

Application No: 19/0357N

Location: Fields Farm, QUEENS DRIVE, NANTWICH, CW5 5JL

Proposal: Outline planning permission with some matters reserved for demolition of existing buildings and erection of proposed housing development of up to 21 dwellings at Fields Farm – Access

Applicant: Mr D Heys

Expiry Date: 02-Aug-2019

SUMMARY

The proposal seeks outline planning permission for up to 21 dwellings at Fields Farm, Queens Drive, Nantwich.

The application site falls within the Open Countryside and the proposals does not adhere with any of the acceptable forms of development permitted in the Open Countryside by Policy PG6 of the CELPS. The application is therefore deemed to represent a departure from the development plan.

However, the site is essentially land locked and no longer forms part of the functional open countryside due to the residential development around the site, and the railway line to the south of the site, and it is therefore considered that the development would not cause harm to the wider open countryside and would be contained within the site area. Furthermore the site is in a relatively accessibly sustainable location with good links to the majority of services within the Nantwich Town Centre.

The benefits of the proposal would be the provision of open market housing and affordable housing, Open Space, and Health contribution and the limited economic benefits during construction.

There are no objections to the development in relation to flooding, air quality, contaminated land, ecology, trees, and there will be impact on the living conditions of existing and future occupier's amenity, subject to conditions and/or a S106 legal agreement where necessary.

Therefore it is considered that although the application is a departure to the Development Plan, other material considerations as set out above, are considered to be acceptable and therefore recommended for approval subject to a legal agreement and conditions set out below.

RECOMMENDATION

Approve with conditions

REASON FOR REFERRAL

The application has been referred to the Southern Planning Committee as it is a Small Scale major development of over 20 units, and it represents a departure from Open Countryside and is policy is recommended for approval.

PROPOSAL

The proposal seeks outline planning permission with some matters reserved for demolition of existing buildings and erection of proposed housing development of up to 21 dwellings at Fields Farm. Matters of access are included for consideration with matters of Appearance, Landscaping, Layout and Scale to be determined at reserved matters stage.

SITE DESCRIPTION

The application site forms an existing working farm known as Fields Farm, which is accessed off Queens Drive. The site currently comprises 4no buildings which are to be demolished as part of the application. There is a mix of converted buildings and agricultural buildings on the site.

The application site is within the open countryside; however permission has been granted and is being implemented for housing which surrounds the site on two sides, with the Railway line bounds the site to the south and east.

RELEVANT HISTORY

13/1637N – Certificate of Lawfulness for Existing Residential use – positive certificate 7th April 2015

P04/0422 – Conversion of Barn to Dwelling – Approved with conditions 26th July 2004

P96/0900 – Retention of dwelling without compliance with occupancy conditions – Approved 3rd April 1997

7/10715 – Horse and pony riding and livery centre – Approved with conditions 2nd February 1984

7/15626 – Change of use from redundant farm buildings to one tourist accommodation unit to operate in conjunction with riding holidays – Approved with conditions 7th July 1988

7/16354 – Change of use from redundant farm buildings to tourist accommodation unit – Approved with conditions 20th January 1989

7/17822 - Change of use to staff residential unit – Approved with conditions 17th November 1989

PLANNING POLICY

Development Plan

Cheshire East Local Plan Strategy (CELPS);

MP1 – Presumption in Favour of Sustainable Development
SD1 – Sustainable Development in Cheshire East
SD2 – Sustainable Development Principles
SE1 – Design
SE2 – Efficient Use of Land
SE3 – Biodiversity and Geodiversity
SE4 – The Landscape
SE5 – Trees, Hedgerows and Woodland
SE6 – Green Infrastructure
SE7 – The Historic Environment
SE9 – Energy Efficient Development,
SE12 – Pollution, Land Contamination and Land Instability
SE13 – Flood Risk and Water Management
PG1 – Overall Development Strategy
PG2 – Settlement Hierarchy
PG6 – Open Countryside
PG7 – Spatial Distribution
SC4 – Residential Mix
IN2 – Developer Contributions
CO1 – Sustainable Travel and Transport
CO4 – Travel Plans and Transport Assessments
SC5 – Affordable Homes
IN1 – Infrastructure
IN2 – Developer Contributions

