

Application No: 16/2950N

Location: Land Adj North View, NANTWICH ROAD, CALVELEY, CW6 9JN

Proposal: Proposed residential development (up to 16 houses) with associated infrastructure. All matters reserved except for access

Applicant: Mr & Mrs Waterhouse

Expiry Date: 16-Sep-2016

SUMMARY

The application site lies entirely within the Open Countryside as determined by the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011.

Within such locations, there is a presumption against development, unless the development is considered to represent and 'infill' by filling and small gap in an otherwise built up frontage. It is not considered that this aspect of policy applies in this instance.

The proposed development therefore does not fall within any of the listed categories and as such, it constitutes a "departure" from the development plan and there is a presumption against the proposal.

Paragraph 49 of the NPPF 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 and that where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development.

It is therefore necessary to consider whether the proposal constitutes "sustainable development" in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

In this case, the development would provide positive planning benefits such as; the provision of a market and affordable dwellings in a sustainable location and the knock-on minor local economic benefits such a development would bring, particularly during construction.

Balanced against these benefits must be the dis-benefits, which in this case would be environmental matters predominantly comprising of the loss of Open Countryside.

All other issues are considered to be able to be mitigated against by the use of planning conditions or a S106 Agreement and as such, are considered to have a neutral impact.

In this instance, is considered that the benefits of the scheme would outweigh the dis-benefits, particularly given that the application site is already bound to 3 sides by development and is largely well screened on the remaining fourth side by mature shrubbery, trees and hedgerow.

Accordingly it is recommended for approval.

RECOMMENDATION

APPROVE Subject to a S106 Agreement and conditions

REASON FOR REFERRAL

This application is referred to Southern Planning Committee as it proposes housing in the Open Countryside with a positive recommendation. This would represent a departure from the Development Plan.

PROPOSAL

This application seeks outline planning permission to erect up to 16 dwellings. Matters of Access are also sought.

Approval of layout, scale, appearance and landscaping, and scale are not sought at this stage and as reserved for subsequent approval.

As such, this application shall consider the principle of the development and access arrangements only.

SITE DESCRIPTION

The site measures approximately 0.8 hectares in size and comprises of paddock, a stable block, menage and hard standing. The site is a largely 'L-shaped' shaped parcel of land located entirely within the Open Countryside on the western side of the A51, Calveley, Cheshire.

The site is enclosed by open fields to the north and west, the A51 and residential development (including the applicant's property to the north-east, and the railway line to the south.

The site is relatively flat in nature.

RELEVANT HISTORY

15/0379N - Outline application for residential development for up to 5 houses – Approved 5th January 2016

P07/1679 - Relaxation of Condition 3 of Planning Permission P03/0440. Retrospective Permission for Sand Manège Permission for Track - – Approved 7th February 2008

P03/0440 – Timber stable – Approved 6th June 2003

P96/0184 – Stable block – Approved 28th May 1996

LOCAL & NATIONAL POLICY

Development Plan

The Development Plan for this area is the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011.

The relevant Saved Policies are;

NE.2 - Open Countryside
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
RES.2 - Unallocated Housing Sites
RES.3 - Housing Densities
RES.5 - Housing in the Open Countryside
NE.5 - Nature Conservation and Habitats
NE.9 - Protected Species.

Emerging Cheshire East Local Plan Strategy

The following are considered relevant material considerations as indications of the emerging strategy:

PG5 - Open Countryside,
SC4 - Residential Mix
SC5 - Affordable Homes
SC6 - Rural Exceptions Housing for Local Needs
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

National Policy

The National Planning Policy Framework establishes a presumption in favour of sustainable development. Of particular relevance are paragraphs:

14 - Presumption in favour of sustainable development, 17 – Core planning principles, 47-50 - Wide choice of quality homes, 55 - Isolated dwellings in the countryside, 56-68 - Requiring good design, 69-78 - Promoting healthy communities

Supplementary Planning Documents:

