Cheshire West and Chester Council

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Application Number: 25/01764/OUT

Description of development: Outline planning application for the erection of up to 110 residential dwellings (including affordable housing), introduction of structural planting and landscaping, public open space, sustainable urban drainage system and associated works (all matters reserved except for access).(Full Flood Risk Assesment available online)

Site Address: Land At Greenlands Tattenhall Chester

Applicant: Gladman Developments Ltd

Ward: Tattenhall

Ward Members: Councillor Mike Jones

Case officer: Jo Redmond - Tel: 07795 315544

Recommendation: REFUSE

Reason for being reported to Planning Committee: The application has been called in to the Planning Committee by Mike Jones.

1.0 Site Description

1.1 The site is located on the north-eastern fringes of the settlement of Tattenhall. It comprises an open field and a small number of existing buildings within the northeast corner of the site comprising stables and associated outbuildings. Overall, the site extends to 6.32 hectares.

1.2 The site is located on the western side of Tattenhall Road, which connects Tattenhall with the small hamlet of Newton by Tattenhall. To the south of the site is the residential estate of Greenlands, whilst to the north, east and west is open countryside. Separating the site from Greenlands is a small watercourse known as Keys Brook, and there are also a number of trees subject to Tree Preservation Orders along the watercourse corridor. The northern boundary of the site is marked by a farm access track and a hedgerow defines the western boundary. The site slopes gently upwards in a south to north direction. Overhead power lines cross the site in a northwest to southeast direction, which includes a wooden electricity distribution pole.

2.0 Proposal

2.1 The application, which is submitted in outline with all matters reserved with the exception of access, proposes the development of the site for up to 110 dwellings. The indicative site layout shows access being taken from Tattenhall Road.

2.2 An illustrative layout has been provided which shows the dwellings arranged around a primary road through the centre of the site which connects to a number of secondary residential streets. The indicative plan shows a broad mix of house types, including detached, terraced, semi detached and an apartment block. As the layout is indicative the dwelling sizes (in terms of bedrooms) are currently unknown. An area of amenity public open space is proposed within the centre of the development which includes children's play provision. Areas of more informal open space are also included along the northern, western and southern site boundaries, which would also act as a landscape buffer. This informal open space includes allotments, an area for drainage attenuation (with wetland meadow grassland) and a wildlife pond.

3.0 Relevant Planning History

3.1 Summary of Planning History

3.2 In 2004, planning permission was refused on the application site for residential development (the application did not propose a specific number of dwellings). The application was refused on the grounds that; 1) the development would

represent unacceptable development in the open countryside; 2) a failure to justify use of a greenfield site and a lack of evidence provided to show that suitable brownfield alternative sites were unavailable; 3) a conflict with the Council's housing strategy and housing provision targets; 4) a lack of evidence that the development met local affordable housing needs; 5) an inadequate open space provision; 6) insufficient information being provided to demonstrate that the development would be safe from flood risk or that appropriate mitigation measures could be implemented; and 7) insufficient information provided to demonstrate that there is a suitable drainage solution for the development.

3.3 In 2012 an outline application for 137 dwellings was refused on the application site on the grounds that the development would appear as a sprawling incursion and without any existing natural containment into the countryside and would result in significant harm to the rural character of the village and surrounding landscape. It was considered that the benefits of delivering housing would not outweigh the harm cause to the rural character of this part of the village.

3.4 A subsequent appeal was lodged and the Planning Inspectorate determined that three appeals for sites located on the edge of Tattenhall, should be dealt with as linked appeals. This site was identified as "Appeal B" in the cojoined appeal.

3.5 The Inquiry for all three appeals was held over two sessions due to a number of material changes in circumstances, namely the making of the Tattenhall and District Neighbourhood Plan and adoption of The Cheshire West and Chester Local Plan (Part Two).

3.6 The Planning Inspector recommended that the appeal was allowed, concluding the following;

"it has been concluded that the Borough has a significant shortfall in the supply of deliverable housing sites relative to its requirements over the next 5 years. In such circumstances Paragraph 49 indicates that relevant policies for the supply of housing should not be considered up-to-date. I have concluded that such policies include saved Policy HO 7 in the CDLP, Policies STRAT 8 and STRAT 9 in the LP (Part One) and Policy 1 in the TNDP. The three appeal proposals conflict with all of these policies, apart from Policy STRAT 8." (paragraph 392).

"Whilst the development plan policies form the statutory starting point in decision making, the weight to be given to the policy conflict is substantially reduced. Within the context of Paragraph 47 and the requirement to boost significantly the supply of housing, a shortfall of housing provision as demonstrated in the case of this Council is inherently unsustainable" (paragraph 393).

"The appeal proposals would all be deliverable in the short term and in this regard shorter timescales for implementation have been agreed and would be controlled by planning conditions. There is no doubt that both individually and together they would make an important contribution to the Council's housing

deficit. They would deliver land within a sustainable location and increase the choice of housing. The provision of a significant number of affordable units, over and above the policy level in the LP (Part One) is a substantial benefit within a Borough where the overall need for such homes is immediate and pressing" (paragraph 394).

"There would undoubtedly be benefits to growth, including the provision of infrastructure to support the schemes individually and collectively. All sites are accessible to village facilities and offer new residents the opportunity to make journeys by modes other than the car. Whilst the developments would not include employment uses there would be jobs created during the period of construction, which would take place over several years. It is likely that many would be for local people and this would boost the local economy. Businesses connected with the construction industry would also benefit and some of these would be local suppliers and trades. Once the development is complete new residents would spend a proportion of their household income locally" (paragraph 395).

"Nonetheless it is necessary to consider these benefits against the potential harm flowing from the appeal developments. As I have identified in Consideration Two of my Main Report each of the proposals would have adverse landscape impacts" (paragraph 397).

"In these regards all of the proposals would conflict with Policy ENV 2 in the LP (Part One) and Policy 2 in the TNDP" (paragraph 398).

"The local community will undoubtedly be very disappointed with the conclusions I have reached in respect of Policy 1 of the TNDP, which is a document that was only recently made. The appeal proposals clearly would not result in the outcomes that local people wish to see for their village. Many will feel that the hard work in producing the TNDP has been a waste of time although, as I have concluded, it is only Policy 1 that would be breached. If the Secretary of State agrees with my conclusions on the Borough's housing land supply there will be consequences that will be felt locally. However, the Framework is quite clear as to the path to be followed in the event of the conclusion I have reached" (paragraph 399).

"In this case it is though highly relevant that in order to meet the Council's housing requirements, greenfield development on rural land around KSC, including Tattenhall, will be have to be utilised. Such development is bound to result in landscape impacts of an adverse nature. The need for market and affordable housing is, in my opinion, a matter of very great importance in this case. So whilst there will be harm to the landscape; adverse impacts on community engagement; and some adverse effect on the setting of Tattenhall Conservation Area in the case of Appeal C, in my judgement these factors would be insufficient to significantly and demonstrably outweigh the benefits that I have identified. Whether one, two or three of the schemes are built they would be sustainable development to which the presumption in Paragraph 14 of the Framework applies" (paragraph 400).

3.7 The appeal was subsequently recovered by the Secretary of State (SoS). In the period before the SoS issued his determination, the Council revised its Housing Land Monitor and was able to demonstrate a five-year supply of deliverable housing sites. On this basis, the SoS refused permission, reasoning that with an up-to-date supply position restored, full weight could again be afforded to countryside and neighbourhood-plan policies. Therefore, the harm identified (particularly landscape-related harm) no longer sat within a tilted-balance context. The appeal was subsequently dismissed (April 2017).

3.8 The most recent application was for a residential development proposing up to 30 dwellings (on approximately half of the current application site) (13/01329/OUT). The application was refused on the ground that the development would harm the intrinsic character and beauty of the countryside by virtue of being located beyond the envelope of the village and in the countryside, and as the development would result in a significant expansion to the north-east of the village and would appear as a sprawling incursion into the countryside at a key entrance point, having a suburbanising effect on the rural area.

3.9 An appeal was subsequently lodged which was dismissed on the grounds that the site does not constitute an appropriate location for housing, having particular regard to safeguarding the countryside and ensuring a viable and sustainable pattern of settlements and adverse landscape and visual effects caused by the development. Again, in this application and appeal full weight could again be afforded to countryside and neighbourhood-plan policies, and therefore the harm (particularly landscape-related harm) no longer sat within a tilted-balance context.

4.0 Relevant Planning Policy Documents

National Planning Policy Framework (NPPF)
Cheshire West and Chester Local Plan Part One (LP1)
Cheshire West and Chester Local Plan Part Two (LP2)
Cheshire West and Chester Council Supplementary Planning Document (SPD): Parking Standards
Tattenhall and District Neighbourhood Plan (TDNP)

5.0 Summary of Consultation Responses and Recommendations

5.1 Consultation responses and representations received are available for members to view in full on the electronic case file via the Council's website.

5.2 External consultee responses:

Active Travel England – No objection

Environment Agency: No objection

Cheshire Police: No objection

United Utilities: No objection

Welsh Water:

Advise that it is unlikely that sufficient capacity exists to accommodate the development without causing detriment to the existing services, or in regard to the protection of the environment. Recommend that if the Local Authority are minded to approve the application, a condition is imposed requiring the submission and approval of a foul water drainage scheme before development commences.

Cheshire Wildlife Trust:

Object on the grounds that the watercourse (Keys Brook) is not included in the BNG metric. Also states that otter and water vole surveys and a River Condition Assessment of the brook are required to determine the impacts of the proposed development on features of biodiversity quality.

5.3 Internal consultee responses:

Archaeology – No objection subject to a condition.

Biodiversity – object on the grounds that insufficient ecological and biodiversity information has been submitted to enable the Local Planning Authority to assess the likely impacts of the proposed development on habitats, protected species and biodiversity interests. In the absence of adequate survey information and supporting evidence, the Authority cannot be satisfied that the development would avoid harm to protected species, conserve and enhance biodiversity, or achieve the required biodiversity net gains.

