

Application No: 22/1302N

Location: FIELD TO THE EAST OF AUDLEM ROAD, AUDLEM

Proposal: The development of 28 no. residential units, including 9 no. affordable dwellings, with associated infrastructure and landscaping.

Applicant: Tabley Homes (Audlem) Ltd, and Renew Land (Audlem) Ltd

Expiry Date: 31-Aug-2022

## **SUMMARY**

On 27th July 2017 the Council adopted the Cheshire East Local Plan Strategy and as outlined in this the report the Council have demonstrated that there is more than a 5 year supply of deliverable housing sites.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.” The National Planning Policy Framework, which is the Secretary of State’s guidance, also advises Councils as to how planning decisions should be made. The ‘presumption in favour of sustainable development’ at paragraph 11 of the NPPF means “approving development proposals that accord with the development plan without delay”

The application site is located within the open countryside as defined by the adopted Development Plan (the CELPS, the C&NLP & ANP). The proposed development would be contrary to these policies and would result in the loss of open countryside.

The proposal would provide 9 affordable units which complies with Policy SC5. However, the weight to be given to the benefit of affordable provision is more limited in this instance noting that the Council is meeting and exceeding its affordable housing targets.

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

The development will not have a detrimental impact upon residential amenity (including for future occupants in terms of noise and contaminated land) and would comply with Policies BE.1 and BE.6 of the C&NLP.

The impact upon infrastructure would be neutral as there have been no requests for contributions or health or education. However an insufficient level/quality of open space

provision is provided. The development would therefore not comply with Policies IN1, IN2 of the CELPS or CI1 of the Audlem Neighbourhood Plan.

The development would not have significant drainage/flood risk implications and would be comply with SE13 of the CELPS and BE.4 of the C&NLP.

It is considered that subject to the imposition of planning conditions that the development is acceptable in terms of its impact upon trees on this site. The development would comply with NE.5 of the C&NLP and SE5 of the CELPS.

The impacts on highway safety are unknown at this stage and will be addressed in the update report.

With regard to ecological impacts, insufficient information has also been provided in which to consider the full ecological impacts on the proposal. As a result the proposal contrary to Policies NE.9 of the C&NLP and SE 3 of the CELPS.

The development cannot be supported in design terms for the reasons set out in the main report. The proposal would not accord with CELPS policy SE1, nor would it accord with the NPPF in relation to design quality and the requirements of the CEC Design Guide.

The proposal would cause some harm to the local landscape and the character/appearance of the area given the urbanisation and countryside encroachment.. The proposed development is therefore contrary to Policies PG6 & SE4 of the CELPS.

In conclusion the benefits of the scheme to provide affordable housing and the limited economic benefits, would not outweigh the harm to the open countryside, the lack of open space, the unacceptable design of the proposed development and lack of information to consider ecological impacts.

## **RECOMMENDATION**

**REFUSE**

## **REASON FOR REPORT**

The application requires committee consideration due to the number of dwellings exceeding the delegated threshold.

## **PROPOSAL**

The proposal seeks full planning consent for the development of 28 no. residential units, including 9 no. affordable dwellings, with associated infrastructure and landscaping.

## **SITE DESCRIPTION**

The application site comprises a plot of land between the residential properties known as Bords Nest to the north and No.76 Heathfield Road to the south.

Open countryside location with staggered residential properties. Nearest residential properties are sited to the north, west and south of the site. The land level drops slightly from the road and slopes north to south.

Existing access is taken off Audlem Road.

Boundary treatment consists of mixed planting to all boundaries with heavy screening to the southern and eastern boundaries. Contains some trees of amenity value to the boundaries.

The site is located in the Open Countryside as per the Cheshire East Local Plan.

## **RELEVANT HISTORY**

16/3040N – Proposed housing development on land adjacent Birds Nest for 20 dwellings – refused and dismissed at appeal 31<sup>st</sup> May 2017 given the siting in the open countryside with landscape impacts from urbanisation/countryside encroachment and lack of affordable housing provision

15/3257N – Outline application for a housing development for 21 dwellings with access (withdrawn)

## **ADOPTED PLANNING POLICY**

### **Development Plan**

The Development Plan for this area comprises of the Cheshire East Local Plan Strategy (CELPS) and the Crewe and Nantwich Local Plan (CNLP).

#### *Cheshire East Local Plan Strategy (CELPS);*

SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
SE1 – Design  
SE2 - Efficient Use of Land  
SE3 - Biodiversity and Geodiversity  
SE4 - The Landscape  
SE5 - Trees, Hedgerows and Woodland  
SE7 – Historic Environment  
SE9 - Energy Efficient Development,  
SE12 - Pollution, Land Contamination and Land Instability  
IN1 – Infrastructure  
PG1 - Overall Development Strategy  
PG2 – Settlement Hierarchy  
PG6 – Open Countryside  
PG7 – Spatial Distribution  
SC4 - Residential Mix

#### *Crewe and Nantwich Local Plan Saved Policies;*

NE.5 (Nature Conservation and Habitats)  
NE.8 (Sites of Local Importance for Nature Conservation)  
NE.9: (Protected Species)  
NE.20 (Flood Prevention)  
BE.1 (Amenity)  
BE.3 (Access and Parking)  
BE.4 (Drainage, Utilities and Resources)  
BE.6 (Development on Potentially Contaminated Land)  
RES.5 (Housing in the Open Countryside)

