

Application No: 18/1213M

Location: Land at Eaton Cottage, Macclesfield Road

Proposal: Outline planning application for the development of up to 59 dwellings (60% affordable housing) associated infrastructure, open space and landscaping, with all matters reserved except for access.

Applicant: Trafford Housing Trust Developments Ltd

Expiry Date: 18-Jul-2018

SUMMARY

The proposed development would be contrary to Policy PG6 of the Cheshire East Local Plan Strategy as the development would result in a loss of open countryside.

The site is on the edge of Congleton and is considered to be a sustainable location in terms of access to facilities. Revised proposals have been received which provide for a pavement from the site to Moss Lane.

As an outline application, the development could provide a sufficient quantum of POS/children's play whilst the impact upon indoor and outdoor sport could be mitigated via S106 contributions. Given the site constraints careful consideration would be needed for the siting of such amenities at reserved matters stage.

The development would provide economic benefits through the provision of employment during the construction phase, new homes, affordable and market and benefits for local businesses through new residents spending in the economy.

The impact upon education infrastructure would be neutral as the impact could be mitigated through a financial contribution as requested by the Education Manager.

There are not considered to be any drainage implications raised by this development and the impact upon residential amenity/noise/air quality and contaminated land could be mitigated through the imposition of planning conditions.

60% affordable housing is proposed on the basis that the Applicant considers there to be a significant shortfall in delivery. Whilst this is a benefit, it is not considered to outweigh the policy presumption against this proposal. The Applicant also considers that the Council cannot demonstrate a 5 year housing land supply.

The application is recommended for refusal on the basis that the development is within the open countryside and the Council can demonstrate a 5 year housing land supply. Paragraph 14 of the NPPF is not engaged.

The proposal would be likely to result in the loss of protected trees and contains insufficient information concerning ecological matters. Further, the benefits of enhanced affordable housing provision would not outweigh the harm to adopted planning policy.

RECOMMENDATION

Refuse

PROPOSAL

This is an outline planning application for (as described on the application form) 'up to' 59 dwellings of which 35 dwellings (60%) are put forward as being affordable units. Access is to be determined at this stage with all other matters reserved. A revised indicative plan is provided that indicates development through the site with public open space to the periphery/ central play space. The numbers of units indicated on the revised plan is 54. A range of housing types/sizes are indicated as -

3 x 4 bed detached
2 x 3 bed bungalow
16 x 3 bed detached
20 x 3 bed semis
7 x 2 bed semis
6 x 2 bed apartment

The access point to serve the site would be taken off Macclesfield Road. A pedestrian link is proposed to Macclesfield Road to Moss Lane. This would thereafter link in to the footway provided at the Redrow development

The Applicant's case for submitting this application recognises that the proposal is contrary to the development plan but they consider that there are material considerations in the form of the housing land supply position of the Council and the shortfall in delivery of affordable housing, locally in Eaton and Congleton and also in the Borough, which they put forward outweighs the presumption against the proposal in the balance. They consider that the proposal comprises a sustainable development that will provide numerous benefits to sustainable, particularly to affordable housing provision.

SITE DESCRIPTION

Eaton Cottage, is a 19th century house, attached to outbuildings comprising of 2 existing barn conversion dwellings, an existing barn and indoor swimming pool. The application site also comprises the curtilage and extends beyond this into the open fields beyond. The site is comprises part of the curtilage of Eaton Cottage and its adjoining fields. The site lies to the north east of Congleton, within Eaton Parish.

The site covers an area of approximately 2.98 hectares; the majority of the application site is semi-improved grassland that is used for pasture. The topography of the application site is undulating, with the highest point located centrally 116m AOD and falls to the east and west with levels of

approximately 107m AOD and 108m AOD respectively. The site slopes towards Macclesfield Road, which is very apparent in views from Manchester Road.

To the west the site is bordered by the adjacent woodland of Cranberry Moss, (Local Wildlife Site LWS); to the north by a fence, with views out over the wider rural landscape. To the east by the Macclesfield Road, along which is a hedgerow and hedgerow trees, these are mostly sycamore, with a number of oak trees and a Beech tree. Eight are identified as being of category A, 2 as category B and 3 as category C. To the south the site is bound by Eaton Cottage, and further to the south is Rose Cottage, both of which are surrounded by extensive vegetation and trees that extends along the very southern section of the application site.

There are a number of trees located across the application site, some of which appear follow the line of a former field boundary, these are identified on the Arboricultural survey as being predominantly Oak trees of category B. A TPO was served on the site in May 2018.

A hedgerow runs across the site frontage from north-south and there are a number of trees within the centre of the site.

RELEVANT HISTORY

13/5184M - 14 dwellings within curtilage of Eaton Cottage refused 24 May 2014

16/3331C - Construction of 2 new dwellings refused 27 February 2017

NATIONAL & LOCAL POLICY

Cheshire East Local Plan Strategy (CELPS)

PG2 – Settlement Hierarchy

PG6 - Open Countryside

PG7 – Spatial Distribution of Development

SC4 – Residential Mix

SC5 – Affordable Homes

CO1 Sustainable Travel and Transport

CO4 – Travel Plans and Transport Assessments

SC5 – Affordable Homes

SD1 - Sustainable Development in Cheshire East

SD2 - 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 8 – Renewable and Low Carbon Energy

SE 9 – Energy Efficient Development

SE 12 – Pollution, Land Contamination and Land Sustainability

SE 13 - Flood Risk and Water Management

SE14 - Jodrell Bank

IN1 – Infrastructure

IN2 – Developer Contributions

Macclesfield Borough Local Plan (MBLP) 2004

NE11 (Nature Conservation)
NE12 (Sites of Biological Importance)
GC14 (Jodrell Bank)
DC3 (Amenity)
DC6 (Circulation and Access)
DC8 (Landscaping)
DC9 (Tree Protection)
DC35 (Materials and finishes)
DC36 (Road Layouts and Circulation)
DC37 (Landscaping)
DC38 (Space, Light and Privacy)
DC40 (Children's Play Provision and Amenity Space)

Eaton Neighbourhood Plan

Has yet to reach regulation14 status. No weight can be attached

National Policy

The National Planning Policy Framework

Other Material 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 SPD residential Design Guide

CONSULTATIONS

CE Flood Risk Manager: No objection. Conditions suggested.

