

Application No: 18/4211N

Location: Land Off, MILL LANE, BULKELEY

Proposal: Development of the currently vacant site on Mill Lane, Bulkeley. The new proposed scheme is for 17 dwellings comprising a mix of 2,3 and 4 bedroom detached and semi-detached blocks.

Applicant: Adam Smith, Torus Group

Expiry Date: 01-Nov-2019

SUMMARY:

The principle of residential development on this site has already been established and does not fall to be re-visited in the determination of this application. However this principle relates to a development of 13 dwellings and the previous Inspector acknowledged that the appeal decision was 'finely balanced'.

The Council is now able to demonstrate a housing land supply of 7.2 years.

The increase in units would result in an additional 4 units within an unsustainable location and is contrary to Policies SD1 and SD2 of the CELPS.

The design of the proposed development is considered to be suburban and does not make any attempt to respect to the characteristics of this part of the Borough. The development would be contrary to Policy SE.1 of the CELPS, the CEC Design Guide and the NPPF.

Furthermore the increase in density would have a greater impact upon the Open Countryside and the LLD. This would result in a greater harm than the 'moderate harm' previously identified by the Planning Inspector. The development is contrary to Policies SE1, SE4, SD1 and SD2 of the CELPS and Policy NE.3 of the C&NLP.

The previous appeal decision was based on a higher affordable housing offer of 38% in order to help tip the balance in favour of approval. The applicant is relying on this extant planning permission as part of the consideration of the principle of the development and as such the affordable housing provision should match that of the previous appeal decision. The affordable housing provision on the site is not considered to be acceptable.

As things stand there is insufficient information contained within the application to demonstrate that the proposed development is acceptable in terms of its drainage implications. The proposed development is contrary to Policy SE13 of the CELPS and Policy BE.4 of the C&NLP.

The highways impact, internal road layout and parking provision are considered to be acceptable. An updated plan is awaited in terms of the visibility splays at the site access point onto Mill Lane.

The ecological impacts and tree impacts of the development are considered to be acceptable.

The development would not have a significant impact upon the residential amenities of the nearby dwellings.

As the Council is now able to demonstrate a 5 year housing land supply there are no overriding reasons to tip the balance in favour of allowing an additional 4 units on this site. In addition the development is unacceptable in terms of its affordable housing provision, design and there is insufficient drainage information.

Recommendation:

REFUSE

REASON FOR REFERRAL

This application is referred to Southern Planning Committee at the request of Cllr Davies for the following reason;

‘Overcrowding of the site, not enough smaller first time buyer properties and design not in keeping with the area.’

PROPOSAL:

The application seeks full planning permission for the erection of 17 dwellings on land off Mill Lane, Bulkeley. Access would be taken from Mill Lane and the proposal includes the provision of four affordable homes.

SITE DESCRIPTION:

The site of the proposed development extends to 0.73 ha and is located to the western side of Mill Lane, Bulkeley. The site is within the Open Countryside and within an Area of Special County Value. The site is a flat rectangular field which is bound by hedgerows and trees to all sides with a wide grass verge to Mill Lane. To the south of the site are residential properties which front Mill Grove and Mill Lane. To the north of the site is a dwelling known as The Oaks and a nursery which includes a number of polytunnels.

The site includes 5 trees along the northern boundary and 2 trees to the south-east corner which are subject to TPO protection.

A previous outline application for 13 dwellings was allowed on appeal in 2017.

RELEVANT HISTORY:

16/6202N - Outline application for 13 dwellings with access off Mill Lane including 5 affordable homes: all matters reserved except access – Refused 2nd March 2017 – Appeal Allowed 25th July 2017

16/2183N – Full planning application for 13 dwellings – Refused 4th August 2013

15/0275N – Full planning application to erect 14 dwellings – Refused 19th August 2015

14/0943N - Outline application for 26no. dwellings with access to Mill Lane including 10no. two bedroom and 16no. three bedroom houses – Withdrawn 23rd April 2014

P92/0850 - Detached house – Refused 20th November 1992

P92/0500 - Detailed application for a detached house – Withdrawn 12th June 1992

7/19786 - Detached dwelling – Withdrawn 5th June 1991

7/08254 - Residential development – Refused 20th August 1981

7/08093 - Residential development – Withdrawn 3rd July 1987

NATIONAL & LOCAL POLICY

Cheshire East Local Plan Strategy (CELPS)

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

Crewe and Nantwich Local Plan 2011 (CNLP) Saved Policies

NE.3 – Areas of Special County Value
NE.5 - Nature Conservation and Habitats
NE.9 - Protected Species

NE.20 - Flood Prevention

BE.1 - Amenity

BE.3 - Access and Parking

BE.4 - Drainage, Utilities and Resources

RES.5 - Housing in the Open Countryside

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

RT.9 - Footpaths and Bridleways

TRAN.3 - Pedestrians

TRAN.5 - Cycling

Neighbourhood Plan

There is no neighbourhood plan in place for Bulkeley & Ridley.

