

Application No: 19/3307N

Location: Boot and Slipper, Long Lane, WETTENHALL, WETTENHALL

Proposal: Erection of 4 Dwellings

Applicant: E Atkinson, Commercial Development Projects Ltd

Expiry Date: 04-Oct-2019

SUMMARY

The proposal is for 4no 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 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 undeveloped.

This application includes the provision of an affordable housing unit, a Bungalow which is to be Discounted for Sale by 20%. This is not required by Planning policy, but the Housing Officer has explained that there is a need for bungalows of an affordable nature in the Borough.

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 still relatively suburban in its design and layout and the 'courtyard' design is very similar in character to the cul-de-sac previously refused. The 'L' shape building does not really reflect the character of a barn conversion in the Cheshire area.

There are still some 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. However, the Tree Officer considers that based on the fact that the land has been developed previously, and with the tree retained in an open space, the view is taken that this could be accepted.

This is considered to be neutral impact on the development.

There are some benefits to the proposal in relation to a brownfield site being brought forward, additional housing supply, the proposed affordable housing unit, 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, and more recently refused at Southern Planning committee. 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 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 Sarah Pochin, for the following reasons;

‘The application is substantively and materially different from the last application that was refused;

There is now affordable housing included in the application

The Parish Council and Ward Cllr support the application

The guidance on distance from the TPO has now been taken into account’.

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.

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).

DETAILS OF PROPOSAL

The application seeks full planning permission for 4no dwellings. The proposal shows the erection of a driveway off Long Lane, into the site with 4no dwellings accessed off the driveway.

This application includes 1no. Bungalow to be offered as an affordable housing unit.

Planning History

18/4771N - Erection of 3 Dwellings – Refused by Southern Planning Committee on 30th November 2018

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.*

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

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.*

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

MP 1 Presumption in Favour of Sustainable Development
PG 2 Settlement Hierarchy
PG 6 Open Countryside
SD 1 Sustainable Development
SD 2 Sustainable Development principles
IN 1 Infrastructure
IN 2 Developer Contributions
SC 4 Residential Mix
SC5 Affordable Homes
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 [External to Planning]

Strategic Housing Manager: No Objections. There is no requirement for an Affordable Housing unit on the site, however there is a need for bungalows through out Cheshire East, particularly when they are affordable. The Discounted for Sale tenure is a recognised form of affordable housing.

Highways: No objections subject, to a condition for the details of a refuse collection point and an informative for a Section 278 Agreement for the construction of the site access.

Environmental Protection: No Objections, subject to conditions for Electric Vehicle Infrastructure, Contaminated land – Phase I, Verification report, Importation of soil and Unexpected contamination, and informatives for Construction Hours, Pile Foundations and a Site Specific Management Plan,

United Utilities: No objections

Woodland Trust: None received at time of writing this report.

Flood Risk: No objections subject to a conditions and informatives

Archaeology: None received at time of writing this report.

Views of the Cholmondeston & Wettenhall Parish Council: None received at time of writing this report.

Representations

Letters of objection have been received from 3 addresses. The main issues raised are;

- The proposed development is out of character with the surrounding area,
- Insufficient parking provision has been made for visitors
- Potential impact on neighbours access gate
- Concerns over proposed planting adjacent to neighbours buildings, which may cause further subsidence due to trees removing moisture from the clay under the houses,
- Potential impact on the protected Oak tree,
- The Parish only gave consent to this development if certain criteria were met by the developer, which included the dwellings being lower and more in keeping with the surroundings – this has not been addressed in this proposal,
- The developer is only interested in making money
- Garages are not large enough for a modern car
- The developer demolished a very old beautiful building
- Impact on neighbouring amenity
- The previous application for 3 properties was refused by Committee, the same issues still remain;
- The site is not big enough for 4 properties;
- The 4th property is simply an additional 'affordable unit';
- The developer has not held an open meeting to discuss the proposals, all were either closed meetings with the PC or a scheduled Parish Council Meeting (regarding earlier applications);
- Application should not be called into to Committee again, given previous refusal and no fundamental change in the proposal;
- The feedback given to the developer on the plans has not been acted upon,
- It is the Developers fault that the site is in the vacant, unsightly state it is currently in now
- Concerns over drainage and flooding in the area,
- This is an unsustainable location, - no local amenities, no bus route, school buses are under review
- The site is on the National Cycle Network – there is no provision for cycle storage
- There are no pavements in the area

- The land has not be registered as a Brownfield site
- Development will have a negative impact on the environment
- Concerns over air quality on Winsford Road,
- Potential light pollution
- Gated Scheme is none inclusive and against the request of the parish
- Scale and design of the properties is not in keeping with the neighbouring properties,
- Proposal is an overdevelopment of the site
- No land has actually been gifted to the community – It is not within the applicants ownership
- The parish council did not agree to more than 3 dwelling on the site
- Bungalows are usually for Older people, this site is not in a sustainable location and therefore the occupants could become quite isolated,
- Farmhouse is just a modern detached dwelling
- Attached garages are not typical of a 'barn conversion'
- Concerns raised over neighbouring amenity/overlooking/right to light

Letters of support have been raised from 1 address. The main issues raised are;

- The proposal is in proportion with the site
- The overall designs are not dissimilar to other local buildings/homes
- The Oak Tree will be protected and the gift of land for the community is a benefit of the scheme and should be approved.