CEC Strategic Housing Manager: No objection to the enhanced provision of affordable housing

United Utilities: No objection subject to the imposition of conditions.

Strategic Highways Manager: No objection

Environmental Health: Conditions suggested relating to piling hours, dust mitigation, noise mitigation, travel plan, electrical vehicle infrastructure, contaminated land, low emission boilers and an environmental management plan.

NHS England: No comments received.

Jodrell Bank : No comments received.

Ansa (Public Open Space): No objection in principle but considers that the layout of the on site LAP needs careful positioning on this sloping site with numerous trees that would limit placement

Natural England: No Objection- consider CEC should determine the ecological impacts

CEC Education: A development of 59 houses is expected to generate

$10 \times £11,919 \times 0.91 = £108,463$ (primary)

$9 \times £17,959 \times 0.91 = £147,084$ (secondary)

$1 \times £50,000 \times 0.91 = £45,500$ (SEN)

Total education contribution: £301,047.00

Without such contribution, the Education Department would object to this proposal

VIEWS OF THE PARISH COUNCIL

Eaton Parish Council : Object to the application on the following grounds:

- The promised green gap between Eaton Village and Congleton needs to be kept to it's maximum and no further developments are required at all within the parish boundary. Eaton village needs it's identity as a village
- This proposed application is not needed - the land indicates that it has not been included in the local plan
- Planning was refused earlier on this site when the number of dwellings was much lower than this application
- Traffic generated by this proposed development would exit onto the A536 yards from the proposed exit of the new link road and Redrow development. Roads are already gridlocked/congested and this would significantly increase traffic. Queues of traffic are often almost back into the village of Eaton and the developments taking place will virtually replace any saving coming from the link road.
- The adopted local plan states that it is important to retain and protect the individual identity of rural communities with the Strategic Priority being to "Protect and enhance the separate identities of the Borough Towns and Villages". As such we feel that any further urban sprawl to the north of Congleton directly threatens the individual rural character of the village of Eaton and as such this and any future developments to the north of Moss Lane should not be considered.
- The area of land for this application is outside the strategic sites identified in the local plan and in a supporting document for the local plan entitled "North Congleton Masterplan" which

coincidentally was compiled by Barton Wilmore, the land is referred to as "an area of landscape sensitivity" and should "maintain parkland character"

- Further to the recent developments in close proximity , we feel that there will be very little open countryside remaining for agriculture and recreational use for future generations to enjoy within the Parish of Eaton.
- A resident of Havannah has noted that their address and a different name - this should be investigated

REPRESENTATIONS

Letters of objection have been received from 45 local households raising the following points:

Principle of development

- The site has a history of refusals for smaller proposals than this, the applicant is playing on the affordable housing provision
- Cheshire East now has a 5 year housing land supply
- This site is not included within the Cheshire East Local Plan and contrary to the Congleton North Masterplan
- Cheshire East has delivered most of its housing for the plan period
- This is a speculative development
- The development is in the open countryside
- There is not a requirement for this level of Affordable Housing in this location. There are numerous other developments taking place across Congleton which include elements of affordable housing which will meet demand.
- Building should be on brown field land
- Affordable housing quotas need to be met by the significant amount of houses already being built in Congleton/or where planning permission has been given
- Eaton will become land locked
- Increased traffic congestion
- The site is not allocated for housing
- The proposed housing will not be affordable
- The over- provision of affordable housing does not pepper pot affordable housing in North Congleton, rather a concentration on one site

Highways

- The main road is congested . It is easier to go to Macclesfield to shop than it is to get into Congleton

Infrastructure

- Increased pressure on local schools (both primary and secondary)
- Impact upon local health provision
- Increased demand on all facilities and utilities, electricity, water, gas (not currently available in Eaton and sewage

Amenity Issues

- Impact on air quality

- Loss of privacy
- Visual Intrusion
- Noise and disturbance

Other issues

- The impact upon the character of area
- The high density of the proposed development is not acceptable
- Conflict of interest alleged in respect of Agent , who also worked on the Congleton North Masterplan for the Council
- attempt to side step rules
- Smaller housing would adversely effect the value of larger houses in area

A letter has been received from David Rutley MP has written to support the objection of a constituent in Eaton. He is keen to support the 'green gap' for Eaton to respect 'this separate community'

APPRAISAL

The key issues are:

The Policy Position

Housing land supply

Sustainability including the proposal's Environmental, Economic and Social role

The impact upon highway safety/pedestrian safety for future residents

Impact upon trees and landscape

Impact upon ecology

Drainage

Planning Balance

Other Material Considerations

Principle of Development

The site lies outside of the settlement boundary in open countryside as defined by Policy PG2 and Policy PG6 of the Cheshire East Local Plan Strategy (CELPS). Policy PG6 states that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, affordable housing in accordance with policy SC6 or for other uses appropriate to a rural area will be permitted. Residential development will be restricted to agricultural workers dwellings, affordable housing (rural exception) 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

On 27th July 2017 the Council adopted the Cheshire East Local Plan Strategy. Accordingly the Cheshire East Local Plan Strategy forms part of the statutory development plan.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.”

This is the test that legislation prescribes should be employed on planning decision making. The ‘presumption in favour of sustainable development’ at paragraph 14 of the NPPF means: “approving development proposals that accord with the development plan without delay” As a consequence where development accords with the adopted Local Plan Strategy the starting point should normally be that it should be approved – and approved promptly.

