

Application No: 10/3320C

Location: LAND NORTH EAST OF, DUNKIRK FARM, LONDON ROAD,
BRERETON, HOLMES CHAPEL

Proposal: THE CONSTRUCTION OF 18 NEW AFFORDABLE TWO BEDROOM
HOUSES

Applicant: MR MIKE WATSON, PLUS DANE GROUP

Expiry Date: 13-Dec-2010

SUMMARY RECOMMENDATION:

APPROVE subject to conditions and S106 Legal Agreement

MAIN ISSUES:

- a) Principle of Development
- b) Housing Need
- c) Affordable Housing
- d) Design & Layout
- e) Highways
- f) Trees & Landscaping
- g) Ecology
- h) Public Open Space Provision
- i) Drainage and Flood Risk
- j) Residential Amenity
- k) Noise

1. REASON FOR REFERRAL

This application proposes the erection of more than 10 dwellings and is therefore a major development.

2. DESCRIPTION AND SITE CONTEXT

This application relates to a green field site situated on the west side of London Road just outside of the settlement boundary of Holmes Chapel. The site is broadly triangular in shape and measures just over 1 ha in size. The site is bounded to the northwest by the Crewe to Manchester Railway Line, to the north by the River Croco beyond which there are residential properties arranged around a courtyard (Alum Court), and to the southwest are open countryside designated fields previously used for the purposes of agriculture. Directly to the south of the site is a private drive, which is accessed directly off the A50 London Road, which serves Dunkirk Farm to the east.

3. DETAILS OF PROPOSAL

Full planning permission is sought for the erection of 18 affordable dwellings with access provided off the private drive serving Dunkirk Farm. The dwellings would be managed by a registered social housing company (Plus Dane Group). The tenure is proposed to be a mix of rented and shared ownership, which should the application be approved, would be secured by a Section 106 Legal Agreement.

4. RELEVANT HISTORY

09/2897C - The Construction of 18 affordable two-bedroom houses - Withdrawn 18/11/2009

5. POLICIES

National Policy

PPS1	'Delivering Sustainable Development'
PPS3	'Housing'
PPS7	'Sustainable Development in Rural Areas'
PPS9	'Biodiversity and Geological Conservation'
PPG13	'Transport'
PPS23	'Land Contamination'
PPG24	'Planning and Noise'
PPG25	'Development and Flood Risk'

Regional Spatial Strategy (RSS)

Regional Spatial Strategies (RSS) were revoked by the Secretary of State for Communities and Local Government on 9 July 2010 under Section 79 (6) of the Local Democracy, Economic Development and Construction act 2009. However, the Regional Spatial Strategy for the North West has been reinstated (protem) as part of the statutory Development Plan by virtue of the High Court decision in the case of Cala Homes (South) Limited and the Secretary of State for Communities and Local Government and Winchester City Council on 10 November 2010.

DP1 Spatial Principles
DP2 Promote Sustainable Communities
DP4 Making the Best Use of Existing Resources and Infrastructure
DP5 Manage Travel Demand: Reduce the Need to Travel, and Increase Accessibility
DP7 Promote Environmental Quality
DP8 Mainstreaming Rural Issues
DP9 Reduce Emissions and Adapt to Climate Change
RDF1 Spatial Priorities
RDF2 Rural Areas
L2 Understanding Housing Markets
L4 Regional Housing Provision
L5 Affordable Housing
RT2 Managing Travel Demand
RT9 Walking and Cycling
EM1 Integrated Enhancement and Protection of the Region's Environmental

Assets

Local Plan Policy

PS8	Open Countryside
GR1	New Development
GR2	Design
GR3	Residential Developments of More than 10 Dwellings
GR4	Landscaping
GR6&7	Amenity & Health
GR9	Accessibility, servicing and parking provision
GR10	Managing Travel Needs
GR18	Traffic Generation
GR19	Infrastructure
GR20	Public Utilities
GR21	Flood Prevention
GR22	Open Space Provision
H1 & H2	Provision of New Housing Development
H6	Residential Development in the Open Countryside
H14	Affordable Housing in Rural Parishes
NR1	Trees & Woodland
NR2	Wildlife & Nature Conservation
SPG1	Provision of Public Open Space in New Residential Developments
SPG2	Provision of Private Open Space in New Residential Developments
SPD4	Sustainable Development
SPD6	Affordable Housing and Mixed Communities

Other Material Considerations

Interim Planning Policy on the Release of Housing Land
Interim Planning Statement: Affordable Housing
Strategic Market Housing Assessment (SHMA)

Circulars of most relevance include: ODPM 06/2005 Biodiversity and Geological Conservation; ODPM 05/2005 Planning Obligations; and 11/95 'The use of Conditions in Planning Permissions'.

Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994.

Design compendiums include 'By Design' and Manual for Streets'

Written Ministerial Statement: Planning for Growth (23rd March 2011)The Minister of State for Decentralisation issued this statement on 23rd March 2011 and advice from the Chief Planner; Steve Quartermain states that it is capable of being regarded as a material consideration. Inter alia it includes the following:

"When deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development. Where relevant – and consistent with their statutory obligations – they should therefore:

- (i) *consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after recent recession;*
- (ii) *take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing;*
- (iii) *consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits such as increased customer choice, more viable communities and more robust local economies(which may, where relevant, include matters such as job creation and business productivity);*
- (iv) *be sensitive to the fact that local economies are subject to change and so take a positive approach to development where new economic data suggest that prior assessments of needs are no longer up-to-date;*
- (v) *ensure that they do not impose unnecessary burdens on development.*

6. CONSIDERATIONS (External to Planning)

Environmental Health:

The Environmental Health Division states that an assessment should be undertaken in order to identify and evaluate all potential sources and impacts of land and/or groundwater contamination. The noise attenuation measures detailed in the submitted 'Noise and Vibration Survey' should be implemented prior to occupation of the dwellings. It is also recommended that a dust management plan be submitted to reduce dust during the construction phases and further conditions relating to external lighting, hours of construction, piling and associated deliveries to the site are recommended.

Highways:

Visibility from the proposed access point is good in both directions. London Road has an existing speed limit of 40 mph at the proposed access point, with it changing to de-restricted to the south. There are no pedestrian crossing facilities close to this site to the north (towards Holmes Chapel end). As such it is recommended that the developer provide a financial contribution towards traffic management improvements for an extension of the 40mph speed (to the south) and a pedestrian refuge island to the north.

Conditions requiring detailed drawings of the site's access; visibility splays and the road layout are recommended. The proposed highway within the development shall be designed and constructed in accordance with the specification within the Cheshire County Council Design Aid Manual 1996 and Manual for Streets.

Housing:

The 2010 SHMA shows that there is a need for about 26no. affordable homes per annum in the Holmes Chapel area. It is understood that under Planning Policy this site is classed as a Rural Exception site and therefore should be specifically Affordable Housing, which should remain affordable in perpetuity.

The housing needs survey also stated there is a shortage of 2bed and 3bed properties. The SHMA carried out in 2010 stated that targets need to support a better mix of housing types in all locations. The SHMA 2010 shows that the largest proportion of additional affordable units needed in the former Congleton borough are required as rented properties. The definition of

affordable housing in PPS3 includes social rented housing or intermediate affordable housing including shared equity schemes.

In addition to the housing needs survey there is further evidence of demand for 2bed and 3bed properties in Brereton and Holmes Chapel as there are currently 6 active applicants for 2bed and 8 active applicants for 3bed properties on Cheshire Homechoice. There are also currently 7 people who have expressed interest in intermediate tenure on the affordable housing waiting list held by Housing Strategy.

In accordance with current planning policy all 18 units should be provided as affordable housing, 9 of these for social rent and 9 as intermediate tenure. It is therefore recommended that the developer undertake to provide the social rented element through an RSL who becomes a signatory to the section 106 agreement

Environment Agency (EA):

The EA initially objected to this application as the proposals involved building within 8 metres of the bank top of the River Croco, which would restrict essential maintenance and emergency access to the watercourse. The Agency also objected to this application as the Flood Risk Assessment (FRA) submitted with this application (REC / 800023 / August 2010), did not comply with the requirements set out in Annex E, paragraph E3 of Planning Policy Statement 25: Development and Flood Risk (PPS25). However, the scheme as amended would enable an 8 metre buffer strip to be maintained and an updated Flood Risk Assessment has satisfied the Agency's initial objections. As such EA do not object subject to the imposition of conditions relating to finished floor levels, ground levels, drainage and a scheme for the future management and maintenance of the buffer zone with the River Croco.