*Audlem Neighbourhood Plan (ANP):*

Policy H1 – Number of New Homes  
Policy H3 – scale of New Development  
Policy H4 – Size of Homes  
Policy H5 – Types of Homes  
Policy H7 – Tenancy Mix  
Policy D1 – Character and Quality  
Policy D8 – Retaining Green Space and Encouraging Nature Conservation  
Policy CW3 – Infrastructure Support  
Policy D9 – Planting  
Policy D10 – Drainage  
Policy T2 – Traffic Congestion and Risks to Road Users  
Policy CI1 – Infrastructure

**Relevant Emerging policies for Site Allocations and Development Policies Document (SADPD)**

*The Site Allocations and Development Policies Document (SADPD) is at an advanced stage of preparation. The Plan was submitted for examination in April 2021, hearings took place in October and November 2021. Draft Main Modifications were consulted on during April and May 2022. Noting the relatively advanced stage of the SADPD it is considered that at least moderate weight should be applied to relevant policies, including the proposed modifications.*

PG8 Development at Local Service Centres  
PG9 Settlement Boundaries  
PG11 Greenbelt Boundaries  
GEN 1 Design Principles  
ENV5 Landscaping  
ENV6 Trees, Hedgerows and Woodlands  
ENV16 Surface Water Management and Flood Risk  
HOU1 Housing Mix  
HOU3 Self Build and Custom Build Dwellings  
HOU8 Backland Development  
HOU10 Amenity  
HOU11 Residential Standards  
HOU12&13 Housing Densities  
HOU14 Small and Medium Sites  
INF3 Highways Safety and Access

## **Other Material planning policy considerations**

*National Planning Policy Framework ('The Framework');*

The relevant paragraphs include;

- 11 Presumption in favour of sustainable development
- 59 Delivering a Sufficient Supply of Homes
- 124-132 Achieving well-designed places
- 170-183 Conserving and enhancing the natural environment

*Supplementary Planning Documents (SPD)*

SPG Provision of Private Open Space in New Residential Developments

SPD Cheshire East Council Design Guide

The EC Habitats Directive 1992

Conservation of Habitats & Species Regulations 2010

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

Interim Planning Statement Affordable Housing

Interim Planning Statement Release of Housing Land

## **CONSULTATIONS**

**CEC Head of Strategic Infrastructure (Highways)** – Further information requires

**CEC Housing** – Objection as the site is above the threshold to constitute a rural exception site

**CEC Flood Risk** – No objection subject to conditions requiring a drainage strategy and details of ground and finished floor levels

**CEC Environmental Protection** – No objection subject to conditions/informatives regarding working hours for construction sites, piling, dust, electric vehicle charging and contaminated land

**CEC Education** – No S106 contribution required

**ANSA** – Objection due to insufficient amount of open space provision

**United Utilities** – No objections subject to drainage conditions

**Audlem Parish Council** – Objection on the following grounds:

### Policy H4 Size of Homes

New development should favour smaller dwellings, so meeting the needs of Audlem, unless an independent viability study, or other material considerations, show a robust justification for a different mix.

The proposed development consists:

- 6 no 5-bed properties – 25%
- 10 no 4-bed properties – 41.7%

- 1 no 3-bed property - 4.1%
- 4 no 3-bed mews properties (Social Housing) – 16.7%
- 3 no 2 bed properties (Social Housing) – 12.5%

There is no evidence of an independent viability study. Has one been carried out? If so, does it show a robust justification? If not, this does not comply with this policy of the ANP.

#### Policy H5 Type of Homes

To redress the imbalance of the current housing stock and ensure a full mix of housing in Audlem, a majority of new homes on developments of 3 or more should be limited to one-third detached properties, the rest being bungalows, terraced or semi-detached, unless viability or other material considerations show a robust justification for a different mix.

The proposed development consists:

- 17 no detached properties – 70.8%
- 4 no mews properties – 16.7%
- 3 no 2 bed properties – 12.5%

There is no evidence of an independent viability study. Has one been carried out? If so, does it show a robust justification? If not, this does not comply with this policy of the ANP.

#### Policy H6 Affordable Housing

Proposals for developments that result in a net gain of three or more dwellings will be expected to provide a minimum of 30% of affordable housing on the site which will be fully integrated into the development unless a Financial Viability Assessment or other material considerations demonstrates a robust justification for a different percentage. In cases where the '30%' calculation provides a part unit then either the number of affordable units must be rounded up to the next whole unit, or a financial contribution will be sought, equivalent to that part unit.

The proposed development only provides for seven affordable dwellings.

- 4 no 3-bed mews properties (Social Housing) – 16.7%
- 3 no 2 bed properties (Social Housing) – 12.5%

This equates to 29.2%, not the minimum requirement of 30%.

There is no evidence of an independent viability study. Has one been carried out? If so, does it show a robust justification? If not, the ANP requires that either the number of affordable units must be rounded up to the next whole unit, or a financial contribution will be sought, equivalent to that part unit. Therefore, it does not comply with this policy of the ANP.