The Inspector’s Report on the Local Plan was published on 20 June 2017 and signalled the Inspector’s agreement to the plans and policies of the Local Plan Strategy. The Inspector confirmed that on adoption, the Council would be able to demonstrate a 5 year supply of housing land. In his Report he concludes: “I am satisfied that CEC has undertaken a robust, comprehensive and proportionate assessment of the delivery of its housing land supply, which confirms a future 5-year supply of around 5.3 years” This judgement was based on an assessment with a base date of 31 March 2016.

In August 2017 the Council published its Annual Housing Monitoring Update, using the methodology endorsed by the Local Plan Inspector but updating information to a base date of 31 March 2017. This assessment showed that the Council has a supply of 16,151 deliverable homes, equivalent to 5.45 years supply.

Since the adoption of the Local Plan the Council has received a number of important planning appeal decisions:

- On 9 October 2017 the Secretary of State dismissed an appeal concerning 900 homes at Gorsty Hill Weston. In this decision the Secretary of State replicated the Local Plan Inspector’s assessment of a 5.3 year housing supply.
- On 8 November 2017 an appeal for 400 homes at White Moss Quarry, Haslington/Alsager, was dismissed, but following evidence at the Inquiry the Inspector concluded that the Council’s housing supply was between 4.96 – 5.07 years. Accordingly as ‘a precaution’ the tilted balance was engaged.
- On 4 January 2018 an appeal for 100 homes at Park Road Willaston was dismissed, but following evidence at the Inquiry the Inspector concluded that the Council’s housing supply was between 4.93 – 5.01 years. Once again taking a precautionary approach the tilted balance was engaged.
- On 30 January 2018 an appeal for 29 homes at Rope Lane Shavington was allowed. This case did not hear new evidence on housing supply, but adopted the conclusions of the

previous two appeals. The Council now has leave to challenge this decision in the High Court. This challenge maintains that the Inspector erred in his approach to housing supply.

Following the White Moss and Park Road decisions the Council completely revised and updated its housing supply assessment, looking afresh at the latest position on key sites and the housing sector generally. This evidence was presented in detail at two appeals in February/March 2018.

The first of these, involving an appeal by Gladman Developments for 46 homes at New Road Wrenbury, has now reported. This appeal was dismissed with the Inspector finding that the Council could demonstrate a deliverable supply equivalent to 5.25 years employing the most up to date evidence. On considering the Council's claimed supply of 15,908 deliverable homes, the Inspector concluded that *"in total 331 units should be deducted from the Council's supply figure, reducing it to 15,577"*.

The Inspector went on to make an overall assessment of the housing supply position:

"Whilst I have concluded that at the present time the supply of housing land is not quite as healthy as the Council believes, there is a supply which exceeds the five year requirement. When considered along with recent facts relating to both the supply of land and delivery of housing units, I see no reason to depart from the conclusions of the local plan Inspector in finding that there is sufficient provision to ensure that local housing needs can be met"

This most recent appeal decision positively affirms that the Council can demonstrate a five year supply of housing land. This appeal involved a thorough scrutiny of all of the relevant evidence and whilst following a hearing format, also featured experienced legal representation. Accordingly the Council considers this to be the most robust and definitive conclusion on housing supply – which confirms that a 5 year supply of deliverable sites can be demonstrated.

In the light of this, relevant policies for the supply of housing should be considered up-to-date – and so consequently the 'tilted balance' of paragraph 14 of the NPPF is not engaged.

SUSTAINABILITY

The National Planning Policy Framework definition of sustainable development is:

"Sustainable means ensuring that better lives for ourselves 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.

Locational Sustainability

The justification to Policy SD2 (Sustainable Development Principles) of the Cheshire East Local Plan Strategy provides a guide to the appropriate distances for access to services and amenities. 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 everyday services that a future inhabitant would call upon on a regular basis, these are:

- 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).
- public right of way (500m)

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

	Recommended	Actual	Location
Any transport node	400m	240m	Macclesfield Road bus stop on site frontage

Convenience Store	500m	970m	McColls – Lower Heath
Post Box	500m	900m	Jackson Road
Playground	500m	440m	Galloway Green & on site
Bus Stop	500m	340m	Macclesfield Road
Public right of way	500m	300m	Byway along Havannah Lane (Eaton BY9)
Amenity Open Space	500m	480m and on site	River Walk & Playing fields near Havannah Mills
Children's Play Area	500m	440m	Galloway Green & on site
Post Office	1000m	970m	McColls – Lower Heath
Bank/Cash Point	1000m	970m	McColls – Lower Heath
Supermarket	1000m	1800m	Tesco
Pharmacy	1000m	965m	Salus Pharmacy
Primary School	1000m	850m	Havannah School
Secondary School	1000m	880m	Eaton Bank School
Medical Centre	1000m	3000m	Meadowside Medical Centre
Leisure Centre or Library	1000m	2500m	Congleton Leisure Centre Worrall St
Community Centre	1000m	1700m	Scout Hut, Worrall Street
Public House	1000m	1700m	The Plough Inn
Public Park/Village Green	1000m	2000m	Congleton Park
Child Care Facility	1000m	2500m	Hilltop Nursery, Chapel Street
Railway Station	2000m	3800m	Congleton

The proposal fails to meet a number of standards, however, as is common in many suburban situations, the facilities in question are within a reasonable distance of those specified and are therefore accessible to the proposed development.

Macclesfield Road is served by public transport. Revised plans have been received which provide a 2m wide footway to Macclesfield road to link into Moss Lane and thereafter to the footway at the Redrow development.

It should also be recognised that the nearby sites that have been allocated have been determined to be sustainable as part of the development of the Local Plan Strategy and that this area is one where significant future development is going to occur and the facilities will become available as part of the normal pattern of growth on the allocated sites associated with the Link Road. So, although it is considered that future occupiers would in the main be car reliant, the distances involved are relatively minor and not greatly different to the Redrow development nearby.

