

Southern Planning Committee

Agenda

Date:	Wednesday, 27th April, 2016
Time:	10.00 am
Venue:	Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ

Members of the public are requested to check the Council's website the week the Southern Planning Committee meeting is due to take place as Officers produce updates for some or all of the applications prior to the commencement of the meeting and after the agenda has been published.

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. **Apologies for Absence**

To receive apologies for absence.

2. **Declarations of Interest/Pre Determination**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests and for Members to declare if they have pre-determined any item on the agenda.

3. **Minutes of Previous Meeting** (Pages 1 - 8)

To approve the minutes of the meeting held on 30 March 2016.

Please contact Julie Zientek on 01270 686466

E-Mail: julie.zientek@cheshireeast.gov.uk with any apologies or requests for further information
Speakingatplanning@cheshireeast.gov.uk to arrange to speak at the meeting

4. **Public Speaking**

A total period of 5 minutes is allocated for each of the planning applications for the following:

- Ward Councillors who are not members of the Planning Committee
- The relevant Town/Parish Council

A total period of 3 minutes is allocated for each of the planning applications for the following:

- Members who are not members of the planning committee and are not the Ward Member
- Objectors
- Supporters
- Applicants

5. **15/5259C Land to the North of 24, Church Lane, Sandbach: Erection of 12 dwellings for Chelmere Homes Ltd (Pages 9 - 30)**

To consider the above planning application.

6. **16/0574C Land East of Rushcroft, Congleton Road, Sandbach: Residential Development comprising up to 7No Dwellings for Edward Dale, The Dale Land Trust (Pages 31 - 42)**

To consider the above planning application.

7. **15/3979N Heathcote, Sandy Lane, Aston CW5 8DG: Outline Planning Application for the Demolition of Existing House and the Construction of an Access Road with Residential Development on Existing Garden Area and Paddock Land for John Carter (Pages 43 - 56)**

To consider the above planning application.

8. **15/5650C Thimswarra Farm, Dragons Lane, Moston: Variation or removal of Condition 5 on application 14/3086C for Mr P Cosnett (Pages 57 - 68)**

To consider the above planning application.

9. **15/1666N Land at Bowe's Gate Road, Bunbury, Cheshire CW6 9PL: The erection of 11 no. new dwellings including affordable housing for Rural Housing Trust (Pages 69 - 86)**

To consider the above planning application.

10. **15/4326C Croxtonbank, 36, Croxton Lane, Middlewich, Cheshire CW10 9EZ: Outline application for development comprising the demolition of one existing dwelling (36 Croxton Bank) and construction of 27 residential units, including a new access, affordable housing provision and area of public space for Lizzie Smith, Renew Land Developments Ltd (Pages 87 - 102)**

To consider the above planning application.

11. **14/4451C Land Off Manchester Road, Congleton, Cheshire CW12 2NA: Erection of up to 137 dwellings with associated infrastructure (Phase 1) for P E Jones (Conctractors) Ltd (Pages 103 - 132)**

To consider the above planning application.

12. **14/4452C Land Off Manchester Road, Congleton, Cheshire CW12 2NA: Erection of up to 95 dwellings with associated infrastructure (Phase 2) for P E Jones (Contractors) Ltd (Pages 133 - 162)**

To consider the above planning application.

13. **15/5329C Land at Erf Way, Middlewich, Cheshire: Gas fuelled capacity mechanism embedded generation plant to support the National Grid for Mr David Sheppard (Pages 163 - 172)**

To consider the above planning application.

14. **16/0014N Rose Cottage, 50, Stock Lane, Wybunbury, Cheshire CW2 5ED: All matters except access - to include, appearance, layout, landscaping and scale for M Beeston (Pages 173 - 180)**

To consider the above planning application.

THERE ARE NO PART 2 ITEMS

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 30th March, 2016 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

Councillor G Merry (Chairman)

Councillors Rhoda Bailey, M Beanland (for Cllr Bebbington), E Brooks (for Cllr Weatherill), P Butterill, J Clowes, W S Davies, S Edgar, P Groves, S Hogben, A Kolker, J Rhodes, B Roberts and B Walmsley

OFFICERS PRESENT

Daniel Evans (Principal Planning Officer)
Patricia Evans (Senior Planning and Highways Lawyer)
Andrew Goligher (Principal Development Control Officer - Highways)
Sue Orrell (Principal Planning Officer)
Julie Zientek (Democratic Services Officer)

Apologies

Councillors M J Weatherill and D Bebbington

Apologies due to Council Business

Councillor D Marren

167 DECLARATIONS OF INTEREST/PRE DETERMINATION

The following declarations were made in the interests of openness:

With regard to application number 15/5329C, Councillor B Walmsley declared that it was in her Ward but that she had kept an open mind.

With regard to application number 15/1249N, Councillor P Groves declared that he had had some involvement with this application via the Council's Regeneration team. He would not take part in the debate with respect to this application but would remain in the room.

With regard to application number 15/5508C, Councillor R Bailey declared that it was in her Ward but that she had kept an open mind.

168 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meeting held on 2 March 2016 be approved as a correct record and signed by the Chairman.

169 **15/5425N - FIELDS VIEW, AUDLEM ROAD, HANKELOW CW3 0JE:
ERECTION OF DETACHED BUNGALOW FOR MR A D PURTON AND
MISS S PARKES**

The Committee considered a report regarding the above planning application.

RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:
 - 1. Commencement of Development
 - 2. Plans
 - 3. Submission of materials detail
 - 4. Nesting birds
 - 5. Submission / Approval of a Surface Water Disposal Scheme
 - 6. Submission / Approval of Access Details including relocation of the speed limit sign
 - 7. Removal of Permitted development Rights – Extensions, Outbuildings and Dormer windows
 - 8. Submission and approval of boundary treatment details including boundary treatment along the entire boundary with Fields View
- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Planning (Regulation) in consultation with the Chairman (or in her absence, the Vice Chairman) of the Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

170 **15/5683N - LAND NORTH OF PARKERS ROAD, LEIGHTON:
APPLICATION TO VARY CONDITION 3 (APPROVED PLANS) TO
VARY THE APPROVED HOUSE TYPES OF PERMISSION 11/1879N;
HYBRID PLANNING APPLICATION SEEKING RESIDENTIAL
DEVELOPMENT FOR UP TO 400 NEW DWELLINGS WITH OPEN
SPACE; COMPRISING A FULL PLANNING APPLICATION FOR PHASE
A OF 131 DWELLINGS AND PHASE B WHICH SEEKS OUTLINE
PLANNING PERMISSION FOR UP TO 269 DWELLINGS WITH ACCESS
AND ASSOCIATED INFRASTRUCTURE. IN RESPECT OF THE
OUTLINE ELEMENT (PHASE B), ONLY ACCESS IS SOUGHT FOR
APPROVAL AND ALL OTHER MATTERS ARE RESERVED FOR
DETERMINATION AT A LATER DATE FOR MR JORDAN CLARKE,
BLOOR HOMES NORTH WEST**

The Committee considered a report regarding the above planning application.

RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED subject to the completion of a Section 106 Deed of Variation securing the same obligations as 14/3389N:
1. Provision of education contribution of £398,990
 2. Provision of £300,000 towards highway improvements to the Remer Street corridor and the provision of a drop-off lay-by at Leighton Primary School. (To include the provision for £200K for the layby to be requested after commencement)
 3. Provision of public open space including amenity greenspace and an equipped children's play area conforming to NEAP Standard, to include:
 - a. A minimum of 8 pieces of equipment,
 - b. 1.4 metre high bowtop railing surround with two pedestrian access gates and a double leaf vehicular access gate.
 - c. Railings to be painted green and pedestrian gates to be yellow.
 - d. Equipment to be predominantly metal, inclusive, and conforming to BS EN 1176.
 - e. Equipment to have wetpour safer surfacing underneath it, conforming to BS EN 1177.
 - f. Surfacing between the wetpour to be tarmacadam with precast concrete edging surround.
 - g. Access paths to gates to be tarmacadam
 4. Provision for future management of children's play areas and amenity greenspace to include transfer to and future maintenance by a private management company.
 5. Provision of 10% of the 400 units proposed across the whole site as affordable housing in perpetuity. The tenure split to be on a 25% social/affordable rent, 75% intermediate tenure basis. Phase B to include key worker housing to be agreed as part of subsequent reserved matters applications.
 6. Overage clause
 7. Travel Plan Monitoring Fee £5000
 8. Contribution of £25,000 for the provision of Green Infrastructure within Crewe and the environs of the site.

and the following conditions:

1. Standard outline time limit (Phase B)
2. Plans
3. Materials
4. Boundary Treatment
5. Landscaping submission
6. Landscaping implementation
7. Features for use by birds and bats
8. Habitat creation and management plan in accordance with details submitted as part of application 14/4882D
9. Design of proposed pond in accordance with plan reference G3333.04a

10. Design and layout of the proposed newt mitigation area including proposals to ensure no public access in accordance with details submitted as part of application 14/4882D
 11. Bin Storage to be provided to the rear garden of each plot
 12. Compliance with flood Risk Assessment
 13. Restrict surface water run-off
 14. Surface water attenuation
 15. Minimum Floor Levels
 16. Surface Water Regulation Scheme
 17. Site to be drained on a separate system
 18. Phase II contaminated land – validation report
 19. Compliance with submitted Travel Plan submitted as part of application 14/3414D
 20. Electric Vehicle charging points in accordance with details submitted as part of application 14/4882D
 21. Limit hours of construction to 08:00 – 1800 Monday to Friday and 0900 – 1400 on Saturday with no working on Sunday or Bank Holiday
 22. External lighting in accordance with plan reference SECTION_38_STREET_LIGHTING_DESIGN Rev A
 23. Construction of access and highway improvements in accordance with plan reference SCP/11531/D100 Rev E
 24. Provision of Parking
 25. Highway Construction details as specified on plans reference 5309 1A/05-02 Rev B and 5309 1A/05-01 Rev B approved as part of application 15/4826D
 26. Replacement hedge and tree planting
 27. Tree / hedge protection measures in accordance with details submitted as part of application 14/4882D
 28. Implementation of Tree / hedge Protection
 29. Arboricultural Method Statement in accordance with details submitted as part of application 14/4882D
 30. Code for Sustainable Homes Level 3
 31. Noise Impact Assessment
 32. Compliance with apprenticeship scheme
- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Planning (Regulation) in consultation with the Chairman (or in her absence, the Vice Chairman) of the Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

171 **15/1249N - GRENSON MOTOR CO LTD, MIDDLEWICH ROAD,
MINSHULL VERNON, CHESHIRE CW1 4RA: PROPOSED
CONSTRUCTION OF 10 NO. DWELLING COMPLETE WITH ACCESS,
ASSOCIATED PARKING AND LANDSCAPING FOR SEAN
PATTINSON, GRENSON LTD**

The Committee considered a report regarding the above planning application.

RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED subject to the completion of a S106 Agreement to secure the following:

The reserved matters application to include the submission of an updated viability report which shall be assessed by an independent viability consultant (agreed between both parties and paid for by the applicant) which shall determine any affordable housing provision to be provided at the reserved matters stage.

and the following conditions:

1. Submission of Reserved Matters
 2. Application for Approval of Reserved Matters
 3. Commencement of Development
 4. Plans
 5. Noise mitigation measures (construction of the dwellings)
 6. Noise mitigation measures (fencing)
 7. Dust control measures to be submitted for approval
 8. Submission / Approval of Information regarding Contaminated Land
 9. Surface Water Drainage Scheme
 10. Surface Water Disposal via SUDs
 11. Protection of Great Crested Newts
 12. Tree Protection Condition
 13. Construction Management Plan
- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Planning (Regulation) in consultation with the Chairman (or in her absence, the Vice Chairman) of the Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.
- (c) That, should this application be the subject of an appeal, authority be delegated to the Head of Planning (Regulation) in consultation with the Chairman of the Southern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the following:

- The reserved matters application to include the submission of an updated viability report which shall be assessed by an independent viability consultant (agreed between both parties and paid for by the applicant) which shall determine any affordable housing provision to be provided at the reserved matters stage.

172 15/3979N - HEATHCOTE, SANDY LANE, ASTON CW5 8DG: OUTLINE PLANNING APPLICATION FOR THE DEMOLITION OF EXISTING HOUSE AND THE CONSTRUCTION OF AN ACCESS ROAD WITH RESIDENTIAL DEVELOPMENT ON EXISTING GARDEN AREA AND PADDOCK LAND FOR JOHN CARTER

The Committee considered a report regarding the above planning application.

RESOLVED – That the application be DEFERRED for a Committee site inspection to enable Members to assess the impact of the proposed development.

173 15/5259C - LAND TO THE NORTH OF 24 CHURCH LANE, SANDBACH: ERECTION OF 12 DWELLINGS FOR CHELMERE HOMES LTD

The Chairman reported that this application had been withdrawn from the agenda prior to the meeting.