Green Spaces:

Following the assessment of the existing provision of Amenity Greenspace accessible to the proposed development, having a quantity deficiency, it is acknowledged 730m2 of Amenity Greenspace is being provided on site. This is actually an over provision by 300m2 but is welcomed and recognised when calculating and assessing the Children and Young Persons Provision.

Taking into account the amount of POS located within the area of the development site and the location of the POS that has been proposed, it would seem adequate, although more detail as to the landscaping proposals would be sought.

To the North and North East of the site there are existing trees and natural landscaping to be retained. In addition, boundary treatments of post and rail fencing incorporating some hedgerows to retain the openness and character of the site are to be provided. Clarification would be required as to the intended end ownership of these areas due to any maintenance implications that may arise as a result of it. It is with this in mind therefore, that I suggest that consideration is made for these areas of POS to be transferred to a management company. This, if preferred, could also be applied to the centrally located formal area of POS.

If the formal POS was to be transferred to The Council serving the development based on the Council's Interim Policy Note on Public Open Space Requirements for New Residential Development the financial contributions sought from the developer would be;

Maintenance:	<u>£8,632.00</u>
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Children and Young Persons Provision

Following an assessment of the existing provision of Children and Young Persons Provision accessible to the proposed development, if the development were to be granted planning permission there would be a deficiency in the quantity of provision, having regard to the local standards set out in the Council's Open Space Study for Children and Young Persons Provision.

Consequently there is a requirement for new Children and Young Persons provision to meet the future needs arising from the development.

On site provision would normally be required as there is none in the local vicinity, the closest being over the 800m distance threshold set out in Interim Policy Note for the Provision of new Open Space.

However, if a small Equipped Area for Play (LEAP) centrally located on the POS within the development providing at least 3 items of equipment (including a multi-unit) for the 6 and under age range. A ballpark estimate would be in the region of

New Provision: £51,000

Maintenance: £51,044 (25 years)

This would take into account play area infrastructure, equipment including elements of DDA equipment, safer surfacing and safety inspection. We would request that the final layout and choice of play equipment be agreed with CEC, and obtained from a supplier on the Council's select list, the construction should be to the council's specification. Full plans must be submitted prior to the play area being installed and these must be approved, in writing prior to the commencement of any works.

Whilst Green Spaces acknowledge that this would be the requirement following guidelines and policy, it also recognises the provision of this may make the development economically unviable, however this would be a Planning Officer's decision.

An alternative would be a contribution towards upgrading of the play facility at Middlewich Rd, Holmes Chapel. This is located approximately 950m distance from the development site but is the main park for the town of Holmes Chapel. The last play area report for CE in 2009 recommends;

- considering installing a new multi-play unit including a slide to accommodate the 12 and under age range, to replace the existing climbing frame and slide, two separate units if finance will allow, and a new rocking item.
- Ensure that there is a hard standing surface or pathway system into and across the site.
- Ensure any future development of the site in terms of equipment, ancillaries and access embraces the ethos of the DDA and allows accessibility for all.

With the above in mind and as a **guide only** a ballpark estimate for contributions sought from the developer would be;

Enhancement: £17,160.00

Maintenance: £12,836.00 (25 years)

The enhancement figure is based on 2 items of equipment including a small multi unit and rocking item for the under 7-age range. Green Spaces would request that any enhancement contributions should not be 'time limited' so ensure maximum benefit to the community, thus enabling the 'pooling' of funds should the old Aventis site and/or old wallpaper site (FADS) be developed.

It should be noted that the maintenance figure is based solely on the estimated extra (43) persons emanating from the development and will contribute to the existing maintenance budget.

