

Application No: 17/0774N

Location: Land At, MOORSFIELD AVENUE, AUDLEM

Proposal: Outline planning permission for Development of up to 34 dwellings with all matters reserved except access

Applicant: Plotbuild

Expiry Date: 15-May-2017

SUMMARY:

The proposed development would be contrary to Policies H1 and H3 of the Audlem Neighbourhood Plan, Policies NE.2 and RES.5 of the adopted local plan, Policy PG 5 of the Cheshire East Local Plan Strategy, which is afforded substantial weight as the development would result in a loss of open countryside.

The proposed development would have an adverse impact on the setting of the Audlem Conservation Area and on the setting of the Shropshire Union Canal contrary to the Audlem Neighbourhood Plan Policy D1 and Borough of Crewe and Nantwich Replacement Local Plan Policy BE.7

The development would provide benefits in terms of housing provision, delivery of housing, and economic benefits through the provision of employment during the construction phase, new homes and benefits for nearby businesses.

The development would have a neutral impact upon landscape, flood risk/drainage, trees, ecology, residential amenity/noise/air quality/contaminated land and highways.

The adverse impacts of the development would be development within the countryside that would erode the rural character of the countryside and would have an adverse impact on the Conservation Area and the Shropshire Union Canal and would undermine the ability of the community to shape and direct sustainable development in their area.

The identified benefits do not outweigh the concerns outlined above and it is therefore considered to be unsustainable development and accordingly is recommended for refusal.

RECOMMENDATION: REFUSE

PROPOSAL:

The application seeks outline planning permission with all matters except access reserved, for a development of up to 34 dwellings. This is a resubmission following the withdrawal of a previous application for up to 87 dwellings.

SITE DESCRIPTION:

The application site is situated to the north of the existing development on Moorsfield Avenue and Tollgate Drive. It is of an irregular shape with various level changes. To the east is the Shropshire Union Canal and the Audlem Conservation Area and to the west agricultural land.

The site is designated as being within Open Countryside in the Borough of Crewe and Nantwich Replacement Local Plan and the Cheshire East Local Plan Strategy.

RELEVANT HISTORY:

16/0725N Withdrawn application for up to 87 dwellings

NATIONAL & LOCAL POLICY

National Policy

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Local Plan Policy

Borough of Crewe and Nantwich Replacement Local Plan 2011 (CNRLP)

The relevant Saved Policies are:

NE.2 (Open countryside)
NE.3 (Areas of Special County Value)
NE.5 (Nature Conservation and Habitats)
NE.9: (Protected Species)
NE.20 (Flood Prevention)
BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
RES.5 (Housing in the Open Countryside)
RES.7 (Affordable Housing)
RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)
RT.9 (Footpaths and Bridleways)
TRAN.3 (Pedestrians)
TRAN.5 (Cycling)

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

Cheshire East Local Plan Strategy Proposed Changes (Consultation Draft) July 2016 (CELP)

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

PG 2 Settlement Hierarchy
PG 6 Spatial Distribution of Development
SC 4 Residential Mix
SC5 Affordable Homes
SD 1 Sustainable Development in Cheshire East
SD 2 Sustainable Development Principles
SE 1 Design
SE 2 Efficient Use of Land
SE 3 Biodiversity and Geodiversity
SE 4 The Landscape
SE 5 Trees, Hedgerows and Woodland
SE 6 Green Infrastructure
SE 9 Energy Efficient Development
SE 12 Pollution, Land Contamination and Land Instability
SE 13 Flood Risk and Water Management
IN1 Infrastructure
IN2 Developer Contributions
PG 1 Overall Development Strategy
PG 2 Settlement Hierarchy
EG1 Economic Prosperity

Audlem Neighbourhood Plan 2015 – 2030 (ANP)

