

Application No: 16/2993N

Location: LAND ADJACENT TO, 68, CLOSE LANE, ALSAGER

Proposal: Proposed outline residential development of 16 no. dwellings with access and layout applied for

Applicant: Pembroke Homes Ltd & Nichola Jane Beach

Expiry Date: 20-Sep-2016

SUMMARY

The site is not located within a settlement boundary and is located in the Open Countryside as designated in the Crewe and Nantwich Local Plan.

Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by Local Plan Policies NE.2 and RES.5

In this instance the proposal is not listed as an appropriate form of development. As a result, it constitutes a “departure” from the development plan and emerging plan and as such, 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).

The planning dis-benefits are that the proposal would cause visual harm to the open countryside.

However the proposal would bring positive planning benefits such as the provision of x5 affordable units and x11 open market housing, a contribution towards secondary education, a minor boost to the local economy and on balance is considered to be locationally sustainable.

Applying the tests within paragraph 14 it is considered that the benefits outweigh the dis-benefits. As such, on balance, it is considered that the development constitutes sustainable development and should therefore be approved.

RECOMMENDATION

APPROVE subject to the completion of a S106 Agreement and the imposition of planning conditions

REASON FOR REFERRAL

Departure

PROPOSAL

- The proposal seeks outline residential development of x16 dwellings with access and layout
- All other matters are reserved

SITE DESCRIPTION

- The application site comprises part of the garden area serving No.68 Close Lane and the open field to the rear
- Area consists of predominantly residential properties to the north, east and west, with this side of the road being a row of ribbon development. Open countryside to the west
- Nearest residential properties are sited immediately to the north and south of the site
- No significant variation in land levels noted
- Existing access taken off Close Lane
- The site itself consists of two fields with hedgerows and hedgerow trees, divided by a central post and wire fence.
- Large trees sited on the north-western, south-eastern and south-western boundaries
- The site is located in the Open Countryside as per the Crewe and Nantwich Local Plan and contains trees covered by Tree Preservation Order to the North-western boundary

RELEVANT HISTORY

7/08028 – 5 detached houses with garages – refused for the following reasons:

LOCAL & NATIONAL POLICY

Borough of Crewe and Nantwich Local Plan 2011

Policy BE.1 – Amenity
Policy BE.2 – Design Standards
Policy BE.3 – Access and Parking
Policy BE.4 – Drainage, Utilities and Resources
Policy NE.2 – Open Countryside
Policy NE.5 – Nature Conservation and Habitats
Policy NE.10 – New Woodland Planting and Landscaping
Policy RES.2 – Unallocated Housing Sites
Policy RES.3 – Housing Densities

Policy RES.5 – Housing in the Open Countryside
Policy TRAN.9 – Car Parking Standards

Cheshire East Local Plan Strategy – Consultation Draft March 2016 (CELP)

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

Policy MP1 – Presumption in Favour of Sustainable Development
Policy PG1 – Overall Development Strategy
Policy PG2 – Settlement Hierarchy
Policy SD 1 – Sustainable Development in Cheshire East
Policy SD 2 – Sustainable Development Principles
Policy SE 1 – Design
Policy SE2 – Efficient Use of Land
Policy SE5 – Trees, Hedgerows and Woodlands
Policy SE13 – Flood Risk and Water Management
Policy CS4 – Residential Mix

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

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
56-68 - Requiring good design

Supplementary Planning Documents (SPD):

North West Sustainability Checklist
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
Development on Backland and Gardens SPD

CONSULTATIONS

Highways (Cheshire East Council)

No objection subject to condition regarding the provision of the visibility splays as shown on the plans

Flood Risk (Cheshire East Council)

No objection subject to the following conditions:

- 1) Management and maintenance plan of surface water drainage for the site
- 2) Scheme for the management of overland flow from surcharging of the site's surface water drainage system
- 3) Timing/phasing arrangements embodied within the scheme
- 4) Scheme for the provision and implementation of a surface water regulation system
- 5) Ground levels and Finished floor levels (FFLs) to be approved

Housing (Cheshire East Council)

No objection subject to the x5 affordable units being secured by Section 106 Agreement with the split of x3 of the affordable units with the remaining x2 as intermediate tenure

Environmental Protection (Cheshire East Council)

No objection subject to the following conditions:

- 1) Piling times
- 2) Dust control measures
- 3) Noise mitigation scheme
- 4) Travel information pack
- 5) Electric vehicle charging points
- 6) Contaminated land

Education (Cheshire East Council)

No objection subject to the following contribution for secondary education:

$2 \times £17,959 \times 0.91 = £32,685$ (secondary)

