

Application No: 13/2224N

Location: Land west of Audlem Road, Audlem, Cheshire, CW3 0HE

Proposal: Proposed Residential Development of up to 120 Dwellings, Highway Works, Public Open Space and Associated Works.

Applicant: Gladman Developments Ltd

Expiry Date: 23-Aug-2013

SUMMARY RECOMMENDATION

- **“Minded to” REFUSE**

MAIN ISSUES

- **Principle of Development.**
- **Sustainability**
- **Loss of Agricultural Land**
- **Affordable Housing**
- **Contaminated land**
- **Air Quality**
- **Noise Impact**
- **Drainage and Flooding**
- **Urban design**
- **Open space**
- **Rights of Way**
- **Amenity**
- **Landscape Impact**
- **Trees and Forestry**
- **Hedgerows**
- **Ecology**
- **Education**
- **Highway Safety and Traffic Generation.**

REFERRAL

The application has been referred to Strategic Planning Board because it is a largescale major development and a departure from the Development Plan.

This application was submitted on 24th May 2013 and the 13 week target date for determination was 23rd August 2013. The application was due to be presented to the Strategic Planning Board for determination on 9th October 2013. However the applicants have appealed against non-determination of the application. In such cases the matter is taken out of the hands of the Local Planning Authority and the determination is made by the Secretary of State.

Therefore the purpose of this report is merely to seek the committee's resolution as to what its decision would have been had it been able to determine the application, and this will form part of the Authority's Statement of Case on the appeal. It is generally accepted that failure to do this, with the case for the Authority relying on officer level views, will result in less weight being given to the Authority's case, and there may be possible costs implications.

A duplicate application (13/3746N refers) has been submitted in parallel with the Appeal Against non-determination to give the Council an opportunity to issue a decision. This will be brought to a future meeting of the Strategic Board.

1. SITE DESCRIPTION

The proposed site is agricultural land comprising three pastoral fields, situated on the northern edge of the village of Audlem. A native hedgerow and a group of mature trees within the hedgerow, define the boundary between the two larger fields. The eastern edge of the site is defined by a low native hedgerow with occasional mature trees which runs alongside Audlem Road.

To the south of the site eight mid-twentieth century red brick semi-detached houses at Daisy Bank Crescent back towards the site at varying orientations. A row of four recently constructed terraced properties at Little Heath Barns, are orientated side on to the site boundary. A combination of garden fences and mature vegetation form the boundary at the south of the site.

1. DETAILS OF PROPOSAL

This application seeks Outline Planning Permission with all matters, save for access, reserved for a residential development comprising:

- Up to 120 dwellings, of which 30% will be Affordable Homes
- Highway and Associated Infrastructure Works, including Pedestrian Links
- Formal and Informal Public Open Space
- Landscaping
- Commuted sums for necessary community infrastructure

2. RELEVANT PLANNING HISTORY

There are no relevant previous planning applications relating to this site.

4. PLANNING POLICIES

Policies in the Local Plan

NE.2 (Open countryside)
NE.5 (Nature Conservation and Habitats)
NE.9: (Protected Species)
NE.20 (Flood Prevention)
NE.21 (Land Fill Sites)
BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
RES.5 (Housing In The Open Countryside)
RT.6 (Recreational Uses on the Open Countryside)
TRAN.3 (Pedestrians)
TRAN.5 (Cycling)

National Policy

National Planning Policy Framework

Other Material Policy Considerations

Interim Planning Policy: Release of Housing Land (Feb 2011)
Interim Planning Statement: Affordable Housing (Feb 2011)
Strategic Market Housing Assessment (SHMA)
Draft Development Strategy
Strategic Housing Land Availability Assessment (SHLAA)
North West Sustainability Checklist
Article 12 (1) of the EC Habitats Directive
The Conservation of Habitats and Species Regulations 2010.

4. OBSERVATIONS OF CONSULTEES

Cheshire Fire and Rescue

- Access and facilities for the fire service should be in accordance with the guidance given in Document B of the Building Regulations 2000
- The applicant is advised to submit details of the water main installations in order that the fire hydrant requirements can be assessed.
- Arson is an increasingly significant factor in fires and construction sites are a major target. Would advise at this stage consideration is given to development of a fire risk assessment
- Would advise consideration be given to the design of the refuse storage areas to ensure it is safe and secure. If this cannot be achieved means for securing wheelie bins against the building should be provided.
- If planning approval is granted, the applicant should be advised that means of escape should be provided in accordance with current Building Regulations.
- Recommend fitting domestic sprinklers to reduce the impact of fire on people, property and environment and to avoid impact on business continuity.

Archaeology

- The application is supported by an archaeological, desk-based assessment, which has been prepared by CgMs Ltd on behalf of the applicants. The study considers the data held in the Cheshire Historic Environment Record and the evidence from historic mapping, aerial photographs and other readily-available secondary sources. It notes that no features are currently recorded on the CHER from within the application area or its immediate surroundings. In addition, an examination of the aerial photographs and historic maps has not revealed any features of interest. In addition, it is noted that the surviving field boundaries represent a re-alignment of those depicted on the tithe map and, therefore, are not of archaeological interest. In these circumstances, it is concluded that further archaeological work would not be justified.
- This represents an appropriate conclusion and that further archaeological mitigation will not be required.

Environment Agency

- No comments received at the time of report preparation.

Greenspace

- Rather than requesting an on-site traditional children's play area, Greenspaces would much prefer to see a small skatepark on the open space within the development. In 2002/2003, Greenspaces were in correspondence with Audlem Parish Council and a group called Audlem Action for Youth, who were both campaigning for a skatepark facility within the village.
- The problem was that the organizations (and local residents) could not agree as to where such a facility should be located in the village, generating 3 separate planning applications, each of which had to be subsequently withdrawn.
- This new development would be an ideal opportunity to address these issues.
- The existing traditional children's play area in Audlem contains adequate provision.

United Utilities

No objection to the proposal providing that the following conditions are met:-

- This site is drained using a total separate system with only foul drainage connected into the public sewerage system. Surface water should discharge directly to soakaway and or watercourse as stated within the FRA.

Natural England

- No comments received at the time of report preparation.

Highways

9th August 2013

- The development proposals does not raise a severe traffic impacts on the road network with regard to capacity, the reason why this development can be accommodated is that the existing flows on the A529 are not currently running near capacity levels and as such the junctions can accept the additional flow.
- Although the proposed priority access does work with capacity levels, the amount of traffic using the access on a daily basis does justify the provision of a ghost island right turn lane and the applicant should revise the access design to incorporate this provision.
- The proposals to extend the speed limit and provide traffic management measures is beneficial and it is preferred if these measures are secured via a S278 Agreement apart for the speed limit changes that will need to be undertaken by CEC. Similarly, the upgrades to the bus stops can be incorporated into a S278 Agreement.

4th September 2013

- Confirms receipt of amended plans, and that the Strategic Highways Manager is content with the access proposals and traffic calming scheme.

Environmental Health

No objection subject to the following conditions:

- The hours of construction works taking (and associated deliveries to the site) shall be restricted to: Monday – Friday 08:00 to 18:00 hrs Saturday 09:00 to 14:00 hrs Sundays and Public Holidays Nil
- All piling operations shall be restricted to: Monday – Friday 09:00 – 17:30 hrs Saturday 09:00 – 13:00 hrs Sunday and Public Holidays Nil
- Submission, approval and implementation of a piling method statement
- Submission, approval and implementation of details of external lighting
- Submission and approval of detailed scheme of glazing and ventilation mitigation measures,
- The travel plan submitted with this planning application shall be implemented and enforced throughout the use of this development, reviewed every 5 years and a report provided to the LPA annually on achievements against the agreed targets.
- Submission, approval and implementation of a scheme to minimise dust emissions arising from demolition / construction activities on the site
- Submission and approval of a Phase II contaminated land site investigation and implementation of any mitigation

Public Rights of Way

- The property is adjacent to Public Footpath No. 13 Audlem as recorded on the Definitive Map.
- It appears unlikely, however, that the proposal would affect the public right of way, although the PROW Unit would expect the Development Management department to add an advice note to any planning consent to ensure that developers are aware of

their obligations to maintain the Right of Way as open and safe to use for Members of the public.

- Proposed developments may present an opportunity to improve walking and cycling facilities in the area for both travel and leisure purposes. The aim to improve such facilities is stated within the policies of the Cheshire East Rights of Way Improvement Plan (ROWIP) 2011-2026 and Cheshire East Local Transport Plan (LTP) 2011-2026
- The design and access documents refer to a proposed footpath off-site, and a proposed footpath and cycleway within the site. Clarification is required as to the proposed legal status and specifications of these routes, together with an assessment of the connections of these proposed routes with, for example, the public highway. It would be required that the maintenance be incorporated into arrangements for open space management within the site.
- The developer should be required to provide information to new residents on local walking and cycling facilities for both leisure and travel options.

Education

- 120 dwellings will generate 22 primary and 16 secondary aged pupils.
- Primary school has sufficient places available however the secondary school is over subscribed (excluding the sixth form).
- On this basis a contribution of $16 \times 17,959 \times 0.91 = \text{£}261,483$

5. VIEWS OF THE PARISH / TOWN COUNCIL

Audlem Parish Council

- The Audlem Parish Council writes formally to object to this planning application. The Parish Council acts on behalf of the residents of Audlem Village as elected members. The Parish Council are extremely concerned by the development, its effect on the characteristics and vitality of the village, safety of the villagers and those passing through and potential environmental and sustainability hazards caused by the proposed development of the site.
- Reasons for the objection:
 - Compliance with the Development Plan.
 - Compliance with the National Planning Policy Framework (NPPF).
 - Impacts on local Heritage and Environment.
 - Hedgerows
 - Layout & Design.
 - Drainage.
 - Sustainability.
- The above items are described in turn below.

Compliance with the Development Plan:

- In its determination of this planning application the Council is guided by Section 38(6) of the Planning & Compulsory Purchase Act 2004 (PCPA) which states that “if 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”.
- Further Section 38(5) of the PCPA states “ if to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published (as the case may be).
- In this case the relevant Development Plan Documents comprise:
- The application site is located outside the settlement zone boundary for Audlem and to the north of the village core. The village is surrounded by open countryside, farm land.
- Within the Local Plan under Aims & General Strategy the Councils objectives and targets are set out, which are to protect conserve and enhance the natural environment by:
 - Objectives
 - Protecting open space.
 - Protecting trees and woodlands.
 - Promoting tree and woodland planting.
 - Requiring landscape schemes in new development
 - Ensuring that development complies with the principles of sustainability to protect our environment.
 - Protecting areas of special value for nature conservation
 - Securing new areas of nature conservation and enhancing existing area in considering proposals for development.
 - Targets:-
 - Ensuring that new development does not result in any overall net loss of environmental value to the natural heritage.
 - No loss of Green Gap land except for necessary development which cannot be located elsewhere.
 - No net loss or damage to designated sites and features of nature conservation or landscape value through development.
 - No significant loss of the best and most versatile agricultural land to new irreversible development.
- Under Housing Requirements:
 - Objectives:-
 - Allocating sufficient good quality housing sites, primarily in or on the edge of Crewe or Nantwich, as required in the Cheshire 2011 Replacement Structure Plan.
 - Meeting the Structure Plan requirements for the Borough.
 - Adopting appropriate policies to allow for affordable housing in the Borough.
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 - Targets:-

- Providing land for about 7,600 dwellings to be built in the period between 1996 and 2011 as required by the Structure Plan.
- 35% of new housing development to be built on previously developed land.
- Negotiating with developers and Housing Associations to achieve 325 affordable homes by 2006.