Saved policies of the Crewe and Nantwich Local Plan 2011 (CNLP);

NE.5 (Nature Conservation and Habitats)
NE.8 (Sites of Local Importance for Nature Conservation)
NE.9 (Protected Species)
NE.20 (Flood Prevention)
BE.1 (Amenity)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
BE.6 (Development on Potentially Contaminated Land)
RES.5 (Housing in the Open Countryside)
RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)
TRAN.3 (Pedestrians)
TRAN.5 (Cycling)

Development on Backland and Gardens SPD (2008)

Acton, Edleston and Henshull Neighbourhood Plan – Regulation 16

The weight however that can be afforded to these policies however is limited at this stage.

ENV1: Landscape character and setting
ENV3: Open Countryside
ENV7: Dark Skies
DEV1: Design for New Development
DEV4: Type and Mix of Housing
TRA1: Improved pedestrian, cycle and public transport access

National Planning Policy

National Planning Policy Framework (NPPF)
National Planning Practice Guidance

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
National Planning Practice Guidance

CONSULTATIONS

CEC Head of Strategic Infrastructure (Highways) – No objections, consider the access to be acceptable.

CEC Environmental Protection – No objections, subject to a number of conditions/informatives including; implementation of the acoustic mitigation, travel information pack, electric vehicle charging points, ultra low emission boilers, contaminated land Phase II, verification report, soil importation materials, unexpected contaminated land

CEC Flood Risk – No objection in principle, subject to conditions for route of culverted watercourse, disposal of surface water and informative for land drainage consent

CEC Education – No objection subject to developer contribution of £49,028.

CEC Open Space (ANSA) – Require provision of Children's play space and amenity green space of a combined figure of 40m² per family dwelling for informal recreation and play. This development does not require formal fixed play. Should the development be accepted in principle by committee, then full landscape and levels plans should be submitted.

CEC Housing – No objections subject to 6 units of affordable housing secured by Legal Agreement; 4 units should be provided as Affordable or Social rent and 2 units as Intermediate tenure.

CEC Public Right of Ways (PROW) – No objection, the additional link path from the development to Footpath no. 2 is welcomed however a permissive arrangement would not secure this access and could be withdrawn at any time. A reserved matters application should address

how best this proposal can be incorporated into the management of the public open space and be secured in perpetuity, and subject to informative.

Network Rail – Object, unless the diversion of Footpath FP2 from Fields Farm level crossing to the adjacent underpass is implemented as requested on the wider housing scheme

United Utilities – No objections subject to conditions regarding foul and surface water drainage and surface water drainage scheme

NHS Primary Care – Request a contribution of £18,216 to offset the impact from extra demand for housing. Triggers to be 50% upon commencement of development and 50% upon completion of 90% of the dwellings

Nantwich Civic Society –Members accepted the principle as this site was almost surrounded by new estate developments. The new houses will use the estate roads for access. The members noted that the egress on to Queens Drive is adequate IF there are no vehicles parked on the R/H side. However, they shared the local residents' concern about parked vehicles blocking egress safely and wished the Local Highway Authority to implement parking restrictions for safety reasons. Members wish to see the existing public footpath to Queens Drive kept open as a safe and more convenient path to the town centre.

Acton, Edleston & Henhull Parish Council –

[18th July 2019- updated comments] - The Parish Council have no objections subject to consideration being given to the provision of resurfacing, maintenance and repair, to a reasonable standard, of the deterioration caused to the pathways and roads by the constant use by heavy vehicles and plant via either section 106 monies or Community Infrastructure Levy.

Future measures need to be addressed relating to traffic speed and parking as currently vehicles are parking on Queens Drive and the pavements causing a dangerous visual hazard to traffic entering and exiting the estate and to pedestrians and cyclists.

[30th May 2019] - The Parish Council has no comment to make on the application but hope that the concerns of the local residents regarding parking issues will be taken in to account when decisions are made.