The area is on the edge of the Congleton area and day to day facilities are available a short distance away. On this basis the site is considered to be generally locationally sustainable. As the area develops it is also expected that facilities will also develop and proximity to every day services would improve. Accordingly, it is concluded that the site is locationally sustainable.

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 local area including additional trade for local shops and businesses by virtue of people living in the houses, and the economic benefits during the construction phase including jobs in construction and economic benefits to the construction industry supply chain.

SOCIAL SUSTAINABILITY

Affordable Housing

The application proposes 60% affordable dwellings within a market led development. This could result in up to 35 affordable units on this site (based on the application description of up to 59 units), depending upon the resultant layout and mix and site constraints.

The Applicant is the commercial arm of Trafford Housing Trust, a registered Social landlord. No information is given about what time period the Applicant considers is appropriate for delivery; however, given the outline nature of the application, delivery is not likely to be provided in the short term. It is therefore questionable as to what benefit this proposal has in affordable housing terms to deliver the Applicant's perceived immediate under-delivery in affordable housing.

The Cheshire East Local Plan and 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.

The housing need for Macclesfield Rural Sub Area in the SHMA 2013 is 9x 1 bedroom, 6x 2 bedroom, 23x 3 bedroom and 11x 4 bedroom dwellings for general needs. The SHMA is also including a need for 2x 1 bedroom and 8x 2 bedroom affordable dwellings for older persons. Cheshire Homechoice shows a need for 7 dwellings in Eaton. This can be broken down to 1 x 1 bedroom, 4x 2 bedroom, and 2x 3 bedroom. On this site therefore a mix of 1, 2 and 3 bedroom dwellings for general needs and a provision for older person accommodation would be acceptable to the Strategic Housing Manager.

The Local Plan Strategy's annual affordable housing target for the borough is 7,100 across the Plan period (average of 355 per year). Affordable housing completions since 2010 are reflected in the following taken from the Councils Annual Monitoring Report (AMR).

	12/13	13/14	14/15	15/16	16/17	17/18
Affordable housing	184	131	638	448	372	613

The Applicant seeks to demonstrate that there is an overarching need for affordable housing as set out in the Strategic Housing Market Assessment (SHMA) 2013. This identifies a Borough wide net annual requirement of 1401 dwellings for the period 2013/2014 – 2017/2018. The requirement is broken down into sub-areas, with the Macclesfield Rural sub-area, within which this site is located, having a requirement of 59 dwellings per annum. It is acknowledged that no affordable units have been provided in the Macclesfield Rural sub area in the last 5 years.

However, the starting point for establishing affordable need is the Cheshire East Local Plan Strategy 2017. The LPS establishes the objectively assessed need (OAN) for housing for the plan period of 2010-2030. It identifies a need for 36,000 new dwellings and this includes 7,100 affordable homes. The evidence base for establishing the affordable housing requirement for the Borough is set out in the ORS Housing Development Study 2015.

This represents the most up to date evidence about affordable housing need. It should be noted that the assessment was prepared in accordance with updated Planning Practice Guidance on housing needs assessments produced in 2014 and it is a more recent study than the earlier 2013 SHMA, relied upon by the Applicant.

It should also be noted that the affordable housing requirement of 7,100 new dwellings and the evidence underpinning this has been subject to recent discussion at examination and its basis accepted as sound by the Local Plan Inspector. The LPS affordable housing requirement is Borough wide and the LPS does not disaggregate it into sub areas.

In addition, the Council has also recently adopted a Housing Development Strategy 2018-2023 and this strategy identifies an annual requirement for 355 affordable homes for the next five years. This is therefore an important up to date material consideration in the determination of this case, which as it is more up to date than the 2013 SHMA, can be given greater weight in the planning balance.

The Applicant's supporting evidence for considering the need for affordable housing outweighing all material considerations and the open countryside policy of restraint makes no reference to the LPS requirement of 7,100 new affordable homes or the annual requirement of 355 dwellings.

Other than to rely on the findings of the SHMA, no further up to date evidence is provided by the applicant to demonstrate the up to date, local housing needs for the Parish of Eaton.

The Applicant also seeks to justify the enhanced provision of affordable housing on this site by referencing to the North Congleton Site Allocations, commenting that they will not deliver the anticipated number of affordable homes due to viability issues.

Cumulatively, LPS Sites 26,27,28,29 and 30 (the Strategic Housing sites on Manchester Road/Giantswood Lane/Back Lane) are anticipated to provide in the region of 2,475 new dwellings over the plan period. The Council's aim on these Strategic sites to the north of Congleton is that they are delivered comprehensively and make contributions towards the Congleton Link Road. This is acknowledged in the policy justification for the allocations in the Plan and it is clear that affordable housing, in these sites would be considered on a case by case basis having regard to evidence on viability, in line with the point 7 of policy SC5 (affordable homes) of the Local Plan Strategy.

Three of the allocated sites referred to by the Applicant are subject to a reduced affordable housing requirement of 17.5%, with each having enhanced provision towards the Link Road.

In addition, it should be noted there are existing commitments and completions in the town, at Loachbrook Farm (Bovis Homes are nearing completion) and Padgbury Lane (Stewart Milne have commenced development and Seddon Homes are currently discharging conditions) alongside LPS allocated sites at Tall Ash Farm (LPS 31) and Land North of Lamberts Lane where Seddon Homes are currently developing (LPS 32) that will also deliver affordable homes in the town at the policy compliant (30%) level.

Overall, the evidence gathered strongly indicates that there is no shortage in delivery of affordable housing in Congleton or the Borough generally, the targets set already incorporate the historic under supply and therefore any Affordable Housing need identified by the Applicant is overstated and does not outweigh the harm caused to interests of acknowledged importance in this case.