North West Sustainability Checklist

CONSULTATIONS

Head of Strategic Infrastructure (HSI) – No objections, subject to a requirement for a £35,520 Section 106 contribution towards traffic management and pedestrian safety measures and a condition seeking the prior submission/approval of a Construction Management Plan

Environmental Protection – No objections, subject to a number of conditions including; the prior submission/approval of a Piling method statement; the implementation of a noise mitigation scheme; the provision of Travel Packs prior to the occupation of the dwellings; the prior approval of electric vehicle charging infrastructure; the prior approval of a dust mitigation scheme; the prior submission/approval of a Phase 1 Contaminated Land Report; the prior submission/approval of soil verification report. In addition, informatives in relation to hours of construction and contaminated land are also sought

Strategic Housing (Cheshire East Council) – No objections as policy compliant 30% on-site affordable housing provision is agreed to by the applicant

United Utilities – No objections, subject to the following conditions; that foul and surface water be drained on separate systems; the prior submission/approval of a surface water drainage scheme; the prior submission/approval of a sustainable drainage management and maintenance plan

Canal and River Trust – ‘No comment’

Children’s Service’s - No objections, subject to the provision of £32,685.38 towards secondary school education provision

Flood Risk Manager – No objections, subject to the prior approval of a surface water management scheme and the prior approval of a drainage management and maintenance plan

Public Rights of Way - No objections

Network Rail - No objections, subject to a condition and a number of informatives.

Alpraham Parish Council – Object to the proposal for the following reasons;

- Highway safety
- Drainage
- Impact upon local infrastructure

Calveley Parish Council – Object to the proposal for the following reasons;

- Overdevelopment of site
- Drainage
- Highway Safety
- Lack of Open Space provision

REPRESENTATIONS

Neighbour notification letters were sent to all adjacent occupants, a site notice was erected and an advert placed in the local newspaper. To date, approximately 4 letters of representation have been received. The main objections raised include;

- Loss of Countryside
- Impact upon landscape
- Highway safety / pedestrian safety
- Impact upon trees
- Drainage
- Flooding

1 letter of support of the scheme has also been received.

APPRAISAL

The key issues are:

- The principle of the development
- The sustainability of the proposal, including its; Environmental, Economic and Social role
- Planning balance

Principle of Development

The site lies largely in the Open Countryside as designated by the Borough of Crewe and Nantwich Replacement Local Plan 2011, where policy NE.2 states 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

Following the receipt of the Further Interim Views in December 2015, the Council has now prepared proposed changes to the Local Plan Strategy (LPS), alongside new and amended strategic site allocations, with all the necessary supporting evidence. The proposed changes have been approved at a Full Council meeting held on the 26 February 2016 for a period of 6 weeks public consultation which commenced on Friday 4 March 2016.

The information presented to Full Council as part of the LPS proposed changes included the Council's 'Housing Supply and Delivery Topic Paper' of February 2016.

This topic paper sets out various methodologies and the preferred approach with regard to the calculation of the Council's five year housing land supply. From this document the Council's latest position indicates that during the plan period at least 36,000 homes are required. In order to account for the historic under-delivery of housing, the Council have applied a 20% buffer as recommended by the Local Plan Inspector. The topic paper explored two main methodologies in calculating supply and delivery of housing. These included the Liverpool and Sedgefield approaches.

The paper concludes that going forward the preferred methodology would be the 'Sedgepool' approach. This relies on an 8 year + 20% buffer approach which requires an annualised delivery rate of 2923 dwellings.

The 5 year supply requirement has been calculated at 14617, this total would exceed the total deliverable supply that the Council is currently able to identify. The Council currently has a total shortfall of 5,089 dwellings (as at 30 September 2015). Given the current supply set out in the Housing Topic Paper as being at 11,189 dwellings (based on those commitments as at 30 September 2015) the Council remains unable to demonstrate a 5 year supply of housing land. However, the Council through the Housing Supply and Delivery Topic paper has proposed a mechanism to achieve a five year supply through the Development Plan process.

