

Application No: 14/3052N

Location: Land off Mill Lane, Bulkeley,Cheshire

Proposal: Outline application for 18 dwellings with access to Mill Lane including 8 no. two bedroom and 6 no. three bedroom houses and 4 bungalows.
Resubmission of 14/0943N

Applicant: Mr M Schofield

Expiry Date: 19-Sep-2014

SUMMARY RECOMMENDATION

Refuse

MAIN ISSUES

Impact of the development on:-

Principal of the Development

Location of the Site

Landscape

Affordable Housing

Highway Implications

Amenity

Trees and Hedgerows

Design

Ecology

Public Open Space

Agricultural Land

Education

Flood Risk and Drainage

Health

REASON FOR REFERRAL

This application is referred to the Southern Planning Committee as it relates to a major development of more than 10 units.

DESCRIPTION OF SITE AND CONTEXT

The site of the proposed development extends to 0.73 ha and is located to the western side of Mill Lane, Bulkeley. The site is within the Open Countryside and Area of Special County Value. The site is a flat rectangular field which is bound by hedgerows and trees to all sides with a wide grass

verge to Mill Lane. To the south of the site are residential properties which front Mill Grove and Mill Lane. To the north of the site is a dwelling known as The Oaks and a nursery which includes a number of pollytunnels.

The site includes 5 trees along the northern boundary and 2 trees to the south-east corner which are subject to TPO protection.

DETAILS OF PROPOSAL

This is an outline planning application for the erection of up to 18 dwellings (including 4 bungalows). Access is to be determined at this stage with all other matters reserved.

The proposed development includes a single access point onto Mill Lane which would be located to the eastern boundary of the site.

RELEVANT HISTORY

14/0943N - Outline application for 26no. dwellings with access to Mill Lane including 10no. two bedroom and 16no. three bedroom houses – Withdrawn 23rd April 2014

P92/0850 - Detached house – Refused 20th November 1992

P92/0500 - Detailed application for a detached house – Withdrawn 12th June 1992

7/19786 - Detached dwelling – Withdrawn 5th June 1991

7/08254 - Residential development – Refused 20th August 1981. Refused for the following reasons:

- The proposed development is contrary to the County Development Plan
- Extension of the settlement in agricultural land
- The site is not identified for development within the Cheshire Structure Plan

7/08093 - Residential development – Withdrawn 3rd July 1987

POLICIES

National Policy

National Planning Policy Framework

Local Plan policy

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)

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

Interim Planning Statement Release of Housing Land

Cheshire East Development Strategy

Cheshire East SHLAA

Pre-submission Core Strategy

Cheshire East Local Plan Strategy – Submission Version

PG2 – Settlement Hierarchy

PG5 - Open Countryside

PG6 – Spatial Distribution of Development

SC4 – Residential Mix

SC5 – Affordable Homes

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

SE3 – Biodiversity and Geodiversity

SE5 – Trees, Hedgerows and Woodland

SE 1 Design

SE 2 Efficient Use of Land

SE 4 The Landscape

SE 5 Trees, Hedgerows and Woodland

SE 3 Biodiversity and Geodiversity

SE 13 Flood Risk and Water Management

SE 6 – Green Infrastructure

IN1 – Infrastructure

IN2 – Developer Contributions

CONSULTATIONS (External to Planning)

United Utilities: No objection subject to the following conditions:

- Prior to the commencement of any development details of foul drainage to be submitted to the LPA for approval
- Prior to the commencement of any development, a surface water drainage scheme and means of disposal, based on sustainable drainage principles with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority.

Strategic Highways Manager: No comments received at the time of writing this report.

Natural England: The proposed development is unlikely to affect any statutory sites. For advice on all other protected species refer to the Natural England standing advice. General comments offered in relation to local sites, biodiversity enhancements, landscape enhancements.

Environmental Health: Conditions suggested in relation to hours of operation, environmental management plan, waste provision, travel plan, electric vehicle management plan, dust control and contaminated land. An informative is also suggested in relation to contaminated land.

Public Rights of Way: The site is adjacent to Public Footpath Bulkeley No. 4. An informative to be added to the decision notice.

Flood Risk Manager: The authority's records indicate that part of this site may be vulnerable to local surface water flooding during extreme storm events.

