

Application No: 18/4771N

Location: BOOT AND SLIPPER INN, LONG LANE, WETTENHALL, CHESHIRE,
CW7 4DN

Proposal: Erection of 3 Dwellings

Applicant: Atkinson, Commercial Development Projects Ltd

Expiry Date: 30-Nov-2018

SUMMARY

The proposal is for 3no dwellings on the site of a former public house, The Boot and Slipper, in Wettenhall. The Public House has been demolished in the recent past. The application site is situated within the open countryside where Policy PG6 of the CELPS states a presumption against residential development unless it meets the exception of (inter alia), infill development, infill within a village, dwellings of exceptional design, replacement building (including a dwellings) which are not materially larger. There is currently no building on the site to replace and the Inspector for the previously dismissed decision (17/2522N) considered that the proposal did not meet any of the exceptions set out in Policy PG6 for residential development.

It is accepted that the land is previously developed, as confirmed by the Inspector, however it is considered that proposed development would be more harmful to the character and appearance of the open countryside in this unsustainable location, than leaving the land un-developed.

An area of land on the corner of Long Lane has as a Veteran Oak Tree within an area of land known as the 'village green'. This area of land has been removed from the application site. It is suggested within the Statement that this will be 'gifted' to the community, however full details of this have not been submitted with this application.

The proposed development is suburban its design and layout and does not reflect the character of the wider rural settlement. There are concerns raised over the social proximity of the Veteran Oak Tree with a TPO adjacent to unit 1 and the RPA which should be used given its Veteran status.

There are some benefits to the proposal in relation to a brownfield site being brought forward, additional housing supply, some small economic benefits during construction, new homes bonus and council tax once constructed. However it is not considered that these benefits would outweigh the harm caused to the open countryside.

It is therefore considered that the development has not significantly changed to that which was dismissed recently at appeal. The proposal is therefore considered to be unacceptable and contrary to Policies SD2, SE1, SE3, SE5 and PG6 of the Cheshire East Local Plan Strategy, and saved Policies RES.5 and BE.1 of the Crewe and Nantwich Replacement Local Plan, and the NPPF. The proposal is therefore recommended for refusal.

Recommendation

REFUSE

REASON FOR REFERRAL

This size of development would usually be considered under delegated powers. The application has been called into Southern Planning Committee by Councillor Chris Green, for the following reasons;

'I do so with the full support of Cholmondeston & Wettenhall Parish council, who recently held a well attended public meeting, where there was unanimous approval of the application from local residents.

This is a small rural community and people are upset that the site has laid derelict in the middle of the village (next to the village green) for 2 years.

I support the parish council's view that a modest residential development on this site is the best option to preserve the future quality of the village for it's residents.

The significant concerns or potential significant impact of the development and the need for a Planning Committee decision are as follows:

If this site is allowed to remain undeveloped then the risk that an unapproved activity may well occur - fly tipping or travellers are just two examples. Such activities will not enhance the character of the village, will interfere with resident's lives and livelihoods, and require additional resources and expenditure from Cheshire East and other public agencies.

The greatest impact of not granting planning approval will be that the site remains an eyesore in the centre of this community.

The parish council and the residents attending the recent open forum agree that a residential development of no more than 3 houses should be supported.

I request that in the interests of local democracy this application is determined by the Planning Committee.'

DESCRIPTION OF SITE AND CONTEXT

This application relates to the site of the former Boot and Slipper Inn (public house) situated off Long Lane, Wettenhall, Nantwich. The Site lies within a predominately rural area with some residential uses adjacent to the site. It has an area of 0.6hectare.

In the south corner is a mature oak tree located on a grassed verge, which is covered by a recent tree preservation order, and considered locally as a Village Green (part of an application by the Parish Council for its designation).

Planning permission was recently refused on the site for 4 dwellings and dismissed at appeal. (17/2522N) The reason for refusal stated;

- 1. The proposed development is considered to be unacceptable in principle. The development site is situated within the open countryside where there is a presumption against unacceptable, unsustainable development. It is considered that, although the site is a brownfield site, the indicative plans do not clearly show that 4 dwellings can easily be sited on the plot without causing harm to the streetscene (including the village green area) or wider open countryside location. The proposal is therefore considered to be unacceptable and contrary to Policies SD2, SE1, SC4 and PG6 of the Cheshire East Local Plan Strategy, and saved Policies RES.5 and BE.1 of the Crewe and Nantwich Replacement Local Plan, and the National Planning Policy Framework.*

DETAILS OF PROPOSAL

The application seeks full planning permission for 3no dwellings. The proposal shows the erection of a driveway off Long Lane, into the site with 3no dwellings accessed off the driveway.

