

Application No: 16/3974N

Location: Land East Of, WHITCHURCH ROAD, ASTON

Proposal: Outline application for the development of up to 24 dwellings with all matters reserved except access

Applicant: Cranford Estates

Expiry Date: 14-Nov-2016

SUMMARY

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 and the presumption in favour of sustainable development applies at paragraph 14 of the Framework where it states that LPA's should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

It is therefore necessary to consider whether the proposal constitutes "sustainable development" in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

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

The development would have a neutral impact upon education, protected species/ecology, highways/accessibility, drainage, trees, residential amenity, air quality, contaminated land and landscaping could be secured at the reserved matters stage.

The adverse impacts of the development would be the loss of open countryside, and the loss a relatively small parcel of agricultural land

The benefits of approving this development and would significantly and demonstrably outweigh the adverse impacts of the development. As such the application is recommended for approval.

RECOMMENDATION

APPROVE Subject to S106 Agreement and conditions

DESCRIPTION OF SITE AND CONTEXT

The site of the proposed development extends to 1.7ha and is located to the south of the village of Aston. The site is a field in agricultural use and lies within Open Countryside.

The northern boundary of the site is formed by the properties that front onto Sheppenhall Lane, the western boundary by the A530, Whitchurch Road, and the southern boundary forms the boundary with a residential dwellings and the eastern boundary is with a recent housing development known as The Oaks. To the north east, the application site wraps around a large square of land that forms an extended garden area.

The village of Aston has seen various phases of growth over many years, with the result that it has properties of a variety of ages and designs. It includes modern bungalows and houses as well as the older, original properties of the settlement. The village stands on the junction of the A530, Whitchurch Road, and Sheppenhall Lane/Wrenbury Road, although the majority of the village lies to the south of Whitchurch Road, including the more recent development on Sheppenhall Grove.

DETAILS OF PROPOSAL

This is an outline planning application for the erection of 24 dwellings. Access is to be determined at this stage with all other matters reserved.

The proposed development includes a single access point to Whitchurch Road (A530).

RELEVANT HISTORY

None of relevance

POLICIES

National Policy

National Planning Policy Framework

Local Plan policy

NE.2 (Open countryside)

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)

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

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 imposition of drainage conditions

Head of Strategic Infrastructure: No objection subject to the imposition of planning conditions

CEC Environmental Health: Conditions suggested in relation to a method statement for piling foundations, dust travel plan, electric vehicle infrastructure and contaminated land. Informatives are also suggested in relation to contaminated land and hours of operation.

CEC Strategic Housing Manager: No objection following applicant's agreement to amend Affordable housing provision to meet housing need.

CEC Flood Risk Manager: No objection subject to the imposition of planning conditions following submission of revised FRA.

CEC Education: A secondary school education contribution of £65,370.76 is required. There is no requirement for a primary school education contribution.

Natural England: No objection

VIEWS OF THE PARISH COUNCIL

Newall Parish Council: Objects on the following grounds:-

- The current infrastructure of the Parish will not stand further development
- The Parish adjoins other settlements where the increase in dwellings is also large, and this means that both the Schools and the Health Care facilities are already at the point where they cannot take any further development.
- Newhall has seen approx. 88 new houses approved since 2010, which is approx. 25% of the existing dwellings. The Parish Council feels that any more are neither sustainable nor applicable in the quota of allocation.
- Local Transport facilities are poor. The A530 is a very busy and dangerous road, and further development will make this situation worse.
- There is concern over the drainage and flooding issues, which are currently experienced in the village, and this will only add to the surface water problems.
- The site is adjacent to the village but there is no safe pedestrian access to Aston; the only way is along the A530 which, as above, is so dangerous, and there are no footpath facilities to allow any potential residents to safely get into the village

OTHER REPRESENTATIONS

Letters of objection have been received from 6 local households raising the following points:

