

Application No: 13/3210N

Location: LAND EAST OF 22, HEATHFIELD ROAD, AUDLEM, CW3 0HH

Proposal: Outline application for the erection of up to 36 dwellings, access works and open space

Applicant: Mr Frank Hockenhull, Hockenhull Properties Ltd

Expiry Date: 31-Oct-2013

SUMMARY RECOMMENDATION

REFUSE

MAIN ISSUES

Impact of the development on:-

Planning Policy and Housing Land Supply
Affordable Housing,
Highway Safety and Traffic Generation
Landscape Impact
Hedgerow and Tree Matters
Ecology
Design
Amenity
Open Space
Drainage and Flooding
Sustainability
Education

REASON FOR REFERRAL

This application is referred to the Strategic Planning Board as it relates to a departure from the development plan.

DESCRIPTION OF SITE AND CONTEXT

The application site covers an area of approximately 4.82 ha and is located to the east of Audlem on land to the west and east of Mill Lane, a lane that also functions as an adopted bridleway (BR30 Audlem). The area to the south and adjoining the southern boundary of that part of the application site to the east of Mill Lane is the Audlem - Woore Road Conservation

Area. The Audlem Conservation area is located a short distance to the south west of the application site. The application site is currently agricultural land that extends over a number of fields with good hedgerows and substantial tree cover, especially along the brook, which is located along the southern and eastern boundary. The topography is undulating and slopes down to the brook along the east and southern boundaries of the site.

The site is approximately 4.82 hectares in size and consists of several fields either side of Mill Lane which have well defined field boundaries. To the south west are the properties on Heathfield Road and 2 properties accessed off Mill Lane, to the north there are 3 residential properties and the whole site surrounds a detached property called The Mount.

The majority of the site is designated as being within the open countryside, with the access point from Heathfield Road being within the settlement boundary

DETAILS OF PROPOSAL

This is an outline application for the erection of up to 36 dwellings, provision of open space and access works on land at Mill Road/Hilary Drive, Audlem. The application is in outline with all matters reserved apart from access. However several **indicative** plans have been submitted with the application including layout and house types.

Access is proposed from a junction to be created off Heathfield Road, opposite Hilary Road and would be created by the demolition of number 22 Heathfield Road. This would run through the site to the proposed dwellings on the eastern side of Mill Lane. Two dwellings are proposed to the south of The Mount and their access would be taken off Mill Lane.

RELEVANT HISTORY

Two Local Plan Inquiries have excluded the site. At the most recent in November 2003, a Local Plan Inspector concluded that this site should not be allocated for housing.

POLICIES

National Planning Policy

National Planning Policy Framework

Local Plan policy

BE.1 – Amenity
BE.2 – Design Standards
BE.3 – Access and Parking
BE.4 – Drainage, Utilities and Resources
BE.5 – Infrastructure
BE.6 – Development on Potentially Contaminated Land
NE.2 – Open Countryside
NE.5 – Nature Conservation and Habitats
NE.9 – Protected Species
NE.17 – Pollution Control
NE.20 – Flood Prevention
RES.7 – Affordable Housing

RES.3 – Housing Densities

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

Other Considerations

'Planning for Growth'

'Presumption in Favour of Economic Development'

Draft National Planning Policy Framework

The EC Habitats Directive 1992

Conservation of Habitats & Species Regulations 2010

Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System

Interim Planning Statement Affordable Housing

Interim Planning Statement Release of Housing Land

Cheshire East Development Strategy

Cheshire East SHLAA

CONSULTATIONS (External to Planning)

Environment Agency:

Request conditions relating to flood risk, surface water run-off and landscape buffer zones.

United Utilities:

None received at the time of report writing.

Strategic Highways Manager:

Access to the site can be gained from either Heathfield Road which is a narrow rural road or from Hilary Drive which is a residential road that has been traffic calmed with road humps. The main access to the site is proposed to be an extension of Hilary Drive with Heathfield Road becoming effectively a side road giving way to Hilary Drive. The majority of the proposed development will be served from this main access although two new units will be accessed from Mill Lane.