Conservation – No objection

Education – No objection subject to a financial contribution towards local education provision. The total amount payable would be calculated on receipt of a reserved matters application and the mechanism for calculating the amount should be secured by a Section 106 agreement.

Environmental Protection Unit (Noise, Air Quality) – No objection subject to conditions.

Environmental Protection Officer (Contaminated Land) – No objections subject to conditions.

Highways Officer – No objection subject to conditions and a financial contribution towards local pedestrian and highways improvements.

Housing – No objection, subject to a S106 agreement to secure on site affordable housing.

Landscape – No objection, however landscape harm has been identified which should be taken into account when determining the planning application.

Lead Local Flood Authority – No objection subject to a condition.

Play and Open Space – No objection subject to on site play and open space and a financial contribution towards parks and recreation grounds, play space youth, and sports provision (on a per dwelling basis).

Public Health – No objection subject to a financial contribution towards the provision of primary care led facilities and associated infrastructure. The total amount payable would be calculated on receipt of a reserved matters application and the mechanism for calculating the amount should be secured by a Section 106 agreement.

5.4 Representations (e.g. in response to neighbour notification/advertisement):

Parish Council:

Tattenhall & District Parish Council object to this planning application on the following grounds:

Principle of development

- Does not meet identified community needs

Landscape

- Harm to the rural setting and countryside/landscape character through encroachment into open land.
- The development would create a sprawling urban edge at a key gateway into the village, contrary to Policies 1 and 2 of the Tattenhall and District Neighbourhood Plan.
- The development would reduce the visual and physical separation between Tattenhall and Newton-by-Tattenhall, contrary to Policy 2 of the Tattenhall and District Neighbourhood Plan.

Loss of Agricultural Land

- Development would result in the loss of Grade 2 and Grade 3 agricultural land.

Highways and Road Safety

- The development would lead to significant increase in traffic on Tattenhall Road, which is already heavily trafficked.
- Additional traffic would exacerbate safety concerns at the Newton Lane/Tattenhall Road junction, which is heavily used (due to the Ice Cream Farm) and accidents regularly occur.
- Increased pressure on the congested Chester Road and High Street junctions, particularly near Tattenhall Park Primary School adding to concerns regarding road capacity and safety.
- Country lanes surrounding the village are narrow and already operating at capacity, including use by agricultural vehicles.
- Rocky Lane and Frog Lane are unsuitable for accommodating further traffic growth.
- Additional traffic would worsen conditions at the Gatesheath junction (where Chester Road and Gatesheath Lane meet) which is constrained and is on a blind corner.
- The junction of Chester Road with the A41 is already heavily congested, and accidents frequently occur.

Sustainability and Accessibility

- Site is poorly located in relation to village services, including shops, schools, healthcare and other facilities.
- Future residents would be heavily reliant on private cars.
- Limited bus services do not provide a realistic alternative to car travel, contrary to Policy 5 TDNP.
- No safe cycling route into the village and inadequate cycling infrastructure.
- Increased car dependency would conflict with the Council's Climate Emergency objectives and lead to higher emissions and pollution.

Infrastructure

- Local medical practice and health centre are already operating at capacity.
- Limited access to NHS dental services, with the village dental practice operating privately.
- Development would add pressure to existing community services and facilities.

Drainage and Flood Risk

- Sewage treatment infrastructure is already at capacity and frequently discharges into the local brook.
- Additional development would place further pressure on wastewater infrastructure.
- Tattenhall experiences significant flooding issues.
- The site includes areas affected by flood risk and development could increase flooding both on-site and elsewhere.

Cumulative Impact

- The Parish Council requests that cumulative impacts on highways, infrastructure, services, the environment and the community are assessed collectively.

Hargrave and Huxley Parish Council object to this planning application due to the impact this will cause from the increase in traffic on highways within the Parish, and also the impact on the present limited services in Tattenhall that residents currently use.

A site notice was erected, notification placed in a local newspaper and notification letters sent to neighbours.

5.5 REPRESENTATIONS

A significant number of local objections have been received, which are summarised below;

Principle of development

- The site lies outside the settlement boundary and exceeds the Neighbourhood Plan's preferred limit of around 30 dwellings.
- Loss of countryside
- brownfield sites should be built on before this site is developed
- premature pending the outcome of the emerging Local Plan (Part One)

Housing need

- Tattenhall has already accommodated substantial housing growth.
- Evidence of unsold, vacant or unoccupied homes on recent developments.
- No need for a large number of additional market homes
- Local need is primarily for genuinely affordable homes.
- Previous "affordable" housing has not been affordable to local residents.
- The proposed housing mix does not meet local needs.
- Too many market homes are proposed relative to affordable units.

- No bungalows proposed when the villages demographic is elderly or younger first-time buyers.

Character

- development would extend beyond Keys Brook, a long-established natural boundary of the village. Expanding beyond this point erodes the historical integrity of the
settlement and risks unchecked urban sprawl

Scale

- Development represents a significant increase in village population.
- Development is excessive and disproportionate for a village of Tattenhall's size.

Pressure of Infrastructure and Services

- Existing pressure on the following infrastructure and services which would be exacerbated by the development (GP, pharmacy, primary and secondary schools, village amenities and shops
- No clear plan to expand services to accommodation additional residents
- only dental practice in the village is private meaning that any residents seeing an
- NHS dentist will need to travel out of Tattenhall.

Highways

- Increased vehicle numbers from the development.
- Existing congestion on Tattenhall High Street.
- Safety concerns at the A41 junction, Gatesheath junction and Newton Lane crossroads.
- Narrow country roads unsuitable for extra traffic.
- Risks to pedestrians, cyclists and school children.
- no safe cycling route proposed from the development into Tattenhall and no provision for cycle parking in Tattenhall
- Additional traffic from construction vehicles during building works.
- The junction with the A41, the main route out of Tattenhall regularly has large queues, the increase in traffic from the development, will only add significantly to journey times and increase the number of accidents.
- The cross roads between Tattenhall and Newton road is a accident hotspot, and an
- increase in traffic will result in more accidents.

- the junction with Chester Road at Gatesheath is a blind bend
- new access would harm highway safety for cars entering and exiting the dwellings opposite.

Flood Risk and Drainage

- Site is vulnerable to flooding (associated with Keys Brook) and the development would worsen existing problems.
- Regular flooding of roads into and around the village.
- Increased surface-water runoff from hardstanding and roads.
- Existing drainage systems already under strain.
- Concerns that previous mitigation measures elsewhere have been ineffective.
- Sewage treatment works operating at or near capacity.
- Reports of sewage discharges into local watercourses.
- Lack of confirmed infrastructure upgrades.
- Concerns raised regarding Welsh Water and United Utilities capacity assessments.
- Potential environmental impacts from further development.

Loss of agricultural land

- Loss of Grade 2 and Grade 3 agricultural land.
- Permanent loss of productive farmland.
- Encroachment into open countryside.
- Concerns about food security and landscape protection.

Biodiversity

- Loss of biodiversity.
- Harm to wildlife corridors.
- Potential impacts on Great Crested Newts.
- Concerns regarding otters, pollinators and other wildlife.

Residential Amenity

- Increased noise, light and air pollution.

Other

- Loss of village character and rural identity
- 3. The site is not within a reasonable walking distance of the village facilities (it is not
- within a 10-minute walk) and so residents are likely to drive to the village, adding to the
- Bus journeys are not very frequent and it takes 45 minutes to travel to Chester
- bus connection would have to be negotiated, adding to the travel time
- loss of countryside views.
- Tattenhall becoming a commuter settlement or small town.
- Reduced community cohesion.
- Loss of separation between Tattenhall and Newton-by-Tattenhall.
- Cumulative impact of several developments
- Previous refusals of similar schemes.
- Prematurity pending wider Local Plan review and updated Neighbourhood Plan
- Inadequate environmental assessments.
- Concerns about missing or incomplete technical information.
- Questions regarding the developer's ability to deliver long-term infrastructure commitments.
- Existing allotments are undersubscribed.
- Tattenhall has few local businesses and limited local employment opportunities, meaning most residents commute by car to work elsewhere
- The only bus service runs hourly at best,
- Climate change impact
- Applications on this land have previously been refused

6.0 Issues and Assessment

6.1 The presumption in favour of sustainable development

6.2 Planning decisions must be consistent with relevant international obligations and statutory requirements. Planning law requires that applications for planning permission be determined in accordance with locally-prepared development plans, unless material considerations indicate otherwise. The Cheshire West and Chester Local Plan (Part One) Strategic Policies (LP1) was adopted on 29 January 2015. The Cheshire West and Chester Local Plan (Part Two) Land Allocations and Detailed Policies (LP2) was adopted on 18 July 2019. The Tattenhall Neighbourhood Plan (TNP) was Made in June 2014 and it forms part of the local development plan.

6.3 The National Planning Policy Framework (NPPF) sets out the government's policies for making decisions on development proposals in England. The latest version of the NPPF was published in August 2026 and is a material consideration of critical importance for decision-making on development proposals. It contains national development management policies which should be read alongside the policies in the local development plan. The NPPF (Annex A) makes clear that where policies of the development plan are materially inconsistent with NDM policies then they should be given very limited weight.

6.4 NPPF DM Policy S3 states that decisions on development proposals should apply a presumption in favour of sustainable development. This means that NPPF DM Policy S4 should be applied when considering development proposals within settlements, and NPPF DM Policy S5 should be applied when considering development proposals outside of settlements (except in Green Belt). It also means that, in all locations, development proposals which accord with both an up-to-date development plan and the policies in the NPPF should be approved without delay.

6.5 National planning policy is supported by a suite of planning practice guidance (PPG), the purpose of which is to support the implementation of national planning policy.

6.6 The Tattenhall and District Neighbourhood Plan (Modified Submission Version) is currently undergoing independent examination. The emerging plan is therefore a material consideration in the determination of this proposal.