Total education contribution: £32,685

United Utilities

Following review of Drainage Strategy Report, the proposal is acceptable in principle therefore no objection subject to the following conditions:

- 1) The drainage shall be carried out in accordance with principles set out in the submitted Drainage Strategy Report (Ref No. P5664, Dated 14th March 2016 prepared by HR Wallingford).
- 2) Sustainable drainage management and maintenance plan for the lifetime of the development

Various advisory noted are also offered to the applicant

Haslington Parish Council

Objection on the following grounds:

- 1) The accumulative development in the area will put a substantial amount of demand on services such as the drainage and power where there will be constant disruption to the local residents.
- 2) The area is already known for its flooding potential and we cannot see anything within the development which will elevate this problem.
- 3) Traffic flow on the road and surrounding areas will become an issue as the houses are predominantly going to be housing multiple car users we have been contacted about residents concerns around traffic flow and road suitability.
- 4) Loss of green corridor 16/2993N is sited on a historic pastureland and this is part of a green wedge that will separate present homes from the 750 homes currently allocated to the White Moss site behind. We must object to any proposals that would see the "closing" of this corridor and the joining-up of the two sites. We also support the view of Alsager Town Council, who objected to the application on the grounds of it being detrimental to the surrounding landscape as well as it being environmentally unsustainable. The countryside will be detrimental effected with wildlife and habitats disturbed.

Alsager Town Council

Objection on the following grounds:

- 1) Environmental Sustainability
- 2) Loss of landscape value
- 3) Highway safety vehicular impact on Close Lane and its junction with Crewe Road
- 4) Impact of the development on Alsager's Infrastructure#

Cllr Deakin

Objection on the following grounds:

- 1) Loss of green corridor
- 2) Traffic issues
- 3) Flooding issues and water management

MP Edward Simpson

- 1) Loss of open countryside
- 2) Traffic/highway safety
- 3) Shortage of secondary school provision
- 4) Flooding
- 5) Sewage

REPRESENTATIONS

46 X letters of objection and x128 signature petition received regarding the following:

- Highways safety at a bend in the road
- Inadequate parking provision both on street and in the site
- Inadequate visibility existing/entering the site
- Risk of flooding

- Loss of trees
- Urban sprawl
- Harm to wildlife
- Out of character with existing properties
- Inadequate infrastructure and services
- Lack of public consultation
- Close to White Moss Quarry site
- Loss of existing paddock
- Loss of green gap/wedge
- Other brownfield sites in the area
- Impact on house value

APPRAISAL

The key issues are:

- The principle of the development
- Open Countryside
- Amenity
- Impact on trees/landscape
- Character/appearance
- Highway safety
- Ecology
- Flood risk
- Education
- Affordable housing

APPRAISAL

Principle of development

The site is located outside the settlement boundary and is within the open countryside as defined by the Local Plan. Within the open countryside Policy NE.2 advises that:

‘All land outside the settlement boundaries defined on the proposals map will be treated as open countryside.

Within open countryside only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.

An exception may be made where there is the opportunity for the infilling of a small gap with one or two dwellings in an otherwise built up frontage.’

In this instance the proposal is not listed as an appropriate form of development and is not considered an exception as it is not considered a small gap and seeks to provide more than 2 dwellings.

As a result, it constitutes a “departure” from the development plan and emerging plan and as such, there is a presumption against the proposal.

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.

Housing Land Supply

The Council cannot currently demonstrate a five year supply of deliverable housing land for the purposes of determining planning applications.

Previous application reports have noted the progress that is being made with the Local Plan Strategy and how, through that process, the Council is seeking to establish a 5 year housing land supply. Six weeks of examination hearings took place during September and October 2016 which included the consideration of both the overall housing supply across the remainder of the Plan period and 5 year housing supply. The Council’s position at the examination hearings was that, through the Plan, a 5 year housing supply can be achieved. However, in the absence of any indication yet by the Inspector as to whether he supports the Council’s position, this cannot be given material weight in application decision-making.

The Council’s ability to argue that it has a five year supply in the context of the emerging Local Plan Strategy is predicated on two things which differentiates it from the approach towards calculating five year supply for the purposes of current application decision making. Firstly the Council contended, taking proper account of the Plan strategy, that the shortfall in housing delivery since the start of the Plan period should be met, and justifiably so, over an eight year period rather than the five year period, which national planning guidance advocates where possible and, secondly, that the Local Plan Strategy 5 year housing supply can also, justifiably, include a contribution from proposed housing allocations that will form part of the adopted plan. These include sites proposed to be removed from the Green Belt around towns in the north of the Borough.