An indicative layout has been submitted and I do have some concerns regarding how the new internal roads will interact with Mill Lane which is a single track/bridleway and additionally how the car park is going to be accessed. However, as this is an outline application, I can only comment on the proposed means of access.

The proposed new access is a traffic calmed table with a change of priority and is shown on the applicant's drawing SCP/13092/F01, in terms of highway design this is considered to be acceptable solution to serve a development of 36 units. With regard to the secondary access from Mill Lane, this is a single track and already serves a number of properties and farms and it is also a bridleway/footpath. I would not wish to see this track intensified any further as the width is not available for two-way flow and also Mill Lane is intended for pedestrian use.

The traffic generation rates proposed for the development has been estimated from the Trics database, the rates proposed are lower than would be expected from a development that is located in a rural area and is predominately car borne. The CEC assessment of the likely rates do produce higher trip rates but given the small amount of development proposed, this only

results in slightly higher levels of generated peak hour traffic in the range of 21 – 24 trips two way.

Although the access roads to this site are in some cases narrow are not suited to large traffic flows, once distributed on the road network the development traffic would only result very small increases in the traffic flow. Given that the Highway Authority would have to prove that there is severe harm arising from this increase, this would not be possible given the level of trip generation predicted.

With regard to the sustainability of the site, the location of the site is in a rural location and although there are bus services within a reasonable walking distance from the site, these are limited services hourly at best with parts of the day having a two hourly service. The nearest railway station is at Nantwich which is located some 10km away from the site. Therefore, in terms of employment it is likely that the vast majority of trips are going to be car borne and it is not considered that the accessibility of the site is good.

These comments are related to the access and principal of the development, the internal layout is to be considered at the reserved matters stage. As discussed earlier in the comments, the existing access roads to the site are not ideal to serve development but given the quantum of development proposed it only produces a negligible increase in flows and in my view, does not constitute a severe impact.

The main access proposal to the development site is considered an acceptable design and does provide adequate visibility from the rearranged junction. The use of Mill Lane to serve more development is not accepted, as this is a single track and acts as a footway/Bridleway and further traffic usage should be discouraged.

The location of the site is considered not be sustainable as the non-car opportunities to travel especially work based trips are limited and this is not consistent with the NPPF that seeks to promote sustainable transport.

Therefore, a refusal is recommended on the current planning application in that the Mill Lane is not a suitable access for further development and that the site is not sustainable.

Environmental Health:

Recommend conditions relating to contaminated land, noise generation, lighting and bin storage.

Education:

None received at the time of report writing.

Public Open Space:

As there is already an equipped children's play area in Audlem, Greenspaces would like to see a multi use games area on the open space within the development. This would need to be floodlit.

VIEWS OF THE 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 is extremely concerned by the development, its effect on the characteristics and vitality

of the village, safety of the villagers and potential environmental and sustainability hazards caused by the proposed development of the site.

Reasons for the objection:

- a. Compliance with the Development Plan.
- b. Compliance with the National Planning Policy Framework (NPPF).
- c. Impacts on local Heritage and Environment.
- d. Flood Risk.
- e. Layout & Design.
- f. Drainage.
- g. Habitat/Protected Species.
- h. Transport Issues.
- i. Sustainability.

These issues will be addressed in the body of the report.

OTHER REPRESENTATIONS

In excess of 100 objections have been received relating to this application, including one from the local MP and a petition with 100 signatures. These can be viewed on the application file. They express concerns about the following issues:

Principal of the development

Circumstances have not changed since the Local Plan Inspector rejected the site as a housing allocation

The site is outside the settlement boundary in open countryside

Loss of good quality agricultural land

The proposal does not comply with

Adverse impact when considered in conjunction with the proposed Gladman development

Unplanned development in open countryside

Contrary to the Audlem Village Design Statement and Landscape Character Assessment