#### Policy D3 Position and Topography

New buildings will be positioned such that they do not prejudice the amenity of future occupiers or the occupiers of adjacent property by reason of overshadowing, overlooking, visual intrusion, noise and disturbance, odour, or in any other way.

New buildings will be no more than 2 storeys high except where the topography of the proposed site allows a 3-storey building to fit unobtrusively with existing neighbouring properties.

All new building shall take account of the topography and natural features of the site to maximise the views from the site to the surrounding areas of countryside and to minimise impact on the

skyline. The development shall be required to be a considerate neighbour by arranging the orientation of new buildings such as to maintain as far as is possible the views from existing buildings. Important views identified in the Village Design Statement 2011 shall be protected by ensuring that the visual impact of any development on these views is carefully controlled.

There are five 2.5 storey properties proposed on this site, which is basically flat. To make matters worse, one of the properties (plot 22) backs on to an existing bungalow on Heathfield Road. This does not comply with this policy of the ANP.

#### Policy D13 Safe Access

It is pleasing to see that the application includes the provision of a pedestrian crossing near to the site access.

#### Policy CW3 Infrastructure Support

For any proposal of the type specified below, the Design and Access Statement shall include an infrastructure evaluation which will quantify the likely impact on the community infrastructure; including, but not limited to, the effect on the medical facilities, schools, sewers, traffic, parking and public transport. To the extent that this evaluation indicates improvements to the existing infrastructure will be necessary to maintain existing quality of services, the proposal shall either incorporate the necessary improvements or include a contribution towards such improvements to the extent permitted by law by means of a deed of planning obligation under the Town and Country Planning Act 1990 Section 106.

This policy applies to proposals for 6 houses or more where a Design and Access Statement is required by the Town and Country Planning (Development Management Procedure) (England) Order 2015.

The Design and Access Statement does not address the impact on all of these issues. This does not comply with this policy of the ANP.

The land is outside the Audlem Settlement Boundary as identified in Cheshire East's Community Infrastructure Final Charging Schedule, February 2019. Therefore it is in Zone 5, where the CIL levy is £71 per square metre. The total square metres in the scheme is 2871.26 (30906 sq ft x 0.0929). Therefore, the CIL payable is £203859.46.

#### Transport Statement – Access by Bus

In the Transport Statement (TS), paragraph 4.4.1 it states "An effective public transport system is essential in providing good accessibility for large parts of the population to opportunities for work, education, shopping, leisure and healthcare in the town and beyond.

Unfortunately, the site is not close to a regular bus service. Whilst there is a bus stop near Emberton Place, no buses go along Cheshire Street/Audlem Road. Every bus from and to Audlem goes to Buerton and then to Hankelow before re-joining the A529. The nearest bus stop for residents of the proposed site is The Square (in the centre of the village). This is more than 900 metres from the site entrance (more than two and a half times further than the 350 metres described in the TS).

#### Transport Statement – Traffic Impact

It is noted that the TRICS data in the Appendix refers to Mold, not Audlem. Mold has a population of over 10,000, about five times the size of Audlem. Not only does it have a regular bus service to

major towns and cities - Chester (29 times per day each way) and Wrexham (13 times per day each way), but it has its own bus station! There is no comparison at all between Audlem and Mold.

In the unlikely event that this data is relevant to Audlem, the 7 buses per day one way and 4 the other way to Nantwich is around 25% of the bus services in Mold. Therefore, it is likely that the TRICS data is wrong and the number of car journeys will be higher than stated.

## **REPRESENTATIONS**

28 letters received regarding the following:

- The site is in the open countryside and not in the neighbourhood plan
- No infrastructure to support new development
- Road congestion
- Flooding/drainage issues
- Impact to ecology
- Lack of local car parks
- Privacy/overlooking
- 2.5 storeys inappropriate scale and character
- Site too dense
- Insufficient level of affordable housing
- No footpath so unsafe for future occupiers
- Noise from construction and use
- Lack of planting
- Impact on culvert of neighbouring properties
- Lack of housing mix
- No green value/energy efficiency

## **APPRAISAL**

### **Principle of Development**

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

Policy H1 of the ANP advises that outside the settlement boundary residential permission will not be permitted except in circumstances specified in this Plan and that development of isolated dwelling houses in rural areas will be resisted, except where these accord with national policy.

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".

### **Site Allocation and Development Plan Document (SADPD)**

The submission draft of the SADPD initially proposed the site to form part of the settlement boundary. There were some amendments made to the SADPD between the initial publication draft and the revised publication draft versions of the document. Essentially, this was to remove any proposed housing allocations adjacent to Local Service Centres.

Under the Inspector's recommendation during the examination in public this site was removed as a proposed site allocation and thus is to remain within the Open Countryside.

### **Housing Land Supply**

The Council has a supply of deliverable housing land in excess of the minimum of 5 years required under national planning policy. As a consequence of the decision by the Environment and Communities Committee on 1 July 2022, to carry out an update of the Local Plan Strategy (LPS), from 27 July (the fifth anniversary of its adoption), the borough's deliverable housing land supply is now calculated using the Council's Local Housing Need figure of 1,070 homes/year, instead of the LPS annual housing requirement of 1,800 homes.