Planning History

18/1522N - Erection of 4no. dwellings – Withdrawn 6th June 2018

17/2522N - Erection of 4 Dwellings – Refused 7th December 2017, Appeal dismissed 1st June 2018

16/3138N - Erection of 5 Dwellings, construction of access road and installation of septic tank/treatment plant. – withdrawn 8th March 2017

16/0849N - Prior notification of demolition of public house and dwelling. No objections 15/3/2016

09/0846N Installation of a Kee 1400 Nudisc Sewage Treatment, 2000lt Grease Interceptor and Associated Drainage Granted 1/6/2009

P06/1421 Removal of Condition No. 8 of Planning Reference P02/0128 Granted 2/2/2007

P02/0128 Conversion of Outbuilding to Residential Use Granted 4/4/2002

7/08945 - Home renal dialysis unit. – approved with conditions 29th April 1982

7/05623 - Extension to side of property to be used as public room. – withdrawn 23rd November 1979

7/13518 - Development of existing pub to farm additional owners accom, bedrooms (residential) and restaurant. – approved with conditions 18th December 1986

Local Plan Policy

Cheshire East Local Plan Strategy

PG 2 Settlement Hierarchy
PG 6 Open Countryside
SD 1 Sustainable Development
SD 2 Sustainable Development principles
IN 1 Infrastructure
IN 2 Developer Contributions
SE 1 Design
SE 2 Efficient use of land
SE 3 Biodiversity and Geodiversity
SE 4 The Landscape
SE 5 Trees hedgerows and woodlands
SE 6 Green Infrastructure
SE12 Pollution, Land Contamination and Land Instability
CO 2 Enabling business growth through transport infrastructure

Appendix C – Parking Standards

Saved policies of the Crewe and Nantwich Local Plan

NE.5 Nature Conservation and Habitats
NE.9 Protected Species
NE.10 Woodland and planting
NE.20 Flood prevention
BE.1 Amenity
BE.3 Access and Parking
BE.4 Drainage, Utilities and Resources
BE.6 Development on Potentially Contaminated Land
RES.5 Housing in the Open Countryside

Other Material Considerations

National Planning Policy Framework
NPPG
Cheshire East Design Guide

Consultations

Highways: No objections subject, an informative for a Section 278 Agreement for the construction of the site access.

Environmental Protection: No Objections, subject to conditions for Piling foundations, dust control, electric vehicle infrastructure, contaminated land, verification report, importation of soil and unexpected contaminated.

United Utilities: No objections

Woodland Trust: Object, detrimental impact on a veteran Oak Tree

Flood Risk – No objections subject to a conditions and informatives

Archaeology – No objection subject to a condition for the implementation of a programme of archaeological works

PROW – No objections, no records of rights of ways

Views of the Cholmondeston & Wettenhall Parish Council:

The Parish Council support this application and have requested a call in for the application via Cllr Chris Green. Following a further open meeting held on 12/10/18 regarding this site the overwhelming community feeling remains unchanged in that a modest residential development is the best option for this site despite it being contrary to planning policies adopted by Cheshire East. This has been the case since the first application, 16/3138N, and over the intervening period and subsequent applications we have succeeded in encouraging the developer to submit plans that offer a realistic solution to the development of the site that will result in a small increase in the housing stock of the village and should not detract from the overall appearance of the village, in its present state it does so.

