

Application No: 16/6202N

Location: Land Off, MILL LANE, BULKELEY

Proposal: Outline application for 13 dwellings with access off Mill Lane including 5 affordable homes: all matters reserved except access.

Applicant: Mr M Schofield

Expiry Date: 24-Mar-2017

CONCLUSION:

The proposed development would be contrary to Policies NE.2 and RES.5 of the adopted local plan and Policy PG 5 of the Cheshire East Local Plan Strategy, which is afforded substantial weight as the development would result in a loss of open countryside.

In terms of landscape impact the proposal would be contrary to Policy NE.3 of the adopted local plan and Policy SE 4 of the Local Plan Strategy.

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.

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 outline planning permission with all matters except access reserved, to erect 13 dwellings on land off Mill Lane, Bulkeley. Access would be taken from Mill Lane and the proposal includes the provision of 5 affordable homes.

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:

16/2183N – Full planning application for 13 dwellings – Refused 4th August 2013
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
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)

Cheshire East Local Plan Strategy

PG 2 Settlement Hierarchy

PG 6 Spatial Distribution of Development

SC 4 Residential Mix

SC5 Affordable Homes

SD 1 Sustainable Development in Cheshire East

SD 2 Sustainable Development Principles

SE 1 Design

SE 2 Efficient Use of Land

SE 3 Biodiversity and Geodiversity

SE 4 The Landscape

SE 5 Trees, Hedgerows and Woodland

SE 6 Green Infrastructure

SE 9 Energy Efficient Development

SE 12 Pollution, Land Contamination and Land Instability

SE 13 Flood Risk and Water Management

IN1 Infrastructure

IN2 Developer Contributions

PG 1 Overall Development Strategy

PG 2 Settlement Hierarchy

EG1 Economic Prosperity

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

CONSULTATIONS:

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

Highways: No objection subject to conditions.

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

Public Rights of Way: The property is adjacent to public footpath Bulkeley FP 4 which abuts the site but doesn't run through it. The path is recorded as an 'island' route with no connections at either end; the PROW Team are not aware of any claims for additions to the Definitive Map to

link to what is recorded. It appears unlikely, therefore, that the proposal would affect the public right of way, although the PROW Unit would expect the planning department to add an advice note to any planning consent to ensure that developers are aware of their obligations.

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

Education: Require a contribution of £32,685 towards secondary education.

REPRESENTATIONS:

Neighbour notification letters were sent to all adjoining occupants and a site notice erected. At the time of report writing two representations have been received making the following points:

- Issues with the building line
- Highway safety/traffic generation
- Has been refused before
- Loss of outlook
- Noise, disturbance and pollution
- Lack of local infrastructure
- Property values

APPRAISAL:

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.

Cheshire East Local Plan Position

On 13 December 2016 Inspector Stephen Pratt published a note which sets out his views on the further modifications needed to the Cheshire East Local Plan Strategy. This note follows 6 weeks of Examination hearings concluding on 20 October 2016.

This note confirms that his previous endorsement for the core policies on the plan still stand and that “no new evidence or information has been presented to the examination which is sufficient to outweigh or alter my initial conclusions”. This signals his agreement with central issues such as the ‘Duty to Cooperate’, the overall development strategy, the scale of housing and employment land, green belt policy, settlement hierarchy and distribution of development.

The Inspector goes on to support the Council’s approach to the allocation of development sites and of addressing housing supply. He commented that the Council:

“seems to have undertaken a comprehensive assessment of housing land supply, and established a realistic and deliverable means of meeting the objectively assessed housing need and addressing previous shortfalls in provision, including assessing the deliverability and viability of the proposed site allocations”

The Inspector went on to state that the development strategy for the main towns, villages and rural areas appeared to be *“appropriate, justified, effective, deliverable and soundly based.”* As a consequence there was no need to consider other possible development sites at this stage.

The Inspector’s recommendations on Main Modifications mean that under paragraph 216 of the Framework the emerging policies of the Cheshire East Local Plan Strategy can be attributed a greater degree of weight – as the Plan as revised is at an enhanced stage, objections are substantially resolved and policies are compliant with National advice.