REPRESENTATIONS

Letters of objection have been received from 3no households. The main issues raised are;

- Access onto Queens Drive is often blocked due to cars being parked in the visibility splays,
- Parking restrictions should be introduced on Queens Drive in the visibility splays to ensure the visibility is actually achievable.
- Do not object to the site in general
- A mix of bungalows would be welcomed in this area
- Adjoining neighbour request a brick wall along the western boundary
- Pedestrian and cycle routes to the town centre should be considered to improve non-car movements

- Question that the statement that the site is very sustainable and has excellent pedestrian, cycle, bus and train connectivity is true

OFFICER APPRAISAL

Principle of Development

The site lies within the Open Countryside as designated by the Cheshire East Local Plan, where policy PG6 states that within the Open Countryside only development that is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Exceptions may be made where there is the opportunity for limited infilling in villages; the infill of a small gap with one or two dwellings in an otherwise built up frontage elsewhere, affordable housing or where the dwelling is exceptional in design and sustainable development terms.

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 initial policy objection.

Housing Land Supply

The Cheshire East Local Plan Strategy was adopted on the 27th July 2017 and forms part of the statutory development plan. The plan sets out the overall strategy for the pattern, scale and quality of development, and makes sufficient provision for housing (36,000 new dwellings over the plan period, equating to 1,800 dwellings per annum) in order to meet the objectively assessed needs of the area.

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted.

The National Planning Policy Framework (NPPF) identifies the circumstances in which relevant development plan policies should be considered out-of-date. These are:

- Where a local planning authority cannot demonstrate a five year supply of deliverable housing sites (with appropriate buffer) or:
- Under transitional arrangements, where the Housing Delivery Test Result indicates that the delivery of housing was substantially below 25% of housing required over the previous three years.

In accordance with the NPPF, the council produces an annual update of housing delivery and housing land supply. The council's most recent Housing Monitoring Update (base date 31 March 2018) was published on the 6th November 2018. The report confirms:

- A five year housing requirement of 12,630 net additional dwellings. This includes an adjustment to address historic shortfalls in delivery and the application of a 5% buffer.
- A deliverable five year housing land supply of 7.2 years (18,250 dwellings).

The 2018 Housing Delivery Test Result was published by the Ministry of Housing Communities and Local Government on the 19th February 2019 and this confirms a Cheshire East Housing Delivery Test Result of 183%. Housing delivery over the past three years (5,610 dwellings) has exceeded the number of homes required (3,067). The publication of the HDT result affirms that the appropriate buffer to be applied to the calculation of housing land supply in Cheshire East is 5%.

Relevant policies concerning the supply of housing should therefore be considered up-to-date and consequently the 'tilted balance' at paragraph 11 of the NPPF is not engaged.

Impact on the open countryside

The application site is situated within the open countryside as designated by policy PG 6 of the Cheshire East Local Plan. However, as noted above the site is essentially now surrounded by housing development to the north, east with the railway line bounding the site to the south and east. The application site is surrounded by housing development and although the site is technically within the designated Open Countryside it no longer functions as part of the Open Countryside.

The site is bounded by the railway line to the south and east and therefore there is no potential for further encroachment into the open countryside at this point. The amended plans show Tree planting and a wildlife corridor along the edge of the railway line which will help to screen the development from the wider open countryside and adjacent PROW.

It is therefore considered that the development would not have a detrimental impact on the character of the open countryside.

Locational Sustainability

Both policies SD1 and SD2 of the CELPS refer to supporting development in sustainable locations. Within the justification text of Policy SD2 is a sustainable development location checklist.

The site is on the edge of Nantwich Town centre which is categorised as a Key Service Centre within Policy PG 2 of the CELPS. The adjoining site was considered to be relatively locationally sustainable with the large majority of the services being available within Nantwich Town centre, with only a few being such as, supermarket, outdoor sport facility, pharmacy and secondary school being slightly outside the recommend walking distances. The site would be no less sustainable than the adjoining development, and is therefore considered to be acceptable in locational sustainable terms.

Housing Mix

Paragraph 61 of the Framework states that 'the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes'.