Looking ahead, if the Inspector does find that a 5 year supply has been demonstrated through the Local Plan Strategy, this will be material to the determination of relevant applications. Any such change in material circumstances will be reflected in relevant application reports. However, until that point, it remains the case that the Council cannot demonstrate a five year housing supply. This means that paragraphs 49 and 14 of the Framework are engaged.

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 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

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;

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

Environmental role

Locational Sustainability

To aid this assessment, there is a toolkit which was developed by the former North West Development Agency. With respect to accessibility, the toolkit advises on the desired distances to local amenities 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.

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Accessibility is a key factor of sustainability that can be measured. One methodology for the assessment of walking distance is that of the North West Sustainability Checklist, backed by the Department for Communities and Local Government (DCLG) and World Wide Fund for Nature (WWF). The Checklist has been specifically designed for this region and can be used by both developers and architects to review good practice and demonstrate the sustainability performance

of their proposed developments. Planners can also use it to assess a planning application and, through forward planning, compare the sustainability of different development site options.

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

The accessibility of the site shows that following facilities meet the minimum standard or close to meeting them:

- Post box (500m) 320m
- Amenity Open Space (500m) 582m
- Children’s Play Space (500m) 582m
- Outdoor Sports Facility (1000m) 643m
- Primary School (1000m) 643m
- Local meeting place (1000m) 483m (Public House)
- Public House (1000m) 483m
- Bus Stop (500m) 482m
- Public Right of Way (500m) 8m
- Bank or cash machine (1000m) 482m
- Supermarket (1000m) 482m
- Convenience Store (500m) 482m

It demonstrated that the proposal failed to meet the minimum standard for the following facilities;

- Any transport node on the bus link and commuting distance from a train station 2574m (Railway station)
- Post Office (500m) 2253m
- Leisure Facilities (Leisure Centre or Library) (1000m) 2092m (Library)
- 1448m (Leisure Centre)
- Child Care Facility (nursery or crèche) (1000m)
- Pharmacy (1000m) 2253m
- Railway station (2000m where geographically possible) 2574m
- Secondary School (1000m) 1448m
- Medical Centre (1000m) 2414m

Based on the above figures the site meets 57% of the criteria as set out in the North West Development Agency sustainability toolkit. In summary, everyday facilities are within easy walking distance from the site and those that are slightly further afield (namely the railway station, secondary school, medical centre, post office and leisure centre) are still within reasonable distance, and all fall within the defined settlement boundaries of Alsager.

In addition, there are regular bus services along Crewe Road to the south. The number 3 service runs approximately 2-3 times an hour until later in the evening Monday-Friday and every hour until 8pm on Sundays. This bus stop is located within 500m of the site can be assessed by public

footpath which is located outside of the side and leads to Crewe Road. The service runs to Crewe where there are more facilities and services available.

The location has also been deemed to be sustainable by approval of the residential developments to the south of the site ref 14/5880C and immediately to the west ref 13/4132N, albeit these sites are located on Crewe Road itself. Given that the application site would immediately bound the 13/4132N site and would be sited just 135m to 14/5880C site, it would be difficult to argue that the application site is not locationally sustainable.

Notwithstanding the above, Inspectors have determined that locational accessibility is but one element of sustainable development and it is not synonymous with it. The 3 strands of sustainability still need to be achieved in order for a development to be sustainable.

Open Countryside

The proposal would result in the loss of land forming part of the open countryside as per the Crewe and Nantwich Local Plan.

However it is considered that the proposal would be viewed as forming a natural extension to the village and would follow the same built line of the development approved to the south-east of the site ref 14/5880C, which would reduce the overall visual impact when viewed from the wider setting.

Notwithstanding the actual visual impact, the proposal would result in the loss of open countryside which weighs against the proposal in the planning balance.

Landscape

The site itself consists of two fields with hedgerows and hedgerow trees, divided by a central post and wire fence. A group of trees located along the western site boundary are subject to a group TPO order. The topography of the site is relatively flat, varying between 80-85M AOD. There are no landscape designation on the application site; the Crewe and Nantwich Replacement Local Plan 2011 identifies that the site is designated as being located Open Countryside NE.2.

As part of the application a Landscape and Visual Impact Appraisal has been submitted, this refers to the National Characters Areas, as defined in natural England's Character Assessment, as well as the Cheshire Landscape Character Assessment, in this case the application site is located within the Mosslands Character Type and specifically the Oakhanger Character Type,M3.

