

Application No: 15/0275N

Location: Land off Mill Lane, Bulkeley, Cheshire, SY14 8BL

Proposal: Full application to erect 14 dwellings on land off Mill Lane, Bulkeley

Applicant: M Schofield

Expiry Date: 28-Apr-2015

CONCLUSION:

It is acknowledged that the Council is unable to robustly demonstrate a five-year housing land supply and that, accordingly, in the light of the advice contained in the National Planning Policy Framework, it should favourably consider suitable planning applications for housing that can demonstrate that they meet the definition of sustainable development.

There is an environmental impact in the locality due to the loss of open countryside and agricultural land. There would also be an adverse impact on the landscape. The site is also unsustainably located.

The proposal would satisfy the economic and social sustainability roles by providing for much needed housing adjoining an existing settlement. The proposal would provide policy compliant levels of affordable housing, contributions to education and would be acceptable in ecology terms.

Subject to conditions, the proposal is considered to be acceptable in terms of amenity, flood risk, highway safety, drainage, housing, trees and landscaping.

However, these do not outweigh the concerns outlined above and it is therefore considered to be unsustainable development and accordingly is recommended for refusal.

RECOMMENDATION: REFUSE

REASON FOR DEFERRAL:

This application was deferred at the Southern Planning Committee meeting on 22nd April 2015 for the following reasons:

- *Further information with respect to the affordable housing*
- *Clarification of the TPO trees on site*
- *Further information regarding sewage disposal with reference to the dwelling to the north of the site*

- A Committee site inspection to enable Members to assess the impact of the proposed development

PROPOSAL:

The application seeks full planning permission to erect 14 dwellings on land off Mill Lane, Bulkeley

SITE DESCRIPTION:

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 polytunnels.

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

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

NATIONAL & LOCAL POLICY

National Policy

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

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

50. Wide choice of quality homes

56-68. Requiring good design

Local Plan Policy

The Development Plan for this area is the Borough of Crewe and Nantwich Replacement Local Plan 2011, which identifies that the site is within the open countryside

The relevant Saved Policies are:

NE.2 (Open countryside)

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

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

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

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:

Bulkeley and Ridley Parish Council – The Parish Council would not oppose this application, especially as it has been reduced from the original idea of 26 houses and a mix of houses,

bungalows and affordable housing was proposed. It was agreed to put forward the following to the Planning Committee:-

- The site is at almost the lowest point in Mill Lane and there are concerns about where surface water will drain without flooding the neighbouring property, given that people will be, for instance, washing cars and watering gardens, all of which will lead to an increase in surface water.
- The affordable housing should be administered by an established Housing Association and should be for people with strong links to the local community.

The Council then discussed what they might ask for under Section 106, payback to the local community. Suggestions were:-

- A footpath to link the entrance to the site with the existing footpath in Mill Lane.
- Drainage of the Playing Field if that is possible.
- A SID (speed indication device) on the A534 to curb traffic speed.

Highways: The proposed development does not produce a severe highway impact on the local road network and the submitted layout is a standard layout that conforms with current highway standards. The accessibility of the site to public transport is limited although accessibility can be improved by providing a footway link to the site along Mill Lane.

Overall, the development of 14 units is considered acceptable and I do not raise objections to the application subject to conditions

Environment Agency: The above consultation does not require a formal response from the Environment Agency as it falls outside the scope of referrals we would wish to receive.

United Utilities: No objection to the proposed development provided that the following conditions are attached to any approval:

- Submission of details of foul drainage
- Foul shall be drained on a separate system
- Submission of a surface water drainage scheme and means of disposal, based on sustainable drainage principles
- The surface water drainage scheme must be restricted to existing runoff rates

CEC Flood Risk Manager: No objection subject to conditions regarding the submission of a surface water disposal assessment by means of a sustainable drainage scheme and submission of a surface water disposal scheme, including a scheme for the on-site storage and regulated discharge.

Rights of Way: The development will not affect any Public Rights of Way although the northern end of Bulkeley FP4, a 'cul de sac' footpath, is just 6 metres from the boundary of the development site as recorded on the Definitive Map of Public Rights of Way. Given that Bulkeley FP4 is close by, the PROW Unit expects that the Planning department will ensure that any planning conditions concerning this right of way are fully complied with. In addition, advisory notes should be added to the planning consent.