Policy SC4 of the Local Plan requires that developments provide an appropriate mix of housing (however this does not specify a mix). This is echoed within the draft A&EH NP Policies DEV4 (Type and mix of housing) which states that new development should provide a mix which includes smaller dwellings and family homes suitable for first time buyers or those wishing to downsize, unless viability or other material considerations show a robust justification for a different mix of house size and type.

The amended plans indicate a mix of small dwellings, with 7 no three bedroom properties and 14 no 2 bedroom properties, which are largely semi-detached dwellings with the occasional detached property. Although there are no Bungalows or one bedroom properties proposed, this could be something which is considered further at reserved matters stage, as this application is in outline, and the plans are simply indicative at this time. It is therefore considered that the indicative plans indicate a reasonable housing mix of smaller units.

Affordable Housing

The Cheshire East Local Plan (CELP) and the Council's Interim Planning Statement: Affordable Housing (IPS) states in Settlements with a population of 3,000 or more that we will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 15 dwellings or more or larger than 0.4 hectares in size. The desired target percentage for affordable housing for all allocated sites will be a minimum of 30%, in accordance with the recommendations of the Strategic Housing Market Assessment carried out in 2013. 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.

This is a proposed development of up to 21 dwellings and being of a size of 0.75 Hectares, therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 6 dwellings to be provided as affordable.

The SHMA 2013 shows the majority of the demand annually, up to and including 2018 in Nantwich is for 40x 1 bedroom, 15x 3 bedroom and 35x 4+ bedroom dwellings for General Needs. The SHMA is also showing an Annual need for 16x 1 bedroom dwellings for older persons. These can be via bungalows, flats, cottage style flats or lifetime standard dwellings.

The current number of those on the Cheshire Homechoice waiting list with Nantwich as their first choice is 741. This can be broken down to 383x 1 bedroom, 204x 2 bedroom, 97x 3 bedroom and 57x 4+ bedroom dwellings. On this site therefore the proposed 2 bedroom general needs dwellings are acceptable.

The Strategic Housing Officer states that 4 units should be provided as Affordable or Social rent and 2 units as Intermediate tenure.

At Reserved Matters stage, an Affordable Housing Statement will be required to be submitted and agreed with the council that confirms the following:

- (a) the Agreed Mix;
- (b) the timing, location and distribution of the Affordable Housing within the Site, ensuring that the Affordable Housing is pepper-potted throughout the Site and not segregated from the Open Market Housing;
- (c) details of how the proposed design and construction of the Affordable Housing will ensure that the Affordable Housing is materially indistinguishable (in terms of outward design and appearance) from the Open Market Housing of similar size within the Development;

The Cheshire East Plan (CELP) and the Councils Interim Planning Statement: Affordable Housing (IPS) requires that the affordable units should be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration and also that the affordable housing should be provided no later than occupation of 50% of the open market dwellings

The Strategic Housing Team prefer that the affordable housing meets the HCA's housing quality indicator (HQI) standards.

The affordable housing provision should be secured by Section 106 agreement.

Open Space

The Greenspaces Officer states that Policy SE6 of the Cheshire East Local Plan Strategy states that the quantity standards are set out in the adopted Cheshire East Local Plan Criterion 4iii, (new development shall) provide adequate open space (as outlined in Table 13.1) and defined within the Green Space Strategy.

There is a requirement for;

Children's Play Space - The 20m² per family dwelling combines formal and informal play provision. This amount of land could accommodate a children's kickabout area or similar facility and an area of play equipment/formal provision. The emphasis will be on creating a network of varied open spaces for children's play (all ages).

Amenity Green Space - This particular type of open space (20m²) for informal recreation required in association with new development will depend on the individual site's requirements, location and existing open spaces for informal recreation in the immediate neighbourhood. It could include important landscape and historic features, wildlife areas, areas for countryside recreation/country parks, general areas for relaxing and enjoyment and areas for visual amenity.

The Green Spaces Officer states that children's play space and amenity green space can be combined to give a figure 40m² per family dwelling for informal recreation and play, and therefore there is a requirement of 840m². This development does not require formal fixed play.