174 15/5329C - LAND AT ERF WAY, MIDDLEWICH, CHESHIRE: GAS FUELLED CAPACITY MECHANISM EMBEDDED GENERATION PLANT TO SUPPORT THE NATIONAL GRID FOR MR DAVID SHEPPARD

Note: Mr D Sheppard attended the meeting and addressed the Committee on behalf of the applicant.

The Committee considered a report regarding the above planning application.

RESOLVED – That the application be DEFERRED for the following additional information:

- Environmental health consultation response
- Details of air quality impact/CO2 emissions
- Photographs of other similar developments
- Noise information

175 15/5508C - LAND ADJACENT 23, SANDBACH ROAD, CHURCH LAWTON, CHESHIRE EAST, ST7 3DW: TWO DWELLINGS AT HOUSE PLOT NUMBERS 19 AND 21 SANDBACH ROAD, CHURCH LAWTON FOR MR ANTHONY CHADWICK

The Committee considered a report regarding the above planning application.

RESOLVED

- (a) That, contrary to the planning officer's recommendation for approval, the application be REFUSED for the following reason:

The proposed development lies outside of the village settlement boundary and would not represent infill development. The development would be contrary to Policy PS7 of the Congleton Borough Local Plan First Review 2005, Policy PG3 of the Local Plan Strategy Proposed Changes (Consultation Draft) March 2016 and guidance contained within paragraph 89 of the NPPF.

- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Planning (Regulation), in consultation with the Chairman (or in her absence the Vice Chairman) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

176 **15/5846C - TALL ASH FARM TRIANGLE, BUXTON ROAD, CONGLETON, CHESHIRE CW12 2DY: CONSTRUCTION OF THREE NEW RESIDENTIAL DWELLINGS (RESUBMISSION OF APPLICATION REFERENCE 12/4082C) FOR MR PETER HUDSON**

The Committee considered a report regarding the above planning application.

RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:

1. Implementation period 2 years
2. Plans
3. Materials
4. Hours of construction
5. Hours of piling
6. Piling method statement
7. Prior submission and approval of site compound position, to include implementation
8. Landscaping (details)
9. Landscaping (Implementation)
10. Boundary treatment
11. Obscure glazing (House 3 – First Floor bathroom window on western elevation)
12. Construction management plan, to include implementation
13. Drainage
14. Levels
15. Tree protection

16. Incorporation of bat features, to include implementation
 17. Prior submission/approval of revised site access plan/site plan showing larger turning head
- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Planning (Regulation), in consultation with the Chairman (or in her absence the Vice Chairman) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

177 16/0105N - CHERRY TREE COTTAGE, CHESTER ROAD, ALPRAHAM, CHESHIRE, CW6 9JA: OUTLINE APPLICATION FOR PROPOSED DETACHED COTTAGE FOR MR ALISTAIR NEWSOME

The Committee considered a report regarding the above planning application.

RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:
1. Time period for submission of reserved matters
 2. Commencement of development
 3. Submission of reserved matters (all matters)
 4. Approved plans
 5. Submission of drainage scheme to include foul and surface water
 6. Breeding bird survey for works in the nesting season
 7. Submission of details of features suitable for use by breeding birds and roosting bats.
- (b) That, in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) be granted delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

The meeting commenced at 10.00 am and concluded at 12.00 pm

Councillor G Merry (Chairman)

Application No: 15/5259C

Location: LAND TO THE NORTH OF, 24, CHURCH LANE, SANDBACH

Proposal: Erection of 12 dwellings

Applicant: Chelmere Homes Ltd

Expiry Date: 10-Mar-2016

SUMMARY

The application site lies entirely within the Open Countryside as determined by the Congleton Borough Local Plan First Review 2005.

Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by Local Plan Policy H6. The proposed development does not fall within any of the listed categories and as such, there is a presumption against the proposal unless material considerations indicate otherwise.

Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites and that where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development

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

In this case, the development would provide positive planning benefits such as; the provision of a market and affordable dwellings in a sustainable location and the knock-on minor local economic benefits such a development would bring.

Balanced against these benefits must be the dis-benefits, which in this case would be the loss of open countryside.

All other issues are considered to be mitigated against by the use of planning conditions or a S106 Agreement and as such, are considered to have a neutral impact.

In this instance, is considered that the benefits of the scheme would outweigh the dis-benefits.

On the basis of the above, it is considered that the proposal represents sustainable development. Applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits. Accordingly it is recommended for approval.

RECOMMENDATION

APPROVE subject to a S106 agreement and conditions

PROPOSAL

Full planning permission is sought for the erection of 12 no. dwellings.

The application is a re-submission of 14/3624C which was refused by Cheshire East Council and subsequently dismissed at appeal.

The applicant has sought to address the outstanding concerns within the appeal decision by submitting an amended layout plan. The changes made to this plan in comparison to the refused scheme include;

- A reduction in the number of dwellings sought from 13 to 12
- The removal of the 2 pairs of semi-detached units in the northern corner of the site (including former plots 10-13) and the insertion of 1 detached dwelling in this corner with a different orientation
- A re-siting of the 4 on-site affordable dwellings
- The re-siting of the dwelling originally proposed on plot 1 (closest to Church Lane) further to the north and re-labelled as Plot 2
- Changes to the siting of the following dwellings: dwelling formerly on plot 3 further to the north-east, dwelling formerly on plot 2 further to the north and dwelling formerly on plot 6 further to the north
- Changes to the siting of parking
- Changes to the dwelling types/styles

SITE DESCRIPTION

The application site comprises of a field measuring 0.5 ha situated to the north and east of Church Lane in Sandbach. The site is bound along its eastern boundary by the M6 motorway and to the south by 2 no. residential properties. The site is located in the Open Countryside as designated in the Congleton Borough Local Plan First Review.

RELEVANT HISTORY

14/3624C - Erection of 13 dwellings (re-submission 13/5221C) – This application was refused by Cheshire East Council on the 24th October 2014 for the following reasons;

1. *The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies PS8 and H6 of the Congleton Borough Adopted Local Plan First Review 2005, Policy PG5 of the emerging Cheshire East Local Plan Strategy – Submission Version and the principles of the National Planning Policy Framework which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such the proposed development creates harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework and consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.*
2. *The proposed residential use would be subject to unacceptable levels of noise generated from the M6 Motorway. The site is not suitable for residential development due to the inability to mitigate noise to a satisfactory level for outside living/amenity areas without significant mitigation. Such mitigation in the form of the proposed 4 metre high noise attenuation barrier would appear visually intrusive and prominent and would appear detrimental to the character and appearance of the site and the area. The approval of the development would be contrary to Policies GR1, GR2 and GR6 of the adopted Congleton Borough Local Plan First Review and SE1, SD1 and SD2 of the emerging Cheshire East Local Plan Strategy – Submission Version, thereby causing harm to the objectives of those policies.*

This application was appealed. The Council did not defend the Housing Land Supply (HLS) reason for refusal (Reason 1) at the appeal because between the date of the determination of the planning application and the appeal, it was established that Cheshire East Council could not demonstrate a 5-year HLS position.

The application was subsequently dismissed by the Planning Inspectorate on the 23rd June 2015.

The sole ground for refusal concerned the proximity of the acoustic fence and the orientation of the properties which the Inspector opined would have a detrimental impact upon the outlook and the amount of sunlight/daylight received by the front living rooms and gardens of plots 10 to 13.

It was in turn considered that this would have an unacceptable impact upon living conditions and be contrary to Policy GR1 of the Local Plan.

13/5221C - Erection of 13 dwellings – Withdrawn 18th March 2014

LOCAL & NATIONAL POLICY

Sandbach Neighbourhood Plan (SNP)

The Sandbach Neighbourhood Plan has been made on 12th April 2016 under 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 and now forms part of the Development Plan for Cheshire East. The relevant Policies in the Neighbourhood Plan are:

PC1 (Areas of Separation) and H1 (Housing growth), H2 (Design and Layout), H3 (Housing mix and type), H4 (Housing and an Ageing Population) and H5 (Preferred Locations)

Congleton Borough Local Plan

The Development Plan for this area is the 2005 Congleton Borough Local Plan, which allocates the site, under Policy PS8, as Open Countryside

The relevant Saved Policies are;

PS8 – Open Countryside, GR2 – Design, GR6 - Amenity and Health, GR9 - Highways & Parking, GR20 – Public Utilities, GR22 – Open Space Provision, NR3 – Habitats

Cheshire East Local Plan Strategy – Submission Version (CELP)

The following are considered relevant material considerations as indications of the emerging strategy:

Policy SD 1 Sustainable Development in Cheshire East, Policy SD 2 Sustainable Development Principles, Policy SE 1 Design, Policy SE 2 Efficient Use of Land, Policy SE 3 Biodiversity and Geodiversity, Policy SE 4 The Landscape, Policy SE 5 Trees, Hedgerows and Woodland, Policy SE 9 Energy Efficient Development, Policy SE 12 Pollution, Land Contamination and Land Instability, Policy IN 1 Infrastructure, Policy IN 2 Developer Contributions, Policy PG 1 Overall Development Strategy, Policy PG 2 Settlement Hierarchy, Policy PG 5 Open Countryside and Policy SC 4 Residential Mix

National Policy

The National Planning Policy Framework establishes a presumption in favour of sustainable development. Of particular relevance are paragraphs:

14 - Presumption in favour of sustainable development, 17 – Core planning principles, 47-50 - Wide choice of quality homes, 55 - Isolated dwellings in the countryside, 56-68 - Requiring good design, 69-78 - Promoting healthy communities

Supplementary Planning Documents:

Interim Planning Statement: Affordable Housing (Feb 2011)
North West Sustainability Checklist
SPG2 - Provision of Private Amenity Space in New Residential Development
The EC Habitats Directive 1992

CONSULTATIONS

Head of Strategic Infrastructure (HSI) – No objections, subject to conditions

Highways Agency – No objection, subject to conditions

Environmental Protection (Cheshire East Council) – No objections, subject to a number of conditions including; the implementation of noise mitigation; the prior submission/approval of an

Environmental Management Plan; the prior approval of air quality mitigation measures; prior approval of a contaminated land works; the testing of soil or soil forming materials

Flood Risk Manager (Cheshire East Council) – No objections, subject to a condition requiring the prior approval of a Flood Risk Assessment

United Utilities – No objections, subject to a condition that the site be drained on a separate system and the prior approval of a surface water drainage scheme

Housing (Cheshire East Council) – No objections, subject to the 30% affordable housing provision (4 on-site units) being secured via a S106 Agreement

ANSA Greenspaces (Cheshire East Council) – There is a deficiency in the quantity of provision of amenity Greenspace accessible in the area should the application be approved. As such a financial contribution is required towards enhancement of public open space/play provision within the vicinity of the proposed development (Church Lane). The contributions sought are;

Enhanced provision: £2,166.03
Maintenance: £4,848.25 (25 years)

With regards to Children and Young Person Play provision, the following contributions are sought;

Enhanced provision: £3,754.37
Maintenance: £12,238.50 (25 years)

Education (Cheshire East Council) – Development will generate 2 primary and 2 secondary aged pupils. The development is forecast to increase an existing shortfall for secondary provision in the immediate locality, but no impact upon primary or Special Educational Needs provision.

In light of this the following contributions are required: Secondary = £32,685

Sandbach Town Council – Object on the following grounds:

- Amenity – Noise mitigation insufficient, overbearing impact of fence mitigation
- Landscape – Impact of fence on landscape

REPRESENTATIONS

Neighbour notification letters were sent to all adjacent occupants, a site notice was erected and an advert placed in the local paper.

Approximately 17 letters of representation have been received objecting to the proposal and some of these have been forwarded on by Fiona Bruce MP. The main areas of objection are:

- Principle of development
- Impact upon Green Belt
- Loss of agricultural land

- Sustainability of the location
- Ecology – Impact upon protected species / wildlife
- Impact upon hedgerows
- Highway safety – Poor access, poor visibility, limited access for refuse and emergency vehicle access, no disabled parking, insufficient information
- Design – Character and scale
- Amenity – Loss of privacy / overlooking, light, visual intrusion, noise and dust, land contamination
- Inaccurate statements within documentation
- Impact upon schools
- No footpath links / pedestrian safety / cyclist safety
- No need for more housing / affordable housing in this location
- Flooding
- No waste disposal information
- Poor public transport links
- Future development pressures

1 letter of support has also been received.

APPRAISAL

The key issues are:

- The principle of the development
- Sustainability including the proposal's Environmental, Economic and Social role
- Planning Balance

Principle of Development

The NPPG advises that where the Local Planning Authority (LPA) cannot demonstrate a five-year supply of deliverable housing sites, decision makers may still give weight to relevant policies in neighbourhood plans, even though these policies should not be considered up-to-date.

As such, although weight that can be given to the SNP, at present due to the Council's Housing Land Supply position, this weight is limited and this feeds into the overall planning balance of the proposal.

The site is designated as being within the Open Countryside where Policy PS8 (Open Countryside) of the Local Plan states that development will only be permitted if it falls within one of a number of categories.