H1 – Number of New Homes
H3 – Scale of New Development
H4 – Size of Homes
H5 – Type of Homes
H6 – Affordable Housing
H7 – Tenancy Mix
D1 – Character & Quality
D2 – Size & Space
D3 – Position & Topography
D4 – Conservation Areas
D7 – Efficiency & Sustainability
D8 - Retaining Green Space and Encouraging Nature Conservation
D9 – Planting
D10 – Drainage
D11 – Residential Parking
D12 – Road Widths
D13 – Safe Access
D14 – Storage Space
CL1 - Infrastructure
CW3 – Infrastructure Support
T2 – Traffic Congestion and Risk to Road Users

Other Considerations

The EC Habitats Directive 1992

Conservation of Habitats & Species Regulations 2010

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

Interim Planning Statement Affordable Housing

CONSULTATIONS:

Audlem Parish Council: Object to the application the imposition of up to 34 houses at this sensitive location in close proximity to the canal corridor Conservation Area remains unacceptable on the following grounds:

1. The proposal is not in conformity with the Audlem Neighbourhood Plan;
2. The proposal is outside the settlement boundary;
3. The proposal is inappropriate in the light of its position adjacent to a Conservation Area;
4. Development would have a severe detrimental impact on
 - a) landscape and amenity
 - b) existing properties
 - c) environment and ecology
5. Development would result in the loss of grade 3 agricultural land;
6. There are numerous sustainability concerns, including infrastructure, transport and highways.

Highways: No objection.

United Utilities: No objection subject to conditions.

Public Rights of Way: Put forward comments relating to 'claimed footpaths'. (Details outlined in the main body of this report)

Environmental Health: No objection subject to conditions/informatives relating to noise, disturbance, air quality and contaminated land.

Education: Require a contribution of £81,713 towards secondary education.

REPRESENTATIONS:

Neighbour notification letters were sent to adjoining occupants and a site notice posted. At the time of report writing sixty eight representations have been received which can be viewed in full on the website.

They make the following points:

- No more housing required in Audlem
- Contrary to the Neighbourhood Plan
- Development on greenfield land outside the settlement
- No use of brownfield or infill land
- Lack of local infrastructure
- Lack of public transport

- Medical practice is already under considerable pressure
- No Post Office in Audlem
- Impact on tourism
- No provision of a financial contribution to the village
- Premature to the adoption of the local plan
- Highway safety
- Additional traffic
- Drainage/sewerage issues
- Loss of agricultural land
- Impact on wildlife
- Impact on landscape and views
- Adverse impact on recognised heritage assets
- Loss of privacy/light/views
- Overbearing development
- Disruption during construction
- Would set a precedent for future development
- Diminishes the integrity of localism
- Misleading documentation
- Lack of consultation
- Property values

APPRAISAL:

Principle of Development

The site lies largely in the Open Countryside as designated in the Borough of Crewe and Nantwich Replacement Local Plan 2011, where Policies NE.2 and RES.5 state that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Residential development will be restricted to agricultural workers dwellings, affordable housing and limited infilling within built up frontages.

The proposed development would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside. As a result, it constitutes a “departure” from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined “in accordance with the plan unless material considerations indicate otherwise”.

Policy H1 of the ANP also advises that “outside the settlement boundary residential permission will not be permitted except in circumstances specified in this Plan. Development of isolated dwelling houses in rural areas will be resisted, except where these accord with national policy”. The NPPF paragraph 55 advises that “isolated homes in the countryside should be avoided unless there are special circumstances”. However the current proposal is not listed as falling within one of these circumstances.

Given that the application site is located outside the Settlement Boundary and does not comply with the NPPF it is considered to be in conflict with the Audlem Neighbourhood Plan (ANP).

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.

Cheshire East Local Plan Position

On 13 December 2016 Inspector Stephen Pratt published a note which sets out his views on the further modifications needed to the Cheshire East Local Plan Strategy. This note follows 6 weeks of Examination hearings concluding on 20 October 2016.

This note confirms that his previous endorsement for the core policies on the plan still stand and that “no new evidence or information has been presented to the examination which is sufficient to outweigh or alter my initial conclusions”. This signals his agreement with central issues such as the ‘Duty to Cooperate’, the overall development strategy, the scale of housing and employment land, green belt policy, settlement hierarchy and distribution of development.