The 2020 Housing Delivery Test Result was published by the Department for Levelling Up, Housing & Communities on the 14 January 2022 and this confirmed a Housing Delivery Test Result of 300% for Cheshire East.

Under-performance against either of these can result in relevant policies concerning the supply of housing being considered out-of-date with the consequence that the 'tilted balance' at paragraph 11 of the NPPF is engaged. However, because of the Council's housing supply and delivery performance, the 'tilted balance' is not engaged by reference to either of these matters.

## **SOCIAL SUSTAINABILITY**

### **Affordable Housing**

Policy SC 5 (Affordable Homes) in the Cheshire East Local Plan Strategy (CELPS) sets out the thresholds for affordable housing in the borough. In residential developments, affordable housing will be provided as follows: -

- i. In developments of 15 or more dwellings (or 0.4 hectares) in the Principal Towns and Key Service Centres at least 30% of all units are to be affordable;
- ii. In developments of 11 or more dwellings (or have a maximum combined gross floorspace of more than 1,000 sqm) in Local Service Centres and all other locations at least 30% of all units are to be affordable;
- iii. In future, where Cheshire East Council evidence, such as housing needs studies or housing market assessments, indicate a change in the borough's housing need the above thresholds and percentage requirements may be varied;

Therefore in order to comply with Policy SC5 this scheme should provide 8.4 units (either 9 units provided or 8 and a commuted some for 0.4 units). In this instance the proposal includes 9 affordable units to be provided. This could be secured by way of Section 106 Agreement.

The Council's Housing Officer objects to the proposal as he does not consider the site to comply with rural exception policy under Policy SC6 and because no affordable housing scheme had been provided.

However, the proposal does not seek a rural exception site as both open market and affordable units are provided and in any case the proposal would not meet the requirements of Policy SC6 as more than 10 units are being proposed.

It is also worth noting that Policy SC5 in the justification text advises that (paragraph 12.44) that the Housing Development Study shows that there is the objectively assessed need for affordable housing for a minimum of 7,100 dwellings over the plan period, which equates to an average of 355 dwellings per year across the borough. Whilst this figure should be taken as a minimum, it is clear that the Council are meeting and exceeding its affordable housing targets with 8 years still to run in the plan period (see extract below of affordable completions) so the weight to be given to the benefit of affordable housing provision is considered to carry less weight in this instance.

Affordable completions

Year	Affordable Completions (net)
2010/11	170
2011/12	214
2012/13	184
2013/14	131
2014/15	638
2015/16	448
2016/17	372
2017/18	655
2018/19	729
2019/20	706
2020/21	461
2021/22	668
Total	5376

## Open Space

This development requires a minimum of 40m<sup>2</sup> per family unit each of children's play & Amenity Green Space (AGS), 5m<sup>2</sup> for allotments and 20m<sup>2</sup> for green infrastructure connectivity.

Ansa Objects to this application as the site is not providing the above open space on site. The minimum requirement on site is 1,560m<sup>2</sup> comprising of amenity and play space, provision of food growth and green infrastructure connectivity. They have however advised that they would not expect to see equipped play for the site on this occasion.

However, they also advise that should the committee deem the application acceptable on the current layout then contributions for Outdoor Sport are required. The contributions sought are for family dwellings £1,000 or £500 per 2+ bed apartment space to be spent in line with the Council's Playing Pitch Strategy.

This would need to be secured by way of Section 106 Agreement.

In conclusion whilst outdoor sport and recreation mitigation can be provided by way of S106 it has not been demonstrated how the design maximises opportunity for open space as per CELPS policies SC6, SD1 and SD2.

## **Education**

The Council's Education Team have been consulted who advise that no contribution is sought from the development of this site.

## **Health**

No response has been received from the NHS or CCG therefore no evidence to suggest a contribution towards health is required.

## **Location of the site**

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

In this instance the design and access statement has done a brief appraisal of the location in terms of sustainability. This concludes that a range of local facilities can be found within Audlem a short walk from the site.

The site opposite was also found to be locationally sustainable for housing development. Given the same distance of this site to Audlem this conclusion remains relevant here.

As a result it is considered that the site would be locationally sustainable.

The site was also deemed to be locationally sustainable through approval of the surrounding developments and as such it would be difficult to argue that the site in close proximity to these other consents is not sustainable.

## **ENVIRONMENTAL SUSTAINABILITY**

### **Residential Amenity**

The main residential properties affected by this development are those to the north Birds Nest and south 76 Heathfield Road & west off Audlem Road.

#### No.76 Heathfield Road

Plots 26-28 would be sited 17.6m to the side elevation of No.76 Heathfield Road containing widows serving 1st floor landing and ground floor lean to. This separation distance is in excess of the Council's separation distances, which requires 13m (side-main face elevations) to prevent significant harm through overlooking/loss of privacy. These plots would be sited 11m to the shared boundary so would overlook the front garden area however this is not considered to be the main amenity area and screening would be provided by the existing planting and

Plot 25 would be sited 16m to the side/rear elevation of No.76 Heathfield Road containing rear elevation windows. This distance is shy of the 21m interface as recommended in the SPD to prevent harm through overlooking. However the SPD makes it clear that each application will be considered on its own merits and context and that there may be occasions when these spacing standards can be reduced, depending upon the context and character of the site and its surroundings. In this instance the orientation of Plot 25 is set at a 90-degree angle so would prevent any direct overlooking between windows as such the 16m interface is deemed acceptable in this instance and would prevent significant harm through over looking.