Public Open Space

The indicative plans show that the open space would measure 5564sqm. This comprises peripheral areas to the boundaries of the site. Due to the sensitivity of the site i.e. within Natural England's SSSI impact risk zone and adjacent to Cranberry Moss Local Wildlife Site, the amenity green space can be used in this instance for the buffers surrounding the site however a minimum of 1180sqm for children informal play must be provided in the central area. The indicative proposals show an area of 1811sqm., which exceeds the requirement

The central area of children's play space should predominantly free from planting (excluding the existing identified T29 tree) however small pockets of sensory planting for texture and scent can be added on the periphery which will also act as visual barrier to the road. Careful consideration should be given to planting to soften the edges for the properties adjacent. This area will need to form a Local Area for Play (LAP). Should any trees require felling as a result of this application, that are suitable for carving then these should be recycled on site in the form of artwork for enjoyment for all. A suggested theme would be agriculture as this was the Parish industry. This will help to make this site bespoke, giving a sense of place.

Policy SE6 Green Infrastructure requires all developments to strengthen and contribute to sport and playing fields through developer contributions.

Policy SC2 for Indoor and Outdoor Sports Facilities states that “*major (10 dwellings or more) residential developments contribute, through land assembly and/or financial contributions, to new or improved sports facilities where development will increase demand and/or there is a recognised shortage in the locality that would be exacerbated by the increase in demand arising from the development.*”

Indoor Sport

Policies SC1 and SC2 of the Local Plan Strategy provide a clear development plan policy basis to require developments to provide or contribute towards both outdoor and indoor recreation. Policy SC2 – states that whilst new developments should not be required to address an existing shortfall of provision, they should ensure that this situation is not worsened by ensuring that it fully addresses its own impact in terms of the additional demand.

A contribution of £1,000 per family dwelling is sought towards improvements at Eaton Bank Academy less than 250m away. Specified use should be included within a Section 106 agreement. This will be secured as part of a S106 Agreement.

Education

This is an outline application which seeks approval for the development of up to 59 dwellings. The development of 59 dwellings is expected to generate:

10 primary children (59 x 0.19) – 1 SEN

9 secondary children (59 x 0.15)

1 SEN children (59 x 0.51 x 0.023%)

The development is expected to impact on both primary school and secondary 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.

Special Education provision within Cheshire East Council currently has a shortage of places available with at present over 47% of pupils educated outside of the Borough. The Service acknowledges that this is an existing concern, however the 1 child expected from the Land at Eaton Cottage application will exacerbate the shortfall. The 1 SEN child, who is thought to be of mainstream education age, has been removed from the calculations above to avoid double counting.

To alleviate forecast pressures, for a development of 59 units, the following mitigation is required:

10 x £11,919 x 0.91 = £108,463 (primary)

9 x £17,959 x 0.91 = £147,084 (secondary)

1 x £50,000 x 0.91 = £45,500 (SEN)

Total education contribution: £301,047.00

The education department is currently in discussions with all the primary schools in the locality to discuss expansion options and proposals, including the new primary school provision. The primary contribution sought from this development will be used to collectively meet the needs of the town for primary education.

The Education Service is currently in discussion with both secondary schools in Congleton to discuss expansions at both schools. The secondary contribution sought from this development will be used to collectively meet the needs of the town for secondary education.

Without this mitigation, there would be harm to the provision of all education in the locality. The Applicant has reduced the numbers of units shown on revised plans by 5 units. The further advice of the Education Manager has been sought.

Residential Amenity

The application is in outline form and there is no reason why adequate separation distances could not be provided to the adjacent properties and on site. This would form part of any reserved matters assessment and could be refused if it did not comply with policy or provide an adequate layout at that time. It should however be noted that there is no acceptance that the indicative layout is permissible on this site.

ENVIRONMENTAL SUSTAINABILITY

Countryside and Landscape Impact

One of the Core Planning Principles of the NPPF is to “take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it”.

The application site comprises a field and covers an area of approximately 2.98 hectares; the majority of the application site is semi-improved grassland that is used for pasture. The topography of the application site is undulating, with the highest point located centrally 116m AOD and falls to the east and west with levels of approximately 107m AOD and 108m AOD respectively. To the west the site is bordered by the adjacent woodland of Cranberry Moss, to the north by a fence, with views out over the wider rural landscape. To the east by the Macclesfield Road, along which is a hedgerow and hedgerow trees, these are mostly sycamore, with a number of oak trees and a Beech tree. Eight are identified as being of category A, 2 as category B and 3 as category C.

To the south the site is bound by Eaton Cottage, and further to the south is Rose Cottage, both of which are surrounded by extensive vegetation and trees that extends along the very southern section of the application site. There are a number of trees located across the application site, some of which appear to follow the line of a former field boundary, these are identified on the Arboricultural survey as being predominantly Oak trees of category B.

A Landscape and Visual Appraisal has been submitted as part of the application. The assessment identifies the National Character Area (NCA) – Shropshire and Staffordshire Plain

and that in the Cheshire Landscape Character Area that the site is situated in the Higher Farms and Woods Landscape Character Type, specifically the Gawsworth Character Area (HFW1).

The appraisal identifies that the majority of boundaries are planted with mature trees and hedgerow planting, and that the landscape is intact and in good condition, and that the site is representative of the character area and contains a number of key characteristics; it also identifies there are no landscape designations in the locality. While the appraisal indicates that there is filtering from the site boundary vegetation, in reality there are good views across much of the site, which rises away from the Macclesfield Road boundary, especially from the south.

The landscape appraisal identifies that the proposals would result in the loss of a number of trees, part of the boundary hedgerow and the loss of the pastoral grassland character of the site itself, and that consequently the proposed development would be assimilated into the settlement edge, since it would inevitably change from a pastoral to residential landscape.

The visual appraisal indicates that visibility is limited to adjoining residential property and the adjoining road and that the new site access will have an impact on the Dane Valley Way and that while the visual envelope may be limited, for those receptors the changes will be noticeable and will change the visual experience of the landscape.