We would also like the following comments to be considered in the decision making process and consideration made as to conditions that should be applied to the approval:

1. In this application the developer has offered to gift an area of land attached to the Village Green, to avoid subsequent disputes we request that this gift is completed in a legal format, including being registered with the Land Registry and all costs in doing so to be borne by the developer. Furthermore we would ask that the developer to gift this area in a condition ready for the immediate benefit of the community.
2. The developer has given the Parish Council a verbal commitment that he will not be selling the site, as he has done with a previous site in Cheshire East (17/0858N), again would request that this is made a condition of the planning in the interests of ensuring the site is developed as agreed.
3. We are still concerned that the erection of plot 1 will have a negative impact on the TPO veteran oak tree sited on the Village Green. The root protection zone as indicated on the plans runs up to the building. In the interests of negating any adverse effect on the tree we would request that construction of this plot, especially its footings is undertaken in conjunction with onsite input from Arboricultural Officer from Environmental Services at all stages of building.

Representations

Letters of objection have been received from 4 residence. The main issues raised are;

- New houses will be an eyesore / not inkeeping with the rural area
- The development is not inkeeping with the village
- Land does not need to be developed, could be maintained as open space/gifted to the community
- Nothing has changed from the appeal decision – still contrary to the Local Plan

- No affordable housing proposed, 3 large 4 bedroomed properties are not what the local population requires,
- Parish Council does not speak for the whole village/community
- Proposal does not include any replacement for the children's play equipment which was lost as part of the public house demolition
- No need for new housing in the area
- Development will harm the Veteran Oak Tree
- CE have a 5 year housing land supply and therefore the housing is not required
- Who will maintain the 'open space'?
- The village is unsustainable – no local amenities, no bus route, school buses are under review
- The land associated with the tree has always been common land
- The site has only ever had two dwellings on it, the Public House (formally a farmhouse) and a cottage
- Historical footpaths and bridleways cross the site
- The area of land is an important place for the local communities – used for events such as Rogation Sunday, Follow the Cross, Rotary Christmas Carols and The Cheshire and Beagle hunts
- Land is awaiting formal village green status
- The loss of the Boot and Slipper was unfortunate and the local residents were not aware it would be demolished
- Impact on highway safety
- Area is known for flooding
- This is not the only site in the area which is 'untidy' and 'undeveloped'
- Plans are not accurate
- Lack of detail in application in relation to foul drainage and Oil/LPG storage tanks

Letters of support have been raised from 4 residences. The main issues raised are;

- The site is an eyesore in the area,
- 3 units is a suitable proposal
- Concerns over use of the site by the travelling community
- The permission to demolish the public house should not have been approved if future development was not going to be permitted
- Development will not affect the village green or veteran Oak Tree
- Brownfield site which should be developed

OFFICER APPRAISAL

Principle of the development

The application site is situated within the open countryside and is in an isolated situation not adjacent to existing settlement boundaries. Policy PG6 of the Cheshire East Local Plan Strategy stipulates that only development which is essential for agriculture will be acceptable, with the exception, inter alia, where there is an opportunity for infilling of a small gap with one or two dwellings in an otherwise built up frontage; and for the replacement of existing

buildings (including dwellings) by new buildings not materially larger than the buildings they replace. Policy RES.5 (housing in the open countryside) of the CNLP is consistent with this policy approach, which restricts development in the open countryside to infill development or agricultural/forestry worker dwellings.

The site is not considered to be a clear opportunity for infill development within an otherwise built up frontage and, as the proposal is for more than 2 dwellings it would not be considered as a genuine infill within an otherwise built up frontage.

Evidence has been submitted with the application to show that there was previously a Public House sited on the land. Therefore the proposal could have been considered under the replacement buildings element of these criteria. However the Planning Inspector in relation to the previous application on the site (17/2522N – APP/R0660/W/18/3196520) confirmed that,

‘..There is no existing building to replace as the pub which once existed on the site has been demolished. The proposal would therefore conflict with CELP Policy PG6.’

It is therefore considered that the development does not meet the exceptions as set out in Policy PG6 of the CELPS, and also conflicts with saved Policy RES.5 of the CNLP.

Previously Developed land

Policy SD1 of the Cheshire East Local Plan Strategy states that one of the objectives to achieve sustainable development is Cheshire East is to make efficient use of land...and make best use of previously developed land where possible. Policy SE2 (Efficient Use of Land) of the CELPS states that the council will encourage the redevelopment/re-use of previously development land and buildings. The council will manage development to protect previously developed land where it can be clearly demonstrated that either the landscape amenity or biodiversity value of the site has become of a high value and as such would be compromised through redevelopment of the site. The policy also go's on to state;

‘that windfall development should (inter alia), consider the landscape and townscape character of the surrounding area when determining the character and density of the development; build upon existing concentrations of activities and existing infrastructure; and not require major investment in new infrastructure...’