Based on the Proposed Site layout, the landscape and Visual Appraisal indicates that the landscape impacts for the study area the sensitivity is low-medium and that there will be a will be slight adverse landscape effect and that for the site the sensitivity is low-medium and that the proposals will have a moderate adverse landscape effect. The visual assessment identifies seven receptors and indicates that there will be a moderate-substantial adverse visual impact for residents adjacent to the site to the east (view 1); moderate adverse to residential properties facing the site further to the north (view 2); negligible for users of FP3 to the west (viewpoint 3); moderate – substantial adverse for users of FP 49 to the south (viewpoint 4); substantial adverse for users of FP37 to the north (viewpoint 5); moderate-substantial adverse for users of FP37

further to the north (viewpoint 6) and moderate adverse for users of FP20 to the north west of the site (viewpoint 7).

The Councils Landscape officer agrees with the appraisal that has been submitted, although this is based on the outline proposed site layout drawing, this indicates that there will be moderate-substantial adverse visual effects on a number of receptors.

On balance, it is considered that the proposal would be viewed in the context of the existing built form and would therefore be viewed as an extension to the existing settlement rather than stand alone/isolated development. It would also appear that suitable landscaping could be accommodated to provide a suitable buffer to soften the visual impact of the proposal. This would be addressed at reserved matters stage requiring a comprehensive landscape and boundary scheme to be provided.

Trees

The application is supported by a Tree Survey Report. The report indicates that the assessment has been carried out in accordance with the recommendations of British Standard BS5837:2012 Trees in relation to design, demolition and construction. The report has been carried out to assess the environmental and amenity values of all trees on or adjacent to the development area and the arboricultural implications of retaining trees with a satisfactory juxtaposition to the new development.

The proposed development site is bounded by trees on all sides except the northern boundary and the area associated with the existing dwelling. Seven of the mature Oaks standing on the western boundary aspect are protected by a 1996 Tree Preservation Order, with the group identified as G22 located on the southern and groups G23 G25 and G26 on the eastern boundary. These groups are mainly formed by early mature Pines Beech and Spruce.

The development proposals identify the loss of three individual trees (T6, T12 & T24) and four groups of trees (G23, G25, G26 & G29) along with a section of hedge (H30).

All three individual trees are considered to be insignificant within the landscape and categorised as low value category C specimens. The three groups which form the eastern boundary to the site are relatively young in terms of age classification, and appear to have received minimal management since planting, forming closely spaced groups. Their removal is required to facilitate both the proposed access road and plots 14 and 15. Two electricity wires presently extend across the site, significant reduction and pruning has compromised the retention of G25 and the southern aspect of G26, ongoing pruning will also be required in respect of the southern aspect of G23 and the northern leading edge of G22 to satisfy safety and line clearance requirements. All three groups of trees are clearly visible from the adjacent public foot path Haslington FP49 to the east and as part of filtered views between and over properties.

The value of all three groups located on the eastern boundary is associated with their collective presence rather than as individual specimens, this has been predicated by the absence of formal management; it would be difficult to retain isolated trees from within the groups where there are no direct construction implications, the loss of mutual protection would reasonably increase the likelihood of failure in relation to any retained trees. Their value has been down graded to moderate (Cat B BS5837:2012). The Councils arborist concurs with this designation. The loss of

G25 is accepted, any value has been removed as a result of historic line clearance pruning, the removal of both G23 and G26 will have an identifiable impact on the amenity of the immediate area, and the wider landscape

The proposed development respects the Root Protection Areas of the retained trees including those protected as part of the 1996 Tree Preservation Order. An acceptable tree protection scheme has been submitted which accords with the requirements of current best practice BS5837:2012.

However the Councils Arborist raised initial concerns that whilst there are no direct implications for retained trees a number of plots establish a poor social proximity and indirect problems are anticipated in relation to light attenuation and shading and an absence of utilisable external space, inevitable leading to pressure for additional works including trees protected by the 1996 TPO. The shade diagrams provided by the applicant's arboriculturalist support this view with plots 12 – 14 in almost full shade for the majority of the day, and other rear gardens impacted significantly.

The outline application as presented with access and layout applied for clearly has direct indirect implications for trees, the majority of which are visible from public vantage points.

As a result of these concerns the site plan has been amended which has resulted in plots 12-14 and the garden areas being re-positioned 3m further north to move the dwellings further away from the shaded areas reduce the part of garden area locating in the shading zone. This amendment has also resulted in the trees being located outside of the garden areas. The applicant has also confirmed that the trees will be retained in the ownership of a management company who will restrict works to the trees.

This has been re-assessed by the Councils Arborist who considers that whilst an element of shading of the garden areas will remain, a condition could be used to secure the management agreement to limit pruning works to ensure protection of the trees.

The arborist has also recommended a specimen landscape scheme to mitigate the loss of trees from the eastern boundary.