The applicant has amended the plans since the last Greenspaces consultation in response to the issues raised in relation to an under provision of amenity space. The agent states that the amended plans now provide 1320m² of Green space, albeit a large area of this being a wildlife corridor along the railway line. The useable amenity space shown is 750m² and this is slightly below the standards. However this is an indicative plan and it is considered reasonable to secure a requirement of 40m² per unit within the section 106 agreement.

The Councils BFL.12 – Connections recommends thinking about where connections can and should be made. It is considered that the pedestrian access linking through to the public footpath is advantageous.

It is considered that if the development is accepted in principle, then full landscape and levels plans should be submitted as part of the reserved matters application.

Education

In Cheshire East we are committed to making a difference to the lives of children and young people in our communities. We want Cheshire East to be a great place for people to live, learn, work and relax; where all children and young people feel included and listened to. We want Cheshire East to be a place where children and young people thrive, are safe from harm, feel physically and emotionally healthy, have access to outstanding education and feel prepared for and excited about adulthood.

Cheshire East had 96.3% of its schools rated as outstanding or good by Ofsted in 2016. Children's Services is committed to putting residents first and creating greater opportunities for our young people to live rewarding lives by delivering and maintaining a high standard of education in the Borough.

The Local Plan is expected to deliver 36,000 houses in Cheshire East; which is expected to create an additional 6,840 primary aged children and 5,400 secondary aged children. 422 children within this forecast are expected to have a special educational need.

The development of 21 dwellings is expected to generate:

4 primary children (21 x 0.19)
3 secondary children (21 x 0.15)
0 SEN children (21 x 0.51 x 0.023%)

The development is expected to impact on secondary school places in the immediate locality. Contributions which have been negotiated on other developments are factored into the forecasts both in terms of the increased pupil numbers and the increased capacity at secondary schools in the area as a result of agreed financial contributions. The analysis undertaken has identified that a shortfall of secondary school places still remains. The proposal is not expected to impact on primary or SEN education provision.

To alleviate forecast pressures, the following contributions would be required:

3 x £17,959 x 0.91 = £49,028 (secondary)

Total education contribution: £49,028

A contribution will be secured of £49,028, by legal agreement.

Health

The South Cheshire Clinical Commissioning Group (CCG) have sought a S106 Contribution advise that funding is required towards the health infrastructure to support the development of Kiltearn Medical Centre, Tudor Surgery and Nantwich Health Centre and their ability to continue to provide the expected level of Primary Care services in Nantwich.

The mitigation requested is based on the following formula and the assumption of 21 units of a housing mix of 2, 3, and 4 bed properties. However the application is in indicative and for up to 21 dwellings and therefore the figure of £18,216 may not be the correct figure.

Size of Unit	Occupancy Assumptions Based on Size of Unit	Health Need/Sum Requested per unit
1 bed unit	1.4 persons	£504 per 1 bed unit
2 bed unit	2.0 persons	£720 per 2 bed unit
3 bed unit	2.8 persons	£1,008 per 3 bed unit
4 bed unit	3.5 persons	£1,260 per 4 bed unit
5 bed unit	4.8 persons	£1,728 per 5 bed unit

It is therefore considered that the financial contribution can be secured as part of legal agreement to mitigate the harm.

Residential Amenity

As noted above the application is in outline, and therefore the submitted plan is indicative. However, the plan gives a good indication that a suitable layout can be achieved that would not have a significant impact on neighbouring amenity.

The Council's separations standards, set out in the Development on Backland and Gardens SPD suggests a separation distance of 21m between opposing principle windows and 13.5m principle windows and flank elevations or non habitable windows.

The main residential properties which would be affecting by the development would be Laburnum House and Pear Tree House, which are two existing traditional semi-detached dwellings presumably originally linked to the wider farmstead. The amended plan shows a larger space between Laburnum House and the closest unit, with an area of Amenity land between. There is a separation distance of 16m between the nearest property and the rear elevation of Laburnum House, provided there are no principle windows on the first floor side elevation of the proposed unit, this will be a sufficient distance.