National Planning Policy Guidance (NPPG) indicates at 3-031 that deliverable sites for housing can include those that are allocated for housing in the development plan (unless there is clear evidence that schemes will not be implemented within five years).

Accordingly the Local Plan provides a means of delivering the 5 year supply with a spread of sites that better reflect the pattern of housing need. However, at the current time, the Council cannot demonstrate a 5 year supply of housing.

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”

The NPPF determines that sustainable development includes three dimensions:- economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being;

an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

These roles should not be undertaken in isolation, because they are mutually dependent.

The issue in question is whether the development represents sustainable development and whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy objection. These are considered below.

Environmental role

Locational 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”

It was concluded by the Planning Inspector as part of the previous approval on the site (ref: 15/0379N) that;

'Although the locational sustainability of the site is marginal, it is considered that it is close enough, (with footpath access) to enough facilities, in conjunction with its proximity to a regular and robust bus service to be considered as locationally sustainable.'

There is no material planning consideration why the same conclusion would not apply in this instance. As such, the application site is considered to be locationally sustainable.

Landscape Impact

The site is situated in open countryside to the west of Nantwich Road. There is agricultural land to the north and west with a railway in cutting to the south, and residential properties to the east. To the south east there is a vacant parcel of land the site currently contains stables, outbuildings, a manege, areas of hard standing and semi improved grassland. There are a number of trees on the boundaries together with lengths of established hedgerow.

The submission is supported by a landscape and visual impact assessment which states that it is undertaken using methodology taken from the GLVIA (version 3) guidelines.

The report acknowledges that the site lies within open countryside as identified in the local plan. Views are expressed to the effect that the defined Settlement Boundary within the Local Plan does not reflect the true extent of development around the village of Calveley and that the extent of actual built land extends beyond the settlement boundary defined in the local plan. The report seeks to demonstrate how the proposed development would create an extension to existing linear development along Nantwich Road, and be viewed in the context of existing development adjacent to and opposite the site.

The report indicates that of 9 representative viewpoints assessed for impacts on visual receptors, two would have moderate impact although properties opposite the site and properties adjacent to the site would have moderate - substantial impact. To mitigate potential visual impacts, proposed landscaping works and management techniques are put forward and illustrated in a framework plan. The report suggest that such mitigation is considered likely to reduce impacts for most receptors restricting impacts to properties opposite and adjacent to the site.

The report concludes that post mitigation; the landscape effects of the proposed development would be slight for the wider countryside and the site itself. It suggests that once established, the development would be viewed in the context of the existing linear settlement along Nantwich Road.

The Council's Landscape Officer has advised that whilst the site is in open countryside, it is relatively well contained and advises that should the principal of development be accepted, it would be important to ensure that a reserved matters scheme respected and supplemented existing landscape features and that the character and design of buildings and the layout was sympathetic to the area.

It is concluded that at reserved matters stage, a comprehensive landscape scheme should be required and boundary treatment would need careful consideration. However, no principal objections on landscape grounds are raised.

Trees and Hedgerows

There is tree and hedge cover within the site and on the boundaries.

The application is supported by an arboricultural survey to BS 5837, with a tree constraints plan and indicative tree protection measures. The survey covers 19 items of vegetation with 4 individual trees afforded Grade B, 3 grade U and the remainder Grade C.

The tree protection plan based on the indicative layout shows the roadside hedge retained and significant vegetation on and around the site retained and protected. Annotation on the plan indicates a layout amendment would be required in respect of the garage to indicative plot 6.

The current proposal would use a similar access to that approved under 15/0379N, although the indicative site layout plan Drawing 03 now shows the roadside hedge removed. The Council's Tree Officer has advised that she considers it should be retained. It is recommended that this be conditioned.

The Council's Tree Officer has advised that whilst it should be possible to design a layout to ensure there is no impact on significant existing trees, in the event of approval, a reserved matters application would need to be supported by a comprehensive package of arboricultural information.