Principle of development

- Substantial amounts of new housing have been provided in Aston, Newhall and Wrenbury cum Frith since 2010, and prior to the adoption of Cheshire East Local Plan.
- Loss of open space and open countryside in a rural village increase in population putting pressures on local services i.e. schools, doctors etc.
- lack of public transport and local facilities

Highways

- Increased traffic generation at dangerous junction of Sheppenhall Lane with Whitchurch Road
- Increased traffic within already dangerous road area
- No pavements for pedestrians

Infrastructure

- Impact on drainage and other infrastructure
- Local infrastructure cannot cope with additional housing

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
- Planning Statement
- Statement of Community Involvement
- Transport Statement
- Flood Risk Assessment
- Ecology Appraisal
- Ground Investigations report
- Landscape and Visual Assessment
- Tree Survey

These documents are available to view on the application file.

APPRAISAL

The key issues are:

- Loss of open countryside
- Impact upon nature conservation interests
- Design and impact upon character of the area
- Landscape Impact
- Amenity of neighbouring property
- Highway safety
- Impact upon local infrastructure

Principle of Development

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

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

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

The Council cannot currently demonstrate a five year supply of deliverable housing land for the purposes of determining planning applications. Previous application reports have noted the progress that is being made with the Local Plan Strategy and how, through that process, the Council is seeking to establish a 5 year housing land supply.

Six weeks of examination hearings took place during September and October 2016 which included the consideration of both the overall housing supply across the remainder of the Plan period and 5 year housing supply. The Council's position at the examination hearings was that, through the Plan, a 5 year housing supply can be achieved. However, in the absence of any indication yet by the Inspector as to whether he supports the Council's position, this cannot be given material weight in application decision-making.

The Council's ability to argue that it has a five year supply in the context of the emerging Local Plan Strategy is predicated on two things which differentiates it from the approach towards calculating five year supply for the purposes of current application decision making. Firstly the Council contended, taking proper account of the Plan strategy, that the shortfall in housing delivery since the start of the Plan period should be met, and justifiably so, over an eight year period rather than the five year period, which national planning guidance advocates where possible and, secondly, that the Local Plan Strategy 5 year housing supply can also, justifiably, include a contribution from proposed housing allocations that will form part of the adopted plan. These include sites proposed to be removed from the Green Belt around towns in the north of the Borough.

Looking ahead, if the Inspector does find that a 5 year supply has been demonstrated through the Local Plan Strategy, this will be material to the determination of relevant applications. Any such change in material circumstances will be reflected in relevant application reports. However, until that point, it remains the case that the Council cannot demonstrate a five year housing supply. This means that paragraphs 49 and 14 of the Framework are engaged

Sustainability

The National Planning Policy Framework definition of sustainable development is:

"Sustainable means ensuring that better lives for us don't mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies

Offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment"

The NPPF determines that sustainable development includes three dimensions:- economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to

support growth and innovation; and by identifying and coordinating development requirements including the provision of infrastructure;

a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being;

an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

These roles should not be undertaken in isolation, because they are mutually dependent. The issue in question is whether the development represents sustainable development and whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy objection. These are considered below.

SOCIAL SUSTAINABILITY

Affordable Housing

The site falls within the Audlem sub area for the purposes of the Strategic Housing Market Update (SHMA) 2013

This is a proposed development of 24 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 7 dwellings to be provided as affordable dwellings. The SHMA 2013 shows the majority of the demand in the Audlem Area up to is for 4 x 1 bedroom, 16 x 3 bedroom and 4 x 4 bedroom dwellings for General Needs and 3 x 2 bedroom dwellings for Older Persons per year. The demand on Cheshire Homechoice is for 3 x 1 bedroom, 8 x 2 bedroom and 6 x 3 bedroom dwellings. Therefore 1, 2 and 3 on this site would be acceptable, with 5 units provided as Affordable rent and 2 units as Intermediate tenure.

The Affordable Housing Interim Planning Statement (IPS) states that on all sites of 3 units or over in settlements with a population of 3,000 or less will be required to provide 30% of the total units as affordable housing on the site with the tenure split as 65% social or affordable rent and 35% intermediate tenure.

