

Application No: 13/5162N

Location: Land east of 22, HEATHFIELD ROAD, AUDLEM, CW3 0HH

Proposal: Outline application for erection of up to 26 dwellings, access and open space Resubmission of 13/3210N

Applicant: Frank Hockenhull, Hockenhull Properties Ltd

Expiry Date: 20-Mar-2014

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 1.27 ha and is located to the east of Audlem on land to the east of Heathfield Road. The site comprises the curtilage of number 22 Heathfield Road and an adjacent field to the south. It is bounded by residential dwellings on Heathfield Road to the west, Mill Lane to the north east and properties known as The Paddock and Mill Cottage to the north.

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.

A previous application was refused by Strategic Planning Board on 9th October 2013 for the following reasons:

- 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.*
- 1. The proposed access to plots 19 and 20, 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.*
- 2. 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.*
- 3. The proposal fails to make adequate provision for infrastructure requirements and community facilities, in the form of medical provision, the need for which arises directly as a consequence of the development, contrary to Policy BE 5 of the adopted Borough of Crewe and Nantwich Replacement Local Plan. It is therefore socially unsustainable contrary to the provisions of the National Planning Policy Framework.*

DETAILS OF PROPOSAL

This is an outline application for the erection of up to 26 dwellings, provision of open space and access works on land east of Heathfield Road, 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 forming a 'T' shape.

The previous proposal was for up to 39 dwellings and included two further parcels of land to the east and south of Mill Lane. This proposal does not include that land.

RELEVANT HISTORY

13/3210N 2013 Refusal for the erection of up to 39 dwellings

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 Guidance

National Planning Policy Framework

Local Policy

Paragraph 216 of the National Planning Policy Framework (NPPF) states that, unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process.

At its meeting on the 28th February 2014, the Council resolved to approve the *Cheshire East Local Plan Strategy – Submission Version* for publication and submission to the Secretary of State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

The relevant policies of the **Cheshire East Local Plan Strategy – Submission Version** are:

Policy SD 1 Sustainable Development in Cheshire East
Policy SD 2 Sustainable Development Principles
Policy SE 1 Design
Policy SE 2 Efficient Use of Land
Policy SE 3 Biodiversity and Geodiversity
Policy SE 4 The Landscape
Policy SE 5 Trees, Hedgerows and Woodland
Policy SE 9 Energy Efficient Development
Policy SE 12 Pollution, Land Contamination and Land Instability
Policy PG 1 Overall Development Strategy
Policy PG 2 Settlement Hierarchy
Policy PG5 Open Countryside
Policy EG1 Economic Prosperity

The relevant policies saved in the **Congleton Borough Local Plan First Review** are:

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

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 SHLAA

CONSULTATIONS (External to Planning)

Environment Agency:

Request conditions relating to flood risk, land levels, surface water run-off and a landscape management plan

United Utilities:

No objection subject to no building over a public sewer that runs through the site and submission of scheme for the disposal of foul and surface water.

Strategic Highways Manager:

Development has been previously considered on this site, this application proposes a reduction in the number of units to 26 from the 36 dwellings previously proposed.

Access to the site remains the same with a change of priority with the main access being Hilary Drive and Heathfield Road giving way at the junction. The proposed access proposal has been the subject of a safety audit commissioned by CEC, although the report highlighted a number of design issues that needed to be addressed there was no fundamental safety concerns raised regarding the type of access proposed. This application does not propose the use of Mill Lane to serve any residential units and there is no car park proposed at the north of the site.

As highlighted in the previous comments, the access roads to the site particularly Heathfield Road are narrow and do not have a footway in places. Clearly, if this proposal was for a major development that would materially increase traffic flows on these roads then I would be concerned. However, the accident records do not indicate any PIA's accidents in the vicinity of the site and traffic flows are generally very light on Heathfield Road and Hilary Drive. The peak level of trips from the site is likely to be 15 two-way trips in the busiest hour, this level of generated traffic during the course of a hour is not sufficient to constitute a severe harm.