As such, subject to conditions, no objections are raised.

Ecology

The application is supported by an Extended Phase 1 Habitat Survey dated 4th May 2016.

Habitats

The grassland habitats on site have been identified by the submitted report as being 'Improved'. The Council's Nature Conservation Officer has advised that this habitat is of minimal nature conservation value.

Hedgerows around the site may be of some ecological value, but these seem likely to be retained. There are opportunities for additional hedgerows to be planted to compensate for any losses that did result from the detailed design, as such, the Council's Nature Conservation Officer has suggests that this should be looked at again at the reserved matters stage.

Great Crested Newts (GCN)

Four ponds have been assessed. The two nearest ponds are of limited value for newts. The two more distant ponds have slightly more potential, but seem far from ideal for breeding GCN. The submitted report does not appear to anticipate an impact on GCN. The Council's Nature Conservation Officer advises that, based upon the quality of the ponds located in close proximity to the proposed development and the terrestrial habitat present on the application site and distance between the application site and the slightly better quality

ponds, this protected species is unlikely to be present or affected by the proposed development.

'Other' Protected Species

No 'Other' protected species activity was recorded onsite during the submitted survey however evidence of 'Other' protected species was recorded in the broader locality. As the status of 'Other' protected species on a site can change within a short timescale, the Council's Nature Conservation Officer has advised that if planning consent is granted a condition should be attached requiring an updated 'Other' protected species survey to be submitted with the reserved matters application.

Bats

A number of trees have been identified on site that have the potential to support roosting bats. No evidence of roosting bats was recorded during the initial survey submitted in support of the previous application. The trees in the additional part of the site included with this application appear to be retained. Two of the trees in the red line of the original application are however proposed for remedial works for health and safety purposes.

As with the 'Other' protected species, as the status of roosting bats on a site can change over time, so whilst no evidence of roosting bats was recorded in any of the trees as potential affected by the development, the Council's Nature Conservation Officer recommends that if outline planning consent is granted a condition should be attached requiring the submission of an updated bat survey in support of any future reserved matters application.

Subject to the above conditions, no objections on ecology grounds are raised and the proposal is considered to adhere with Policy NR2 of the Local Plan.

Flood Risk and Drainage

The site is located in flood zone 1; however, the Council's Flood Risk Manager has advised that there is surface water to the South of to the proposed development.

The Council's Flood Risk Manager has reviewed this and advised that they have no objections, subject to the prior approval of a surface water management scheme and the prior approval of a drainage management and maintenance plan.

With regards to drainage, United Utilities have advised that they have no objections, subject to the following conditions; that foul and surface water be drained on separate systems; the prior submission/approval of a surface water drainage scheme; the prior submission/approval of a sustainable drainage management and maintenance plan.

As such, no significant drainage or flooding issues are raised.

Design

Policy BE.2 of the Local Plan advises that new development will only be permitted so long as; it would achieve a high standard of design, would respect the pattern, character and form of the surroundings and would not adversely affect the streetscene in terms of scale, height, proportions and materials used.

As the application is for outline permission with access only. Matters of layout, scale and appearance from a design perspective cannot be considered as part of this scheme.

This application shall consider whether the number of dwellings sought could be accommodated within the site in an acceptable layout of any configuration, not necessarily the indicative layout submitted.

The application seeks the erection of up to 16 residential units on this 0.8 hectare plot. The indicative layout suggests that this would be achieved via construction of 5 dwellings on the site frontage, fronting the A51. To the north of these dwellings would be the proposed access, the same as that recently approved under application (15/0379C), which utilises an existing access to a paddock.

This would extend westwards into the site then extend in a southerly direction where it would end in a round-a-bout feature. The remaining 11 dwellings, would be to the rear of the site.

The application site would be bound to the rear (south) by the railway line, to the east by existing and recently approved residential development. As such, it is considered that the application site is visually relatively well contained. Furthermore, although the prevailing layout out the area is that of linear development fronting the A51, this pattern of backland cul-de-sac development although not common on the southern side of the A51, is present on the opposite side of the highway (e.g. The Chantry).