6.7 The Council acknowledges that the modified neighbourhood plan has not yet been made and therefore does not form part of the statutory development plan. Objections remain outstanding and are matters for the independent examiner to consider. In accordance with NPPF DM Policy DM4, the weight to be afforded to relevant policies in emerging plans depends upon the stage of preparation of the plan, the extent of unresolved objections to relevant policies and the degree of compliance of those policies with the plan-making policies of the Framework. Having regard to these factors, the Council considers that the emerging plan attracts limited weight.

6.8 The provision of new housing

6.9 Policy STRAT 1 of LP1 seeks to reduce the need to travel by private car and locate new housing, with good accessibility to existing or proposed local shops, community facilities and primary schools and with good connections to public transport.

6.10 Policy STRAT 2 of LP1 sets out a hierarchy to establish where development should be directed, notably the city of Chester and the three main towns, followed by rural key service centres and finally local service centres. The site lies adjacent to the settlement boundary for Tattenhall and it therefore forms part of land that is designated as countryside on the proposals map forming part of the local development plan.

6.11 Policy STRAT 9 of LP1 applies and this policy states that to protect the countryside, development outside of settlements will only be approved in limited circumstances, and new residential development does not feature among the list of developments that will be permitted in the countryside.

6.12 NPPF DM Policy S5 states that only certain forms of development should be approved outside settlements and prescribes a list of such forms of development. It continues by stating that these development types should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects when assess against the national DM policies within the NPPF.

6.13 One of the forms of development listed in NPPF DM Policy S5 (paragraph 2.j.) is where development would meet an evidenced unmet need, including where development proposals would involve the provision of housing where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, and where the proposed development would be physically well-related to an existing settlement and be of a scale which can be accommodated considering the existing or proposed availability of infrastructure.

6.14 The Council is currently unable to demonstrate a five-year supply of deliverable housing sites and has less than a two-year housing land supply.

6.15 The site has been assessed as to whether it is considered that the proposed development would be physically well related to the settlement.

6.16 Keys Brook separates the site from the existing settlement. The development would likely need to be laid out to the north of the brook and outside areas at risk of flooding which would result in a gap between the proposed and existing development. However, the development would likely still read as part of and would be well connected with the settlement. Taking these factors together, the site is considered to be physically well related to the settlement overall.

6.17 In terms of infrastructure, Policy STRAT11 of LP1 states that development should facilitate the timely provision of additional facilities, services and infrastructure to meet identified need arising from the development in locations that are appropriate and accessible.

6.18 Policy 4 of the Tattenhall Neighbourhood Plan requires new development to protect and support the village's local facilities by assessing its impact on services such as shops, community buildings, utilities, health services and schools, and by demonstrating how any additional pressure will be addressed. The policy aims to maintain the vitality of Tattenhall by encouraging proposals that enhance or diversify local services, including improvements to utilities

6.19 NPPF DM Policy HC3 states that proposals for housing should provide for new or improved community facilities and public service infrastructure which are necessary for the development to be acceptable in planning terms, whether by direct provision or a contribution to off-site improvements.

6.20 The policy continue to state that planning conditions and obligations should be used to secure the timely delivery of community facilities and public service infrastructure required to serve new development, so that these facilities are available for use when the development (or an agreed proportion of the development) is first occupied or comes into use.

6.21 Policy DM29 of LP2 states that development proposals should take every reasonable opportunity to promote and positively contribute to the health of the borough.

6.22 The development would generate increased demand for and use of local health care services. The NHS Cheshire & Merseyside Group have assessed the development and have stated that a financial contribution is required. This will be calculated at reserved matters stage based on their standard local NHS development formula of £737 per 1 bed unit, £1052 per 2 bed unit, £1473 per 3 bed unit, £1842 per 4 bed unit and £2526 per 5 bed unit.

6.23 It is considered that the required healthcare contribution would meet the regulation 122 tests being: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

6.24 Subject to securing a financial contribution towards public health provision through a S106 agreement, compliance with LP1 Policy STRAT11, LP2 Policy DM29 and Policy 4 of the Tattenhall Neighbourhood Plan and the NPPF has been demonstrated.

6.25 Policy SOC6 of the LP1 states that the Council will seek to protect, manage and enhance existing open spaces, sport and recreation facilities to provide a network of diverse, multi-functional open spaces. Policy DM 35 of LP2 makes it clear that all new residential development of 11 units or more must make provision for open space.

6.26 The Green Infrastructure Officer advises that in line with the Council's Open Space Study on site provision must be made for play (126.50 sqm plus additional buffer for transitional space), amenity greenspace (2,530 sqm), and

allotments (379.50 sqm). The indicative plan adequately demonstrates that these requirements can be met at reserved matters stage.

6.27 The Open Space Officer has highlighted that the high voltage cables would need to be diverted underground as proposed, and should not be sited in the location of the allotments.

6.28 It should also be ensured at reserved matters stage that the proposed allotments are not surrounded by significant woodland planting, as this creates shading which impacts optimum growing conditions.

6.29 The following financial contributions are also required;

- £1,312.64 towards parks and recreation grounds (per dwelling)
- £185.96 towards play space youth (per dwelling)
- £81.23 towards cricket (per dwelling) (capital pitch sum)
- £32.26 towards hockey (per dwelling) (capital pitch sum)
- £425.09 towards football (per dwelling) (maintenance sum 10 years)

6.30 The applicant has agreed to secure on site public open space and the provision of the following sums towards Open Space through a S106 agreement.

- Youth Play (£19,852)
- Park and Recreation (140,138.90)
- Sports Pitch sum (£59,021)
- Sports Pitch Maintenance sum (£77,140)
- Sports Pitch Changing Facility sum (£84,138)

6.31 Subject to securing the required on site open space provision and a financial contribution towards off site open space, the applicant would comply with LP1 Policy SOC6, and LP2 Policy DM35.

6.32 The Council's Education Team has no objection to the development subject to a financial contribution towards local education provision. The total amount payable would be calculated on receipt of a reserved matters application and the mechanism for calculating the amount should be secured by a Section 106 agreement.

6.33 It is considered that the required contributions towards local education services would meet the regulation 122 tests being necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

6.34 The applicant has agreed to secure a financial contribution towards education provision through a forthcoming S106 agreement.

6.35 The highways officer considers that this will have an impact on traffic flows and in the interest of mitigating against the impact of this development the highways officer requires a financial contribution to be secured to deliver improvements to encourage trips by foot and improve the flow of traffic along Tattenhall High Street and adjoining roads. However, the Council does not

consider that the requested contribution meets the tests contained within Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended). The evidence before the Council does not demonstrate that the contribution is necessary to make the development acceptable in planning terms, directly related to the development, or fairly and reasonably related in scale and kind to the proposal. As such, limited weight can be afforded to the absence of the contribution.

6.36 Overall the impacts arising from the development have been assessed by relevant consultees and the applicant has agreed to the principle of making financial contributions towards infrastructure provision, secured through a planning obligation. It is confirmed that these contributions would be directed towards mitigating the additional demand generated by the development. Having regard to the scale of the proposal, the mitigation secured and the proportionate nature of the impacts arising, it is considered that the development would not, in itself, result in unacceptable pressure on local infrastructure or materially exacerbate existing constraints. This is subject to securing on site open space and affordable housing (see below), and financial contributions towards education, open space and public health. On this basis compliance with the relevant policies within LP1, LP2 the Tattenhall Neighbourhood Plan and the NPPF has been demonstrated.

6.37 Overall, the proposed development is not of a type which requires a countryside location, and in this respect it would be contrary to the Council's Development Plan (LP1 Policies STRAT2, STRAT8 & STRAT9 and LP2 Policy DM19), which in summary seeks to restrict development of sites in the countryside and directs new housing development to land within identified settlements, or to previously developed land in sustainable locations in the countryside.

6.38 In light of the above, there is considered to be conflict with the local Plan by virtue of approving development in this countryside location, outside of a settlement identified for growth.

6.39 Notwithstanding this, the proposed development would be of a type which NPPF DM Policy S5 states should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects when assessed against the national decision-making policies in the NPPF subject to the securing of the necessary planning obligation.

6.40 Ecology

6.41 Policy ENV 4 of LP1 states that development should not result in any net loss of natural assets, and should seek to provide net gains. The policy continues to state that sites will be protected from loss or damage taking account of impact on priority habitats and protected/priority species.

6.42 Policy DM 44 of LP2 states that development likely to have an impact on protected sites (statutory and non-statutory), protected/priority species, priority

habitats or geological sites must be accompanied by an Ecological Assessment that complies with industry best practice and guidance, and:

- identifies the assets of biodiversity/geodiversity value on and within the vicinity of the site;
- evaluates the value and extent of the assets;
- assesses the likely expected impact of the development on assets of biodiversity/geodiversity value taking into account the mitigation hierarchy;
- identifies the net losses and gains for biodiversity/geodiversity, using a biodiversity metric calculation;
- identifies the options to enhance the value of the assets and contribute towards the borough's ecological network;

6.43 NPPF DM Policy N2 of the NPPF (Improving the natural environment) states that to contribute positively to the natural environment, and support nature's recovery, development proposals should; consider the environmental qualities of land proposed for development; take into account the quality of agricultural land; take suitable opportunities to connect to and strengthen ecological networks that extend beyond the site; conserve and enhance existing natural features of visual, historic or nature conservation value; use green infrastructure provided as part of the scheme and nature-based solutions to secure multiple benefits; minimise any adverse impacts on biodiversity and include features which support priority or threatened species and; ensure that green infrastructure and other features to support nature are located and designed to minimise risk of future failure.

6.44 Protected species are a material planning consideration. ODPM Circular 06/2005 states that 'the presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat'. The circular continues 'it is essential that the presence or otherwise of protected species, and the extent that they may be effected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision'.

6.45 Section 40 of the NERC Act 2006 states "A public authority which has any functions exercisable in relation to England must from time to time consider what action the authority can properly take, consistently with the proper exercise of its functions, to further the general biodiversity objective".

