

## Appendix A – UCPC notes referring to ‘R001V2 Appellant’s Appeal Statement’

For the sake of clarity, the PP and Section Numbers referred to are those in document GM/P17-2923/R001V2. Each of the points below refers to the page (PP...) and Paragraph/Section of the document provided by Pegasus Group under R001v2 – Planning Appeal Statement.

They provide the perspective of Utkinton and Cotebrook Parish Council (UCPC) after extensive discussion with: Residents, the Neighbourhood Plan Steering Group and the ‘Utkinton Green Space Action Group’.

In overall terms the ‘Appeal Statement’ provided by the Appellant contains numerous spelling, data inaccuracies and incorrect names and whilst this may not make their submission invalid it does bring into focus the care and attention with which it may have been prepared.

1. **PP6 2.5** In that the field to the East of Rose Farm shop is an integral part of Rose Farm as it forms the whole of the southern boundary.
2. **PP7 Fig 2** This is viewed from the perspective outside the Village Hall on John Street running South towards Tarporley
3. **PP7 2.6** This relates to the Parish as a whole – Utkinton has c.520 residents, Cotebrook c.200
4. **PP7 2.7** This is no longer valid. There are three separate services and items a) and b) have replaced the existing service familiar to residents:
  - a. A community car scheme using the previous Shuttle on M, W & Friday running between 09:30 and 14:30 – no concessionary travel.
  - b. ‘Community Bus’ running Tue and Thu 09:30 – 14:30, concessionary fares apply.
  - c. Rural rider running on Wednesday am to Northwich and pm to Winsford.
5. **PP7 2.8.1** There have been two formal submissions: 14/01729/OUT (10 Market, 4 Affordable – Withdrawn), 16/01492/OUT (8 Market, 10 Affordable – Withdrawn) and the current application 17/01595/OUT (5 Market, 1 Intermediate and 6 Affordable – Refused).  
In addition Muir Housing) and Plus Dane Housing (both Registered Housing Providers) looked at submitting proposals (Muir 20 – 25, Plus Dane 14 affordables) but both withdrew prior to submitting formal Applications based of a lack of defined housing need.

6. **PP8 2.8.2** Withdrawn following discussions with CWaC and a flawed HNS by Arc4, resubmitted as 17/01595/OUT including revised HNS (by Arc4)
7. **PP8 2.9, 2.10** Whilst the applicant did consult with CWaC, the only consultation with the community was in an invitation only, one-to-one session with up to 6 households publicised via the UCPC website. This was with RAMD, the architects, and no feedback was provided to residents. At no stage did the applicant or their agents discuss these applications or their plans with the Parish Council to gauge community acceptance or otherwise.
8. **PP1 4.9 Fig 5** This image of the 'Village Settlement Boundary' is out of date and was so before the Applicant's Statement. CWaC included a revised VSB in the consultation, that stops adjacent to 'Westlands' on Quarry Bank. This change was included in CWaC's submission for Local Plan 2, this is currently under scrutiny and will be decided in September 2018.
9. **PP11 4.11** For this proposal the 'small, subsidiary element' is 35% by number of dwellings and c.65% by overall footprint vs 'affordable' dwellings. This figure is at odds with the, then, NPPF and SOC2.
10. **PP12 4.11 4** This proposal is supported by a housing survey conducted in spring 2016 that suggested 22 dwellings were required, this was revised following intervention by UCPC and in discussion with CWaC Housing to the current proposal. UCPC have since commissioned (via Cheshire Community Action and in conjunction with CWaC) an independent HNS – this will be included in the submission documents/
11. **PP13 4.16** UCPC does not consider that this development will fit with ENV2;
  - a. It will not protect or enhance character and local distinctiveness by building on an open space.
  - b. It does NOT support the designation of local green space or the ASCV
  - c. The development site is an open field used for agricultural purposes and UCPC will seek to demonstrate that views into, from and through the site will be obscured.
  - d. It does not recognise, retain and incorporate landscape quality.
12. **PP13 4.18** UCPC cannot see how this development will preserve or enhance the ASCV.
13. **PP15 5.3** On the basis of the proposal as it is framed currently, UCPC accepts that the proposal could be seen to deliver a limited number of affordable dwellings. The numbers are, however, significantly

different (by a factor of 2x) those identified in previous and the current (CCA) Housing Needs Studies. Even with the latest study (UCPC/CCA) there is no defined need for the Parish and the three possible respondents would not qualify under the criteria set down in the 'West Cheshire Housing' list for applicants.