Cheshire East can now demonstrate a 5 year housing land supply

The amount of development is excessive in relation to local plan requirements

The site is in an unsustainable location

The SHLAA does not deem that this site is suitable for development

Development should be on 'Brownfield' land

The site is inaccessible peripheral and has a rural character

Design and Scale

Inappropriate design and scale of the proposed development

The dwellings would be out of keeping with the bungalows on Heathfield Road

Adverse impact on the visual amenity of the area

Excessive density of the development

Disproportionate size

The development would be over dominant due to its elevated position

Poor quality design

The design is a 'stereotypical reproduction of urban twee'

The properties are of the 'standard identikit Legoland cottage pastiche'

The development would be a visual eye-sore

Amenity

The land is elevated and would lead to a loss of privacy

Noise and disruption

Overshadowing/Loss of outlook

Overlooking/loss of privacy

Light pollution

The car park on the public open space will affect the peace and quiet of existing local residents

The site should not have a floodlit multi-use games area

Highways

Increased traffic congestion

Parking problems

Highway safety

The roads in the area are in a poor state of repair

Lack of pavements on Heathfield Road

Danger to children walking to school from additional traffic

The highways assessment is fundamentally flawed

There was no pre-application consultation with the local community

Inappropriate access on Mill Lane

Conflict with the bridleway

Inappropriate access through a residential estate

Heathfield Road will become a busier 'rat-run'

This is urban sprawl

Infrastructure

General lack of the necessary infrastructure in the village

Existing secondary schools are full

Health centre has reached capacity

The local drainage system would not be able to accommodate further development

Ecology

Impact upon protected species

Loss of habitat

Adverse Impact upon wildlife

Loss of protected hedgerow

Loss of protected trees

Inadequate protected species surveys

Heritage

The development would help connect Salford and Audlem and have an adverse impact on the Woore Road (Audlem) Conservation Area

Adverse impact on the character of the Conservation Area

Adverse impact on the setting of 'The Mount'

Other issues

No demand for new houses

The location of the site is not sustainable
The flood risk assessment is wholly inaccurate
Increased flooding from the site caused by the development of the site
Lack of employment in Audlem
The site was used for burying cattle during a Foot and Mouth outbreak
The planning department website is unusable
Audlem residents are getting really tired of “chancer” developers trying to spoil our village
Once the area is gone it is gone forever
Loss of biodiversity
Increased surface water run-off
Inadequate level of formal notification of local residents
No information on who will maintain the open space and car park
Would open up the opportunity for further development
The proposed open space would be unusable for large parts of the year

APPLICANT’S SUPPORTING INFORMATION

To support this application the application includes the following documents;

- Supporting Planning Statement
- Design and Access Statement
- Transport Statement
- Protected Species Survey
- Arboricultural Statement
- Tree Survey
- Flood Risk Assessment

These documents are available to view on the application file.

OFFICER APPRAISAL

Principal of Development

The site lies largely 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

The National Planning Policy Framework (NPPF) states at paragraph 47 that there is a 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.

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 not considered that Policy NE.2 which protects Open Countryside is not out of date and the provisions of paragraphs 49 and 14 do not apply in this case. In addition to this the NPPF in paragraph 17 states that Local Planning Authorities should recognise the intrinsic character and beauty of the countryside.

Emerging Policy

The current application site was not considered as part of the Development Strategy.

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 decision's in Doncaster MBC 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 prematurity case can be defended in this case.

However, the 5 year supply is a minimum provision and not a maximum and, given that there remains presumption in favour of sustainable development which according to the NPPF *"should be seen as a golden thread running through both plan-making and decision-taking"*, it is still necessary to consider whether the proposal would constitute sustainable development and whether there would be any significant adverse impacts arising from the proposal.

Conclusion

- The site is within the Open Countryside where under Policy NE.2 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.
- However, the 5 year supply is a minimum requirement and the NPPF carries a presumption in favour of sustainable development. It is therefore necessary to consider whether the proposal is sustainable in all other respects.

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 relates to current planning policies set out in the North West Regional Spatial Strategy for the North West (2008).