Whilst there are no objections in principle to this development proposal, the use and appropriateness of soakaways to drain this site, as indicated under this application, should be investigated in more detail. Should these prove to be inappropriate, further detailed discussions will be required with Cheshire East Flood Risk Manager regarding the adequate and safe disposal of surface water from this site. It is recommended that an appropriate condition is included to ensure that a scheme for the management of surface water from this site is submitted and approved prior to any development commencing.

Any alteration to existing land drainage systems, culverts and or watercourses should be discussed in detail with Cheshire East Flood Risk Manager, and may be subject to formal Land Drainage Act 1991 approvals and consents from Cheshire East Council as Lead Local Flood Authority.

Education: A development of 26 dwellings is expected to generate 3 primary aged pupils.

There is insufficient capacity in the local primary school (Bickerton Holy Trinity CE Primary) and so a contribution will be required. A sum of £32,539 will be required towards accommodating the pupils generated from this development.

There are no capacity issues at local secondary schools.

VIEWS OF THE PARISH COUNCIL

Bulkeley and Ridley Parish Council: No comments received at the time of writing this report.

OTHER REPRESENTATIONS

Letters of objection have been received from 5 local households raising the following points:

- Outside the settlement boundary within the open countryside
- Impact upon the peaceful village of Bulkeley
- The sewage system is not able to cope
- Water supply issues in the village
- Drainage problems
- Impact upon property value
- Loss of outlook
- Loss of privacy
- No need for affordable housing in Bulkeley

- There is no speed limit on Mill Lane
- Previous applications have been refused on this site
- Increased vehicular movements
- There are no facilities and a lack of shops in the vicinity of the site
- Lack of car parking on the proposed plans
- Impact upon wildlife
- Highway safety
- Mill Lane is too narrow
- Noise and dust pollution
- Local highway cannot support additional vehicle movements
- Lack of public transport in the vicinity of the site
- Local schools cannot cope
- Visibility problems at the junction of Mill Lane/Cholmondeley Lane/Wrexham Road

The full content of the objections is available to view on the Councils Website.

APPLICANT'S SUPPORTING INFORMATION

To support this application the application includes the following documents:

- Design and Access Statement (Produced by Bower Edleston Architects)
- Highways Report (Produced by AHDPC)

These documents are available to view on the application file.

OFFICER APPRAISAL

Main Issues

Given that the application is submitted in outline, the main issues in the consideration of this application are the suitability of the site, for residential development having regard to matters of planning policy and housing land supply, affordable housing, highway safety and traffic generation, contaminated land, air quality, noise impact, landscape impact, hedge and tree matters, ecology, amenity, open space, drainage and flooding, sustainability and education.

Principle of Development

The site lies largely in the Open Countryside and Area of Special County Value 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*”.

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.

The National Planning Policy Framework (NPPF) confirms at paragraph 47 the requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

“identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”.

The NPPF clearly states at paragraph 49 that:

“housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means:

“where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
- specific policies in the Framework indicate development should be restricted.”*

Since the publication of the Housing Position Statement in February 2014 there have now been 5 principal appeal decisions (as of 1st August) which address housing land supply.

Each have concluded that the Council cannot demonstrate a five year supply of housing land, albeit for different reasons. Matters such as the housing requirement, the buffer and windfalls have all prompted varying conclusions to be made.

This demonstrates that there is not a consistent approach to housing land supply. The Planning Minister in a letter dated 14 July, noted that “differing conclusions” had been reached on the issue and requested that the Inspector in the Gresty Road appeal (Inquiry commenced 22 July) pay “especial attention” to all the evidence and provide his “considered view” on the matter.

The Planning Minister clearly does not consider the housing land supply position to be settled – and neither do the Council.

Given that some Inspectors are opting to follow the emerging Local Plan, the Council considers it essential that the correct and up to date figures be used. These are 1180 homes pa for “objectively assessed need” – and a housing requirement of 1200 homes pa, rising to 1300 homes pa after 2015. In future, calculations will be made on this basis.

Following the Planning Minister’s letter and in the absence of a consistent and definitive view, the Council will continue to present a housing land supply case based on the most up to date information. On this basis it is considered a 5 year supply is capable of being demonstrated. This position is supplemented with the knowledge that the Council continues to boost its housing land supply position by supporting planned developments and utilising brownfield land wherever possible.