National Policy

The National Planning Policy Framework establishes a presumption in favour of sustainable development. Of particular relevance are paragraphs:

11 Presumption in favour of sustainable development.

50. Wide choice of quality homes

85-90 Ensuring the Vitality of Town Centres

124-132 Requiring good design

Other Considerations

The EC Habitats Directive 1992

Conservation of Habitats & Species Regulations 2010

National Planning Practice Guidance

CONSULTATIONS

CEC Highways: The removal of the frontage driveways is a benefit from a highways point of view. It looks like the tree will be behind the visibility splay although the a plan is required to plot the visibility splays. No objection is raised to the development.

Strategic Housing Manager: Object to this application.

CEC Education: 17 dwellings would be expected to generate 3 primary pupils and 3 secondary pupils. The forecasts show that the proposal would further exacerbate an expected shortfall at both the primary and secondary school.

3 primary pupils x £11,919 x 0.91 (Cheshire East weighting) = £32,539

3 secondary pupils x £17,959 x 0.91 (Cheshire East weighting) = £49,028

SEN is not forecast to be impacted upon.

Total education = £81,567

CEC Flood Risk: Object due to concerns about surface water drainage outfall.

United Utilities: No objection subject to conditions relating to foul and surface water drainage.

CEC Public Rights of Way: The proposed development is adjacent to PROW Bulkeley FP4. There is the potential to create a link to Bulkeley FP4 through creating a route on the proposed development (para 98 of the NPPF).

Should the development be granted consent, the developer should be conditioned to provide new residents with information about local walking and cycling routes for both leisure and travel purposes, with key routes signposted.

CEC POS: Policy SE6 Table 13.1 requires 20m² of amenity green space and 20m² of children's play space per family dwelling. There is an existing shortfall on the site and a Local Area for Play (LAP) which can be equipped with 3 items (preferably wooden due to the rural setting) with a seat and pathway. A buffer of 5m will be required and it is believed that this can be achieved. This will be public open space and not limited to the residents of the new development. It will benefit the local community.

CEC Environmental Health: No objection subject to conditions/informatives relating to a Construction Management Plan, Travel Pack, Electric Vehicle Infrastructure, Low Emission Boilers and Contaminated Land.

National Trust: The proposed development conflicts with Policy Guidance. Development of this site would comprise ribbon development in the open countryside. The site would be visible from the Sandstone Ridge to the north including from the public footpath network running through the Trust land on Bulkeley Hill. It is not considered that the site would conserve and enhance local character. Other than the use of red brick there is no clear reference to local vernacular. The proposed layout is of a relatively high density and urban in appearance which would highlight its visual impact from the high ground to the north.

The ecological habitat on site is not designated but nonetheless forms an important part of the wider network of habitats. The development will result in a net loss of habitat.

The Trust would also note that the additional residents are likely to add recreational pressure to the already busy footpath network on Trust land.

The exception criteria listed in Policy PG6 do not apply. It is considered that the proposal conflicts with Policies SE1, SE3, SE4 and NE3.

It is noted that the principle of development has been established via an earlier appeal decision. In light of this the LPA should seek a more sensitively designed scheme of a lower density which would provide more informal wildlife areas including more native tree planting.

PARISH COUNCIL

Bulkeley and Ridley Parish Council: Do not support this application for the following reasons;

- The application proposes 4 affordable homes out of 17 giving a ratio of just 23.5%. This is a significant reduction from the 38.5% which was originally proposed. This level of affordable

housing and the lack of a 5 year supply were the principle reasons that the appeal was allowed. The affordable housing offered is inadequate.

- The site is within the Beeston/Peckforton/Bolesworth/Bickerton Hills Local Landscape Designation Area (LLD), also referred to as an Area of Special County Value (ASCV). The design of the proposed housing may be appropriate in a more urban environment but are not appropriate for this location in an ASCV. They would cause harm to the area and appear out of context.
- When the earlier application was allowed at appeal it was described as a finely balanced decision. The developer should submit plans which are consistent with those submitted as part of the outline application.
- The design does not provide pavements to the front of the properties.
- How will the open space be owned/maintained?
- The development would result in an increased density from 13 to 17 dwellings on the site. This is at odds with the general character and plot sizes in the rest of the village. This will also impact upon the ASCV.
- The developer is primarily focused on larger developments in the St Helens/Warrington area and the plans do not consider the nature and character of this area. At the meeting with the PC the developer stated that the profits created from this development will help to fund projects outside the Parish Council area.
- The original remit for the development was to provide affordable homes for young people and families. The outline application included a mix of ownership models including shared ownership. This was important to local workers and young families. The new application has removed this ownership model in favour of rented properties
- There is a lack of visitor parking within the development. The development will result in cars being parked on Mill Lane which is likely to result in an increase in accidents.
- There are only 3 buses a week to Nantwich
- The sewerage provision is at capacity in the village and is struggling to cope with current levels. An additional 17 units will only exacerbate matters
- There are concerns about drainage and any application should be refused until the developer can provide a robust and positive drainage strategy.
- How will the homes be heated? There are no gas mains in the village and no Oil or LPG tanks are shown on the plan.