According to the Arc4 survey figures, there was only a need for 1 or 2 bed units (not 3 bed houses) so the people who allegedly wanted these 1 or 2 bed units wouldn't want or couldn't afford a 3 bed house.

14. **PP16 5.5** Whilst Utkinton has been identified and proposed as a possible LSC by CWaC within LP2, it has not been designated as such. Even so the Inspector has questioned the methodology used for the designation and this is being scrutinized and will be decided later in 2018 when the inspection of CWaC LP2 is completed.
15. **PP17 5.10** "Strategic" is a way of evaluating how important a particular place is as part of an overall plan – in this case delivering CWaC's 5-Year Housing targets within LP2. On current track records CWaC will meet its 5-year housing target comfortably. Given that this particular location is one of the smallest in CWaC's SHLAA and HELAA towards LP2 and the other 3 in Utkinton were rejected by CWaC as untenable. It is difficult to envisage that this small site, sitting as it does on the edge of a village, can ever be described as 'strategic'
16. **PP19 5.15** Should refer to 'TAR/0010'
17. **PP19 5.17** This quote is attributed to the farming business that currently rents and farms this land:
  - a. *"... Similarly, with respect to Figure 7 - Site Reference TAR/0009 (mislabelled as it should be TAR/00010) and the comment in 5.17 of the Appellant's Statement - that this site is adjacent to a 'sewage work' does not, to our experience, emit smells and odour, it is more likely that any spreading of waste materials would."*
18. **PP20 5.19** Again we would quote the farmer who uses this land;
  - a. *"... Johnson Bros has farmed the field designated as 'Figure 8 - Site reference TAR/0009' for 88 years and in all of that time have never experienced any flooding - primarily due to the fact that it is on a slope away from John Street down towards the bulk of the fields we farm."*
19. **PP22 5.31** This at odds with the planning application as, to achieve the route into the site an 'historic, non-designated asset' (a long-standing sandstone wall, that is part of the border with Northgate and John Street), will be demolished and relocated some 2m south into the site to accommodate a pedestrian footpath offering access into and out of

the site. This will also require the uprooting of a long-established natural hedgerow. It can be seen in the attached Cheshire Wildlife Trust “Protecting and Enhancing Utkinton and Cotebrook's Natural Environment”, that there are wildlife corridors in existence in the village.

20. **PP22 5.32** Not wishing to be flippant, but Rose Farm has been a farm for many years – probably since well before the Tithe Apportionment of 1838 – that it has traffic associated with its agricultural background could never be described as ‘exert(ing) an urban influence’ it is a rural location associated with agriculture and a small, local, shop and post office. Since its relocation from ‘The Old Post Office’ on Quarry Bank, some 20 years ago, Rose Farm Shop et al have been at the heart of the village and does not impinge on the tranquillity of this rural village.
21. **PP23 5.33** UCPC would proffer the view that this represents the essence of the refusal by CWaC. This site and its impact on the overall landscape of the village is what is in question. Residents, visitors and the Parish Council all believe that it will have an adverse impact.
22. **PP 23 5.34 a** This description is valid in the eyes of those who live and visit the village.
23. **PP23 5.34 b** This is not in dispute, it isn’t the Sandstone Trail but the Sandstone Ridge from whence the site can be viewed.
24. **PP23 5.36** In the views of UCPC, who represent the village and its residents, here is the nub of the argument The immediate surroundings (Rowlands View, Northgate and the ‘estate’) will be impacted as the development will tower over these parts of the landscape (from the low point of 3m, the roof profile will be between 8m and 11m higher than the surroundings. And much will depend on the style of housing. If, like many modern (and local) developments, this developer decides to ‘squeeze’ the footprint of each unit and use the roof space for a third floor. If this were to take place than the roof/skyline could be up to 12m and this will dominate the landscape much more.
  - a. Indeed it is the second of only two sizeable villages in the ASCV, but why is this relevant – except as a target for development and unless the village is designated as a LSC, no more development should take place even within the village boundary, and if it is designated as an LSC, under policy R1 of Part 2, the amount of development that would be permitted would be very limited see DM24 of the Forthcoming LP2.
  - b. This is a moot point – simply because the Applicant suggests development will neither enhance nor harm the ASCV. In fact the