As the proposed development is for the erection of 12 new dwellings in the Open Countryside, it is subject to Policy H6 of the Congleton Local Plan and Policy PG5 of the emerging Cheshire East Local Plan Strategy – Submission Version.

Policies H6 and PG5 advise that residential development within the Open Countryside will not be permitted unless it falls within a number of categories.

The proposed development does not fall within any of the categories listed within Policies PS8 and H6 relating to development within the open countryside. As a result, it constitutes a “departure” from the development plan and emerging plan and as such, there is a presumption against the proposal.

The application does not fall within an Area of Separation as defined by the SNP, but is sited outside of the settlement boundary. In such locations, Policy H1 permits housing development to meet the housing requirement established in the Cheshire East Council Local Plan through existing commitments, sites identified in the Cheshire East Local Plan (Strategy and Allocations Documents) and windfalls.

The issue in question is whether the development represents sustainable development and whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy objection. These are considered below.

Housing Land Supply

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

The information presented to Full Council as part of the LPS proposed changes included the Council's 'Housing Supply and Delivery Topic Paper' of February 2016.

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

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

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

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

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

In the context of the SNP, the NPPG advises that where the Local Planning Authority (LPA) cannot demonstrate a five-year supply of deliverable housing sites, decision makers may still give weight to relevant policies in the emerging neighbourhood plan, even though these policies should not be considered up-to-date.

As such, although weight that can be given to this SNP, at present due to the Council's Housing Land Supply position, this weight is limited and this feeds into the overall planning balance of the proposal.

This matter is further emphasised in light of the Richborough Court of Appeal decision. The judges concluded that paragraph 49 refers to all policies 'affecting' housing land supply in its widest context – this includes any policy which is capable of preventing land from being developed for housing. As such all such housing policies could be considered to be out of date.

However, whereas previously 'out of date' policies have been given little or any weight, it was clear that they are not irrelevant and should be given weight. The judges were clear that it is for the decision maker to consider what weight to give to the competing issues in arriving at a decision.

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.

The issue in question is whether the development represents sustainable development and whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy objection. These are considered below.

Environmental role

Locational Sustainability

To aid this assessment, there is a toolkit which was developed by the former North West Development Agency. With respect to accessibility, the toolkit advises on the desired distances to local amenities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

The 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”

Accessibility is a key factor of sustainability that can be measured. One methodology for the assessment of walking distance is that of the North West Sustainability Checklist, backed by the Department for Communities and Local Government (DCLG) and World Wide Fund for Nature (WWF). The Checklist has been specifically designed for this region and can be used by both developers and architects to review good practice and demonstrate the sustainability performance of their proposed developments. Planners can also use it to assess a planning application and, through forward planning, compare the sustainability of different development site options.

The criteria contained within the North West Sustainability Checklist are also being used during the Sustainability Appraisal of the Cheshire East Local Plan. With respect to accessibility, the toolkit advises on the desired distances to local facilities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

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

- Public house (1000m) - 400m
- Child care facility (1000m) – 700m
- Bus stop (500m) – 350m
- Public right of way (500m) – 50m
- Primary School (1000m) – 900m
- Outdoor Sports Facility – (1000m) – 600m
- Local meeting place (1000m) – 200m

Where the proposal fails to meet the standards, the facilities in question are still within a reasonable distance of those specified and are therefore accessible to the proposed development. Those facilities are:

- Amenity open space (500m) – 600m
- Children's Play space (500m) – 600m
- Bank or Cash Machine (1000m) – 1100m

The following amenities/facilities fail the standard:

- Railway station (2000m) – 3800m
- Any transport node – 3800m
- Post Office (500m) – 1200m
- Convenience Store (500m) – 1100m
- Post Box (500m) – 1000m
- Pharmacy (1000m) – 2000m
- Medical Centre (1000m) – 2000m
- Supermarket (1000m) – 2900m
- Leisure Facilities (Leisure Centre or Library) (1000m) – 2575m
- Secondary School (1000m) – over 3000m

In summary, the site does not comply with the majority of the standards advised by the NWDA toolkit. Furthermore, there are no footpaths currently leading from the site in any to any of the facilities within the recommended distances other than the church on the opposite side of the road.

Church Lane appears to be a well used busy road and it seems likely that any future residents of the proposed houses would use private transport to access any services, facilities or local workplaces.

Although there is a bus stop within walking distance, given the lack of footpaths, it is unlikely that future residents will walk to this stop to access sustainable transport.

Accordingly, it was considered as part of the previous application that this site is not located in a sustainable location with regards to its distance from public facilities.

Notwithstanding the above, the Inspector as part of the dismissed appeal concluded that the site was in a sustainable location.

As such, the application site is considered to be locationally sustainable.

Environmental role

Landscape

The application proposes a 4 metre high acoustic barrier along the entire eastern boundary of the site with the M6 motorway and a section of the north-western boundary.

Concerns were originally raised by the Council to the impact that this feature would have on the wider landscape.

However, within paragraph 17 of the Inspector's decision to the previous application with specific reference to the 4 metre fence, the Planning Inspector advised;

'Given the density and maturity of existing screening on the boundaries of the site, there would only be limited glimpses of the fence from vantage points outside the site to the west. From the footpath on the bridge over the M6, from the M6 itself and from Reynolds Lane to the east of the motorway there would be restricted views of the fence limited to about 1m above the top of the existing hedge. It is not unusual for drivers and passengers in vehicles on a motorway to see fencing of various heights along its boundary. Thus, given that pedestrians on the surrounding roads and drivers/passengers would have very limited and fleeting views of the fence, it would not adversely affect the character and appearance of the wider area.'

In light of this Inspector conclusion, no objections to the 4 metre fence are raised in landscape terms, subject to landscaping conditions.

Trees and Hedgerows

There is off-site tree cover to west adjoining Church Lane with some trees overhanging the site boundary and trees to the east adjacent to the motorway. Tree cover within the site is mainly to the north. There are hedges to the northwest and eastern boundaries.

An updated Tree report and Arboricultural Impact Assessment (AIA) and Method Statement has been received during the application process.

This survey concludes that 4 trees are identified for removal, 3 grade B and 1 grade C. A further Grade B tree would be retained on plot 1 but would need pruning to accommodate construction works and an off site Grade C tree would have to be pruned to accommodate the acoustic fence on the same plot. I consider there would be likely to be threat of removal of the Grade B tree on plot 1 in the future due to the social proximity with the dwelling.

The loss of Grade B trees and a significant length of hedgerow is a material consideration.

The Council's Tree Officer has advised that this strip may be an 'Important Hedgerow' and as such, it's loss needs to be weighed in the planning balance.

The Council's Tree Officer has advised that should the vegetation impacts be accepted in the overall planning balance, it would be essential to secure planting in mitigation of losses. In the event of approval, arboricultural conditions would be appropriate requiring that the submitted tree and hedge protection measures and arboricultural method statement should be adhered to. A condition requiring details of all service routes to be submitted and agreed is also suggested.

Design

Generally, the proposed layout would introduce a linear pattern running parallel with the rear boundary of the site with the M6 motorway. This would then terminate towards the northern end of the site where the development would be arranged around a cul-de-sac. 4 units would be sited closer to Church Lane, 3 of which would front Church Lane itself to the west and a 4th would lie side-on to Church Lane and front in a south-westerly direction.

With respect to the design and external appearance of the development, the units would be generous sized two storey dwellings, some with accommodation within the roof space to provide a third storey. Whilst the area is characterised by bungalow style properties, this site is generally detached from such properties and would achieve sufficient separation so as to not dominate them in visual terms. The bulk of the properties would be positioned towards the rear of the site reducing their intrusiveness.

Given the mix in character of properties in the area, and having regard to the fact that the site would be slightly detached, the design of the dwellings would not appear out of keeping with the area.

With respect to the general impact that the scheme would have, the proposal would require the provision of a noise attenuation barrier along the boundary with the M6 motorway. The proposed fence would provide sound reduction to the houses and their garden areas to try and mitigate the noise from the motorway.

As advised within the Landscaping section of this report, the Planning Inspector did not consider that this feature would adversely affect the character and appearance of the wider area.

The proposal is therefore considered to adhere with Policy H2 of the SNP and GR2 of the Local Plan.

Highway Safety

Policy IFT1 of the SNP advises that development should be located in an acceptable location in relation to the existing network with good accessibility.

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

The proposed site would be served by an access directly off Church Lane. The access would be located towards the southerly part of the site frontage adjacent to the side boundary shared with no. 24 Church Lane.

The application has been reviewed by the Highways Agency and the Council's Head of Strategic Infrastructure (HSI).

This Highways Agency have advised that they have no objections to the proposed development, subject to the following conditions; that there should be no direct vehicular or pedestrian access between the site and the adjacent M6 motorway/ to this end, a close boarded fence or similar solid barrier of an appropriate height shall be erected and thereafter retained along the boundary of the site to the satisfaction of the LPA. The fence shall be erected and retained behind the existing motorway boundary fence on the developer's land and be independent of existing fencing; There shall be no development on, or adjacent to, any motorway embankment that shall put an embankment or earthworks at risk; No drainage system from the proposed development shall run off into the motorway drainage system, nor shall any such new development adversely affect any motorway drainage. It is recommended that these be added as informatives.

The original Highways response sent 22/01/16 recommended refusal due to inadequate site access visibility.

Since the response, further information has been submitted detailing that the visibility splay falls within the applicants land or within the adopted highway.

As a result of the additional information received, no objections are raised by the Council's Head of Strategic Infrastructure (HSI), subject to the following conditions;

- Any obstructions within the visibility splay shown on plan CH/24S/DL9AA-C should be removed before commencement of development.
- A construction management plan detailing construction vehicle parking and contractor car parking should be submitted and approved prior to commencement of development.

The Council's HSI has also advised that the 30mph zone should be extended further northwards via a Traffic Regulation Order to provide these off-site mitigation works and this should be secured by a S106 Agreement.

As this matter 30mph issue was not raised by the HSI on the last 2 applications on this site and the HSI raised no objections on highway safety grounds subject to conditions on these previous applications, it is not considered that this S106 is necessary or reasonable to make the development acceptable in this instance and as such, should not be sought as it would be contrary to CIL regulations.

Subject to the conditions requested only, it is considered that the proposal would not create any significant highway safety concerns and adhere with Policy IFT1 of the SNP and Policy GR9 of the Local Plan.

Flood Risk and Drainage

The application site does not fall within a Flood Risk Zone and is not of a scale that requires the submission of a Flood Risk Assessment (FRA).

Both United Utilities and the Council's Flood Risk Officer has reviewed the submission and advised that he has no objections, subject to conditions.

Ecology

The application is supported by an Extended Phase 1 Habitat Survey.

Badgers

An updated badger survey has been submitted. No evidence of badgers was recorded and the Council's Nature Conservation Officer therefore advises that this species is not likely to be affected by the proposed development.

Grasslands

The Council's Nature Conservation Officer has advised that the grassland habitats on site are of relatively low value and do not present a significant constraint upon the development of this site. The development proposals however may still result in an overall loss of biodiversity. The Council's Nature Conservation Officer therefore recommends that the residual impacts of the development be off-set by means of a commuted sum that could be utilised to fund off site habitat creation/enhancement potentially within the Meres and Mosses Nature Improvement.

The following method of calculating an appropriate commuted sum has been provided. This is based on the Defra report 'Costing potential actions to offset the impact of development on biodiversity – Final Report 3rd March 2011'):

The loss of habitat (Semi improved grassland) amounting to roughly 0.5ha.

• Cost of creation of Lowland Grassland 0.5ha x £11,293.00 (cost per ha) = £5646.50 (Source UK BAP habitat creation/restoration costing + admin costs)

Hedgerows

Hedgerows are a UK BAP priority habitat and hence a material consideration. The proposed development will require the removal of a section of species poor defunct hedgerow to facilitate the site entrance. The Council's Nature Conservation Officer has recommended that if planning consent is granted it must be ensured that this loss is compensated for through the enhancement of the remaining hedgerows on site and the planting of additional hedgerows as part of the detailed landscaping of the site.

The Council's Nature Conservation Officer has advised that the existing tall hedgerows on site have potential to support foraging and commuting and foraging bats and consequently recommends that the hedgerows are maintained in their current form as part of the landscaping scheme for the site.

Breeding birds

If planning consent is granted the conditions are required to safeguard breeding birds and to ensure some additional provision is made for nesting birds and roosting bats.

Subject to the above, it is considered that the development would adhere with Policy PC4 of the SNP, Policy NR2 of the Local Plan and Policy SE3 of the emerging Cheshire East Local Plan Strategy – Submission Version.

Environmental Conclusion

The proposed revised development would be of an acceptable design that would not create any significant issues in relation to; landscape, trees, highway safety, drainage or flooding and ecology. As such, it is considered that the proposed development would be environmentally neutral.

Other economic considerations

It is accepted that the construction of a housing development of this size would bring the usual economic benefit to the closest shops in Sandbach for the duration of the construction, and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain. There would be some economic and social benefit by virtue of new resident's spending money in the area and using local services.