REPRESENTATIONS:

Letters of representation have been received from 13 local households raising the following points;

Principle of Development

- What is evidence of demand for additional housing in Bulkeley?
- There is no demand for further housing. New builds are already available in Malpas and Bunbury
- 11 houses is more sustainable than the 18 now proposed
- The mix of housing proposed will not meet local needs
- The previous appeal decision was finely balanced. The developer should closely adhere to the appeal decision
- Loss of Green Belt
- There is no need for this development. There is plenty of development happening within 15 miles of Bulkeley
- The original approval was for 13 dwellings
- The Design and Access Statement is full of vague truths
- The development is dominated by larger 3-4 bed units

- The development should include more affordable family homes
- Not clear if 17 or 18 dwellings now proposed

Highways

- Road safety – there is a national speed limit on Mill Lane
- There are no pavements to the front of properties
- The internal access does not appear wide enough
- Increased traffic
- Disruption caused by construction traffic
- The speed limit along Mill Lane should be reduced to 30mph
- Speeding vehicles along Mill Lane
- Mill Lane is used as a rat-run
- Local roads are in a state of disrepair

Green Issues

- The impact upon wildlife including protected species, wildlife and their habitat

Design

- The proposed development will harm the landscape and be contrary to Policy SE4
- The National Trust have objected to the application
- The proposal is too dense
- The design of the houses is not in keeping with this area
- There is an objection from the Councils Landscape Officer due to the impact upon the Area of Special County Value
- Harm to the character of the village
- The existing dwellings are set back from Mill Lane and this development would not respect the building line
- There is no imagination in the design of the proposed scheme

Infrastructure

- What amenities are being provided for the future occupants?
- This area and the caravan site are a flood risk. Introducing more houses will make matters worse
- The water system is very poor
- There are no amenities in the village of Bulkeley
- Impact upon tourists/hikers who use Mill Lane to visit the Bulkeley Hill/Bickerton Hills Conservation Area
- Local schools are full and are not suitable for any capacity increase
- There is no real open space provision within the village for children to play

Amenity

- Increase in light pollution
- Housing will increase in noise pollution
- Construction work will cause disturbance to elderly residents
- Impact upon privacy
- Increased pollution
- Loss of sunlight

Other Issues

- Loss of property value

- Who would maintain the open green space?
- There is no mention of sustainable building measures within the development
- There is no gas supply along Mill Lane. The proposed dwellings should utilise air and ground source heat pumps, multi fuel biomass boilers or solar panels

A representation has been received from Cllr Groves which raises the following points;

- Seeks clarification as to whether 'intermediate rent' can be classed as affordable housing
- We are now working on the basis of 2 affordable houses out of 17 (11.76% ratio) or if 4 are regarded as affordable (23.5% ratio). Either case is a significant reduction.
- Along with the contribution to the 5 year housing supply the affordable housing provision was a fundamental reason this proposal was approved by the Inspector.
- The Council can now provide clear evidence of a 5 year housing land supply
- The Inspector acknowledges the effect of the development, but those concerns of the proposed developments affect on the character and appearance of the area were allayed by the higher ratio of affordable properties. This appears to be no longer the case.
- There is a lot of concern locally about the application as the developer sold it to residents originally as providing homes for local workers (farm workers and staff in local pubs etc.)

APPRAISAL:

Principle of Development

The site lies within the Open Countryside and an Area of Special County Value. Policy PG6 states that within the open countryside only development which is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Exceptions may be made 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, affordable housing, or where the dwelling is exceptional in design and sustainable development terms.

In the case of this site has outline planning permission (principle and access only) for a development of 13 dwellings. This follows an appeal against the refusal of application 16/6202N.

As part of this appeal decision the Inspector found that the case was 'finely balanced' and that the development of 13 dwellings would have moderate harm on the character and appearance of the area; moderate weight was attributed to the harm it would have in respect of the environmental effect (due to lack of accessibility to shops, services and facilities); and limited harm to the supply of Best and Most Versatile Agricultural Land. However this harm did not significantly and demonstrably outweigh the positive contribution the proposal would make towards the shortfall in housing provision together with an affordable housing provision exceeding the typical requirement. On this basis the appeal was allowed for 13 dwellings on the site.

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, unless material considerations indicate otherwise. 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:
- Under transitional arrangements, where the Housing Delivery Test Result indicates that the delivery of housing was substantially below 25% of housing required over the previous three years.

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 a 5% buffer.
- A deliverable five year housing land supply of 7.2 years (18,250 dwellings).

The 2018 Housing Delivery Test Result was published by the Ministry of Housing Communities and Local Government on the 19th February 2019 and this confirms a Cheshire East Housing Delivery Test Result of 183%. Housing delivery over the past three years (5,610 dwellings) has exceeded the number of homes required (3,067). The publication of the HDT result affirms that the appropriate buffer to be applied to the calculation of housing land supply in Cheshire East is 5%.

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.