Sustran:

Although the scale of the development is modest, Sustran would like to see a financial contribution towards improving the walking/cycling environment in Holmes Chapel to the railway station and to the school in particular. Further recommendations are made aimed at encouraging walking/cycling from the site, these include:

- Reducing the speed limit on London Road from a point to the south of the site.
- Within the site itself, a 20mph zone should be established by design.
- There should be adequate storage areas within the houses for residents' buggies/bicycles.

Public Rights of Way Unit:

Whilst the site is adjacent to public footpath no. 2, in the parish of Brereton as recorded on the Definitive Map, it appears unlikely that the proposal would affect the public right of way, although the PROW Unit would expect the planning department to add an advisory notes to any planning consent to ensure that developers are aware of their obligations with regards to health the users of the public right of way.

United Utilities (UU):

United Utilities offer no objection to the proposal provided that condition relating to the discharge of foul and surface water drainage to prevent foul flooding and pollution of the environment. This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the SUDS.

Jodrell Bank:

The University of Manchester recommends that the development should incorporate materials that assist in the electromagnetic screening of the development to prevent interference with the Jodrell Bank telescope.

7. VIEWS OF BRERETON PARISH COUNCIL

Brereton Parish Council support this application on the grounds that there is a requirement in rural areas to have affordable property close to facilities thus making it suitable for low cost housing. The Parish Council would request that there is a condition added whereupon the parishioners of Brereton would have first choice to apply for these houses.

8. OTHER REPRESENTATIONS

Letters have been received from 14 addresses objecting to this application on the following grounds:

- Loss of Views across Open Countryside

- Loss of privacy
- The stream at the rear should form part of the open space
- Objectors purchased their properties on the understanding that the land at the rear would not be built on
- More suitable sites should be considered before this one within Holmes Chapel e.g. Sanofi Aventis, Fads, Victoria Mills, and Arclid
- Loss of habitat, litter, danger to children.
- Plans are unclear as to relationship with properties on Alum Court
- Proposed parking facilities are very close which will obviously mean more noise and pollution for residents on Alum Court
- The number of potential cars entering and leaving 'Dunkirk Way' onto the very busy A50 would mean that people who walk their dogs and the children in wheelchairs who use the right of way to access the countryside, will no longer be able to enjoy this activity.
- Brereton will not have to service any future residents - the burden will fall on Holmes Chapel Schools and other amenities.
- More traffic, disruption, making the schools in Holmes Chapel more populated hence requiring more teachers, over subscriptions at the doctors, dentists and placing strain on local infrastructure within Holmes Chapel
- Loss of property values
- The site is in the parish of Brereton and therefore the houses should be situated within Brereton Village.
- Flooding and drainage issues.- During heavy rain, the pumping station at Sanofi - Aventis cannot cope with the increased capacity. On a number of occasions the sewers have flooded resulting in sewage flowing in to public areas
- People living in affordable housing do not usually own 2 cars.
- There are a number of trees that would be removed
- This could lead to a precedent for further development of green field sites

9. APPLICANT'S SUPPORTING INFORMATION

Amended Plans

Supporting Planning Statement Incorporating a Design & Access Statement

Affordable Housing Statement

Flood Risk Assessment

Highways Assessment

Noise Impact Assessment

Phase 1 Habitat Survey

Tree Survey

Arboricultural Implications Assessment

10. OFFICER APPRAISAL

Principle of Development

The application site lies outside of the settlement boundary for Holmes Chapel and within the open countryside as defined by the adopted Congleton Borough Local Plan First Review.

National planning policy in the form of Planning Policy Statement 3: *Housing* indicates that where viable and practicable, local planning authorities should consider releasing sites solely for affordable housing in perpetuity that would not normally be used for housing because, for example, they are subject to policies of restraint. Consistent with this advice, saved policy PS8 of the local plan restricts development within the open countryside, with a number of exceptions, which include affordable housing for local need.