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 exceptions of, inter alia, where there is the opportunity for limited infilling in villages; the infill of a small gap with one or two dwellings in an otherwise built up frontage elsewhere; 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. The site is not within a village, and therefore again does not meet the criteria to infill within a village.

There was previously a Public House situated on the land, however this was demolished in 2016. Therefore the proposal could have been considered under the replacement buildings element of these criteria. However the Planning Inspectorate in relation to the previous application on the site (17/2522N – APP/R0660/W/18/3196520) agreed 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.

Despite the previous two refusals on the site by the LPA and the appeal decision from the Inspectorate, which demonstrate the development conflicts with CELPS policy PG6, the applicant states in their submission that the application should not be determined under Policy PG6 but as it is a settlement and therefore falls under Policy PG2, as a ‘Other settlement and rural areas’. The policy states that;

‘Other settlement and rural areas

‘In the interests of sustainable development and the maintenance of local services, growth and investment in the other settlements should be confined to proportionate development at a scale commensurate with the function and character of the settlement and confined to locations well related to the existing built-up extent of the settlement. It may be appropriate for local needs to be met within larger settlements, dependent on location.’

Whilst the hamlet of Wettenhall may be a ‘settlement’ it does not have a defined boundary and the main aim of Policy PG2 is to define the areas of the Borough. The application site is defined as Open Countryside and therefore the Policy PG6 set out where development is acceptable within the rural area.

Policy PG6 clearly sets out that within the Open Countryside only specific levels of development are acceptable, and as clearly set out in the last two decisions the proposal is considered to be contrary to Local Plan policy PG6.

The council is now in the position of having a 5 year housing land supply, and therefore development should be considered in accordance with the up to date development plan unless material considerations indicate otherwise.

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.

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 goes 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...'

There is evidence of the former public house on the site. However this has been demolished and the site is currently 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 the same number of dwellings as the appeal decision and no more than the previously refused scheme at Committee, and the layout still exceeds the previously built form on the site and does not reflect the character or density of the site previously.

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 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 application site
SERVICES AND AMENITIES			
CONVENIENCE STORE	500m	X	
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. 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.

Affordable Housing

The Cheshire East Local Plan Strategy (CELPS) and the Councils Interim Planning Statement: Affordable Housing (IPS) states In developments of 11 or more dwellings (or have a maximum combined gross floorspace of more than 1,000 sq.m) in Local Service Centres and all other locations at least 30% of all units are to be affordable This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

This is a proposed development of 4 dwellings therefore the trigger in the CELPS Policy SC5 has not been met. No Affordable housing is required to be provided.

The applicant is proposing to supply a 2 bedroom bungalow at 20% discount from market value housing which is an Intermediate affordable housing type.

The CELPS states in Policy SC5 justification paragraph 12.44, 'The Housing Development Study shows that there is the objectively-assessed need for affordable housing for a minimum of 7,100 dwellings over the plan period, which equates to an average of 355 dwellings per year.' This is for the whole borough of Cheshire East.

Therefore, the applicant is not required to provide Affordable Housing with this proposed development. However, the Strategic Housing Officer has identified that there is a need for bungalows throughout Cheshire East particularly when they are affordable. The Strategic Housing Officer confirms that the Discounted for Sale tenure is a recognised form of affordable housing, and therefore does not object to the proposal. Therefore, whilst not required by planning policy the provision of 1no affordable housing unit is a positive benefit of the scheme to weighed in the planning balance.

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, and had 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 amended scheme is now for 4 dwellings, one being a bungalow, a detached two storey dwelling and an 'L' shape building split into two units, purporting to be akin to a barn conversion.

The proposed floorspace of the development will amount to around 800m², (200m² more than the previous scheme). The general layout of the site has remained the same with all four properties accessed off a cul-de-sac arrangement, albeit now stated as a courtyard style.

The proposed design of the development is less suburban in appearance than the previous schemes. However, the large detached property is still similar in design and scale to the previous properties and although the application states that the design is one of a farmhouse and farm buildings similar to others in the immediate vicinity. The multiple dormer windows within the roof slope is not a typical design feature found on traditional Cheshire barns. However, it is noted that some effort has now been applied to make a scheme more in keeping with the surroundings, albeit it is still considered to be unacceptable.

The Design Guide designates Wettenhall as a 'Market Town and Estate Village' Character Area, where development should reflect the 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 previous appeal 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'.

The general layout of the site has not changed much from the previous applications and would still appear relatively suburban in appearance, with four dwellings accessed off a new gated access, albeit stated to be in a 'court yard' formation. The rural area is predominantly characterised by dwellings facing the road frontage, or sporadically positioned within a large plot. The properties rear gardens back onto Winsford Road and properties still have no real relationship with the 'village green' area.