Strategic Housing: No objection.

Environmental Health – No objection subject to the following conditions:

- Environmental Management Plan

- Hours of construction
 - o Monday – Friday 08:00 to 18:00 hrs
 - o Saturday 09:00 to 14:00 hrs
 - o Sundays and Public Holidays Nil
- Provision of Bin Storage
- Travel Plan
- Electric Vehicle Charging Provision
- Contaminated Land Watching brief.

REPRESENTATIONS:

Neighbour notification letters were sent to all adjoining occupants and a site notice erected. Representations have been received making the following points:

- Surprised that work on my trees is recommended, permission from neighbouring occupiers should be sought before any work is done on their property. Clearly the boundary between the nursery and Mr Schofield is the edge of the ditch farthest away from the nursery.
- The hedgerows and ditches on this boundary have been maintained by the family of the neighbouring occupier since 1932 and the ditch is an important part of the field drainage system. They have recently planted native hedging in all the gaps of the hedges round the nursery.
- It is surprising and disappointing that the planning application was submitted on the 27/1/15, but neighbours did not receive notification until 13/2/15.
- Also why are only a few residents informed directly i.e. no's 11,12,13,14 & 20, when this proposed development would impact on all residents of Mill Grove and the village as a whole
- This planning application is a modified version of a previous application 14/3052N to which many people, have previously objected.
- The reasons for objection still the same and residents would reiterate their absolute objection to this proposal. From their house and garden, neighbours have a beautiful outlook towards the hills. This is one of the main reasons they bought their property and invested so much time and money making it into their family home. To have these houses built next to them, so obstructing their outlook and having properties potentially overlooking them, would be extremely distressing and unfair.
- It would have some considerable impact on the value of neighbouring property.

APPRAISAL:

Main Issues

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, design, 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.

Housing Land Supply

Paragraph 47 of the National Planning Policy Framework requires that Council’s identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements.

The calculation of Five Year Housing supply has two components – the housing requirement – and then the supply of housing sites that will help meet it. In the absence of an adopted Local Plan the National Planning Practice Guidance indicates that information provided in the latest full assessment of housing needs should be considered as the benchmark for the housing requirement.

Following the suspension of the Examination into the Local Plan Strategy and the Inspectors interim views that the previous objectively assessed need (OAN) was ‘too low’ further evidential work has now taken place and a fresh calculation made.

Taking account of the suggested rate of economic growth and following the methodology of the NPPG, the new calculation suggests that need for housing stands at 36,000 homes over the period 2010 – 2030. Although yet to be fully examined this equates to some 1800 dwellings per year.

The 5 year supply target would amount to 9,000 dwellings without the addition of any buffer or allowance for backlog. The scale of the shortfall at this level will reinforce the suggestion that the Council should employ a buffer of 20% in its calculations – to take account ‘persistent under delivery’ of housing plus an allowance for the backlog.

While the definitive methodology for buffers and backlog will be resolved via the development plan process this would amount to an identified deliverable supply of around 11,300 dwellings.

This total exceeds the total deliverable supply that the Council is currently able to identify – and accordingly it remains unable to demonstrate a 5 year supply of housing land.

Social Sustainability

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 5 x 1 bed, 4 x 2 bed, 3 x 3 bed general needs units and 1 x 1bed older persons accommodation. There was no identified need for 4+ bed units.

Cheshire Homechoice shows there are currently 4 applicants who have selected the Bulkeley lettings area as their first choice. These applicants require 2 x 1 bed and 2 x 2 bed units.

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 Interim Planning Statement on Affordable Housing (IPS) and Policy SC5 in the Local Plan Strategy Submission Version outline that in this location the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all sites of 3 dwellings or more or than 0.2 hectare in size.

The general minimum proportion of affordable housing for any site will normally be 30%, in accordance with the recommendation of the 2010 Strategic Housing Market Assessment. The preferred tenure split for affordable housing identified in the SHMA 2010 was 65% affordable or social rented and 35% intermediate tenure.

The Affordable Housing IPS requires that the affordable units should be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration and also that the affordable housing should be provided no later than occupation of 50% of the open market dwellings (unless the development is phased with a high degree of pepper-potting, in which case the affordable housing can be provided no later than occupation of 80% of the market dwellings).

The applicant has provided more than the policy requirement for affordable housing and the Strategic Housing Manager does not object to this application.