The application includes evidence of the former public house on the site. However this has been demolished and the site is vacant of development. The site previously included a public house, with a car park around the building. The site was relatively open with low hedges retained around the site. The built form was largely positioned to the north west of the site and the majority of the site was open car parking. The Planning Inspector agreed that the site was previously developed land.

The application scheme is 1 no dwelling less than the previous scheme, however layout still exceeds the previously built form on the site and does not reflect the character or density of the site previously.

HOUSING LAND SUPPLY

The Cheshire East Local Plan Strategy was adopted on the 27th July 2017 and forms part of the statutory development plan. The plan sets out the overall strategy for the pattern, scale and quality of development, and makes sufficient provision for housing (36,000 new dwellings over the plan period, equating to 1,800 dwellings per annum) in order to meet the objectively assessed needs of the area.

Planning law requires that applications for planning permission be determined in accordance with the development plan. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted.

The National Planning Policy Framework (NPPF) identifies the circumstances in which relevant development plan policies should be considered out-of-date. These are:

- Where a local planning authority cannot demonstrate a five year supply of deliverable housing sites (with appropriate buffer) or:
- Where the Housing Delivery Test Result indicates that the delivery of housing was substantially below 25% of housing required over the previous three years. This result will be published in November by the Ministry of Housing, Communities and Local Government (MHCLG).

In accordance with the NPPF, the council produces an annual update of housing delivery and housing land supply. The council's most recent Housing Monitoring Update (base date 31 March 2018) was published on the 6th November 2018. The report confirms:

- A five year housing requirement of 12,630 net additional dwellings. This includes an adjustment to address historic shortfalls in delivery and the application of an appropriate buffer.
- A deliverable five year housing land supply of 7.2 years (18,250 dwellings).
- Housing delivery over the previous three years (5,556 dwellings) has exceeded both the Cheshire East adopted housing requirement (5,400 dwellings) and the Local Housing Need figure (3,100 dwellings).

Relevant policies concerning the supply of housing should therefore be considered up-to-date and consequently the 'tilted balance' at paragraph 11 of the NPPF is not engaged.

SUSTAINABILITY

The National Planning Policy Framework definition of sustainable development is:

“Sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs”

The NPPF determines that sustainable development includes three overarching objectives:- economic, social and environmental. Which are interdependent and need to be pursued in mutually supportive ways (so opportunities can be taken to secure net gains across each of the different objectives)

an economic objective – to help build 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 improved productivity; and by identifying and co-ordinating the provision of infrastructure;

a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change including moving to a low carbon economy

Locational Sustainability

Policy SD2 outlines a checklist of key amenities which a development should be within the distances shown to be considered a sustainable location.

SUSTAINABILITY CHECKLIST POLICY SD2

CRITERION	DISTANCE	MET	COMMENTS
PUBLIC TRANSPORT			
BUS STOP	500m	X	
PUBLIC RIGHT OF WAY	500m	√	200m to the south on Winsford Road
RAILWAY STATION	2km	X	
OPEN SPACE			
AMENITY OPEN SPACE	500m	X	
CHILDREN'S PLAYGROUND	500m	X	
OUTDOOR SPORTS	500m	X	
PUBLIC PARK AND VILLAGE GREEN	1km	X	Potentially area adjacent to application site
SERVICES AND AMENITIES			
CONVENIENCE	500m	X	

STORE			
SUPERMARKET	1km	X	
POST BOX	500m	X	1.5km
POST OFFICE	1km	X	
BACK OR CASH MACHINE	1km	X	
PHARMACY	1km	X	
PRIMARY SCHOOL	1km	X	Calveley
SECONDARY SCHOOL	1km	X	
MEDICAL CENTRE	1km	X	
LEISURE FACILITIES	1km	X	
MEETING/COMMUNITY CENTRE	1km	√	St. David's Church
PUBLIC HOUSE	1km	X	Demolished
CRÈCHE/NURSERY	1km	X	
TOTAL		2	

The table demonstrates that the site is not within a sustainable location, a fact previously confirmed by the Planning Inspector. As a result, the location of the site would be distant from a number of key facilities and would in some circumstances encourage the use of the car. The bus service is not considered sufficient to provide adequate links to these essential services. Therefore as a site for a new development it would not adhere to Policy SD 2 of the CELPS or the NPPF. The Planning Inspector also agreed that the site was not sustainably located.