Policy NE2 (Open Countryside)

- This policy looks specifically to development outside settlement boundaries and indicates that this land is deemed 'Open Countryside' the policy states:
 - Within open countryside only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.
 - An exception may be made where there is the opportunity for the infilling of a small gap with one or two dwellings in an otherwise built up frontage.
- The proposal does not accord with this policy.

Policy NE12 – Agricultural Land Quality

This policy confirms:

- Development on the best and most versatile agricultural land (Grades 1, 2 & 3a in the Ministry of Agriculture Fisheries & Food Classification) will not be permitted unless:
 - The need for development is supplied on the Local Plan.
 - It can be demonstrated that the development proposed, cannot be accommodated on land of Lower Agricultural Quality, derelict or Non Agricultural land, or
 - Other sustainability considerations suggest that the use of Higher Quality Agricultural land is preferable to the use of poorer Quality Agricultural land.
- The land is classified as Grade 2 (2.6 hectares) and Grade 3a (2.9 hectares) and thus the proposal does not accord with this policy.
- The proposal is not supported by the Local Plan, the village does not need the dwellings proposed and therefore there is no demonstrated requirement to release land of this Quality in this location.
- The proposed development is not therefore in accordance with the Local Plan in this respect.

Policy BE2 – Design Standards:

Although the application is in outline a number of criteria in this policy can be considered as relevant, we consider the below as relevant:

- Respect the pattern, character and form of the surroundings.
- Provide a layout of buildings, roads and spaces which create areas of identifiable character and where appropriate enhance or create public views and vistas and increase public safety.
- Are of a design and layout which provides for public safety and deters vandalism and crime, and

- Take into account the need for energy efficiency by means of building type, orientation and layout.
 - The typical layout of dwellings and density can be considered to set a precedent for altering the character of Audlem village.
- The site sits on higher land above the two valleys and will be visible from all directions especially from Audlem Road as the village is entered from the north and from the public footpath running from the Audlem Road (FP13) through to the River Weaver and canal beyond.
- This will clearly alter the street scene when viewed from the village, existing development and from the public footpath and could be considered to dominate the village and reduce the Green Gap between Audlem and Hankelow.
- The proposal does not accord with this policy.

Policy RES.4 – Housing in Villages with Settlement Boundaries:

- This policy confirms that development for housing will be allowed within settlement boundaries, if the proposals are of a scale and commensurate with the character of the village.
- Audlem is such a village and we understand that in line with this policy up to 1st April 2013 38 houses have been granted planning approval within the village settlement line and a further 5 have been approved since April 2013. However, only 2 new dwellings have been completed during that time (source: Cheshire East Council Planning Policy dept).
- We further understand from Cheshire East Council that in the forward planning for the Development Framework for the Unitary Authority that Audlem will have a capacity of expansion of 70 houses over a 20 year period.
- The present population of Audlem totals 1725 people, the introduction of 120 new dwellings will make a significant impact as an increase in population.
- The proposal is not in accord with the Local Plan in this respect and is clearly out of line with the requirements of the village and the draft proposals being prepared by Cheshire East Council.

Policy RES.5 – Housing in the Open Countryside:

- The policy states that all land outside the Settlement Boundaries will be treated as Open Countryside. New dwellings will be restricted to those that:
 - meet the criteria for infilling contained in policy NE2.
 - Are required for persons engaged full time in agriculture or forestry, in which case permission will not be given unless:
 - Applicants can demonstrate that a location in the Open Countryside is essential for the efficient working of the enterprise.
 - It can be demonstrated that the new dwelling cannot be accommodated within a defined settlement.
 - There are no suitable existing dwellings on site or nearby.
 - There are no suitable buildings on the site or nearby which can be converted into a dwelling.
 - Where possible the new dwelling is sited within a nearby group of existing dwellings or farm/building complex.

- The new dwelling is of a form, bulk, design and materials which reflect the localities rural character and the needs of the enterprise; and
- The new dwelling should be neither unusually large in relation to the size of the holding, nor too expensive to construct in relation to its income.
- The proposal is for approximately 120 houses of which 36 are affordable homes, all of which will be marketed without restrictions with regard to agricultural occupancy and are clearly not in accord with this policy of the Local Plan.
- The development is outside the settlement boundary on best quality farm land, is not indicated in the Local Authority's SHLAA February 2013 for Audlem.
- Further there is no demonstrated need for the development, no local employment to support it and as such will provide accommodation for 'out goers' from Audlem to employment sites elsewhere in the Borough placing increased traffic generation on country lanes. The road at Corbrook Court is a frequent accident black spot.
- Within the submission we were unable to find details as to infrastructure improvements with regard to pedestrian access from the site to the village centre as the existing pavement is not continuous from the proposed development site to the village core.

Policy RES.7 – Affordable Housing within the Settlement Boundaries of Nantwich & Villages Listed in Policy RES.4:

- It is intended therefore that any affordable housing need will be provided within the settlement zone line, but that affordable housing targets for appropriate locations will be set at 30% and although the proposal meets this percentage requirement is failing in that the proposal is outside the settlement zone and in the Open Countryside.

Policy RES.8 – Affordable Housing in Rural Areas outside Settlement Boundaries (Rural Exceptions Policy)

- Does allow for an exception to policy NE2 where:
 - The housing will need to meet the needs of people previously shown to be in local need in a survey specifically taken for that purpose.
 - The site is a sustainable location, immediately adjacent to an existing settlement boundary (with reference to policy RES.4) or, exceptionally within or adjoining the built area of other rural settlements, and
 - The scale, layout and design of the scheme are appropriate to the character of the settlement.
- The proposal of 30% affordable housing is clearly in line with the development guidance if the proposal for 120 houses were acceptable, which it is not. However, to comply with policy RES.8 as an exception the affordable housing will need to be a stand alone development of specific affordable housing, and not as the key to open a development of 84 market houses.
- The policy was not intended for this and is clear in its guidance that it is only there to provide affordable housing in suitable locations to meet specific local needs.
- The application is considered not to be in accordance with this policy or that local need for this number of housing is necessary within the 5 year period or the 20 year period proposed by Cheshire East Council.

Policy TRAN 1 – Public Transport:

- The policy looks to promote public transport and for development to be provided in locations well served by public transport.
- Audlem is served by both the 73 bus and the 75 bus, the 73 runs at 60 minute intervals between Nantwich and Whitchurch. It has varying routes during the day and uses two stops at Audlem one a 5 minute walk away (only 4 times per day) and another close to the Parish Church, 10 minutes away.
- Although the bus service connects with the rail station at Nantwich, due to the differing time tables between bus and rail, a connection to Crewe is missed by 5 minutes and similarly a bus return from the station is again missed by 5 minutes.
- A 75 bus provides a link to Market Drayton on a Wednesday only.
- Due to the variance in use of bus stops the inability to link successfully with the train time table it is clear that public transport links although available are unlikely to be used frequently and the scheme proposal will only perpetuate the use of the private vehicle for the residents of the site.
- The proposal is not in accord with this policy.

Policy Tran 3 – Pedestrians:

- The policy states that proposals for new development will only be permitted, where appropriate provision is made for pedestrians. The Borough Council will, where appropriate, seek to improve conditions for pedestrians through the following measures:
 - Improving an existing footpath where it is relevant to the development proposed.
 - Creating pedestrian routes between the town centres car parks and transport interchanges.
 - Creating pedestrian routes through housing and employment areas.
 - Creating pedestrian routes between existing and new open spaces and the Countryside.
 - Creating safer routes to school.
- The proposal makes provision for pedestrians within the site and also with the link to Footpath 13, however it does not allow for improvement of existing footpaths to the village centre or provision of pathways where they are absent along the A529.

Policy Trans 4 – Access for the Disabled:

- The policy looks to new proposals for development as only being acceptable if the needs of people with disabilities are taken into account by the developer.
- The proposal looks to both walking and cycling as well as movement by vehicle, but does not relate to linking disabled access to the village centre or bus stops. Cheshire East Council is committed to ensuring that the disabled are catered for in new development proposals.

Policy Trans 5 – Cyclists:

- The proposals by use of the A529 will meet the criteria in this policy.

Policy RT3 – Provision of Recreational Open Space & Children's Play Space in New Housing Developments:

- The proposal would comply with this as indicated on the indicative plan, but as the proposal is in outline with a number of matters reserved then it is important that in considering the proposal a shortfall in the areas may be proposed at the reserved matters stage.

Material Planning Considerations:

- In accordance with section 38(6) of the PCPA 2004, it is necessary to have regard to any material considerations. These will be considered below:

Emerging Cheshire East Local Plan:

- In addition to its existing development plan document, the Council is currently in the process of preparing its Local Development Framework, central to this will be its Core Strategy. A draft submission version of which is expected at the latter end of 2013.
- However, in the LDF background report Audlem is indicated as a Local Service Centre (LSC) within the Settlement hierarchy.
- Local Service Centres are described as “smaller settlements with a limited range of services and opportunities for employment, retail and education. They service a limited local catchment and attain a lower level of access to public transport”.
- In identifying Audlem as a LSC it confirms that some development is to be favoured, over the 20 year period, brought forward by natural growth and the vitality of the existing village, and its own sustainability.
- The Authority consider that 70 units over a 20 year period is acceptable, and within the settlement zone, and as stated earlier there are currently 43 extant planning approvals for the village of which only 2 have been completed. This clearly indicates that housing supply does not have a shortfall in the village, the introduction of a further 120 units would constitute an over supply and would not be necessary for local needs or for the long term sustainability of the village.
- The applicants refer to the Cheshire East Draft Spatial Vision 2030 and quote “modest growth” in housing and employment, which will have taken place to meet local needs, to reduce out-commuting and secure continued vitality.
- The proposal fits none of these criteria. There is no local need for the development, it can only increase out-commuting and the vitality of the village is not in question.
- The proposal is an unnecessary incursion of development into the Open countryside.
- Whilst the Emerging Local Plan and Core Strategy are being developed, they have not progressed sufficiently to be afforded full weight in the decision process, however the background information, the LPP and SHLAA papers all add material weight in the decision making process.
- The proposal is clearly at odds with the Council’s proposals for the area.