Location of the site

Several of the objections to the proposal refer to the locational sustainability of the site, in terms of access to services and facilities. The services and facilities within Bulkeley are limited to a church, with a public house 0.7 miles from the site which contains a small shop. The nearest primary school is approximately 2 miles from the site. As part of the appeal decision on this site the Inspector found that *'whilst there are limited services and facilities within Bulkeley, basic provisions are available within reasonable walking distance without the need for the use of a private car'*.

The site is within proximity of a bus service that provides access to the wider area. As part of the appeal decision the Inspector found that *'the service is not particularly frequent which means that there is still likely to be a reliance on the private motor car. This would result in negative environmental effects in terms of the use of natural resources and negative social effects in terms of accessible local services'*.

The inspector then went on to conclude that *'the proposal would not provide a suitable site for housing, having regard to whether future occupiers would have reasonable access to shops, facilities*

and services. Development in this location would lead to reliance on private transport contrary to the aims of the Framework. I attribute moderate weight to this matter'. These concerns were then outweighed as part of the planning balancing exercise undertaken by the Inspector.

In this case the development would increase the number of dwellings on the site by four. The additional four dwellings would be provided in a location which would be reliant on private transport contrary to the aims of the NPPF and the CELPS.

Housing Mix

Policy SC4 of the submission version of the Local Plan requires that developments provide an appropriate mix of housing (however this does not specify a mix). In this case the development would provide the following mix:

- 2 x two bedroom bungalows
- 2 x two bedroom dwellings
- 5 x three bedroom dwellings
- 8 x four bedroom dwelling

All dwellings would be two-stories in height apart from two units which would be bungalows.

A number of the representations state that the development should provide a greater mix of housing.

There is reference to housing mix/sizes within Policy HOU1 of the SADPD. However this policy cannot be given full weight at this stage.

In this case it considered that the mix is broadly acceptable with 9 units as smaller 2-3 bedroom units and 8 units as 4 bedroom dwellings. On this basis the housing mix is considered to be acceptable.

Affordable Housing

As part of the development allowed at appeal there would be 5 affordable units on the site out of the 13 approved dwellings. This equates to 38% affordable housing provision which is above the 30% which is required by Policy SC5. As part of his appeal decision the previous Inspector stated that the development would *'make a significant contribution towards the supply of affordable housing, exceeding the typical requirements of 35%'*. This uplift in affordable housing was considered as part of the planning balance and would have weighed in favour of the development as part of the Inspectors 'finely balanced' decision.

The CELPS states that in developments of 11 or more dwellings (or have a maximum combined gross floorspace of more than 1,000sq.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 17 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 5 (5.1) dwellings to be provided as affordable dwellings. 3 units should be provided as Affordable rent and 2 units as Intermediate tenure.

The current number of those on the Cheshire Homechoice waiting list with Bulkeley as their first choice is 1. This can be broken down to 1 x three bedroom dwelling. There was a Rural Housing Need Survey carried out in November 2013 but this is now expired.

The applicant on the revised layout is showing an affordable housing provision of 4 dwellings each being two bedroom bungalows or houses. This is not meeting the 3 bedroom need shown. The plan states that two units would be affordable rent and two would be intermediate tenure. Affordable rent is where the rent is set at 80% of market rent. Intermediate rent is above the 80% but below market rent. The Strategic Housing Manager has confirmed that both are acceptable forms of affordable housing.

Without up to date Rural Housing Need's data it is not possible to comment further on the required need. However a mixed bedroom type would be more appealing to a Registered Provider.

The previous appeal decision was based on a higher affordable housing offer of 38% in order to help tip the balance in favour of approval. The applicant is relying on this extant planning permission as part of the consideration of the principle of the development and as such the affordable housing provision should match that of the previous appeal decision. Furthermore the application does not include an Affordable Housing Scheme and this is required to support a full planning application.

Public Open Space

This application for 17 family dwellings creates the need for 680m² of open space. Based on the submitted plan would measure approximately 335m². In order to help mitigate the under provision on the site the POS Officer has suggested that the open space be upgraded to form a LAP (equipped with 3 items of equipment). This would then provide a benefit to the future residents and the local community. This could be secured via a S106 Agreement.

Education

A development of 17 dwellings is expected to generate 3 primary aged children, 3 secondary aged children and no SEN children.

There will be a shortfall within the local primary schools and on this basis a contribution of £32,539.00 will be required to mitigate the impact of this development upon local primary provision.

There will be a shortfall within the local secondary schools and on this basis a contribution of £49,028.00 will be required to mitigate the impact of this development upon local secondary provision.

There is forecast to be no impact upon SEN provision.

Landscape

The site is located within the boundary of the Beeston/Peckforton/Bolesworth/Bickerton Hills Area of Special County Value. The new review of designated landscapes identifies the designated area as the Peckforton and Bickerton Hill Local Landscape Designation (LLD). The boundary of the new designated area should be closer to the ridge, meaning this application site will no longer be within

the designated landscape boundary. However the current position is that the spatial extent of the LLD is as shown within the C&NLP as Areas of Special County Value.