Open Countryside Policy

Countryside policies in existing local plans can be considered as consistent with NPPF and are not housing land supply policies in so far as their primary purpose is to protect the intrinsic value of the countryside in accordance with paragraph 17 of the NPPF– and thus are not of date, even if a 5 year supply is not in evidence. However, it is acknowledged that where the Council cannot demonstrate a 5 year supply, they may be out of date in terms of their geographical extent, in that the effect of such policies is to restrict the supply of housing. They accordingly need to be played into the planning balance when decisions are made. Where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply.

Therefore, the proposal remains contrary to Open Countryside policy regardless of the 5 year housing land supply position in evidence at any particular time and a judgement must be made as to the value of the particular area of countryside in question and whether, in the event that a 5 year supply cannot be demonstrated, it is an area where the settlement boundary should be “flexed” in order to accommodate additional housing growth.

Landscape

The application site is located within the boundary of an Area of Special County Value. To be precise it is located within the boundary of the Beeston/Peckforton/Bolesworth/Bickerton Hills Local Landscape Designation Area (formerly ASCV). This is characterised by the dramatic wooded sandstone ridge that forms a distinctive landform from long distances and the surrounding landscape, creating rich texture and character. The wooded slopes of Bulkeley Hill are clearly visible to the north of the application site.

The application does not include a landscape and visual assessment or even a landscape appraisal, and the Design and Access Statement notes that detailed design will be addressed as a reserved matter; nevertheless the same document states that the development will enhance the character of the area in which it is located. The application does include an illustrative Site Plan and this plan shows minimal detail.

Although the Design and Access Statement does indicate that the application site lies within a designated landscape, it doesn’t identify saved Policy NE.3 Areas of Special County Value of the Crewe and Nantwich Replacement local Plan 2011. This policy provides additional protection to areas which have been designated in order to preserve and enhance their special landscape

quality. It further notes that any development will therefore need to be of a high standard consistent with the quality of the area, and wherever possible enhance this further. Since this is an outline application for housing in an area that is currently in open countryside, it is not clear how this application will comply with Policy NE.3. This issue will form a reason for refusal.

Location of the site

To aid this assessment, there is a toolkit which was developed by the former North West Development Agency. With respect to accessibility, the toolkit advises on the desired distances to local amenities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

The accessibility of the site shows that following facilities meet the minimum standard:

- Bus Stop (500m) – 250m
- Public Right of Way (500m) – 20m
- Community Centre/Meeting Place (1000m) – 320m

Where the proposal fails to meet the standards, the facilities / amenities in question are still within a reasonable distance of those specified and are therefore accessible to the proposed development. Those amenities are:

- Public House (1000m) – 1280m

The following amenities/facilities fail the standard:

- Supermarket (1000m) – 12500m
- Convenience Store (500m) – 4500m
- Primary School (1000m) – 2500m
- Amenity Open Space (500m) – 4500m
- Pharmacy (1000m) – 5600m
- Post office (1000m) – 2500m
- Children’s Play Space (500m) – 4500m
- Secondary School (1000m) – 7400m
- Medical Centre (1000m) - 5790m
- Outdoor Sports Facility (500m) – 4500m
- Child Care Facility (nursery or crèche) (1000m) - 3800m

In summary, the site does not comply with all of the standards advised by the NWDA toolkit. However as stated previously, these are guidelines and are not part of the development plan. Owing to its position on the edge of Bulkeley, there are some amenities that are not within the ideal standards set within the toolkit and will not be as close to the development as existing dwellings which are more centrally positioned. Nevertheless this is not untypical and will be the same distances for the residential development in Bulkeley from the application site. However, the majority of the services and amenities listed are accommodated within Bunbury.

This view is considered to be consistent with two recent appeal decisions which were refused on sustainability grounds but allowed at appeal:

- At 4 Audlem Road, Hankelow an application for 10 dwellings (12/2309N) was refused by Southern Planning Committee on 29th August 2012 for sustainability reasons. In allowing the appeal the Inspector found that *'The Council has used the North West Sustainability Checklist as a guide to assessing accessibility, albeit that this relates to policies in the now defunct RSS. Nevertheless, this gives a number of useful guidelines, many of which are met. The village has a pub, a church, a village green and a post box and there is a golf club close to the appeal site open to both members and nonmembers. However, the village has no shop or school. Audlem, which has a greater range of facilities, is only a short distance away. The appeal site has good access to 2 bus routes, which serve a number of local destinations. There are footways on both sides of the road linking the site to the village centre and other public rights of way close by. Audlem Road here forms part of the national cycle network. Therefore, whilst the use of the car is likely to predominate, there are viable alternative modes of transport. In locational terms, the appeal site appears to me to be reasonably accessible for a rural settlement'*.
- At land adjacent to Rose Cottages, Holmes Chapel Road, Somerford an application for 25 dwellings (12/3807C) was refused by Southern Planning Committee on 12th December 2012 for sustainability reasons. In allowing the appeal the Inspector found that *'it is inevitable that many trips would be undertaken by car as happens in most rural areas. However in this case many such trips for leisure, employment, shopping, medical services and education have the potential to be relatively short. A survey of the existing population undertaken by the Parish Council confirmed that the majority use the car for most journeys. Its results should though be treated with some caution in view of the response rate of only 44%. The survey does not seem to have asked questions about car sharing or linked trips, both of which can reduce the overall mileage travelled. It is interesting to note that use of the school bus was a relatively popular choice for respondents. A few also used the bus and train for work journeys. It also should not be forgotten that more people are now working from home at least for part of the week, which reduces the number of employment related journeys. Shopping trips are also curtailed by the popularity of internet purchasing and most major supermarkets offer a delivery service. The evidence also suggests that the locality is well served by home deliveries from smaller enterprises of various kinds'*

Affordable Housing

The site falls within the Peckforton sub-area for the purposes of the Strategic Housing Market Update 2013. This identified a net requirement for 13 affordable units per annum for the period 2013/14- 2017/18. Broken down this is a requirement for 5x 1bd, 4x 2bd, 3x 3bd general needs units and 1x 1bd older persons accommodation. There was no identified need for 4+bd units.

Cheshire Homechoice shows there are currently 2 applicants who have selected the Bulkeley lettings area as their first choice.

There has also been a recent Rural Housing Needs Survey carried out for the Parish of Bulkeley and Ridley in November 2013. This identified 9 households who required affordable housing within the Bulkeley and Ridley Parish.

The proposal is a resubmission of 14/0943N and is for a reduced number of 18 no 2 and 3 bed houses and bungalows, with 8 no 2 bed houses to be provided as affordable units (44% affordable). There is an identified housing need in Bulkeley, with a higher need for 2 bed units as evidenced by the SHMA 2013. The applicant has not outlined the tenure split of the proposed affordable units. The policy requirement is for 5 to be provided as social/ affordable rent and 3 to be provided as intermediate tenure.

The Affordable Housing Interim Planning Statement requires that the affordable homes should be provided no later than occupation of 50% of the open market units, unless the development is phased and there is a high degree of pepper-potting in which case the maximum proportion of open market homes that may be provided before the provision of all the affordable units may be increased to 80%.

Highways Implications

No highways comments have been received at the time of writing this report and an update will be provided.

Amenity

In terms of the surrounding residential properties, these are mainly to the south of the site. The indicative plan shows that there would be a separation distance of 25 metres from the proposed dwellings to the nearest point of 20 Mill Lane and No 13 Mill Grove. All separation distances would exceed the guidance contained within the Councils SPD on Development on Backland and Gardens.

A separation distance of 52 metres would be provided to The Oaks to the north of the site which exceeds the guidance.

Although the proposed rear garden appear short at 8 metres it is considered that the layout could be amended and the rear gardens increased in length at the reserved matters stage.

The Environmental Health Officer has requested conditions in relation to hours of operation, environmental management plan, waste provision, travel plan, electric vehicle management plan, dust control and contaminated land. These conditions will be attached to any planning permission.

Trees and Hedgerows

Trees

The site is a parcel of agricultural land bounded by hedgerows with hedgerow trees. There are also three trees on the roadside verge. This includes 5 trees along the northern boundary and 2 trees to the south-east corner which are subject to TPO protection.

BS5837:2012 Trees in relation to design, demolition and Construction – Recommendations places an emphasis on 'evidence based planning' and accords with standard RIBA work stages. The standard now requires higher levels of competency and a more precautionary approach to tree protection. This means that at planning permission stage the following information will have been

completed and where appropriate submitted as part of the planning application for validation purposes.