Furthermore, there are dwellings associated with the adjoining Bovis site which bound the application site on the north and west side of the application site. The majority of the dwellings meet the suggested separation distances as set out in the SPD and most exceed the requirements. There is one unit to the north of the site which will have an interface distance of

12m between the opposing neighbour's side elevation and the rear elevation of the proposed dwelling. Although this is slightly below the suggested standards, it is considered that there is scope to move the property slightly forwards to create a larger space. However this can be addressed further in the reserved application.

The Council also has a standard of 50m² garden areas for future occupiers. The indicative plan shows that all the dwellings achieve the required amount.

Environmental Protection have raised no objections to the proposal subject to conditions regarding the implementation of the noise attenuation mitigation, travel plan, electric vehicle charging, boilers, and contaminated land. These conditions are considered to be reasonable.

Highways

The proposal is for 21 dwellings to be accessed within a recently approved development, with only access to be determined at this time.

The Strategic Highways Officer, states that the existing access to the site is from the north east off Queens Drive via a single width track. However, this access will be closed to the housing development and the site will be accessed via the approved adjacent residential layout. The Strategic Highways Officer states that this access arrangement is acceptable and no objection is raised.

The applicant has submitted confirmation from their Solicitor to prove the adjoining land owner (Bovis) a right to access the application site through the wider housing site.

It is noted the Parish Council and neighbours have raised concerns over the visibility on the Queens Drive being hindered by on street parking. Although this noted as it does not relate directly to this application site or the landowner it would be unreasonable within this application to require parking restriction on Queens Drive.

Landscape

The site forms part of a farm complex with farm buildings (some converted for residential use). It is on land designated as open countryside outside the settlement boundary. A railway line runs to the south and there is residential development under construction to the north and west which incorporates open space to the north east. Public footpath Edleston FP3 runs from Queen Drive and links to Edleston footpaths 2 and 4 close to the site.

As an outline application with only access to be determined, the full landscape implications would only be apparent at reserved matters stage. Nevertheless, given there is adjacent land approved for residential development there do not appear to be any major landscape issues associated with the principle redevelopment of the built areas of the site.

The revised layout would afford the development more amenity space. Should the principle of development be accepted, a reserved matters application would still need to be supported by proposed levels details together with comprehensive landscape and boundary treatment details. A reserved matters layout should also make provision for pedestrian links to the public footpath network as illustrated.

The Landscape Officer also advises that a management plan for the long term maintenance of the open amenity space and a mechanism for implementation need to be secured.

Trees

There are a small number of trees which remain on the north and east boundary of the site which are shown for retention on the amended site plan. Similarly there is an area of grassed open space within the north eastern area of the site, which also shows an existing tree to be retained.

There are no other trees within the site, and therefore the indicative plans appear to show a layout which would have little impact on the existing trees surrounding the site.

As the plans are indicative in nature, conditions requiring updated tree reports and protection measures will be required as part of any reserved matters application.

Design

As noted above the proposed development is in outline only with access included. Therefore the layout, scale and design are reserved for a future consideration. The indicative layout as amended is an improvement on the original proposal which appeared to be car dominated with two large parking areas and frontage parking.

The current scheme, with parking proposed to the sides of the dwellings and the layout appear a lot less overdeveloped, and more akin to the adjoining housing development. There are some small areas of detail which will require some design input at reserved matters stage, eg. the need for dual frontage elevations on corners, and surveillance of the amenity land etc, however it is considered that this application is in outline only and the current plans do show that the site would be capable of accommodating 21 dwellings.

The design details at reserved matters stage will be important to ensure the development meets the standards set out in the adopted Design Guide.

The increased landscape buffer to the south will help to create a green buffer along the railway line.

Ecology

The application includes protected species survey, which the Council's Ecologist has considered.

The Council's Ecologist notes that there were access constraints to some of the buildings on site which meant that not all of the buildings on site could be inspected internally for field signs of protected species. No evidence of roosting bats were however recorded during the activity surveys and the Council's Ecologist has advised that on balance roosting bats and barn owls are not reasonably likely to be present or affected by the proposed development.

As the buildings on site have potential to support protected species, although none are likely to be currently present, The Council's Ecologist has recommend that if outline consent is granted a

condition should be attached which requires an updated survey to be submitted with any reserved matters application.