Plot 25 would be sited 14m to the shared boundary which is considered sufficient to prevent significant harm through overlooking of the garden area.

### Birds Nest

The nearest plots 17&18 would be sited 21.5m to the rear elevation of Birds Nest at first floor level and 20m at ground floor level owing to the single storey rear projection. The separation distance at first floor level complies with the 21m interface as recommended in the SPD to prevent harm through overlooking. The projection at ground floor is slightly shy of the recommended interface however owing to the single storey nature and boundary screening it is not considered that any significant loss of amenity would occur.

The first floor element would be sited 11m to the shared boundary and the single storey element 9m to the boundary. These distances would prevent significant harm through overlooking of the rear garden area of Birds Nest and would prevent significant harm from overbearing/overshadowing.

### Future amenity

The proposed units would be afforded a sufficient standard of private amenity including 50 metres squared private amenity space in accordance with Development on Backlands and Gardens Supplementary Planning Document.

As such, subject to conditions, it is considered that the proposed development would adhere with Policy BE.1 of the Local Plan.

### **Contaminated Land**

As the application is for new residential properties which are a sensitive end use and could be affected by any contamination present a contaminated land condition will be attached to the decision notice of any approval.

### **Highways**

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

The proposal seeks to utilise an existing access point off Audlem Road.

Each plot would have 2 parking spaces.

At the time of writing the report the Councils Highways Engineer has requested further information to consider if the required 43m visibility to the south can be provided, footway connection to Heathfield Road, carriageway widths and turning area for plot 1.

This information should be provided, along with comments of the Highway Engineer in the update report.

## **Landscape**

The application site lies within Open Countryside on the northern settlement edge of Audlem. It is within the Lower Wooded Farmland Landscape Character Type (LCT) and the Audlem Landscape Character Area (LCA). It is not within a national or local landscape designation area.

The site is an unmanaged agricultural field to the east of the A529 Audlem Road. There is a mature hedgerow along the western roadside boundary and also along the southern boundary. Mature trees, remnant hedgerow and scrub lie along the eastern boundary and the timber boundary fence of the residential property, Birds Nest extends along the northern boundary.

The application includes a Landscape and Visual Impact Assessment by PGLA Landscape Architects which has been carried out in general accordance with the Guidelines for Landscape and Visual Impact Assessment, 3rd Edition 2013 (GLVIA3)

The assessment considers the likely Landscape impacts on the physical fabric of the site itself, on the landscape setting of the site and on the broader landscape context (i.e. the Audlem LCA). It considers the likely Visual impacts on residential receptors, on recreational receptors using public footpaths in the vicinity and on travelling receptors using Audlem Road and Monks Lane to the east.

When considering the landscape and visual impacts at the operational stage (i.e. from the completion of the development) and at the residual stage (i.e. after 10 years growth of the planting scheme) the Assessment takes into account the proposed Landscape Strategy which the report summarises as follows:

- Retention of the site's green infrastructure i.e. the trees and hedges around the boundaries, giving the scheme an immediate sense of maturity;
- Utilising the existing field gate location for the new site entrance to minimise hedgerow loss;
- Ornamental and native hedge planting in and around the development to soften the built form and road infrastructure;
- High quality mixed native tree and hedge planting along the front boundaries extending the wildlife corridor and improving the setting of the site;
- The proposals seek to provide aesthetic enhancements and increase biodiversity levels and the ecological value of the site

However, the Landscape Strategy objectives could not be fully achieved within the proposed site layout:

- The Transport Statement shows that 85 metres of the roadside hedge would be removed or lowered to 60cm to form the new site access and to achieve the required sight lines.
- Hedgerows and other mature vegetation would be removed from the southern and south-eastern boundaries.
- The Landscape Strategy Plan exaggerates tree planting opportunities
- The layout is cramped with minimal open space for structural tree planting and ecological enhancement
- Front gardens are generally very narrow. Small species tree planting would be feasible on about a third of the plots only.

The Assessment finds that the likely Landscape and Visual impacts at the operational stage would be moderate-major, moderate or minor - adverse (except for the broader landscape context which is judged as moderate-minor beneficial) and, by the residual stage, Landscape and Visual impacts would be minor beneficial (except for the Landscape impact on the site itself which is judged as moderate beneficial) The Assessment concludes: *The findings of this report demonstrate that the site is able to accommodate the proposed residential development and will provide beneficial enhancements to the landscape character and visual amenity of the site and surrounding countryside and footpath network.*

The Councils Landscape Architect does not agree with the assessment results and the overall conclusion. Due to the lack of space for significant structure planting within the site and around the boundaries the Landscape and Visual impacts would not become beneficial at the residual stage. The development would not provide beneficial enhancements to the landscape character and visual amenity of the site and surrounding countryside.