As such, it is not considered that the proposed development would be economically sustainable.

Other social considerations

Open Space

Whilst no open space is to be provided as part of the scheme, the application site is located approximately 100 metres distance away from an area of Public Open Space which also accommodates some children's play space.

There is a deficiency in the quantity of provision of amenity Greenspace accessible in the area should the application be approved. As such a financial contribution is required towards enhancement of public open space/play provision within the vicinity of the proposed development (Church Lane). The contributions sought are;

Enhanced provision: £2,166.03

Maintenance: £4,848.25 (25 years)

With regards to Children and Young Person Play provision, the following contributions are sought;

Enhanced provision: £3,754.37

Maintenance: £12,238.50 (25 years)

As such, subject to a commuted sum being agreed and secured via legal agreement, it is considered that the proposal would be in compliance with Local Plan Policy GR22.

Affordable Housing

This is a proposed development of 12 dwellings on a site which according to the submitted application form measures 0.54ha, therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 4 dwellings to be provided as affordable dwellings. The SHMA 2013 shows the majority of the demand in Sandbach is for 2 bedroom dwellings. The majority of the demand on Cheshire Homechoice is for 1 and 2 bedroom dwellings therefore the type of units provided on this site would be acceptable.

The Council's Housing Officer has advised that 3 of the units should be provided as Affordable rent and 1 unit as Intermediate tenure.

The affordable housing provision would be secured as part of a S106 Agreement.

Education

The Council's Education Officer has advised that the development will generate 2 primary and 2 secondary aged pupils. The development is forecast to increase an existing shortfall for secondary provision in the immediate locality, but would have no impact upon primary or Special Educational Needs provision. In light of this the following contributions are sought towards secondary school provision - £32,685

Subject to this, the scheme would be in compliance with the development plan and Policy IN1 of the Cheshire East Local Plan Strategy – Submission Version.

Residential Amenity

According to Policy GR6 of the Local Plan advises planning permission for any development adjoining or near to residential property or sensitive uses will only be permitted where the proposal would not have an unduly detrimental effect on their amenity due to loss of privacy, loss of sunlight and daylight, visual intrusion, and noise.

Supplementary Planning Guidance Note 2 advises on the minimum separation distances between dwellings. The distance between main principal elevations (those containing main windows) should be 21.3 metres with this reducing to 13.8 metres between flanking and principal elevations.

With respect to the existing properties, the nearest dwelling is number 24 Church Lane to the south. This neighbouring dwelling would be sited within the above distances to the closest of the proposed dwellings (Plot 5), but would almost be completely offset.

Consequently, the proposal would not cause material harm to the residential amenity afforded to the nearest neighbouring properties either by reason of loss of privacy, loss of light or visual intrusion. The proposed dwellings would comply with the separation distances.

With regards to noise impacts, the development is in close proximity to the M6 and is subject to high levels of road traffic noise.

The Council's Environmental Protection Officer (EPO) considers that noise levels, whilst far from ideal, could be mitigated to a level which is considered adequate. Mitigation included specialist

glazing and ventilation to protect internal areas, and an acoustic fence to protect external amenity areas.

The applicant has updated the acoustic report in this application to confirm that the revisions achieve the same level of noise protection. As such, the EPO has advised that if the committee is minded to approve the application then conditions should be attached relating to acoustic fencing, and glazing of the proposed dwellings.

The EPO has advised that due to the proximity of the development to other residential properties, there is a need to protect the amenity of nearby residential properties during the construction phase of the development, as such a condition seeking the prior submission of an Environmental Management Plan.

With regards to Air Quality, an Air Quality Report has been submitted by Miller Goodall Environmental Services reference: 101211 dated 9th November 2015. The report considers the impact of existing air quality on the proposed development due to its close proximity adjacent to the M6 motorway.

During the application process, further evidence has been presented to further validate the findings of the initial report. Furthermore, the applicant has provided supportive evidence that the smart M6 motorway scheme (proposed) will not cause any breaches of the Air Quality Objectives at the new development.

As such the report is accepted with respect to this application by the Council's EPO. As per the air quality report, it is advised that conditions should be applied to any approval relating to ventilation of the proposed dwellings.

With regards to contaminated land, the EPO has raised no objections, subject to the following conditions; prior submission / approval of a scope of works addressing the risks posed by land contamination; the submission / approval of a validation report in accordance with the approved remediation strategy and the submission of relevant evidence and verification info of any soil or soil forming materials brought into the site for use in the garden areas of for soft landscaping. In addition, a contaminated land informative is also proposed.

As such, subject to the above conditions, it is considered that the proposal would not create any significant amenity concerns.

Levy (CIL) Regulations

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

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

The proposed commuted sum for ecology is considered necessary, fair and reasonable and given that the proposal will result in the loss of an existing greenfield and the potential habitat that this offers.

The development would result in a deficiency in the quantity of provision of public open space within the area. In order to offset this loss, a contribution towards of site enhancement and maintenance is required. The development would also result in a deficiency in the quantity of provision of children's space within the area. In order to offset this loss, a contribution towards of site enhancement and maintenance is required. This is considered to be necessary, fair and reasonable in relation to the development.

The education contribution is necessary having regard to the oversubscription of local secondary schools and the demand that this proposal would add.

The proposal will trigger the requirement of needed affordable housing in the area.

The above requirements are considered to be necessary, fair and reasonable in relation to the development. The S106 recommendation is compliant with the CIL Regulations 2010.

Planning Balance

The application site lies entirely within the Open Countryside as determined by the Congleton Borough Local Plan First Review 2005.

Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by Local Plan Policy H6. The proposed development does not fall within any of the listed categories and as such, there is a presumption against the proposal unless material considerations indicate otherwise.

Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites and that where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development

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

In this case, the development would provide positive planning benefits such as; the provision of a market and affordable dwellings in a sustainable location and the knock-on minor local economic benefits such a development would bring.

Balanced against these benefits must be the dis-benefits, which in this case would be the loss of open countryside.

All other issues are considered to be mitigated against by the use of planning conditions or a S106 Agreement and as such, are considered to have a neutral impact.

In this instance, it is considered that the benefits of the scheme would outweigh the dis-benefits.

On the basis of the above, it is considered that the proposal represents sustainable development. Applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits. Accordingly it is recommended for approval.

RECOMMENDATION

APPROVE subject to a S106 Agreement to secure;

1. **£5,646.50** to be utilised to fund off site habitat creation/enhancement within the Meres and Mosses Nature Improvement Area. Prior to commencement of development
2. **£23,007.15** towards Public Open Space provision and maintenance (AGS - £2,166.03 - Enhanced provision: £2,166.03 and Maintenance: £4,848.25 (25 years) and CYPP - Enhanced provision: £3,754.37 and Maintenance: £12,238.50 (25 years))
3. Provision of 4 on-site affordable dwellings - 3 provided as affordable rent and 1 unit as Intermediate tenure. The affordable units should be tenure blind and be provided no later than occupation of 50% of the open market dwellings.
4. **£32,685** towards education Secondary school education provision

And conditions;

1. Time – 3 years
2. In accordance with approved plans
3. Materials – Prior submission/approval
4. Any obstructions within the visibility splay shown on plan CH/24S/DL9AA/-C should be removed before commencement of development.
5. Construction Management Plan – Prior submission/approval
6. Flood Risk Assessment – Prior submission/approval
7. Site to be drained on a separate system
8. Surface water drainage scheme – Prior submission/approval
9. Landscaping – Prior submission/approval – To include further hedgerow planting
10. Landscaping – Implementation
11. Boundary treatment – Prior submission/approval
12. Nesting birds - Prior submission/approval
13. Breeding birds and roosting bat features – Prior submission/approval
14. Installation of acoustic fence as detailed in the updated noise report P15-019-R02v1. The fence shall be constructed of 20mm minimum thickness solid timber, with no holes or gaps – Prior to occupation & shall be maintained in perpetuity
15. Installation of the acoustic glazing and ventilation systems as detailed in the updated noise report P15-019-R02v1 - Prior to first occupation
16. Scheme of mechanical ventilation to the properties closest to the M6 - Prior submission/approval. The scheme shall show air drawn from the “clean” façade (furthest from the M6). Shall be installed prior to occupation and shall not be capable of being disabled by the end user (except in emergency, for maintenance or repair). Shall be maintained in perpetuity.
17. Environmental Management Plan – Prior submission/approval

18. Scope of works for addressing the risks posed by Land contamination – Prior submission/approval
19. Validation report – contaminated land – Prior submission/approval
20. Evidence and verification report of imported soil and soil forming materials – Prior submission/approval
21. Tree and hedgerow protection scheme – Implementation
22. Arboricultural Method Statement – Implementation
23. Details of all service routes e.g. pipelines – Prior approval (trees)
24. Acoustic Fence to be dark brown or stained dark brown – Prior submission/approval

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Planning Manager (Regulation) in consultation with the Chair (or in their absence the Vice Chair) of the Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

Should the application be subject to an appeal approval is given to enter into a S106 Agreement to secure the following Heads of Terms:

1. £5,646.50 to be utilised to fund off site habitat creation/enhancement within the Meres and Mosses Nature Improvement Area. Prior to commencement of development
2. £23,007.15 towards Public Open Space provision and maintenance (AGS - £2,166.03 - Enhanced provision: £2,166.03 and Maintenance: £4,848.25 (25 years) and CYPP - Enhanced provision: £3,754.37 and Maintenance: £12,238.50 (25 years))
3. Provision of 4 on-site affordable dwellings - 3 provided as affordable rent and 1 unit as Intermediate tenure. The affordable units should be tenure blind and be provided no later than occupation of 50% of the open market dwellings.
4. £32,685 towards education Secondary school education provision



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Application No: 16/0574C

Location: Land East of Rushcroft, CONGLETON ROAD, SANDBACH

Proposal: Residential Development comprising up to 7No Dwellings

Applicant: Edward Dale, The Dale Land Trust

Expiry Date: 04-Apr-2016

SUMMARY:

The site is located within the Open Countryside where under Policy PS8 there is a presumption against development unless the development falls into one of a number of categories as detailed by Local Plan. The proposed development does not fall within any of the listed categories and as such, there is a presumption against the proposal unless material considerations indicate otherwise.

Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites and that where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development

It is therefore necessary to make a free-standing assessment as to whether the proposal constitutes “sustainable development” in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

The boost to housing supply is an important benefit – and this application achieves this in the context of a deliverable, sustainable housing land release.

Subject to conditions, the proposal is considered to be acceptable in terms of its impact upon highway safety, amenity, drainage, landscape, trees and ecology.

In this instance, it is considered that the benefits of the scheme would outweigh the dis-benefits.

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits. Accordingly it is recommended for approval.

RECOMMENDATION:

APPROVE subject to conditions

DEFERAL

The application was called in to be decided by Members of the Committee by Cllr Moran on 3rd March 2016 as *“the impact on highways traffic generation and safety is causing much concern to residents.*

in terms of:
1. *The new site access proximity to Park house Residential Care Home; and*
2. *The accumulative, additional adverse impact on Congleton Road taking into account current nearby Taylor Wimpey/Seddons house building and yet to start house building on Capricorn site, plus additional new traffic that will use Congleton Road, resulting from the significant other house building in Sandbach.*

A report to Southern Planning Committee will give residents the opportunity to consider highways officers' assessments and then address Members with their highways concerns, as appropriate.”

PROPOSAL

Outline Planning Permission is sought for the residential development of the land for up to 7 dwellings.

This proposal seeks to establish the principle of residential development and the access. Matters of layout, scale, landscaping and appearance are reserved for subsequent approval.

SITE DESCRIPTION

The application site comprises a rectangular parcel of land situated on the northern side of Congleton Road, Sandbach. The site is currently open pasture land.

The site is designated as being within Open Countryside in the adopted local plan.

RELEVANT HISTORY

15/3606S – EIA Screening & Scoping Opinion relating to proposed development Phase 2B - Mixed-use development including employment and residential development, major open space and landscaping, park and ride and associated highway access works and infrastructure

NATIONAL & LOCAL POLICY

Sandbach Neighbourhood Plan (SNP)

The Sandbach Neighbourhood Plan has was made on 12th April 2016 under 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 and now forms part of the Development Plan for Cheshire East. The relevant Policies in the Neighbourhood Plan are:

PC1 (Areas of Separation) and H1 (Housing growth), H2 (Design and Layout), H3 (Housing mix and type), H4 (Housing and an Ageing Population) and H5 (Preferred Locations).

Development Plan:

The Development Plan for this area is the Congleton Borough Local Plan First Review, which allocates the site as being within the within Open Countryside.