As such, due to the existing man-made boundaries on the site and the presence of back land development within the village, it is considered that the provision of up to 16 dwellings on the application site would be acceptable in design terms.

With regards to form as advised, the applicant seeks a mixture of either; terraced, semi-detached or detached units. This would respect the prevailing character of the village at this location.

In terms of scale, although this matter has not been sought for approval at this stage, it is advised within the Planning Statement that the dwellings would be 'two-storey's high'. Again, this would respect the local form and scale, subject to the detail which would be considered at reserved matters stage.

Other matters regarding scale, height and appearance will be considered at reserved matters stage.

It is considered that the proposed indicative design of the scheme is acceptable, subject to amendments which could be agreed at Reserved Matters stage. As such, it is considered that the proposed design would adhere with Policy BE.2 of the Local Plan.

Access

The Council's Head of Strategic Infrastructure (HSI) has advised that the proposals for access illustrated in Vectos drawing number VN50441 203 rev B are satisfactory and, the commuter peak hour and daily traffic generation associated with the development of 16 dwellings would not be expected to have a material impact on the operation of the adjacent or wider highway network.

The HSI advises that there are no other material highway implications associated with this proposal; accordingly, the Strategic Infrastructure Manager has no objection to the planning application, subject to the prior approval of a Construction Traffic Management Plan (CTMP) and the provision of £35,520 Section 106 contribution towards traffic management and pedestrian safety measures.

Environmental Conclusion

The proposed development would result in the loss of a parcel of Open Countryside, which in itself would be an environmental dis-benefit.

There would be no significant issues created in relation to; landscape, ecology, flood risk and drainage, design and highway safety, subject to conditions.

Overall, whilst there is a loss of open countryside, this loss is mitigated by the relatively contained nature of the site, however, on balance, it is considered that the proposal would be environmentally unsustainable.

Economic Role

It is accepted that the construction of a housing development of this size would bring the usual economic benefit to the closest facilities in Calveley and Alraham for the duration of the construction, and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain. There would be some economic and social benefit by virtue of new resident's spending money in the area and using local services.

As such, it is considered that the proposed development would be economically sustainable. However, these benefits would predominantly be realised during the construction phase of development.

Social Role

The proposed development would provide open market housing which in itself, would be a social benefit.

Affordable Housing

The Council's Interim Planning Statement: Affordable Housing (IPS) states in Settlements with a population of less than 3,000 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 3 dwellings or more or larger than 0.2 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 16 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 5 dwellings to be provided as affordable dwellings. . The SHMA 2013 shows the majority of the demand in Bunbury area for the next 5 years is for 18x 1 bedroom and 1x 4 bedroom dwellings per year. The majority of the demand on Cheshire Homechoice is for 6x 1 bedroom, 4x 2 bedroom, 3x 3 bedroom and 1x 4 bedroom dwellings therefore, the Council's Housing Officer has advised that 1, 2, 3 and 4 bedroom dwellings on this site would be acceptable. 3 units should be provided as Affordable rent and 2 units as Intermediate tenure. Neither the SHMA nor the Cheshire Homechoice register advises any need for Older Person Accommodation at this point.

The Council's housing Officer has advised that the 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 affordable housing should meet the HCA's housing quality indicator (HQI) standards.

This provision would be secured by way of a S106 agreement, which:

- requires the applicant/developer to transfer any rented affordable units to a Registered Provider
- provide details of when the affordable housing is required
- includes provisions that require the affordable homes to be let or sold to people who are in housing need and have a local connection. The local connection criteria used in the agreement should match the Councils allocations policy.
- includes the requirement for an affordable housing scheme to be submitted prior to commencement of the development that includes full details of the affordable housing on site.

Education

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.

Not including the current planning application registered on Land Adj North View (16/2950N), there are 15 further registered and undetermined planning applications in Nantwich generating an additional 136 primary children and 105 secondary children.