The proposed affordable housing would comprise 5 no. x 2 bed dwellings. The SHMA identified no need for 2 bed older person's accommodation.

The applicant has confirmed that the units would be tenure blind with the tenure split comprising 65% affordable (3 no. units) and 35% intermediate (2 no. units).

Timing of delivery for both affordable and market housing would be simultaneous and the affordable units would be constructed to the standards set out in the HCA 'Design and Quality Standards' April 2007 document.

The affordable housing provision would need to be secured as part of a S106 Agreement should the application be approved.

Health

There is 1 medical practice within 3 miles of the site and according to the NHS choices website this practice is currently accepting patients indicating that they have capacity.

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.

Education

The Council's Education Officer has confirmed that a development of 14 dwellings would generate 4 primary and 2 secondary aged pupils. There is currently and forecast to be sufficient capacity in the local schools to accommodate the pupils generated by the development

Environmental Sustainability

Landscape

This is an outline application for 14 dwellings on land off Mill Lane, Bulkeley. The application site is located to the north of the village of Bulkeley in what is currently agricultural land, adjacent to the A534.

As part of the application a Landscape and Visual Impact Assessment has been submitted, this identifies that the application site is located within the boundary of a Local Landscape Designation Area and refers to saved Policy NE3 - Areas of Special County Value. The application site 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.

With regards to the landscape assessment it is considered that the landscape sensitivity is greater than the submitted assessment indicates and consequently that the significance of landscape effects would also be greater.

The visual assessment identifies a number of viewpoints in proximity to the application area. The significance of visual effect would also be greater for a number of these viewpoints than the assessment indicates.

Policy NE.3 of the Crewe and Nantwich Replacement local Plan 2011 provides additional protection to areas which have been designated in order to preserve and enhance their special landscape quality. It is not clear how the proposed development will either the landscape quality of the area, which lies within the boundary of the Local Landscape Designation Area (formerly ASCV).

Trees

The site is a parcel of agricultural land bounded by hedgerows with hedgerow trees. There are also three early mature trees on the roadside verge. The Crewe and Nantwich Borough Council (Bulkeley) TPO 1973 covers a number of the trees in the vicinity, including five specimens on the northern

boundary. The TPO shows two Elm trees on the eastern boundary however, these are no longer present.

The application form is incorrect as it states there are no trees or hedges on the site or likely to be affected by the development.

The application is supported by a tree survey dated 6 October 2014, Version 2 which includes an Arboricultural Implications Assessment section. A Pre-commencement tree protection plan reflects the current proposed layout and shows arboricultural constraints. The tree survey covers 16 individual trees and several groups. A number of specimens are afforded Grade A.

In response to the Tree Officers concerns raised, the applicant has submitted a revised layout plan (Dwg No 6106 06 Rev D) which would involve moving the semi-detached plot proposed along the road frontage further back, to avoid any encroachment into the RPA of the existing tree adjacent.

The revised layout also shows the revised location of the footpath, which would further reduce the conflict with the existing tree along the front elevation.

The revised layout also identifies root protection areas for existing trees and subsequent ground protection areas, which would address any encroachment into existing RPA'S.

In response to the revised Site Layout, the Tree Officer raises no objection subject to conditions regarding the submission of a tree protection scheme, arboricultural method statement, surface and foul and surface water drainage layout, site specific construction details and information regarding levels.

Hedgerows

The proposals would involve the creation of a new access into the site, removing a section of hedge. Whilst it would normally be advised that a full assessment be made under the Hedgerow Regulations, outside a planning application, the Regulations include an exemption to make provision for the creation of a new opening for access, provided the existing access is infilled with hedge within 8 months. It would appear this could be achieved on this site. Infill of the hedge would need to be secured by condition.

Hedgerows are priority habitat and a material consideration. The proposed development is likely to result in the loss of a section of hedgerow to facilitate the proposed entrance to the site. It is recommended that if planting consent is granted, detailed proposals for the provision of suitable replacement native species planting should be secured by means of a condition

Ecology

This application is supported by an acceptable Phase One Habitat Survey. The Councils Ecologist has the following comments to make.

Trees with bat roosting potential

Three trees on site have been identified as having potential to support roosting bats. These trees are all located on the boundary of the application site and so it seems feasible that these trees would be

retained as part of the proposed development. If planning consent is granted it is recommended that a condition be attached to secure the retention of these trees.

