

Application No: 20/1197N

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

Proposal: Erection of 4 Dwellings

Applicant: Mr E Atkinson, Commercial Development Projects Ltd

Expiry Date: 03-Jul-2020

SUMMARY

The proposed development is for 4 dwellings on the site of a former public house, The Boot and Slipper, at Wettenhall. The Public House was demolished in 2016. 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 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 affordable dwellings of this nature in the Borough.

At the corner of Long Lane/Winsford Road is a veteran Oak Tree within an area of land known locally as the 'village green'. It is suggested within the application that this will be 'gifted' to the community. However full details of this have not been submitted with this application.

Whilst some effort has been made to re-design the scheme to make it more locally responsive, it 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 barn' building does not really reflect the character of a barn conversion in the Cheshire Area, with a number of dormer windows.

There are still some concerns 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 and some small economic benefits during construction and once completed. However it is not considered that these benefits would outweigh the harm caused to the open countryside.

It is 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 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 determined under delegated powers. The application has been called into Southern Planning Committee by Councillor Sarah Pochin, for the following reasons;

1. This application has sought to address concerns raised in the previous application for this site as follows:

- i) addition of an affordable dwelling*
- ii) provision of further protection of the established tree on site*
- iii) change in the aesthetics and design of the development in line with Parish Council request and in line with CE Design Guide.*

2. The Parish Council are in favour of the development and would welcome the opportunity for their voices to be heard by the committee in the light of the previous application being refused.

3. This development meets the settlement requirements of PG2 (acknowledged by the Inspector) by providing a sustainable and proportionate investment in the local community.

4. The established village does not have a settlement boundary and this by definition means it is in Open Countryside and PG6 applies. However because of the current derelict nature of this site the argument can be made that this development would only serve to improve the village.

5. This is a Brownfield site which is currently an eyesore and has a negative effect on the local environment. The feeling is that we should be supporting this development on what is a Brownfield site despite it being in Open Countryside.

The Parish Council has requested this call-in in order that the above arguments can be heard and the views of local residents be considered by The Committee, in the event that the officers recommendation is for refusal.'

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. The former public house was demolished in 2016, and the site now lies vacant, with areas of hardstanding visible and some overgrown vegetation.

In the south corner of the site is a mature veteran TPO oak tree located on a grassed verge, and considered locally as a Village Green. The area known as the village green is partly within the applicant's ownership.

DETAILS OF PROPOSAL

The application seeks full planning permission for four dwellings. The proposal shows the erection of a driveway off Long Lane, into the site with four dwellings accessed off the driveway.

This application includes one bungalow to be offered as an affordable housing unit.

Some small changes have been made to the scheme since in last application 19/3307N, (which was withdrawn from the Southern Planning Committee agenda on the day of the meeting) but the general layout and design is very similar, to the previous scheme. The main changes are;

- An additional 100m² area shown as 'village green'
- The built development of Plot 1 has been moved outside the 25m root protection zone of the veteran oak tree
- Integral garages on plots 2 & 3 have been replaced with a double garage block
- The external materials of the bungalow have been changed from brick to render
- The gate has been removed from the entrance (although gate posts are still shown)

Planning History

19/3307N – Erection of 4 dwellings – recommended for refusal on the Southern Planning agenda 2nd October 2019. The application was withdrawn prior to the meeting.

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 15th March 2016

09/0846N Installation of a Kee 1400 Nudisc Sewage Treatment, 2000lt Grease Interceptor and Associated Drainage – Approved 1st June 2009

P06/1421 Removal of Condition No. 8 of Planning Reference P02/0128 – Approved 2nd February 2007

P02/0128 Conversion of Outbuilding to Residential Use – Approved 4th April 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

Development 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

Neighbourhood Plan

There is no Neighbourhood Plan in Cholmendeston and Wettenhall.

Other Material Considerations

National Planning Policy Framework
NPPG
Cheshire East Design Guide

Consultations [External to Planning]

Strategic Housing: No objection. There is no requirement for an Affordable Housing unit on the site. The applicant is proposing a 2 bedroom intermediate dwelling. This dwelling is welcomed as this assists those in Wettenhall and surrounding Parishes to buy a property when they cannot afford the Open Market price.

Head of Strategic Infrastructure: No objection 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 Objection, 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 objection.