In summary, as this is an outline application the main consideration is access and the issues regarding the internal layout will be dealt with at reserved matters stage. With regard to traffic impact, it is acknowledged that the local road infrastructure has deficiencies, but it is not the case that local roads could not support the level of development proposed in this application and the further additional traffic that it generates.

Therefore subject to conditions the Strategic Highways Manager does not raise highway objections on this application.

Environmental Health:

Recommend conditions relating to contaminated land, noise generation, lighting, electric vehicle infrastructure, travel plans and bin storage.

Education:

An application of 26 dwellings is anticipated to generate 5 primary and 3 secondary aged pupils.

Audlem St James is the only primary school within a 2 mile radius and this school has sufficient capacity to accommodate the pupils which are expected.

Brine Leas is the catchment secondary school. This school is forecast to be oversubscribed and so a contribution will be required. This amounts to the sum of £49,028.

Public Rights of Way

The Illustrative Site Layout plan depicts a 'potential footpath link' from the proposed development site to the Public Bridleway. As the Public Bridleway is available to users on foot,

bicycle and horseback, it could be anticipated that at least the first two categories of users may wish to use this potential link, and this should be borne in mind during detailed design.

The legal status of this link path would require the agreement of the Council as the Highway Authority, and the developer would be expected to include the maintenance of the path within the arrangements for the open space of the site.

Should the development be granted consent, appropriate information should be provided by the developer to inform prospective residents about the availability of pedestrian, cyclist and horseriding routes for both leisure and travel purposes.

Public Open Space:

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.

The Parish Council have also requested that should the application be deemed to be acceptable, that conditions/s106 monies should be sought for the following:

- Enhancement of the pedestrian and disabled access from the site to the school and other village facilities.
- Mitigation of flood risk as requested by the Environment Agency
- Monies to cover the 3 year funding gap for the medical practice and to allow additional accommodation e.g. at the Public Hall for use by the medical practice
- Design to retain the character of the Salford Conservation Area
- Securing that the affordable housing is 'pepper potted', included at each stage of building and 50% should be managed by a housing association
- Limit the length of time the developers have to complete the development
- Bind the developer to take full responsibility for any subsequent failures or deficiencies in drainage

- Mitigate against damage to bats

OTHER REPRESENTATIONS

At the time of report writing, approximately 33 objections have been received relating to this application. 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
75% of the traffic will use Heathfield Drive as evidenced by a traffic survey undertaken by local residents
There was no pre-application consultation with the local community
Inappropriate access through a residential estate
Heathfield Road unsuitable for additional traffic
This is urban sprawl

Infrastructure

General lack of the necessary infrastructure in the village
Existing secondary schools are full
Medical has reached capacity and would have 'to close our list'
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

The reduction in the amount of houses does not change the objections
No demand for new houses
Audlem needs more low cost housing
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
Loss of biodiversity
Increased surface water run-off
Inadequate notification to local residents
Formal notification of local residents during the Christmas period
No information on who will maintain the open space and car park
Would open up the opportunity for further development

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 & Site Assessment Report
- 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.

Housing Land Supply

The National Planning Policy Framework (NPPF) confirms 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 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:

- n 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*
- n specific policies in the Framework indicate development should be restricted.”*

A number of recent appeal decisions have concluded that the Council has not conclusively demonstrated a five year supply of deliverable housing land, founded on information with a base date of 31 March 2012 selectively updated to 31 March 2013. However, the Council has recently published a 5 Year Supply Position Statement which seeks to bring evidence up to date to 31 December 2013. The approach taken to the Statement has been informed by policy requirements and by consultation with the Housing Market Partnership.

The Borough's five year housing land requirement is 8,311. This is calculated using the 'Sedgefield' method of apportioning the past shortfall in housing supply across the first five years. It includes a 5% buffer, which is considered appropriate in light of the Borough's past housing delivery performance and the historic imposition of a moratorium.