The appraisal indicates that there would be a localised effect on the landscape character of the open countryside through an inevitable change from agricultural to residential use, it also identifies that there will be a visual change, but that this would be localised. Whilst the Landscape Architect agrees that the effects will be localised, these effects will be adverse in terms of the landscape and the visual effects that result from the proposed development.

It is considered that the proposed development would permanently diminish the integrity of the local landscape character setting and that it would cause the local landscape to be permanently altered from a pastoral to a residential landscape and its quality is therefore diminished.

Policy PG 6 of the CELPS seeks to protect open countryside from urbanising development. Policy PG6 recognises the intrinsic character and beauty of the countryside, which is consistent with one of the core planning principles in paragraph 17 of the Framework. Policy PG 6 only permits development in the Open Countryside for certain essential or limited purposes appropriate to the rural area, and that in this regard identifies that particular attention should be paid to design and landscape character so the appearance and distinctiveness of the Cheshire East countryside is preserved and enhanced.

As adverse landscape and visual impacts have been identified, it is unlikely the proposals would preserve or enhance the appearance and distinctiveness of the Cheshire East countryside. As such the development is contrary to Policy PG 6.

Trees

The Cheshire East Council (Eaton - Eaton Cottage Moss Lane) Tree Preservation Order was served on 23 May 2018. This contains numerous individual and groups of trees throughout the site.

The application is supported by an Arboricultural Impact Assessment (AIA) .As this is an outline application, the potential impacts have not been assessed in any significant detail with only brief comments on the loss of trees and impact on Root Protection Area's (RPA). A testing layout for trees has not been provided.

Tree losses specifically identified are 6 trees and two groups to the north of the site, to accommodate proposed plots, and a greater loss of trees to the south of the site shown on the Tree Removal Plan which show in excess of twenty trees for removal to accommodate proposed plots and a footpath link.

The Assessment indicates that such losses can be mitigated by replacement planting, however no specific details have been provided to demonstrate that a net environmental benefit will be provided.

Both high and moderate category individual and groups of trees have been identified within the application site which include a prominent linear group of Sycamore and Beech along the Macclesfield Road frontage, individual specimens of Sycamore, Copper Beech, Oak and Dawn Redwood located within the site and a group of Pine, Larch and a Copper Beech to the north of Eaton Cottage. These trees, some of which have been identified for removal have been assessed and are considered worthy of retention and formal protection via the TPO that has been served.

The AIA identifies that Root protection Areas of three trees (T17, T25 and T69) will be encroached by development. In respect of the Copper Beech (T69) this encroachment appears to be in excess of the 20% advised by BS5837:2012. Root pruning is suggested however given the extent of encroachment and that the drawings do not provide any details of proposed finished floor levels it is not possible to determine the extent of the ingress into the Root Protection Area and therefore there is a potential adverse impact on the long term health and safe well being of this tree. The relationship/social proximity of the proposed Plot to T69 is also incompatible and raises the prospect of future requests to prune or fell the tree.

It is noted that a 15 metre buffer along the Cranberry Moss (LWS) site boundary has been incorporated into the design in order to minimise the impact on the LWS and root protection areas of trees.

Whilst a 15 metre buffer will take account of the maximum Root Protection Areas defined by BS5837:2012 consideration must also be given to the impact of shading on plots and restriction of daylight and sunlight from trees along this section. The indicative layout provides no such analysis. Further the Tree Officer considers that the indicative layout will provide for numerous social proximity conflicts between houses and many protected trees.

On this basis there is no indication provided that the indicative layout could be achieved whilst also safeguarding protected trees and also future social proximity/shading issues. The trees on this site provide a significant visual amenity to the area/ assist in biodiversity and also contribute to the landscape character of the area. The trees are considered to be as important as an amenity that the Council has served a TPO on the site in May 2018.

The Applicant has submitted a revised layout that has removed 5 houses to the south of Eaton cottage from the indicative scheme. This is of benefit to some of the protected trees on site;

however, the layout plan submitted does not provide adequate tree information given that numerous protected trees are not shown on the layout. The Tree Officer advises that protected trees are missing from the layout plan, particularly to the middle part of the site.

Additionally, to address highways concerns, a 2 m wide footway is provided close to numerous trees/ hedgerow along the Macclesfield Road frontage. No information has been provided to assess the implications of the proposed siting of the footway upon protected trees.

Overall, this proposal does not provide sufficient information to demonstrate that the scale/distribution of the indicative development across the site relative to the distribution of protected trees and levels issues on site can be adequately developed without causing harm to the integrity of protected trees. The lack of information is a reason for refusal.

Hedgerows

Three hedgerows have been identified, two of which are comprised of native species, part of which appear to be removed for development.

The submitted Preliminary Ecology Report suggests that hedgerows within the site may qualify as 'Important' under the Hedgerow Regulations 1997 and therefore for completeness in the assessment and determination of a planning application, where hedge loss is involved it is advised the hedgerows should be assessed against the criteria in the Hedgerow Regulations 1997 in order to ascertain if it qualifies as 'Important'.

The Regulations require assessment on various criteria including ecological and historic value. Should any hedgerows be found to be 'Important' under any of the criteria in the Regulations, this would be a significant material consideration in the determination of the application. Hedgerows are also a habitat subject of a Biodiversity Action Plan. No such assessment has been provided. This lack of information will form part of the reason for refusal relating to trees.

Ecology

Non-statutory Sites

The application site is located adjacent to Cranberry Moss Local Wildlife Site (LWS). The submitted Preliminary Ecological Appraisal states that, in the absence of suitable ecological design and mitigation, the proposed development of this site may have adverse operational and construction phase impacts on the LWS. Potential identified impacts include: damage to boundary vegetation, pollution effects, nutrient enrichment, introduction of non-native species and hydrological effects.