Impact of Design upon the Character of the Area

Guidance advocated within NPPF supports a mix of housing within areas. Policy SD2 of the CELPS outlines the Council's aims for new development including the need for development to contribute positively to an areas character and identity, creating or reinforcing local distinctiveness. Policy SC 4 of the CELPS also advises the need for a mix of housing tenures, types and sized to help support the creation of mixed, balanced and inclusive communities. The policy also specifically notes that the development should meet the need of the ageing population in the Borough.

The site was previously developed by a public house with 4 guest bedrooms and a 3 bedroom dwelling, occupying the area towards the north of the site, with a large car park on the south

and east sides. The triangular area at the south was used as a beer garden. The agent estimates the previous floorspace as 580m².

The proposed plans show a development of 3 dwellings which would amount to around 600m² floor space, arranged around a cul-de-sac.

It is considered that the reduction in dwelling numbers from the original 5no. dwellings, reduced to 4no. during the last application and now 3no dwellings is welcomed and removing the Tree and 'village green' area out of the garden of unit 1 is much improved.

The proposed dwellings appear to be bespoke for each unit, however are all large 4 bedroom dwellings, with the same floor space, therefore the character of the area which is a mix of converted agricultural buildings and farmhouses and cottages has not really been implemented within the design of the dwellings.

The use of one palette of materials, will appear quite suburban in appearance, however these can be controlled by condition. The Design Guide designates Wottenhall as a 'Market Town and Estate Village' Character Area, where development should reflect to local area. The design of the units do not have a distinctive appearance which relates to the surrounding area.

The Planning Inspector noted in the last application (Outline application) that,

*'The 4 dwellings, however, are shown as being in a fairly tight group around a new access way. This is an arrangement which is more common in suburban areas and would be out of character with the more rural and sporadic layout of the nearby houses. Based on the information before me, I am unconvinced that up to 4 dwellings could be successfully integrated into the rural landscape. Furthermore, whilst I appreciate that there has been development on the site in the past, there is none there now. The construction of up to 4 dwellings would erode the open nature of the countryside. The site is not attractive in its cleared state **but it is at least open in nature and therefore any dwelling(s) would have a far greater visual impact upon the open countryside than the untidy ground.** I appreciate that there were once buildings upon the site but I must take into account the current circumstances of the site'. (my emphasis)*

The general layout of the site has not changed from the last application and would still appear suburban in appearance, with three dwellings accessed off a new access. The rural area is predominantly characterised by dwellings facing the road frontage, or sporadically positioned within a large plot, not set back off a cul-de-sac. Although the developer suggests that the dwelling have dual frontages which address Long Lane and Winsford Road. In reality, the properties rear gardens back onto Winsford Road and the 'village green' area, with no real relationship with the village green area. Furthermore, whilst the drawings are showing low hedgerows around the site, it is unlikely the future residents would retain a boundary treatment of this height and type as the dwellings would be very over looked from the road with little private amenity space.

It is therefore considered that form of development is not in keeping with the character of development in the locality, which consists of dwellings fronting the road or farmyard groups of buildings. The dwellings are large and proposed in materials which are not distinctively related to the local area, and therefore not considered to be in keeping with the character and

appearance of the area. The houses are not of exceptional design quality which would justify an exception to Policy PG6 of the Local Plan Strategy.

As noted by the Inspector although the site may not be attractive in its current cleared state, however, housing development is not the only option for the site. The site is currently open in nature and therefore any dwellings would have a far greater impact on the character and appearance of the site in the open countryside than the current situation.

The proposed development would therefore harm the character and appearance of the countryside and would therefore conflict with Policy SE1 and PG6 of the CELPS.

Amenity

Policy BE.1 seeks to ensure that the amenities of neighbouring properties are protected from development.