6.46 The application is accompanied by a Biodiversity Net Gain Feasibility Report, BNG Metric, and Preliminary Ecological Assessment. The Councils ecologist has reviewed the information made available.

6.47 Protected species

6.48 All species of bat and their breeding sites or resting places (roosts) are protected under Regulation 43 of the Conservation of Habitats and Species

Regulations 2017 (as amended) and Section 9 of the Wildlife and Countryside Act 1981.

6.49 In terms of bats, the preliminary ecological assessment (PEA) states that most of the trees on site are suitable for roosting bats, with one tree identified as having a potential roosting feature.

6.50 One tree is proposed for felling to allow for the proposed access (T18) and whilst this is not the tree identified as the tree with potential roosting features, as the report states that most of the trees on site are considered to be suitable for roosting bats, accordingly the report recommends that all trees require further assessment for bat roost suitability. However no subsequent report has been submitted.

6.51 There are existing buildings on the site (stables and outbuildings) which are all proposed for demolition and have been identified by the Applicant's ecologist as requiring further assessment for bat roost suitability. No subsequent report has been submitted.

6.52 Great crested newts and their breeding sites or resting places are protected under Regulation 43 of the Conservation of Habitats and Species Regulations 2017 (as amended) and Section 9 of the Wildlife and Countryside Act 1981.

6.53 In terms of Great Crested Newts (GCN), the PEA found one small ephemeral field pond on site and a further 6 ponds within 250m. The Habitat Suitability Index (HSI) survey results for pond P1 showed that the pond had an "average" GCN habitat score to breed. Suitable habitat was identified on site to support foraging, commuting and hibernating amphibians including GCN. The PEA recommended further assessment of the on-site ephemeral pond and further 6 waterbodies within 250m of the site in the form of Habitat suitability assessments (HSI) and Environmental DNA (eDNA) surveys to confirm the likely presence/absence of GCN.

6.54 Alternatively, the applicant could propose to join the Natural England GCN District Level Licensing (DLL) scheme, in lieu of traditional surveys and mitigation on site. To evidence that a site is registered with the GCN DLL, an Impact Assessment and Conservation Payment Certificate (IACPC), counter-signed and dated by Natural England, is required prior to determination of the application. The applicant has submitted neither a HSI and eDNA surveys nor an IACPC certificate.

6.55 Badgers and their setts are protected under the Protection of Badgers Act 1992 and ODPM Circular 06/2005, which states that " the likelihood of disturbing a badger sett, or adversely affecting badgers' foraging territory, or links between them , or significantly increasing the likelihood of road or rail casualties amongst badger populations , are capable of being material considerations in planning decisions"

6.56 In terms of badgers, the grassland and bunded area within the site provide good opportunities for sett creation and field evidence of badger was found in the bunded area on the western side of the site. The PEA recommends a

badger survey to check for presence/absence of setts on site and land within 30m of the boundary. No subsequent report has been submitted.

6.57 Otters and their breeding sites or resting places are protected under Regulation 43 of the Conservation of Habitats and Species Regulations 2017 (as amended) and Section 9 of the Wildlife and Countryside Act 1981.

6.58 In terms of otters, The Key Brook is located directly adjacent to the southern site boundary and runs the full length of the site. The brook is bounded by trees and hedgerow and provides suitable habitat for otter and water vole. The PEA recommends further survey effort for both otter and should include 200m up and downstream of Keys Brook and 30m of the riparian corridor. No subsequent report has been submitted.

6.59 Water voles and places they use for shelter and/or protection are protected under the Wildlife and Countryside Act 1981

6.60 In terms of water vole, the Keys Brook is located directly adjacent to the southern site boundary and runs the full length of the site. The brook is bounded by trees and hedgerow and provides suitable habitat for water vole. The PEA recommends further survey effort for water vole and should include two surveys at least two months apart to confirm presence/absence of the species. No subsequent report has been submitted.

6.61 The grassland, ruderal vegetation, ephemeral pond and bunded area will be lost to facilitate the development, along with a section of hedgerow and all buildings, which provide suitable habitat for a range of protected species. It is considered reasonably likely that protected species will be present on site and affected by the development.

6.62 In terms of reptiles, no evidence of reptiles was found on site during the survey. The hedgerows, ruderal/ephemeral and wooded area alongside the brook provide suitable sheltering and foraging habitat for reptiles. No further surveys are required, however, precautionary working measures should be implemented during site clearance and construction to protect this species from harm. As a standard best practice measure, Reasonable Avoidance Measures would need to be submitted and adhered to, and this would be secured by condition. In terms of brown hare, no evidence of brown hare was identified on the site during the survey. The grassland, ruderal/ephemeral and hedgerows provide suitable habitat for foraging, nesting and commuting brown hare. Reasonable Avoidance Measures would need to be submitted and adhered to, and this would be secured by condition.

6.63 In terms of hedgehogs, no evidence of hedgehog was identified on site during the survey. The grassland on site provides suitable foraging habitat and the hedgerows and tall ruderal/ephemeral habitat provides suitable shelter and hibernation potential for hedgehog. Reasonable Avoidance Measures would need to be submitted and adhered to, and this would be secured by condition. Movement of hedgehogs post development must also be provisioned for through the creation of hedgehog highways, which can be secured by condition.

6.64 In terms of polecat, no evidence of polecat was identified on site during the survey. The wooded area along the brook provides suitable habitat for ranging and foraging polecat. Habitats within the site are largely unsuitable for supporting denning or sheltering polecat but do provide suitable foraging and commuting opportunities. Reasonable Avoidance Measures would need to be submitted and adhered to, and this would be secured by condition.

6.65 In terms of nesting birds, the grassland, hedgerows and tree habitats on site offer good potential for nesting birds. Therefore, any vegetation removal should therefore take place outside the bird nesting season (1st March to 31st August inclusive) unless the site has been surveyed for nesting birds by a qualified ecologist immediately beforehand.

6.66 In the scenario where bat roosts or GCN are found to be present, the Conservation of Habitats and Species Regulations 2017 (as amended) provide that a competent authority, including a planning authority must, in the exercise of any of their functions, have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions. Where a European protected species may be affected for the purpose of preserving public health or public safety, or other imperative reasons of overriding public interest, Regulation 9 (1) and 9 (3) of The Conservation of Habitats and Species Regulations 2017 (as amended) requires all local planning authorities be satisfied that there is no satisfactory alternative and there will be no detriment to the favourable conservation status of the European protected species. The Three Derogation Tests must be considered prior to determination.

6.67 Protected Habitats

6.68 There are several mature trees on site all of which are proposed for retention except for T18 which is proposed for felling. As compensation, tree planting is proposed as part of the development though details of this would not be secured until the submission of a later reserved matters application.

6.69 The ecological survey recorded five hedgerows on site. Hedgerows H1 and H2 are species rich native hedgerows and are considered to be of the highest value within the site. As compensation, hedgerow planting is proposed as part of the development.

6.70 Keys Brook runs adjacent to the site. The brook channel will not be directly impacted by the development, however, indirect impacts may be likely. Therefore, a Construction and Environmental Management Plan (CEMP) must be submitted to and approved prior to the commencement of the development, in order to prevent any potential impact to prevent degradation of the brook. This could be secured by condition.

6.71 Biodiversity Net Gain

6.72 The application is subject to statutory biodiversity net gain legislation under the Environment Act 2021. A minimum of 10% net gain in biodiversity is therefore required.

6.73 A metric and supporting information have been submitted, however a River Condition Assessment or condition assessment sheets for baseline habitats onsite have not been submitted to support the assessment. The metric also requires amendment, as strategic significance has not been applied correctly. In the Biodiversity Officers original comments, it was requested that the Ecological Network be used to apply strategic significance, however, since then, the Local Nature Recovery Strategy has been published in November 2025, so in line with guidance, planning applications considered after this date should use Table 7 (*Strategic significance categories applied to post-development interventions where a LNRS has been published*) of The Statutory Biodiversity Metric User Guide (3rd July 2025) by DEFRA and consult Page 27 of the User Guide, to apply strategic significance in the metric.

6.74 Whilst the submitted BNG metric shows a net gain in habitat and hedgerow units, the baseline information is not accurate as the adjacent brook has not been accounted for within the watercourse baseline.

6.75 This information is required in order to assess the appropriate balance expected between onsite gains, off-site gains and the use of statutory biodiversity credits for the development, taking account of the Biodiversity Gain Hierarchy, as well as the requirements for any conditions or legal agreements required to secure the enhancements for the 30-year period can be assessed. Until submission of the additional information, an assessment cannot be made as to whether the on-site habitat works satisfy the CWAC significance thresholds, based on PPG guidance. It should be noted that where significance thresholds are met, the biodiversity net gains will be secured by condition or legal agreement, with a reporting and regulatory fee required in some cases. In the absence of this information, it is considered that the biodiversity gain condition is not capable of being successfully discharged.

6.76 Currently, the submitted Biodiversity Net Gain Metric has not been demonstrated to accord with the statutory metric requirements and, as such, cannot be relied upon as an accurate assessment of the development's biodiversity impacts or gains. Consequently, the metric is not considered acceptable and insufficient information has been provided to demonstrate compliance with Biodiversity Net Gain requirements.

6.77 Taken as a whole, it cannot be confirmed that the development would not result in harm to protected species, nor has it been demonstrated that the biodiversity gain condition is not capable of being discharged. The application therefore does not comply with LP1 Policy ENV4, LP2 Policy DM44 of NPPF DM Policy N2

6.78 Loss of Agricultural Land

6.79 Policy STRAT 1 of LP1 seeks to minimise the loss of greenfield land and high-grade agricultural land. Policy DM 44 “Protecting and enhancing the natural environment” of LP2 identifies that soil resources must be protected and used sustainability. The explanation to DM 44 notes that for development proposals on the best and most versatile agricultural land, the Council will consider how significant the agricultural land issues are and the need for detailed field assessments.

6.80 NPPF DM Policy N2, states that to contribute positively to the natural environment, and support natures recovery, development plans should take into account the quality of agricultural land (including that classified as best and most versatile agricultural land, and its grade), and if significant development of agricultural land is necessary, use areas of poorer quality land where possible.