The Inspector’s recommendations on housing land supply, his support for the Cheshire East approach to meeting past shortfalls (Sedgepool 8) indicate that a remedy is at hand to housing supply problems. The Council still cannot demonstrate a 5 year supply of housing at this time but it will be able to on the adoption of the Local Plan Strategy. This is highly relevant to the assessment of weight given to housing supply policies which are deemed out of date by the absence of a 5 year supply. Following the Court of Appeal decision on the Richborough case, the weight of an out of date policy is a matter for the decision maker and could be influenced by the extent of the shortfall, the action being taken to address it and the purpose of the particular policy.

Social Sustainability

Affordable Housing

The Councils Interim Planning Statement: Affordable Housing (IPS) states in Settlements with a population less than 3,000 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 10 dwellings or more or larger than 1000sqm’s in total housing floor space including annexes and garages. 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 unit as Intermediate tenure. This application is providing 5 units as 3 Affordable/Social rent and 2 as Intermediate Tenure. Therefore the 5 x 2 bed units on this site would be acceptable.

The Design and Access statement mentions 3 Registered Providers that have expressed interest in the development. One of the Providers has expressed an interest in the scheme as presented.

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 bedroom, 4 x 2 bedroom, 3 x 3 bedroom general needs units and 1 x 1 bedroom 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.

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

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 Local Plan is expected to deliver 36,000 houses in Cheshire East; which is expected to create an additional 6,840 primary aged children and 5,400 secondary aged children. 422 children within this forecast are expected to have a special educational need.

The development of 13 dwellings is expected to generate:

2 primary children (13 x 0.19)
 2 secondary children (13 x 0.15)
 0 SEN children (13 x 0.51 x 0.023%)

The development is expected to impact on secondary school places in the immediate locality. Contributions which have been negotiated on other developments are factored into the forecasts both in terms of the increased pupil numbers and the increased capacity at schools in the area as a result of agreed financial contributions. The analysis undertaken has identified that a shortfall of school places still remains.

To alleviate forecast pressures, the following contributions would be required:

2 x £17,959 x 0.91 = £32,685 (secondary)
 Total education contribution: £32,685

Without a secured contribution of £32,685, Children's Services raise an objection to this application. This objection is on the grounds that the proposed development would have a detrimental impact upon local education provision as a direct cause from the development. Without the mitigation, 2 secondary children would not have a school place in Nantwich.

The table below sets out the reasoning behind this requirement.

Development	Land off Mill Lane Bulkley				Number of Dwellings		13				
Planning App Number	16/6202N				Primary Yield		2				
Date Prepared	13.2.2017				Secondary Yield		2				
					SEN Yield		0				
Primary Schools	PAN Sep 16	PAN Sep 17	NET CAP May-16	Any Known Change s	PUPIL FORECASTS based on October 2015 School Census						
					2016	2017	2018	2019	2020	Comments	
Bickerton Holy Trinity CofE Primary School	20	20	140	140	138	138	133	139	136		
Developments with S106 funded and pupil yield included in the forec				0							
Developments pupil yield not included in the forecasts								0			
Pupil Yield expected from this development								2			
OVERALL TOTAL	20	20	140	140	138	138	133	139	138		
OVERALL SURPLUS PLACES PROJECTIONS based on Revised NET CAP					2	2	7	1	2		
Secondary Schools	PAN Sep 16	PAN Sep 17	NET CAP May-16	Any Known Change s	PUPIL FORECASTS based on October 2015 School Census						
					2016	2017	2018	2019	2020	2021	2022
Malbank School and Sixth Form College	210	210	1,050	1,050	907	985	1,016	1,066	1,086	1,122	1,153
Developments with S106 funded and pupil yield included in the forecasts				71							
Developments pupil yield not included in the forecasts											100
Pupil Yield expected from this development											2
OVERALL TOTAL	210	210	1,050	1,121	907	985	1,016	1,066	1,086	1,122	1,261
OVERALL SURPLUS PLACES PROJECTIONS					214	136	105	55	35	-1	-140

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 this is a landscape which is of particular distinctive character, but the Council disagrees that it is not susceptible to, or likely to be harmed by the proposed development. It is considered that the landscape effect will be greater than identified in the assessment -moderate/not significant. Neither is it clear how, even if the landscape effect was defined as moderate, that the proposed development could be considered to make a positive landscape change to the village. 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.