The Inspector goes on to support the Council’s approach to the allocation of development sites and of addressing housing supply. He commented that the Council:

“seems to have undertaken a comprehensive assessment of housing land supply, and established a realistic and deliverable means of meeting the objectively assessed housing need and addressing previous shortfalls in provision, including assessing the deliverability and viability of the proposed site allocations”

The Inspector went on to state that the development strategy for the main towns, villages and rural areas appeared to be “appropriate, justified, effective, deliverable and soundly based.” As a consequence there was no need to consider other possible development sites at this stage.

The Inspector’s recommendations on Main Modifications mean that under paragraph 216 of the Framework the emerging policies of the Cheshire East Local Plan Strategy can be attributed a greater degree of weight – as the Plan as revised is at an enhanced stage, objections are substantially resolved and policies are compliant with National advice.

The Inspector’s recommendations on housing land supply, his support for the Cheshire East approach to meeting past shortfalls (Sedgepool 8) indicate that a remedy is at hand to housing supply problems. The Council still cannot demonstrate a 5 year supply of housing at this time but it will be able to on the adoption of the Local Plan Strategy. This is highly relevant to the assessment of weight given to housing supply policies which are deemed out of date by the absence of a 5 year supply. Following the Court of Appeal decision on the Richborough case, the weight of an out of date policy is a matter for the decision maker and could be influenced by the extent of the shortfall, the action being taken to address it and the purpose of the particular policy.

An appeal decision on 10th February 2017 for Land at 71 Main Road, Shavington, for an outline application for residential development was dismissed. The Inspector for this appeal concluded that, following the Inspector’s Interim Letter on the CELP (December 2016) that substantial weight should be afforded to the conflict with the emerging Local Plan Strategy and the relevant draft policies therein as it is at an advanced stage in the adoption process. She also stated that *“it is not an unreasonable proposition that the LPS will be adopted before any houses could be delivered on the appeal site, even taking account of the reduced implementation timetable agreed by the*

appellant.” This was because the appellant agreed a reduced implementation schedule during the Public Inquiry.

In 2003 the Inspector for the Crewe and Nantwich Local Plan, in relation to objections from the landowner of this site stated:

“Development on this northern section of the site, would in my opinion, have a significant adverse impact on setting of the canal and this part of the Conservation Area. The western section of the site is located in open countryside into which the recent development of Moorsfield Avenue is a significant and visually prominent intrusion. I consider development of the objection site would increase that intrusion to an unacceptable degree.”

The Inspector goes on to say that *“it is my view that no part of the site could be developed without an adverse impact on the character or setting of Audlem or its Conservation Area.”*

It is not considered that this situation has changed since the Inspector passed this judgement.

Audlem Neighbourhood Plan

Audlem Parish Council has submitted a comprehensive objection to the proposals.

Policy H1 of the ANP requires that additional housing over and above that granted at 27th April 2015 will not be permitted outside the settlement boundary.

Policy H2 relates to infill and brownfield land and the proposal does not meet the criteria set down in this policy as it neither an infill site or brownfield Land.

Policies H4 and H5 relate to the size and type of new homes. As this application is in outline form with scale reserved for future consideration, these policies cannot be applied.

Policies D1 and D3 relate to character and quality and position and topography. Again, as the application is in outline form with layout and appearance reserved for future consideration, these policies cannot be applied.

Policy D4 relates to conservation areas. The Council’s Conservation Officer has assessed the revised application and considers that the impact on the setting of the canal would still be significant, contrary to Policy D4.

Policy D8 relates to retaining green space and encouraging nature conservation. This policy includes areas alongside either side of the canal bank throughout the parish. Given that the proposal has now been located away from the canal side, it is not considered that this policy can be applied to the proposal.