development **would** harm the ASCV as it would damage the key characteristics of it, namely the open rolling landscape, long distance views, tranquility etc. This is what we are striving to protect.

25. **PP24 5.38** Given that this developer has had four ‘stabs’ at producing a number (19, 16, 22 and 12) it would appear that their overall view from a design perspective is that it could be any of these – all of which would have an impact on the landscape and environment. The Applicant has only reduced the number of houses to 12 because their HNS survey allegedly (Arc4) said 7 affordable dwellings were needed, and hence that is all CWaC would entertain, onto which they added the allegedly “small and subsidiary” number of 5 market houses. From the revised Arc4 Housing needs assessment there are three interesting statements:

- a. Table 3.2: N2 Too expensive, and in receipt of housing benefit or in arrears due to expense
- b. 3.8 Analysis identifies 0 households who are currently living in overcrowded accommodation or are concealed households and want to move. This figure is taken as the backlog of need from overcrowded and concealed households.
- c. 3.9 Analysis identifies a total of 4 households with other housing needs which specifically relates to households containing people with mobility impairment or other special needs living in unsuitable accommodation.

26. **PP24 5.40** Given that the height of a building is directly proportional and connected to the footprint it is difficult to see how this is relevant. None of the dwellings proposed have been suggested as one/two bedrooms (as per the Applicant’s own revised Arc4 HNS) and none as bungalows to allow for the true nature of affordable housing. The profile is for 3, 4 and 5 bedrooms.

This table that shows the recommendation for size of housing (bedrooms):

<b>Table 3.3 Gross affordable housing requirements – total annual requirement 2016/17 to 2019/20</b>			
<b>Designation</b>	<b>No. Bedrooms</b>		
	<b>1 / 2 Bed</b>	<b>3+Beds</b>	
<b>General Needs</b>	<b>8</b>	<b>0</b>	<b>8</b>
<b>Older Person</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Total</b>	<b>8</b>	<b>0</b>	<b>8</b>

27. **PP24 5.41** there are two issues from a landscape perspective here: either the wall on Northgate is being removed or replaced – which is it? And which parts of the sandstone walling that extends from Bumblebee Hall to the entrance to Rose Farm Shop are being retained and extended?
28. **PP 24 5.42** This developer has had four ‘stabs’ at producing a number (19, 16, 22 and 12).
- UCPC fail to understand exactly how a dominant skyline comprising rooflines can ever be described as ‘soft’ and given their insistence that the site can only be viewed from higher ground in a limited sense – what do they mean?
  - In essence, the mitigation plan’ (Appendix 5) suggests that a corridor is opened up between the entrance to the site and the proposed ‘play area’ in the south west corner of the field. Surely this is more to avoid the ‘root area’ of the existing trees than to create a semi-natural (whatever that is?) open space.
29. **PP24 5.43** UCPC would not describe this development as ‘infill’ and, as it sits outside of the defined Settlement Boundary, neither can it be seen as ‘rounding off’. Furthermore, infill is defined in SOC 2 as: “ *the filling of a small gap (up to 2 dwellings) in an otherwise built-up frontage in a recognised settlement*”, this proposed development is none of these things.
- There is a recent appeal in based on infill – **3190601** (Acton Bridge)
30. **PP25 5.45** Except that the Appellant comments earlier (5.32) that “ ... The frequent vehicle movements and associated noises such as tractor engines exert an urban influence over the site and reduce tranquillity.”
31. **PP25 Figure 9 – Appeal site**. This figure misrepresents the size and shape of the development and makes it look smaller and of a different shape than it actually is. The Village Settlement Boundary is incorrectly described as ‘Urban Boundary’. The ‘Urban Boundary’ with Rose Farm, actually sits outside and some distance from the VSB.
32. **PP25 5.46** Almost true except that the applicant has, previously applied for 19, 16 and 22 dwellings, and that these were changed due to the inappropriateness or inaccuracy of their own Housing Needs Surveys. This statement suggests that they have reduced the number to limit the impact on the landscape distinctiveness of the village. But it is, in reality, more to protect their opportunities to profit at the expense of landscape distinctiveness.