CEC Flood Risk: No objection subject to a condition for a detailed strategy/design limiting surface water run off and an informative for Infiltration Testing

Cheshire Archaeology: No objection, subject to a condition for a watching brief during works.

Views of the Cholmondeston & Wettenhall Parish Council:

The Parish Council write with reference to the email from Cllr Pochin on 30th April 2020 when she wrote;

“I feel strongly that if this application is considered under delegated powers without the opportunity to hear the views of local residents then this does not allow me to act on behalf of my residents”.

Cholmondeston and Wettenhall Parish Council had hoped to engage with the Southern Planning Committee to give their views in person at the next meeting; it is disappointing that no response has been received.

The previous application was recommended for refusal by the officers; however, this application has sought to address previous concerns in the following ways: -

Affordable Housing

The addition of one affordable dwelling on the site thereby meeting the requirement for c. 30% affordable housing. Cholmondeston and Wettenhall Parish Council requested the affordable housing be moved forward by 1m which has been agreed by the applicant.

Ancient Oak Tree

The provision of further protection of the ancient oak tree and gift of land on site has been agreed by the applicant. Developer has committed to protect the oak tree in its foundations

and also erect all necessary barriers around the tree during construction. All buildings to be 25 meters from tree.

Aesthetic Design

Changes in the aesthetic design of the development in line with the CE Design Guide.

Cholmondeston and Wettenhall Parish Council are in favour of the development and welcome the opportunity for their views to be heard by the Southern Planning Committee in person.

This development meets the settlement hierarchy requirements in line with Policy PG2 by providing a sustainable and proportionate investment in the local settlement.

Although the village is established; it does not have a settlement boundary and is therefore officially in the Open Countryside and needs to comply with Policy PG6, however, because of the current derelict nature of the site, the development would only serve to improve the Open Countryside in this instance.

This is a brownfield site which is currently an eyesore and subject to anti-social behaviour, therefore, in its present state has a negative effect on the local environment.

The Parish Council are supportive of development of this brownfield site.

Representations

Letters of objection have been received from 4 addresses. The main issues raised are as follows;

- The proposed development is out of character with the surrounding area,
- Insufficient parking provision has been made for visitors
- Potential impact on the protected Oak tree,
- 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, by means of overshadowing and loss of light, piling implications on the stability of neighbours house,
- 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' which the applicants stated was to appease the planning policies
- 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 Developer is basically saying that the previous decisions were wrong in regards to the unsustainable nature of the site and the impact on the character and appearance of the countryside rather than addressing the reasons it was refused,

- It is the developers fault that the site is in the vacant, unsightly state it is currently in now and has not been properly secured which enabled Travellers to use the site
- The site would be suitable for two dwellings on the footprint of the original building but 4 is too many
- Concerns over drainage and flooding in the area,
- This is an unsustainable location, - no local amenities, no bus route, only school bus services
- There has been a lot of development in the area recently but the infrastructure has not been improved
- Scale and design of the properties is not in keeping with the neighbouring properties,
- Proposal is an overdevelopment of the site
- There is a 7.5tn weight limit on Long Lane which would affect the construction phase
- The four units on this site are more akin to a suburban development, and do not follow the pattern of sporadic development within the area
- The access onto the site is not safe and on a blind bend
- The development is not consistent with local, strategic, regional or national planning policies.
- There is no need for new housing in this area or in Cheshire East

Letters of support have been received from 3 addresses. The main issues raised are as follows;

- The style and nature of the development fits in well with the local area and in particular, the village green,
- The Oak Tree will be protected
- The completion of the works will enhance the area for Wettenhall
- 4 dwellings is the optimum number of houses on the site
- Support the scheme, subject to the closest neighbours being happy with it

OFFICER APPRAISAL

Procedural Matters

This application was submitted during the Covid-19 lockdown measures where Officer site visits are currently prohibited/restricted. The Planning Officer has visited the site on several occasions over the past few years, and has a good knowledge of the site and its surroundings. A recent visit to the site was also carried out on the 28th May 2020. There are also, several aerial photographs and google streetview images which show the changes to the site over the years. Therefore it is considered that there is a sufficient level of information to determine the application.

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. Furthermore, Wettenhall is not a designated village within the emerging SADPD; albeit this policy has limited weight currently. It is therefore considered that the proposal does not fall under the 'infilling within a village' criteria.