Housing Land Supply:

- The Strategic Housing Land Supply (SHLAA) was updated in 2012 as part of the Cheshire East Development Strategy and forms part of the plan to deliver jobs, growth and infrastructure.

- The SHLAA study is part of the evidence based to support the delivery of land for housing and at the present time a 7 year supply of housing in line with the NPPF requirement of a 5 year rolling supply of housing (including a 5% buffer) (paragraph 47).
- The applicant contends that the land supply within the SHLAA is not 7 years (including a 5% buffer) but that it may well be between 1.55 and 2.75 years supply and that as there has been a persistent under supply of delivery of housing, the buffer should be increased to 20% in line with paragraph 47 of the NPPF.
- Prior to the formation of the Unitary Authority and the recession the previous Boroughs which now form that Authority had a housing market which either met the targets or bettered them, even though, Macclesfield Borough Council was an area of restraint.
- The under delivery can therefore be looked at as a clear recession caused contraction and not a failing of the Local Authority to approve housing applications.
- Even if it is accepted that there is a difference between the Local Authority figures and the applications, this is not a reason to release a Green Field site in a location that does not have a local need and which could set a precedent for development elsewhere.
- The Council in preparing the information to date and the ongoing Core Strategy is clearly in the process of considering the position and rectifying if necessary.

National Planning Policy Framework:

- The Government published the NPPF in March 2012 and this is a material planning consideration.
- The framework seeks to secure sustainable development through the Core Planning Principles. Paragraph 17 seeks to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development opportunities which are or can be made sustainable.
- As set out above, a lack of transport connectivity and local facilities makes Audlem an inappropriate village for growth of this nature, which is clear from the Local Authority's advice to date and the Settlement Hierarchy of an LSC.
- The proposed development can be considered unsustainable, it utilises Open Countryside land in a rural location, within Government terms - a poor level of accessibility and as such is contrary to the NPPF.

Audlem Village Design Statement December 2011:

- The guidelines in the design statement are set against the adopted policies of the Local Authority in this reference G1.4, G1.5 & G2.1 are relevant (they relate to (BE2 & BE7) (BE1, BE2, RES.4, RES.7, E5) (NE2 & NE16))

Summary Of Planning Policy & Material Considerations:

- With regard to the Local Plan and other material considerations it is concluded that:
- The proposals do not comply with policies NE2, NE12, BE2, RES.4, RES.5, RES.7, RES.8, Tran 1, Tran 3 & Tran 4.
- The scale of the development is not 'modest' as envisaged by the Council or by the local residents.

- The Settlement Hierarchy sets Audlem as an LSC where development will enhance vitality, or meet local needs or economic need.
- There are 43 extant planning approvals within the village which have not been developed or commenced.
- In conclusion therefore it must be considered that the proposal is not in accordance with the current development plan and that there are no other material considerations which weigh in favour of development. It is clear that from all the material considerations especially the NPPF and the emerging Local Development Framework that these further justify the case against development of this site.

Local Area & Environment:

Demography:

- A development of 120 houses would be out of character with the village and as such would damage that character and would not help with the necessary balance of ages within the population.
- The balance as present of 0-90 year olds is good at present and the percentages are consistent, however the introduction of a new housing development of this size is likely to alter this balance which may well affect the vitality and economy of the village.
- The existing medical practice is in fact at its limits with regard to patient numbers and its building's capacity. It may become necessary for the practice to close its list to future patients. This would mean that any occupants of the proposed dwellings would register elsewhere in the Borough, but we understand that practices outside the Local area, certainly in Nantwich do not accept new patients from outside their boundaries. This will cause problems for new residents and will add further pressure onto the transport system and the use of private cars for these journeys.
- At paragraph 55 of the NPPF the policy looks to enhance and maintain the vitality of rural communities, but this is not to be at any cost, or the loss of the rural character and integrity of the village. The open character of the village can be lost and as such the development management policies should be maintained, enforced or improved. Prosperous communities are not always about housing but about retaining and developing local services and community facilities.

Hedgerows:

- There are a number of 'important' hedgerows on the site in line with the 1997 Hedgerow Regulations and it would seem that this has been accurately assessed, however it is important that these hedges, which may be upwards of 300 years old are maintained and protected and concern is raised that although consideration is given at this outline stage, should a permission be granted then these are likely to be lost at the detailed stage of the development.
- The hedges and trees on the site and the land itself form a Green Gap between Audlem and Hankelow (Village Design Statement 3.15/3) and although the proposal is drawn tight against the existing development this Green Gap will be reduced and its identity will be considerably diminished if this land is allowed to be developed.

Layout & Design:

- Although the proposal is an outline application the indicative layout provided with the scheme indicates a loop for the main street and a number of cul-de-sacs and a secondary link road to serve the proposal. The proposal can be considered however to be a 'traditional' layout available throughout the Unitary Authority. The layout of the housing takes no consideration with regard to the Code for Sustainable Housing which seems to be relatively at odds to the Sustainability Assessment provided by the applicant.
- We note from the design and access statement that a detailed assessment of the housing layout and the principles behind it are provided. However the proposal is an outline application with no guarantee that at the detailed stage this layout will not change and the principles provided will not be taken forward.
- The affordable housing within the layout is not defined in the indicative plan either by plot or general location and although affordable housing is proposed the village will have no guarantee that at construction stage the numbers proposed will be provided, or, if provided, at what stage of the development.
- The applicant indicates that they are to be provided through development profit not through Government Grant and as such are likely to be reduced or not provided until profits from the development are to hand.

Drainage:

- The sewerage infrastructure for Audlem has been expanded and developed with the village. However there is at present some concern over its long term capabilities which have become apparent in recent times. The Parish Council and residents are concerned that implementing the development will exacerbate the existing problems and therefore the question must be asked by the Council as to whether the proposals are deliverable and this consideration must also be a material factor in determining this application.

Sustainability:

- The NPPF seeks to promote and deliver sustainable development. There are a number of reasons why the proposed development scheme is considered unsustainable:
 - The local primary school will come under pressure and will have difficulty in taking a large influx of additional children.
 - The nearest secondary school (6 miles away) is full and has only 1 place in year 10.
 - The local Tree House Nursery has closed placing further pressure on the primary school.
 - There is no petrol station in the village.
 - Public transport services are limited and there is no local taxi service.
 - There is no gas supply to the village.
- It is clear that although the application states otherwise Audlem village is not a sustainable location which will support, what can only be considered an opportunistic development of 120 dwellings which would place considerable pressure on existing

services and infrastructure and would change both the character and demography of the area.

- The proposal is clearly against the Governments principles for “Sustainable Development” which now underpins national planning policy and is also clearly at odds with the Government Local Plan Policies.

Summary:

- Audlem Parish Council has welcomed the opportunity to comment on this application and trust that their representations will be afforded very serious consideration by the Council in its determination of the planning application. For the reasons outlined above we strongly urge Cheshire East Council to REFUSE the application.
- Finally we note from the statement by Deputy Leader, Councillor David Brown following the approval of the updated SHLAA in February 2013 that, “in approving the document it signalled a clear victory for the Council in its flight to fend off unwelcome unsustainable and unplanned development”.

Section 106

- In the event of the above proposal being accepted in any form Audlem Parish Council would expect to receive through Section 106 Agreements contributions from the developer towards the infrastructure shortfalls. All the items listed below are included in the Audlem Parish Plan of 2010:
 - Assistance in resolving ongoing problems with sewerage infrastructure
 - Public Hall extension - to include: sports facilities and changing rooms Facilities for the youth of the village Facilities for the elderly of the village
 - Pedestrian access to the village centre
 - Traffic calming measures
 - Allotments
 - Additional car parking facilities
- In addition, would like to build up a Heritage Fund to be managed by residents for the general benefit of the village .

6. OTHER REPRESENTATIONS

Sustrans

If this land use is approved by the local community and the council's planning committee our comments are as follows:

- 1) The site lies off the A529, which carries the Cheshire Cycleway, part of the National Cycle Network. We would like to see walking/cycling encouraged for those short, local journeys into and around Audlem. Further traffic management measures will be required to achieve this by changing the nature of the A road adjacent to the site, and into the village centre.
- 1) We would like to see a development of this scale make a contribution to improving the wider pedestrian/cycle network, particularly for the journey to Nantwich. For example this could be by improving the canal towpath, subject to C&RT's approval.

- 2) The design of any smaller properties should include storage area for residents' buggies/bicycles.
- 3) We would like to see travel planning with targets and monitoring set up for the site.

Stephen O'Brien MP

- Has objected to the application on grounds that it is unsustainable and opportunistic.
- He supports every one of his constituents' objections to this proposal.

Audlem Medical Practice

- Objects to the proposal on the grounds that they have 4500 patients and 2.3 full time equivalent GPs. This is significantly above the national average.
- The medical premises were built in 1992 and workload has approx trebled since then.
- The Medical Practice advises that their physical capacity is now at its limit, they already have to hot-desk to provide services.
- Any significant increase in the local population will exceed their capacity.
- They are of the opinion that they would be forced to close the list ie; unable to accept any new patients at all.
- Those new patients would have to register with practices in Nantwich (who do not currently accept Audlem patients as they live outside their practice boundaries). Rural transport links are not robust which will disadvantage the most vulnerable in the community.
- A development of a very limited number of houses may be sustainable but 120 is not feasible without development of the medical practice premises - none planned at this time.

Spawforths

Spawforths have been instructed by their client, Goodman, to submit representations in relation to the above application which is currently under consideration and have a number of key issues to raise in relation to the application proposals which are detailed as follows:

- The proposed site lies outside the settlement of Audlum and is within the open countryside as detailed in the Adopted Crewe and Nantwich Replacement Local Plan.
- Policy NE2 of the Crewe and Nantwich Replacement Local Plan addresses development in the open countryside. In summary, this policy advises that within the open countryside, the construction of dwellings in this location is not permitted.
- Considered in the context of this policy, the application proposal fails to meet this policy.
- Goodman supports the protection of the open countryside which seeks to confine development within the settlement boundaries to maintain the identity and character of these rural settlements.
- Limited development within these existing built form and village limits of these settlements would also confirm with the Council's development strategy identified in the Council's emerging Core Strategy and would be consistent with the delivery of the

wider Vision outlined within All Change for Crewe which advocates the growth of Crewe, as the principal settlement in the district.