1. Topographical Survey
2. Soil Assessment
3. Tree Survey
4. Tree Categorisation
5. Tree Constraints and Root Protection Areas identified to influence design on the site plan.
6. Arboricultural Impact Assessment including evaluation of tree constraints and a draft tree protection plan (BS5837:2012 para 5.4.3 provides all the details)
7. Issues to be addressed by the Arboricultural Method Statement - these issues will provide certainty of outcome for example details of special engineering within the Root Protection Area to test the feasibility of the detail at planning application stage

Whilst the proposed site plan includes tree symbols, there is no differentiation between existing and proposed trees; there is no reference to the roadside trees or any other arboricultural information with the submission. As a consequence it is not possible to determine with confidence the direct or indirect impact of the proposed layout on trees.

Whilst it is accepted that this is an outline application, access is included. It appears that the access off Mill Lane will have direct tree impacts.

In relation to the indicative layout, in addition to the access tree conflicts, it appears there would be conflict between existing trees on two plots on the northern boundary and an improvement would be required as part of a detailed application be submitted.

On this basis it is considered that there is insufficient information in relation to the impact upon the trees which bound the site. This issue will form a reason for refusal.

Hedgerows

The proposals would involve the creation of a new access into the site, removing a section of hedge. This would normally require a full assessment be made under the Hedgerow Regulations. However outside a planning application, the Regulations include an exemption to make provision for the creation of a new opening for access provided that the existing access is infilled with hedge within 8 months. This could be achieved on this site and the development is acceptable in terms of its hedgerow impact.

Design

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.”

In this case the density of the development is considered to be acceptable at 24.6 dwellings per hectare and would be consistent with the surrounding area of Bulkeley. The development is for 14 two-storey dwellings and 4 bungalows it is considered that these house types would be appropriate in this locality.

In this case an indicative layout has been provided in support of this application and this shows that an acceptable layout can be achieved and that all highways would be well overlooked. It is considered that an acceptable design/layout that would comply with Policy BE.2 (Design Standards) and the NPPF could be negotiated at the reserved matters stage.

Ecology

In this case there is no supporting ecological information for the application. As the application relates to a green field site surrounded by mature trees and native species hedgerows there is some potential for the site to have ecological interest.

The Council's Ecologist recommends that an ecological assessment is undertaken in accordance with the following specification:

- Extended Phase 1 Habitat Survey Carried out to evaluate all habitat within 50m of the site and the access routes, for the presence of, or suitability for any Biodiversity Action Plan species/habitats, and any rare or protected plant or animal species. This survey should also include a full botanical survey including DAFOR ratings with incidental records of any other species encountered. Where any uncommon, BAP or protected species or habitats, including semi-improved grassland, are found or suspected specific surveys should be carried out, by appropriately licensed or experienced surveyors, using appropriate methodology, at the optimal time of year.
- Desk based study including a search of biological records held by the Local Biological Record Centre.
- Great Crested Newt survey/assessment of any ponds within 250m.
- An assessment of the potential impacts of the proposed development in accordance with the IEEM guidelines (2006)
- Mitigation/compensation Proposals for any adverse impacts identified during the above assessment.
- Proposals for ecological enhancement in accordance with the NPPF.

The access to the site is likely to result in the loss of native species hedgerow – a material consideration. The landscaping scheme for the site should include proposals for replacement hedgerows to compensate for those lost.

Public Open Space

Policy RT.3 states that where a development exceeds 20 dwellings the Local Planning Authority will seek POS on site. In this case the development would be less than 20 dwellings.

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 supporting which identifies that the site is Grade 2 agricultural land which is contrary to Policy NE.12 and the NNPF.

Education

The proposed development would generate 3 primary school pupils.

In terms of primary school education, the proposed development would generate 3 new primary places. As there are capacity issues at the local primary schools, the education department has requested a contribution of £32,539. This would be secured via a S106 Agreement.

There are no capacity issues at local secondary schools.

Flood Risk and Drainage

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps. Flood Zone 1 defines that the land has less than 1 in 1000 annual probability of flooding and all uses of land are appropriate in this location. As the application site is less than 1 hectare, a Flood Risk Assessment (FRA) is not required in support of this application.

A number of objections have been received in relation to the drainage of the site. The Councils Flood Risk Manager and United Utilities have been consulted as part of this application and have both raised no objection to the proposed development subject to the imposition of planning conditions. As a result, the development is considered to be acceptable in terms of its flood risk/drainage implications.

