

Application No: 16/2183N

Location: Land Off, MILL LANE, BULKELEY

Proposal: Proposed 13 dwellings with access off Mill Lane

Applicant: Mr M Schofield

Expiry Date: 23-Aug-2016

CONCLUSION:

The proposed development would be contrary to Policies NE.2 and RES.5 and the development would result in a loss of open countryside. However as Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites then the presumption in favour of sustainable development applies unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits.

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

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

The adverse impacts of the development would be the unsustainability of the location of the site, the loss of open countryside, and limited landscape impact of the development.

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

RECOMMENDATION: REFUSE

PROPOSAL

The application seeks full planning permission to erect 13 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 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

15/0275N – Full planning application to erect 14 dwellings – Refused 19th August 2015
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 three bedroom houses – Withdrawn 23rd April 2014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P92/0500 - Detailed application for a detached house – Withdrawn 12th June 1992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: A housing needs survey carried out in September 2013 indicated a perceived need for more low cost housing in Bulkeley. Therefore the Parish Council support this application provided that the affordable houses are administered by a recognised provider.

Highways: No objection subject to conditions.

United Utilities: No objection subject to conditions relating to foul and surface water drainage.

CEC Flood Risk Manager: No comments received at the time of report writing.

Public Rights of Way: None received at the time of report writing. However, below are their comments on the previous application.

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.

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

Education: No comments received at the time of report writing.

REPRESENTATIONS:

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

- Housing is not needed here
- Affordable housing is needed locally
- Has been refused before
- Photos accompanying the application are misleading
- Loss of outlook
- Noise, disturbance and pollution
- Traffic generation
- Highway safety
- Impact on wildlife

APPRAISAL

The key issues to be considered in the determination of this application are set out below.

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

Following the receipt of the Further Interim Views in December 2015, the Council has now prepared proposed changes to the Local Plan Strategy (LPS), alongside new and amended strategic site allocations, with all the necessary supporting evidence. The proposed changes have been approved at a Full Council meeting held on the 26 February 2016 for a period of 6 weeks public consultation which commenced on Friday 4 March 2016.

The information presented to Full Council as part of the LPS proposed changes included the Council's 'Housing Supply and Delivery Topic Paper' (CD 9.7) of February 2016. This topic paper sets out various methodologies and the preferred approach with regard to the calculation of the Council's five year housing land supply.

From this document the Council's latest position indicates that during the plan period at least 36,000 homes are required. In order to account for the historic under-delivery of housing, the Council have applied a 20% buffer as recommended by the Local Plan Inspector. The topic paper explored two main methodologies in calculating supply and delivery of housing. These included the Liverpool and Sedgefield approaches.

The paper concludes that going forward the preferred methodology would be the 'Sedgepool' approach. This relies on an 8 year + 20% buffer approach which requires an annualised delivery rate of 2923 dwellings.

The 5 year supply requirement has been calculated at 14617, this total would exceed the total deliverable supply that the Council is currently able to identify. The Council currently has a total shortfall of 5,089 dwellings (as at 30 September 2015). Given the current supply set out in the Housing Topic Paper as being at 11,189 dwellings (based on those commitments as at 30 September 2015) the Council remains unable to demonstrate a 5 year supply of housing land. However, the Council through the Housing Supply and Delivery Topic paper has proposed a mechanism to achieve a five year supply through the Development Plan process.

National Planning Policy Guidance (NPPG) indicates at 3-031 that deliverable sites for housing can include those that are allocated for housing in the development plan (unless there is clear evidence that schemes will not be implemented within five years).

Accordingly the Local Plan provides a means of delivering the 5 year supply with a spread of sites that better reflect the pattern of housing need however at the current time, the Council cannot demonstrate a 5 year supply of housing.

Social Sustainability

Affordable Housing

The Councils Interim Planning Statement: Affordable Housing (IPS) states in Settlements with a population of 3,000 or more that we will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 15 dwellings

or more or larger than 0.4 hectares in size. The desired target percentage for affordable housing for all allocated sites will be a minimum of 30%, in accordance with the recommendations of the Strategic Housing Market Assessment carried out in 2013. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

This is a proposed development of 13 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 4 dwellings to be provided as affordable dwellings. 3 units should be provided as Affordable rent and 1 units as Intermediate tenure. This application provides a slightly higher number of affordable dwellings than is required, however to require this would not meet with the CIL Regulations.

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 there is a requirement for 5 x 1 bed, 4 x 2 bed, 3 x 3 bed general needs units and 1 x 1bd older persons accommodation.