The Checklist 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 toolkit sets maximum distances between the development and local amenities.

These comprise of:

- post box (500m),
- local shop (500m),
- playground / amenity area (500m),
- post office (1000m), bank / cash point (1000m),
- pharmacy (1000m),
- primary school (1000m),
- medical centre (1000m),
- leisure facilities (1000m),
- local meeting place / community centre (1000m),
- public house (1000m),
- public park / village green (1000m),
- child care facility (1000m),
- bus stop (500m)
- railway station (2000m).
- secondary school (2000m)
- Public Right of Way (500m)
- Children’s playground (500m)

The application does not include such an assessment but puts forward the argument that the Development Strategy identifies Audlem as a ‘Local Service Centre’ that provides a range of services and facilities.

It is considered that as the site lies adjacent to existing residential development in Audlem, it would therefore be difficult to uphold a reason for refusal on the grounds of the site not being in a sustainable location.

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.

SHMA 2010

The SHMA 2010 identified a requirement for 30 affordable homes in the Audlem sub-area between 2009/10 – 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.

Cheshire Homechoice

In addition to the information from the SHMA 2010 there are currently 51 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 17 x 1 bed, 16 x 2 bed, 10 x 3 bed, 2 x 4 bed (6 applicants haven't stated number of rooms required)

Audlem Rural Housing Needs Survey

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, with 416 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 up to 36 dwellings this equates to a requirement for 7 social or affordable rented dwellings and 4 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.

The applicants are offering 30% of the total dwellings as affordable.

As there is evidence of need for a variety of sizes of affordable homes a balanced mix of affordable dwellings would be required and the applicant should have further discussions with the Council about the type of affordable housing to be provided prior to the submission of any Reserved Matters application.

The Interim Planning Statement: Affordable Housing states –

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.

It is therefore the preferred option that the developer undertakes to provide any social rented/affordable rented units through a Registered Provider of affordable housing.

Highways Implications

The Strategic Highways Manager (SHM) has assessed the application and considered several issues relating to the site. There are concerns about how the internal roads will interact with Mill Lane, which is a single track road/bridleway. There are also concerns about how the proposed car park would be accessed. However; as the application only seeks detailed consent for the access, a refusal on these grounds could not be sustained.

Having regard to traffic generation, the estimates put forward in the Transport Assessment are lower than would be expected from a rural area such as this, due to reliance on car travel. The amount of trips likely to be generated from the site are however likely to be low and when combined with existing traffic, could not be demonstrated to result in severe harm.

The SHM considers that the main access to the site would be of an acceptable design and would provide adequate visibility from the rearranged junction.

The use of Mill Lane to access the development proposed on the eastern part of the site however is not acceptable as it would cross this single track road/bridleway that could lead to conflict with pedestrians and horses and their riders.

Amenity

An **indicative** layout has been submitted with the application and this shows that minimum separation distances could be achieved between the proposed and existing dwellings adjacent to the site.

Having regard to the amenity of future occupiers of the dwellings, adequate private residential amenity space could be provided, although the dwelling that would be sited in the plot currently occupied by 22 Heathfield Road would be in conflict with a protected Lime tree, which would overshadow the majority of usable amenity space.

Landscape

The application site covers an area of approximately 4.82 ha and is located to the east of Audlem on land to the west and east of Mill Lane, a lane that also functions as an adopted bridleway (BR30 Audlem). The area to the south and adjoining the southern boundary of that part of the application site to the east of Mill Lane is the Audlem - Woore Road Conservation Area. The Audlem Conservation area is located a short distance to the south west of the application site. The application site is currently agricultural land that extends over a number of fields with good hedgerows and substantial tree cover, especially along the brook, which is located along the southern and eastern boundary. The topography is undulating and slopes down to the brook along the east and southern boundaries of the site.

Although the Design and Access Statement includes a paragraph on Landscaping and Ecology (v 4.12 – 4.20), the submission does not include a landscape and visual assessment or appraisal.