The development of 16 dwellings is expected to generate:

3 primary children (16 x 0.19)

2 secondary children (16 x 0.15)

0 Special Educational Needs children (16 x 0.51 x 0.023%)

The development is expected to impact 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 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.

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

$2 \times £17,959 \times 0.91 = £32,685.38$ (secondary)

Total education contribution: £32,685.38

This would be secured via a S106 Agreement.

Amenity

Policy BE.1 of the Local Plan advises that new development should not be permitted if it is deemed to have a detrimental impact upon neighbouring amenity in terms of overlooking, visual intrusion or noise and disturbance. Furthermore, the level of private amenity space provided is a material consideration as detailed within the Supplementary Planning Document on Development on Backland and Gardens.

The closest neighbouring properties to the application site include the properties to the north/north-east of the site called North View and South View and the properties on the opposite side of the A51 from the development, to the north-east.

According to the indicative layout plan, the closest of the proposed dwellings to North View, the applicant's property would be the dwellings proposed on Plots 13 and 14.

Given that the dwelling proposed on plot 14 would lie parallel with North View and the dwelling proposed on Plot 13 would be significantly offset from this existing dwelling, it is not considered that the occupiers of this property would be detrimentally impacted by the proposed development with regards to loss of privacy, light or visual intrusion, subject to the detail being agreed at reserved matters stage.

Likewise, it is also not considered that the occupiers of South View would be detrimentally impacted by the above considerations because of the offset relationship between the existing and proposed built form.

The existing dwellings on the opposite side of the A51 to the proposed development would be over 21 metres away from the closest of the proposed new dwellings. At this distance, it is considered that the amenity occupiers of these neighbouring properties would not be detrimentally impacted.

Another material consideration would be the future amenity of the occupiers of the recently approved 4 new dwellings on the track to the east of the application site. According to the submitted indicative layout plan, the relationship between all of the proposed / approved developments would

adhere to either the 21 metre front-to-rear / front-to-front standard or the 13.5 metre side-to-front or side-to-rear relationship standard, eliminating any significant amenity concerns.

In terms of the amenity of the future occupiers of the proposed dwellings, sufficient space would be available for each dwelling to have sufficient outdoor private amenity to perform normal tasks such as; hang out washing, sit outside etc.

The separation distances amongst the proposed dwellings themselves would also be acceptable.

With regards to Environmental disturbance, the Council's Environmental Protection Team have advised that they have no objections, subject to a number of conditions including; the prior submission/approval of a Piling method statement; the implementation of a noise mitigation scheme; the provision of Travel Packs prior to the occupation of the dwellings; the prior approval of electric vehicle charging infrastructure; the prior approval of a dust mitigation scheme; the prior submission/approval of a Phase 1 Contaminated Land Report; the prior submission/approval of soil verification report. In addition, informatives in relation to hours of construction and contaminated land are also sought.

As such, subject to the above recommendations, it is considered that the proposed development would adhere with Policy BE.2 of the Local Plan.

Public Rights of Way (PROW)

The Council's PROW Officer has advised that the development is unlikely to affect a public right of way and as such, has raised no objections.

Network Rail

The application site is bound by a railway line to the south of the site.

Network Rail have reviewed the proposal and raise no significant objections, subject to a number of informatives and a condition seeking the prior approval of acoustic fence details.

Social Conclusion

As a result of the provision of market and affordable housing, it is considered that the proposed development would be socially sustainable. Significant weight can be given to this in the planning balance.

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.

The highways contributions are towards developments within the '*Windmill Junction, Acton, Alpraham & Calverley, Wardle & Barbridge, various Junction Improvements*' document produced by Jacobs dated 12th November 2013. This document outlines a series of proposed measures for the area which total a combined indicative cost of £129,251.00. The proposed contribution would go towards funding these improvements.

The education contribution is necessary having regard to the developments impact upon secondary school places in the immediate locality.

The proposal will trigger the requirement of needed affordable housing in the area.