The applicant has confirmed that 7 affordable dwellings will be provided, equivalent to 30% of the total number of dwellings as part of the development. 5 x 1/2 bed dwellings will be for affordable rent and 2 x 3 bedroom dwellings for intermediate tenure. As the required level of affordable housing will be provided the Strategic Housing Manager has confirmed that this is acceptable.

The exact details of the affordable housing will be provided at reserved matters stage. This will be secured as part of a S106 Agreement.

Public Open Space

Policy RT.3 of the Replacement Local Plan says that in new housing developments with more than 20 dwellings the provision of a minimum of 15sqm of shared recreational open space per

dwelling will be sought. It goes on to say that where the development includes family dwellings an additional 20sqm of shared children's play space per family dwelling will be required as a minimum for the development as a whole, subject to various requirements.

In accordance with Policy RT 3 the indicative plans show areas of POS and children's play area within the site, and which would be overlooked by dwellings, aiding surveillance. The equipped play area will need to cater for younger children and include 5 pieces of equipment. (LEAP)

A scheme of management for the POS and LEAP will need to be secured as part of a S106 Agreement if permission were to be granted.

Education

The development of 24 dwellings is expected to generate 5 primary aged and 4 secondary aged children.

There are 2 primary schools within a 2 mile radius of the site – Sound & District Primary and Wrenbury Primary, and the catchment secondary schools are in Nantwich. The Education Department have confirmed that whilst there is sufficient capacity within the primary sector, to address forecasted capacity pressures a contribution will be required for secondary school places ($4 \times 17959 \times 0.91 = £65,371$).

This contribution will be secured via a S106 Agreement should the application be approved.

Health

The Parish Council and letters of objection have raised concerns about the impact on health care facilities in this area. However a search of the NHS Choices website shows that there are 2 GP practices (Audlem and Wrenbury) within 3 miles of the application site and both are accepting patients, indicating that there is capacity to serve the development.

Location of Site

Paragraph 34 of the NPPF states that decisions should ensure that developments that generate travel movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. In order to access services, it is unlikely that future residents and travel movement will be minimised and due to its location, the use of sustainable transport modes maximised.

Paragraph 55 of the NPPF refers to the promotion of sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and Local Planning Authorities should avoid new isolated homes in the Countryside.

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 toolkit sets maximum distances between the development and local amenities. These comprise of:

- a local shop (500m),
- post box (500m),
- playground / amenity area (500m),
- post office (1000m), bank / cash point (1000m),
- pharmacy (1000m),
- primary school (1000m),
- medical centre (1000m),
- leisure facilities (1000m),
- local meeting place / community centre (1000m),
- public house (1000m),
- public park / village green (1000m),
- child care facility (1000m),
- bus stop (500m)
- railway station (2000m).

In this case the development meets the standards in the following areas:

- post box - 204m Wrenbury Road
- bus stop 130m
- Bhurt pore Inn Wrenbury Rd Aston (965m
- Local meeting place Church 1km Wrenbury Road
- Amenity Open Space (500m) – Provided on site

A failure to meet minimum standard (with a significant failure being greater than 60% failure for amenities with a specified maximum distance of 300m, 400m or 500m and 50% failure for amenities with a maximum distance of 1000m or 2000m) exists in respect of the following:

- primary school – Wrenbury 1.9km
- playground / amenity area - 1.93 km Wrenbury Recreation Ground
- post office / bank / cash point - 1.9 km Wrenbury Rd
- pharmacy - 1.9 km Wrenbury
- Wrenbury railway Station 2092m
- shop – 1.9km Wrenbury Rd
- medical centre – 1.93km Wrenbury
- leisure facilities – 1.93 km Wrenbury Recreation Ground
- public park – 8.3 km Nantwich

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. Clearly, existing residents in the area would have to travel the same distance to most everyday services.