Design

The locality contains a mixture of property types ranging from regular 2 storey properties, link-detached/town houses, bungalows and dormer bungalow properties both detached and semi-detached and with mixed design. Whilst the property types have not been confirmed at this stage given the mix of property types it is considered that a mixture of property types could be accommodated in the street scene without causing significant harm to the existing pattern of built form.

The layout plan suggests that the most forward facing dwelling (plot 1) would be set back from the road by 25.5m and would be set behind the existing built line of No.68 & 70 Close Lane by 10m. As a result the property will not be overly prominent in the street scene. The remaining properties would be sited even further back and would also be unobtrusive when viewed from the street frontage.

At this stage the heights and design of the properties has not been detailed as this is a matter to be considered at reserved matters stage. However it is considered that the heights should be no more than 2 storey to respect the existing pattern of built form. The material type in the locality is predominantly red/orange brick and tiled roofs, therefore it is suggested that a continuation of these would be acceptable and would be addressed at reserved matters stage.

The plot fill and garden areas would also be comparable with other properties in the locality. The site plan suggests that property frontages would range between 6.7m-9m which again would be consistent with the mix of property frontages in the street scene.

As a result it is not considered that the proposal would cause significant harm to the character/appearance of the area.

Highway Safety

Policy BE.3 requires proposals to provide safe access and egress and adequate off-street parking and manoeuvring.

The site is located on the west side of Close Lane, given the scale of development proposed the submission of a Transport Statement is not required to support the application.

The site plan indicates a new road to be constructed between two existing properties this is shown as 5.0m wide with two 2.0m footways. It is clear that the boundary hedge will need to be removed to accommodate the access.

The Councils Highways Engineer has assessed the proposal and was initially concerned that plans were required to indicate the proposed visibility splays at the access point that is not affected by the boundary hedges and was also concerned that it is not clear where access to 68 was to be provided as No.68 was not within the red line boundary. An amended plan has since been provided which has overcome these concerns and also indicates the proposed visibility plays.

In regards to traffic impact, there have been numerous residential planning applications approved in the vicinity of this site and the cumulative traffic impact of all the dwellings coming forward is a material consideration. However, it is not considered that a refusal reason for 15 dwellings solely on traffic impact could be justified as a recent refusal on the cumulative traffic impact for a much larger development off Close Lane has been allowed at appeal. This is a material consideration which carries significant weight.

The internal layout submitted is a standard design with a turning facility at the end of the road and this is an acceptable design.

As a result it is not considered that the proposal would pose any significant harm to the existing highway network.

Flood Risk and Drainage

The application site does not fall within a Flood Risk Zone 2 or 3 however a Flood Risk Assessment (FRA) has been provided which has been assessed by both the Councils Flood Risk Team and United Utilities.

Both have noted that historical flooding has been noted in close proximity to the site however consider that any harm could be suitably mitigated by various conditions to manage surface water and to provide a drainage system for the life of the development.

As a result it is not considered that the proposal would pose any significant concerns from a flood risk perspective subject to the requested conditions.

Ecology

- Great Crested Newts

The submitted great crested newt surveys were constrained due to a lack of access permission to survey the ponds within White Moss Quarry. No evidence of great crested newts has however been recorded during previous surveys undertaken of the quarry and no evidence of the species was recorded at the four ponds surveyed as part of the latest assessment.

As a result the Councils Ecologist considers that this species is not reasonably likely to be present or affected by the proposed development.

- Bats and Trees

The submitted ecological report advises that the boundary trees on site have the potential to support roosting bats. A further survey by a licensed bat worker has however identified only one tree to be removed with potential to support a bat roost. The potential of this tree to support a roost is assessed as being low. The Councils Ecologist has advised that roosting bats are not reasonably likely to be present or affected by the proposed development however he has recommended that a bat survey be provided prior to removal of the tree.

- Ponds

Ponds are a local priority habitat and hence material consideration. A small shallow pond is present on this site that would be lost as a result of the proposed development. However the plans also include a replacement pond is to be provided to the front of Plot 16 which is considered to provide suitable mitigation.

- Badgers

No badger setts are present on site, but evidence of this species being present on site was recorded during the submitted surveys. The Councils Ecologist has advised that based on the current levels of badger activity on the proposed development is not likely to have a significant adverse impact upon this species. However, as the status of badgers can change it is recommended a condition should be attached to any planning approval requiring an updated badger survey to be undertaken and submitted in support of any future reserved matters application.

- Hedgehog

Hedgehogs are a biodiversity action plan priority species and hence a material consideration. There are records of hedgehogs in the broad locality of the proposed development and so the species may occur on the site of the proposed development. The Ecologist has therefore recommended a condition to be provided at reserved matters stage for the incorporation of gaps for hedgehogs to be introduced into any garden or boundary fencing proposed.