There was a Public House situated on this site, which was demolished in 2016. Therefore the proposal could have been considered under the replacement buildings element of these criteria. However the Planning Inspector in relation to the previous application on the site (17/2522N – APP/R0660/W/18/3196520) stated 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 dismissed 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'. Policy PG2 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 sets out where development is acceptable within the open countryside.

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. Therefore the principle of development is unacceptable.

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 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.

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 Measurement 2018 indicates that the delivery of housing was substantially below 25% of housing required over the previous three years (note: this will change to 45% once the Housing Delivery Test Measurement 2019 is published later this year).

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 2019) was published on the 7th November 2019. The report confirms:

- A five year housing requirement of 11,802 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 7.5 years (17,333 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.

As such, the provision of housing in this instance is afforded no-to-limited weight at most, given that there is currently no pressing need for housing in Cheshire East at this moment in time.

Previously Developed Land

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

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

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 (17/2522N) and 1 more than the previously refused scheme at Committee (18/4771N), 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 on Winsford Road
RAILWAY STATION	2km	X	

OPEN SPACE				
AMENITY SPACE	OPEN	500m	X	
CHILDREN'S PLAYGROUND		500m	X	
OUTDOOR SPORTS		500m	X	
PUBLIC PARK AND VILLAGE GREEN		1km	X	Potentially the area adjacent to 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. There is no bus service in the area. Therefore as a site for a new development it would not adhere to Policy SD2 of the CELPS or the NPPF. The Planning Inspector also agreed that the site was not sustainably located.

However, it is of note that the site was previously used as a public house and the former use of the site would have likely included more vehicle movements to visit the public house than a residential development of 4 dwellings.

Affordable Housing

The Cheshire East Local Plan Strategy (CELPS) and the Councils Interim Planning Statement: Affordable Housing (IPS) states that 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, with a combined floorspace of around 600 square meters; the proposal therefore is below the Cheshire East Local Plan Policy SC5 threshold, and no Affordable housing is required to be provided.

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

Discounted for sale is a type of affordable housing provision where the property is offered for sale to eligible purchasers (which is assessed by the LPA / RHP) at less than the full market value. The purchaser owns 100% of the property, but the discounted rate is applied for the lifetime of the property, eg 20% less than the market value in this instance; to ensure the property remains permanently affordable.

The Strategic Housing Team have no objections to this proposal and note that a dwelling of this nature is welcomed as it assists those in the Wettenhall and surrounding parishes to buy a property when they cannot afford the normal open market house prices.

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 scheme is for 4 dwellings, one being a two bedroom bungalow, a detached four bedroom two storey dwelling and an 'L' shape building split into two units both with four bedrooms, designed in a mock barn conversion style. The proposed floorspace of the development will

amount to around 600m². 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 previous schemes, but very similar to the most recent scheme 19/3307N, with only some minor cosmetic changes which have been made to the design of the bungalow, such as a change to some of the materials and additional timber eaves details added. The removal of the attached garages to the 'barn' building is a positive alteration. 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 inclusion of a rendered bungalow on the frontage does not appear to follow this design philosophy. Furthermore, the multiple dormer windows within the roof slope of plots 2 & 3 are not a typical design features found on traditional Cheshire barns and therefore appear quite suburban in their appearance. It is acknowledged that some effort has now been applied to make a scheme more in-keeping with the surrounding locality, however, it is still considered to be unacceptable.

The Cheshire East 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 one access point, albeit stated to be in a 'court yard' formation now, not a cul-de-sac as previously proposed. The surrounding rural area is predominantly characterised by dwellings facing the road frontage, or sporadically positioned within a large plot. The proposed properties rear gardens back onto Winsford Road and properties still have no real relationship with the 'village green' area. It is simply just an area denoted on the plan.

The proposed drawings show the existing hedge to be retained and additional hedge/tree planting proposed to mitigate visual impact of the dwellings 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.

It is important to note, that any 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 2m high boundary fences 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, to ensure some form of control is retained.

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 property, and the 'L' shape property does not really reflect the character of barns in the Cheshire countryside, with the bungalow at odds with the general design concept for the site and therefore the proposal is not considered to be in keeping with the character and appearance of the area.

Furthermore, the side elevation of plot 1 will be very prominent when travelling north on Winsford Road, and from the 'village green' with not attempt to create an active frontage on this elevation. When passing this elevation on the road, the gable will look very prominent, and whilst the proposed 1m high fence and hedgerow proposed as boundary treatment will help to soften the appearance of the dwelling, the prominent gable with only a small window and chimney breast does not relate well to this very prominent position, adjacent to the village green.