A standard formula of build rates and lead-in times has been applied to most housing sites, unless more detailed site-specific information is available. Those considered deliverable within the five year supply have been 'sense-checked' and assumptions altered to reflect the circumstances of the particular site. The Criticisms made of the yields from certain sites in the recent appeals, particularly those in the merging Local Plan, have also been taken on board.

Sources of supply include sites under construction; sites with full and outline planning permission; sites awaiting Section 106 Agreements; selected Strategic Sites which are included in the emerging Local Plan; sites in adopted Local Plans; and small sites. This approach accords with the *National Planning Policy Framework*, existing guidance and the emerging *National Planning Policy Guidance*.

A discount has been applied to small sites, and a windfall allowance included reflecting the applications which will come forward for delivery of small sites in years four and five.

A number of sites without planning permission have been identified and could contribute to the supply if required. However, these sites are not relied upon for the five year supply at present.

The current deliverable supply of housing is assessed as being some 9,757 homes. With a total annual requirement of 1,662 based on the 'Sedgefield' methodology and a 5% 'buffer', the *Five Year Housing Land Supply Position Statement* demonstrates that the Council has a 5.87 year housing land supply. If a 20% 'buffer' is applied, this reduces to 5.14 years supply.

In the light of the above the Council will demonstrate the objective of the framework to significantly boost the supply of housing is currently being met and accordingly there is no justification for a

departure from Local Plan policies and policies within the Framework relating to housing land supply, settlement zone lines and open countryside in this area.

Additionally, the adverse impacts in terms of conflict of this proposal with the Cheshire East Local Plan Strategy – Submission Version, of releasing this site for housing development would, in the planning balance, outweigh the benefits of the proposal in terms of housing land supply, since the site is not relied upon within the Local Plan Strategy – Submission Version or the Assessed Housing land supply.

Therefore, the site is not required for the 5 year housing land supply plus buffer.

Open Countryside Policy

As well as assessing housing supply, the recent Appeal decisions at Sandbach Road North Congleton Road Sandbach, the Moorings Congleton and Crewe Road, Gresty Green are also significant for clarifying the status and intent of settlement zone line and countryside policies.

Some have sought to argue that as settlement boundaries effectively contain the built area of a town or village – and so define the area in which development is usually concentrated – that accordingly they should be viewed as housing supply policies. This subsequently could mean that those policies, along with normal countryside policies, should be considered “out of date” if there is no five year supply of housing land. This view is derived from paragraph 49 of the framework which states that:

“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”.

There are appeal decisions that appear to support this perspective, although those in Cheshire East have generally taken a different approach.

The recent appeal decisions consider this matter in some detail. It was noted by the Inspector that the settlement zone lines serve a variety of purposes – and take account of land allocated for development up to a particular point (in this case 2011). However, the Inspector considered that settlement zones lines were not driven by the need to identify land for development, but rather are based on the objective of protecting countryside once development land is identified. Consequently, he concluded that the related policy (Policy PS4 of the Congleton Local Plan) was “*not sufficient directly related to housing land supply that it can be considered time expired for that purpose.*” Instead the Policy is “*primarily aimed at countryside & green belt protection*”. These objectives are largely in conformity with the NPPF and attract “*significant weight*”. In both appeals conflict with countryside policies were acknowledged.

This means that these policies remain important in the planning balance – but are not necessarily determinative. The two decisions pinpoint that much depends on the nature and character of the site and the individual circumstances pertaining to the application. At Congleton Road, the Inspector considered that the objective to boost significantly the supply of housing outweighed the “relatively moderate” landscape harm. In contrast, at Sandbach Road North the provision of housing was viewed as an “important and substantial” material consideration, but there would also be serious harm resulting from the impact on the character and appearance of the countryside. On this occasion that identified harm, combined with the significant weight attributed to countryside policies, outweighed the benefits in terms of housing supply.

In reaching this conclusion, the Inspector memorably noted that:

“the lack of a 5 year supply of housing land does not provide an automatic ‘green light’ to planning permission”.