The relevant Saved Policies are: -

PS8 –Open Countryside
GR1 - General Criteria for Development
GR2 and GR3 - Design
GR6 - Amenity and Health
GR9 - Accessibility, Servicing and Parking Provision
NR1 - Trees and Woodland
GR21 - Flood Prevention
H1 & H2 - Provision of New Housing Development
H6 - Residential Development in the Open Countryside and the Green Belt

SPG2 - Provision of Private Open Space in New Residential Development

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

Cheshire East Local Plan Strategy – Submission Version (CELP)

The following are considered relevant material considerations as indications of the emerging strategy:

SD1 (Sustainable Development in Cheshire East),
SD2 (Sustainable Development Principles),
SE1 (Design),
SE2 (Efficient Use of Land),
SE4 (The Landscape),
SE5 (Trees, Hedgerows and Woodland),
IN1 (Infrastructure)

National Policy:

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs 14 and 47.

CONSULTATIONS:

Head of Strategic Infrastructure (Highways): No objection, *“the revised access layout received 01/03/16 is to standard and adequate access visibility has been demonstrated. The access location is an acceptable distance from Park House Drive and there have been no recorded road traffic accidents over the last 5 years in the vicinity of the proposal, indicating no existing highway safety issues.”*

Environmental Protection: No objection subject to conditions relating to the noise mitigation scheme and Informatives relating to pile foundations, construction hours of operation and land contamination.

United Utilities: No objection subject to conditions relating to three drainage conditions.

Nature Conservation (Ecology): No objection subject to two conditions relating to nesting birds.

Landscape Officer: No objection as it is not considered that there will be any significant landscape or visual effects.

Parks Management Officer: No objection and no contribution necessary.

Strategic Housing: No objection and no requirement for affordable housing;

“The Councils Interim Planning Statement: Affordable Housing (IPS) states that in Settlements with a population of 3,000 or more 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. This is a development for 7 dwellings on a site which according to the submitted application form is 0.4 hectares in size (0.399ha) and therefore there is no requirement for affordable housing.”

Sandbach Town Council: Object to the proposed development on the grounds that the application goes against Policies PC2 (Landscape Character), H2 (Design and Layout), PC3 (Outside the Zone Line), HC1 (not an existing commitment and not identified in the emerging local plan) and H5 (Preferred Location) of the emerging Sandbach Neighbourhood Development Plan.

REPRESENTATIONS:

At the time of report writing six representations have been received which can be viewed in full on the Council website. These express concerns about the following issues:

- Application site is green field
- Development is not in keeping with the area
- This development would lead to further development on neighbouring site
- Already a large volume of housing developments in Sandbach
- Increase in population
- Impact on road network
- Impact on highway safety
- Site is outside of settlement zone line
- Impact on landscape
- Visual intrusion
- Proposal is against the Sandbach Neighbourhood Plan
- Light pollution
- Drainage issues
- Impact on property values in the area

APPRAISAL

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

Principle of Development

The NPPG advises that where the Local Planning Authority (LPA) cannot demonstrate a five-year supply of deliverable housing sites, decision makers may still give weight to relevant policies in neighbourhood plans, even though these policies should not be considered up-to-date.

As such, although weight that can be given to the SNP, at present due to the Council's Housing Land Supply position, this weight is limited and this feeds into the overall planning balance of the proposal.

The site lies within the Open Countryside as designated by the Congleton Borough Local Plan First Review, where Policy PS8 states that development will only be permitted if it is for the purposes of agriculture, forestry, outdoor recreation/tourism, new dwellings in accordance with Policy H6, controlled infilling within the settlements identified in Policy PS7 (Green Belt), affordable housing for local needs, development for employment purposes, the re use of existing rural buildings and the re use of existing employment sites. Policy H6 (Residential Development in the Open Countryside and the Green Belt) states that new residential development in the open countryside or within the green belt will not be permitted unless it falls within one of the following categories:

- i) a dwelling required for a person engaged full-time in agriculture or forestry or, in areas outside the green belt, other rural enterprise appropriately located in the countryside that is sited within and designed in relation to a nearby group of dwellings or a farm complex;
- ii) the replacement of an existing dwelling by a new dwelling which is not materially larger than the dwelling it replaces;
- iii) the conversion of an existing rural building into a dwelling provided that the proposal accords with policies BH15 and BH16;
- iv) the change of use or redevelopment of an existing employment site or premises in accordance with policy E10;
- v) limited development within the infill boundary line of those settlements identified in policy PS6 which must be appropriate to the local character in terms of its use, intensity, scale and appearance;
- vi) affordable housing in accordance with rural exceptions policy H14;

The proposed development does not fall within any of these exceptions. 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 this proposal represents sustainable development and whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy objection.

Housing Land Supply

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

The information presented to Full Council as part of the LPS proposed changes included the Council's 'Housing Supply and Delivery Topic Paper' (CD 9.7) of February 2016.

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

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

The 5 year supply requirement has been calculated at 14617, this total would exceed the total deliverable supply that the Council is currently able to identify. The Council currently has a total shortfall of 5,089 dwellings (as at 30 September 2015). Given the current supply set out in the Housing Topic Paper as being at 11,189 dwellings (based on those commitments as at 30 September 2015) the Council remains unable to demonstrate a 5 year supply of housing land. However, the Council through the Housing Supply and Delivery Topic paper has proposed a mechanism to achieve a five year supply through the Development Plan process. National Planning Policy Guidance (NPPG) indicates at 3-031 that deliverable sites for housing can include those that are allocated for housing in the development plan (unless there is clear evidence that schemes will not be implemented within five years).

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

This is a material consideration in support of the proposal.

Sustainable Development

Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites and that where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development.

It is therefore necessary to make a free-standing assessment as to whether the proposal constitutes “sustainable development” in order to establish whether it benefits from the presumption under paragraph 14.

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 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

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;

These roles should not be undertaken in isolation, because they are mutually dependent.

ENVIRONMENTAL ROLE

Open Countryside Policy

In the absence of a 5-year housing land supply settlement boundaries are out of date but, where appropriate, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply. Policy PS8, seeks to protect the intrinsic character and beauty of the countryside from inappropriate development.

Therefore, the proposal remains contrary to Open Countryside policy regardless of the 5 year housing land supply position in evidence at any particular time and a judgement must be made as to the value of the particular area of countryside in question and whether, in the event that a 5 year supply cannot be demonstrated, it is an area where the settlement boundary should be “flexed” in order to accommodate additional housing growth.

In this case the site is designated as Open Countryside in the adopted local plan, but the site lies directly opposite the Sandbach Settlement Zone Line and is bounded by residential development to the west and southern boundaries (as well as the Care Home approximately 90 metres (m) to the east). As such it is not considered that a refusal on the grounds of adverse impact on the character and beauty of the Open Countryside could be sustained.

Landscape

The site is currently part of an uncultivated field, set between existing built development and while its loss would be unfortunate, it is not considered that there would be significant and severe harm to the overall character of the landscape of the area and this is supported by the Council's Landscape Officer. As such a refusal on landscape impact could not be sustained.

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.”

This is an outline planning application with all matters reserved (except for access). Should the application be approved appearance, landscaping and scale would be determined at reserved matters stage.

An indicative layout has been provided. The proposed layout would introduce a cul-de-sac pattern running parallel with Congleton Road. 2 units would be sited parallel to Congleton Road, both of which would front onto Congleton Road itself to the south. The other dwellings would face inwards towards the centre of the application site.

With respect to the design and layout of the development, the indicative layout is a dense form of development which not in keeping with the surrounding pattern of development. Congleton Road is characterised by linear development with large, detached dwellings located within spacious plots and set well back from Congleton Road. With the exception of Rushcroft, the dwellings within the immediate vicinity of the application site are set back from Congleton Road by at least 20 m. The indicative layout shows Plot 1 and Plot 7 are to be set 4.3 m back from Congleton Road.

The application forms state that the site area is 0.4 hectares. This equates to a density of 17.5 dwellings per hectare. This is not considered to be excessive in a town location however the application site is located in the Open Countryside and is located on the fringe of the settlement that is characterised by linear, spacious residential development. It is noted that Emerald Drive (a recent, comparative scheme approximately 80 m to the west of the application site) has followed the surrounding existing pattern of development. No.1 and No 2 are both set back from Congleton Road by approximately 20 m. The Emerald Drive development (32779/3 allowed on appeal 15 August 2001) is located in a plot that is deeper (by approximately 23 m) than the application site and 6 dwellings were considered to be acceptable here. It is worth noting that the Emerald Drive site was read between existing residential development with the majority of the dwellings set behind two larger dwellings and as such the impact on the street scene would be comparatively less, than is considered to be the case here.

With the above in mind it is considered that the illustrative layout represents an over development of the site that is out of context with the character of the area. These matters are reserved for future consideration, however, it is considered necessary to include a condition on any planning approval which specifically does not accept the indicative scale and layout as proposed in this case. This would allow for a development in keeping with the local character, as opposed to the overtly dense, out of keeping current indicative proposal.

Highways

Access to the site is proposed via a new access track taken from Congleton Road.

The Head of Strategic Infrastructure (HSI) has reviewed the proposal and has agreed the most suitable location for the new access and has no objections.

Ecology

The Council's Principal Nature Conservation Officer has reviewed the submitted information and has no objection, subject to conditions.

Having regard to other ecological issues, conditions should be imposed relating to breeding birds.

Agricultural Land

The application does not contain an Agricultural Land Assessment. However; given the limited size of the site, it is not considered that its loss would be significantly detrimental.

ECONOMIC SUSTAINABILITY

The Framework includes a strong presumption in favour of economic growth.

Paragraph 19 states that:

'The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth'.

Given the edge of settlement location of the site, consideration must also be given to one of the core principles of the Framework, which identifies that planning, should recognise:

'the intrinsic character and beauty of the countryside and supporting thriving rural communities within it'.

The economic benefits of the development need to be balanced against the impact upon the Open Countryside.

With regard to the economic role of sustainable development, the proposed development will help, albeit in a limited way, to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits, to Sandbach and the surrounding area, including additional trade for local businesses, jobs in construction and economic benefits to the construction industry supply chain.

SOCIAL SUSTAINABILITY

Residential Amenity

The proposal is for up to seven dwellings on this site. It is considered that this could be accommodated on this site, without having any significant adverse impact on neighbouring

properties in terms of light and privacy. Whilst outlook for other properties would change, it is not considered that this would be a reason for refusal that could be sustained.

Following a request from Environmental Protection a noise assessment was undertaken. This has been reviewed and Environmental Protection have no objection to the scheme subject to a condition relating to the noise mitigation scheme.

Subject to the condition set out above, the proposal is considered to be acceptable in amenity terms and in compliance with Policy GR6 of the adopted local plan.

Conclusion – The Planning Balance

The site is located within the Open Countryside where under policy PS8 and H6 there is a presumption against development unless the development falls into one of a number of categories as detailed by Local Plan. The proposed development does not fall within any of the listed categories and as such, there is a presumption against the proposal unless material considerations indicate otherwise.

Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites and that where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development

It is therefore necessary to make a free-standing assessment as to whether the proposal constitutes “sustainable development” in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

The boost to housing supply is an important benefit – and this application achieves this in the context of a deliverable, sustainable housing land release.

Subject to conditions, the proposal is considered to be acceptable in terms of its impact upon highway safety, amenity, drainage, landscape and ecology.

In this instance, it is considered that the benefits of the scheme would outweigh the dis-benefits.

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits. Accordingly it is recommended for approval.

RECOMMENDATION

Approve subject to the following conditions:

- 1. Commencement of development (3 years) or 2 from the date of approval of reserved matters.**
- 2. Submission of reserved matters to be approved**
- 3. Approved plans (to include access but NOT the illustrative layout)**

4. Foul water (United Utilities)
5. Surface water (United Utilities)
6. Sustainable drainage management (United Utilities)
7. Nesting bird survey condition
8. Mitigation for nesting birds
9. Noise mitigation
10. Environment Management Plan to be submitted. Implementation
11. Boundary treatments

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) has delegated authority to do so in consultation with the Chair/Vice Chair of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.



Application No: 15/3979N

Location: HEATHCOTE, SANDY LANE, ASTON, CW5 8DG

Proposal: OUTLINE PLANNING APPLICATION FOR THE DEMOLITION OF EXISTING HOUSE AND THE CONSTRUCTION OF AN ACCESS ROAD WITH RESIDENTIAL DEVELOPMENT ON EXISTING GARDEN AREA AND Paddock LAND

Applicant: JOHN CARTER

Expiry Date: 29-Oct-2015

SUMMARY

The site is within the Open Countryside where under Policy NE.2 there is a presumption against new residential development. It is however not considered that given the size, form and location of the site the impact on the character and appearance of the open countryside is significant. The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development. The Council cannot demonstrate a 5 year supply of housing so this presumption applies. The principle of the development is therefore considered acceptable.

Whilst there are matters such as achieving a satisfactory layout with regards to the street scene and adjoining properties, together with protecting the important high value trees, these matters are capable of being addressed at the reserved matters stage. In all other respects, highways, ecology, noise/fumes/contaminated land and affordable housing the application is considered to comply with the relevant policies and as such considered acceptable.

RECOMMENDATION

Approve subject to the completion of a S106 Agreement and conditions

REASON FOR DEFERRAL

This report was deferred from Southern Planning Committee on the 30th March 2016 for a site visit.