SOCIAL SUSTAINABILITY

Affordable Housing

The Councils Interim Planning Statement: Affordable Housing (IPS) states in Settlements with a population of less than 3,000 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 10 dwellings or more or larger than 1000Sqm floor space, including garages and annex buildings 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 34 dwellings; therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 10 dwellings to be provided as affordable dwellings. The SHMA 2013 shows the majority of the demand in Audlem per year until 2018 is for 4 x one bedroom, 16 x three bedroom and 4 x four bedroom dwellings for General Needs. The SHMA 2013 is also showing a need for 3 x two bedroom Older Persons accommodation per year. The demand on Cheshire Homechoice is for 6 x one bedroom, 6 x two bedroom, 4 x three bedroom and 1 x five bedroom dwellings therefore on this site 1, 2 and 3 bedroom dwellings would be acceptable. 7 units should be provided as Affordable rent and 3 units as Intermediate tenure.

It is noted that the other development in Audlem is only providing 2 and 3 bedroom units, however there is also a need for one bedroom flats. Another recent development in Audlem does not provide any one bedroom flats. It is therefore recommended that a small number of one bedroom flats are provided on the site possibly one block of 4 flats.

Alternatively some of the 2 bedroom dwellings should be available for older persons as the need is shown in the SHMA these could also be supplied as bungalows.

The local needs survey which was carried out in Audlem in January 2013 identified 98 newly forming households, of which 37 would need subsidised or rented affordable properties.

As this Outline application is meeting the IPS by virtue of the details given in the Affordable Housing Statement. The Strategic Housing Manager has no objection to the proposal. The exact placing and affordable housing types can be confirmed at reserved matters stage.

Health

Concerns have been expressed by the doctor at the local medical practice and by many of the residents of Audlem, that the local medical facilities do not have the capacity to accommodate any additional patients.

However there is currently no mechanism in place that could secure financial contributions to address this issue. As such a requirement for any financial contribution would not meet the criteria set out in the NPPF and the Community Infrastructure Levy (CIL) Regulations 2010, and could not be imposed. This is consistent with the appeal decision at Audlem Road, Audlem.

Public Open Space

Policy RT.3 states that where a development exceeds 20 dwellings the Local Planning Authority will seek Public Open Space (POS) on site. In this case the development would be for up to 34 dwellings, therefore there is a requirement for POS on site. The indicative site plan shows

adequate space for on-site provision and this should be secured by Section 106 Agreement should the application be approved.

Education

Not including the current planning application registered on Land at Moorsfield Avenue (17/0774N), there are 9 further registered and undetermined planning applications in Nantwich generating an additional 71 primary children and 57 secondary children.

The development of 34 dwellings is expected to generate:

6 primary children (34 x 0.19)
5 secondary children (34 x 0.15)
0 SEN children (34 x 0.51 x 0.023%)

The development is expected to impact on secondary school places in the immediate locality. Contributions which have been negotiated on other developments are factored into the forecasts both in terms of the increased pupil numbers and the increased capacity at 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:

$5 \times £17,959 \times 0.91 = £81,713.00$ (secondary)
Total education contribution: £81,713.00

Without a secured contribution of £81,713.00, Children's Services raise an objection to this application. This objection is on the grounds that the proposed development would have a detrimental impact upon local education provision as a direct cause from the development. Without the mitigation, 5 secondary children would not have a school place in Nantwich. The objection would be withdrawn if the financial mitigation measure is agreed.

The table below sets out the reasoning behind this requirement:

Development	land at Morsfield Ave, Audlem				Number of Dwellings	34					
Planning App Number	17/0774N				Primary Yield	6					
Date Prepared	21.3.2017				Secondary Yield	5					
					SEN Yield	0					
	PUPIL FORECASTS based on October 2015 School Census										
Primary Schools	PAN Sep 16	PAN Sep 17	NET CAP May-16	Any Known Changes	2016	2017	2018	2019	2020	Comments	
Audlem St James' CofE Primary School	30	30	178	178	160	171	165	168	158		
Developments with S106 funded and pupil yield included in the forecasts				0							
Developments pupil yield not included in the forecasts									5		
Pupil Yield expected from this development									6		
OVERALL TOTAL	30	30	178	178	160	171	165	168	169		
OVERALL SURPLUS PLACES PROJECTIONS based on Revised NET CAP					18	7	13	10	9		
PRIMARY CONCLUSION - No Claim. Surplus is low but still sufficient to accommodate the 66 pupils.											
	PAN Sep 16	PAN Sep 17	NET CAP May-16	Any Known Changes	PUPIL FORECASTS based on October 2015 School Census						
Secondary Schools					2016	2017	2018	2019	2020	2021	2022
Brine Leas School	215	215	1,050	1,050	1,118	1,149	1,168	1,190	1,197	1,200	1,212
Please Note: All figures quoted exclude any allowance for 6th Form Pupils											
Developments with S106 funded and pupil yield included in the forecasts				20							
Developments pupil yield not included in the forecasts											19
Pupil Yield expected from this development											5
OVERALL TOTAL	215	215	1,050	1,070	1,118	1,149	1,168	1,190	1,197	1,200	1,236
OVERALL SURPLUS PLACES PROJECTIONS					-48	-79	-98	-120	-127	-130	-166

Environmental Sustainability

Landscape

The Illustrative Masterplan submitted with the current application is a further improvement on revised layout BL003/SK01 submitted with application 16/0725N in September last year, in that it omits development from the land off Moorsfield Avenue and from the steeply sloping area in the north western part of the site. The panoramic community views westward across the Weaver valley from Moorsfield Avenue (i.e. from the road and verge opposite house numbers 8 to 14) would therefore remain largely unobstructed.

The proposed dwellings are set back 70 to 80 metres from the canal bank. Although, the proposed development is located on the highest part of the site and would initially be prominent on the skyline from a number of important/sensitive viewpoints, the adverse visual impacts could be mitigated in the medium to long term by tree belt planting along the development boundaries as demonstrated by the four visualisations submitted with the application:

Viewpoint 2

This is a viewpoint from within the field off Moorsfield Avenue looking directly towards the proposed development which would initially be prominent on the skyline. After 15 years the proposed planting would break up and filter views of the dwellings.

Viewpoint 7

This view is from footpath 9 near to Moss Hall Canal Bridge to the north. The visualisation demonstrates that the development would not be visible from this location.

Viewpoint 9

This is the most important and sensitive viewpoint - representing views from canal boats and from the tow path which is part of the Weaver Way long distance footpath route. The proposed development would initially be prominent on the skyline. After 15 years the proposed planting would break up and filter views of the dwellings.

Viewpoint 10

This is an important community view from Audlem cemetery. The proposed development would initially be prominent on the skyline. After 15 years the proposed planting would break up and filter views of the dwellings

There is scope to plant a much wider tree belt along the eastern edge of the development (on land 'edged blue' in the applicant's ownership) which would, in the medium to long-term, screen views of the development from the canal towpath and the cemetery more effectively. This could be secured during the reserved matters stage.

Trees & Hedgerows

The application is supported by an Arboricultural Survey; this report accompanied the original application (16/0725N) on the site. 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 site is presently set down to grazing land over a single large field which falls from the south down to the canal. The majority of the tree cover is located around the periphery of and off the site, with the indicative development plan utilising the open aspect of the site.

The application is outline with access only, served off Tollgate Road requiring the removal of single low value tree (Category C), its loss will have negligible impact on the amenity of the immediate area and no impact on the wider landscape. There are no hedgerow implications associated with the point of access, with the hedge associated with the Tollgate Road access forming part of an existing garden curtilage which precludes it for consideration under the 1997 Hedgerow Regulations

From an Arboricultural perspective the openness of the field places minimal restrictions on development. Should the application proceed to reserved matters a detailed Arboricultural Impact Assessment will be required to inform development layout. A full hedgerow survey in accordance with the 1997 Hedgerow Regulations will also be required to determine if the remaining hedgerow associated with the development area which presently do not form existing garden boundaries are 'important', both these matters can be dealt with by condition should the application be approved.

