Issues

- Plot 1 is too close to the existing bungalows on Bunbury Lane
- Plot 15 would be affected by headlights of the vehicles visiting this site
- Increased noise
- Increased air pollution
- Noise and disturbance caused by the construction works

Design issues

- The proposed dwellings are sited too close together
- There is no evidence of a high quality design within this application
- If approved there should be a condition to limit the ridge height of the proposed dwellings
- The plot sizes are out of character with Bunbury
- The development would be too dense

- The boundary treatment and proposed landscaping provides an urban form of development which is out of character for Bunbury
- Impact upon the setting of the Grade II Listed Building at Rowton Cottage
- External lighting will detract from the character of Bunbury

Other issues

- There are a number of errors within the application

APPRAISAL

Principle of Development

The site lies largely in the Open Countryside as designated by 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. Residential development will be restricted to agricultural workers dwellings, affordable housing and limited infilling within built up frontages.

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

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

Bunbury Neighbourhood Plan

In this case the Bunbury Neighbourhood Plan (BNP) was made on 29th March 2016.

Policy H1 states that planning permission will be granted for a minimum of 80 homes in Bunbury between April 2010 and March 2030 with developments focused on sites on sites within or immediately adjacent to the village.

This issue is considered under the spatial distribution section below.

The scale of development is covered under Policy H2 which states that development will be supported provided that it is small scale and in character with the settlement. In terms of greenfield development Policy H2 states that development shall be limited a maximum of 15 houses on any site and that such developments should not be co-located with other new housing developments unless there are demonstrable sustainable benefits of doing so. The glossary to the BNP then goes to elaborate on what it means and states that “*the separation between developments may be maintained by a significant distance, geographic features or visual segregation or a combination of these elements. A new development should not share an access road with another new development*”.

In this case the development would be limited to a maximum of 15 dwellings. At the time of writing this report there no issue of co-location as part of this development.

Housing Land Supply

Following the receipt of the Further Interim Views in December 2015, the Council has now prepared proposed changes to the Local Plan Strategy (LPS), alongside new and amended strategic site allocations, with all the necessary supporting evidence. The proposed changes have been approved at a Full Council meeting held on the 26 February 2016 for a period of 6 weeks public consultation which commenced on Friday 4 March 2016.

The information presented to Full Council as part of the LPS proposed changes included the Council's 'Housing Supply and Delivery Topic Paper' (CD 9.7) of February 2016. This topic paper sets out various methodologies and the preferred approach with regard to the calculation of the Council's five year housing land supply.

From this document the Council's latest position indicates that during the plan period at least 36,000 homes are required. In order to account for the historic under-delivery of housing, the Council have applied a 20% buffer as recommended by the Local Plan Inspector. The topic paper explored two main methodologies in calculating supply and delivery of housing. These included the Liverpool and Sedgefield approaches.

The paper concludes that going forward the preferred methodology would be the 'Sedgepool' approach. This relies on an 8 year + 20% buffer approach which requires an annualised delivery rate of 2923 dwellings.

The 5 year supply requirement has been calculated at 14617, this total would exceed the total deliverable supply that the Council is currently able to identify. The Council currently has a total shortfall of 5,089 dwellings (as at 30 September 2015). Given the current supply set out in the Housing Topic Paper as being at 11,189 dwellings (based on those commitments as at 30 September 2015) the Council remains unable to demonstrate a 5 year supply of housing land. However, the Council through the Housing Supply and Delivery Topic paper has proposed a mechanism to achieve a five year supply through the Development Plan process.

National Planning Policy Guidance (NPPG) indicates at 3-031 that deliverable sites for housing can include those that are allocated for housing in the development plan (unless there is clear evidence that schemes will not be implemented within five years).

Accordingly the Local Plan provides a means of delivering the 5 year supply with a spread of sites that better reflect the pattern of housing need however at the current time, the Council cannot demonstrate a 5 year supply of housing.