Paragraph v of the Design and Access Statement does indicate that a tree survey has been submitted, as well as an ecological assessment and that significant trees and hedgerows are located across the site, but no assessment of the landscape character has been included, nor has a visual assessment been conducted.

The Cheshire Landscape Character Assessment identifies the application site as being located beyond the urban edge of Audlem in Landscape Type 10: Lower Farms and Woods and specifically within the Audlem Character Area (LFW4). This identifies this character area as being broadly undulating, with steeper slopes along watercourses and an area where settlement is of relatively low density, with settlements linked by a network of narrow country lanes. The assessment also identifies that around Audlem specifically the topography is more undulating, with tree-lined streams and small woodlands and copses and that the resulting landscape is a verdant and enclosed landscape on a smaller scale. The application site would appear to be representative of the Audlem Character Area (LFW4).

Unfortunately a landscape and visual appraisal or assessment has not been submitted as part of this application. The agricultural nature of the application site, the topography, relatively intact nature of the agricultural landscape and proximity of adjacent conservation areas would indicate that there will inevitably be a landscape impact on the landscape character. There will also be a visual impact as well – many of the receptors and the location of a bridleway running through the site would normally be considered to be the most sensitive of receptors.

While the Design and Access Statement indicates (4.16) that ‘The scheme provides the an opportunity to create additional landscaping which will expand the existing context and further enhance the ecological opportunities’, this is an outline application and since no landscape or visual appraisal or assessment has been submitted it is not clear how any landscape works can enhance or exactly what is meant by this statement. In reality the proposals do have the potential to have a significant landscape and visual impact on an attractive rural local and an area that is identified in the Crewe and Nantwich Replacement Local Plan 2011 as being Open Countryside, as such Policy NE:2 would also be relevant. This policy specifically 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.

Trees and Hedgerows

The main area of the site comprises open grassland and pasture with mature trees and hedges to the field boundaries, open agricultural land to the east and a tree lined stream to the south and east. The site includes one existing residential property to the north west at 22 Heathfield Road.

Two mature Lime trees standing to the north west of the site are the subjects of TPO protection.

The submission is supported by an Arboricultural Statement prepared by Cheshire Woodlands dated 24/7/13 which incorporates a tree survey, a tree constraints plan and an evaluation of the Illustrative site layout provide on Picea Design Ltd plan 423-SL-01.

The submitted arboricultural evaluation of the Illustrative site layout indicates that the development would require the removal of one moderate value category B tree to accommodate the access road, 5 individual and 2 groups of low value category C trees, 2 hedges and 5 sections of hedge. 2 dead trees are recommended for felling.

The evaluation concludes that the loss of trees will have only a modest impact on the wider amenity that can be mitigated by silvicultural management and the provision of new trees and landscaping. It suggests all trees, shrubs and hedges proposed for retention can be retained and protected in accordance with current best industry best practice guidance.

As an outline application with only access included, limited weight can be afforded to the indicative layout. The provision of access as indicated would result in the loss of one medium grade early mature Ash tree and several lower grade trees. The wider arboricultural impacts could only be assessed in a comprehensive manner with a detailed layout at reserved matters stage and with full detail of services, proposed levels etc. Nonetheless, it is important to consider the potential capacity of the site to accommodate the scale of development proposed.

At face value, tree losses identified are limited. It is noted however, that the arboricultural report has not identified the potential conflict between a proposed dwelling on the site of 22 Heathfield Road and a mature TPO protected Lime tree. It is considered that the indicative dwelling location on this plot would be completely unacceptable in such close proximity to the protected tree. In principle, the retention of trees alongside the watercourse in an area of POS should secure their long term retention and there would be scope for additional planting as part of the development.

With the exception of the issues raised in respect of the protected Lime tree at 22 Heathfield Drive, subject to application of current best practice guidance *BS5837:2012 Trees in relation to design, demolition and Construction – Recommendations*, it appears there is scope for most of the tree cover in the area to be maintained and enhanced.