Therefore, countryside policies in existing local plans can be considered as consistent with NPPF and are not housing land supply policies – and thus not of date, even if a 5 year supply is not in evidence. They accordingly need to be played into the planning balance when decisions are made. Where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply. Therefore, the proposal remains contrary to Open Countryside policy regardless of the 5 year housing land supply position in evidence at any particular time.

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.

Strategic Housing Market Assessment Update 2013

The site falls within the Audlem sub-area in the SHMA update 2013 which identified an annual affordable housing requirement of 22 homes between 2013/14 and 2017/18, broken down this equates to an annual need of 4 x 1bed, 16 x 3 bed and 4 x 4/5 bed general needs units, as well as 3 x 2 bed older persons accommodation.

Cheshire Homechoice

In addition to the information from the SHMA Update 2013 the Council's choice based lettings system shows 27 live applicants who have selected the Audlem lettings area as their first choice. These applicants require 15 x 1 bed, 8 x 2 bed, 1 x 3 bed and 1 x 4 bed units.

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. Any social rented/affordable rented units should be provided through a registered provider of affordable housing.

Highways Implications

Considerable concern has been expressed by local residents and the Parish Council that the development would have a severe adverse impact on highway safety due to lack of footways and high levels of existing traffic being exacerbated by increased vehicle movements generated by the proposed development. The Neighbourhood Residents Association have stated by email on 10th February 2014 that they have employed a highways consultant to prepare a report. However; at the time of report writing the Council has not received this.

The site and the proposal including the submitted transport statement have been assessed by the Strategic Highways Manager (SHM). The SHM agrees that there are narrow parts to the local roads and areas without a footway and states that if the proposal was for a more significant number of dwellings that he would be concerned. However; given the traffic flows and the number of trips that would be generated from the site the SHM considers that the development would not result in severe harm as required by the NPPF and a reason for refusal on these grounds could not be sustained.

Should planning permission be granted a condition should be imposed requiring submission of details of signage, lighting and access design.

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 it is considered that plots 1-7 may be dominated by trees on the northern boundary that overhang the site. However; as this proposal is in outline with all matters other than access to be determined at reserved matters stage, this issue could be addressed at that stage.

Landscape

Although the Design and Access Statement includes a paragraph on Landscaping and Ecology (v 4.13 – 4.19), 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, but the agricultural nature of the application site together with 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, as well as 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 (4.17) 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 20111 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. 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.

Trees and Hedgerows

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 17th February 2014 which incorporates a tree survey, a tree constraints plan and an evaluation of the Illustrative site layout.

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, 4 individual and 3 groups and one area of low value category C trees, 2 hedges and 5 sections of hedge. (While possible impacts are cited for two of hedges -H3 and H5, these are off site and it is not clear why these should be affected. This may be a typographic error as the report appears to have been based on an earlier version prepared for application 13/3210N). Two 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. It would appear that the provision of access as indicated would result in the loss of one medium grade early mature Ash tree and several lower grade trees. In addition,

potentially, it is considered that plots in the vicinity of proposed plots 1 – 7 would be dominated by trees on the northern boundary which overhang the site

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, the indicative layout appears to suggest the site has the potential capacity of the site to accommodate the scale of development proposed without significant tree losses. The location of the proposed POS in the former garden of the residential property makes provision for the retention of significant trees.

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 vicinity to be maintained and enhanced.

Should the development be deemed acceptable, comprehensive arboricultural conditions should be imposed. 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. Particular attention would need to be given to levels to ensure no changes in tree or hedge root protection areas.

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, is adjacent to the proposed development, though would appear to be unaffected by the revisions made since application ref. 13/3210N.

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. Therefore the integrity of the route is important to retain – the Illustrative site Layout suggests that this will be achieved 'where possible'.

The Illustrative Site Layout plan depicts a 'potential footpath link' from the proposed development site to the Public Bridleway. As the Public Bridleway is available to users on foot, bicycle and horseback, it could be anticipated that at least the first two categories of users may wish to use this potential link, and this should be borne in mind during detailed design. The legal status of this link path would require the agreement of the Council as the Highway Authority, and the developer would be expected to include the maintenance of the path within the arrangements for the open space of the site.