Spatial Distribution

For Bunbury - there were 21 (net) completions recorded from 1st April 2010 until 30th September 2015. In addition there are the following commitments as at 30th September 2015;

BUNBURY							
---------	--	--	--	--	--	--	--

SHLAA Ref	Site Address	Gross Total Dwellings	Completions	Remaining losses	Net remaining	Planning Application Ref	Brownfield / Greenfield / Mixed
Full Permission							
5123	6 Queen Street, Bunbury CW6 9QY	1	0	0	1	14/4887N	g
5124	The Old Methodist Chapel, College Lane, Bunbury, CW6 9PQ	1	0	0	1	14/3963N	b
	Subtotal	2	0	0	2		
Outline Permission							
5002	The Outspan, Sadlers Wells, Bunbury, CW6 9NU	4	0	1	3	14/3013N	mixed
5125	The Cedars, Whitchurch Road, Bunbury Heath, Tarporley, CW6 9SX	1	0	0	1	14/2348N	g
	Subtotal	5	0	1	4		
Under Construction							
4305	Land Adjoining School Lane, Bunbury	1	0	0	1	13/2086N	g
	Subtotal	1	0	0	1		
	Bunbury Total	8	0	1	7		

The Council is currently in the process of completing an update to the completions / commitments to cover the period up to / as at 31st March 2016. There hasn't been that much movement (if any) for Bunbury, with no more completions having been recorded. Similarly in terms of commitments, the updated position is no different to that shown above (nothing new approved / expired). It should be noted that since 31st March 2016 the Council has issued a decision for application 14/3167N (14 dwellings) at The Grange, Wyche Lane. There is also a resolution to approve application 15/1666N (11 dwellings) at land off Bowes Gate Road.

As a result this proposed development would go towards meeting the housing needs set out in the BNP under policy H1.

Housing Mix

Policy SC4 of the submission version of the Local Plan requires that developments provide an appropriate mix of housing. In this case the mix of housing would be negotiated at the reserved matters stage.

SOCIAL SUSTAINABILITY

Affordable Housing

This is a proposed development of 15 dwellings together with the demolition of one bungalow which is currently occupied as an affordable unit and in order to meet the Council's Policy on Affordable Housing there is a requirement for affordable dwelling provision on this site. The SHMA 2013 shows the majority of the demand in Bunbury for the next 5 years is for 18 x one bedroom and 1 x four bedroom dwellings per year.

The majority of the demand on Cheshire Homechoice is for 6 x one bedroom, 5 x two bedroom, 2 x three bedroom, and 1 x four bedroom dwellings therefore 2 and 3 bedroom units on this site would be acceptable.

This is a proposed development of 15 new dwellings plus the existing affordable rent unit (to be demolished). Therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 5 dwellings to be provided as affordable dwellings. This will be secured as part of a S106 Agreement.

Public Open Space

Policy RT.3 states that where a development exceeds 20 dwellings the Local Planning Authority will seek POS on site.

The development would be less than 20 dwellings but would provide an area of POS. This would be managed by a management company which would be secured as part of the S106 Agreement. The provision of POS on the site would be a benefit as part of this development.

Education

An application of 15 dwellings is expected to generate 3 primary aged children, 2 secondary aged children and 0 SEN child.

In terms of primary school education, the proposed development would be served by 1 local primary school. The Education Department have confirmed that there is capacity to accommodate the children generated by this development and there is no requirement for a primary school contribution. The details can be seen in the table below;

16/0646N Rear of 6 Bunbury Lane, Bunbury,											
	NET CAP May-15	Any Revised NET CAP 2016	Funded pupils Development Yields	Total Required capacity and Pupil Yield	UNFILLED PLACES	UNFILLED PLACES %	PUPIL FORECASTS based on October 2014 School Census				
							2015	2016	2017	2018	2019
Primary Schools											
Bunbury Aldersey	210	210			34	16.19	186	187	182	186	180
Developments with Section 106 funded and pupil yield											
no 106 funded pupils built into the 2014 forecasts.			0								
			0								
Children not included in forecasts (section 106 not received forecast period and approved since forecasts created.											0
the grange , wyche lane											2
											0
Children expected from this development											3
OVERALL TOTAL	210	210	0	210	34	16.19	186	187	182	186	185
OVERALL SURPLUS PLACES PROJECTIONS based on R							24	23	28	24	25
OVERALL SURPLUS % PROJECTIONS based on Revised							11.43	10.95	13.33	11.43	11.90
CONCLUSION:- NO CLAIM											