Should the development be deemed acceptable, comprehensive arboricultural conditions would be required. At reserved matters stage the applicant would need to ensure that the layout took full account of tree constraints and provided adequate space associated with the new dwellings for the future growth potential of retained trees.

It should be noted that no reference has been found to the status of the hedgerows within the proposed application site in relation to The Hedgerow Regulations 1997. Consideration needs to be given to whether hedgerows are deemed to be 'Important' under any of the criteria within the Regulations. The Regulations require assessment on various criteria including ecological and historic value. A full assessment of the importance of the hedgerows should have been submitted with the application. Currently it is not possible to assess the impact of the proposal having regard to this issue.

Public Rights of Way

A Public Right of Way, namely Public Bridleway No. 30 in the Parish of Audlem, as recorded on the Definitive Map and Statement, the legal record of Public Rights of Way, would be affected by the proposed development.

This route is a popular route of a distinct track nature, forming a key link in the network of Public Rights of Way and lanes for non-motorised users to access the countryside. This category of Public Right of Way is relatively sparse in number in Cheshire East, as recognised in the Council's statutory Rights of Way Improvement Plan.

The proposal suggests that part of the Public Bridleway would be used to carry vehicular access to the site. This is contrary to government guidance issued in the Department for Environment, Food and Rural Affairs Rights of Way Circular (1/09) Guidance for Local Authorities, Version 2, October 2009, which states:

"7.8 In considering potential revisions to an existing right of way that are necessary to accommodate the planned development, but which are acceptable to the public, any alternative alignment should avoid the use of estate roads for the purpose wherever possible and preference should be given to the use of made up estate paths through landscaped or open space areas away from vehicular traffic".

Further details as to anticipated traffic movements, surfacing and user separation for the affected section of Public Bridleway would be required from the developer. The developer should also be tasked to consider removing or reducing the length of the Public Bridleway over which vehicles would pass. The developer would be expected to undertake future maintenance of any section of the Public Bridleway improved or over which increased traffic is generated as a result of the proposed development.

Footpaths are proposed within the open space of the development: it is expected that the maintenance of these paths would be included within arrangements for the open space and that they would not be dedicated as Public Rights of Way.

Should the development be granted consent, appropriate and adequate destination signage and interpretation should be required to be provided by the developer on-site and off-site to inform local users about the availability of pedestrian, cyclist and horseriding routes, and the developer should be tasked to provide new residents with information about local routes for both leisure and travel purposes.

Design

The application is outline with details of scale, layout, appearance and landscaping to be determined at a later date. In support of this planning application, a Design and Access Statement has been provided. In addition an **indicative** layout and house types have been submitted.

The importance of securing high quality design is specified within the NPPF and paragraph 61 states that:

“Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”

Whilst the application is in outline form with access as the only matter to be agreed at this stage, the design and access statement has put forward that the development would be appropriate and in keeping with the area. The site is elevated in parts and it is considered that substantial two-storey dwellings could appear quite prominent because of this. This is an issue that could be addressed at reserved matters stage.

Ecology

Water Vole/Stream

The stream on site has been identified as having potential to support water voles and is a feature of some nature conservation value in its own right. Based on the submitted indicative layout the proposed development is unlikely to have an adverse impact on the stream. However if planning consent is granted a condition should be attached requiring a undeveloped 8m buffer be provided adjacent to the stream.

Bats

There are buildings and trees on site that have been identified as having potential to support roosting bats. No detailed bat survey has been submitted with the application. To enable the Council to determine this application in accordance with its statutory and policy obligations in respect of protected species a bat survey of the buildings and trees affected by the proposed development must be submitted to the LPA prior to the determination of the application.

Great Crested Newts

The submitted ecological report makes reference to the ponds located around the site of the proposed development, however, no assessment of the potential impacts of the development upon great crested newts has been included. It is recommended that the submitted report must be amended to include an assessment of the potential impacts of the development upon this species.

Badgers

A badger sett has been recorded on site. Based on the indicative layout the site is unlikely to be adversely affected by the proposed development. The proposals are however likely to result in the loss of potential badger foraging habitat. It is recommended that this impact is likely to be relatively minor in nature. If planning consent is granted a condition requiring any future reserved matters application be supported by an updated badger survey be imposed.