The proposed drawing shows the existing hedge to be retained and tree planting proposed to mitigate visual impact of the dwelling from the road. However no formal landscape scheme has been submitted with the application to confirm the types of plants/tree to be used, however this can be secured by condition. Tall boundary treatment on this edge would have a detrimental impact on the character of the area, which is currently very open. However, the dwellings would be very over looked from the road and therefore it may be difficult to restrict future occupiers from erecting such adjacent to the highway. It would be reasonable therefore to condition the removal of permitted development rights for new boundary treatment if it were to be approved.

It is still considered that the proposed 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 'farmhouse' dwelling is still a larger modern propoert, and the 'L' shape property

does not really reflect the character of barn in the Cheshire countryside, and therefore the proposal is not considered to be in keeping with the character and appearance of the area.

As noted by the Inspector although the site may not be attractive in its current cleared state, 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 overlooking issues. The development is designed in a courtyard style design with 2 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 proposals.

The issue of private amenity space is a concern, although the plans show the existing hedge retained and new planting proposed to 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 has been moved further out of the root protection zone, than previously, the garden will still be dominated by the root protection area/crown spread to the side of the dwelling, 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 July 2019 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.

Current standing advice from The Forestry Commission/ Natural England is that an ancient or veteran tree should be afforded a buffer zone of at least 15 times larger than the diameter of the tree. The advice states that buffer zones in gardens should be avoided.

The latest layout has been amended from previous schemes to afford the Oak tree greater separation from proposed development with a defined buffer zone. Whilst there is no built form in the buffer zone, the proposed garden of plot 1 encroaches. On balance, based on the fact that the land has been developed previously, and with the tree retained in an open space, the view is taken that this could be accepted. However, it would be appropriate to remove permitted development rights for plot 1.

It is also noted that the submitted Arboricultural method statement does not reference supervision of the removal of existing hard surfacing. On the basis that hard surfacing extends over the identified buffer zone, this matter would need to be addressed in a revised document, this can be secured by condition.

As with previous proposals, although not specified in the submission, a comparison of existing and proposed plans appears to indicate that a significant section of the hedge adjoining Winsford Road may have to be removed to accommodate a visibility splay. On the proposed site plan, a hedge is shown behind the visibility splay and continuing to the west around the southern side of proposed plot 1. Therefore to ensure this hedgerow is retained, a condition could be posed for its retention.

The Forestry Officer has also suggested a number of other conditions in relation to Tree Protection, a revised Arboricultural Method Statement, levels details and full details of servicing to be provided to ensure the development does not have a detrimental impact on the protected trees. These are considered reasonable.

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 hedgerow, the Long Lane boundary is open. There is a mature Oak tree to the south, close to Long Lane which displays veteran characteristics.

The proposed development with rear elevations backing onto Winsford Road would be prominent in the streetscene 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 the entire roadside hedge could be retained although the Landscape Officer considers the hedge currently obscures visibility at the road junction.

In the event of approval it would be essential to secure boundary treatment & landscape schemes by condition 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 native species hedges facing the roads (even if for security, fences have to be erected inside the hedges). It is therefore considered that subject to conditions the proposal would not have a detrimental impact on the landscape character of the area.

Highway safety

A number of similar applications on this site have previously been applied for and although they have been refused, there has not been a highways related objection or refusal.

The Strategic Highway officer notes that the access width is larger than it needs to be but this doesn't pose a highway safety concern and is considered to be acceptable. Furthermore, the off-road parking provision is to standard. The visibility on exiting onto Long Lane, and from Long Lane to Winsford Road, is also acceptable.

The Highway Officer states that the Refuse collection will have to take place from Long Lane and a bin collection point should be conditioned. 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.

CIL Regulations

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements 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, there is no policy requirement for an affordable housing unit on the site, and therefore it is not necessary to make the development acceptable in planning terms.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposal is for 4no 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 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 un-developed.

This application includes the provision of an affordable housing unit, a Bungalow which is to be Discounted for Sale by 20%. This is not required by Planning policy, but the Housing Officer has explained that there is a need for bungalows of an affordable nature in the Borough.

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 still relatively suburban its design and layout and the 'courtyard' design is very similar in character to the cul-de-sac previously refused. The 'L' shape building does not really reflect the character of a barn conversion in the Cheshire Area.

There are still some 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. However, the Tree Officer considers that based on the fact that the land has been developed previously, and with the tree retained in an open space, the view is taken that this could be accepted. This is considered to be neutral impact on the development.

There are some benefits to the proposal in relation to a brownfield site being brought forward, additional housing supply, the proposed affordable housing unit, 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, and more recently refused at Southern Planning committee. 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 NPPF. The proposal is therefore recommended for refusal.

Recommendation

REFUSE for the following reason:

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.

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.

If this application is subject to an appeal, approval be given to enter into a S106 Agreement with the following Heads of Terms;

S106	Amount	Triggers
Affordable Housing	1no Bungalow – Discounted to sale by 20% market value	No more than 50% open market properties occupied prior to affordable provision