Furthermore, evidence of nesting house sparrow, a priority bird species, was recorded within one of the buildings on site, therefore the Council's Ecologist has suggested a condition is attached to safeguard nesting birds.

Air Quality

Policy SE12 of the Local Plan states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality.

This proposal is for the residential development of 21 new dwellings following the demolition of an existing farm. Whilst this scheme itself is of a small scale, and as such would not require an air quality impact assessment, there is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality.

Nantwich has an Air Quality Management Area and, as such, the cumulative impact of developments in the town is likely to make the situation worse, unless managed

The Environmental Health Officer has requested the following conditions in relation to air quality;

- Travel Information Pack
- Electric Vehicle Infrastructure
- Ultra Low Emission Gas Boilers

Subject to the imposition of these conditions the impact upon air quality from this development is considered to be acceptable.

Flood Risk

The Flood Risk officer has considered that application and notes that it is identified on flood risk mapping system that there is potentially a culverted watercourse that follows the norther boundary of the site. The applicant should be made aware that Cheshire East Council has a Bylaw that prevents construction within 8 meters of an ordinary watercourse to ensure that future maintenance is not obstructed. However, as the development is in outline currently with an indicative plan, the Flood Risk Officer have suggested a number of conditions in relation to the culverted watercourse and sustainable drainage strategy.

United Utilities have been consulted as part of this application and have raised no objection to the proposed development subject to conditions regarding foul and surface water drainage and a drainage strategy. These conditions are considered reasonable and can be added to any decision notice.

Therefore subject to conditions, the proposal would not pose significant concerns from a flood risk/drainage perspective.

Network Rail

The application site is situated adjacent to railway line, where a buffer is provided. It is noted that Network Rail have raised an objection to the proposal on the basis that the cumulative impact of housing development in this area may have a detrimental impact on the the passive public footpath crossing of the railway. Network Rail, state that they will not withdraw their objection until a diversion of the Footpath FP2 from the Field Farm level crossing to the adjacent underpass is secured.

However, this objection was also raised as part of the original 14/5841N outline application, and a condition was attached to that permission for the diversion to be carried out in accordance with a timetable to be agreed. Therefore although this has yet to be implemented the works have already been secured and therefore it is considered that the objection raised by Network Rail is relation to this small outline for up to 21 dwellings is unreasonable and would not amount to a defensible reason for refusal.

CIL Compliance

In order to comply with the Community Infrastructure Regulations 2010 it is necessary for planning applications with planning obligations 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.

The proposal would result in a requirement for the provision of 6 units of affordable housing; 4 units should be provided as Affordable or Social rent and 2 units as Intermediate tenure. This is considered to be necessary and fair and reasonable in relation to the development.

The development would result in increased demand for primary, and secondary school places in the area. In order to increase capacity of the schools which would support the proposed development, a contribution towards secondary education is required. This is considered to be necessary and fair and reasonable in relation to the development.

As explained within the main report, there is a need for 40m² open space per family dwelling. The application is for up to 21 dwellings and therefore there is a requirement to secure the provision and maintenance of this space by means of a private management company. This is directly related to the development and is fair and reasonable.

As explained in the main report, the development will result in an increased demand for NHS provision in Nantwich. Funding is required towards the health infrastructure to support the development of Kiltarn Medical Centre, Tudor Surgery and Nantwich Health Centre and their ability to continue to provide the expected level of Primary Care services in Nantwich. This is considered to be necessary, fair and reasonable in relation to the development.

On this basis the S106 recommendation is compliant with the CIL Regulations 2010. Furthermore the site will be liable to CIL charging once the number of dwelling is defined at reserved matters stage.

PLANNING BALANCE

The application site falls within the Open Countryside and the proposals do not adhere with any of the acceptable forms of development permitted in the Open Countryside by Policy PG6 of the CELPS. The application is therefore deemed to represent a departure from the development plan.

However, given the site no longer forms part of the functional open countryside due to the residential development around the site, and the railway line to the south of the site, it is considered that the development would not cause significant harm to the open countryside, furthermore the site is in a relatively accessibly sustainable.