- Clearly, development of the scale and location of the application proposals would be contrary to the existing development plan and emerging Core Strategy. The emerging Core Strategy recognises this settlement as a local service centre which has the potential for modest growth, however this development of 120 dwellings is not considered to be modest.
- The application proposal also fails to meet the Council's Interim Planning Policy: Release of Housing Land. This document sets out the Council's policy approach to maintaining a five years supply of deliverable housing land and is to be used as an interim measure pending the adoption of the Local Development Framework Core Strategy.
- The purpose of the Interim Planning Policy on the Release of Housing Land was to deliver the wider Crewe Vision and to ensure the promotion of the growth and prosperity of Crewe as a town of sub-regional importance. The redevelopment and release of this greenfield site on the edge of Audlem would be contrary to the wider Crewe vision and Interim Planning Policy.

Audlem and District Amenities Society

- Write in support of a Statement sent by Audlem Parish Council to a special meeting of Cheshire East Strategic Planning Board, called by the Leader of the Council on 1st May 2013
- In that statement the Parish Council, objected to the Gladman proposal to build an estate of 120 houses "not least because it takes no account of Audlem's Village Design Statement VDS (published in 2009 and since updated), a document drawn up on behalf of the community of Audlem, outlining the needs in terms of a sustainable development for housing and employment"
- The Council's response at that time, and we understand remains the case, was that then VDS "will be given due weight as a material planning consideration, when determining planning applications in the parish of Audlem".
- We note that Audlem residents were not only against future large scale developments in the village as stated in the above VDS but were of the same view in 1976 as expressed in the Audlem Village Plan of that date. It seems clear that this community is opposed to large scale speculative developments knowing the limitations of the village, particularly traffic congestion, limited car parking etc. Audlem has seen a remarkable increase in shops in recent years but lack of convenient parking may well lead to their customers going elsewhere where they are unable to park close by
- The expansion of the village population by at least 10% which would follow the development proposed would only exacerbate those problems and would lead to many more, i.e. those of sewerage capacity of the medical practice, absence of employment etc. Compared with the normal increase in annual dwellings, it would swallow up in excess of 20 years of housing at one fell swoop
- The societies view, as also reflected in the VDS is that some small scale affordable housing, even were it to be on agricultural land outside the Settlement Boundary would be desirable, and designed to a scale in keeping with the existing character of the village. It is considered that part of the subject site could be suitable for such a purpose.

- In summary, the Society consider that the propose development is unsustainable in what is at present a well balanced community. They believe its implementation would be great detriment to this attractive village in terms of considerable future problems which, bearing in mind the expressed wishes of the vast majority of residents, the developers would leave behind, with no responsibility on their part.
- The Society therefore trust that this and any similar future large scale housing estates will be rejected in principle by Cheshire East Council for the benefit of the village which it is believed should be planned to evolve more incrementally to respect its size character had location.

Local Residents - Objection

Letters/electronic representations of objection have been received from 157 local households, raising the following objections, all of which can be viewed on the case file and web site:

Principle of development

- Out of scale with the village
- Unsustainably located
- The site is not identified for development in the emerging Strategy
- Audlem is identified as a local service centre in the emerging Strategy which has potential for modest growth. 120 dwellings is not modest
- Loss of open countryside
- Contrary to the wishes of the local community
- Due consideration should be had to the 2010 Parish Plan
- Impact upon the rural landscape
- Land is green belt outside village envelope
- There is no need for more housing in Audlem
- 12% increase in housing stock of village is out of scale
- Scheme is beginnings of urban sprawl, Audlem will be a desolate dormitory town
- The proposal is contrary to the Crewe Local Plan policies
- The proposal would harm the rural character of the site
- Loss of agricultural land (grade 2 and 3)
- The proposal is contrary to the IPS the Release of Housing land. This is not a limited release
- The development should be community led, not imposed by a group who have no interest in the community
- Development should be planned and sites released in a controlled way
- The site is not listed in the Cheshire East Council SHLAA
- Creates further imbalance between jobs and homes

Highways

- Increased traffic congestion in the village
- Impact upon highway safety in Heathfield Rd /danger to school children
- Future residents would be dependent on the car
- Pedestrian safety
- Poor public transport
- A529 Nantwich/ Audlem road is dangerous. More traffic will lead to greater danger

- Site is more than 15 mins walking distance from centre of the village, people will drive to the centre leading to more congestion
- Greater out commuting. Application forecasts 55 Higher Managerial people will live on site. Where will these jobs be : in Birmingham? Or Manchester? – Not in Audlem. Inevitably the proposal will result in out commuting.

Green Issues

- Increased flood risk for neighbours
- Increased flooding during extreme weather events
- Impact upon the landscape
- Impact upon Great Crested Newts frequently found within 1 km of the proposed site.
- Impact on trees and hedgerows
- Destroying traditional field patterns
- Loss of hedge and other vegetation, loss of wildlife habitats

Infrastructure

- The infrastructure in the village is unable to sustain such a large increase in dwellings and their occupants demands upon services
- Increased pressure on local schools. Brine Leas School is consistently oversubscribed
- Impact on Medical centre. Local doctors will have to close down their lists
- The local senior school in Nantwich may well become oversubscribed when Gladman build the additional 270 houses there and any additional houses built in Audlem will add to this problem. Where will these children be educated
- The main sewer in the village is known to be inadequate and has not been upgraded by developers in recent years
- Footpath condition from Development into village inadequate/dangerous
- The sewage system is overstretched
- Audlem is not served by mains gas. Future residents of low cost homes will be in fuel poverty by having pay for LPG/oil
- Few facilities in the village for youngsters
- Loss of open space and threat to Public Right of Way

Amenity Issues

- Noise and disruption from construction of the dwellings
- Increased noise caused by vehicular movements from the site
- Increased light pollution
- Overbearing effect on neighbouring properties
- Quality of life blighted during construction with the increase in noise and construction fallout.

Other Matters

- S106 Matters concerning local community provision for local groups/associations at Audlem Public Hall
- No need for the houses, plenty of houses for sale in the village
- Recent development of 7 houses took 5 years to sell

- 'Chatbox' entries from website 'Audlem on Line', has been submitted as part of their 'local consultation'. Chatbox is an open forum for online discussion within the village and most certainly was not part of Gladman's so-called local consultation.
- Gladman's consultation was inadequate. The first referred to another location in England, contained an incorrect map and invited comments to be submitted by an unreasonable deadline over a public holiday weekend.

Local Residents - Support

One email of support which states

- We need to have more young families coming into the village.
- It will die over the years if the younger people don't come and keep our great village active.

7. APPLICANT'S SUPPORTING INFORMATION:

- Newt Survey
- Flood Risk Assessment
- Drainage Strategy
- Contaminated Land Desk top Study
- Ecological Survey
- Planning, Design and Access Statement
- Landscape Visual Assessment
- Tree Survey
- Drainage Statement
- Transport Statement
- Ecological Report

8. OFFICER APPRAISAL

Main Issues

Given that the application is submitted in outline, the main issues in the consideration of this application are the suitability of the site, for residential development having regard to matters of principle of development, sustainability, loss of agricultural land, affordable housing, contaminated land, air quality, noise impact, drainage and flooding, design issues, open space, rights of way, amenity, landscape impact, trees and forestry, ecology, education, highway safety and traffic generation.

Principle of Development.

Policy Position

The site lies in the Open Countryside as designated in the Borough of Crewe and Nantwich Replacement Local Plan 2011, where policies NE.2 and RES.5 state that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Residential development will be restricted to agricultural workers dwellings, affordable housing and limited infilling within built up frontages.

The proposed development would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside. As a result, it constitutes a “departure” from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined “*in accordance with the plan unless material considerations indicate otherwise*”.

The issue in question is whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy objection.

Members should note that on 23rd March 2011 the Minister for Decentralisation Greg Clark published a statement entitled ‘Planning for Growth’. On 15th June 2011 this was supplemented by a statement highlighting a ‘presumption in favour of sustainable development’ which has now been published in the National Planning Policy Framework (NPPF) in March 2012.

Collectively these statements and the National Planning Policy Framework mark a shift in emphasis of the planning system towards a more positive approach to development. As the minister says:

“The Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy”.

Housing Land Supply

Whilst PPS3 ‘Housing’ has been abolished under the new planning reforms, the National Planning Policy Framework (NPPF) reiterates at paragraph 47 the requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

“identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”.

The NPPF states that, Local Planning Authorities should have a clear understanding of housing needs in their area. This should take account of various factors including:

- housing need and demand,
- latest published household projections,
- evidence of the availability of suitable housing land,
- the Government's overall ambitions for affordability.

The figures contained within the Regional Spatial Strategy proposed a dwelling requirement of 20,700 dwellings for Cheshire East as a whole, for the period 2003 to 2021, which equates to an average annual housing figure of 1,150 dwellings per annum. In February 2011 a full meeting of the Council resolved to maintain this housing requirement until such time that the new Local Plan was approved. In December 2012, the Cabinet agreed the Cheshire East Local Plan Development Strategy for consultation and gave approval for it to be used as a material consideration for Development Management purposes with immediate effect. This proposes a dwelling requirement of 27,000 dwellings for Cheshire East, for the period 2010 to 2030, following a phased approach, increasing from 1,150 dwellings each year to 1,500 dwellings.

It is considered that the most up-to-date information about housing land supply in Cheshire East is contained within the emerging Strategic Housing Land Availability Assessment (SHLAA) February 2013. The SHLAA has put forward a figure of 7.15 years housing land supply. This document was considered by the Strategic Planning Board on 8th February and the Portfolio Holder on 11th February 2013.

Policy change is constantly occurring with new advice, evidence and case law emerging all the time. However, the Council has a duty to consider applications on the basis of the information that is pertinent at any given time. Consequently, it is recommended that the application be considered in the context of the 2013 SHLAA.

Paragraph 47 of the NPPF requires that there is a five year supply of housing plus a buffer of 5% to improve choice and competition. The NPPF advocates a greater 20% buffer where there is a persistent record of under delivery of housing. However, for the reasons set out in the report which was considered and approved by Strategic Planning Board at its meeting on 30th May 2012, these circumstances do not apply to Cheshire East. Accordingly, once the 5% buffer is added, the 2013 SHLAA shows that the Borough has an identified deliverable housing supply of 7.15 years.

The NPPF clearly states at paragraph 49 that:

“housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means:

“where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
- *specific policies in the Framework indicate development should be restricted.”*

However, given that Cheshire East can now demonstrate a five year supply of housing land it is considered that policies NE.2 and RES.5, which protect Open Countryside, are not out of date and the provisions of paragraphs 49 and 14 do not apply in this case. Therefore, the presumption in favour of the development from the NPPF does not apply, but the presumption against the development under the adopted local plan policy is applicable. On this basis the application should be refused.

Emerging Policy

The Town Strategies have considered a number of development options around the Borough's towns and these have been subject to consultation. The results of those consultations have been considered by Strategic Planning Board. These sites have now been carried forward into the Draft Local Plan (development strategy) and have been the subject of further consultation. The site under consideration in this application is not included within the Development Strategy as a preferred option.