The nearest bus stops to the site are located to the north of the site on Whitchurch Road, with an approximate walking distance of 210 metres from the centre of the site. The principal bus service passing through the Whitchurch Road/Wrenbury Road junction is the service 72. This provides up to 1 service in peak periods to Whitchurch, Wrenbury and Nantwich. Services operate through the day from 0745 hours in the morning and run until 1813 hours.

A school bus service operates for children to go to the secondary school.

Whilst most services are in Wrenbury, the next village over, the bus service does serve the site and therefore in locational terms this site must be regarded as being generally sustainable. This view is considered to be consistent with a recent appeal decision (September 2015) which allowed development on a nearby site for 33 dwellings (14/03053n) at the Woodlands, Whitchurch Road, Aston. The Inspector concluded that;

I note the concerns of a number of third parties that existing local amenities within Aston are somewhat limited and that the appeal site is not locationally sustainable. However, I also note that the main parties agree that in locational terms the site is generally sustainable with accessible local services. I see no reason to take an alternative view in this respect. Furthermore, given that most services and facilities are available in Wrenbury, which is only a short distance away, and that the site is served by a bus service which serves a number of local destinations, it seems to me that the proposal would help to support services in the nearby village in accordance with the advice at paragraph 55 of the Framework that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

ENVIRONMENTAL SUSTAINABILITY

Residential Amenity

A key consideration of the development would be the impact it would have on neighbouring amenity in terms of privacy and overlooking. The Site is bound by residential development to the north, south and east. The indicative layout suggests that the amenities of neighbours opposite can be adequately safeguarded, in line with the interface standards in the Local Plan.

Air Quality

The proposed development is of a relatively small scale and an air quality assessment was not deemed necessary. However to mitigate the cumulative impact of scheme with other developments in the area, conditions in relation to dust control and electric vehicle infrastructure will be attached to any permission.

Public Rights of Way

There is no PROW located on the application site.

Highways

Policy BE3 states that proposals for development requiring access, servicing or parking facilities will only be permitted where a number of criteria are satisfied. These include adequate and safe

provision for suitable access and egress by vehicles, pedestrians and other road users to a public highway.

Paragraph 32 of the National Planning Policy framework states that:-

'All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment and that any plans or decisions should take into account the following;

The opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;

- Safe and suitable access to the site can be achieved for all people; and*
- Improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.*
- Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."*

This is an outline application with only access to be determined. A single access point is proposed to serve the development from Whitchurch Road.

This application was initially objected to by Highways due to inadequate access and visibility being demonstrated. Clarity was sought on the method of calculation used, and this has now been agreed upon. In addition, since the initial objection the proposed visibility has been improved to that shown on plan 1488-F01 rev D, and now reflects that required for the design speeds indicated by the speed surveys.

Off-Site Impact

The Transport Statement quotes typical trip rates for a residential development in this location, which would be equivalent to between approximately 16 vehicles entering or leaving the site in the peak hours.

In the absence of significant capacity issues at junctions in the vicinity of the site, levels of traffic generated by the site are unlikely to have a significant adverse impact on off-site highway capacity.

Given the low levels of traffic generated by the development, the Strategic Highway Manager has not raised objections on the grounds of traffic management or highway safety along Whitchurch Road or at its crossroads junction with Sheppenhall Lane and Wrenbury Lane.

Accessibility by Sustainable Modes

The Transport Statement provides evidence of existing local services within a reasonable walking distance of the site, in addition to existing public transport services. However, pedestrian footways in the immediate vicinity of the site are presently limited.

As part of the proposals a new 1.8 metre pedestrian footway is to be provided on the eastern side of the A530 Whitchurch Road carriageway. This pedestrian footway will link the site access with the existing pedestrian infrastructure located at the A530 Whitchurch Road/Wrenbury

Road/Sheppenhall Lane crossroads 400m to the north, providing footway access to the wider area.

In summary the Strategic Highways Manager has no objection to the application subject to planning conditions securing the construction of the footway as shown on the submitted plan which should be completed prior to first occupation of the development, the provision of the visibility splays and a Construction Management Plan.