Hedgerows

Hedgerows are a Biodiversity Action Plan priority and a material consideration. The proposed development is likely to result in the loss of existing hedgerows however outline proposals for replacement hedgerow planting have been included with the ecological assessment.

Breeding Birds

If planning consent is granted standard conditions will be required to safeguard breeding birds.

Open Space Area

The public space area shown on the indicative layout plan includes significant opportunities for ecological enhancement. Ecological enhancement measures have been included at Appendix 5 of the submitted ecological report. If planning consent is granted it is recommended that conditions be attached requiring detailed proposals for the open space area to be submitted in support of any future reserved matters application which should include the enhancement measures submitted in respect of this outline application.

Public Open Space

There is extensive public open space and a car park proposed within the development site. The Public Open Space Officer has requested that a multi use games area is provided within the site; however as yet no figures have been provided as to the costs this would incur. An update on this issue will be provided prior to Board considering the application.

Objectors have expressed concerns about this in terms of noise and anti-social behaviour. Whilst these concerns are noted, it is not possible to say that such a facility would have this sort of negative effect.

Education

The Education Department have been consulted on this application; however as yet no response has been received. As such an update will be provided prior to Board considering the application.

Flood Risk and Drainage

The site is within Flood Zones 1, 2 and 3. A Flood Risk Assessment has been submitted with this application and this has been assessed by the Environment Agency. They have not objected to the proposal but have recommended that several conditions be imposed in order to protect against flood risk and retain the integrity of Audlem Brook.

Several of the objections refer to flood risk, in particular that if the site is developed it would cause additional flooding to existing properties in Audlem. Whilst these concerns have been given careful consideration, it is considered that a refusal on these grounds would not be sustainable given the lack of an objection from the Environment Agency.

Agricultural Land

Policy NE.12 (Agricultural Land Quality) of the Crewe and Nantwich Replacement Local Plan has been saved. The National Planning Policy Framework highlights that the use of such land should be taken into account when determining planning applications. It advises local planning authorities that, 'significant developments' should utilise areas of poorer quality land (grades 3b, 4 & 5) in preference to higher quality land.

The supporting statement submitted with the application states that the proposal would not lead to the loss of the best and most versatile agricultural land but does not define its grading. However; given the scale of the proposal and the existing topography of the land, it is not considered that its loss would be significantly detrimental.

Other issues

The majority of the objections to the proposal have referred to existing problems with drainage and the sewers in Audlem. At the time of report writing a response has not been received from United Utilities. These issues can be dealt with by condition and also the Building Regulations. An update on this issue will be provided prior to Board considering the application.

CONCLUSIONS

The site is within the Open Countryside where under Policy NE.2 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. However, the 2013 SHLAA shows that the Borough has an identified deliverable housing supply of 7.15 years and therefore the automatic presumption in favour of the proposal does not apply. This issue will form a reason for refusal.

The proposal does not accord with the emerging Development Strategy. Previous appeal decisions have given credence to such arguments where authorities can demonstrate a five year supply of housing land.

The scheme is in outline form with access being the only detailed matter, as such the issues of appearance, landscaping, layout and scale are not to be determined as part of this application.

The proposed development would provide a safe access from the new junction at Heathfield Road/ Hillary Drive. However the access to the eastern part of the site would be in conflict with users of this single track road/bridleway to the detriment of highway safety.

In terms of Ecology, the insufficient information has been submitted to assess the impact of the proposed development on protected species.

The necessary requirement for affordable housing would be provided.

The proposal is considered to be acceptable in terms of its impact upon residential amenity. 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, there is not a significant failure to meet these and all such facilities are accessible to the site. The development is therefore deemed to be locationally sustainable.

However, these are considered to be insufficient to outweigh the harm that would be caused in terms of the impact on the open countryside, and as a result, the proposal is considered to be unsustainable and contrary to policies NE2 of the local plan and the provisions of the NPPF in this regard.