PROPOSAL

This outline application with all matters reserved, proposes the demolition of “Heathcote” a sizable detached property, and developing the site for residential use. The indicative layout shows 10 properties, with 3 affordable indicated in the application form.

Access would be from Sandy Lane close to the existing access.

SITE DESCRIPTION

This 0.3 ha site on Sandy Lane in Aston, consists of a detached residential property with its sizable garden, and a small grassed paddock to the rear. The site is relatively flat and there are several trees especially to the boundaries. There are residential properties to the east and west fronting Sandy Lane, and a property “The Heathers” set behind properties to the east. Whilst there is some open land – a small field and an area of woodland adjoining the rear (paddock) part of the site, there is also a sizable factory/mill accessed off Wrenbury Road to the rear, very close to the site boundary.

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

RELEVANT HISTORY

None of relevance

POLICIES

National Policy

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

50. Wide choice of quality homes

56-68. Requiring good design

Development Plan

The Development Plan for this area is the Borough of Crewe and Nantwich Replacement Local Plan 2011, which allocates the site, under policy NE.2, as open countryside.

The relevant Saved Policies are:

NE.2 (Open countryside)

NE.5 (Nature Conservation and Habitats)

NE.9: (Protected Species)

NE.20 (Flood Prevention)

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
RES.5 (Housing in the Open Countryside)
RES.7 (Affordable Housing)
RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)
TRAN.3 (Pedestrians)
TRAN.5 (Cycling)

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

Other Considerations

The EC Habitats Directive 1992
Conservation of Habitats & Species Regulations 2010
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System
Interim Planning Statement Affordable Housing

Cheshire East Local Plan Strategy – Submission Version (CELP)

The following are considered relevant material considerations as indications of the emerging strategy:

PG2 – Settlement Hierarchy
PG5 - Open Countryside
PG6 – Spatial Distribution of Development
SC4 – Residential Mix
SC5 – Affordable Homes
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE3 – Biodiversity and Geodiversity
SE5 – Trees, Hedgerows and Woodland
SE 1 - Design
SE 2 - Efficient Use of Land
SE 4 - The Landscape
SE 5 - Trees, Hedgerows and Woodland
SE 3 - Biodiversity and Geodiversity
SE 13 - Flood Risk and Water Management
SE 6 – Green Infrastructure
IN1 – Infrastructure
IN2 – Developer Contributions

CONSULTATIONS (External to Planning)

United Utilities – No objections, but recommend conditions relating to separate drainage for foul and surface water, and submission of a surface water drainage scheme.

Head of Strategic Infrastructure (HSI) - The revised plan (Rev A) shows satisfactory access and as such they raise no objections.

Environmental Health - Following the submission of the noise mitigation scheme, there are a series of recommendations made to protect future occupiers from traffic noise, and noise from the adjacent mill. This should be conditioned. Conditions relating to dust control, submission of a construction management plan and potential contaminated land are also recommended.

CEC Strategic Housing Manager - In line with policy (the IPS) 30% affordable housing should be provided on site – as proposed, and that the 3 units should be split 2 rented and 1 for intermediate sale.

Education - The development of 10 dwellings is expected to generate:

2 primary children (10 x 0.19)
2 secondary children (10 x 0.15)
0 SEN children (10 x 0.51 x 0.023%)

The development is forecast to increase an existing shortfall predicted for 2016 and beyond, for secondary provision in the immediate locality. Negotiated contributions are factored into forecasts and equations, however a shortfall still remains. The development is not forecast to impact primary provision or SEN.

To alleviate forecast pressures, the following contribution(s) would be required:

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

Without a secured contribution of £32,685, Children's Services raise an objection to this application.

VIEWS OF THE PARISH COUNCIL

Newall Parish Council: Makes the following statement -

- “- The Parish Council oppose the application for the following reasons;-
- Sandy Lane, which enters/exits the site is very narrow and already a congested lane for vehicular movement. Further traffic will make this dangerous and potential in passable.
 - The Parish Council consider the site would be overdeveloped with 10 dwellings and there should be a reduced number of dwellings proposed.
 - The development goes beyond the natural building line of Sandy Lane which currently sees all properties fronting the road in a virtual straight line.
 - There is no provision in the application for open recreational space.”

OTHER REPRESENTATIONS

Six residents have objected to the application on the following grounds:

- Loss of a perfectly good older village property
- The village has few facilities and poor public transport
- No recreational facilities are proposed
- The development does not follow the established building line
- The development will overlook adjoining properties

- A pond south of Sandy Lane to the rear of “The Spinney” has not been surveyed
- There are localised drainage issues
- Highway and pedestrian safety concerns on Sandy Lane and the A530

The full content of the objections is available to view on the Councils Website.

OFFICER APPRAISAL

Main Issues

The main issues in the consideration of this application are the suitability of the site, for residential development having regard to matters of planning policy and housing land supply (including The Woodland appeal decision in September 2015), residential amenity/layout issues, affordable housing, highway safety and traffic generation, contaminated land, noise impact, tree matters, ecology, drainage and sustainability.

Principle of Development

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

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

The issue in question is whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy objection.

Housing Land Supply

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

The information presented to Full Council as part of the LPS proposed changes included the Council’s ‘Housing Supply and Delivery Topic Paper’ (CD 9.7) of February 2016.

This topic paper sets out various methodologies and the preferred approach with regard to the calculation of the Council’s five year housing land supply. From this document the

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

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

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

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

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

Open Countryside Policy

Countryside policies in existing local plans can be considered as consistent with NPPF and are not housing land supply policies in so far as their primary purpose is to protect the intrinsic value of the countryside in accordance with paragraph 17 of the NPPF— and thus are not out of date, even if a 5 year supply is not in evidence. However, it is acknowledged that where the Council cannot demonstrate a 5 year supply, they may be out of date in terms of their geographical extent, in that the effect of such policies is to restrict the supply of housing. They accordingly need to be played into the planning balance when decisions are made. Where appropriate conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply.

Therefore, the proposal remains contrary to Open Countryside policy regardless of the 5 year housing land supply position in evidence at any particular time and a judgement must be made as to the value of the particular area of countryside in question and whether, in the event that a 5 year supply cannot be demonstrated, it is an area where the settlement boundary should be "flexed" in order to accommodate additional housing growth.

The Woodland appeal

This appeal related to a site to the south of Aston off Whitchurch Road, and although it proposed 33 dwellings it is similar in character to this site being land behind a residential frontage but within the overall area of the village. Here the Inspector approved the

development considering that Open Countryside policies were out of date; it would bring much needed housing, including affordable housing; was locationally sustainable being only a short distance from Wrenbury which has a range of services; there was no harm to the character of the open countryside and there was no other harm to outweigh the presumption in favour of sustainable development.

Location of the Site

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

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

In addressing sustainability, members should be mindful of the key principles of the National Planning Policy Framework. This highlights that the principal objective of the planning system is to contribute to sustainable development. As the Planning Minister states in his preamble:

“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.”

In The Woodland appeal it was clear the site did not perform particularly well in terms of distances to local services, and that residents would have to travel to many services/facilities. However the Inspector considered the site locationally sustainable as a good range of services were available in Wrenbury which was accessible by bus.

This view is considered to be similar with two recent appeal decisions which were refused on sustainability grounds but allowed at appeal and considered sustainable in the context of the three strands of sustainability referred to in the NPPF:

- At 4 Audlem Road, Hankelow an application for 10 dwellings (12/2309N) was refused by Southern Planning Committee on 29th August 2012 for sustainability reasons. In allowing the appeal the Inspector found that ‘The Council has used the North West Sustainability Checklist as a guide to assessing accessibility, albeit that this relates to policies in the now defunct RSS. Nevertheless, this gives a number of useful guidelines, many of which are met. The village has a pub, a church, a village green and a post box and there is a golf club close to the appeal site open to both members and nonmembers. However, the village has no shop or school. Audlem, which has a greater range of facilities, is only a short distance away. The appeal site has good access to 2 bus routes, which serve a number of local destinations. There are footways on both sides of the road linking the site to the village centre and other public rights of way close by. Audlem Road here forms part of the national cycle network. Therefore, whilst the use of the car is likely to predominate, there are viable alternative modes of transport. In locational terms, the appeal site appears to me to be reasonably accessible for a rural settlement’.

- At land adjacent to Rose Cottages, Holmes Chapel Road, Somerford an application for 25 dwellings (12/3807C) was refused by Southern Planning Committee on 12th December 2012 for sustainability reasons. In allowing the appeal the Inspector found that 'it is inevitable that many trips would be undertaken by car as happens in most rural areas. However in this case many such trips for leisure, employment, shopping, medical services and education have the potential to be relatively short. A survey of the existing population undertaken by the Parish Council confirmed that the majority use the car for most journeys. Its results should though be treated with some caution in view of the response rate of only 44%. The survey does not seem to have asked questions about car sharing or linked trips, both of which can reduce the overall mileage travelled. It is interesting to note that use of the school bus was a relatively popular choice for respondents. A few also used the bus and train for work journeys. It also should not be forgotten that more people are now working from home at least for part of the week, which reduces the number of employment related journeys. Shopping trips are also curtailed by the popularity of internet purchasing and most major supermarkets offer a delivery service. The evidence also suggests that the locality is well served by home deliveries from smaller enterprises of various kinds

There are, in addition, three dimensions to sustainable development -: 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; and

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. There are many other components of sustainability other than accessibility. These include, meeting general and affordable housing need, an environmental role in protecting and enhancing the natural environment, reducing energy consumption through sustainable design, and assisting economic growth and development. The proposal would also generate Government funding through the New Homes bonus from the 10 units.

SOCIAL SUSTAINABILITY

Residential amenity

The application is in outline with all matters reserved so these issues would largely need to be addressed at the Reserved Matters Stage. Whilst there is an indicative layout that demonstrates 10 units could be accommodated on the site approval is not sought for this, and in this case it should not be approved in any event as a better layout could be achieved. What it does however demonstrate is that a satisfactory layout could be achieved to address issues of overlooking and design/street scene considerations. As approval is not sought for a particular number of units the development should be conditioned to “up to 10” units although clearly ultimately it could be less.

Contaminated Land

Although evidence suggests the site has a low risk of being contaminated, the Environmental Health Officer has requested a condition requiring confirmation that no contamination was found on the site, and that no material was imported unless it was tested beforehand.

Affordable Housing

The proposal indicates there could be 10 units provided, therefore there would be a requirement for 3 affordable units, and that the 3 units should be split 2 rented and 1 for intermediate sale.

The site falls within the Audlem sub area for the purposes of the Strategic Housing Market Update (SHMA) 2013. This identified a net requirement for 22 affordable units per annum for the period 2013/14 – 2017/18. Broken down this is a requirement for 4 x 1 bed, 16 x 3 bed, 4 x 4 bed general needs units and 3 x 2 bed older persons accommodation. The SHMA showed an over-supply of 2 bed units.

In addition to this, information taken from Cheshire Home choice shows there is currently one applicant who has selected the Newhall lettings area as their first choice, this applicant requires a 1 bed unit.

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

Public Open Space

Policy RT.3 of the Replacement Local Plan refers to developments of 20 dwellings or more. As this development would only accommodate up to 10 dwellings it is applicable, and as such there is no requirement to provide POS on site or contribute towards provision off site.

Education

To date already approved development in Nantwich has an expected increase of 422 additional primary children and 312 additional secondary children. Of these, 335 primary children and 86 secondary children have required a developer contribution to mitigate against the impact on local education in the area.

As a result of these circumstances, as set out above, Education would object to the application unless a financial contribution of some £32,685 is made towards secondary

education. No contribution is required towards primary or SEN. This matter can be addressed through a financial contribution via a Section 106 Agreement.

ENVIRONMENTAL SUSTAINABILITY

Highways

Policy BE3 states that proposals for development requiring access, servicing or parking facilities will only be permitted where a number of criteria are satisfied. These include adequate and safe provision for suitable access and egress by vehicles, pedestrians and other road users to a public highway.

Highways have requested amendments to the indicative layout drawing, with improvements to the visibility splays onto Sandy Lane and following the receipt of an amended drawing now raise no objections to the proposals. Development of up to 10 dwellings is not going to cause a severe traffic impact, as stated in paragraph 32 of the NPPF: "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."

Trees/Hedgerows

There are numerous trees on the site, and hedgerows to some boundaries. The tree report has indicated that some of the trees, especially some to the rear should be retained as part of any development. The Tree Officer feels that development can be accommodated on the site, retaining the significant trees, but that the illustrative layout would need to be changed and it may result in less dwellings on the site.

Design

As this is an outline application, with all matters reserved, approval of layout and design is not sought at this stage. That said the illustrative layout demonstrates that up to 10 units could be accommodated on the site respecting normal separation distances and achieving a satisfactory layout. There are however concerns about the impact on trees as stated above, and the frontage to Sandy Lane will need further thought to ensure a good relationship with the street and as such the layout at the reserved matters stage is likely to change. This could result in the loss of some units from the site.

It is however considered that the outline development is capable of complying with Policy BE.2 (Design Standards) and the NPPF.