The benefits of the proposal would be the provision of open market housing and affordable housing, POS and the limited economic benefits during construction.

There are no objections to the development in relation to flooding, air quality and contaminated land, ecology, trees, and impact on the living conditions of existing and future occupier's amenity, subject to conditions and/or a S106 legal agreement where necessary.

Therefore it is considered that although the application is a departure to the Development Plan, other material considerations as set out above, are considered to be acceptable and therefore recommended for approval subject to a legal agreement and conditions set out below.

RECOMMENDATION:

Approve subject to S106 Agreement to secure:

S106	Amount	Triggers
Affordable Housing	30% - 6 Dwellings (65% Affordable Rent / 35% Intermediate)	No more than 50% open market occupied prior to affordable provision
Education	Contribution of £49,028 towards secondary education	50% Prior to first occupation 50% at occupation of 50% dwelling
Public Open Space	Provision of Public Open Space of 40m2 per dwelling and to be maintained by a private management company	Open space on site prior to first occupation Contribution – 50% Prior to first occupation 50% at occupation of 50% dwellings

Health	<p>Contribution to support Kiltarn Medical Centre, Tudor Surgery and Nantwich Health centre in Nantwich using the following formula;</p> <table> <tr> <th>Size of Unit</th><th>Occupancy Assumptions Based on Size of Unit</th><th>Health Need/Sum Requested per unit</th></tr> <tr> <td>1 bed unit</td><td>1.4 persons</td><td>£504 per 1 bed unit</td></tr> <tr> <td>2 bed unit</td><td>2.0 persons</td><td>£720 per 2 bed unit</td></tr> <tr> <td>3 bed unit</td><td>2.8 persons</td><td>£1,008 per 3 bed unit</td></tr> <tr> <td>4 bed unit</td><td>3.5 persons</td><td>£1,260 per 4 bed unit</td></tr> <tr> <td>5 bed unit</td><td>4.8 persons</td><td>£1,728 per 5 bed unit</td></tr> </table>	Size of Unit	Occupancy Assumptions Based on Size of Unit	Health Need/Sum Requested per unit	1 bed unit	1.4 persons	£504 per 1 bed unit	2 bed unit	2.0 persons	£720 per 2 bed unit	3 bed unit	2.8 persons	£1,008 per 3 bed unit	4 bed unit	3.5 persons	£1,260 per 4 bed unit	5 bed unit	4.8 persons	£1,728 per 5 bed unit	<p>50% Prior to first occupation</p> <p>50% at occupation of 90% dwelling</p>
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And the following Conditions

1. Time Limit (Outline)
2. Submission of reserved matters (Appearance, Landscaping, Layout and Scale)
3. Reserved Matters application made within 3 years
4. Development in accordance with approved plans
5. Prior submission/approval of levels
6. Reserved Matters scheme should be supported by an updated AIA/Tree Protection Scheme in accordance with BS 5837
7. Reserved matters application to be supported by an updated bat and barn owl survey.
8. Nesting birds
9. Any future reserved matters application to be supported by detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds including house sparrow and swifts
10. Reserved matters to include noise mitigation measures
11. Prior submission/approval of a residents travel information pack
12. Provision of electric vehicle charging infrastructure
13. Prior submission/approval that any gas boiler installations proposed are to a certain emission standard
14. Prior submission/approval of a phase 2 contaminated land report
15. Submission/approval of a verification report
16. Submission/approval of a soil verification report
17. Unexpected contamination - works to stop if contamination is identified
18. Prior submission of a surface water drainage scheme and associated management and maintenance plan
19. Reserved matters to include plan showing culverted watercourse
20. Reserved matters to include link to PROW
21. Prior submission/approval of a Construction Management Plan unless otherwise agreed in writing by the Local Planning Authority.

In order to give proper effect to the Southern Committee`s intent and without changing the substance of its decision, authority is delegated to the Head of Planning (Regulation) in consultation with the Chair (or in their absence the Vice Chair) to

correct any technical slip or omission in the resolution, before issue of the decision notice.

If the application is subject to an appeal approval is given to enter into a S106 Agreement with the following Heads of Terms;

S106	Amount	Triggers																		
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