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, SD2 and PG6 of the CELPS.

Amenity

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

The closest neighbour to the development is Rookery View, which is bound on two sides by the new development. The house was originally an ancillary dwelling to the public house and was previously in quite close proximity to the original buildings. Nevertheless, the pub was demolished 4 years ago and the site is now open. The development is designed in a courtyard style design with 2 units facing towards the adjoining dwellinghouse known as Rookery View, on the north eastern boundary, and a bungalow on the south eastern boundary. The existing properties main principal windows face away from the development site, either on the road frontage or within the curtilage of the building, on its north/north western elevations, therefore the development would not overlook the principal windows of the existing building. However, there are levels differences between Rookery View and the application site, with the existing property being sited much lower than the application site. The existing property is about a floor level lower than the adjoining site, and therefore the proposed adjacent bungalow and new garage building will appear more dominant from the neighbour's garden than on a flat site. Nevertheless, the application does meet spacing

standards and detailed levels and boundary treatment can be conditioned to ensure the new buildings do not overlook the neighbours garden.

Due to proximity and location within the site, it is considered unlikely that the proposed development would have any increased impact on neighbouring amenity to any other neighbouring property.

The issue of future private amenity space is a concern, although the plans show the existing hedge retained along Winsford Road and new planting proposed as well, which can 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 street scene 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 March 2020 which considers the impact on the tree and the hedgerow based on layout plan 1362-(PL-) 03F. The report indicates that the separation of built development from the veteran Oak tree has been increased to 25 metres. Part of the garden to plot 1 would be within the 25m buffer and a proposed timber boundary fence for the garden would be

erected in ground which is already compacted. The report indicates that boundary hedgerow along Winsford Road is to be retained.

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.

As noted above, the latest layout has been further amended from previous schemes to afford the Oak tree greater separation from proposed built development. 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, to reduce the chance of future development towards the tree.

The submitted Arboricultural Method Statement does not make 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.

As with previous proposals, although not specified in the submission, a comparison of existing and proposed plans appears to indicate that 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 and hedgerow 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 veteran TPO Oak tree to the south as discussed above.

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 applicant has stated that the site is served by a bus service but there doesn't appear to be a bus stop anywhere near the site. Nevertheless, as before, the uplift in vehicle number will be limited and the access width and off-road parking are to standard. The visibility on exiting onto Long Lane, and from Long Lane to Winsford Road, are 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.

Archaeology

The Wettenhall tithe map of 1839 does depict a rectangular structure within the proposed development area (Plot 3/4), which is labelled 'House in Dwellings & Garden'. This structure had gone by the first edition OS survey of 1875 and the area remained vacant until it was tarmacked to serve as a part of the Boot and Slipper car park during the late 20th century.

Whilst no archaeological grounds have been identified for refusal of planning consent, the site does hold the potential to yield below ground archaeological remains which would be destroyed by the groundworks involved in the development. Therefore the Cheshire Archaeology Planning Advisory Service (APAS) would advise that a programme of archaeological mitigation be made as a condition of any planning permission that might be granted.

In this instance the mitigation would take the form of a strip, map and record exercise, whereby the footprint (c.20m x 15m) of the building identified on the tithe map would be stripped using a suitable machine under archaeological supervision and control, down to the first archaeological layer, after which excavation would proceed by hand. An agreed excavation and recording methodology would then be implemented to excavate and record those archaeological features/layers that survived. The results of the work would then be written up into a report at which point the relevant background documentary research would also be undertaken, to be submitted for inclusion in the Cheshire Historic Environment Record." – VN 19/05/2017 in response to 17/2522N.

It would be advisable that the above recommendation of a programme of archaeological observation by way of a developer funded watching brief would be the sufficient works to identify and record any below ground remains as stated above. This work may be secured by condition.

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.

Flood risk and Drainage

Both United Utilities and the Council's Flood risk Team have been consulted on the application, and have raised no objections to the proposal subject to standard drainage conditions.

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 was demolished in the 2016. 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, and 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 affordable housing of this nature in the area and therefore weighs positively within the planning balance.

At the corner of Long Lane/Winsford Road is a veteran Oak Tree within an area of land known as the 'village green'. This area of land has been removed from the developed area of the application site, and 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. This would need to be secured by condition/legal agreement, to ensure it comes to fruition and to be considered a positive of the development.