The above requirements are considered to be necessary, fair and reasonable in relation to the development. The S106 recommendation is compliant with the CIL Regulations 2010.

Planning Balance

The application site lies entirely within the Open Countryside as determined by the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011.

Within such locations, there is a presumption against development, unless the development is considered to represent and 'infill' by filling and small gap in an otherwise built up frontage. It is not considered that this aspect of policy applies in this instance.

The proposed development therefore does not fall within any of the listed categories and as such, it constitutes a "departure" from the development plan and there is a presumption against the proposal.

Paragraph 49 of the NPPF 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 and that where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development.

It is therefore necessary to consider whether the proposal constitutes "sustainable development" in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

In this case, the development would provide positive planning benefits such as; the provision of a market and affordable dwellings in a sustainable location and the knock-on minor local economic benefits such a development would bring, particularly during construction.

Balanced against these benefits must be the dis-benefits, which in this case would be environmental matters predominantly comprising of the loss of Open Countryside.

All other issues are considered to be able to be mitigated against by the use of planning conditions or a S106 Agreement and as such, are considered to have a neutral impact.

In this instance, it is considered that the benefits of the scheme would outweigh the dis-benefits, particularly given that the application site is already bound to 3 sides by development and is largely well screened on the remaining fourth side by mature shrubbery, trees and hedgerow.

Accordingly it is recommended for approval.

RECOMMENDATION

APPROVE Subject to a S106 Agreement to secure;

- 1. Financial contribution of £35,520 towards a number of traffic and pedestrian safety management measures through Alpraham and Calveley**
- 2. 30% on-site affordable housing provision to include;**
 - requires the applicant/developer to transfer any rented affordable units to a Registered Provider
 - requires the applicant/developer to provide details of when the affordable housing is required
 - includes provisions that require the affordable homes to be let or sold to people who are in housing need and have a local connection. The local connection criteria used in the agreement should match the Council's allocations policy.
 - includes the requirement for an affordable housing scheme to be submitted prior to commencement of the development that includes full details of the affordable housing on site.
- 3. Education contribution of £32,685.38 towards secondary school provision**

And conditions;

- 1. Time – 3 years or within 2 of last Reserved Matter approval**
- 2. Reserved Matters within 3 years**
- 3. Layout, Scale, Appearance and Landscaping Matters to be submitted and approved**
- 4. Plans**
- 5. Prior submission/approval of a Construction Traffic Management Plan**
- 6. Retention of hedgerow fronting Nantwich Road unless otherwise agreed**
- 7. Reserved Matters application to include the provision of further hedgerow planting**
- 8. Reserved matters application would need to be supported by a comprehensive package of arboricultural information in accordance with 2012 British Standards**
- 9. Reserved matters application to be supported by an updated 'Other Protected Species' survey**
- 10. Reserved matters application to be supported by an updated bat survey**
- 11. Foul and surface water be drained on separate systems**
- 12. Prior submission/approval of a surface water disposal/drainage scheme**
- 13. Prior submission/approval of a sustainable drainage management and maintenance plan**
- 14. Prior submission/approval of a piling method statement**

- 15.Implementation of submitted noise mitigation scheme unless otherwise agreed**
- 16.Provision of travel packs to each of the proposed new dwellings prior to occupation**
- 17.Provision of electric vehicle infrastructure for each dwelling**
- 18.Prior submission/approval of a dust mitigation scheme**
- 19.Prior submission/approval of a Phase 1 Contaminated Land Report**
- 20.Prior submission/approval of soil verification report**
- 21.Prior submission/approval of acoustic fence mitigation details**

In the event of any changes being needed to the wording of the committee's decision (such as to delete, vary or addition conditions / informatives / planning obligations or reasons for approval / refusal) prior to the decision being issued, the Planning Manager (Regulation), in consultation with the Chair of the Southern Planning Committee is delegated the authority to do so, provided that he does not exceed the substantive nature of the Committee's decision.