Local plan policy H14 outlines the detailed requirements for affordable housing schemes within the rural parishes of the former Borough of Congleton. It promotes proposals which meet an identified local housing need that cannot be accommodated any other way and indicates that sites must be small and close to existing or proposed services and facilities. It requires developments to be appropriate to the locality in terms of scale, layout and design. It also explains that schemes should consist only of low cost housing in perpetuity, which is for rent, shared equity, or in partnership with the local housing authority or a housing association. In addition, policy H14 indicates that such schemes must be subject to a legal agreement to ensure, amongst other matters, that initial and subsequent occupancy is limited to members of the local community who are in housing need, that occupants are prevented from subsequently disposing of the properties on the open market and a satisfactory mechanism is established for the management of the scheme. As such, the principle of affordable rural housing within the open countryside can be acceptable subject to local need and compliance with other material planning considerations.

Housing Need

Within the supporting planning statement, the issue of housing need has been assessed with respect to the rural parish of Holmes Chapel and not Brereton. Whilst the site is located within the rural parish of Brereton, it is intended that the development would meet the needs of the residents of Holmes Chapel. On that basis, the application has included an excerpt from the housing needs survey that was recently carried out by Holmes Chapel Parish Council. This states that 361 respondents (48% of those surveyed) indicated that there is a need for starter homes within Holmes Chapel as many residents cannot compete with the high property prices and are therefore forced to move away from the village.

Policy H14 of the local plan makes it clear that applications for rural exception sites must be supported by a survey which identifies a level of housing need within the local community as whole. Whilst the information submitted by the applicant is limited, the Council's Strategic Housing Market Assessment (SHMA) identifies that there is currently a need for 86 dwellings within Holmes Chapel and 57 dwellings across the Holmes Chapel Rural parish, which includes smaller settlements such as Brereton. This takes into account sites that already benefit from planning permission and include the provision of affordable units. Thus, in light of the evidence of need demonstrated by the SHMA coupled with limited information submitted, it is concluded that there is an identified local need within Holmes Chapel and as such a refusal could not be sustained on the basis of failure to demonstrate need. The Council's Housing Strategy and Needs Manager supports this application and as such the principle of the proposed development is deemed to be acceptable. Whilst reference has been made to sites that may be brought forward in the future, these have not come to fruition and will not be sufficient to cater for the level of identified local need.

Affordable Housing

With regard to the issue of type and tenure, 11 homes will be two-bed, and 7 will be three-bed homes; 10 of the dwellings will be available on a shared ownership basis and 8 will be available for social rent. The Plus Dane Housing Group will control the units. Provided that the developers and the Registered Social Landlord chosen to manage the social rented properties enter into a Section 106 Agreement securing the provision and retention of the affordable housing in perpetuity, it is considered that this renders the proposal acceptable in terms of the provision of affordable housing. The applicant has confirmed acceptance of this and therefore it is considered that the requirements of local policies PS8 and H14 have been met.

Design & Layout

Initially, the proposed dwellings were to be arranged around a core area of open space centrally positioned within the site. Whilst such arrangements can prove effective in urban and suburban areas, and promotes passive surveillance of public spaces as well as encouraging active frontages, the result was that the proposed dwellings would have been pushed out to the perimeter of the site where the impact on the open countryside would have been accentuated and scope for screen planting reduced. Having expressed these concerns to the agent, the layout has been amended. The revised layout shows the dwellings configured in an L shape positioned along the northeastern and northern boundaries. This would allow the highways layout to follow a similar pattern with the remaining southern portions of the site given over to public open spaces/amenity space. This would also increase the separation with the southern boundaries and would provide scope for further planting along these boundaries so as to minimise the visual impact on the open countryside.

Whilst the Senior Landscape and Tree Officer has expressed concern about the visual impact on the proposals, as amended it is considered that the potential harm on the landscape would be minimised. The proposed layout would provide a high quality public realm with good surveillance across the area of open space and formal areas of landscaping. There would be well-defined active frontages with areas of hardstanding and parking kept to a minimum. Consequently, the revised layout is deemed to be acceptable in design terms.

With regard to the design of the proposed dwellings, they would be modest in terms of their size and scale and rural in character. The house types would vary and this would help to provide some differentiation within the development itself. The individual design of the house types proposed is deemed to be acceptable. As such, the proposal satisfies the requirements of PPS1, PPS3, By Design, Manual For Streets along with local plan policies GR1, GR2 and GR3 which seek to deliver high quality design.