The current layout appears to meet the Council's separation standards for principal to principal over looking issues. The development is designed in a cul-de-sac design, which all the units facing towards the adjoining dwellinghouse known as Rookery View. Although the dwellings appear to meet the separations standards, there is a potential for the development to be overbearing on the neighbouring property, Rookery View. However, the Inspector considered that the proposed dwellings were far enough away to not have a significantly detrimental impact on neighbouring amenity. The layout has not changed significantly from the appeal decision and therefore the proposal is not considered to be any more detrimental to neighbouring amenity than the previous proposal.

The issue of private amenity space is a concern, although the plans show a low hedge, and this could be conditioned, in reality the occupants of the properties will likely want higher, more secure boundary treatment to reduce the noise of the road, and create a more defensible private amenity space, which would have a detrimental impact on the character and appearance of the open countryside.

Furthermore, the social proximity of the Oak Tree in relation to the private amenity space for Plot 1 is still a concern. Although the dwelling is proposed outside the shown root protection area, the garden will be dominated by the root protection area/crown spread and this could have future pressure to prune the tree in the future.

Trees

The site is situated in open countryside in a prominent location on the corner of Long Lane and Winsford Road. There is a length of hedgerow on the Winsford Road boundary and a mature Oak tree with veteran characteristics on a grassed area close to the road junction. The tree is prominent in the streetscene and following a comprehensive assessment by the Council's arboricultural team was afforded tree preservation order protection due to its veteran status, historical associations and amenity value - Cheshire East Borough Council (Bunbury - Wettenhall, Long Lane/Winsford Road) Tree Preservation Order 2017. The tree has also been recorded on the veteran tree register.

Veteran Tree status is afforded in recognition of the tree's contribution to wildlife, and its recognition in respect of its biological significance as well as its cultural and historical associations. This status has highlighted the importance of the tree in the locality due to its position adjacent to a road, in addition to the implications of the proposed change of use of the land upon which the tree stands.

The tree has been found to occur on Tithe maps dating back to 1831 suggesting that the tree was of significant proportions to warrant its recording nearly 200 years ago. The historical significance of the tree in this prominent location in addition to its identified veteran status places even greater importance on the future management of the tree as a veteran in accordance with best practice.

The current application is supported by an Arboricultural Impact Assessment and Method Statement dated September 2018 which considers the impact on the tree and the hedgerow. The report states that there would be no impacts to trees /hedgerows as all construction work is located outside the designated root protection areas.

The Woodland Trust have objected to the proposal, as it would be harmful to the Veteran status of the Oak Tree. The Woodland Trust state that the applicants have used a standard 15m RPA as required by BS 5837:2012, however consider that Natural England's standing advice for veteran trees (and ancient woodland) is more appropriate stating a buffer zone of at least 15 times larger than the diameter of a veteran tree or 5m from the edge of the canopy, if its greater should be implemented. This would amount to a RPA of over 20m. The RPA already falls within the garden area of Plot 1 and therefore the additional RPA suggested would fall within the development area for the dwelling.

The Council's Arboricultural Officer has considered the application in light of recently revised Standing Advice (which is a material planning consideration in the determination of planning applications) which gives clearer guidance on the protection of Veteran trees. The Council's Arboricultural Officer therefore, with reference to the comments received from the Woodland Trust, concluded that this application should be refused on forestry grounds and that the proposed development would have an adverse impact on the Veteran Oak tree.

Landscape

The site is situated in open countryside in a prominent location on the corner of Long Lane and Winsford Road. There is residential development to the north west, a farm to the south east and farmland to the north east and south west. The Winsford Road boundary is defined by a gappy hedge, the Long Lane boundary is open. There is a mature Oak tree to the south, close to Long Lane which displays veteran characteristics.

The Council's Landscape Officer considers that the proposed development with rear elevations backing onto Winsford Road would be prominent in the street scene in this open countryside location. From the junction where Long Lane meets Winsford Road, visibility to the north is extremely poor. The site plan suggests that all the roadside hedge could be retained to the east although the Landscape Officer considers that the hedge currently obscures visibility at the road junction.

The landscape officer considered that if the development were to be approved it would be essential to secure boundary treatment and landscape schemes; and to ensure that as far as possible the existing boundary hedges are retained/reinforced. Proposals should ensure that as far as possible the roadside facing boundaries have hedges facing the roads.