6.81 The applicant has not submitted an Agricultural Land Classification Survey, however a Survey dated 2012 was submitted in connection with a previous planning application covering the same site, which concluded that the land was Grade 3b agricultural land.

6.82 The results are considered to remain unchanged and therefore the development would not give rise to the loss of BMV agricultural land. The proposed development would therefore comply with LP Policy STRAT1, LP2 Policy DM44 and NDM Policy N2 in this regard.

6.83 Mineral Safeguarding

6.84 In line with Policy ENV9 of LP1, Policy M2 of LP2 relates to mineral safeguarding areas. It requires development to demonstrate compliance with one of the policies criteria in regard to mineral safeguarding.

6.85 NPPF DM Policy M6 states that proposals for non-mineral development should not constrain potential future use for mineral working in a Mineral Safeguarding Area; or prevent or constrain the use of existing, planned and potential sites for the bulk transport, handling and processing of minerals or the manufacture of concrete and concrete products; or the handling, processing and distribution of substitute, recycled and secondary aggregate material.

6.86 NPPF DM Policy M6 also states that where proposals for non-mineral development are located within a Minerals Consultation Area, the decision-making authority should consult the mineral planning authority and take account of the local minerals plan before determining the planning application. Also, the prior extraction of minerals, where practical and environmentally feasible, should be supported where it would prevent the sterilisation of minerals deposits as a consequence of other forms of development proposals or allocations.

6.87 Part of the site (a horizontal band at the south of the site adjacent to the Brook) is within a Minerals Safeguarding Area (MSA) for sand and gravel.

6.88 The application has been supported by a Minerals Resource Assessment which states that borehole logs from near the site show that there isn't any sand and gravel. On this basis it has been adequately demonstrated that sterilisation of mineral resources would not occur as a result of the proposed development and the application is considered to comply with LP2 Policy M2 and NPPF DM Policy M6.

6.89 Housing mix and type

6.90 The Council's housing policies require new development to deliver a balanced mix of homes reflecting local needs, including smaller dwellings, provision for older residents, and opportunities for self-build. In rural areas, Policy SOC1 of LP1 requires up to 30% affordable housing on qualifying sites, provided on-site, well-designed and appropriately integrated unless justified otherwise. Policies SOC3 of LP1 and DM20 of LP2 further emphasise the need to provide a mix of house types, sizes and tenures informed by up-to-date evidence.

6.91 The Tattenhall Neighbourhood Plan reinforces these principles by requiring locally appropriate housing mixes, affordable homes for local people in perpetuity, and support for self-build and exception schemes, ensuring new development contributes to sustainable, well-balanced rural communities.

6.92 NPPF DM Policy HO8 states that development proposals should meet or exceed up-to-date development plan requirements for the proportion and mix of affordable housing tenures relevant to the location, including the minimum proportion of Social Rent. This should be provided on-site unless off-site delivery on an alternative nearby site would optimise the quality or quantity of affordable homes built or a cash payment in lieu of on or off-site provision can be justified robustly, and the agreed approach contributes towards the objective of creating mixed and balanced communities.

6.93 The Cheshire West and Chester Housing Needs Assessment (February 2026) provides the most up-to-date evidence of housing need across the borough. It identifies a clear requirement for two- and three-bedroom homes as the principal area of need across all tenures, with a more limited requirement for larger four-bedroom and above dwellings. Whilst this post-dates submission of the application, it is considered to be a robust evidence base.

6.94 At a local level, the Tattenhall Housing Needs Report (2023) similarly identifies a strong need for smaller and more affordable homes, particularly one- and two bedroom properties, alongside a shortfall in affordable housing. This reflects local affordability pressures and housing register demand, reinforcing the importance of delivering policy-compliant affordable housing.

6.95 The development would provide a total of 110 dwellings. Whilst the application does not propose a detailed housing mix at this stage, the indicative layout demonstrates that a range of dwelling types and sizes could be accommodated within the site. It is therefore considered that an acceptable housing mix, consistent with the requirements of the development plan and

identified housing needs, could be achieved and assessed in detail at the Reserved Matters stage.

6.96 On this basis, compliance with Policy SOC1 of LP1, DM23 of LP2 and NPPF DM Policy HO8 has been sufficiently demonstrated subject to the affordable housing provision being secured through a S106 agreement.

6.97 Landscape and Visual Amenity

6.98 Policy ENV2 of LP1 requires that development protects and, where possible, enhances local landscape character and distinctiveness. Proposals must take full account of site characteristics, views to and from the surrounding area, and the need to retain and integrate valued landscape features within the design. Policy GBC2 of LP2 requires compliance with ENV2 (and STRAT9) and refers to the guidance set out within the Council's Landscape Strategy.

6.99 The Tattenhall Neighbourhood Plan identifies a view and vista from the disused railway line to the village and the Peckforton Hills and Sandstone Ridge. The disused railway is located approximately 780 metres from the site and therefore the site does not form part of the immediate setting of the view. However, there are views in the same direction from Public Footpath FP8 towards the Peckforton Hills and Sandstone Ridge from which the development would be visible.

6.100 The NPPF states within Paragraph 1(a) of NPPF DM Policy N2 that development proposals should consider the environmental qualities of land proposed for development, including landscape character and the natural beauty of the countryside, and identify opportunities for those qualities to be conserved or enhanced.

6.101 The site falls within LCT 9: Cheshire Plain West, LCA 9b: Hargrave, Hoofield & Beeston Plain of the 2016 Landscape Strategy. The key characteristics of this area include a broad and gently undulating plain landscape characterised by hedges and hedgerow trees providing limited vistas; a cohesive and un-fragmented regionally significant historic landscape with extremely well preserved late medieval field systems and extensive ridge and furrow; abundant hedgerows and hedgerow trees creating a characteristic patchwork with preserved elements of the earlier medieval open fields and common land; the Sandstone Ridge presents a more elevated skyline to the east of the LCA; and Low density settlement and limited woodland cover.

6.102 This forms the basis for the supporting Landscape and Visual Impact Assessment (LVIA) which has been considered by the Councils landscape officer. The Landscape Officer concludes that the principle for loss of open countryside is not supported.

6.103 The development would result in adverse impacts for users of footpath FP8 (towards the Sandston Ridge) and the development would extend the village boundary beyond the Keys Brook which forms a natural boundary and defines

the current limit of the settlement. The existing farm track which forms the northern boundary of the application site is a weaker boundary and therefore the development would alter the established relationship between the village and the surrounding countryside and has the potential to contribute towards future pressure for development on adjacent land north of the brook.

6.104 Landscape harm was considered at length by a Planning Inspectorate for 137 dwellings on the same site in 2016 (ref 12/02352/OUT). The Inspector stated that “whilst in this case there are views towards Beeston Castle that are a feature of the Hoofield Landscape Character Area, such views are gained from many vantage points in the wider landscape.” The Inspector also noted that the “landscape is influenced by the existing settlement edge” and “it is the case that the site slopes up from the village, but I am not convinced that this factor or its position north of Keys Brook is particularly influential in the consideration of landscape character. In this case there are views towards Beeston Castle that are a feature of the Hoofield Landscape Character Area but such views are gained from many vantage points in the wider landscape. The development would interrupt a very small number of views but it would not obscure them.”

6.105 In terms of views of the development from along Tattenhall Road, the Inspector concluded that “for pedestrians there would be a high sensitivity to change and the visual impact would be major or moderate depending on the position of the viewer. For road users there would be a lower sensitivity to change and the visual impact would accordingly be reduced.”

6.106 The Inspector continued to state that he was “…satisfied that satisfactory landscape mitigation could be achieved notwithstanding the detailed proffered at the Inquiry.”

6.107 The Inspector concluded that “overall a minor adverse landscape impact, taking account of mitigation, would be a reasonable assessment.”

6.108 The characteristics of the site and its surroundings remain materially similar to those considered by the Inspector. As such, and in view of the outline nature of the planning application (with layout, scale, landscaping matters being reserved for later consideration), significant weight should be attributed to these findings with regards the impact of residential development this site.

6.109 Overall, it is considered that the development would generate a degree harm to landscape character and in this regard would result in a degree of conflict with Policies ENV2 of LP1, Policy GBC 2 of LP2, Policy 6 of the Tattenhall Neighbourhood Plan and NPPF DM Policy N2 of the NPPF.

6.110 Density

6.111 NPPF DM Policy L3 states that development proposals should make efficient use of land, taking into account the identified need for different types of housing

and other development, local market conditions, the availability of infrastructure (including that supporting sustainable transport modes) and its scope for improvement, a site's connectivity and the importance of securing well-designed, attractive and healthy places.

6.112 Paragraph L3.2 of NPPF DM Policy L3 states that to contribute to making efficient use of land outside settlements, development footprints should make the best use of a site's development potential, taking into account the policies in this Framework.

6.113 The Tattenhall Design Code seeks to limit the density of development at the settlement edge and avoid urban or suburban estate layouts.

6.114 The application is in outline form but sets out a maximum number of dwellings. The Tattenhall Design Code states that the prevailing density of Greenlands near to the site is 22 dwellings per hectare and the proposed density shown on the indicative plan is 21 dwellings per hectare. This is materially similar to the density of the surrounding built environment in which the proposed development would be experienced and would make best use of the sites development potential.

6.115 The development is therefore considered to be capable of complying with NPPF DM Policy L3.

6.116 Good Design

6.117 Policy ENV6 of LP1 states that the Local Plan will promote sustainable, high-quality and construction. Policy DM3 of LP2 builds on this by stating that development will be expected to achieve a high standard of design that respects the character and protects the visual amenity of the local area.

6.118 Also of relevance is Policy STRAT9 of LP1 which states that development must be of an appropriate scale and design to not harm the character of the countryside.