Outline planning application 16/3040N for 20 residential properties on this site was refused. The decision was appealed and dismissed due to demonstrable harm to the countryside and the failure of the proposal to secure affordable housing. In the Decision Letter the Planning Inspector states: *The extension of Audlem into the appeal site would encroach into the countryside and have a suburbanising effect which would destroy the rural character of the site... I therefore conclude that the proposed development would harm the character and appearance of the countryside.*

Although this site was initially considered for housing development as part of the SAPDP process, it was not taken forward and it remains within the Open Countryside. The Inspectors Decision therefore remains valid; housing development on this site would harm the character and appearance of the countryside and is unacceptable in principle from a landscape perspective.

## **Trees**

Policy SE5 advises that proposals should look to retain existing trees/hedgerows that provide a significant contribution to the area and where lost replacements shall be provided.

The application site comprises of former agricultural land to the east side of Audlem Road and which benefits from established hedgerows and field boundary trees. None of the trees on the site are afforded any statutory protection although it is known that sections of hedgerow on the site were found to be "important" in that they were demonstrated to have met Criterion 5 of Schedule 1, Part II of the Hedgerows Regulations 1997 in a Historic Hedgerow Assessment submitted with application 16/3040N.

The application has been supported by an Arboricultural Impact Assessment & Method Statement by Tree Solutions 21/AIA/CHE(E)/227 dated January 2022. The tree survey has confirmed the presence of 3 individual high quality A Category trees, 6 individual and 1 group of moderate quality B Category trees and 7 individual and 2 groups of Low-quality C Category trees. Hedgerows are indicated on the preliminary constraints plan, but they have not been considered in any detail or the intentions confirmed in terms of the extent of existing hedgerow and the amount proposed for removal. One group of low-quality young Poplar is proposed for removal to accommodate the proposal, and this will not have an impact on the wider amenity of the area.

The planning layout provides for broadly acceptable spatial relationships between properties and field boundary trees. Notwithstanding this the placement of a pumping station to the east of the site with a dashed circle around this extending into the RPA's of adjacent trees shown for retention including T8 a

high quality Oak presents concerns and clarification should be provided as to what impact any drainage layout and the pumping station is likely to have on these trees.

A Historic Hedgerow Assessment, and an assessment which considers the Wildlife and Landscape Criteria has been provided and this deems the Hedgerow not to be important under the criteria. This has yet to be assessed by the Councils Forestry officer and will be provided in the update report. The hedgerows aren't indicated on the tree retention plan, however they are indicated on the revised site plan which shows retention of the existing hedgerow with the exception of that required as part of the widening of the existing access where there is already a natural break in the hedgerow.

Therefore existing tree loss is limited and impact to root protection area from the pumping station can be addressed and mitigated by condition.

The small proportion of hedgerow to be lost, needs to be weighed in the overall planning balance.

## **Design**

The proposal seeks to erect 28 dwellings on the site.

It is positive that, to a large extent, existing trees are to be retained but there is uncertainty about retention of some hedgerow on the perimeter of the site and specifically the likely impact of access and visibility splays on the frontage hedgerow. This is the primary boundary in terms of characterisation from the public realm and should be maintained. Ideally GI would be in publicly accessible and managed areas unless suitable buffers and access for maintenance are provided for. In regard to common residential boundaries then some filtering landscape should also be provided as advocated in the CEC Design Guide.

Given the gateway nature of the site, the frontage treatment onto Audlem Road will be especially critical to help characterise the scheme and reinforce this entry point into the village. There is insufficient space behind the western boundary to satisfactorily achieve that, particularly south of the entrance, with plot 28 siding on and encroaching close to the site frontage. To the north, the space available between the shared drive and site boundary is also a little pinched, reducing the potential to landscape the space. A decent sized, frontage landscape buffer is necessary to reinforce the gateway and set buildings sufficiently away from the main street edge. This issue is illustrated by the axonometric image on page 21 of the Design and Access Statement (DAS).

The Cheshire East Design Guide advocates that new development be outward looking wherever possible at the interface with countryside, whereas this scheme is inward looking with housing backing onto the rural edge. Given the size of the parcel and the need for a deeper green frontage, then it should be possible to create an easterly edge that more positively addresses countryside. However, if the proposed approach is maintained, then that needs to be justified given that it departs from the Design Guide and general good urban design practice.

Whilst a character assessment has been included in the DAS it is hard to see where that has positively influenced the design of the layout and house types to make them Audlem relevant. Whilst the immediate context is quite mixed, this doesn't justify inappropriate design, for example, the overly engineered layout and the faux rusticated ground floor treatment to house types, which has no relevance to Audlem's character. There are also other aspects of generic detailing that impact upon design quality. The design guide seeks to deliver character driven design, including provision for adapting standard types to better reflect local character. It is also questioned whether 2.5 storey is appropriate on such a small scheme at

the edge of the countryside, including one plot on the main frontage. The applicant is an email to the case officer advises that all 2.5 storey elements have been removed however as these remain on the plans that is how the proposal is being assessed. According to the materials plan, every plot includes some render, which is excessive. The village does have quite a high proportion of render and painted brick, particularly concentrated in the village centre but there is also quite a proportion of brick properties. Consequently, there is a place for render but it shouldn't be used throughout and it should be used in a way that adds quality to the scheme.