The NPPF consistently underlines the importance of plan –led development. It also establishes as a key planning principle that local people should be empowered to shape their surroundings. Regrettably, the Secretary of State has often chosen to give less weight to these factors within his own guidance – and comparatively more to that of housing supply.

In the recent Secretary of State decisions in Doncaster MBC (APP/R0660/A/12/2173294 refers), it was found that a development was to be premature even though the Development Plan was still under preparation. Important to this decision was the finding that a five year supply of housing land was available. There is nothing in national guidance to suggest prematurity and housing supply should be linked in this way, and logic might question how the two are interlinked, but this factor was evidently influential in this case. Given that the Council now has a 5 year supply of housing, it is considered that a pre-maturity case can be defended in this case.

Conclusion

- The site is within the Open Countryside where under Policy PS8 and RES5 there is a presumption against new residential development.
- The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
 - specific policies in the Framework indicate development should be restricted.

- The 2013 SHLAA shows that the Borough has an identified deliverable housing supply of 7.15 years and therefore the presumption in favour of the proposal does not apply.
- The proposal does not accord with the emerging Development Strategy. Previous Appeal decisions have given credence to such prematurity arguments where authorities can demonstrate a five year supply of housing land.
- Consequently, on this basis, the application should be refused.

Sustainability

The National Planning Policy Framework definition of sustainable development is:

“Sustainable means ensuring that better lives for ourselves don’t mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment”

Accessibility is a key factor of sustainability that can be measured. A methodology for the assessment of walking distance is that of the North West Sustainability Checklist, backed by the Department for Communities and Local Government (DCLG) and World Wide Fund for Nature (WWF). The Checklist has been specifically designed for this region and can be used by both developers and architects to review good practice and demonstrate the sustainability performance of their proposed developments. Planners can also use it to assess a planning application and, through forward planning, compare the sustainability of different development site options.

The criteria contained within the North West Sustainability Checklist are also being used during the Sustainability Appraisal of the Cheshire East Local Plan. With respect to accessibility, the toolkit advises on the desired distances to local facilities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions. The results of an accessibility assessment using this methodology are set out below.

Category	Facility	AUDLEM ROAD
Open Space:	Amenity Open Space (500m)	50m
	Children’s Play Space (500m)	650m
	Outdoor Sports Facility (500m)	650m
Local Amenities:	Convenience Store (500m)	750m
	Supermarket* (1000m)	10100m
	Post box (500m)	120m
	Playground / amenity area (500m)	650m

	Post office (1000m)	750m
	Bank or cash machine (1000m)	750m
	Pharmacy (1000m)	600m
	Primary school (1000m)	270m
	Secondary School* (1000m)	9100m
	Medical Centre (1000m)	550m
	Leisure facilities (leisure centre or library) (1000m)	10800m
	Local meeting place / community centre (1000m)	550m
	Public house (1000m)	650m
	Public park or village green (larger, publicly accessible open space) (1000m)	600m
	Child care facility (nursery or creche) (1000m)	270m
Transport Facilities:	Bus stop (500m)	180m
	Railway station (2000m where geographically possible)	10000m
	Public Right of Way (500m)	50m
	Any transport node (300m in town centre / 400m in urban area)	10000m
Disclaimers:		
<i>The accessibility of the site other than where stated, is based on current conditions, any on-site provision of services/facilities or alterations to service/facility provision resulting from the development have not been taken into account.</i>		
<i>* Additional parameter to the North West Sustainability Checklist</i>		
<i>Measurements are taken from the centre of the site</i>		

Rating	Description
	Meets minimum standard
	Fails to meet minimum standard (Less than 60% failure for amenities with a specified maximum distance of 300m, 400m or 500m and 50% failure for amenities with a maximum distance of 1000m or 2000m).
	Significant failure to meet minimum standard (Greater than 60% failure for amenities with a specified maximum distance of 300m, 400m or 500m and 50% failure for amenities with a maximum distance of 1000m or 2000m).

The site fails against 9 criteria in North West Sustainability checklist, 5 of which are 'significant' failures. These facilities are available within Nantwich, which is a key service centre in the emerging Core Strategy, although this is approximately 10km away. Notwithstanding this point, due to the compact nature of Audlem and the good range of

facilities within the village, the development performs well overall in terms of the checklist and for this reason is considered to be more sustainable than some sites on the edge of the principal towns. Thus it is not considered that a refusal on locational sustainability could be sustained in this case.

Accessibility is only 1 aspect and sustainability and the NPPF defines sustainable development with reference to a number of social, economic and environmental factors, these include the need to provide people with places to live and, on this basis, it is not considered that the Council would not be successful in defending a reason for refusal on the grounds of lack of sustainability.

Furthermore, as suggested by the Public Rights of Way Officer, it is possible to improve the non-car mode accessibility through suitable Section 106 contributions, including upgrading the public right of way which runs past this site. This is discussed in more detail below.

Previous Inspectors have also determined that accessibility is but one element of sustainable development and it is not synonymous with it. There are many other components of sustainability other than accessibility. These include, meeting general and affordable housing need, reducing energy consumption through sustainable design, and assisting economic growth and development.

There is a sustainability statement and Renewable energy statement accompanying the application.

A sustainability matrix has been included in the statement (produced by the applicant) where it meets all the sustainability criteria. In respect to accessibility the statement assesses the scheme against the NW sustainability checklist, whereby 4 reds and 2 ambers have been identified, with the scheme achieving green against the remaining 16 criteria

The energy statement summarises that

“an energy strategy for the site has been proposed which would meet a target of 10% of the energy demand on site to be supplied via Low and Zero Carbon technologies together with a reduction in Carbon emission level of up to 16%.” It further states that the energy strategy will be developed further at Reserved matters

In terms of sustainable design, whilst it is noted that is an outline application, there should be greater consideration at this stage of the passive opportunities presented by the site, to inform the framework and parameters for the scheme. The issue of climate change adaptation should also be considered in broad, conceptual terms, in addition to identifying the key mitigation parameters as set out in the energy strategy and the DAS. Furthermore, the DAS does not give a strong enough commitment in terms of aspects of sustainable design that will be delivered at the detailed stage.

With regard to the issue of economic development, an important material consideration is the Written Ministerial Statement: Planning for Growth (23 March 2011) issued by the Minister of State for Decentralisation (Mr. Greg Clark). It states that “Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy.”

The Statement goes on to say *“when deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development.”* They should:

- consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession;
- take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing;
- consider the range of likely economic, environmental and social benefits of proposals;
- ensure that they do not impose unnecessary burdens on development.

The proposed development will bring direct and indirect economic benefits to the town, including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

Similarly, the NPPF makes it clear that

“the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.”

According to paragraphs 19 to 21,

“Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century. Investment in business should not be overburdened by the combined requirements of planning policy expectations.”

In conclusion, the loss of open countryside, when there is no need in order to provide a 5 year housing land supply requirement, is not considered to be sustainable and it is considered that this outweighs any sustainability credentials of the scheme in terms of its location, meeting general and affordable housing need, reducing energy consumption through sustainable design and assisting economic growth and development.

Loss of Agricultural Land

Policy NE.12 of the Local Plan states that development on the best and most versatile agricultural land (grades 1, 2 and 3a in the Ministry of Agriculture Fisheries and Food classification) will not be permitted unless:

- the need for the development is supported in the local plan;
- it can be demonstrated that the development proposed cannot be accommodated on land of lower agricultural quality, derelict or non agricultural land; or

- other sustainability considerations suggest that the use of higher quality agricultural land is preferable to the use of poorer quality agricultural land.

This is supported by the National Planning Policy Framework, which states that:

“where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality”.

A survey has been provided to by the applicant which indicates that 2.6ha (47%) of the land is Grade 2 and 2.9ha (53%) of the land is Grade 3a. Previous Appeal decisions make it clear that in situations where authorities have been unable to demonstrate a 5 year supply of housing, the need for housing land outweighs the loss of agricultural land. However, given that Cheshire East has a 7.15 year supply of housing, it is considered that this argument does not apply and that the loss of the agricultural land makes the scheme less sustainable since it results in a loss of open countryside when there is no necessity to do so in housing land supply terms. The proposal is therefore considered to be contrary to policy NE.12 and the provisions of the NPPF in respect of loss of agricultural land.

Affordable Housing

The Interim Planning Statement: Affordable Housing states that for both allocated sites and windfall sites the Council will negotiate for the provision of a specific percentage of the total dwelling provision to be affordable homes. The desired target percentage for affordable housing for all allocated sites will be a minimum of 30%, in accordance with the recommendations of the 2010 Strategic Housing Market Assessment. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

The SHMA 2010 identified a requirement for 30 affordable homes in the Audlem sub-area between 2009/10 and 2013/14. This was made up of a requirement for 1 x 1 bed, 5 x 3 beds, 1 x 4/5 bed & 1 x 1/2 bed older persons dwelling each year.

In addition to the information from the SHMA 2010 there are currently 49 active applicants on the waiting list with Cheshire Homechoice (which is the Choice based lettings system for allocating social & affordable rented accommodation across Cheshire East) who have selected Audlem as their first choice, showing further demand for affordable housing. These applicants have stated that they require 15 x 1 bed, 16 x 2 bed, 10 x 3 bed, 2 x 4 bed (6 applicants haven't stated number of rooms required)

A Rural Housing Needs survey specifically for Audlem was also carried out in January 2013. 810 questionnaires were sent to all households in the Audlem and 416 were returned giving a return rate of 51%.

The survey highlighted several types of resident that had an affordable housing need within Audlem, including:

- 29 respondents requiring alternative housing within the parish, most commonly because they needed smaller accommodation

- 40 current Audlem residents who might wish to form a new household inside Cheshire East within the next 5 years
- 29 ex-Audlem residents who might move back into the parish within 5 years if affordable housing were available.

Therefore, there were a potential total 98 new households that might be required within Audlem within the next 5 years.

Of these 98 potential new households at least 37 would need to be subsidised ownership or rentable properties, with the majority of these being for a son or daughter of a current resident.

To date there has been no delivery of the affordable housing required between 2009/10 – 2013/14 in the Audlem sub-area. There has recently been a resolution for planning approval for 9 affordable homes at a site in Buerton which is located within Audlem sub-area. However this is a rural exceptions site and all the properties should be either let or sold to people with specific local connections to Buerton rather than the wider Audlem sub-area.

There is currently a shortfall of affordable housing delivery in Audlem and therefore there should be affordable housing provision as per the Interim Planning Statement: Affordable Housing. Based on the proposal for a total of 120 dwellings, this equates to a requirement for 23 social or affordable rented dwellings and 13 intermediate tenure dwellings.