Highways

Policy GR9 states that proposals for development requiring access, servicing or parking facilities will only be permitted where a number of criteria are satisfied. These include the adequate and safe provision for access and egress by vehicles, pedestrians and other road users to a public highway. The proposed development would be served by a new access created off the A50 London Road. This new access would also accommodate the vehicle movements generated by the residential units at Dunkirk Farm and as such the existing access would be closed off.

The Strategic Highways Manager has assessed this application and has offered no objection to the proposal on highways grounds. However, because of the rise in vehicle movements coupled with existing development at Dunkirk Farm, it has been recommended that the 40 mph speed limit be extended further south to lessen the conflict between vehicles emerging and accessing the site with traffic travelling along the A50 London Road. The capacity of the local highway network is deemed sufficient to accommodate the vehicle movements associated with the scale of the proposed development. The recommended pedestrian island to the north on London Road and the contribution towards traffic management to extend the 40 mph speed limit are considered to be relevant and proportionate to the development. Therefore the proposal complies with the requirements of policies GR9 and GR18 would be met. Whilst Sustran have recommended that financial contributions should be sought towards improving the existing cycle and footway network in Holmes Chapel, this would not be reasonable or proportionate for a scheme of this size.

Trees & Landscape

The layout proposed would require the removal of a section of roadside hedgerow, a short line of unmaintained Hawthorn (possibly a remnant hedge) and a number of mature trees. The Senior Landscape and Tree Officer (SLO) has considered the impact of the proposed replacement access and hedge removal in relation to the Hedgerow Regulations 1977. A new access would be exempt from a Hedgerow Removal Notice if the existing access were closed up with hedge planting within 8 months. Therefore the SLO has not assessed any ecological or historic criteria under the Regulations. The short line of Hawthorn is not significant and the SLO is satisfied that the individual trees identified for removal have defects, which make them unsuitable for long-term retention. Subject to appropriate protection measures and certain remedial arboricultural works, it should be possible to retain trees identified for retention within the layout as proposed. In the event that the proposals are deemed acceptable, comprehensive tree protection, boundary treatment, levels and landscape conditions are recommended.

In terms of the impact on the landscape setting, this has been minimised through the revised layout and the existing screen planting and buffer along the London Road frontage would ensure that scheme did not appear intrusive or dominant. As such, the proposal is deemed to be acceptable in landscape terms.

Public Open Space Provision

Under Supplementary Planning Guidance Note 1 'Provision of Public Open Space in New Residential Developments', there is a requirement for the provision of public open space on the site. The proposed layout shows that there would be a central core of open space within the site. However no provision for children's informal play space is specified on the proposed plans. The Council's Greenspaces division have stated that the proposed provision is acceptable. However, they have recommended contributions towards the cost of provision and future maintenance. The applicant has confirmed that Plus Dane will provide the play equipment and will maintain the open spaces in perpetuity. Thus, subject to this being secured by way of a legal agreement, and to the specification of the Council's Greenspaces division, the financial contributions would not be required. The applicant has confirmed acceptance of this and consequently the scheme is compliant with SPG1.

Ecology

In view of the fact that the development would involve the removal of some tree specimens and scrubland, the existence of protected species needs consideration. The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places,

- in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment

and provided that there is

- no satisfactory alternative and
- no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK implemented the Directive by introducing The Conservation (Natural Habitats etc) Regulations 1994 which contain two layers of protection

- a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and
- a licensing system administered by Natural England.

Local Plan Policy NR2 states that proposals for development that would result in the loss or damage of any site or habitat supporting species that are protected by law will not be permitted.

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. "This may potentially justify a refusal of planning permission."

PPS9 (2005) advises LPAs to ensure that appropriate weight is attached to protected species "Where granting planning permission would result in significant harm LPAs will need to be satisfied that the development cannot reasonably be located on any alternative site that would result in less or no harm. In the absence of such alternatives LPAs should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where significant harm cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused."

PPS9 encourages the use of planning conditions or obligations where appropriate and again advises LPAs to "refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm."

The converse of this advice is that if issues of detriment to the species, satisfactory alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations.