The street design is very formal for such a modest scale development, again this departs from the design guide, where a softer approach is encouraged. This appears to be dictated by the inclusion of links to future potential development sites to the north west and south of the site. The site to the north west could be served off a less formal street given its size, whilst the land to the south could theoretically be accessed separately, therefore may only require future proofing for pedestrian connectivity. In either event the street design could be softened to help reduce its suburban character. In addition, more street trees and general greening of the streets is warranted to ensure the provisions of the NPPF are met and to reflect the edge of rural context of the site. Finally, the materials palette does not accord with the quality set out in the design guide, which will erode the scheme character and undermine the street hierarchy (shared space surfaced in bitmac is not advocated by the design guide).

There appears to be no identified public open space or play associated with the development, as reflected in the objection by the open space officer. There is also no indication on the submitted plans about how the space between street edge and frontages is to be positively treated. There needs to be clearer definition between private and public space and it also needs to contribute to place quality and help deliver more trees within streets. A more creative approach to SuDS design could be employed rather than a pipe and basin approach. This could be used to help characterise the soft landscape of the scheme, help to better define the boundary between public and private space and encourage a greener feel to the development.

Once the layout issues are resolved, the refinements to house type design should seek to exploit opportunities presented by the relationship to countryside, using this to help lift the architecture. Feature windows, walk on balconies etc. could be employed to take advantage of this and help elevate the quality of the scheme. Gateway and focal buildings should be high quality and distinct architecturally to help waymark within the development.

Based on the above, there are a number of issues with the scheme and therefore it is highly unlikely that this is a fully green scheme when considered against BHL, despite the assessment as such in the DAS. Presently the scheme cannot be supported in design terms and as such an objection is raised from the Councils Urban Design Officer.

As such the proposal is not considered to comply with Policies SD1, SD2 SE1 or the Cheshire East Urban Design Guide.

## **Ecology**

### Biodiversity net gain

Any development proposals must seek to lead to an overall enhancement for biodiversity in accordance with Local Plan policy SE3(5). In order to assess the overall loss/gains of biodiversity an assessment undertaken in accordance with the Defra Biodiversity 'Metric' version 3.1 must be undertaken and submitted with the application. In order to achieve net gain for biodiversity it should be ensured that any



habitats are higher value (such as ponds and woodland, more species rich grassland etc) are retained and enhanced as part of the development proposals.

If additional habitat creation measures are required to ensure the site achieves a net gain for biodiversity consideration should be given to the creation of additional ponds and species rich grassland. Offsite habitat creation may be required if an appropriate level of habitat creation cannot be delivered on site.

To date no such assessment has been provided.

#### Great Crested Newts (GCN)

A pond is located immediately adjacent to the site on its eastern boundary. The pond was assessed during the ecology survey and scored as poor on the Habitat Suitability Index for GCN. It is considered reasonably unlikely GCN occur in the pond or on the site and no further survey effort is required for this species in support of this application.

#### Bats

Three trees were identified in the submitted Phase 1 Habitat Survey report (Rachel Hacking Ecology, October 2021) on the north-east and south-east boundaries which had potential bat roosting features. These are to be retained under the proposed plans and can be dealt with as part of a wildlife sensitive lighting condition. The Council's Ecologist has requested an update plan be provided which labels the trees as retained be submitted for approval. If any works were proposed which directly impacted these trees they should first be subject to bat survey.

To date no such plan has been provided however in the submitted Arboricultural Impact Assessment the trees to be removed are small group of Poplar labelled as G3, which are not those listed as forming potential roosting features within the submitted Habitats Regs Assessment. As such it is clear that the trees supporting the potential roots are to be retained.

#### Wildlife sensitive lighting

In accordance with the BCT Guidance Note 08/18 (Bats and Artificial Lighting in the UK), the Council's Ecologist suggests a condition that requires prior to the commencement of development details of the proposed lighting scheme should be submitted which should consider both illuminance (lux) and luminance (candelas/m<sup>2</sup>). It should include dark areas and avoid light spill upon bat roost features, bat commuting and foraging habitat (boundary hedgerows, trees, watercourses etc.) aiming for a maximum of 1lux light spill on those features.

#### Breeding Birds

If planning consent is granted, the Council's Ecologist suggest a condition to mitigate impact to breeding birds by preventing removal of any vegetation or the demolition or conversion of buildings shall take place between 1st March and 31st August in any year, unless a detailed survey has been carried out to check for nesting birds.

#### Ecological Enhancement

Local Plan Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity. This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development in accordance with this policy. The Council's Ecologist therefore recommends that if planning permission is granted a condition should be attached which requires the submission of an ecological enhancement strategy.

The above conditions are considered both reasonable and necessary to mitigate the impact on breeding birds and bats. However, in absence of an assessment undertaken in accordance with the Defra Biodiversity 'Metric' the overall loss/gains of biodiversity is unknown. Therefore insufficient information has been provided to assess the full ecological impacts and the proposal conflicts with Policy SE3 of the CELPS.

## **Flood Risk**

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps and is under 1 hectare so does not require a Flood Risk Assessment.

United Utilities and the Councils Flood Risk Team have been consulted as part of this application and have raised no objection to the proposed development subject to conditions requiring a drainage strategy.