6.119 Policy 2 of the Tattenhall Neighbourhood Plan complements these strategic design policies by providing locally specific criteria that reinforce high-quality and context-sensitive development. In requiring proposals to accord with the Village Design Statement, maintain important views and settlement gaps, respect local landscape character and incorporate locally distinctive materials, Policy 2 adds detailed local design guidance that supports the objectives of Local Plan Policies ENV6 and DM3, and ensures development at the village edge is of an appropriate scale and design in accordance with LP1 Policy STRAT9.

6.120 The Village Design Statement emphasises the importance of reinforcing the established character of Tattenhall through high-quality, context-sensitive design. It identifies key elements that should shape new development, including the retention of historic views, the use of traditional boundary treatments, locally distinctive materials such as brick and sandstone, and respect for the prevailing

grain, massing and roof forms of the village. It also cautions against suburbanising layouts, overly dominant building heights or design that erodes the rural setting. The VDS therefore provides an important local benchmark for assessing the design quality of the proposal.

6.121 Following the Village Design Statement, a Design Code was prepared by the Neighbourhood Plan Review Committee in May 2022. The Design Code seeks to limit the density of development at the settlement edge and avoid urban or suburban estate layouts. Building heights should generally be no more than two storeys, with lower heights appropriate at the edge of the village. Development should use traditional local materials, such as red Cheshire brick and natural slate or clay tiles. Boundary treatments should favour hedgerows and native planting rather than timber fencing, and parking and access should be designed to avoid car-dominated frontages.

6.122 NPPF DM Policy DP3 states that development proposals should respond to their context (the history, character and features of their site and its setting), so that they integrate with and enhance their surroundings; such as through the arrangement of development plots and buildings, the use of materials and architectural features, and the restoration, reuse and integration of heritage assets. This should not preclude innovation or change where appropriate, especially where an increased scale or density of development is justified in accordance with policies L2 and L3.

6.123 Whilst the application for planning permission is in outline form, the Council must be satisfied that an appropriate design can be brought forward through any subsequent reserved matters application before granting planning permission. An indicative layout has been provided in order to demonstrate that the number of houses sought alongside other necessary infrastructure such as open space, roads and drainage provision. However, details of the appearance of the buildings are not considered as part of this application.

6.124 The flood risk constraint affecting the southern corridor of the site has largely dictated the overall layout of the scheme. As a consequence, the built form is positioned further within the site, with a substantial landscaped buffer provided along the southern boundary. The landscaping, open space, suds features and biodiversity enhancements would then wrap around the north, east and western edges of the site, contributing to a softer, greener edge that facilitates the transition to the open countryside.

6.125 Some dwellings are shown to front onto Tattenhall Road which would provide development with a public presence whilst reflecting the pattern of development further along Tattenhall Road. A spine road would provide a central highways and pedestrian route through the middle of the site, from which a series of smaller roads and shared surface drives would provide access to dwellings on the outer edge of the site. This provides the main movement corridor through the site and is designed as a tree-lined avenue to establish a strong and attractive central character. A play area is indicatively shown within a location which is fairly central within the site. A pedestrian

route around the perimeter of the site is also indicatively shown. The layout is based on outward-facing perimeter blocks, reflecting the established pattern and rhythm of surrounding development.

6.126 Notwithstanding the indicative plan, there are elements of the proposed design which would need to be amended at reserved matters stage.

6.127 It is noted that the plans show an instance of disconnected, yet contiguous, around the site boundaries. This lack of connectivity would need to be addressed at reserved matters stage.

6.128 Parts of the development have frontages which are car dominated, which would need to be addressed and interspersed with meaningful landscaping at reserved matters stage. High quality boundary treatments would also be required (at reserve matters stage), particularly along the rear garden boundaries of dwellings at the west of the site, and to delineate between the central public realm and adjacent access to driveways.

6.129 The indicative plan shows that some dwellings side elevations would face the proposed open space. This would need to be revised at reserved matters stage to ensure that the development fronts the amenity space and provides active surveillance and a stronger sense of place.

6.130 An indicative pedestrian route through to the adjacent field to the west should also be shown at reserved matters stage, should this be required.

6.131 Overall, it is considered that the indicative scheme represents a spatial strategy that responds positively to constraints and opportunities that exist within the site and its surrounding context, and adopts a landscape led approach that responds to the surrounding settlement pattern and rural edge context. It is considered that the indicative layout demonstrates an acceptable scheme could be achieved at reserved matters stage.

6.132 To ensure the level changes do not result in adverse impacts, a planning condition would be necessary which requires the submission of detailed drawings showing existing ground levels, proposed finished levels across the site and the heights and design of any retaining structures of boundary treatments required as a result of the level changes.

6.133 On the above basis, the proposal demonstrates that a scheme could be brought forward at reserved matters stage which accords with Policy ENV6 of LP1, DM3 of LP2, Policies 2 and 6 of the Tattenhall Neighbourhood Plan, alongside the guidance of the Village Design Statement, Design Code and the NPPF.

6.134 Heritage and Archaeology

6.135 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that when considering applications for planning permission

affecting listed buildings, the local planning authority should have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. This requirement is embodied within Policy ENV5 of the LP1and Policy DM47 of the LP2.

6.136 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that when local planning authorities consider applications for planning permission affecting Conservation Areas, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. This requirement is embodied within Policy ENV5 of the LP1 Policy DM46 of the LP2.

6.137 NPPF DM Policy HE4 states that heritage assets, as an irreplaceable resource, should be conserved in a manner appropriate to their significance. To achieve this, development proposals which would affect the significance of heritage assets, including any contribution made by their setting should:

a. Maintain or secure a use consistent with their conservation, taking into account the importance of maintaining the assets, the positive contribution they can make to sustainable communities including local economies, and the positive contribution they can make to local character and distinctiveness; and

b. Avoid (or if that is not possible, minimise) harm to the significance of heritage assets, and instead conserve this significance.

6.138 The Conservation Officer raises no objection to the principle of residential development on the site, having regard to the outline nature of the application. However, the detailed design and its impact on the character and appearance of the area will require closer assessment at the reserved matters stage.

6.139 The boundary of the Conservation Area is located approximately 318 metres from the site at Brook Hall Cottages (along Chester Road). The Conservation Officer states that there would be limited inter and co-visibility between the site and conservation area. The most northern point of the conservation area, an outcrop covering part of Chester Road, would have some long-range views of the site across open fields as it does with existing parts of Greenlands. These views are not harmful and would likely read (subject to appropriate design) as an extension to the existing housing. The proposal would result in a change to the setting of the conservation area but would not harm its significance.

6.140 The Conservation Officer states that Greaves Farm to the north of the site is potentially a non designated heritage asset, however, this matter has not been addressed within the applicant's submission. The Conservation Officer considers that the significance of the asset, and the implications of the proposed development for its significance, can be assessed more fully at the reserved matters stage, having regard to the outline nature of the application.

6.141 The proposal therefore accords with policies ENV5 of LP1 and DM46 of LP2, NPPF DM Policy HE4, and satisfies the statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6.142 Policy DM50 of LP2 in line with Policy ENV5 of LP1 requires that development proposals consider the significance of archaeological heritage assets and their setting, proportionate to the scale of any potential harm. For sites of known or potential archaeological interest, an appropriate archaeological assessment must be submitted, and field evaluation may be required prior to determination

6.143 The applicant has submitted a Heritage Statement in accordance with Policy DM50, concluding that there is a generally low potential for archaeological remains of all periods to be present, but does not suggest that archaeological potential is entirely absent. The Archaeology Planning Advisory Service has no objection to the development, subject to a condition requiring a programme of archaeological mitigation (comprising an initial supervised metal detector survey across the site, with provision for further targeted investigation, in the event that significant concentrations of material are located.

6.143 Compliance with Policy ENV5 of LP1 and DM50 of LP2 has therefore been demonstrated.

6.144 Highways

6.145 Policy STRAT10 of LP1 requires it to be demonstrated that traffic generated by development can be accommodated safely within the highway network. Policy T5 of LP2 requires proposals to provide safe access for all users, allow safe movement within the site, avoid unacceptable impacts on highway safety or amenity, and provide appropriate parking and active-travel infrastructure.

6.146 Policy 5 of the Tattenhall Neighbourhood Plan further requires development to identify realistic levels of traffic generation, assess impacts on congestion, parking, road safety and active-travel users, and maximise opportunities to walk, cycle and support public transport.

6.147 NPPF DM Policy TR3 states that development proposals should reflect the following principles; namely should be in locations that are sustainable; opportunities should be taken to utilise existing or proposed transport infrastructure; any significant adverse impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, should be mitigated; the environmental impacts of traffic and transport infrastructure should be identified, assessed and taken into account an in rural areas, opportunities to improve walking, wheeling, cycling and public transport and enhance the connectivity of an area should be taken where they exist and can be supported by the development proposed. The Connectivity Tool should be used alongside other relevant quantitative or qualitative evidence in assessing the connectivity of particular locations proposed for development.

6.148 NPPF DM Policy TR6 states that development proposals should be refused if they would have a severe adverse impact on the transport network, or an unacceptable impact on highway safety.

6.149 Policy STRAT10 of the LP1 amongst other things requires new development to demonstrate that additional traffic can be accommodated safely and satisfactorily within the existing highway network and that satisfactory arrangements can be made to accommodate the additional traffic before the development is brought into use. Policy T5 of the LP2 seeks to support development which amongst other things makes safe provision for access to and from the site for all users of development.

6.150 The applicant has submitted a Transport Assessment which the highways officer has reviewed.

6.151 A new access is proposed along Tattenhall Road, comprising a 5.5 metre wide carriageway which ties into Tattenhall Road with a 2.4m x 103m visibility splay to the south and a 2.4m x 111m visibility splay to the north. The development would achieve the required visibility splays.

6.152 The site access would include 2m wide footways to both sides of the carriageway and a pedestrian crossing is proposed at the access to provide a safe means of crossing the the existing footway on Tattenhall Road.