In terms of secondary schools, there is one school which would serve the proposed development. The Education Department have confirmed that there would be no capacity to accommodate the children generated by this development by 2021 and as a result there is requirement for a secondary school contribution of £32,685.38 (The details can be seen in the table below). As a result this contribution will be secured as part of a S106 Agreement.

	PAN Sep-15	PAN Sep-16	NOR (years 7- Jan-16)	NET CAP May-15	Any Revised NET CAP 2016	Funded pupils Develop- ment	Total Required capacity and	UNFILLED PLACES	UNFILLED PLACES %	PUPIL FORECASTS based on October 2014 School Census						
										2015	2016	2017	2018	2019	2020	2021
Secondary Schools								0	#DIV/0!							
Tarporley High is catchment school but CWAC																
Malbank is nearest CE Scho	120	210	895	1050	1050			155	14.76	877	905	973	1018	1065	1107	1137
								0	#DIV/0!							
								0	#DIV/0!							
								0	#DIV/0!							
								0	#DIV/0!							
								0	#DIV/0!							
Developments with Section 106 funded and pupil yield included in the forecasts																
kingsley fields						63	yield is 143 , 100 built into the forecasts but only funded for 63									
Children not included in forecasts (section 106 not received , pupils still to include beyond forecast period and approved since forecasts created.																
kingsley fields																43
church farm, acton																1
greenbank cottage																2
																0
																0
Children expected from this development																2
OVERALL TOTAL	120	210	895	1050	1050	63	1113	155	14.76	877	905	973	1018	1065	1107	1185
OVERALL SURPLUS PLACES PROJECTIONS										236	208	140	95	48	6	-72
OVERALL SURPLUS % PROJECTIONS										21.20	18.69	12.58	8.54	4.31	0.54	-6.47
										CONCLUSION :- 100% CLAIM , becomes 0 surplus in 2019 an						

Health

A number of the letters of objection raise concerns about the impact upon health provision in this area. Although no consultation response has been received from the NHS a search of the NHS Choices website shows that there are 3 GP practices within 3.5 miles of the application site and all are accepting patients indicating that there is capacity to serve this development.

Location of the site

Inspectors have determined that locational accessibility is but one element of sustainable development and it is not synonymous with it. The NPPF determines that sustainable development comprises of three dimensions:- 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;

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

In this case the site is on the edge of the settlement of Bunbury which is a Local Service Centre as defined by the Cheshire East local Plan. As a result the site is considered to be a sustainable

location with access to a range of shops, health and leisure facilities and employment opportunities.

ENVIRONMENTAL SUSTAINABILITY

Residential Amenity

The application is in outline form and the indicative plans show that an acceptable layout can be achieved at reserved matters stage.

The separation distances as shown on the submitted plans vary from approximately 12.8 metres between No 5 Bunbury Lane and the dwelling on plot 1, to 22.7 metres between No 3 Bunbury Lane and Plots 2 and 3, and 19 metres between Plot 5 (and the dwelling known as Beech Lea (which is off-set to the north-west). The separation distances are largely acceptable but it is considered that there is plenty of room within the site to improve the relationship between Plot 1 and to the existing dwellings which front Bunbury Lane.

The Environmental Health Officer has requested conditions in relation to an environment management plan.

Air Quality

Whilst this scheme itself is of a relatively small scale, and as such would not require an air quality impact assessment, there is a need for the Local Planning Authority to consider the cumulative impact of a large number of development in a particular area. In particular, the impact of transport related emissions on Local Air Quality.