It is not considered that the submitted assessment has considered the role that the application site plays as part of the rural setting for Bulkeley; it is also considered that both the landscape and visual significance of effect will be greater than identified in the submitted appraisal. The rural nature of the site, forming part of the wider agricultural landscape, combined with the alignment of Mill Lane at this location would mean that the introduction of this development would have an urbanising effect that would be harmful to the intrinsic character and beauty of this part of the countryside.

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 enhance or respect the landscape quality of the area, which lies within the boundary of the Local Landscape Designation Area (formerly ASCV).

Trees & Hedgerows

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.

The proposals would involve the creation of a new access into the site, removing a section of hedge. Whilst the Council would normally advise 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, should the application be approved.

None of the protected trees and those considered worthy of formal protection are directly or indirectly impacted by the proposed access; this absence of detrimental impact precludes any objection to the application from an Arboricultural perspective.

Should the application proceed to reserved matters a revised Arboricultural Impact Assessment (AIA) will be required. The final layout should seek to design out any potential problems and seek to maximise the probability of successful tree retention.

Ecology

Three trees on site have been identified as having potential to support roosting bats (these are shown as target notes TN8 TN13 and TN17) 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 planting 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 wildlife zone and 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 requiring habitat buffer zones and the provision of bat boxes is imposed.

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. Any proposed lighting should be low level and directional and the design of the lighting scheme informed by the advice in *Bats and lighting in the UK- bats and the built environment series*, (Bat Conservation Trust, 2009).

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 as part of a reserved matters application should be secured by means of a condition.

No evidence of other protected species activity was recorded during the submitted survey. It is therefore advised that the proposed development is not likely to have an adverse impact upon other protected species.

Hedgehogs are a biodiversity action plan priority species and hence a material consideration. There are records of hedgehogs in the broad locality of the proposed development and so the species may occur on the site of the proposed development. If planning consent is granted it is recommended that a condition be imposed to allow for gaps in boundary treatments.

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 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, 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 the scheme 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.

No objection is raised by the Head of Strategic Infrastructure with the following conditions:

- The footway as shown on drawing 'Proposed Site and Location Plan' should be constructed prior to first occupation.
- Prior to commencement of development, a Construction Management Plan to be submitted and approved.

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.

A development of 13 dwellings could be accommodated within the site and achieve the required separation distances and levels of private amenity space.

Design

This is an outline planning application with all matters except access reserved, therefore the layout drawing is only **indicative**. Should the application be approved, appearance, landscaping and scale would be determined at reserved matters stage.

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.”

The **indicative** layout shows a cul-de-sac with properties arranged around it, two properties fronting onto Mill Lane and car parking and six allotments to the rear. Notwithstanding the provision of allotments, the development would have an urbanising effect on what is currently a field. However as the layout and appearance are all reserved matters, a refusal on design grounds could not be sustained.

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. A Soil Analysis has been submitted which talks about the '*neglected condition of the land of low quality*', it does not however state if this could be rectified.

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, the contribution to secondary education is necessary, directly related to the development and fairly and reasonably related in scale and kind to the development. Affordable housing is included in the proposal and would be necessary in planning terms. The affordable housing offered is in excess of that required by policy.

PLANNING BALANCE AND CONCLUSION

The proposed development would be contrary to Policies NE.2 and RES.5 of the adopted local plan and Policy PG 5 of the Cheshire East Local Plan Strategy, which is afforded substantial weight as the development would result in a loss of open countryside.

In terms of landscape impact the proposal would be contrary to Policy NE.3 of the adopted local plan and Policy SE 4 of the Local Plan Strategy.

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 the 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 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.**
- 2. A contribution of £32,685 towards secondary education.**