Highway safety

The Strategic Highways Officer notes that a similar proposal for more units on this site was not objected to by highways. The access width is acceptable and off-road parking meets the Council's standards. The visibility on exiting onto Long Lane, and from Long Lane to Winsford Road, is also acceptable.

Refuse collection can take place from the road where there is a bin collection point proposed. The Strategic Highways Officer therefore has raised no objections to the proposal in relation to highway safety.

Ecology

The Council's ecologist has considered the proposal and raised no objections subject to conditions for a breeding bird survey and breeding bird features.

Other Matters

The Parish Council have requested that a condition be attached to any approval to ensure the site is not sold on by the developer; this is not a reasonable condition since it is not fairly and reasonably related to the development in question. It could not therefore be reasonably imposed upon any permission if granted.

Furthermore the PC have noted that land is to be gifted to them as part of the Village Green, no formal confirmation for this has been submitted with the application and , given that planning permissions can not be bought, this would not meet the CIL Regulations in relation to a Legal Agreement as it is not a planning policy requirement. This would be a legal civil matter which sits outside of planning and the Planning Act could compel such a gift.

A neighbour has raised concerns that the land has historic public rights of way across it. There are no formal PROWs designated on the land, and the Public Rights of way officer has confirmed there are no claims to add a PROW across the site.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposal is for 3 no dwellings on the site of a former public house, The Boot and Slipper, in Wettenhall. The Public House has been demolished in the recent past. The application site is situated within the open countryside where Policy PG6 of the CELPS states a presumption against residential development unless it meets the exception of (inter alia), infill development, infill within a village, dwellings of exceptional design, replacement building (including a dwellings) which are not materially larger. There is currently no building on the site to replace and the Inspector for the previously dismissed decision (17/2522N) considered that the proposal did not meet any of the exceptions set out in Policy PG6 for residential development.

It is accepted that the land is previously development, as confirmed by the Inspector, however it is considered that proposed development would be more harmful to the character and appearance of the open countryside in this unsustainable location, than leaving the land undeveloped.

An area of land on the corner of Long Lane has as a veteran Oak Tree within an area of land known as the 'village green'. This area of land has been removed from the application site. It is suggested within the Statement that this will be 'gifted' to the community, however full details of this have not been submitted with this application.

The proposed development is suburban its design and layout and does not reflect the character of the wider rural settlement. The housing is not of exceptional design. There are concerns raised over the social proximity of the TPO veteran Oak Tree adjacent to unit 1 and the RPA which should be used given its Veteran status.

There are some benefits to the proposal in relation to a brownfield site being brought forward, additional housing supply, some small economic benefits during construction, and council tax once constructed. However it is not considered that these benefits would outweigh the harm caused to the open countryside.

It is therefore considered that the development has not significantly changed to that which was dismissed recently at appeal. The proposal is therefore considered to be unacceptable and contrary to Policies SD2, SE1, SE 5, and PG6 of the Cheshire East Local Plan Strategy, and saved Policies RES.5 and BE.1 of the Crewe and Nantwich Replacement Local Plan, and the NPPF. The proposal is therefore recommended for refusal.

Recommendation: Refusal

- 1. The proposed development is considered to be unacceptable in principle. The development site is situated within the open countryside where there is a presumption against unacceptable, unsustainable development. It is considered that, although the site is a brownfield site, the proposed development would harm the character and appearance of the open countryside. The proposal is therefore considered to be unacceptable and contrary to Policies SD2, SE1, and PG6 of the Cheshire East Local Plan Strategy, and saved Policies RES.5 and BE.1 of the Crewe and Nantwich Replacement Local Plan, and the National Planning Policy Framework.**
- 2. The proposed development would result in the threat of continued health and life expectancy of a Veteran Oak Tree which is covered by a TPO; and raises concerns over social proximity to the proposed development. The proposal is therefore considered to be unacceptable and contrary to Policies SE3 and SE5 of the Cheshire East Local Plan Policy, the Standing Advice of Natural England, and the National Planning Policy Framework.**

In order to give proper effect to the Committee's intent and without changing the substance of its decision, authority is delegated to the Head of Planning (Regulation) in consultation with the Chair (or in their absence the Vice Chair) to correct any technical slip or omission in the resolution, before issue of the decision notice.