Heritage

The proposed development is focused upon the most elevated part of the site, which then falls away to the east toward the canal and westward to the River Weaver. Consequently, the proposed development would still be very prominent despite the reduction in numbers and whilst the proximity of new development to the canal itself has been relaxed, this prominence in the context of the canal's setting would remain significant. This will be detrimental to the views from the canal

and its setting, which is illustrated very effectively in the photo viewpoint information for the canal vantage point. Whilst landscaping is proposed on the eastern boundary of the development, the width of the landscape area is modest and will take a significant time to mature. There will be variations in its effectiveness seasonally and there is the potential for light spill during dusk and darkness, which would further erode the setting of the canal. This impact will be especially significant until the landscaping reaches reasonable maturity, which could take a good number of years. It could also be argued that the landscape belt itself is quite alien, further compounding the impact in this relatively open view, the effect of which will increase as the landscaping matures. The upshot is that the development is unlikely to harmonise with its setting over time.

Whilst the designated Conservation Area does not extend to include the site frontage it does form part of the setting of the Conservation Area and this stretch of the canal has significance in its own right in built heritage terms and is considered a non-designated heritage asset. There is an intention to review the conservation area to extend the boundary to include the stretch of canal directly in front of the site and further north. Consequently, having regard to this particular issue, it is considered that likely impact upon the canal's setting would be unacceptable.

Ecology

A protected species sett was previously recorded on site and the reports submitted with the application were considered to be out of date. An updated other protected species Mitigation Strategy has now been submitted, which will be assessed by the Council's ecologist and Members will be provided with an update prior to the meeting.

Pole Cats and Hedgehogs have been recorded within 1km of the application site and so may occur on the application site. It is however considered that the application site is unlikely to be particularly important for these species. In the event that planning permission is granted a condition should be attached requiring the reserved matters to incorporate gaps for Hedgehogs to be incorporated into the boundary treatments.

To avoid any adverse impacts on bats resulting from any lighting associated with the development it is recommended that if planning permission is granted a condition should be attached requiring any additional lighting to be agreed with the LPA.

Any proposed lighting should be low level and directional and the design of the lighting scheme informed by the advice in *Bats and lighting in the UK- bats and the built environment series*, (Bat Conservation Trust, 2009).

The Council's ecologist considers that Great Crested Newts and reptiles are not reasonably likely to be affected by the proposed development.

The open space areas associated with the development provides opportunities for habitat creation, such as new pond and wildflower meadow creation that would contribute to local and national priority habitat creation targets.

It is therefore recommended that if planning consent is granted, a condition should be attached which requires any future reserved matters application to be supported by a habitat creation strategy.

Location of the site

The site is located immediately adjacent to the settlement boundary of Audlem which is designated as a Local Service Centre in the CELP. This means that Audlem is considered to provide a range of services and facilities to meet the needs of local residents.

As such the site is considered to be locationally sustainable.

Access and Highways

The site has existing highway access from Tollgate Drive via field gates.

This is an outline planning application for the development of up to 34 dwellings with associated parking and landscaping. It is proposed that all dwellings will be served from an internal access road, through the extension of Tollgate Drive into the site.

The Head of Strategic Infrastructure (HSI) has reviewed the Transport Statement (TS) submitted by the applicant in support of the development proposals and finds the following:

Local highway network

Tollgate Drive is a residential access road with a carriageway width of around 5.5m and good footway provision. Access to Tollgate Drive is taken via priority junction with the A525 Whitchurch Road, which provides access to the centre of Audlem and the wider local and strategic highway network.

In terms of the A525, as with most roads running through historic villages such as Audlem, there is a significant amount of on-street parking, which often restricts the carriageway width in various places such that drivers of vehicles have to give way to oncoming traffic before proceeding past parked cars. Site observations indicate that as a result of the availability of passing places due to side roads and No Waiting Traffic Regulation Orders and, good vehicle to vehicle inter-visibility, the parked cars do not normally present a significant problem for drivers.