Modern Ultra Low Emission Vehicle technology (such as all electric vehicles) are expected to increase in use over the coming years (the Government expects most new vehicles in the UK will be ultra low emission). As such it is considered appropriate to create infrastructure to allow home charging of electric vehicles in new, modern properties. This will be controlled through the use of a planning condition.

Contaminated Land

The application site has a history of agricultural use and therefore the land may be contaminated. The application is for new residential properties which are a sensitive end use and could be affected by any contamination present or brought onto the site.

As such, and in accordance with the Councils Environmental Health Officer recommends that a standard contaminated land condition is attached to any approval.

Public Rights of Way

Local Plan Policy RT.9 states that *'permission will not be granted for any development which would prejudice public access onto or through the network unless specific arrangements are made for suitable alternative routes'*.

In this case the submitted plan shows that footpath Bunbury FP16 would be retained within the proposed POS on site and as such the facility would be retained for public use.

Highways

Access to the site is to be taken from Bunbury Lane to the west of the site and would involve the demolition of an existing dwelling at 6 Bunbury Lane.

At the time of writing this report there were concerns in relation to the visibility splays at the site access (specifically when looking south along Bunbury Lane). In this case the applicant is undertaking a speed survey along Bunbury Lane and an update will be provided in relation to this issue.

The village centre of Bunbury is within reasonable walking distance of the site, allowing sustainable access to a number of local facilities.

With respect to traffic generation, Bunbury Lane and the surrounding highway network is lightly trafficked. Given the arrival and departure patterns of the traffic associated with this proposal and other proposed in the vicinity, the traffic will be distributed onto Bunbury Lane at two points of access some 60 metres apart. The HSI is satisfied that there will not be a material impact on the operation of the adjacent or wider highway network.

Trees/Hedgerows

The supporting Arboricultural Impact Assessment identifies 2 individual trees, five groups and two hedgerows within the application site. An Ash (within G4 of the survey) and located on the southern boundary of the site adjacent to the proposed access is scheduled within T49 of the Nantwich Rural District Council (Bunbury) Tree Preservation Order 1973. As the proposed access and footway is shown outside the root protection area of the tree consequently there are no significant implications for this tree.

There are a number of semi mature trees located offsite close to the site boundary hedges which have been poorly pruned, and/or provide little contribution to the wider amenity and landscape character of the area. These trees are therefore not considered to be a major constraint on the development of the site.

The submitted layout plan appears to show existing hedgerows to be retained and the Arboricultural Survey identifies these as being located offsite. As hedgerows are a priority habitat and a material consideration these should be retained.

Design

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.”

In this case an indicative layout has been provided in support of this application. Improvements to this layout could be secured at reserved matters stage. It is considered that an acceptable layout can be achieved and that the areas of open space and all highways would be well overlooked. It is considered that an acceptable design/layout that would comply with Policy BE.2 (Design Standards) and the NPPF could be negotiated at the reserved matters stage.

Impact upon the Setting of the Grade II Listed Building

Rowton Cottage is a Grade II Listed Building which is located approximately 50 metres to the south of the proposed access.

The proposed development on this site would have limited impact upon the architectural or historic interest of this Grade II listed building or its setting, given the distance of the site from the listed building, the presence of the existing development at 1-6 Bunbury Lane.

In addition there is an existing hedgerow/trees along the field boundary between the development site and the fields adjoin the site which should serve to mitigate the visual impact of the development upon the setting of the listed building.

Landscape

The application site is located towards the southern part of Bunbury and covers an area of approximately 1.3 hectares. The application site is currently a field used for pasture, with a bungalow, no.6 Bunbury Lane, located on the western part of the application site. The application site has managed hedgerows along the northern and southern boundaries, the southern boundary contains a number of hedgerow trees. Part of the western boundary is marked by the rear garden boundaries of properties along Bunbury Lane. The eastern boundary is formed by a mature hedgerow; Footpath 16 Bunbury, which runs along a north to south alignment, follows this boundary. To the north of the application site are a number of paddocks and beyond these are the properties along Hill Close and Queen Street. To the south and east is the wider rural landscape.