Landscape

The site is a flat field enclosed by native hedgerows principally along Whitchurch Road with some mature trees on and around the boundaries. The site lies behind existing residential properties and the A49 which forms the western boundary. The majority of existing trees and the hedgerow alongside Whitchurch Road will be retained as part of the development limiting wider views of the site.

The Council's Landscape Officer agrees with the overall findings of the submitted Landscape and Visual Assessment. It is considered that any potential landscape and visual impacts can be mitigated with appropriate design details and landscape proposals. Conditions are recommended to protect/ and enhance the landscape of the site.

On this basis it is considered that a layout can be accommodated on this site without adverse impact upon the landscape.

Trees/Hedgerows

The application is supported by a Tree Survey and Constraints Plan and its content broadly accords with the requirements of current best practice in respect of BS5837:2012 Trees in Relation to Design Demolition and Construction – Recommendations.

The proposed access off Whitchurch Road will utilise a section of the road frontage devoid of any significant high value trees or hedgerow planting. It is considered that both the point of access and its associated visibility splays can be implemented without a detrimental impact on any trees or the existing hedgerow.

The internal service road shown on the indicative layout utilises the open field aspect of the site, with no trees directly or indirectly impacted by the indicative internal arrangements for the site. Consequently the site can be developed without adversely affecting moderately high and high value trees.

From an Arboricultural perspective the Council's Tree Officer has no objections to the outline application subject to a condition requiring the reserved matters application to be accompanied by a detailed Arboricultural Impact Assessment.

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 site at circa 15 dwellings per hectare is appropriate and will achieve an acceptable relationship with adjacent development, as well as ensuring a landscaped frontage to the scheme alongside Whitchurch Road.

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 the areas of open space and 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 Natural England advises that the proposed development is not likely to have an adverse impact upon the features for which the site was designated and they advise that an Appropriate Assessment under the Habitat Regulations is not required.

Other Protected Species

The Councils Ecologist has reviewed the submitted Ecological Appraisal report and concurs with its conclusion that risk to protected species is low.

The Ecological Appraisal sets out Reasonable Avoidance Measures (RAMS) during the course of the development in relation to amphibians, reptiles and breeding birds. The Councils Ecologist has advised that the proposed RAMs reduce any risk to negligible levels, along with compensatory measures including the erection of bat and bird boxes. A condition is recommended to ensure that the development is undertaken in accordance with the mitigation measures.

Bats

The Councils Ecologist considers that the proposed development is unlikely to have a significant adverse impact upon roosting bats. However, if planning consent is granted a condition is required to ensure the provision of bat and bird boxes and the mitigation measures set out in the Ecological appraisal.

Great Crested Newts

No ponds will be affected by the proposed development, and the loss of 1.7ha of distant terrestrial habitat is not considered to have a significant effect on GCN.

The Councils Ecologist does not consider that this species is unlikely to be present or affected by the proposed development.

Breeding Birds

The application site is likely to support a number of species of breeding birds including the more widespread priority species which are a material consideration for planning. The mitigation measures set out in the Ecological Appraisal are considered sufficient to safeguard breeding birds.

Flood Risk

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 more than 1 hectare, a Flood Risk Assessment (FRA) has been submitted in support of the application.

The Council's Flood Risk Manager considered that as originally submitted FRA failed to include satisfactory details of the effects of surface water run off from the development and provide an indicative drainage layout. However, the Council's Flood Risk Manager has advised that the amended FRA has addressed these issues, and the objection has been withdrawn.

United Utilities have been consulted as part of this application and has 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.

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 Aston/Wrenbury 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 applicants Agricultural Land Classification Report concludes that the site comprises of Grade 2 Agricultural Land (Very Good)

However, the submitted agricultural land assessment states that the proposed development site has a gross farmable area of just 1.6 hectares. The loss of such a small and awkwardly shaped parcel, which is enclosed on all side by residential properties and Whitchurch Road, is considered to be acceptable.