Cheshire Homechoice shows there are currently 2 applicants who have selected the Bulkeley lettings area as their first choice. These applicants require 1 x 2 bed and 1 x 3 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.

Health

There are 2 medical practices just over 3 miles away from the site and according to the NHS choices website they are 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 Public Open Space (POS) on site. In this case the development would be less than 20 dwellings, therefore there is no requirement for POS on site.

Education

The Council's Education Officer has not commented on this application at the time of report writing. However on the previous application there was considered to be sufficient capacity in local schools, meaning a contribution to education was not required. An update will be given to Members on this matter prior to the Committee meeting.

Environmental Sustainability

Landscape

This is an outline application for 13 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. It is considered that 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 preserve or enhance 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 is supported by a Peter Jackson Tree Survey dated October 2014 version 2. The submission is out of date relating to the previous planning application, and is considered to have no relevance to this application.

Following Arboricultural comments made in respect of the previous application (15/0275N) the design layout has been amended to reflect the need to establish design build footprints outside identified Root Protection Areas (RPA) in accordance with current best practice BS5837:2012 (5.3.1). There are two minor incursions in respect of the service road and driveway associated with the plot located within the North West corner of the site. These incursions are extremely limited representing less than 5% of the individual tree RPA's. Subject to suitable design construction method statements this can be addressed by condition. The reduction in house numbers has established adequate space and social proximity in relation to the dwellings located on the northern boundary, and the adjacent tree cover, to ensure the trees are defensible should the development proceed.

In the absence of quantifiable arboricultural detail, if consent is granted, conditions will be required to ensure adequate protection and retention of trees.

Hedgerows

The proposals would involve the creation of a new access into the site, removing a section of hedge. Whilst normally a full assessment would 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.

Ecology

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 could 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 should be imposed requiring habitat buffer zones to be provided along the northern and western boundaries and for the provision of bat 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 for approval.

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 planning consent is granted, detailed proposals for the provision of suitable replacement native species planting should be secured by means of a condition.

No evidence of other protected species activity was recorded during the submitted survey; however the survey was completed in excess of 12 months ago. An updated survey is therefore required prior to determination.

If planning consent is granted 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 a previous application (14/3052N) was considered to be acceptable in locational sustainability at the time of determination as this view was considered to be consistent with two 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, an appeal decision for a site known as “The Gables” at Peckforton, dismissed the appeal and 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 Inspectors decisions have evolved as material considerations in this case and this site is no longer considered to be acceptable in locational sustainability terms.

Access

The proposal is for 13 dwelling units with a new vehicle and pedestrian access off Mill Lane, and associated car parking provision. There have been previous applications on this site which have either been withdrawn or refused, but for each of them no highways objection has been raised.

The traffic impact of such a development of this scale would be negligible and visibility onto Mill Lane from the site would be sufficient.

There are no pedestrian footways from the existing site into the village of Bulkeley but footways have been proposed as shown on plan 'Proposed Site and Location Plan' dated April 2016.

Parking provision within the site does conform to current CEC standards and there is a turning facility provided at the head of the cul-de-sac. The internal layout reflects a previous application for which no highways objection was raised, and is therefore considered adequate.

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 property. 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 13 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 an informative to limit the operating hours of the construction site.

Air Quality

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

Contaminated Land

The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. The 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 councils Strategic Flood Risk Manager was consulted on the previous application and had no objections in principle subject to drainage conditions.

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 information 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 financial Contributions are required. Should education comment revise this requirement an update will be provided.

Policy does require the provision of affordable housing on the site and this is necessary, directly related to the development and fairly and reasonably related in scale and kind to the development.

PLANNING BALANCE AND CONCLUSION

The proposed development would be contrary to Policies NE.2 and RES.5 and the development would result in a loss of open countryside. However as Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites then the presumption in favour of sustainable development applies unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits.

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

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

The adverse impacts of the development would be the unsustainability of the location of the site, the loss of open countryside, and landscape impact of the development.

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

RECOMMENDATION

REFUSE for the following reasons:

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:

- 1. The unacceptable environmental impact of the scheme on the open countryside and character and appearance of the landscape, coupled with its 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.**
- 2. Insufficient information has been submitted with the application in order to assess adequately the impact of the proposed development on nature conservation interests. In particular, adequate/up to date surveys of the site for the existence of Badgers were not submitted. In the absence of this information, it has not been possible to demonstrate that the proposal would comply with the provisions of the National planning Policy Framework and Development Plan policies relating to nature conservation and would therefore be contrary to Policy NE.9 of the Borough of Crewe and Nantwich Replacement Local Plan 2011.**

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 1 unit 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.**