- Nesting Birds

The ecologist has also requested conditions requiring a detailed survey to check for nesting birds and incorporation of features into the scheme suitable for use by breeding birds including house sparrow and little owl and roosting bats.

Environmental Conclusion

On balance the proposed development is considered to constitute sustainable development from a locational perspective with a neutral impact in terms of trees, ecology, design, flooding and drainage, subject to conditions where necessary.

As such, it is considered that the proposed development would be environmentally sustainable.

Economic Role

It is accepted that the construction of a housing development would bring the usual economic benefits to the closest public facilities in the closest villages 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.

Social Role

The provision of both affordable and market dwellings would be a social benefit and would go some way to address the national housing shortage.

Residential Amenity

Policy BE.1 advises that development should not prejudice the amenity of occupiers or future occupiers of adjacent properties by reason of overshadowing, overlooking, visual intrusion, noise and disturbance, odour or in any other way.

Policy BE.2 requires a high standard of design, which respects the character and form of its surroundings.

No.68 Close Lane

Plot 1 would be sited 13m to the side elevation at the closest point serving bathroom and kitchen windows, which are not considered to serve habitable rooms. Plot 1 would also be sited slightly angled away thus preventing a direct relationship with these windows therefore this separation distance would be sufficient to prevent significant harm to living conditions. No elevation plans have been provided to indicate the room layout/location of side facing

windows however this would be addressed at reserved stage to prevent overlooking/loss of privacy from any side facing windows.

Plot 16 would be sited 27m away from the rear elevation windows and 10 from the shared boundary. These separation distances are considered sufficient to prevent significant harm to living conditions.

There proposed garage is likely to be single storey in height and therefore would be viewed against any boundary treatments.

No.66 Close Lane

Plot 16 would be sited 31m away from the rear elevation windows and would also be set 12m from the shared boundary. These separation distances are considered sufficient to prevent significant harm to living conditions.

There proposed garage is likely to be single storey in height and therefore would be viewed against any boundary treatments.

No.70 Close Lane

Plot 1 would be sited 8m to the side elevation windows. This distance would be shy of the 13m separation distance recommended in the relevant SPD however it does stipulate that this is a figure is a guide only and should be amended to reflect site specific circumstances. In this instance no elevation plans have been provided to indicate the room layout/location of side facing windows however this would be addressed at reserved stage to prevent overlooking/loss of privacy from any side facing windows. It is also noted that plot 1 has been set back from the front of No.70 by approximately 8.7m and would be set to the middle of the existing garage at No.70 which would ensure that outlook would remain from the middle and left hand side of the side facing windows (it is also considered unreasonable to rely on outlook from 3rd party land). There is potential for loss of sun light for a part of the afternoon however light would already appear restricted to the ground floor widows by the existing garage and No.70 has a substantial rear garden area therefore any overshadowing will be limited to the small section immediately adjacent to the boundary which will already suffer from an element of overshadowing from the boundary treatment. Therefore on balance it is not considered that there will be any significant harm to living conditions.

Education

The development of 15 dwellings is expected to generate:

3 primary children (19 x 0.19)

2 secondary children (15 x 0.15)

The development is expected to impact on secondary 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 school places still remains.

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

$2 \times £17,959 \times 0.91 = £32,685$ (secondary)
Total education contribution: £32,685

This will be secured as part of a S106 Agreement. Subject to this mitigation, the education impact is considered to be neutral.

Housing

This is a proposed development of 16 dwellings therefore in order to meet the Council's Policy on Affordable Housing (30% provision) there is a requirement for 5 dwellings to be provided as affordable dwellings. The SHMA 2013 shows the majority of the demand in the Alsager area for the next 5 years is for 38x 2 bedroom, 15x 3 bedroom, 2x 4 bedroom and 2x 4 bedroom dwellings for General Needs and 5x 1 bedroom dwellings for Older Persons per year. The majority of the demand on Cheshire Homechoice is for 95x 1 bedroom, 91x 2 bedroom, 49x 3 bedroom and 14x 4 bedroom dwellings.

Therefore 1, 2, 3 and 4 on this site would be acceptable. Some of the 1 bedroom units would need to be made available to Older Person via ground floor flats or Bungalows. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing therefore x3 units should be provided as Affordable Rent and x2 units as Intermediate tenure. The application complies with this criteria.

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

In this instance whilst the properties have been sited together near the site entrance, given the relatively small size of the scheme they would appear consistent with the terrace/link detached properties noted further in the street.