Health

There is 1 medical practices within 3 miles of the site and according to the NHS choices website this practice is currently accepting patients indicating that they have capacity. Furthermore the practice has closed their list and they are not being forced to accept new patients.

LEVY (CIL) REGULATIONS

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development.

The development would result in increased demand for primary school places in this area where there is very limited spare capacity. In order to increase capacity of the school(s) which would support the proposed development, a contribution towards primary school education is required. This is considered to be necessary and fair and reasonable in relation to the development.

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

CONCLUSIONS

The site is within the Open Countryside where under Policy NE.2 there is a presumption against new residential development. The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development. The Council can now demonstrate a 5 year housing land supply and as a result the principle of development is not considered to be acceptable and the development would be contrary to Policy NE.2.

No Landscape Assessment has been submitted in support of this application and as a result there is insufficient information to demonstrate that the proposed development would not adversely affect the visual character of the landscape/ASCV.

An update will be provided in relation to the highways impact of the development.

Insufficient information has been provided to demonstrate that the proposed development would not have a detrimental impact upon the trees which bound the site (including TPO trees).

In terms of Ecology no supporting ecological information has been provided and this issue will form a reason for refusal.

The proposed development would provide the necessary affordable housing requirements.

The education department has confirmed that there is capacity within local primary schools and this could be mitigated through the suggested contribution which could be secured as part of a S106 Agreement.

The proposal is considered to be acceptable in terms of its impact upon residential amenity and drainage/flooding and it therefore complies with the relevant local plan policy requirements for residential environments

Whilst the site does not meet all the minimum distances to local amenities and facilities advised in the North West Sustainability toolkit, there is not a significant failure to meet these and all such facilities are accessible to the site. The development is therefore deemed to be locationally sustainable.

RECOMMENDATIONS

REFUSE for the following reasons:

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies NE.2 and RES.5 of the Crewe and Nantwich Replacement Local Plan 2011 and the principles of the National Planning Policy Framework which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it and creates harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework, consequently the application is premature to the emerging Development Strategy since there are no material circumstances to indicate that permission should be granted contrary to the development plan.**
- 2. There are a number of trees located onto the boundaries of the site (including TPO trees) and no arboricultural information has been provided to assess the impact upon these trees. Furthermore the indicative layout does not demonstrate that the proposed development can be accommodated on the site without resulting in the loss or future pressures to remove the trees which would be harmful to nature conservation and the character and appearance of the area. The development would be contrary to Policy NE.5 (Nature Conservation and Habitats) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the NPPF.**
- 3. The proposal would result in loss of the best and most versatile agricultural land and given that the Authority can demonstrate a housing land supply in excess of 5 years, the applicant has failed to demonstrate that there is a need for the development, which could not be accommodated elsewhere. The use of the best and most versatile agricultural land is unsustainable and contrary to Policy NE.12 of the Borough of Crewe and Nantwich Replacement Local plan 2011 and the provisions of the National Planning Policy Framework.**
- 4. No protected species/ecological information has been submitted as part of this application to identify the impact upon biodiversity or whether or not protected species are present in this area or any mitigation measures to protect the protected species during the construction works. In the absence of this information, to allow this development would be contrary to Policies NE.5 (Nature Conservation and Habitats) and NE.9 (Protected Species) and advice advocated within the National Planning Policy Framework.**
- 5. No Landscape Assessment has been submitted in support of this application. In the absence of this the Local Planning Authority considers that the proposed development by reason of incursion of built form into the open countryside and Area of Special County Value, would detract from the generally open and rural landscape of the site and wider area. This would be a harmful effect which would fail to take account of the different roles and character of different areas or recognise the intrinsic character and beauty of the countryside and ASCV. The development would be contrary to policies NE.2 (Open Countryside), NE.3 (Areas of Special County Value) and BE.2 (Design**

Standards) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within the NPPF.

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 Strategic & Economic Planning, in consultation with the Chair (or in his 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 this application be the subject of an appeal, authority be delegated to the Principal Planning Manager in consultation with the Chair of the Southern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

S106 Heads of Terms:

- 1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:**
 - The numbers, type, tenure and location on the site of the affordable housing provision**
 - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing**
 - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved**
 - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and**
 - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.**
- 2. A commuted payment of £32,539 towards primary school education**

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