Ecology

The Ecology Officer has raised no objections subject to more detailed/updated surveys at the reserved matters stage. This can be conditioned.

Flood Risk and Drainage

The site falls within Flood Zone 1 at low risk from flooding and there are no evidence of any issues on the site. United Utilities have suggested conditions with regards to drainage.

ECONOMIC SUSTAINABILITY

No economic benefit analysis has been provided as part of the application. However, it is accepted that the construction of housing development would bring the usual economic benefit to the closest shops for the duration of the construction, and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain. There would be some economic and social benefit by virtue of new resident's spending money in the area and using local services and as a result of the New Homes Bonus. Affordable housing is also a social benefit and the new residents would utilise medical and education facilities thereby sustaining the overall numbers within the catchment.

To conclude, the benefits include the provision of affordable housing and continuing housing delivery and the monies spent in the local economy.

CONCLUSIONS

The site is within the Open Countryside where under Policy NE.2 there is a presumption against new residential development. It is however not considered that given the size, form and location of the site the impact on the character and appearance of the open countryside is significant. The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development. The Council cannot demonstrate a 5 year supply of housing so this presumption applies. The principle of the development is therefore considered acceptable.

Whilst there are matters such as achieving a satisfactory layout with regards to the street scene and adjoining properties, together with protecting the important high value trees, these matters are capable of being addressed at the reserved matters stage. In all other respects, highways, ecology, noise/fumes/contaminated land and affordable housing the application is considered to comply with the relevant policies and as such considered acceptable.

RECOMMENDATIONS

Approve subject to the signing of a Section 106 Agreement with the following Heads of Terms:

S106 Heads of Terms:

- 1. A scheme for the provision of 30% affordable housing – split 2 rented and 1 for intermediate sale based on 10 units. 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. An education contribution of £32,685 towards secondary education in Nantwich.

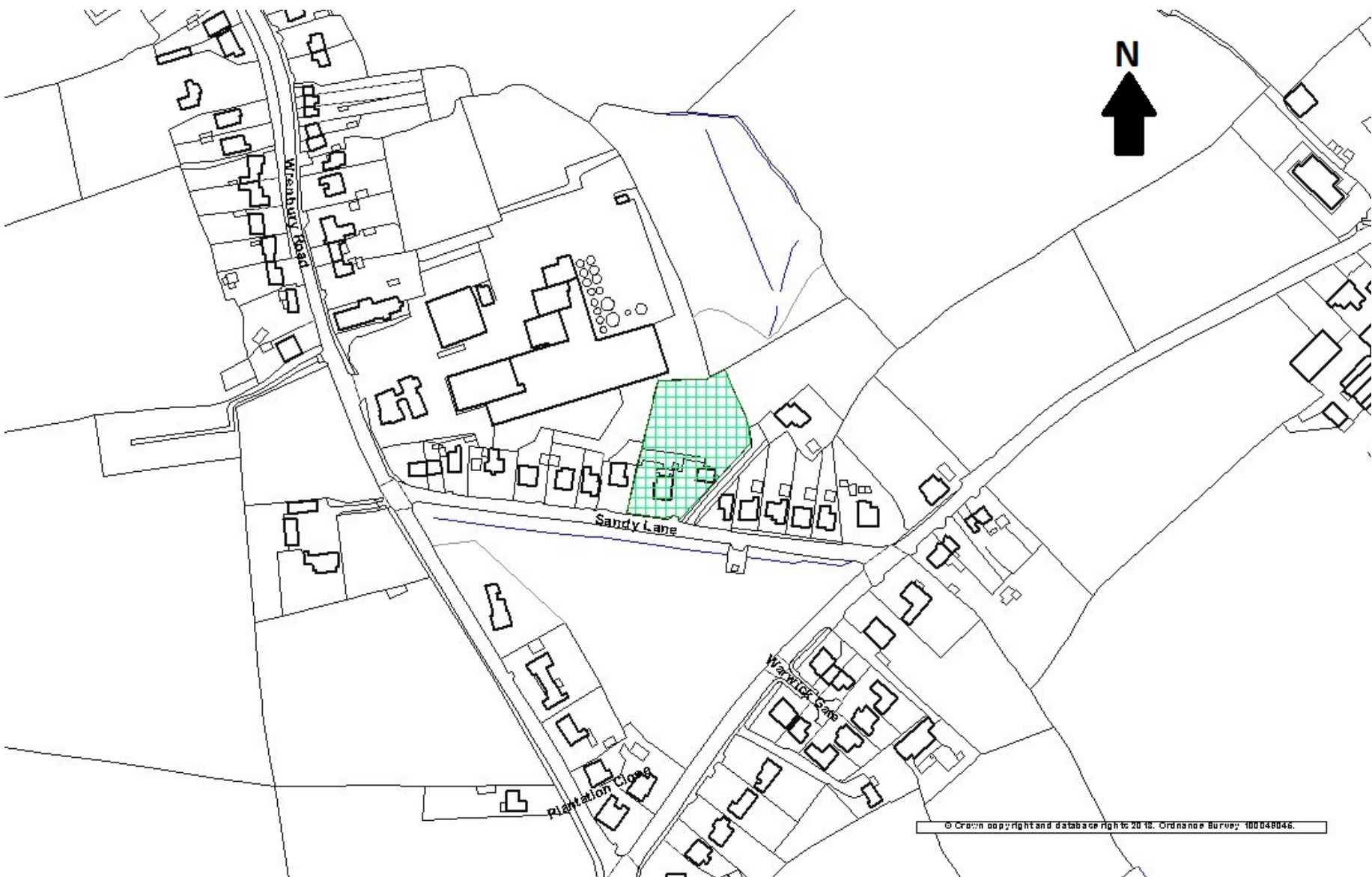
And the following suggested conditions.

1. Commencement of development (3 years) or 2 from the date of approval of reserved matters.
2. Reserved matters to be approved.
3. Approved plans (to include the revised access but NOT the illustrative layout)
4. Tree retention/protection in accordance with agreed scheme
5. Further ecological surveys to be submitted as part of the reserved matters application
6. Surface water drainage
7. Separate systems for drainage
8. Contaminated land verification report
9. Construction management plan including dust control
10. Noise mitigation

In order to give proper effect to the Board's/Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning (Regulation), in consultation with the Chair (or in her absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

Should the application be subject to an appeal, the following Heads of Terms should be secured as part of any S106 Agreement:

1. A scheme for the provision of 30% affordable housing – split 2 rented and 1 for intermediate sale based on 10 units. 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. An education contribution of £32,685 towards secondary education in Nantwich.



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Application No: 15/5650C

Location: THIMSWARRA FARM, DRAGONS LANE, MOSTON

Proposal: Variation or removal of Condition 5 on application 14/3086C

Applicant: Mr P Cosnett

Expiry Date: 08-Feb-2016

SUMMARY

Having regard to the rural location of the site, the distance from facilities, and the absence of public transport the site is not considered to be in a sustainable location. This would have some adverse implications in terms of use of natural resources and movement towards a low carbon economy. In addition, there will be further, but still limited, adverse impact upon the character and appearance of this rural area arising from the visual impact of the proposal, when compared to the existing development. There is therefore conflict with the environmental role of sustainable development as set out in the Framework.

Balanced against this is the significant identified need for accommodation for gypsies and travellers in the Borough and the lack of available alternatives. A total of 69 additional plots are required within the Borough for the period to 2028. Whilst 24 additional permanent pitches have been granted planning permission since the publication of the GTTSAA, they are not currently available, and substantial weight should still be attached to this unmet need in favour of the application.

Alongside this the Council's site identification study rejects the application site as a potential site for additional provision noting that it is in an unsuitable location and would have an unacceptable impact upon landscape character. However, there are currently no alternative sites that are available to the applicants or any other gypsy or traveller. The lack of any alternative site now and at least for the immediate future also carries significant weight in favour of the proposal.

The Council does not have an adopted policy that is based on an accurate assessment of need in the Borough. A 5 year supply of deliverable sites cannot be demonstrated, which is matter that also weighs in favour of the application.

The definition of sustainable development set out in the Framework includes

more than an assessment of the proximity of the site to shops, services and facilities. It should be viewed in environmental, social and economic terms. Given the Inspector's conclusions on the original application where he identified that the poor accessibility of the proposed development and the limited harm to the character and appearance of the area were clearly outweighed by the substantial unmet need for gypsy and traveller pitch provision in Cheshire East, which still remains despite recent planning permissions, it is considered that the same conclusions should be drawn again, given the limited additional harm arising from two extra pitches in this case. It is also important to note that the Inspector stated that, "This would be the case irrespective of whether specific gypsies or travellers had been identified as prospective occupiers".

The statement put forward by the applicants notes that the current occupants of the site are the applicant, his wife and three children (two of which are school age). The proposal would provide accommodation for the whole family (son and married daughter would occupy the other plots) and provide a settled base where the family can access healthcare and schooling.

The Inspector in the original appeal also noted that Policy H of the PPTS specifies that new traveller site development in open countryside should be strictly limited and that, consequently, the location of the appeal site was far from ideal. He also acknowledged that new pitches are likely to become available through the development plan process by 2015.

The PPTS was revised in August 2015 and now policy H states that "Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan." The word "very" has now been inserted before "strictly limit" presumably to increase the protection given to open countryside locations, such as the application site. In addition, whilst the local plan process has been subject to delay, there are clear indications of additional pitches coming forward (evidenced by recent planning permissions) and now that the local plan process has resumed, further new pitches are again likely to become available through the development plan process, in order to meet the identified need. However at this moment there remains a significant unmet need for gypsy and traveller pitches.

As such, the situation is similar to that considered by the Inspector in 2012 with the Council working towards delivering site allocations as part of the development plan. Therefore, having regard to the limited additional harm arising from the current proposal, the stage of the local plan and site allocation process for gypsy and traveller site provision, it is considered that a temporary permission for the additional pitches can be justified in order for the Council to be given the opportunity to provide these site allocations on suitable sites, and to cater for the site owner's short term needs. It is recommended that this permission is aligned with the existing consent until 14 September 2018.

SUMMARY RECOMMENDATION

Temporary approval subject to conditions

REASON FOR REPORT

The proposal was called to committee by Cllr Wray, the local ward member for the following reasons:

- 1. At the request of Moston Parish Council because of considerable public interest.*
- 2. The conditions that were applied at the time are still relevant today and there is no cogent reason to alter them.*

PROPOSAL

The application seeks to vary Condition 5 (number of pitches) on Application 14/3086C. Condition 5 stated:

No more than one residential pitch shall be provided. No more than two caravans shall be stationed on the land at any one time, only one of which shall be a residential mobile home.

The applicant is seeking consent for a further two residential pitches, which will increase the number of pitches from 1 to 3 and the total number of caravans from 2 to 6.

SITE DESCRIPTION

The application site occupies a position on the corner of Plant Lane and Dragons Lane and is located within the Open Countryside as identified in the Congleton Borough Local Plan First Review. The site currently comprises a gravelled surface with one mobile home, two touring caravans, a mobile day room, stable block and a shipping container.

RELEVANT HISTORY

14/3086C - REMOVAL OF CONDITION 2 (TIME LIMIT) ON APPLICATION 11/3548C - CHANGE OF USE OF LAND TO USE AS RESIDENTIAL CARAVAN SITE FOR ONE GYPSY FAMILY WITH TWO CARAVANS INCLUDING LAYING OF HARDSTANDING AND ERECTION OF STABLES – Further temporary permission approved 06.10.2015

11/3548C - CHANGE OF USE OF LAND TO USE AS RESIDENTIAL CARAVAN SITE FOR ONE GYPSY FAMILY WITH TWO CARAVANS, INCLUDING LAYING OF HARDSTANDING AND ERECTION OF STABLES – Refused 23.02.2012, Appeal allowed 14.09.2012

NATIONAL & LOCAL POLICY

National Policy

The National Planning Policy Framework (the Framework) establishes a presumption in favour of sustainable development. The Framework sets out that there are three dimensions to sustainable development: economic, social and environmental. These roles should not be undertaken in isolation, because they are mutually dependent.

Planning Policy for Traveller Sites (PPTS) 2015 sets out the Government's planning policy for traveller sites. It should be read in conjunction with the Framework. The overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.