The Interim Planning Statement: Affordable Housing also requires that affordable housing is pepper-potted, provided no later than occupation of 50% of the open market dwellings (or 80% if the development is phased and has high levels of pepper-potting), and that the affordable housing is built to meet the Design & Quality Standards required by the Homes & Communities Agency and meets Code for Sustainable Homes Level 3. This could be secured through a Section 106 Agreement.

The applicants are offering 30% of the total dwellings as affordable with the tenure split of the affordable dwellings being 65% affordable rented and 35% intermediate. The applicants affordable housing statement provides details of a proposed mix of affordable housing being –

- 5 x 2 bed affordable rented dwellings & 10 x 2 bed intermediate dwelling
- 19 x 3 bed affordable rented dwellings & 2 x 3 bed intermediate dwellings

The applicant proposes the majority of the affordable dwellings as 3 bed properties. However there are more active applicants for 2 bed rented properties on Cheshire Homechoice than any other property type. Also although the applicants affordable housing statement makes reference to not proposing any 1 bed properties due to Audlem being a rural settlement, the SHMA 2010 did identify some need for 1 bed affordable dwellings, and there is evident demand for them on Cheshire Homechoice. If they are not considered on a site such as this it is possible that they will be overlooked completely. Therefore Housing Officers would like to see a more balanced mix of affordable dwellings taking account of all the types of units identified as needed and would like the applicant to have further discussions with us about the type of affordable housing to be provided prior to the submission of any Reserved Matters application. However, the affordable housing can be

secured by s106 agreement, with a requirement that an affordable housing scheme is included with the Reserved Matters application.

The Affordable Housing Interim Planning Statement states that:

“The Council will require any provision of affordable housing and/or any control of occupancy in accordance with this statement to be secured by means of planning obligations pursuant to S106 of the Town and County Planning Act 1990 (as amended)

It also goes on to state

“In all cases where a Registered Social Landlord is to be involved in the provision of any element of affordable housing, then the Council will require that the Agreement contains an obligation that such housing is transferred to and managed by an RSL as set out in the Housing Act 1996.

Given that the proposal is submitted in outline, there is no requirement to provide this level of detail with this application. However, the requirements of the IPS as set out above can be secured at reserved matters stage through the Section 106 Agreement.

Contaminated land

The Council's Environmental Health officers have commented that the application is an outline application for new residential properties which are a sensitive end use and could be affected by any contamination present. The applicant has submitted a Phase I Preliminary Risk Assessment in support of the planning application. The report identified some potential contaminant linkages which need further assessment. In accordance with the NPPF, it is recommended that conditions are imposed to secure a Phase II investigation and the submission and approval of any necessary mitigation.

Air Quality

The proposal has the potential to create short and long term air quality impacts as a result of dust from construction and air pollution from vehicles respectively. The air quality assessment submitted with the application used a computer modelling package to assess the impacts of estimated traffic increases as a result of the proposed development. The methodology used in the report is considered acceptable. The proposal for 120 residential dwellings is predicted to cause small increases in annual mean nitrogen dioxide at residential properties adjacent to main routes in and near the village of Audlem. There would not be any impact upon any AQMAs however to safeguard future air quality, the proposed travel plan accompanying the application should be adopted as condition of any planning permission.

The construction phase has the potential to cause short term dust nuisance impacts on the adjacent area. The impacts of this should be controlled by the mitigation methods recommended in the report, which can be made a condition of planning permission along with the submission, approval and implementation of a scheme to minimise dust emissions arising from demolition / construction activities on the site.

Noise Impact

The applicant has submitted a noise assessment report with the application. Environmental Health Officers have commented that the report shows that noise on the site can be mitigated to acceptable levels as detailed in BS8233. As the final layout of the site has yet not been confirmed; a detailed scheme of glazing and ventilation mitigation measures, should therefore be prepared and submitted at the Reserved Matters application stage. This can be secured by condition

In addition, Environmental Health Officers have requested conditions relating to hours of construction and foundation piling, as well as the submission of a piling method statement. Subject to the imposition of these conditions, it is considered that the proposal would comply with Policy BE1 (Amenity) in respect of noise impact.

Drainage and Flooding

The applicant has submitted a Flood Risk Assessment (FRA), which concludes that:

- *The FRA has identified that the site lies in an area of Zone 1 Flood Risk.*
- *It is proposed to connect surface water drainage into the existing surface water system to the north with flows limited to greenfield run off rates, thus mimicking existing run off in accordance with the NPPF.*
- *The proposed drainage system will be designed to accommodate a 1 in 30 year event plus allowance for climate change. The system will be put forward for adoption by United Utilities under a Section 104 Agreement and United Utilities will therefore become responsible for the long term maintenance of the new piped drainage system. Private drainage (i.e. not adoptable) serving houses within the development will be designed to current building standards.*
- *Levels will be set to convey any residual land drainage and exceedance flows safely through the development and overland to the watercourse to the north without any adverse impact on property.*
- *It is therefore concluded that this FRA has demonstrated in accordance with the NPPF that the development is not at risk of flooding from external sources, will not increase flood risk associated with the development and its environment and is therefore appropriate.*

This has been forwarded to the Environment Agency for consideration and comments were awaited at the time of report preparation. A further update on this matter will be provided prior to the Strategic Planning Board meeting. United Utilities have raised no objections subject to the imposition of appropriate planning conditions.

Urban design

Although this is an outline application, it is important to ensure that the design parameters and principles are in tune with the character of the settlement. Whilst there are no heritage assets in the vicinity and the conservation area is focused on the historic heart of the village,

Audlem Road is an important gateway into the village, helping in forming impressions of the settlement, some distance from its historic heart. The landform and vegetation on this route into the village create a very open and quite panoramic aspect, rather than there being strong channelled views down the road into the village. This means that the development has the potential to significantly alter impressions of Audlem as a place, especially as the edge of the settlement is quite informal and the existing grain of the area is of lower density, plots with substantial frontages, setting buildings away from the street edge.

Grafting a housing estate onto the edge of the village would result in development that contrasted very markedly and negatively if the density uncomfortably exceeds this lower density character. This, in conjunction with the relatively weak landscape defining the edges of the site, with relatively low hedges and few trees will mean that such development would appear somewhat alien to this distinctive rural settlement.

The presence of green space in the established street scene on Cheshire Street further reinforces the lower density character and grain of this part of the village, which contrasts with the higher density of the village centre. This creates a hierarchy in the established townscape that it is important to reinforce in considering the character of new development on the periphery of the village.

Linked to the above, the relationship with the countryside edge is also important in ensuring a development that fits into the villagescape and its rural setting.

Some key issues arising from the submitted information are:

- Concern as to whether the proposed number of 120 units is appropriate to this fringe location of the village - this could lead to a development out of context to its setting and the adjacent built character of the village
- There needs to be strong green edges to the scheme on the north and eastern boundaries to help integrate the development into the setting of the village and to help create filtered views. The eastern edge does not offer sufficient space to achieve this at present
- The illustrative information indicates the housing on the western edge of the site turning its back on the interface with countryside. This is a missed opportunity and long term could prejudice the hedgerows
- Scale of buildings – the Design and Access Statement states majority of the buildings would not exceed 2.5 storey. 2.5 storey should be very limited in use and 2 storey should be the prevailing character. The height parameters should be provided.
- Whilst the need to vary the density to add urban design interest and avoid an estate like character is understood, care is needed not to create an overly dense and urban character. As stated above, there is an established density hierarchy, with higher density at the village centre. Getting this wrong would make the scheme very prominent and also unsatisfactory
- There is not enough information to establish strong design principles for the new development. This means that this type of work will have to be done at the reserved matters, probably working with in-house design teams rather than urban designers/landscape architects which has proved troublesome in negotiations on other sites, weakening scheme quality

- In terms of access through the site, it is unclear whether the meandering loop in the west is the best position for the primary street. Street design should be as informal as possible and these principles should be embedded as part of the design principles. The illustrative layout makes it difficult to gauge the impact of vehicle parking, some areas could become dominated by frontage parking.
- It is positive that the central open space is central. However, it is important that housing is sufficiently set away from the play facility whilst still creating overlooking. Also a lower density scheme could also offer opportunity for provision of modest allotment or other growing space
- Although a Building for Life 12 assessment has not been undertaken, it is unlikely that 12 “green lights” would be achieved at this stage, based on the information submitted.

Open space

Policy RT.3 of the Borough of Crewe and Nantwich Replacement Local Plan requires that on sites of 20 dwellings or more, a minimum of 15sqm of shared recreational open space per dwelling is provided and where family dwellings are proposed 20sqm of shared children’s play space per dwelling is provided. This equates to 1800sqm of shared recreational open space and 2400sqm of shared children’s play space.

The indicative layout shows 11,100sqm of shared recreational open space and 400 sqm for children’s play space. However, given the extent to which the shared recreational open space requirement has been exceeded, it is considered that some of this area could be utilised to provide on-site children’s play space in accordance with the policy requirement.

The Greenspaces officer has stated that existing traditional children’s play area in Audlem contains adequate provision and that rather than traditional childrens play area, he would prefer a small skatepark to be provided on the open space within the development. Audlem Parish Council and Audlem Action for Youth, have been campaigning for a skatepark facility within the village but previous attempts to provide one have been unsuccessful. This new development would be an ideal opportunity to address these issues.

A private resident’s management company would be required to manage all of the greenspace on the site (including the skatepark.)

All of the above requirements could be easily secured through the Section 106 Agreement and through the Reserved Matters application process.

Rights of Way

A public right of way runs along the adjacent to the site. This route would not be adversely affected by the proposed development and would integrate well with the area that has been indicated for public open space. Therefore the Rights of Way Officer has raised no objection subject to the standard informatives reminding the developer of their responsibility to maintain the safety and accessibility of the right of way throughout the development, being attached to the decision notice.

The Countryside Access Development Officer has noted that new off-site and on-site footpath links are proposed as part of the development. The proposed legal status and specifications of these routes will need to be agreed and it would be required that the maintenance be incorporated into arrangements for open space management within the site. However, this could be secured through a combination of conditions and the Section 106 Agreement.

The Countryside Access Development Officer has also stated that the developer should be required to provide information to new residents on local walking and cycling facilities for both leisure and travel options. This could form part of the residential travel plan which would be a condition of any planning permission.

Amenity

The site is surrounded by open countryside and school playing fields to the north, west and east. The only adjoining dwellings are those to the south of the site, comprising eight semi-detached houses at Daisy Bank Crescent, which back towards the site at varying orientations, and a row of four recently constructed terraced properties at Little Heath Barns.

It is generally regarded that a distance of 21m between principal windows and 13m between a principal window and a flank elevation are required to maintain an adequate standard of privacy and amenity between residential properties. It is also considered that a minimum private amenity space of 50sq.m for new family housing should be provided.