The northern and western boundaries of the application site have been identified as being of importance in the context of the site for foraging bats. The submitted ecological assessment identifies the need to retain these hedgerows within an appropriate buffer of semi-natural habitat. The submitted layout plan shows the provision of additional screening planting along the northern boundary of the application site which would assist in part in achieving this objective.

If planning consent is granted it is recommended that a condition be attached to secure the provision of a habitat buffer zone along the northern and western boundaries and provision of bat roosting boxes.

To avoid any potential impact arising from excessive lighting it is recommended that if planning consent is granted a condition be attached requiring any lighting associated with the proposed development be submitted as part of any future reserved matters application.

Nesting birds

If planning consent is granted the standard conditions are required to safeguard nesting birds.

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.

On this basis the previous application was considered to be acceptable in locational sustainability at the time of determination as this view was considered to be consistent with two recent appeal decisions which were refused on sustainability grounds but allowed at appeal. They were at 4 Audlem Road, Hankelow an application for 10 dwellings (12/2309N) and at land adjacent to Rose Cottages, Holmes Chapel Road, Somerford an application for 25 dwellings (12/3807C).

However, in the intervening period an appeal decision has been received for a site known as "The Gables" at Peckforton, where the Inspector stated:

"The defects of this location and the dearth of facilities are matters of fact. A place that can boast of containing little more than a post box and a restaurant (transformed from an old public house beside the A49) can provide few of the day-to-day facilities that prospective occupants might need. Moreover, since there is barely a bus service to speak of, the means of reaching such facilities must mainly depend on using the private car. (Mr Augustine's ability to push his 2 children to Bunbury and back being the exception that proves the rule). True, there is a 'Brambley Hedge Nursery' amongst the 'farmsteads' a little way beyond the settlement, but everything else (a small Co-op, a butcher, a post office, a medical centre, the village hall, the primary school, 2 churches and 3 public houses) are at last 1.5km away in the village of Bunbury. No doubt prospective residents would make some use of those facilities, often travelling back and forth by car. But, the use of the car also presents immediate opportunities to travel further afield. And, the need to do so to reach facilities and services unavailable locally could well encourage such journeys. The contrary possibility that the appeal proposal might contribute to re-establishing the post office and shop, the police station, the primary school or the Methodist Chapel in Spurstow a quarter of a century or so since their demise is, I fear, little more than a 'pipe dream'."

On this basis the scheme is no longer considered to be acceptable in locational sustainability terms.

Access

The Strategic Highways Manager has confirmed that there is adequate visibility available at the junction with Mill Lane in both directions and the submitted design is considered acceptable. Parking provision within the site does conform with current CEC standards and there is a turning facility provided at the head of the cul-de-sac. The traffic generation resulting from 14 units is low and given

that the background traffic flow on the local highway network in the vicinity of the site is also well below capacity there can be no traffic impact grounds to reject the application.

In regards to connectivity, the site is not currently linked to the pedestrian footway network as Mill Lane does not have footways, the application includes a proposal to provide a footway along Mill Lane linking to the existing path at Mill Grove. The site location does not have good public transport links and it cannot be stated that the site has good accessibility and it needs to be recognised that developments located in relatively rural locations cannot in most cases provide good levels of accessibility. As the development in terms of numbers is limited the site does not provide a major traffic impact on the road network.

The proposed development does not produce a severe highway impact on the local road network and the submitted layout is a standard layout that conforms to current highway standards. The accessibility of the site to public transport is limited although accessibility can be improved by providing a footway link to the site along Mill Lane.

Overall, the development of 14 units is considered acceptable in highway terms subject to conditions.

Amenity

The surrounding development comprises a nursery and caravan site to the north, open countryside to the east and west and an existing residential cul-de-sac (Mill Grove) to the south. The recommended minimum distance of 21m between principal elevations would be exceeded between the proposed dwellings and these properties. This would also be achieved within the site as would the recommended minimum distance of 13m between principal elevations and flank elevations.

The minimum garden area of 50sqm would be achieved in the majority of cases with the exception of the terraced affordable units, where rear garden areas would be reduced to around 40sqm in 2 out of 3 cases. However, the properties do benefit from substantial front gardens as well, and such garden areas are not untypical for this type of report. Therefore it is not considered that a refusal on amenity grounds could be sustained.