The traffic generation associated with a development of 34 dwellings would not be expected to have a material impact on the operation of the A525 through Audlem.

Bus

There is just one service with bus stops on the A525 Whitchurch Road within a reasonable walking distance of the site:

- Number 73 – Nantwich – Audlem – Whitchurch; and

Weekday bus frequency is limited to just six services a day between 0846 and 1438, which provides sustainable access to some local destinations. In addition three further bus services are available from the centre of Audlem, numbers 71, 75 and 79; but weekday service frequency is low with just one bus a day per service number.

Cycling and Rail

Given the remote location of Audlem, commuting by bicycle and train are not considered to be realistic options for the future residents of the site.

Walking

Audlem contains a good range of services and facilities and the site is within a reasonable walking distance of these. Therefore, the day to day needs of the future residents would not be completely reliant upon travel by private car and the development would contribute to the viability of local services and facilities.

The site is therefore considered to be in a sustainable location.

Internal site layout

As the application is in outline the HSI has not commented in the site layout but reserves a right to do so at a later date in the application process (i.e. reserved matters).

Access

The proposal for access is presented in Croft Transport Solutions drawing numbers 1152-F01 and involves the extension of the carriageway and footway of Tollgate Drive into the site, to link with the proposed internal road network.

The access proposals are acceptable to the HSI.

Traffic impact

A development of 34 dwellings would be expected to generate less than 25 two-way trips during the morning and evening commuter peak hours.

The HSI has reviewed the traffic impact analysis and accident review set out within the applicants TS and is satisfied that the commuter peak hour traffic generated by the development proposals can be safely accommodated on the local highway network without the need for mitigation.

In order to resist this application, the Highway Authority would have to prove that there is severe harm arising from the increase in traffic on the local highway network resulting from the development proposal, this would not be possible given the modest level of traffic generation predicted.

The HSI is satisfied that the traffic generation associated with development proposals can be safely accommodated on the local and wider highway network; accordingly, the HSI has no objection to the planning application.

Amenity

The application is in outline form with only access to be determined at this stage. An indicative layout plan has been submitted with the application and this does demonstrate that up to 34 dwellings could be accommodated within the site that would meet all the required separation distances.

In terms of the amenity of future occupiers of the proposed dwellings, adequate private amenity space could be provided within the site.

Design

This is an outline planning application with all matters except access reserved, therefore the layout drawing is only indicative. Should the application be approved, appearance, landscaping and scale would be determined at reserved matters stage.

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

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

The indicative layout shows a cul-de-sac with access from Tollgate Drive. It is considered that the development would have an urbanising effect on what is currently a field. However as the layout and appearance are all reserved matters, a refusal on design grounds could not be sustained.

Noise and Disturbance

No noise concerns are raised with regard to impact on future occupiers from existing noise sources such as roads or rail lines. However, to protect the amenity of neighbouring occupiers from construction noise, a condition requiring a construction management plan and hours of piling would be required as well as an informative to limit the operating hours of the construction site.

Air Quality

This scheme is of a relatively small scale and as such would not require an air quality impact assessment. Given the rural location of the site and the distance from any Air Quality Management Areas it is not considered that the development would raise any air quality impacts. However to ensure that sustainable vehicle technology is a real option for future occupants, a vehicle charging point should be provided for each dwelling. This could be secured by condition.

Contaminated Land

The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. The application site has a history of agricultural use and therefore the land may be contaminated. A Phase I Preliminary Risk Assessment for land contamination has been submitted in support of the application. The report did not identify any potential sources of contamination on the site, but has recommended a Phase II ground investigation. If, during the course of this investigation, unexpected contamination is encountered.

Flood Risk and Drainage

The Flood Risk Manager has not provided a response at the time of report writing. However; in relation to the previous application for up to 87 dwellings there was no objection to the proposal subject to conditions.