The layout and design of the site are reserved matters. The framework development proposals give no indication of whether the proposed number of dwellings can be accommodated on the site whilst maintaining these minimum standards.

Therefore, in the absence of an indicative layout or any testing layouts it is considered that the applicant has failed to demonstrate that the proposal complies with Policy BE1 (Amenity) of the adopted Local Plan.

Landscape Impact

This is an outline application for the construction of up to 120 dwellings. As part of the application a Landscape and Visual Assessment has been submitted. This indicates that it 'encompasses' the guidelines set out for Landscape and Visual impact assessment, 2002 edition. The appraisal correctly identifies the baseline landscape of the application site and surrounding area, and refers to the National and Cheshire Landscape Character area in which the application site is located, Lower Farms and Woods, LFW4 Audlem.

The Council's Landscape Officer has assessed the submission and in general is satisfied with the baseline landscape character information submitted. However, the assessment does not appear to be complete.

A Visual analysis has been submitted, based on 17 viewpoints as shown on Figure 05 for viewpoints 1 to 15, but with viewpoints 16 and 17 shown on Figure 2 – although this is not made clear in the visual analysis. The visual analysis offers a description of each of the viewpoints and also an assessment of effect for each of the viewpoints, Paras 4.2 – 4.12.

However the visual analysis has not indicated what the sensitivity of the viewpoint or the magnitude of visual impact for each of the viewpoints, without this information the methodology is incomplete and not replicable, and ultimately contrary to the Guidelines. Confusingly the Landscape and Visual assessment also includes Appendix A, a Visual Impact Schedule based on 7 location/receptor locations. Unfortunately these are not the same locations as the viewpoints referred to in the visual analysis, there is no plan identifying exactly where these visual location/receptor locations actually are. This appendix does offer information relating to the sensitivity of the receptor and magnitude of change, as well as significance after 0 and 15 years. While this seems reasonable, it is also reasonable and accepted practice to include a location plan to allow a thorough analysis of such information and also provide a visual assessment based on one set of receptors/viewpoints, rather than two.

Although a baseline landscape appraisal has been included there has been no attempt to include a landscape assessment at all, Paragraph 6.1 merely indicates that the effect on the local landscape character will be 'Slight adverse', it is not clear how this assessment of effect has been reached. This is contrary to the Guidelines, which state (p.17) *'Clearly describe the methodology and the specific techniques that have been used, so that the procedure is replicable and the results can be clearly understood by a lay person'*. While the Landscape Officer would not necessarily disagree with the landscape and visual effects, where shown, he does not feel that the assessment has been undertaken in a manner that is replicable.

The Design and Access Statement offers an Illustrative Masterplan (P.04), but since this is an outline application this can only be considered to be an illustrative plan. The landscape and Visual Assessment indicates that the proposals will include wildlife corridors, retention of boundaries - where possible, and green corridors to create visual buffers, as well as environmental enhancements. Unfortunately, without additional information it is impossible to determine whether these will be effective, provide effective visual buffers or even provide enhancements.

However, although a number of criticisms can be levied at the submission, the supporting information, and the methodology adopted, having assessed the site carefully, does not consider that a refusal on landscape impact grounds alone could be sustained and that provided the open space areas shown on the Framework Plan are retained within the scheme, and appropriately landscaped, the impact could be mitigated. This could be ensured through the reserved matters, appropriate conditions and the S106 agreement.

Nevertheless, the application site is located in Open Countryside in the Crewe and Nantwich Replacement Plan 2011, as such Policy NE2 is relevant. This policy states that approval will only be given for development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area. As justification this policy indicates that such works themselves would be expected to respect the character of the Open Countryside. Since this is an outline application for housing in the Open Countryside it is not clear how this will respect the character of the Open Countryside, which should be protected for its own intrinsic value. In the absence of a need to develop the site in order to provide a 5 year housing land supply, it is considered that the benefits of the scheme are considerably outweighed by the harm to Open Countryside which should be protected for its own sake.

Trees and Forestry

The Council's Landscape Officer has examined the proposals and commented that site is agricultural land located to the north of Audlem and extends to 5.53HA. It is bounded and crossed by hedgerows which include mature hedgerow trees. There are two trees on a length of the site boundary to the north where there is no hedgerow present.

The submission is supported by an Arboricultural Statement dated May 3013. The Statement includes a Tree Survey undertaken in accordance with *British Standard 5837:2012 trees In Relation to design, Demolition and Construction – Recommendations* and an Arboricultural Impact Assessment.

A total of 11 individual trees were surveyed as part of the arboricultural assessment. The majority of the trees are mature with Oak the predominant species. The trees are described as prominent features in the local landscape by virtue of their size and character.

The Arboricultural Impact Assessment indicates that the development would not require the removal of any trees to facilitate the proposals in the Development Framework Plan and recommendations are made for new tree planting to form an integral part of any new development. A recommendation is made that a schedule of tree works be prepared once a layout has been finalised.

However, the Landscape Officer affords limited weight to the Development Framework plan in respect of the capacity of the site to accommodate the number of dwellings proposed.

BS5837:2012 Trees in relation to design, demolition and Construction – Recommendations identifies at para 5.2 *Constraints posed by Trees* that all relevant constraints including Root Protection Areas (RPAs) should be plotted around all trees for retention and shown on the relevant drawings, including proposed site layout plans. Above ground constraints should also be taken into account as part of the layout design

Whilst the Arboricultural Impact Assessment (para 4.2) has considered the Development Framework Plan, and shows constraints thereon, it would appear that the Illustrative Site Layout has not been evaluated. The Illustrative Layout plan provides only indicative tree symbols of trees for retention and is not cross referenced with their Root Protection Areas and respective Tree protection details. As a consequence it is not possible to determine the direct or indirect impact of the proposed Illustrative layout on retained trees.

In order to give a high level of confidence that the number of dwellings proposed could be accommodated and development could be implemented without harm to significant trees, a scaled Illustrative layout plan should be provided with tree constraints which demonstrates that the proposed dwelling numbers can be achieved whilst adhering with the requirements of *BS5837:2012 Trees in Relation to Design, Demolition, and Construction – Recommendations*. Please re-consult when this is provided.

To conclude the Landscape Officer not satisfied that the submission demonstrates adequately that the site can accommodate the number of dwellings proposed without impact on trees.

Hedgerows

The formation of the proposed access would result in the loss of a length of roadside hedgerow. From the illustrative layout, other sections of hedgerows may be lost in order to create links within the site although the full implications would only become apparent when a detailed layout is provided.

Where proposed development is likely to result in the loss of existing agricultural hedgerows which are more than 30 years old, it is considered that they should be assessed against the criteria in the Hedgerow Regulations 1997 in order to ascertain if they qualify as 'Important'. Should any hedgerows be found to be 'Important' under any of the criteria in the Regulations, this would be a significant material consideration in the determination of the application.

The Ecological Appraisal states that the hedgerows were assessed against the wildlife and landscape criteria of the Hedgerow Regulations 1997 and none were found to be important under the wildlife and landscape criteria of the Hedgerow Regulations 1997.

The submission also includes a Historic Hedgerow Assessment which indicates that four lengths of hedgerow on the boundaries of the site, including the roadside hedge are 'Important' under the Regulations because they form an integral part of a field system pre-dating the Inclosure Acts.

Policy NE5 of the local plan states that the Local Planning authority will protect, conserve and enhance the natural conservation resource where, inter alia, natural features such as hedgerows are, wherever possible, integrated into landscaping schemes on development sites. The impact on an 'Important' hedgerow is a therefore material consideration.

In this case, it is the historic line of the hedgerow which is considered to be important rather than the species within it or the habitat which it creates. It is acknowledged that only sections of the hedgerow need to be removed, and that, as its line follows that of the road, it could still be traced in the landscape following the implementation of the development. Notwithstanding this point, there are no overriding reasons for allowing the development and it is considered that there are suitable alternatives for accommodating the necessary housing supply. Therefore, the development fails to comply with all of the tests within Policy NR3.

Ecology

Article 12 (1) of the EC Habitats Directive requires Member states to take requisite measures to establish a system of strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites and resting places. Art. 16 of the Directive provides that if there is no satisfactory alternative and the derogation is not detrimental to the maintenance of the populations of the species at a favourable conservation status in their natural range, then Member States may derogate *"in the interests of public health and public safety or for other imperative reasons of overriding public interest, including those of a social and economic nature and beneficial consequences of primary importance for the environment"* among other reasons.

The Directive is then implemented in England and Wales : The Conservation of Habitats and Species Regulations 2010. ("The Regulations"). The Regulations set up a licensing regime dealing with the requirements for derogation under Art. 16 and this function is carried out by Natural England.

The Regulations provide that the Local Planning Authority must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of their functions.

It should be noted that, since a European Protected Species has been recorded on site and is likely to be adversely affected by the proposed development, the planning authority must have regard to the requirements for derogation referred to in Article 16 and the fact that Natural England will have a role in ensuring that the requirements for derogation set out in the Directive are met.

If it appears to the planning authority that circumstances exist which make it very likely that the requirements for derogation will not be met, then the planning authority will need to consider whether, taking the development plan and all other material considerations into account, planning permission should be refused. Conversely, if it seems from the information that the requirements are likely to be met, then there would be no impediment to planning permission in this regard. If it is unclear whether the requirements will be met or not, a balanced view taking into account the particular circumstances of the application should be taken and the guidance in the NPPF. In line with guidance in the NPPF, appropriate mitigation and enhancement should be secured if planning permission is granted.

In this case the Council's Ecologist has examined the application and made the following comments.

Great Crested Newts

A satisfactory survey for this species has been undertaken. No evidence of this species was recorded during the survey and this species is unlikely to be present or affected by the proposed development.

Hedgerows

Hedgerows are a Biodiversity Action plan priority habitat and hence a material consideration. It appears likely that the development of this site would require the removal of some sections of hedgerow to facilitate access to the site. It is recommended that if outline planning consent is granted a condition be attached requiring the submission of proposals for appropriate replacement hedgerow planting to be submitted in support of any reserved matters application.

Breeding Birds

The site of the proposed development is likely to support breeding birds potentially including the more widespread Biodiversity Action Plan priority species. However it is advised that the

site is unlikely to be of significant ornithological value. If planning consent is granted the standard conditions are required to safeguard breeding birds and to ensure some additional provision is made for nesting birds and roosting bats.

Subject to the above, it is considered that the proposal would not have any adverse impact on ecology and that the proposal therefore complies with policies NE.5 (Nature Conservation and Habitats) and NE.9: (Protected Species) of the Local Plan and the relevant sections of the NPPF.

Education

The Council's Education Officer has examined the application and commented that at present, the local primary schools are forecast to have sufficient surplus capacity to accommodate the pupils generated by this development.