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 within the blue line of the application 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 it is considered that the proposed development is unlikely to have an adverse impact on the stream.

Bats

No evidence of roosting bats was recorded within the bungalow on site and the building appears to have relatively limited potential to support a roost.

Three trees on site have been identified as having bat roost potential one of these trees will be removed as part of the proposed development. As is often the case of surveying trees for bats this survey has been constrained by the height of the trees and dense ivy cover. None of the trees are considered as having high bat roosting potential and so in accordance with best practice the submitted report recommends that a bat worker be present during the felling process. This approach is acceptable and bats are not reasonably likely to be present or affected by the proposed development.

Great Crested Newts

The proposed development is unlikely to affect Great Crested Newts due to its distance from any potential breeding ponds.

Hedgerows

Hedgerows are a Biodiversity Action Plan priority and a material consideration. A number of hedgerows are present around the boundaries of the proposed development site. As no detailed landscaping proposals have been submitted it is unclear whether there will be any hedgerows lost to the development however it is likely there would be some loss of existing hedgerows. It is therefore recommended that new appropriate native species hedgerows be incorporated into any landscaping scheme produced for the site.

Breeding Birds

If planning consent is granted standard conditions will be required to safeguard breeding birds and to incorporate features for them in the development.

Public Open Space

An area of Public Open Space is identified adjacent to the access to the site. The Public Open Space Officer has requested that a floodlit, multi use games area is provided within the site. Details of this should form part of any reserved matters application.

Objectors 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 and anticipate that the development would generate the need for 5 primary and 3 secondary aged school places. They confirm that the local primary school has the capacity to accommodate this group of pupils, but the catchment secondary school, Brine Leas is forecast to be oversubscribed. Therefore a contribution of £49,028.00 would be required. This should be secured by Section 106 Agreement.

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.

Infrastructure

One of the reasons for refusal on the previous application related to the lack of adequate provision for medical facilities. The Council have been contacted by a representative of the NHS who has confirmed that a s106 contribution could be deposited with the Council and then utilised when suitable works at the local surgery are identified.

As yet an exact figure has not been put forward for a contribution for the site. An update will be provided to members prior to Committee considering the application.

LEVY (CIL) REGULATIONS

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

As explained within the main report, affordable housing and contributions to the local medical facility and high school would help to make the development sustainable and is a requirement of the Interim Planning Policy, local plan policies and the NPPF. It is directly related to the development and is fair and reasonable.

Other issues

Many of the objections to the proposal have referred to existing problems with drainage and the sewers in Audlem. United Utilities have stated that they do not object to the development but emphasise that there is a public sewer that runs through the site that they would not permit building over. The developer would need to use this information to inform the design of the layout of the site at reserved matters stage. A condition should be imposed requiring submission of full details of foul and surface water drainage for approval.

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 Council can now demonstrate a five year housing land supply. This issue will form a reason for refusal.

The proposal does not accord with the Cheshire East Local Plan Strategy – Submission Version.

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 suitable access from the new junction at Heathfield Road/ Hillary Drive.

Subject to conditions, the scheme is acceptable in terms of its impact 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 Policy PG 5 of the Cheshire East Local Plan Strategy – Submission Version.

RECOMMENDATIONS

REFUSE:

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policy NE.2 (Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan, Policy PG 5 of the Cheshire East Local Plan Strategy – Submission Version 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 proposal fails to make adequate provision for infrastructure requirements and community facilities, in the form of medical provision, the need for which arises directly as a consequence of the development, contrary to Policy BE 5 of the adopted Borough of Crewe and Nantwich Replacement Local Plan. It is therefore socially unsustainable contrary to the provisions of the National Planning Policy Framework**

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 Interim Planning and Place Shaping Manager in consultation with the Chairman of the Southern Planning Committee 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.