The undeveloped buffer shown on the submitted indicative layout plan may go part way to reducing some of these effects in ecological terms, but hydrological changes which are of particular significance in respect of Cranberry Moss, require further analysis. Both the quantity and quality of water entering the Local Wildlife Site are a concern and so should be considered in the required further assessment.

To minimise potential impacts on the Local Wildlife Site, the ecologist advises that there should be no development within the catchment of the Moss and that the existing surface water drainage into the Moss should be maintained.

A more detailed impact assessment in respect of the local Wildlife Site is necessary to assess this application in these terms. The applicant has failed to provide this. This is a reason for refusal.

Badger

No evidence of badger activity was recorded as part of the initial survey undertaken of the site. In accordance with best practice a badger survey should be undertaken to include all land within 30m of the application site boundary. This is particularly important in this instance as Cranberry Moss may provide suitable sett building opportunities for badgers just beyond the application site boundary. The information submitted is inadequate to properly assess this.

Trees with bat roosting potential

A number of trees are present within the interior of the site which have the potential to support roosting bats. No detailed surveys of these trees have been undertaken to confirm the presence/absence of roosting bats.

The ecologist recommends that the illustrative layout plan be amended to include the retention of these trees. If the trees are unavoidable lost a detailed bat survey would be required. No Bat survey has been provided to date.

Great Crested Newts

This European protected species is known to occur in this locality and there is a pond located on site and other ponds within 250m of the application site.

The ecologist recommends that a great crested newt survey must be undertaken and a report submitted to the LPA prior to the determination of this application. No such report has been received; this is a reason to refuse the application.

Hedgerows

Hedgerows a priority habitat and a material consideration. Two native species hedgerows (H1 and H2) occur on site. Based upon the submitted illustrative layout plan the proposed development is likely to result in a loss of hedgerows. Compensation for the loss would be required

Ponds

An existing pond occurs on site. Ponds meeting certain criteria are considered to be priority habitat and hence a material consideration. Based upon the submitted illustrative layout the existing pond would be lost as a result of the proposed development.

The ecologist recommends that the existing pond be retained and enhanced as part of the development and the illustrative layout plan be amended to show this. If this is not possible further ecological surveys will be required to establish the nature conservation value of the pond and a replacement pond provided. If a replacement wildlife pond is provided this should be separate from and additional to any ponds created as part of the SUDS scheme developed for the site.

Hedgehog and Pole Cat

These two priority species have been recorded in the broad locality of the application site and may occur on the application site on at least a transitory basis. If planning consent it should be ensured that features for these species are provided at the reserved matters stage. This may be dealt with by means of the ecological enhancement/mitigation condition below.

The submitted appraisal is by its nature only an interim assessment of the potential impacts of the proposed development and further survey and full assessment is required. These reports have been requested, but have not been provided and on this basis insufficient information about the ecological impacts of the proposal has been provided. This is a reason for refusal of this application.

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.”

The development site would have a density of @19 dwellings per hectare. Whether or not this is achievable within the context of this verdant site, would depend upon the size /mix of units and the amount of site coverage of building versus open space. The sloping nature of the site, the probable need for retaining structures and the protected tree coverage through the site would also influence the ultimate layout.

In this case an indicative layout has been provided in support of this application. The indicative layout is of a very poor design and does not comply with the Cheshire East Design Guide. It does not adequately demonstrate that the site can accommodate the number of dwellings proposed at the size/mix indicated, whilst also providing adequate open space which would also have adequate amenity/ not adversely impact upon the various trees within site, some of which are now formally protected.

However, as this is an outline application with only means of access applied for with a description of 'up to' 59 dwellings, revised plans have been received with a indicative layout of 54 dwellings. Given the outline nature of the application, it is considered that a design could be negotiated at the reserved matters stage. This could result in the overall numbers of units being reduced, and/or the size/mix of smaller units as indicatively provided being reduced and the distribution of development across as indicated reduced.

Noise

An acoustic report has been submitted in support of the application. The impact of the noise from Macclesfield Road (A536) taking into account the proposed Congleton relief road on the proposed development has been assessed in accordance with BS8233:2014 Guidance on

Sound Insulation and Noise Reduction for Buildings. This is an agreed methodology for assessing noise of this nature and specifically highlighting where amelioration is required. The report recommends mitigation designed to ensure that occupants of the development (if approved) are not adversely affected by noise from the highway. The conclusions of the report and methodology used are acceptable. The Environmental Health Officer raises no objection subject to condition.

Air Quality

Policy SE12 of the Local Plan states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality. This is in accordance with paragraph 124 of the NPPF and the Government's Air Quality Strategy.

Also there is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality. Taking into account the uncertainties with modelling, the impacts of the development could be significantly worse than predicted.

Congleton has two Air Quality Management Areas, and as such the cumulative impact of developments in the town is likely to make the situation worse, unless managed.

Poor air quality is detrimental to the health and wellbeing of the public and also has a negative impact on the quality of life for sensitive individuals. It is therefore considered appropriate that mitigation should be sought in the form of direct measures to reduce the adverse air quality impact.

Conditions are suggested in relation to a Travel Plan, Electric Vehicle Charging Points, Dust Control and low emission boilers should the application be approved.

Contaminated Land

The contaminated land officer has no objection to the above application but states that the application is for new residential properties which are a sensitive end use and could be affected by any contamination present. Furthermore there are a number of emissions within the submitted Phase I report due to areas not being assessed.

As such, and in accordance with the NPPF a condition is suggested in relation to contaminated land.

Public Rights of Way/ Access to Countryside

There are no public footpaths crossing the site however a pedestrian link is proposed to Moss Lane. Moss Lane is intended to become a Bridleway open to all traffic in part and closed at the A34 as part of the Link Road development in this area. In the area of the access from this site Moss Lane will be a highway open to all traffic.