However, the local secondary school (excluding the sixth form) is over subscribed. 120 dwellings will generate 16 secondary aged pupils and on this basis a contribution of $16 \times 17,959 \times 0.91 = £261,483$ will be required. This can be secured through the Section 106 Agreement.

Highway Safety and Traffic Generation.

A Transport Assessment has been submitted with the application which concludes that:

- *The Site access junction proposed to serve the development will operate under priority control and are indicated on Drg No 1321/05/A. It is proposed to revise/introduce new traffic calming features and relocate the existing speed limit change on the A529 Audlem Road as part of the proposed development. Drg No 1321/14 presents the proposed speed limit relocation and changes to the existing traffic calming features.*
- *The principle of transport sustainability underlies the proposed development. Encouraging walk and cycle journeys is an essential component of the development access strategy. The location of the Site provides opportunity for residents to undertake journeys on foot and by cycle, for a variety of purposes, including employment, leisure, shopping, school, etc.*
- *Encouraging public transport journeys is an essential component of the development access strategy. There is an existing bus stop on Audlem Road circa 460m from the Site (ie slightly beyond a 5 minute walk of the Site) which is served by buses travelling in both directions. There are additional bus stops in Audlem to the south of the Site and these are slightly beyond a 10 minute walk of the Site. It is established that there are opportunities for residents of the Site to undertake public transport journeys for a range of purposes, including shopping and employment. It is proposed to make improvements to the existing bus stop infrastructure as part of the development. Comprehensive junction analysis and modelling is undertaken for the year 2018 AM & PM peak hours, for the Base and With Development situations. It is concluded that the proposed residential development does not have a detrimental impact on the operational performance of the TA study network of junctions.*

- *It is concluded that the proposed development is in accordance with national and local transport policies, and that there are no transport/highways reasons for refusal of planning permission.*

The Strategic Highways Manager has examined the application and commented that submitted transport assessment has undertaken an assessment of a number of junctions on the local highway network in the peak hours AM 0745-0845 and PM 1645-1745. The locations of these junctions are as follows:

- A529 Cheshire St / Heathfield Rd
- A529 Cheshire St / A525 Stafford Street
- A525 Woore Road / Salford / School Lane
- A525 Whitchurch Road / A529 Green Lane
- A529 Audlem Road / Bridgemere Lane
- A529 Audlem Road / Crewe Road

The trips generated by the development have sourced from the Trics database, the estimated trip generation is considered reasonable and the development is likely to generate 78 two-way trips AM and 80 two-way trips PM. The base traffic flows are based on a traffic count undertaken in 2012, and these figures have been validated against counts undertaken by CEC on Audlem Road.

The assessments have undertaken on the completion of development at 2018 with growth factors added, the distribution of traffic has been derived from the 2012 census data. All of the capacity assessments at the junctions have indicated that they work well within capacity and this is due to the low background flows on the road network.

With regard to the site access arrangements, the priority junction submitted does provide visibility splays of 2.4m x 120m in each direction and this level of visibility does accord with the speed survey results that indicate that 70kph (40mph) design speed is appropriate. The applicant has also submitted plans to extend the 30mph speed limit further north and also to introduce traffic management measures on Audlem Road.

Although the applicants have submitted a priority junction design the Highway Authority would require a Ghost Island right turning facility to be provided, this is justified as the minor road traffic will be in excess 500 vehicles 2 way AADT and also right turning traffic will not be impeded on the A529. Clearly, it would difficult to upgrade the junction in the future and this facility should be installed during the development process.

The accessibility of the site to public transport is available at a not too distant walk from the site, as in most rural areas the bus services are limited with only a hourly service available on Audlem Road between Whitchurch and Nantwich. It is proposed to improve the existing bus stop to the south of the site and also provide a new bus stop on the opposite of the road. The site can be accessed by other non car modes such as walking and cycling.

As this is an outline application, there are no comments on the internal layout arrangements of the site and only the access proposals have been commented on.

In summary, the Strategic Highways Manager is of the view that the development proposals does not raise a severe traffic impacts on the road network with regard to capacity, the reason why this development can be accommodated is that the existing flows on the A529 are not currently running near capacity levels and as such the junctions can accept the additional flow.

Although the proposed priority access does work with capacity levels, the amount of traffic using the access on a daily basis does justify the provision of a ghost island right turn lane and the applicant should revise the access design to incorporate this provision.

The proposals to extend the speed limit and provide traffic management measures is beneficial and it is preferred if these measures are secured via a S278 Agreement apart for the speed limit changes that will need to be undertaken by CEC. Similarly, the upgrades to the bus stops can be incorporated into a S278 Agreement.

An amended plan has been submitted showing the revised access arrangements requested by the Highway Authority which now include a right turn facility. The ghost island right turn lane has been designed in accordance with DMRB designs standards adopting a 30mph design speed (we are proposing to extend the existing 30mph speed limit further north). However, the design has retained the 2.4m x 120m visibility splays at the Site access. The 120m 'Y' visibility distance is based on the results of the AHA speed survey on Audlem Road in the vicinity of the Site. This has been done on the basis that whilst the developer is proposing traffic calming and relocating the change in speed limit, the plan demonstrates that the development is not reliant on this to achieve visibility splays that meet the appropriate design standards at the access (ie a reduction in existing vehicular speeds is not required to provide visibility splays that meet standards). The applicant has also revised the traffic calming scheme to reflect the changes to the access.

The Strategic Highways Manager has reviewed the revised plans and confirmed that he is content with the access proposals and traffic calming scheme.

9. CONCLUSIONS

The site is within the Open Countryside where under Policies NE.2 and RES.5 there is a presumption against new residential development, which would be harmful to its open character and appearance, which in the absence of a need for the development should be protected for its own sake. The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development. However, the 2013 SHLAA shows that the Borough has an identified deliverable housing supply of 7.15 years and therefore the presumption in favour of the proposal does not apply. The proposal does not accord with the emerging Development Strategy. Previous Appeal decisions have given credence to such prematurity arguments where authorities can demonstrate a five year supply of housing land. The development of open countryside, where there is no established need to do so, is considered to be fundamentally unsustainable.

Furthermore, the proposal would result in the loss of agricultural land. The submitted information indicates that this is amongst the best and most versatile grades of land. In the absence of any established need to develop the site in order to meet housing land supply

requirements, it is considered that the benefits of development would not outweigh the loss of agricultural land.

The applicant has also failed to demonstrate that the proposal can be accommodated without harm to mature trees of amenity value. The proposal would also result in the loss of an important hedgerow. In addition, the applicant has failed to demonstrate that the proposal provides for an adequate standard of design and layout. The applicant has also failed to demonstrate that the proposal is acceptable in terms of its impact upon residential amenity.

Following the successful negotiation of a suitable Section 106 package, the proposed development would provide adequate public open space, education contributions, highway contributions, and the necessary affordable housing requirements.

Subject to confirmation from the Environment Agency that the submitted FRA is acceptable, the proposal is not considered to have any adverse impacts in terms of drainage/flooding and it therefore complies with the relevant local plan policy requirements for residential environments.

Whilst the site does not meet all the minimum distances to local amenities and facilities advised in the North West Sustainability toolkit, overall, the site performs relatively well in terms of locational sustainability and it is not considered that a refusal on these grounds could be sustained. Furthermore, the development would contribute to enhanced walking and cycling provision.

However, these are considered to be insufficient to outweigh the harm that would be caused in terms of the impact on the open countryside, loss of agricultural land, and potential impact on trees, the character and appearance of the area and amenity. As a result the proposal is considered to be unsustainable and contrary to Policies NE.2, BE3, NR5 and RES.5 of the local plan and the provisions of the NPPF in this regard.

9. RECOMMENDATION

RESOLVE to contest the forthcoming Appeal against non-determination on the following basis:

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside, where according to Policies NE.2 and RES.5 of the adopted Borough of Crewe and Nantwich Replacement Local Plan there is a presumption against new residential development. Such development would be harmful to its open character and appearance, which in the absence of a need for the development should be protected for its own sake. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework. As such the application is also premature to the emerging Development Strategy. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.**
- 2. In the absence detailed survey information the applicant has failed to demonstrate that the proposal will not result in loss of the best and most versatile agricultural land and given that the Authority can demonstrate a**

housing land supply in excess of 5 years, the applicant has also failed to demonstrate that there is a need for the development, which could not be accommodated elsewhere. The use of the best and most versatile agricultural land is unsustainable and contrary to Policy NE.12 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the provisions of the National Planning Policy Framework.

3. The proposal would involve the removal of an “important” hedgerow as defined in the Hedgerow Regulations 1997. Policy NE5 of the local plan states that the Local Planning authority will protect, conserve and enhance the natural conservation resource where, inter alia, natural features such as hedgerows are, wherever possible, integrated into landscaping schemes on development sites. In the absence of overriding reasons for allowing the development and the proposal is therefore contrary to Policy NR3 of the adopted Congleton Borough Local Plan First Review.
4. Insufficient information has been submitted to demonstrate that, at the proposed density, the scheme would provide for the retention and protection of existing trees of amenity value and therefore the applicant has failed to demonstrate that the proposal complies with Policy NE.5 (Nature Conservation and Habitats) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the provisions of the National Planning Policy Framework.
5. On the basis of the information submitted, the applicant has failed to demonstrate that the scheme provides for a sufficiently high quality of design for buildings and public spaces which will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. In so doing, the proposal will also fail to take the opportunities available for improving the character and quality of an area and the way it functions and to establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live and visit contrary to the provisions of the National Planning Policy Framework and policies BE2 (Design) and BE3 (Access and Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011
6. Insufficient information has been submitted to demonstrate that, at the proposed density, the scheme would provide for an adequate standard of amenity for existing and future occupiers and therefore the applicant has failed to demonstrate that the proposal complies with Policy BE1 (Amenity) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

Additionally, given the Appeal is proceeding to ensure appropriate provision of affordable housing and play space provision on site, it is also recommended that the Borough Solicitor be authorised to enter into a S106 Legal Agreement/ Unilateral Undertaking to secure:

- £10,000 for speed limit changes
- £261,483 for secondary education

- **Provision of on-site open space including skate park**
- **Private residents management company to maintain all on-site open space**
- **30% of the total dwellings as affordable with the tenure split of the affordable dwellings being 65% affordable rented and 35% intermediate.**
- **Detailed scheme of size, number, tenures and types of affordable dwellings to be submitted with each phase of reserved matters**
- **Affordable housing to be pepper-potted,**
- **Affordable housing to be provided no later than occupation of 50% of the open market dwellings (or 80% if the development is phased and has high levels of pepper-potting),**
- **Affordable housing to be built to meet the Design & Quality Standards required by the Homes & Communities Agency and meets Code for Sustainable Homes Level 3.**
- **Affordable housing to be transferred to and managed by a Registered Provider as set out in the Housing Act 1996.**

Hankelow

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