This is characterised by the dramatic wooded sandstone ridge that forms a distinctive landform from long distances and the surrounding landscape, creating rich texture and character. The wooded slopes of Bulkeley Hill are clearly visible to the north of the application site.

The submission does not include a landscape and visual assessment or appraisal. Although a plan titled Visual Impact Assessment has been submitted, this is not a visual impact assessment that follows any currently recognised methodology; there is no landscape assessment or appraisal.

As part of his appeal decision the Inspector stated that;

'I do not consider that the introduction of 13 dwellings on an undeveloped open field would make a positive landscape change to the village, even with additional landscaping. The development would result in an urbanising effect, extending the existing urban development of the village into the open countryside eroding the rural character of the area. Given the size of the site and its relationship to the adjacent residential development I consider that this would result in moderate harm to the character and appearance of the landscape'.

The concerns raised by the Inspector were then outweighed within his planning balance. However it is clear from reading the appeal decision that in coming to this conclusion that the Inspector was specifically referring to low density housing. The appeal proposal was for 13 dwellings and had a density of 17.7 dwellings per hectare. This proposed development is for 17 units and this would have an increased density of 23 dwellings per hectare. In comparison the existing residential development to the south of the site at Mill Grove has a density of 10.5 dwellings per hectare.

The application site is on the edge of the existing settlement and the introduction of 17 dwellings on an undeveloped field will extend the existing urban development of the village into the open countryside and LLD. This application proposes more dense development than the appeal allowed for and consequently the harm and the urbanising effect will be increased.

Policy SE4 of the CELPS states that *'in Local Landscape Designation Areas, Cheshire East will seek to conserve and enhance the quality of the landscape and to protect it from development which is likely to have an adverse effect on its character and appearance and setting. Where development is considered to be acceptable in principle; measures will be sought to integrate it into the landscape character of the area by:*

- i. Protecting, restoring and enhancing the character and appearance of the local area through suitable planting, landscape and / or woodland;*
- ii. Making suitable provision for better public access to, and enjoyment of, the Local Landscape Designation Areas'*

Policy PG6 identifies that in areas designated as Open Countryside particular attention should be paid to design and landscape character so that the appearance and distinctiveness of the Cheshire East countryside is preserved and enhanced.

It is clear that there would be harm to the open countryside/LLD and this would be greater than the moderate harm previously identified within the appeal decision. The proposed development will not

conserve or enhance the quality of the landscape and as a result would be contrary to Policies SE4 and PG6 of the CELPS and NE.3 of the C&NLP.

Design and Layout

The importance of securing high quality design is specified within the NPPF and paragraph 124 states that:

'The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this'

Outline approval (Number of Dwellings/Density)

The issue of the number of dwellings and the density of the proposed development is considered within the landscape section above.

Connections

Does the scheme integrate into its surroundings by reinforcing existing connections and creating new ones; whilst also respecting existing buildings and land uses along the boundaries of the development site?

The development would have a vehicular access to the east off Mill Lane. To the south-west corner beyond the site boundary is PROW Bulkeley FP4. The development does not provide a formal link to this PROW and this is a weakness in the proposed development.

The application is rectangular and would retain the existing vegetation to the boundaries including the TPO trees.

Facilities and services

Does the development provide (or is it close to) community facilities, such as shops, schools, workplaces, parks, play areas, pubs or cafes?

This issue is considered within the location of the site section above.

Public transport

Does the scheme have good access to public transport to help reduce car dependency?

This issue is considered within the location of the site section above.

Meeting local housing requirements

Does the development have a mix of housing types and tenures that suit local requirements?

As discussed above the previous appeal decision was based on a higher affordable housing offer of 38% in order to help tip the balance in favour of approval. The applicant is relying on this extant planning permission as part of the consideration of the principle of the development and as such the

affordable housing provision should match that of the previous appeal decision. The affordable housing provision on the site is not considered to be acceptable.

In terms of the open market housing the development would provide the following mix;

- 2 x two bedroom bungalows
- 2 x two bedroom dwellings
- 5 x three bedroom dwellings
- 8 x four bedroom dwelling

As discussed above the mix is considered to be acceptable.

Character

Does the scheme create a place with a locally inspired or otherwise distinctive character?

The design guide identifies that Bulkeley is located within the Market Towns & Estate Villages area of the design guide. Bulkeley is not identified as an example settlement within the Design SPD and the design cues for this area include the following;

- Predominant materials are brick, slate and stone
- A number of black and white and half-timbered buildings, some with jettying storeys create strong elements within the townscape
- Tall chimney stacks are a prominent feature of many buildings
- Boundary treatments include brick/stone walls and commonly metal railings with hedgerows
- Juxtaposition of town houses providing strong enclosure to the street alongside detached properties with large gardens
- Village focal points in the form of schools, village greens and churches
- Variety provided by a mix and juxtaposition of housing typologies including terraces, semi-detached and detached properties, often along the same street.
- Real variety in architectural styles and detailing
- Importance of landscape features such as waterways, trees, public open spaces etc in providing a setting for buildings
- Housing orientation is varied with some properties fronting the roads and others side-on
- The relationship of buildings to streets creates pinch points at certain locations.