RECOMMENDATIONS

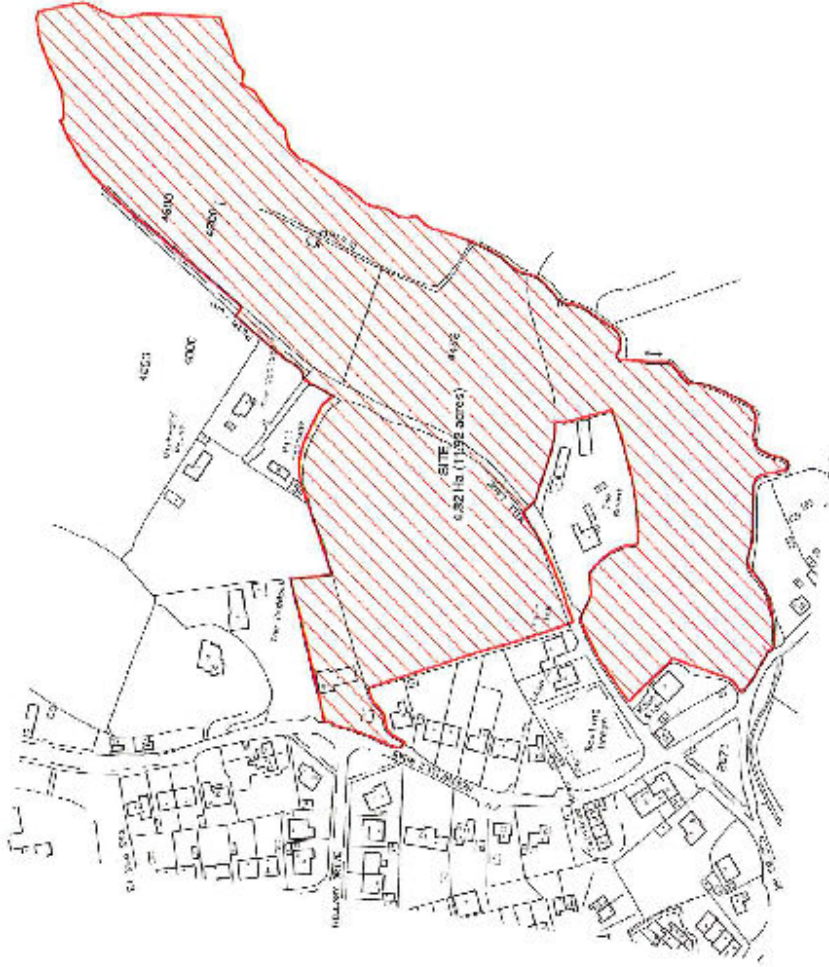
REFUSE:

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policy NE.2 (Open Countryside) and the principles of the National Planning Policy Framework and create harm to interests of acknowledged importance. 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 contrary to the emerging Development Strategy. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.**
- 2. The proposed access to plots 13, 14, 15, 16, 17 and 18, on Mill Lane is not suitable for further development. The proposal would therefore have a significant adverse impact on highway safety. The development would therefore be contrary to Policy BE.3 (Access and Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the National Planning Policy Framework.**
- 3. Insufficient information has been submitted with the application relating to bats in order to assess adequately the impact of the development having regard to the issue of protected species. In the absence of this information, it has not been**

possible to demonstrate that the proposal would comply with Development Plan policies, the NPPF and other material considerations.

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Planning and Place Shaping Manager has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.

Should this application be the subject of an appeal, authority be delegated to the Planning and Place Shaping Manager in consultation with the Chairman of the Strategic Planning Board to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.



PIKEA DESIGN

PROPOSED DEVELOPMENT
AT
MILL LANE
AUDLEM
CHESHIRE
LOCATION PLAN

PROJECT: MILL LANE AUDLEM
DATE: 10/10/2010
SCALE: 1:1000
DRAWN BY: J. D. 10/10/2010

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423-LOC-01