This is an outline application and Illustrative Landscape Proposals, have been included; these show that access will be off Bunbury Lane and that there will be an area of managed arable grass to the east of the application site. The application includes a Landscape and Visual Impact Assessment, this identifies the baseline landscape as detailed in the Cheshire Landscape Character Assessment, Landscape Character Type 7 – East Lowland Plain, and more specifically the Ravensmoor Character Area (ELP1). The landscape Character assessment indicates that this area is predominantly flat with hawthorn hedges and hedgerow trees and that it is an open and expansive landscape in the northern part of the character area. The application site does not have any landscape designations, the Lower Bunbury Conservation Area is located approximately 200m to the north west of the application site.

This proposals will inevitably have both landscape and visual impacts, since the area currently forms part of the setting of Bunbury. It should also be noted that part of the Bunbury Village Design Statement recommends that any development should '*Protect existing views within the village and into the countryside*'. There will be a visual impact for those residents living in properties adjacent to the western boundaries and those further to the north, as well as users of

Footpath 16 Bunbury, located towards the eastern part of the application site. The Council's Landscape Architect considers that the landscape and visual significance of effects will be greater than identified in the submitted assessment, although not substantially so. The level of adversity will ultimately depend on the detail of the scheme, specifically the layout, scale and landscape proposals.

Ecology

Hedgerows

Hedgerows are a priority habitat and hence a material consideration. Based on the submitted layout plan it appears likely that the existing hedgerows could be retained as part of the proposed development. If outline planning consent is granted it should be ensured that the existing hedgerows are retained and enhanced at the detailed design stage.

Bats

The Council's Ecologist advises that roosting bats are not reasonably likely to be present or affected by the proposed development. If outline consent is granted an updated survey may be required at the reserved matters stage.

Enhancement of land to east

The illustrative layout plan includes an undeveloped area of land which is proposed for ecological enhancement. The Council's Ecologist advises that if outline consent is granted a condition should be attached requiring habitat enhancement proposals for this part of the site to be submitted as part of any reserved matters application. Enhancement measures should include a wildlife pond, hibernacula creation, native shrub planting and the enhancement of the grassland habitats.

Hedgehog

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 and so the species may occur on the site of the proposed development. If planning consent is granted the Council's Ecologist recommends the imposition of a planning condition relating to Hedgehogs.

Flood Risk

The application site does not fall within a Flood Zone and the application is accompanied by a Flood Risk Assessment. The submitted FRA indicates that the site will set finished floor levels 150mm above surrounding ground levels, carry out infiltration tests to undertake a detailed drainage design and verify the attenuation volumes required.

The Council's Flood Risk Team and United Utilities have also reviewed the application and advised that they have no objections, subject to drainage conditions and general drainage advice.

ECONOMIC SUSTAINABILITY

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to Bunbury including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

Agricultural Land Quality

Policy NE.12 of the Local Plan states that development on the best and most versatile agricultural land (Grades 1, 2 and 3A) will not be permitted unless:

- The need for the development is supported by the Local Plan
- It can be demonstrated that the development proposed cannot be accommodated on land of lower agricultural quality, derelict or non-agricultural land
- Other sustainability considerations suggest that the use of higher quality land is preferable

The National Planning Policy Framework highlights that the use of such land should be taken into account when determining planning applications. It advises local planning authorities that, 'significant developments' should utilise areas of poorer quality land (grades 3b, 4 & 5) in preference to higher quality land.

The proposal would result in the loss of an area of 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. Further, due to its small area, shape and enclosed nature does not offer significant opportunities for agricultural production.

CIL Regulations

In order to comply with the Community Infrastructure Regulations 2010 it is necessary for planning applications with planning obligations to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

As explained within the main report, the area of open space would provide a scheme of ecological enhancements which is identified on the submitted plans. It is necessary to secure these works and a scheme of management. This is directly related to the development and is fair and reasonable.