In line with guidance in PPS9, appropriate mitigation and enhancement should be secured if planning permission is granted. The ecologist has identified few habitats of priority interest on site and suggested that the loss of habitats such as scrub and hedges could be mitigated through enhanced landscaping. Some of the features of the site exhibit ideal habitat for breeding birds and as such precautionary recommendations are made. The Ecologist has no objection to the proposals subject to the retention of 3 tree specimens, conditions relating to the protection of breeding birds, provision of bat and bird boxes, a 5m buffer zone along adjacent River Coco and the submission of 10-year-management plan to include the area of adjacent grassland identified in submitted ecological survey. Subject to these recommendations being implemented, the requirements of local plan policy NR2, PPS9 and the EC Habitats Directive are satisfied.

Drainage and Flood Risk

PPS25 'Development and Flood Risk' states that LPAs should, in determining planning applications, give priority to the use of sustainable drainage systems for the management of runoff. Building design should ideally use softer engineering structures such as swales, detention ponds, infiltration basins and porous surfaces as alternatives to conventional drainage systems to minimise flooding and environmental damage as a result of uncontrolled surface water runoff. The site is not within an area at risk from flooding and as such, in the event of such development being approved, sustainable drainage systems can be secured through condition or agreement. United Utilities have not objected to the application provided that the site is drained on separate system.

Policy GR21 of the Congleton Local Plan sets out criteria to be considered when determining applications within identified flood risk areas. More recent guidance in PPS25 states that a sequential approach is to be followed at all levels of the planning process. The proposed development is for a more vulnerable use, part of which lays within flood zone 3; the sequential and exception tests should therefore be applied to the site in accordance with table D.3 of PPS25 (Annex D). The site has not been subject to these tests under the former Congleton Borough's SFRA. Nonetheless, the EA has accepted that the updated FRA is acceptable as the amount of development falling with zone 3 would be minimal and therefore compliance with conditions relating to finished floor levels, ground levels, drainage and a scheme for the future management and maintenance of the buffer zone with the River Croco would ensure compliance with local policies GR21 and the advice within PPS25.

Residential Amenity

The proposed dwellings would back onto the properties situated on Alum Court. However, the separation distance between the new and existing properties would exceed the minimum separation distance of 21.8 metres between principal windows as set out in the Council's Supplementary Planning Guidance (SPG2). As such, the impact on the nearest residential properties would not be significant. Within the development itself, minimum separation distances would be achieved and each property would benefit from an appropriate amount of private amenity space in accordance with policies GR6 and SPG2.

Noise

The application is supported by a noise assessment, which assesses the likely potential impact of the adjacent Crewe to Manchester Railway Line on the future occupants of the proposed dwellings. The assessment concludes that any harm could be addressed through the incorporation of appropriate glazing and materials in the development to help minimise any noise impact. The Councils' Environmental Health Division is satisfied with these measures and as such the proposal is deemed to be acceptable and in accordance with policy GR6 and PPG24.

11. CONCLUSIONS AND REASONS FOR THE DECISION

The principle of the development is found to be acceptable. Whilst this is a Greenfield site and the loss of any such site to housing is regrettable, consideration also needs to be given to the need for the Council to ensure an adequate supply of housing. There is an identified need for affordable housing both within the rural parishes of Brereton and Holmes Chapel even having regard to those sites that already benefit from planning permission in the locale. In highways terms, the capacity of the local highway network is deemed sufficient to accommodate the vehicle movements associated with the scale of the proposed development subject to measures aimed at reducing the speed limit on London Road. There would be no adverse impact on trees or wildlife habitats subject to habitat enhancement and creation as part of the scheme. The applicant will ensure provision of the public open space and play equipment, which will be maintained by the Plus Dance housing Group in perpetuity. The risk posed to drainage is not deemed to be high and could be controlled through the use of SUDS and conditions recommended by the Environment Agency. The applicants have demonstrated general compliance with national and local guidance in a range of areas including ecology and highway safety and the application is therefore recommended for approval.