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 development, 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.

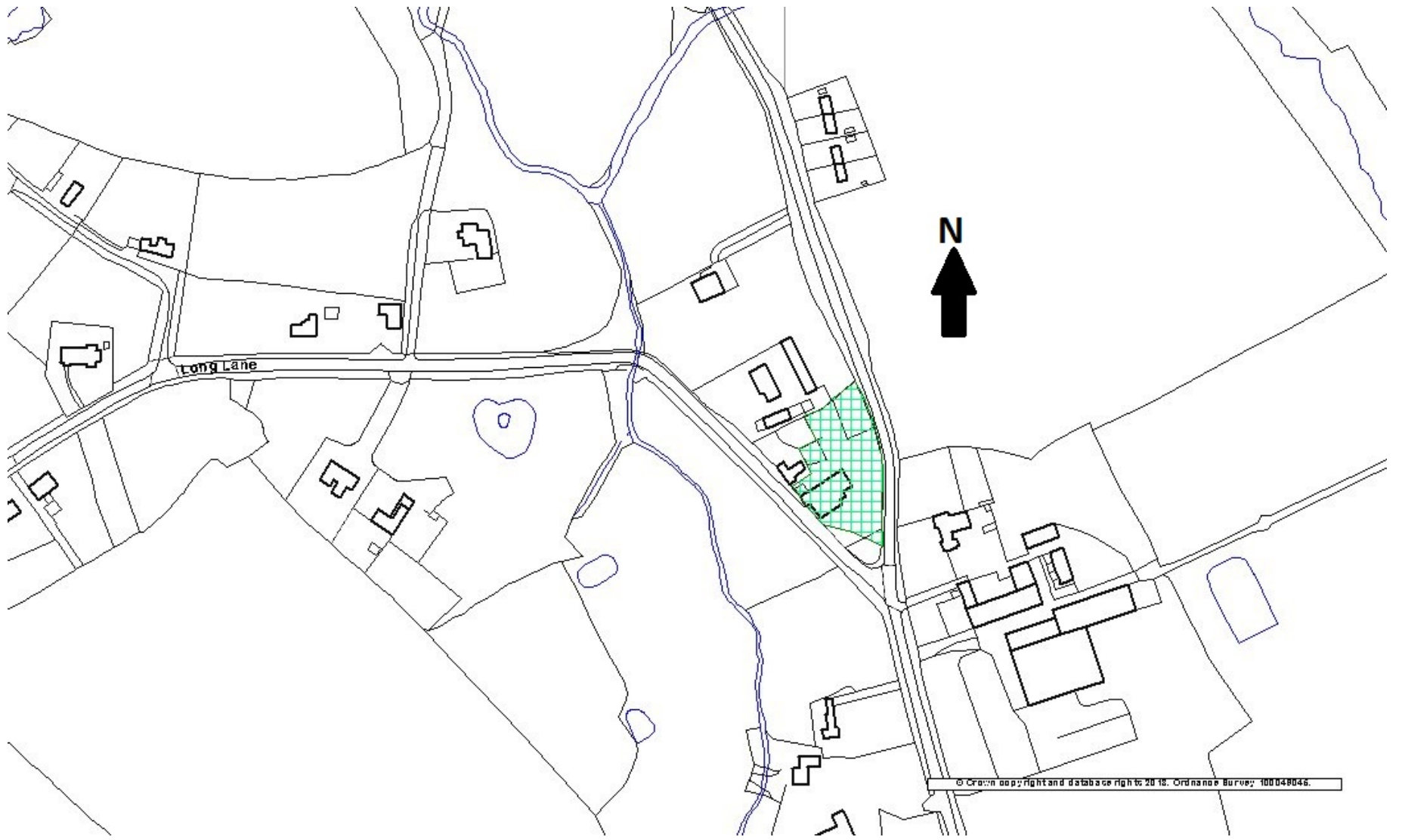
Recommendation: Refusal

- 1. The proposed development is considered to be unacceptable in principle. The development site is situated within the open countryside where there is a presumption against unacceptable, unsustainable development. It is considered that, although the site is a brownfield site, the proposed development would harm the character and appearance of the open countryside. The proposal is therefore considered to be unacceptable and contrary to Policies SD2, SE1, and PG6 of the Cheshire East Local Plan Strategy, and saved Policies RES.5 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 provided.



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