Therefore it would appear that any flood risk/drainage issues, could be suitably addressed by planning conditions.

## **ECONOMIC SUSTAINABILITY**

With regard to the economic role of sustainable development, the proposed development will help to provide new housing with indirect economic benefits including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

## **OTHER**

CIL informative will be added to the decision notice.

A site visit was carried out by the case officer on 18<sup>th</sup> August 2022.

The majority of comments received through representations have been dealt with above in the report. The lack of local car parks is not considered relevant to this application. The requirement for a footpath would be dealt with by the Council's Highways Engineer in his formal comments. Noise from construction is dealt with under legislation outside of planning however an informative is proposed reminding the developer of the suggested working hours. The impact on existing culverts would be a civil matter and in any case no objection has been received from United Utilities subject to conditions requiring a drainage strategy.

## **PLANNING BALANCE**

The application site is located within the open countryside as defined by the adopted Development Plan (the CELPS, the C&NLP & ANP). The proposed development would be contrary to these policies and would result in the loss of open countryside.

The proposal would provide 9 affordable units which complies with Policy SC5. However, the weight to be given to the benefit of affordable provision is more limited in this instance noting that the Council is meeting and exceeding its affordable housing targets.

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

The development will not have a detrimental impact upon residential amenity (including for future occupants in terms of noise and contaminated land) and would comply with Policies BE.1 and BE.6 of the C&NLP.

The impact upon infrastructure would be neutral as there have been no requests for contributions or health or education. However, an insufficient level/quality of open space provision is provided. The development would therefore not comply with Policies IN1, IN2 of the CELPS or CI1 of the Audlem Neighbourhood Plan.

The development would not have significant drainage/flood risk implications and would be compliant with SE13 of the CELPS and BE.4 of the C&NLP.

It is considered that subject to the imposition of planning conditions that the development is acceptable in terms of its impact upon trees on this site. The development would comply with NE.5 of the C&NLP and SE5 of the CELPS.

The impacts on highway safety are unknown at this stage and will be addressed in the update report.

With regard to ecological impacts, insufficient information has also been provided in which to consider the full ecological impacts on the proposal. As a result the proposal contrary to Policies NE.9 of the C&NLP and SE 3 of the CELPS.

The development cannot be supported in design terms for the reasons set out in the main report. The proposal would not accord with CELPS policies SD1, SD2, SE1, nor would it accord with the NPPF in relation to design quality and the requirements of the CEC Design Guide.

The proposal would cause some harm to the local landscape and the character/appearance of the area given the urbanisation and countryside encroachment.. The proposed development is therefore contrary to Policies PG6 & SE4 of the CELPS.

In conclusion the benefits of the scheme to provide affordable housing and the limited economic benefits, would not outweigh the harm to the open countryside, the lack of open space, the unacceptable design of the proposed development and lack of information to consider ecological impacts.

## **RECOMMENDATION:**

### **REFUSED**

**1. The application site is located within the Open Countryside and outside of the Audlem Settlement Boundary. The application is not supported by an up-to-date Housing Needs Survey to identify the need within this Parish. Furthermore, a development of 28 affordable units would exceed the threshold criteria of 10 units identified by Policy SC6. The proposed development would also cause harm to the open countryside/local landscape through urbanisation and countryside encroachment and be contrary to Policy SC6 and PG6 of the Cheshire East Local Plan Strategy, Policy H1 of the Audlem Neighbourhood Plan and the NPPF.**

**2. In absence of an assessment undertaken in accordance with the Defra Biodiversity 'Metric' the overall loss/gains of biodiversity is unknown. Therefore insufficient information has been provided in which to assess the full ecological impacts of the development. The proposal is therefore contrary to Policies NE.9 of the Crewe and Nantwich Replacement Local Plan 2011 and SE 3 of the**

Cheshire East Local Plan Strategy, D8 of the Audlem Neighbourhood Plan and guidance contained within the NPPF.

3. The design and layout of the proposed development is considered to be poor and fails to take the opportunities available for improving the character and quality of the area. The layout would also fail to provide suitable quantum and quality of open space provision. As a result, the proposal would not make a positive contribution to the area and would be contrary to Policy SD1, SD2, SE1, SE6 of the CELPS, The Cheshire East Design Guide and Policy D1, CI1 of the Audlem Neighbourhood Plan and the requirements of the NPPF.

In order to give proper effect to the Board's intent and without changing the substance of its decision, authority is delegated to the Planning and Enforcement Manager in consultation with the Chair (or in their absence the Vice Chair) to correct any technical slip or omission in the resolution, before issue of the decision notice.

Should the application be the subject of an appeal agreement is given to enter into a S106 Agreement with the following Heads of Terms;

<b>S106</b>	<b>Amount</b>	<b>Triggers</b>
<b>Affordable Housing</b>	30% affordable housing	In accordance with details to be submitted and approved.
<b>Amenity Green Space and Play Provision</b>	1,560m <sup>2</sup> on site provision	To be paid prior to the first occupation of the 14 <sup>th</sup> dwelling.
<b>Outdoor Sports Contribution</b>	£1,000 or £500 per 2+ bed apartment space	To be paid prior to the first occupation of the 14 <sup>th</sup> dwelling.