The exact details of the affordable housing will be provided at reserved matters stage. This will be secured as part of a S106 Agreement.

CIL Regulations

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 development would result in increased demand for secondary school places in the area and there is very limited spare capacity. In order to increase capacity of the secondary 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.

On this basis the S106 recommendation is compliant with the CIL Regulations 2010.

Other matters

The proposal is not of a scale to require any contribution towards public open space.

Planning Balance

The site is not located within a settlement boundary and is located in the Open Countryside as designated in the Crewe and Nantwich Local Plan.

Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by Local Plan Policies NE.2 and RES.5

In this instance the proposal is not listed as an appropriate form of development and although it would provide 2 dwellings it considered capable of being an infill development. As a result, it constitutes a “departure” from the development plan and emerging plan and as such, 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).

The planning dis-benefits are that the proposal would cause visual harm to the open countryside.

However the proposal would bring positive planning benefits such as the provision of market housing, a minor boost to the local economy and on balance is considered to be locationally sustainable given the location to the bus stop, the wide area the bus serves and the frequency of this service.

Applying the tests within paragraph 14 it is considered that the benefits outweigh the dis-benefits. As such, on balance, it is considered that the development constitutes sustainable development and should therefore be approved.

RECOMMENDATION

The site is not located within a settlement boundary and is located in the Open Countryside as designated in the Crewe and Nantwich Local Plan.

Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by Local Plan Policies NE.2 and RES.5

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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).

The planning dis-benefits are that the proposal would cause visual harm to the open countryside.

However the proposal would bring positive planning benefits such as the provision of x5 affordable units and x11 open market housing, a contribution towards secondary education, a minor boost to the local economy and on balance is considered to be locationally sustainable.

Applying the tests within paragraph 14 it is considered that the benefits outweigh the dis-benefits. As such, on balance, it is considered that the development constitutes sustainable development and should therefore be approved.

RECOMMENDATION

APPROVE subject to a S106 Agreement to secure the following Heads of terms

1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:

- The numbers, type, tenure and location on the site of the affordable housing provision
- The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
- The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
- The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

2. Secondary Education Contribution of £32,685

3. Residents Management and maintenance agreement in perpetuity for the incidental public open space, the pond and the tree belt to the north-western and south-western boundaries

And the following conditions:

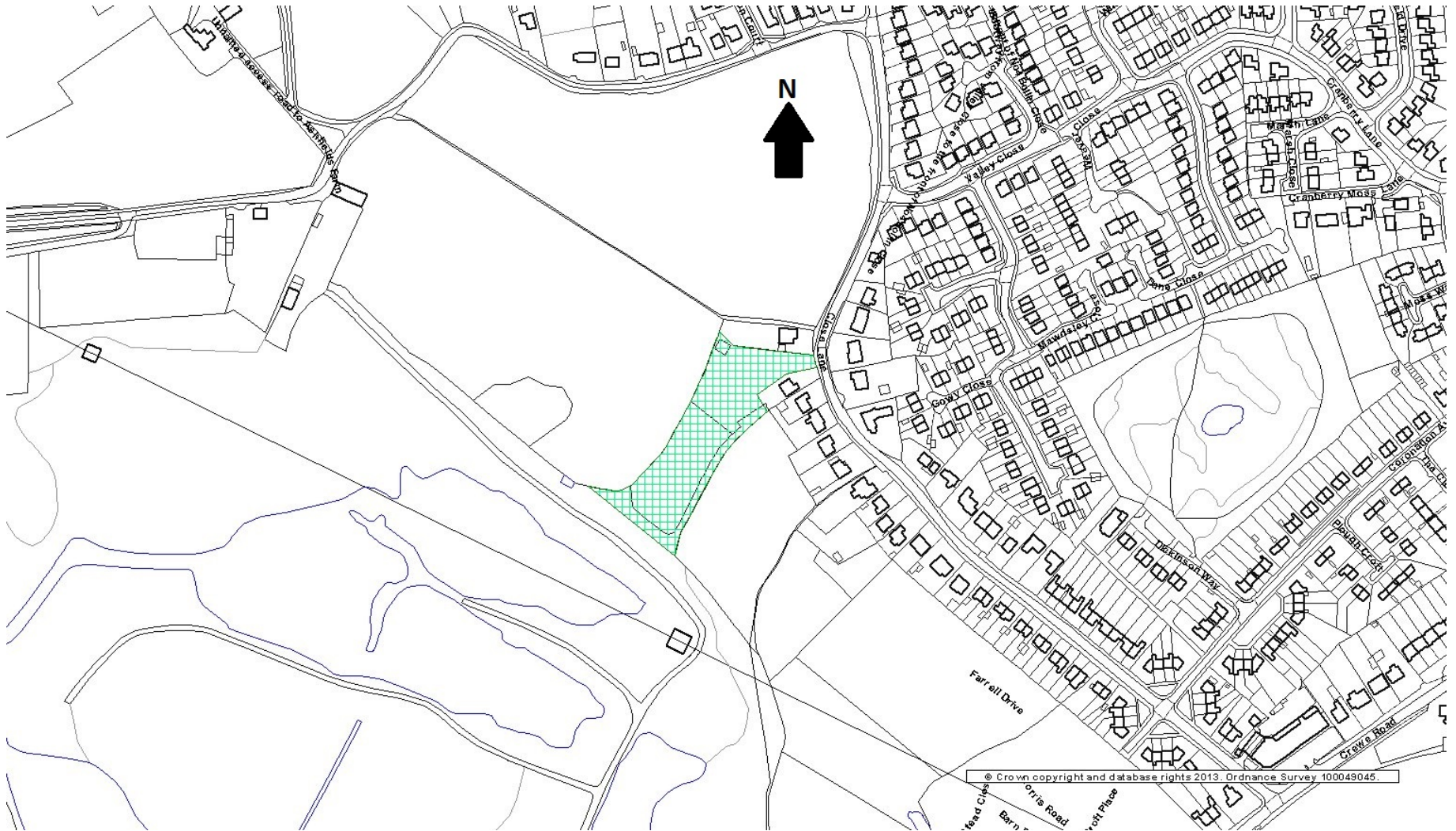
- 1. Standard outline 1**
- 2. Standard outline 2**
- 3. Standard outline 3**
- 4. Approved Plans**
- 5. Electric Vehicle Infrastructure to be submitted and approved**
- 6. Piling Details to be submitted and approved**
- 7. Reserved matters application to include dust control measures**
- 8. The noise mitigation measures to be as per the submitted report**
- 9. Submission / Approval of Information regarding Contaminated Land**
- 10. Any reserved matters application shall be supported by an Arboricultural Impact Assessment (AIA) in accordance with Section 5.4 of *BS5837:2012 Trees in Relation to Design, Demolition and Construction (Recommendations)* which shall evaluate the direct and indirect impact effect of the proposed design on existing trees.**
- 11. Reserved Matters application to include details of the existing and proposed land levels. No levels should be raised on site that may result in the flooding offsite.**
- 12. Tree Protection Details to be submitted and approved**
- 13. No development should commence on site until such time as detailed proposals for disposal of surface water (including a scheme for the onsite storage and regulated discharge) have been submitted to and agreed in writing**
- 14. No development should commence on site until such time as detailed scheme for the management of overland flow from surcharging of the site's surface water drainage system and neighbouring land have been submitted to and agreed in writing**
- 15. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority. The drainage design must also include information about the designs storm period and intensity (1 in 30 & 1 in 100 (+30% allowance for Climate Change)) & any temporary storage facilities included, to ensure adequate drainage is implemented on site.**
- 16. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Drainage Strategy Report (Ref No. P5664, Dated 14th March 2016pared by HR Wallingford). For the avoidance of doubt no surface water will be permitted to drain directly or indirectly into the public sewer. Any variation to the discharge of foul shall be agreed in writing by the Local Planning Authority prior to the commencement of the development. The development shall be completed in accordance with the approved details.**
- 17. Reserved Matters application to include a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:**
 - a) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and**
 - b) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.**
- 18. Nesting bird survey measures to be submitted and approved**

19. Any future reserved matters application to be supported by proposals for the incorporation of features into the scheme suitable for use by breeding birds
20. Any future reserved matters application to be supported by proposals for the incorporation of gaps for hedgehogs to be incorporated into any garden or boundary fencing proposed
21. Updated badger survey to be undertaken and submitted in support of any reserved matters application
22. Replacement pond as shown on the site layout plan to be provided and retained
23. The reserved matters application shall include a landscaping plan for the site including mitigation for the loss of tree from the eastern boundary
24. The reserved matters application shall include a woodland management scheme for the trees to the north-western and south-western boundaries
25. Visibility splays as shown on the site plan to be provided and retained

In order to give proper effect to the Board's/Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning (Regulation), in consultation with the Chair (or in her absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

Should the application be subject to an appeal, the following Heads of Terms should be secured as part of any S106 Agreement:

1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:
 - The numbers, type, tenure and location on the site of the affordable housing provision
 - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
 - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
 - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
2. Primary Education Contribution of £32,539
3. Residents Management and maintenance agreement in perpetuity for the incidental public open space, the pond and the tree belt to the north-western and south-western boundaries



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