There is a variation of house-types adjoining the site. There is a mix two-storey and single-storey dwellings in the area. The age of the surrounding dwellings also varies. The dwellings surrounding the site vary from detached to semi-detached to terraced.

The surrounding dwellings have largely pitched roofs but there are some properties with hipped roofs located around the site. The dwellings in the locality of the site are relatively modern and of a simple design. The materials in the locality are largely red brick with some buff brick. The roofs are largely tiled (relatively even split of blue and red).

The proposed dwellings would vary from single to two stories in height. The proposed dwellings would have pitched roofs. The roof heights vary across the development which would add some interest. The height variation across the proposed development is consistent with the wider locality in this part of Bulkeley and is considered to be acceptable.

The proposed housing design includes standard house types. They do not utilise design solutions to achieve a sense of place by protecting and enhancing the quality, distinctiveness and character of

this area. The density and detailed design of the proposal appears suburban in nature and does not reflect this rural location on the edge on Bulkeley within the LLD.

The development is contrary to para 130 of the NPPF which states that;

'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents'

Working with the site and its context

Does the scheme take advantage of existing topography, landscape features (including watercourses), wildlife habitats, existing buildings, site orientation and microclimates?

The site levels seem relatively level. The limited landscape features on site are the trees and hedgerows which are considered in other sections of this report.

The hedgerows and trees which form the boundaries of the site would be retained. Some Grade C trees would be lost but this would be mitigated within the proposed development.

Levels require approval and the issue could be controlled via the imposition of a planning condition.

Creating well defined streets and spaces

Are buildings designed and positioned with landscaping to define and enhance streets and spaces and are buildings designed to turn street corners well?

The proposed development includes a single access and cul-de-sac arrangement off Mill Lane. The proposed dwellings include small front gardens with tree planting and hedgerow boundaries.

The number of dwellings has been reduced from 18 to 17 as part of this application and this has enabled the development to reflect the building line of the dwelling to the south (No 20 Mill Lane). This would mean that a small portion of open space would be provided to the Mill Lane frontage.

The proposed dwellings would not include dual frontage units on plots 1 and 17. The side elevation of plot 1 would be blank whilst the side of plot 17 is weak with a few additional windows inserted to the side elevation. It is not considered that the development would provide an acceptable relationship with Mill Lane.

Internally within the site the proposed development would include a mix of car-parking solutions. The amount of car-parking to the front of the proposed dwellings would be limited with some parking provided to the side/rear of the dwellings.

In terms of the landscaping a scheme of landscaping could be secured as part of a planning condition.

Easy to find your way around

Is the scheme designed to make it easy to find your way around?

The site is relatively small and its shape and connection to Mill Lane mean that it is well connected internally and it would be easy to navigate throughout the development.

Streets for all

Are streets designed in a way that encourage low vehicle speeds and allow them to function as social spaces?

The final details of the surfacing for the proposed development has not been provided. As such it is not possible to say if the development would comply with the Design Guide.

Car parking

Is resident and visitor parking sufficient and well integrated so that it does not dominate the street?

Internally within the site the proposed development would include a mix of car-parking solutions. The car parking would be to the front/side/rear of the dwellings and front gardens and landscaping would help to break up any frontage parking.

Public and private spaces

Will public and private spaces be clearly defined and designed to be attractive, well managed and safe?

The area of open space would not be well overlooked and would have a non-principle side elevation (with some additional windows) facing onto it.

External storage and amenity space

Is there adequate external storage space for bins and recycling as well as vehicles and cycles?

The submitted plan shows that all units on the proposed development would have private amenity space with rear access. Together with the proposed garaging there would be adequate space for future occupiers to store their bins/cycles.

Design Conclusion

On the basis of the above assessment it is considered that the proposed development does not represent an acceptable design solution.

Trees and Hedgerows

The application is supported by an Arboricultural Impact Assessment (AIA). Twenty individual trees, seven groups, and three hedges were recorded and detailed within the submitted AIA.

The Crewe and Nantwich Borough Council (Bulkeley) TPO 1973 protects a number of the trees associated with the development area, including five specimens on the northern boundary (T8, T9, T10, T12, & T14). The TPO first schedule and plan also depicts two Elm trees on the eastern boundary however, these are no longer present on site probably as a result of Dutch Elm disease.

The AIA identifies the removal of three individual trees (T1, T5, & T6) part of G1 and 92 metres of hedges (H1 & H3). T1 is a Grade B Tree (Moderate Value) and T5 and T6 are Grade C Trees (Low Quality and Value).

Both T1 and G1 appear to be located outside the site edged red on what appears to be highway verge. None of the trees identified for removal are considered worthy of formal protection. As part of the revised scheme the amended plans now show that tree T1 would be retained.