Agricultural Land Quality

Policy NE.12 of the Local Plan states that development on the best and most versatile agricultural land (Grades 1, 2 and 3A) will not be permitted unless:

- The need for the development is supported by the Local Plan
- It can be demonstrated that the development proposed cannot be accommodated on land of lower agricultural quality, derelict or non-agricultural land
- Other sustainability considerations suggest that the use of higher quality land is preferable

The National Planning Policy Framework highlights that the use of such land should be taken into account when determining planning applications. It advises local planning authorities that, 'significant developments' should utilise areas of poorer quality land (grades 3b, 4 & 5) in preference to higher quality land.

In this case the applicant has provided an Agricultural Land Quality Report which identifies that the site is Grade 3b and Grade 4 agricultural land which is compliant with Policy NE.12 and the NPPF.

Economic Sustainability

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to the area including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

CIL Compliance

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.

In this case, the contribution to secondary education is necessary, directly related to the development and fairly and reasonably related in scale and kind to the development. Affordable housing is included in the proposal and would be necessary in planning terms.

The POS provision is a requirement of the Local Plan and it would be necessary to secure a scheme of management for this land. This is fair, directly related to the development and necessary.

PLANNING BALANCE AND CONCLUSION

The proposed development would be contrary to Policies H1 and H3 of the Audlem Neighbourhood Plan, Policies NE.2 and RES.5 of the adopted local plan, Policy PG 5 of the Cheshire East Local Plan Strategy, which is afforded substantial weight as the development would result in a loss of open countryside.

The proposed development would have an adverse impact on the setting of the Audlem Conservation Area and on the setting of the Shropshire Union Canal contrary to the Audlem Neighbourhood Plan Policy D1 and Borough of Crewe and Nantwich Replacement Local Plan Policy BE.7

The development would provide benefits in terms of housing provision, delivery of housing, and economic benefits through the provision of employment during the construction phase, new homes and benefits for nearby businesses.

The development would have a neutral impact upon landscape, flood risk/drainage, trees, ecology, residential amenity/noise/air quality/contaminated land and highways.

The adverse impacts of the development would be development within the countryside that would erode the rural character of the countryside and would have an adverse impact on the Conservation Area and the Shropshire Union Canal and would undermine the ability of the community to shape and direct sustainable development in their area.

The identified benefits do not outweigh the concerns outlined above and it is therefore considered to be unsustainable development and accordingly is recommended for refusal.

RECOMMENDATION

REFUSE for the following reasons:

1. The proposal involves the development of a parcel of countryside outside of the Settlement Boundary for Audlem as defined in the Audlem Neighbourhood Plan 2016. It is also involves development within the Open Countryside as set out in the Borough of Crewe and Nantwich Replacement Local Plan. As a result the proposal is not listed as an appropriate form of development within the countryside and would erode the rural character of the countryside and would undermine the ability of the community to shape and direct sustainable development in their area, contrary to the Audlem Neighbourhood Plan Policies H1 and H3, Borough of Crewe and Nantwich Replacement Local Plan Policies NE.2 & RES.5, Cheshire East Local Plan Strategy Policy PG5 and the advice of NPPF paragraphs 17, 183-185 and 198. These conflicts are considered to significantly and demonstrably outweigh the benefits of the proposal.

2. The proposed development would have an adverse impact on the setting of the Audlem Conservation Area and on the setting of the Shropshire Union Canal. The proposal is therefore contrary to the Audlem Neighbourhood Plan Policy D1, Borough of Crewe and Nantwich Replacement Local Plan Policy BE.7 and the advice of NPPF paragraphs 17,131-133, 135, 183-185 and 198. These conflicts are considered to significantly and demonstrably outweigh the benefits of the proposal.

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 affordable housing – 7 units to be provided as social rent/affordable rent with 3 units as 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 the affordable housing and the means by which such occupancy criteria shall be enforced.**
- 2. A contribution of £81,713.00 to secondary education.**
- 3. POS provision and a scheme of management in perpetuity.**