6.153 In terms of traffic generation and potential congestion, the Transport Assessment outlines that forecasted traffic flows have been undertaken for the development. The development would result in a development peak hour trip generation of approximately 58 and 58 two way trips during the weekday development AM and PM peak hours respectively. It is predicted that the development would produce only an additional 10 two way trips towards the high street.

6.154 Modelling has been undertaken for the Tattenhall Road/Newton Lane which identifies that the addition of development generated traffic would have an imperceptible effect on the performance of the junction.

6.155 The highways officer has reviewed the submitted Transport Assessment and considered it its methodology and conclusions are robust.

6.156 Having regard to the scale of the proposal, the existing highway conditions, and the consultation response from the Highway Authority, it is not considered that the development would give rise to an unacceptable level of congestion. As such, congestion is not considered to provide a reason for refusal.

6.157 Also, the highways officer has confirmed that the proposed visibility splays are acceptable and there is no reason to indicate that the required visibility splays cannot be achieved.

6.158 Overall, it is considered there would be no unacceptable impact on highway safety, or that the residual cumulative impacts on the road network would be severe.

6.159 In terms of parking, as the size of dwellings is a reserved matter, the proposed parking provision would also need to be assessed at reserved matters stage and would need to comply with the Cheshire West and Chester Parking SPD.

6.160 In terms of accessibility to amenities in the local area, STRAT10 of LP1 states that new development will be required to demonstrate that appropriate provision is made for access to public transport and other alternative means of transport to the car and should improve accessibility to jobs and key services. This is in line with the requirements of Policy STRAT1 which seeks to deliver housing where it would have good access to services, facilities and public transport and consistent with the policies of the NPPF which, amongst other things, states development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes (paragraph 110) and decisions should ensure sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location (paragraph 115).

6.161 The most up-to-date reference to walkable neighbourhoods is in the 2021 National Design Guide (NDG). Here walkable is referred to as local facilities within a 10-minute walk (800m radius).

6.162 Within 10 minutes walking distance from the site access the following are accessible by foot; Tattenhall newsagent, Spar convenience store, Post Office, The Letters Inn, Sportsmans Arms and Tattehnhall Park Primary School.

6.163 The nearest bus stop is approximately 220 metres from the site access from which the number 41 bus service operates. This offers frequent travel to Chester and Whitchurch. The No 41 bus service times coincide with typical workplace start and finish times in Chester and Whitchurch, which offers the potential to complete commuter trips by bus.

6.164 Given the distances to the bus stop (and the frequent services they provide to key regional and sub regional employment and retail centres), on this basis, public transport would provide a realistic opportunity for future residents to access employment/shopping by public transport. In turn this would reduce dependency on the private car.

6.165 Tattenhall's high street is a traffic sensitive area with issues ranging from parking, lacking pedestrian crossings facilities and traffic build up. Although it is predicted that the development will only produce an additional 10 two way trips towards the high street, the highways officer considers that this will have an impact on traffic flows. In the interest of mitigating against the impact of this development the highways officer requires a financial contribution to be secured to deliver improvements to encourage trips by foot and improve the flow of traffic along Tattenhall High Street and adjoining roads.

6.166 However, the Council does not consider that the requested contribution meets the tests contained within Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended). The evidence before the Council does not demonstrate that the contribution is necessary to make the development acceptable in planning terms, directly related to the development, or fairly and reasonably related in scale and kind to the proposal. As such, limited weight can be afforded to the absence of this contribution.

6.167 Overall, the development site would offer a genuine choice of transport modes for residents and users and is considered to be well a sustainable location for new housing development.

6.168 It has been demonstrated that the development can make safe provision for access to and from the site for all users of the development with details to be finalised by conditions. Therefore the proposal is considered to accord with the provisions of the NPPF and Policy STRAT 10 of the LP1 and Policy T5 of the LP2 in this regard.

6.169 Health and wellbeing

6.170 Policy SOC5 of LP1 and Policy DM2 of LP2 outlines that proposals for new development will be expected to safeguard the quality of life for residents within the development and those living nearby. Development will only be supported where it does not result in a significant adverse impact upon the residential amenity of the occupiers of existing properties or future occupiers of the proposed development, including outlook, privacy, light, noise, and odour. Policy DM2 further sets out minimum separation distance standards, normally requiring at least 21 metres between facing windows of main habitable rooms and 13 metres between habitable room windows and blank walls, in order to protect residential amenity.

6.171 Policy DM29 of LP2 concerning the health impacts of new development largely echoes the position of these policies since it is clear that development that would give rise to significant adverse effects on health and wellbeing will not be supported.

6.172 Policy DM30 of LP2 concerning noise states that development must not give rise to significant adverse impacts on health and quality of life, from noise. Development which generates noise or is sensitive to it will only be permitted where it accords with the development plan and does not have an unacceptable adverse impact on human health or quality of life.

6.173 The proposed development would not create any new sources of odour. Given the site's rural location, temporary odours associated with agricultural activities such as muck spreading may occur from time to time. However, this is typical of a countryside setting and is not considered to cause significant harm to the residential amenity of future occupants.

6.174 There will inevitably be some degree of impact on the amenity of existing occupiers during the construction phase, although control here can be exercised by way on a condition that requires a revised Construction Environmental Management Plan (CEMP) to be submitted for approval and then adhered to. This document would cover such issues as working and delivery hours, measures to control fugitive dust from the works, set out the locations of parking and delivery areas, as well as the construction compound, and it would need to detail any measures to use electricity generators or undertake pile driving during the construction phase. Control over the installation of external lighting can be secured on condition, in order to reduce the risk of a significant adverse impact by reason of light pollution.

6.175 The indicative plan illustrates that at reserved matters stage, adequate spacing between dwellings can be achieved across the site, with a minimum interface distance of 21 metres (window-to-window), with Greaves Cottage, Willow Tree House, Greaves Farm (including Greaves Meadow Barns and Greaves Farm cottage), and dwellings along Greenlands.

6.176 The indicative plan also illustrates that at reserved matters stage a development could come forward which proposes gardens backing onto other rear gardens to create secure and defensible private spaces. Future residents of the development would benefit from a good standard of amenity since the scheme meets minimum separation guidelines, preventing any dwelling from appearing overbearing or creating an uncomfortable sense of enclosure, and ensuring that both existing and proposed homes are safeguarded against materially harmful overlooking.

5.177 The assessment of air quality at this stage focuses on effects at and in the immediate vicinity of the application site. Consideration of potential wider air quality impacts across the broader highway network is set out in a dedicated Traffic Emissions section below. The application is accompanied by an Air Quality Impact Assessment, which considers both the operational and construction phases of the development.

6.178 The Council's Environmental Protection Officer has reviewed the assessment and confirms that air quality concentrations will be below the air quality objectives/targets therefore this unit has no operational air quality concerns. While the development will give rise to additional vehicle movements, these are not expected to result in any significant change in local air-quality conditions.

6.179 The assessment does, however, identify the potential for dust emissions during the construction phase to affect nearby residential receptors, therefore it is recommended that a Construction Environmental Management Plan, including a suitable dust-management plan, can be secured by condition to ensure any temporary impacts are effectively controlled.

6.180 In line with LP1 policies SOC5 and ENV4, development proposals on land known or suspected to be unstable or contaminated must demonstrate that they will not give rise to significant adverse impacts on health, controlled waters, ecological receptors, property and quality of life. Development on previously

developed sites or on land known or suspected to be contaminated must be supported by an appropriate contamination assessment which clearly demonstrates that the risk from contamination can be successfully mitigated and managed over the lifetime of the development.

6.181 Overall, having had regard to the potential impacts arising from the proposed development it is considered that the proposal would not result in undue detrimental impact upon the amenities, health or wellbeing of the occupiers of residential properties, in terms of overshadowing, dominance and loss of privacy and as such accords with Policy SOC5 and ENV6 of the Cheshire West and Chester Local Plan (Part One).

6.182 Flood Risk and Drainage

6.183 Policy ENV1 of LP1 and Policy DM40 of LP2 collectively seek to ensure that the development reduces flood risk by siting development in areas with a low flood risk and reducing surface water run off using sustainable drainage measures.

6.184 Policy DM43 of LP2 states that development will be supported where it can be demonstrated that the proposal will not have an unacceptable impact on waste water infrastructure capacity by ensuring that wastewater infrastructure already exists or can be provided in time to serve the development. The policy also states that development should connect to the nearest point of adequate capacity.

6.185 NPPF DM Policy F7 states that development proposals should not present a risk from flooding to potential occupiers, users, or visitors, and should not increase flood risk elsewhere.

6.186 The application is supported by a site-specific Flood Risk Assessment (FRA). The FRA and the indicative layout shows that the built area of the site lies within Flood Zone 1, representing the lowest probability of fluvial flooding. Areas adjacent to Keys Brook fall within Flood Zones 2 and 3, but these zones are shown indicatively to be restricted to semi natural open space. This design approach would ensure that fluvial flood risk to new properties is avoided.

6.187 There are localised pockets of surface water flood risk within the site, primarily located along the northern and western boundaries of the site. The strategy outlined in the FRA is to avoid built development in most areas and to adopt a surface water management strategy (including an outfall to Keys Brook). It is considered that the FRA adequately demonstrates that occupiers of the development could be kept safe from current and future surface water flood risk

6.188 In line with NPPF DM Policy F5, given that the FRA demonstrates that the proposal could be brought forward such that there would be no built development (including access) on an area at risk from flooding, there is no requirement for the sequential test for flood risk to be carried out.

6.189 In terms of surface water drainage, the application demonstrates that infiltration based SUDS would not be feasible due to largely low infiltration potential into the superficial deposits and therefore proposes to discharge surface water from the proposed development by outfall to Keys Brook.

6.190 The LLFA has no objection to the development in principle but as no detailed geotechnical investigations have been undertaken to ascertain the infiltration rates for the site (to understand the feasibility of soakaways), a condition is necessary, requiring the submission of a scheme for a sustainable drainage system to serve the site, including a timetable for and method of implementation including arrangements to secure funding and maintenance for the lifetime of the development through an appropriate legally binding agreement.