Apart from T4 where there is a small Root Protection Area (RPA) incursion, the development respects the constraints established by the guidance associated with current best practice BS5837:2012; the incursion is not considered significant being less than 5% of the tree's RPA. The majority of the large mature trees are located on the northern boundary of the site; a reasonable amount of utilisable garden area is associated with each dwelling, issues of light attenuation should not be a factor given the northern orientation of the trees to the proposed dwellings. The relevance of post development pressure to heavily prune or fell trees including those protected as part of the 1973 TPO is not considered significant. A limited amount of judicious pruning associated with lower canopy branches would also establish greater garden area clearance without detracting from the trees and their contribution to the amenity of the area.

A condition should be attached requiring the submission and approval of a revised AIA. This is required to reflect the amendments to the layout of the development.

Ecology

Bats

The submitted Ecological Assessment observed that several trees had potential to support roosting bats. As the trees in question are not proposed for removal there will not be a detrimental impact upon roosting bats.

Breeding Birds

If planning consent is granted a condition will be imposed to ensure the protection of breeding birds from the construction works.

Ecological Mitigation and Enhancement

This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development. The Councils Ecologist recommends that if planning permission is granted a condition should be attached which requires the submission of an ecological enhancement strategy. This will secure the incorporation of features to enhance the biodiversity value of the proposed development. The strategy should include proposals for: the provision of features for nesting birds including House Sparrow and roosting bats on 30% of consented units as per Cheshire East Borough Design Guide Vol 2; gaps in garden fences to facilitate the movement of hedgehogs, brash/deadwood piles; and native species planting.

Wildlife sensitive lighting

A condition should be imposed prior to installation. The scheme should include dark areas and avoid light spill upon bat roost features, bat commuting and foraging habitat (boundary hedgerows, trees, watercourses etc.) aiming for a maximum of 1lux light spill on those features.

Highways

The proposed development would have a single point of access onto Mill Lane with all of the proposed dwellings accessed off the new cul-de-sac. There is adequate visibility available at the junction with Mill Lane in both directions although an updated plan is required to show that a retained tree is outside of the visibility splays.

The parking provision within the site meets with current CEC standards and there is a turning facility provided at the head of the cul-de-sac. The traffic generation resulting from 17 units is low and given that the background traffic flow on the local highway network in the vicinity of the site is also well below capacity there can be no traffic impact grounds to reject the application.

The proposed development would not produce a severe highway impact on the local road network and the submitted layout complies with current highway standards. The accessibility of the site to public transport is limited although accessibility can be improved by providing a footway link to the site along Mill Lane.

Overall, the development of 17 units is considered acceptable and the Head of Strategic Infrastructure has not raised any objections to the proposal.

Amenity

The surrounding development comprises a nursery and caravan site to the north, open countryside to the east and west and an existing residential cul-de-sac (Mill Grove) to the south. The recommended minimum distance of 21m between principal elevations would be exceeded and as such the development would not raise any harm in terms of privacy, loss of light or over-bearing impact.

Having regard to the amenity of future occupiers of the dwellings, they would have adequate residential amenity space for sitting out, drying of washing, playing and storage of bins and cycles. In all cases the private amenity space would exceed the 50sqm required within the Crewe and Nantwich SPD 'Development on Backland and Gardens'.

Noise

No noise concerns are raised with regard to impact on future occupiers from existing noise sources such as roads or rail lines.

However, to protect the amenity of neighbouring occupiers from construction noise, a condition requiring a Construction Management Plan would be required as well as an informative to limit the operating hours of the construction site.

Air Quality

This scheme is of a relatively small scale and as such would not require an Air Quality Impact Assessment. Given the rural location of the site and the distance from any Air Quality Management Areas it is not considered that the development would raise any air quality impacts. However to ensure that sustainable vehicle technology is a real option for future occupants, a vehicle charging point should be provided for each dwelling. This could be secured by condition.

Also a resident Travel Information Pack should be provided to the first occupants of the new dwellings. This could be secured via the imposition of a planning condition together with details of ultra low emission boilers.

Contaminated Land

The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. The applicant has submitted a contaminated land assessment for the site. This assessment identified a low risk of contamination on the site. There is a nursery adjacent to the north of the site. There may be localised contamination on this site from fuel/oil tanks for example. If there are any tanks on the southern boundary of the nursery, any spillages may migrate onto the site and pose localised contamination issues. A watching brief during construction for any contamination should be employed. This could be secured by condition.

Flood Risk and Drainage

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps. Flood Zone 1 defines that the land has less than 1 in 1000 annual probability of flooding and all uses of land are appropriate in this location. As the application site is less than 1 hectare, a Flood Risk Assessment (FRA) is not required in support of this application.

The Council's Strategic Flood Risk Manager was consulted on the application and currently has some concerns about surface water drainage outfall for the development. The submitted Drainage Strategy identifies an existing UU sewer which the developer states 'should be classified as a combined sewer'. The submitted correspondence with UU contained at Appendix F of the Drainage Strategy makes clear that UU maps indicate a foul but no combined sewer and as such the Flood Risk officer has stated that they are unable to approve the development with an uncertainty around the proposed surface water outfall. Additionally within the report it discounts soakaways due to percolation tests undertaken inline with national guidance.