Design

In this case the density of the development is considered to be acceptable and would be consistent with the surrounding area of Bulkeley. The development is for 14 dwellings. The proposed dwellings are a mixture of 2 storey and single storey types, which are of a simple, vernacular pitched roof form, and include features such as arched window heads and gable detailing which is reminiscent of the many farm buildings and estate cottages in the vicinity. Subject to conditions controlling materials it is considered that these house types would be appropriate in this locality.

The proposal is considered to be an acceptable layout and all highways would be well overlooked. Car dominated frontages would be avoided. Secure bin storage, for both recycling and household waste, should be provided that is adequate for the size of the development. This could be secured by condition.

Overall, therefore, it is considered that an acceptable design/layout that would comply with Policy BE.2 (Design Standards) and the NPPF has been achieved.

Noise

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

Air Quality

This scheme is of a relatively small scale and as such would not require an air quality impact assessment. Given the rural location of the site and the distance from any Air Quality Management Areas it is not considered that the development would raise any air quality impacts.

Contaminated Land

The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. The applicant has submitted a contaminated land assessment for the site. This assessment identified a low risk of contamination on the site. There is a nursery adjacent to the north of the site. There may be localised contamination on this site from fuel/oil tanks for example. If there are any tanks on the southern boundary of the nursery, any spillages may migrate onto the site and pose localised contamination issues. A watching brief during construction for any contamination should be employed. This could be secured by condition.

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.

The application was deferred at the last meeting in order for additional information to be provided in relation to foul drainage on this site. The application forms state that the foul drainage will connect into the mains sewer

A number of objections have been received in relation to the drainage of the site. United Utilities have been consulted as part of this application and have 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.

The councils Strategic Flood Risk Manager has also been consulted on this application. No objections have been raised subject to conditions regarding the submission of a surface water disposal assessment by means of a sustainable drainage scheme and submission of a surface water disposal scheme, including a scheme for the on-site storage and regulated discharge

Economic Sustainability

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect

economic benefits to the area including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

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 NPPF.

S106 contributions:

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

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

In this case, however, no Section 106 Contributions are required.

PLANNING BALANCE AND CONCLUSION

It is acknowledged that the Council is unable to robustly demonstrate a five-year housing land supply and that, accordingly, in the light of the advice contained in the National Planning Policy Framework, it should favourably consider suitable planning applications for housing that can demonstrate that they meet the definition of sustainable development.

There is an environmental impact in the locality due to the loss of open countryside and agricultural land. There would also be an adverse impact on the landscape and the Area of Special County Value. In addition the location of the site is not considered to be sustainable.

The proposal would satisfy the economic and social sustainability roles by providing for much needed housing adjoining an existing settlement. The proposal would provide policy compliant levels of affordable housing, contributions to education and would be acceptable in ecology terms.

Subject to conditions, the proposal is considered to be acceptable in terms of highways amenity, flood risk, drainage and design.

The NPPF supports sustainable development but due to the environmental impacts and the location of the site in this instance it is considered that the site is unsustainable. While there have been some mixed decisions on appeal about a site's location, the appeal at Peckforton provides a similar scenario to that proposed and as consequence it is considered that the balance tips in favour of refusing the application.

It is therefore considered to be unsustainable development and accordingly is recommended for refusal.

RECOMMENDATION

REFUSE for the following reasons:

Whilst it is acknowledged that there is a presumption in favour of sustainable development in the planning balance, it is considered that the development is unsustainable because:

- the unacceptable environmental impact of the scheme on the open countryside and character and appearance of the landscape, coupled with it's unsustainable location, and the economic impact of loss of best and most versatile agricultural land significantly demonstrably outweighs the economic and social benefits in terms of its contribution to boosting housing land supply, including the contribution to affordable housing. As such, the proposal is contrary to Policy NE2, NE.3, and NE12, of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and Policy SE4 of the Cheshire East Local Plan Strategy Submission Version as well as the provisions of the National Planning Policy Framework .

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

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

1. A scheme for the provision of affordable housing – 3 units to be provided as social rent/affordable rent with 2 units as intermediate tenure. The scheme shall include:
 - The numbers, type, tenure and location on the site of the affordable housing provision
 - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
 - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
 - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and

- The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