The development would result in increased demand for secondary school places in the area and there is very limited spare capacity. In order to increase capacity of the secondary schools which would support the proposed development, a contribution towards secondary education is required. This is considered to be necessary and fair and reasonable in relation to the development.

On this basis the S106 recommendation is compliant with the CIL Regulations 2010.

PLANNING BALANCE

The proposed development would be contrary to Policies NE.2 and RES.5 and the development would result in a loss of open countryside. However as Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites and the policies NE.2, NE.4 and RES.5 are out-of-date for the purposes of paragraph 49 of the NPPF. The presumption in favour of sustainable development applies at paragraph 14 of the Framework where it states that LPA's should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

In this case the development would comply with the relevant policies of the Bunbury Neighbourhood Plan.

The benefits in this case are:

- The development would provide benefits in terms of much needed affordable housing provision and would help in the Councils delivery of 5 year housing land supply.
- In terms of the ecological implications the development would provide an area for ecological enhancements and this would be a benefit of the application.
- The development would provide significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in Bunbury.

The development would have a neutral impact upon the following subject to mitigation:

- The impact upon education infrastructure would be neutral as the impact would be mitigated through the provision of a contribution.
- There is not considered to be any flood risk/drainage implications raised by this development.
- The impact upon trees is considered to be neutral at this stage and further details would be provided at the reserved matters stage.
- The impact upon residential amenity/noise/air quality and contaminated land could be mitigated through the imposition of planning conditions.

The adverse impacts of the development would be:

- Limited weight in terms of the loss of open countryside
- Limited weight to the changes to the visual character of the landscape that would result from the proposed development

An update will be provided in relation to the highways impacts of this development.

The benefits in approving this development would significantly and demonstrably outweigh the adverse impacts of the development. As such the application is recommended for approval.

RECOMMENDATION:

Subject to the receipt of additional information to address the access concerns raised by the Head of Strategic Infrastructure APPROVE subject to a S106 Agreement to secure the following Heads of Terms:

1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:
 - The numbers, type, tenure and location on the site of the affordable housing provision
 - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
 - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
 - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
2. Provision of an area for Ecological Enhancements to be maintained by a private management company
3. Secondary Education Contribution of £32,685.38

And the following conditions:

1. Standard outline 1
2. Standard outline 2
3. Standard outline 3
4. Approved Plans
5. Electric Vehicle Infrastructure to be submitted and approved
6. Construction Management Plan to be submitted and approved
7. Submission / Approval of Information regarding Contaminated Land
8. Any reserved matters application shall be supported by an Arboricultural Impact Assessment (AIA) in accordance with Section 5.4 of *BS5837:2012 Trees in Relation to Design, Demolition and Construction (Recommendations)* which shall evaluate the direct and indirect impact effect of the proposed design on existing trees.
9. Reserved Matters application to include details of the existing and proposed land levels
10. The development hereby permitted shall not commence until details of the detailed design, implementation, maintenance and management of a surface water drainage scheme have been submitted to and approved in writing by the LPA
11. The reserved matters shall include details of the habitat enhancement proposals for the site. Enhancement measures should include a wildlife pond, hibernacula creation, native shrub planting and the enhancement of the grassland habitats.
12. Updated survey for Bats to be undertaken and submitted as part of any reserved matters application
13. Any future reserved matters application to be supported by proposals for the incorporation of gaps for hedgehogs to be incorporate into any garden or boundary fencing proposed. The gaps to be 10cm by 15cm and located at least every 5m

In order to give proper effect to the Board's/Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning (Regulation), in consultation with the Chair (or in her absence the Vice Chair) of Southern Planning

Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

Should the application be subject to an appeal, the following Heads of Terms should be secured as part of any S106 Agreement:

- 1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:**
 - The numbers, type, tenure and location on the site of the affordable housing provision**
 - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing**
 - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved**
 - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and**
 - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.**
- 2. Provision of an area for Ecological Enhancements to be maintained by a private management company**
- 3. Secondary Education Contribution of £32,685.38**