33. **PP25 5.47** This factually incorrect – the last Census, Electoral Register and other surveys show Utkinton as having c.220 households in residence and Cotebrook c.100. It is realised that this makes the impact vis-à-vis the proportion that this development represents, as lower at c.5.5% but that is not the issue here, it is the impact on landscape distinctiveness and the rural character.
34. **PP26 5.48** The context hasn't changed but the layout has.
- a. Whilst Big Field Lane does sit around 20m from its nearest point on the proposed site, the entrance to Croft Close is 60m and The Crescent 160m
35. **PP26 5.49** As most of the plots in the immediate surrounding area have been long established, we fail to see the relevance of this argument and dispute its validity as evidence.
36. **PP27 5.50** From the perspective of a visitor to the 'estate' the properties might, at first view them as 'similar' – they all have roofs, brick and glazing, but they were constructed by a number (3-4) of builders over an extended period and do not have a defined style, except 1970s.
37. **PP27 5.51** What relevance does this comment deliver? – The residents of lower Big Feld Lane (Nos. 1 – 19 and 18 – 28) can neither see nor be seen by the site in question.
- a. The site is visible, however from these properties : Numbers 14 – 16, and possibly 2 – 6.
  - b. Highly subjective and derogatory as most of the residents of Rowlands View take great pride of their properties and gardens are how they are viewed by those who pass.
38. **PP28 5.52** UCPC will cite; Bumblebee Hall, Beam End Cottage, 12-14 Northgate and 16 Northgate as 'period', historic properties that formed the core of Quarry Bank prior to it being subsumed into the wider Civil Parish of Utkinton.
39. **PP28 5.33** Please can the Appellant describe what this pattern is and how a period of construction from immediate post war to the mid 1970s can establish a 'clear, distinctive pattern' that includes council housing as well as purely residential.
- a. A subjective view by the Appellant and it is the considered view of the Parish Council and other groups that this development would not be in keeping with the form and character of the settlement of Utkinton. Would the developer design properties as if they would blend with 1700/1800s, 50s and 70s style properties?

40. **PP28 5.54** The site, if developed, would not ‘nestle’. It can be seen from the properties on Northgate (upper), Northbrook Road, John Street, Rowlands View and the footpaths FP15 and 17. It can also be seen from Wood Lane almost as far as the boundary of the Parish.
- a. The Appellant seems to suggest that the provision of affordable housing circumvents and overrides the need to enhance and protect local landscape distinctiveness. But CWAC in their planning decision decided otherwise, even when CWAC had accepted that there was a need for some affordable dwellings. Now it is proven there is no incremental need, there is no basis to suggest that the need for affordable housing outweighs the need to protect the landscape and in rural locations similar to Utkinton, never should.
41. **PP28 5.55** as neither the Appellant, Applicant or their consultants are residents of the village, this is not something that they can have experience of. From a purely height perspective any street lighting would need to be at least as high as the roof structures and would, therefore, be visible across the lower section of the village and from a distance outside the village.
42. **PP28 5.56** UCPC would counter this with the attached Cheshire Wildlife Study - “Protecting and Enhancing Utkinton and Cotebrook's Natural Environment” that was completed in Spring 2018 to support the emergent Neighbourhood Plan.
43. **PP30 6.2** It should be noted that this case refers to a flat plain in Rudheath and for a much larger number of dwellings (no affordable content) in an urban setting off a busy by-pass. In the view of the Parish Council and others it does not reflect the issues for Utkinton.

Francis Tunney  
Chair – Utkinton and Cotebrook Parish Council  
September 2018