Public Rights of Way

Footpath Bulkeley FP4 runs to the south-west corner of the site. This footpath does not connect into the wider network as can be seen from the extract below from the Definitive Map.



Paragraph 98 of the NPPF advises that planning decisions *‘should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails’*.

The comments made by the PROW team to create a connection to FP4 are noted and ordinarily this would be requested. In this case there is no such provision within the extant outline planning permission on the site and there is not considered to be a wider benefit due to the nature Bulkeley FP4 (it does not connect to the wider PROW network). It is considered that the lack of a connection is a negative aspect of the development but it is not determinative.

S106 contributions:

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.

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

The development would result in increased demand for open space provision in the Borough and there are no Council owned sites within Bulkeley. The development would not provide a sufficient level of open space within the site and the provision of a LAP on the site would help to mitigate the shortfall. This is considered to be necessary and fair and reasonable in relation to the development.

PLANNING BALANCE AND CONCLUSION

The principle of residential development on this site has already been established and does not fall to be re-visited in the determination of this application. However this principle relates to a development of 13 dwellings and the previous Inspector acknowledged that the appeal decision was 'finely balanced'.

The Council is now able to demonstrate a housing land supply of 7.2 years.

The increase in units would result in an additional 4 units within an unsustainable location and is contrary to Policies SD1 and SD2 of the CELPS.

The design of the proposed development is considered to be suburban and does not make any attempt to respect to the characteristics of this part of the Borough. The development would be contrary to Policy SE.1 of the CELPS, the CEC Design Guide and the NPPF.

Furthermore the increase in density would have a greater impact upon the Open Countryside and the LLD. This would result in a greater harm than the 'moderate harm' previously identified by the Planning Inspector. The development is contrary to Policies SE1, SE4, SD1 and SD2 of the CELPS and Policy NE.3 of the C&NLP.

The previous appeal decision was based on a higher affordable housing offer of 38% in order to help tip the balance in favour of approval. The applicant is relying on this extant planning permission as part of the consideration of the principle of the development and as such the affordable housing provision should match that of the previous appeal decision. The affordable housing provision on the site is not considered to be acceptable.

As things stand there is insufficient information contained within the application to demonstrate that the proposed development is acceptable in terms of its drainage implications. The proposed development is contrary to Policy SE13 of the CELPS and Policy BE.4 of the C&NLP.

The highways impact, internal road layout and parking provision are considered to be acceptable. An updated plan is awaited in terms of the visibility splays at the site access point onto Mill Lane.

The ecological impacts and tree impacts of the development are considered to be acceptable.

The development would not have a significant impact upon the residential amenities of the nearby dwellings.

As the Council is now able to demonstrate a 5 year housing land supply there are no overriding reasons to tip the balance in favour of allowing an additional 4 units on this site. In addition the development is unacceptable in terms of its affordable housing provision, design and there is insufficient drainage information.

RECOMMENDATION

REFUSE for the following reasons;

- 1. The proposed development would result in an increase in the number of dwellings provided on this site. The Council is now able to demonstrate a housing land supply of 7.2 years and there are no overriding reasons to allow an additional 4 units on this site. The**

proposed development would cause harm in respect of the environmental effect it would have due to its lack of accessibility to shops, services and facilities and as a result would represent unsustainable development. The development is contrary to the NPPF and Policies SD1 and SD2 of the CELPS.

2. The density and detailed design of the proposed development fails to take the opportunities available for improving the character and quality of an area and the way it functions. The development would cause harm to the Open Countryside, character and appearance of the area and the Beeston/Peckforton/Bolesworth/Bickerton Hills Local Landscape Designation Area (LLD). The proposed development is contrary to Policies SE1, SE4, SD1 and SD2 of the CELPS, Policy NE.3 of the Crewe and Nantwich Local Plan, the Cheshire East design Guide and the NPPF.
3. The site is within the open countryside and the applicant is relying on a previous appeal decision in terms of the consideration of the principle of the development. This appeal decision included an affordable housing provision which exceeded the typical policy requirement and was identified as making a 'significant contribution' towards the supply of affordable housing. This proposed development does not make the same significant contribution and would be contrary to Policies PG6 and SC5 of the CELPS and the NPPF.
4. Insufficient information is included within the application to demonstrate that the proposed development would provide an acceptable surface water outfall. Without this information the proposed development is considered to be contrary to Policy SE13 of the CELPS and Policy BE.4 of the Crewe and Nantwich Local Plan.

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 his 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:

S106	Amount	Triggers
Affordable Housing	38% (65% Affordable Rent / 35% Intermediate)	In accordance with phasing plan to be submitted prior to the commencement of the development. No more than 50% open market occupied prior to affordable provision.
Education	Primary Education Contribution - £32,539 Secondary Education Contribution - £49,028	Primary – Full amount prior to first occupation of any dwelling Secondary – Full amount

	Total education contribution: £81,567	prior to first occupation of the 5 th dwelling
Public Open Space	Private Management Company Provision of a LAP (3 pieces of equipment) and the open space	On first occupation On occupation of 50% of the dwellings