As a result this issue needs to be considered as part of the planning balance.

LEVY (CIL) REGULATIONS

For the purposes of any appeal that may be submitted in the event this application is refused and in order to comply with the Community Infrastructure Levy (CIL) Regulations 2010, it is now necessary for planning applications/appeals 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.

As explained within the main report, POS and children's play space is a requirement of the Interim Planning Policy and Local Plan Policy RT.3. A scheme of management is required and is directly related to the development and is fair and reasonable.

The development would result in increased demand for secondary school places in the Nantwich catchment. In order to increase capacity of Secondary schools which would support the proposed development, a contribution towards secondary 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.

PLANNING BALANCE

The proposed development would be contrary to Policy 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 and the presumption in favour of sustainable development applies at paragraph 14 of the Framework where it states that LPA's should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh

the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

The benefits in this case are:

- The development would provide benefits in terms of much needed affordable housing provision and would help in the Councils delivery of 5 year housing land supply.
- In terms of the POS and play space provision the proposals are considered to be acceptable.
- The development would provide significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in Aston/Wrenbury.

- 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.

The development would have a neutral impact upon the following subject to mitigation:

- The impact upon education infrastructure would be neutral as the impact would be mitigated through the provision of a contribution.
- The impact upon protected species/ecology is considered to be neutral subject to the imposition of conditions to secure mitigation.
- There is not considered to be any drainage implications raised by this development.
- The impact upon trees is considered to be neutral at this stage and further details would be provided at the reserved matters stage.
- The impact upon residential amenity/noise/air quality and contaminated land could be mitigated through the imposition of planning conditions.
- Although there would be a change in the appearance of the site. The landscape impact is considered to be neutral subject to mitigation
- It is considered that a safe and suitable access to the site can be achieved and the highways impact of the development is considered to be acceptable.

The adverse impacts of the development would be:

- The loss of open countryside
- The loss of agricultural land, albeit a small parcel enclosed on all sides by existing properties and Whitchurch Road

Applying the tests within Paragraph 14, it is considered that the benefits demonstrably outweigh the adverse impacts. As such, on balance, it is considered that the development constitutes sustainable development and is recommended for approval.

RECOMMENDATION:

APPROVE subject to the completion of S106 Legal Agreement to secure the following:

- 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. Provision of POS and 5 piece LEAP and a scheme of management.**

3. Commuted Sum payment in lieu of secondary education provision £65,371

And the following conditions;

- 1. Standard Outline**
- 2. Submission of Reserved Matters Time limit for submission of reserved matters**
- 3. Scale, Appearance, Layout and Landscaping Matters to be submitted and approved**
- 4. Approved Plans**
- 5. Any subsequent reserved matters application which shall include an Arboricultural Impact Assessment**
- 6. Implement Reasonable Avoidance Measures for amphibians, reptiles and breeding birds in accordance with the Ecological Appraisal '**
- 7. Provision of bat and bird boxes**
- 8. Implementation of mitigation within Flood Risk Assessment**
- 9. All foul and surface water shall be drained on separate systems**
- 10 Surface Water Drainage Scheme to be submitted for approval in writing**
- 11. Scheme of SuDS to be submitted for approval in writing**
- 12. Prior submission/approval of a piling method statement**
- 13. The provision of electric vehicle infrastructure**
- 14. Prior submission of a dust mitigation scheme**
- 15. Works to stop if contamination identified**
- 16. Any Reserved Matters to include details of existing and proposed land levels**
- 17. Prior to the occupation of the development the pedestrian footway to be constructed**
- 18. Construction of access and visibility splays**
- 19. Construction Management Plan**

In order to give proper effect to the 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 there absence the Vice Chair) of the 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, Committee authority is sought to secure the following Heads of Terms as part of any S106 Agreement:

- 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. Provision of POS and 5 piece LEAP and a scheme of management.**
- 3. Commuted Sum payment in lieu of secondary education provision £65,371**