The National Planning Policy Framework states that *"planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks"*

including National Trails” (para 75). NPPF continues to state (para. 35) that “Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to.....

- *give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;*
- *create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians”.*

Revised proposals containing a 2m wide footway linking the site via Macclesfield Road have been provided.

Highways

This application seeks formal approval of the access onto Macclesfield Road. As the internal layout is indicative, no assessment is made of the internal road layout. The proposal also indicates a pedestrian access on to Moss Lane.

A new vehicle access from Macclesfield Rd to the east of the site and a separate pedestrian/cyclist access to Moss Ln to the south of the site are proposed.

The development would generate approximately 35 to 40 vehicle trips in the peak hour and the impact of it on the wider highway network would be minimal.

The speed limit on this section of Macclesfield Rd is derestricted presently (60 mph). Upon the completion of the Congleton Link Rd the speed limit outside the site will be reduced to 40mph. Moss Lane will be stopped-up at the western end also but will remain open to vehicular traffic from the eastern side.

Revised proposals containing a 2m wide footway linking the site via Macclesfield Road have been provided. On this basis, the Strategic Highways Manager raises no objection to the proposals subject to conditions concerning the visibility splay and provision of the footway to Macclesfield Road.

Flood Risk

The application site is located within Flood Zone 1 (low probability of river/tidal flooding) according to the Environment Agency Flood Maps. A Flood Risk Assessment (FRA) has been submitted as part of this application.

United Utilities and the Councils Flood Risk Manager have been consulted as part of this application and have raised no objection to the proposed development subject to the imposition of planning conditions.

As a result, the development is considered to be acceptable in terms of its flood risk/drainage implications.

CIL Regulations

In order to comply with the Community Infrastructure Regulations 2010 it is necessary for planning applications with planning obligations to consider the issue of whether the requirements within the S106 satisfy the following:

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

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

As explained within the main report, POS and children's play space is a requirement of the Interim Planning Policy. It is directly related to the development and is fair and reasonable.

The development would result in increased demand for indoor and outdoor sports provision in where there is very limited spare capacity. In order to increase capacity of the facilities which would support the proposed development, a contribution towards indoor and outdoor sport will be required. This is considered to be necessary and fair and reasonable in relation to the development.

As a result the contributions are necessary, directly related to the development and fair and reasonable.

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

CONCLUSION

Whilst, the development would over-provide affordable housing when compared against the 30% requirement of policy SC5, which is a clear benefit of the scheme, it would result in a loss of open countryside at a time when Cheshire East can demonstrate a 5 year supply of deliverable housing sites. The tilted balance in Para 14/49 is not engaged. The provision of affordable housing to 2030 is addressed in the CELPS where it is identified that 7100 dwellings are required to 2030 (355 per year). There are also existing commitments and completions in the area that will also deliver affordable homes locally. Consequently the provision of an "enhanced" affordable housing offer does not outweigh the loss of open countryside, and conflict with Policy PG6 of the CELPS.

The proposals, as revised, provide for safe access and egress to the site for all users given that there is a footway provided to the main access on Macclesfield Road.

The 60% affordable housing offered by the applicant is not likely to be achievable until after 2021 at the earliest, given the fact that the Highways Authority require a reduction in speeds on Macclesfield Road to 40mph. The contribution made is therefore considered to be overstated.

The development would provide a sufficient level of POS and a LAP whilst the impact upon indoor and outdoor sport could be mitigated via S106 contributions.

The site is on the edge of Congleton and is considered to be a sustainable location in terms of access to facilities.

The development would provide economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in the area.

The impact upon education infrastructure would be neutral as the impact would be mitigated through the provision of the contribution sought.

There is not considered to be any drainage implications raised by this development and the impact upon residential amenity/noise/air quality and contaminated land could be mitigated through the imposition of planning conditions.

The application contains insufficient information in relation ecology upon the site and Cranberry Moss adjacent and drainage for Cranberry Moss in ecological terms. Given the presence of European protected species, their favourable conservation status can not be assessed on the basis of the information submitted. Likewise there is insufficient information to assess the proposal with regard to the impact upon the scale and indicated distribution of development upon trees.

The application is recommended for refusal on the basis that the development is outside the settlement boundary and within the open countryside, it is contrary to the Development Plan, there is insufficient ecological information included within the application and the development would result in the creation of unsafe access and egress for pedestrians from the site. The benefits put forward in the form of the affordable housing do not outweigh the policy presumption against the proposal.

RECOMMENDATION:

REFUSE for the following reasons:

- 1. The proposed residential development is unacceptable because it is located within the Open Countryside, contrary to Policy PG 6 of the Cheshire East Local Plan Strategy and the National Planning Policy Framework. Any benefit in the form of affordable housing provided does not outweigh the harm caused to interests of acknowledged importance. There are no material considerations to indicate that permission should be granted contrary to the development plan.**
- 2. The Local Planning Authority considers that there is insufficient information included within this application to determine the impact of the proposed development upon protected species known to occur either on or within the vicinity of the site, or to assess the impact of the proposed development upon trees/hedgerows on the site contrary to Saved Policies NE11, NE12, NE14 and DC9 of the Macclesfield Borough Local Plan, Policy SE3 and SE4 of the Cheshire East Local Plan Strategy and guidance contained within the NPPF.**

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 60% 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 Public Open Space and a LAP to be maintained by a private management company**
- 3. Primary school education contribution of £108,463**
- 4. Secondary school education contribution of £147084**
- 5. SEN education contribution of £45500**
- 6. Contribution towards improvements at Eaton Bank Academy outdoor sports facilities of £1000 per dwelling**

In order to give proper effect to the Committee's intent and without changing the substance of its decision, authority is delegated to the Head of Planning (Regulation) in consultation with the Chair (or in their absence the Vice Chair) to correct any technical slip or omission in the resolution, before issue of the decision notice