12. RECOMMENDATION:

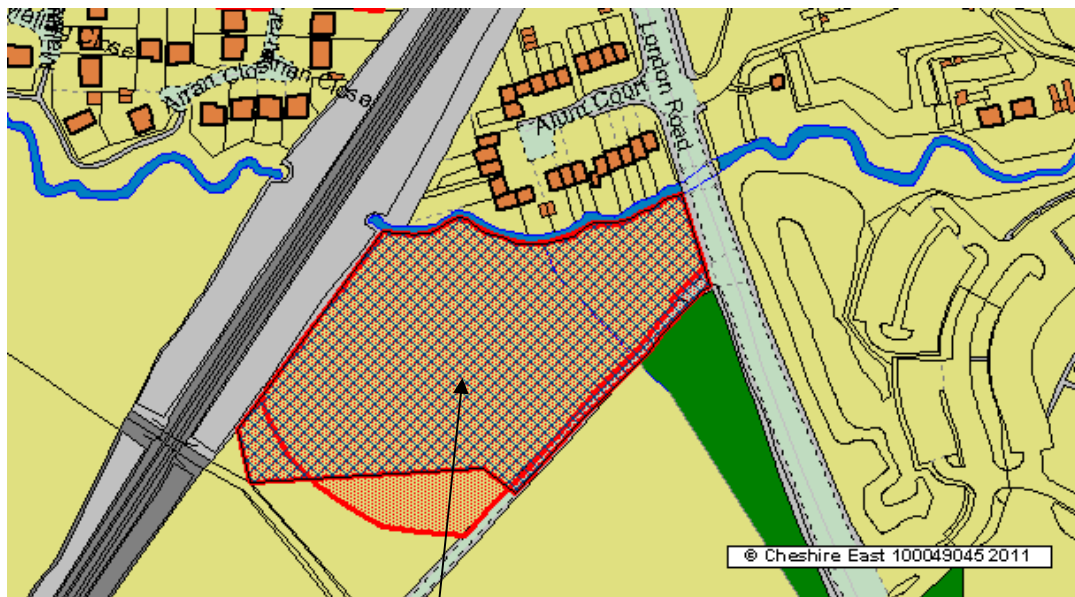
APPROVE subject to the completion of a S106 agreement to secure affordable housing, public open space provision, and highways contributions towards traffic management improvements for an extension of the 40mph speed (to the south) and a pedestrian refuge island to the north.

Conditions

- 1. Commence development within 3 years**
- 2. Development in accordance with amended drawings**
- 3. Submission of details/samples of external materials**
- 4. Submission of details of electromagnetic screening measures to be submitted (Jodrell Bank).**
- 5. Submission and implementation of detailed access and junction plans**
- 6. The dwellings shall not be occupied until the access and junction are completed in accordance with the approved details**
- 7. Details of the closure of the existing access off London Road (including native hedge planting) to be submitted**
- 8. Landscaping scheme (to include native species for ecological value) to be submitted**
- 9. Implementation of approved landscaping scheme**
- 10. Submission and implementation of a tree protection scheme**

- 11. Submission and implementation of details of boundary treatments**
- 12. Submission and implementation of surveys and mitigation methods for the protection of breeding birds**
- 13. Scheme for the provision of bat and bird boxes to be submitted**
- 14. Drainage - Submission and implementation of a scheme for the regulation of surface water including SUDS**
- 15. Submission and implementation of a scheme to ensure that finished floor levels are set no lower than 53.82m above Ordnance Datum (AOD)**
- 16. Submission and implementation of a scheme for the management of overland flow from surcharging of the on-site surface water drainage system**
- 17. Submission and implementation of a scheme for the provision and management of a buffer zone alongside the watercourse to include details of buffer zone with River Croco, details of planting, management plan for the buffer zone and details of footpaths, fencing, lighting**
- 18. Submission of details of existing and proposed ground levels**
- 19. Submission of a Phase 1 land contamination survey**
- 20. Construction management plan to be submitted**
- 21. Noise attenuation measures to be carried out prior to occupation of dwellings in accordance with recommendations included within noise report**
- 22. Limits on hours of construction including delivery vehicles.**
- 23. Limits on hours of piling**
- 24. Removal of permitted development rights for extensions, outbuildings and gates walls and fences.**

Location Plan



The Site