6.191 Welsh Water (Dŵr Cymru) operates the local public sewerage network and have identified that insufficient capacity currently exists to accommodate foul water flows arising from the proposed 110 dwellings without appropriate mitigation. This could otherwise result in detriment to existing users or environmental harm.

6.192 No submission of further assessment or mitigation proposals to demonstrate how these concerns can be satisfactorily addressed. However, given that the application is submitted in outline form, the absence of a detailed solution at this stage is not considered to form a robust reason for refusal. In these circumstances, it is considered reasonable and necessary to impose a Grampian-style condition preventing the commencement of development until a scheme has been submitted to and approved in writing by the Local Planning Authority, in consultation with Welsh Water, identifying the measures required to ensure adequate foul drainage capacity is available to serve the development. Such a condition would ensure that the development does not commence until an appropriate solution has been secured and would safeguard the effective operation of the public sewerage network in the interests of public health and environmental protection.

6.193 It is acknowledged that concerns have been raised regarding wider sewage infrastructure constraints within the village. However, it is important to note that the planning system can only secure mitigation that is necessary to make the development acceptable, directly related to it, and fairly and reasonably related in scale and kind. In this case, the applicant is required to demonstrate that the development can be accommodated without causing harm to the existing network, rather than resolving wider, pre-existing infrastructure issues.

6.194 On this basis, subject to appropriately worded planning conditions to secure the necessary details, the proposal would accord with the NPPF, policies ENV1 of LP1 and policies DM40 and DM43 of LP2.

6.195 Trees

6.196 Policy DM45 of LP2 states that development will be supported where it conserves, manages and, wherever possible, enhances existing trees,

woodlands, traditional orchards, and hedgerows. All significant healthy trees, woodlands, traditional orchards, and hedgerows should be integrated into development schemes.

6.197 Policy N3 of the NPPF states that in recognition of the benefits which trees can provide for biodiversity, climate change mitigation and adaptation, and the character and quality of the built environment, development proposals should: make new streets tree-lined, and incorporate trees in other suitable locations; Ensure that the selection of species and their placement is compatible with highways and other infrastructure requirements and the needs of different users of public spaces; and; Make provision for the long-term maintenance of both existing and newly-planted trees which form part of the development.

6.198 A number of trees along the southern boundary of the site adjacent to the Brook, are subject to Tree Preservation Orders, all of which would be retained as part of the proposed development. There are additional trees located along the sites boundaries.

6.199 The applicants have submitted an Arboricultural Report which states that 1 ash tree (T18) is proposed for felling. The tree is deemed to be significant (i.e. at least five metres in height with a diameter of at least 150 mm), however it is identified as a category U tree (unsuitable for retention), as it has several major defects associated with advanced ash dieback.

6.200 Tree 18 is proposed for felling due to its condition and also its location where the vehicular access for the development is proposed. It is acknowledged that at least one tree is likely to be required for felling at some point along the line of trees for the site to be developed. It is also considered that the felling of T18 is preferable to the removal of other trees along the Tattenhall Road boundary, as those trees are categorised as either Category A or Category B specimens and therefore make a greater contribution in arboricultural terms.

6.201 On this basis, it has been adequately demonstrated that integration of the one tree (T18) proposed for felling, is not possible.

6.202 Policy DM45 continues to state that where it is demonstrated to the satisfaction of the Council that integration is not possible, development proposals must include replacement trees (a ratio of at least two new trees for each tree lost), within the site, or where this can be demonstrated to not be practical, contribute to off-site provision, prioritised within the locality of the development. The loss of 1 significant tree would result in the requirement for 2 new trees to be planted. The applicants have submitted an indicative landscape layout which demonstrates that significantly more new trees can be planted within the site, around the areas of open space, wildlife area, the SUDS features, and adjacent to pavements. The proposed trees would need to be native and they would be of heavy standard, as required by Policy DM45. The proposed tree planting would be confirmed at reserved matters stage. It is therefore considered that the development is capable of meeting the requirements of Policy DM45.

6.203 Whilst the Outline arboricultural impact assessment illustrates that the proposed scheme could be developed without encroaching on the root protection areas of trees proposed for retention, a full arboricultural impact assessment and arboricultural method statement to show how the trees would be protected during the development would nevertheless be required as part of a reserved matters application.

6.204 On this basis, compliance with the NPPF and LP2 Policy DM45 has been demonstrated.

6.205 Sustainable construction

6.206 Policies ENV 6, ENV 4 and Policy 2 of the TNP, collectively require that all development proposals will be expected to achieve the highest levels of energy and water efficiency that is practical and viable, and to maximise opportunities to incorporate sustainable design features where feasible.

6.207 New dwellings are required to meet the optional higher National Housing Standard for water consumption of 110 litres per person per day. This would be secured by condition on any approval.

6.208 Whilst the application does not provide detailed information demonstrating how the proposal would comply with the sustainable construction required by the relevant policies, it is acknowledged that the application is submitted in outline form, with appearance, landscaping, layout and scale reserved for subsequent approval (all of which would influence sustainable construction). It is considered that the proposed development is capable of complying with the requirements of these policies, with full details to be provided and assessed at the reserved matters stage.

6.209 As such, the proposal is considered to comply with the above policies.

7.0 Conclusion

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

7.2 The development would result in some harm as a consequence of conflicting with the strategy of the Plan concerning the provision and development of new housing, this harm is afforded limited. The NPPF is a material consideration of critical importance. The Council can only presently demonstrate a housing land supply of 1.6 years. Annex A of the NPPF states that development plan policies (or parts of those policies) which are materially inconsistent with national decision-making policies in this Framework should be given very limited weight.

7.3 NPPF DM Policy S5 sets out that certain forms of development should be approved outside of settlements unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in the NPPF.

7.4 One of the types of development listed is where it would address an unmet housing need and where the development would be physically well-related to an existing settlement (as is the case here) and be of a scale which can be accommodated taking into account the existing or proposed availability of infrastructure.

7.5 Notwithstanding the above assessment, as matters stand, no completed planning obligation has been secured. In the absence of a completed planning obligation, the development fails to mitigate its impacts on local education provision, public health infrastructure, and public open space. In the absence of a completed planning obligation, the development also fails to secure affordable housing which is necessary to make the development acceptable in planning terms.

7.6 The Council considers these obligations necessary to make the development acceptable in planning terms and until an agreed and completed legal agreement is secured, the development would also fail to comply with the above Local Plan policies (namely LP1 Policy STRAT11 and SOC1).

7.7 The development would result in harm as a consequence of conflicting with NPPF DM HC3 as the development fails to mitigate its impacts on local education provision, public health infrastructure and public open space. Until an agreed and completed s.106 legal agreement is secured, the development would not be a type of development which complies with NPPF DM Policy S5 part j (i).

7.8 On this basis, Paragraph 4 of Policy S5 states that development proposals which do not fall within one of the categories set out in this policy should only be approved in exceptional circumstances, where the benefits of the proposal would substantially outweigh the adverse effects, including to the character of the countryside and in relation to promoting sustainable patterns of movement.

7.9 As matters stand, the development would also result in biodiversity and ecology harm. This is on the basis that the applicant has failed to submit sufficient ecological and biodiversity information to enable the Local Planning Authority to fully assess the likely impacts of the proposed development on habitats, protected species and biodiversity interests. In the absence of adequate survey information and supporting evidence, the Authority cannot be satisfied that the development would conserve and enhance biodiversity, avoid harm to protected species, or achieve any required biodiversity gains.

7.10 As such, the proposal is contrary to Policy N2 of the National Planning Policy Framework, the requirements of Schedule 7A of the Town and Country Planning Act 1990 (as amended) where applicable, Policies ENV4 and STRAT11 of LP1, Policy DM44 of LP2 and the Tattenhall Neighbourhood Plan.

7.11 NPPF Policy N2 states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated or, as a last resort, compensated for, then the development should be refused. Accordingly, the weight afforded to the failure to demonstrate there would not be unacceptable harm to features of ecological interest is afforded substantial weight.

7.12 In addition the development has not made provision for the delivery of affordable housing by way of a S106 legal agreement. The failure to secure affordable housing is afforded substantial adverse weight.

7.13 The development would generate a degree of landscape harm, on the basis that the proposal would extend development beyond Keys Brook, (which currently forms an identifiable boundary to the settlement), the development would interrupt some views towards Beeston Castle from Public Footpath FP8, and the development would have an adverse visual impact for pedestrians walking along Tattenhall Road. However, it is considered that the indicative layout demonstrates an acceptable scheme could be achieved at reserved matters stage. The harm identified is therefore afforded limited adverse weight in the planning balance.

7.14 The application demonstrates that a good quality design and suitable levels of amenity for both future and existing residents could be safeguarded through the approval of reserved matters. Subject to conditions being imposed, the proposal would not give rise to any significant adverse impacts on the operation of the local highway network, local landscape character, the health and well-being of residents, or flood risk.

7.15 Taking into account the identified harm to biodiversity and the failure to mitigate impacts against local infrastructure and secure affordable housing, it is not considered that there are exceptional circumstances which would justify the granting of planning permission in this instance.

Recommendation

To refuse the development for the following reasons:

1. The failure to provide adequate information in respect of the ecological value of the site and proposed mitigation to be secured by the proposals together with a full and competent assessment in respect of measures in respect of biodiversity net gain. As such, the proposal is contrary to Policy N2 of the National Planning Policy Framework, the requirements of Schedule 7A of the Town and Country Planning Act 1990 (as amended) where applicable, and Policies ENV4 of the Cheshire West and Chester Local Plan (Part One) and DM44 of the Cheshire West and Chester Local Plan (Part Two).

2. In the absence of a secured planning obligation under section 106 of the 1990 Act to provide for appropriate contributions, and affordable housing (without

adequate justification for its absence), there would be an unacceptable impact on local infrastructure and under provision of affordable homes. The application would be contrary to policy STRAT11 and SOC1 of the Cheshire West and Chester Local Plan (Part One) and the NPPF.