Development Plan:

The Development Plan for this area is the Congleton Borough Local Plan First Review 2005, which allocates the whole site as open countryside

The relevant Saved Policies are:

- GR1 (New Development)
- GR2 (Design)
- GR6 (Amenity and Health)
- GR9 (Accessibility, Servicing and Parking Provision)
- GR17 (Car Parking)
- GR19 (Infrastructure)
- GR20 (Public Utilities)
- PS8 (Open Countryside)
- H6 (Residential Development in the Open Countryside and the Green Belt)
- H7 (Residential Caravans and Mobile Homes)
- H8 (Gypsy Caravan Sites)

Cheshire East Local Plan Strategy – Proposed Changes Version (CELP)

The following are considered relevant material considerations as indications of the emerging strategy:

- SD1 Sustainable Development in Cheshire East
- SD2 Sustainable Development Principles
- PG5 Open Countryside
- SC7 Gypsies and Travellers and Travelling Showpeople

Other relevant documents

- Cheshire Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (March 2014)
- Cheshire East Council Gypsy, Traveller and Travelling Showpeople Site Identification Study (April 2014)

CONSULTATIONS

Environmental Health – Comments not received at time of report preparation

Head of Strategic Infrastructure - Comments not received at time of report preparation

Brine Board – No objections subject to condition relating to foundation design

Moston Parish Council – Object to the proposal on the following grounds:

This condition re-imposed by Cheshire East Council in 2015 was originally imposed on planning application 11/3548C by The Planning Inspectorate, an executive agency sponsored by The Dept. for Communities and Local Government. Moston Parish Council is not convinced such a condition/decision should be removed by a local authority. This was reinforced by a decision of Cheshire East Borough Council to refuse an application to extend Thimswarra Farm by an 2 extra pitches in January 2013 (12/3847C refers) and the Peter Brett report instigated by Cheshire East Council to find additional sites. The final paragraph and summing up of this site in their report states. The site is unsuitable as a location for permanent or any additional development.

There is a lack of information as to the specific requirement for this condition to be removed.

REPRESENTATIONS

14 letters of representation have been received objecting to the proposal on the following grounds:

- Same application as 12/3847C, which was refused
- Other unauthorised structures on the site
- Lack of information
- Expansion of this site is against the NPPF/PPTS
- Visual harm
- Over development
- Unsustainable location
- Peter Brett report states - *“The site is unsuitable as a location for permanent or any additional development”*.
- Inadequate public consultation on application
- National Grid not consulted

APPLICANTS SUBMISSION

A statement has been submitted on behalf of the applicant, which summarises how the proposal satisfies relevant planning policies, and outlines the family circumstances and requirement for the additional two pitches, which are for the applicant's son and daughter.

APPRAISAL

The key issue in the determination of this application is whether the condition restricting the number of pitches is reasonable or necessary in the interests of the following matters:

- (a) Whether the site is in an appropriate location for the use proposed having particular regard to accessibility to services and facilities as well as other sustainability considerations referred to in the Local Plan and Planning Policy for Traveller Sites;
- (b) The effect of the proposed development on the character and appearance of the area;
- (c) Whether there is any harm and conflict with policy, there are material considerations which outweigh any identified harm and conflict with policy.

ENVIRONMENTAL SUSTAINABILITY

Character and appearance

There is a very strict limitation on new traveller site development in the open countryside that is away from existing settlements identified in Policy H of the PPTS. This policy states local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate the nearest settled community, and avoid placing undue pressure on the local infrastructure.

In his decision letter, granting the original permission on this site, the Inspector identified that the presence of a mobile home and touring caravan *“would be likely to cause discernible, albeit limited, harm to the character and appearance of the countryside”*, and he found that there would be *“a degree of conflict with saved LP Policies H8, GR1 and GR2 and national policy in the PPTS and NPPF”*.

In this case, there would be an additional 4 caravans on the site, which would intensify the use of the site, increase the visual impact of the development and harm to the character and appearance of the countryside. However, the caravans would all be located within the existing area of hardstanding and there would be no further encroachment into the countryside. Whilst there is screening to the Dragons Lane and Plant Lane boundaries of the site, although not prominent features, the additional caravans would be visible, and there would therefore still be some conflict with local plan policies H8, GR1 and GR2 of the local plan and national policy in the PPTS and NPPF. Given the nature of Moston Green as a dispersed settlement of individual and small groups of dwellings, the proposed development would form another small group of dwellings which would not dominate the settled community. This approach, and identification of harm to the character and appearance of the countryside is consistent with previous Inspectors who have considered previous applications on this field.

Accessibility

Policy H8 of the local plan set out criteria which proposals for gypsy caravan sites are expected to comply with. One of these is that, wherever possible, such sites should be within 1.6 kilometres of existing local shops, community facilities, a primary school and public transport facilities. The more recent PPTS does not provide any further guidance on acceptable distances between traveller sites and local facilities

The Inspector on this site and the Inspector who considered the appeal on the adjacent site both acknowledged that policy H8 in the local plan is consistent with the Framework and the PPTS. Both Inspectors also identified that most facilities are beyond the 1.6kms specified in the local plan, that most journeys to and from the site would be by private car, but that these journeys would be relatively short and limited in number. The current proposal would therefore conflict with the requirements of policy H8 of the local plan.

Amenity

No significant impact upon the living conditions of neighbours were identified at the time of the previous appeal, and it is considered that the presence of an additional two pitches would not

have a significantly adverse impact upon the living conditions of neighbours in accordance with policy GR6 of the local plan.

Highways

The Head of Strategic Infrastructure (HSI) raised no objections to the original proposal. The Inspector was also satisfied that access and parking arrangements would be adequate and additional traffic generated by the proposed use would have a negligible impact on highway safety, in accordance with policies GR9 and GR17 of the local plan. Comments are awaited from the HSI on the current proposal; however, it is not considered that two additional pitches would have any significant impact upon the traffic generation for the site. No highways issues are therefore anticipated, but further clarification will be reported as an update.

SOCIAL SUSTAINABILITY

The PPTS makes it clear that sustainability is important and should not only be considered in terms of transport mode and distance from services. But other factors such as economic and social considerations are important material considerations. It is considered that authorised sites assist in the promotion of peaceful and integrated co-existence between the site and the local community. A settled base ensures easier access to a GP and other health services and that any children are able to attend school on a regular basis. In addition, a settled base can result in a reduction in the need for long distance travelling and the possible environmental damage caused by unauthorised encampments. Furthermore, the application site is not located in an area at high risk of flooding. These are all benefits to be considered in the round when considering issues of sustainability.

Need

The PPTS requires local authorities to identify and update annually, a supply of deliverable sites sufficient to provide five years worth of sites for gypsies, travellers and travelling showpeople against their locally set targets, and identify a supply of specific, developable sites or broad locations for growth for years six to ten and, where possible, for years 11-15.

In 2013 Opinion Research Services (ORS) was commissioned by the local authorities of Cheshire to undertake a Gypsy, Traveller and Travelling showpeople Accommodation Assessment (GTTSA). The local authorities involved were: Cheshire West & Chester, Cheshire East, Halton and Warrington. Prior to this the last Gypsy and Traveller Accommodation and Related Services Assessment was published in 2007.

The study provides an evidence base to enable the Councils to comply with their requirements towards gypsies, travellers and travelling showpeople under the Housing Act 2004, the National Planning Policy Framework 2012 and Planning Policy for Traveller Sites 2015. It provides up-to-date evidence about the accommodation needs of gypsies, travellers and travelling showpeople in the study area up to 2028.

In terms of future need within Cheshire East, an extra provision totalling 69 pitches is required to 2028. Over 5 year periods, this translates to 32 pitches between 2013-2018, 17 pitches between 2018-2023 and 20 pitches between 2023-2028. There was also a recommendation

within the GTTSAA that the Council provide a transit site of between 5 and 10 pitches in order to address unauthorised encampments.

In June 2015, the Council granted approval for an additional 24 permanent pitches at Three Oaks Caravan Park, Booth Lane, Moston, which does go some way towards meeting the first five year requirement to 2018. This permission has been implemented, but the pitches have not been provided to date. Additionally a transit site comprising 9 pitches and a warden's pitch was granted approval at Cledford Lane in Middleswich in May 2015. This permission has not been implemented. It is however clear that the Council is taking steps towards addressing the need for additional traveller pitches within the Borough.

Site Identification Study

Peter Brett Associates were appointed by the Council to carry out research to identify gypsy, traveller and travelling showpersons sites across the Borough. Sites have been assessed to determine if they are suitable, available and achievable. It is intended that the results of the study will be used to inform the development of relevant policies and allocations and to guide the consideration of planning applications.

Potential sites were established from a review of information relating to: a call for sites; existing authorised sites subject to full, temporary or personal consents or certificates of lawful use; existing unauthorised and tolerated sites and encampments; other sites owned by gypsies, travellers and travelling showpeople; surplus Council owned land; sites from previous and current land studies; housing allocations and potential urban extensions, and; sites owned by Registered Providers (housing associations).

It should be clarified that the site identification study does not allocate land for the proposed use, or confirm the acceptability in planning terms of the identified sites. It simply serves to highlight options available to the Council to meet the identified need for accommodation for gypsies, travellers and travelling showpeople within the Borough.

In terms of the application site, the Peter Brett report rejects the site as an option for permanent development stating that:

Although the site has temporary permission for Gypsy and Traveller use, the site is not suitable for full planning permission, as it would have an unacceptable impact on landscape character. There are partial views (reasonably screened in summer) through the hedgerow adjoining the junction of Dragons Lane and Plant Lane; as such the site is in a quite prominent location and development is likely to be recognisable as an isolated and non-vernacular intrusion into this rural area, although further appropriate screening could undoubtedly be provided. Furthermore, development within this part of the field would make it difficult to resist further piecemeal expansion and the extension of related activities (site CHE031 relates to part of the site and adjoining land and is evidence of this). The site is unsuitable as a location for permanent or any additional development.

ECONOMIC SUSTAINABILITY

With regard to the economic role of sustainable development, the proposed development will make a very limited contribution towards bringing increased trade to local shops and businesses.

THIRD PARTY COMMENTS

With regard to the comments received in representation, not addressed above, it should be noted that application 12/3847C related to the parcel of land adjacent to the appeal site, involved further significant encroachment into the field and is therefore materially different to the current proposal.

The current application includes some of the unauthorised structures that are currently on the site. Any further structures that remain on site will be the subject of separate enforcement action.

The neighbour notification procedure was carried out in accordance with the statutory requirements for publicity.

PLANNING BALANCE

Having regard to the rural location of the site, the distance from facilities, and the absence of public transport the site is not considered to be in a sustainable location. This would have some adverse implications in terms of use of natural resources and movement towards a low carbon economy. In addition, there will be further, but still limited, adverse impact upon the character and appearance of this rural area arising from the visual impact of the proposal, when compared to the existing development. There is therefore conflict with the environmental role of sustainable development as set out in the Framework.

Balanced against this is the significant identified need for accommodation for gypsies and travellers in the Borough and the lack of available alternatives. A total of 69 additional plots are required within the Borough for the period to 2028. Whilst 24 additional permanent pitches have been granted planning permission since the publication of the GTTSAA, they are not currently available, and substantial weight should still be attached to this unmet need in favour of the application.

Alongside this the Council's site identification study rejects the application site as a potential site for additional provision noting that it is in an unsuitable location and would have an unacceptable impact upon landscape character. However, there are currently no alternative sites that are available to the applicants or any other gypsy or traveller. The lack of any alternative site now and at least for the immediate future also carries significant weight in favour of the proposal.

The Council does not have an adopted policy that is based on an accurate assessment of need in the Borough. A 5 year supply of deliverable sites cannot be demonstrated, which is matter that also weighs in favour of the application.

The definition of sustainable development set out in the Framework includes more than an assessment of the proximity of the site to shops, services and facilities. It should be viewed in environmental, social and economic terms. Given the Inspector's conclusions on the original

application where he identified that the poor accessibility of the proposed development and the limited harm to the character and appearance of the area were clearly outweighed by the substantial unmet need for gypsy and traveller pitch provision in Cheshire East, which still remains despite recent planning permissions, it is considered that the same conclusions should be drawn again, given the limited additional harm arising from two extra pitches in this case. It is also important to note that the Inspector stated that, "This would be the case irrespective of whether specific gypsies or travellers had been identified as prospective occupiers".

The statement put forward by the applicants notes that the current occupants of the site are the applicant, his wife and three children (two of which are school age). The proposal would provide accommodation for the whole family (son and married daughter would occupy the other plots) and provide a settled base where the family can access healthcare and schooling.

The Inspector in the original appeal also noted that Policy H of the PPTS specifies that new traveller site development in open countryside should be strictly limited and that, consequently, the location of the appeal site was far from ideal. He also acknowledged that new pitches are likely to become available through the development plan process by 2015.

The PPTS was revised in August 2015 and now policy H states that "Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan." The word "very" has now been inserted before "strictly limit" presumably to increase the protection given to open countryside locations, such as the application site. In addition, whilst the local plan process has been subject to delay, there are clear indications of additional pitches coming forward (evidenced by recent planning permissions) and now that the local plan process has resumed, further new pitches are again likely to become available through the development plan process, in order to meet the identified need. However at this moment there remains a significant unmet need for gypsy and traveller pitches.

As such, the situation is similar to that considered by the Inspector in 2012 with the Council working towards delivering site allocations as part of the development plan. Therefore, having regard to the limited additional harm arising from the current proposal, the stage of the local plan and site allocation process for gypsy and traveller site provision, it is considered that a temporary permission for the additional pitches can be justified in order for the Council to be given the opportunity to provide these site allocations on suitable sites, and to cater for the site owner's short term needs. It is recommended that this permission is aligned with the existing consent until 14 September 2018.

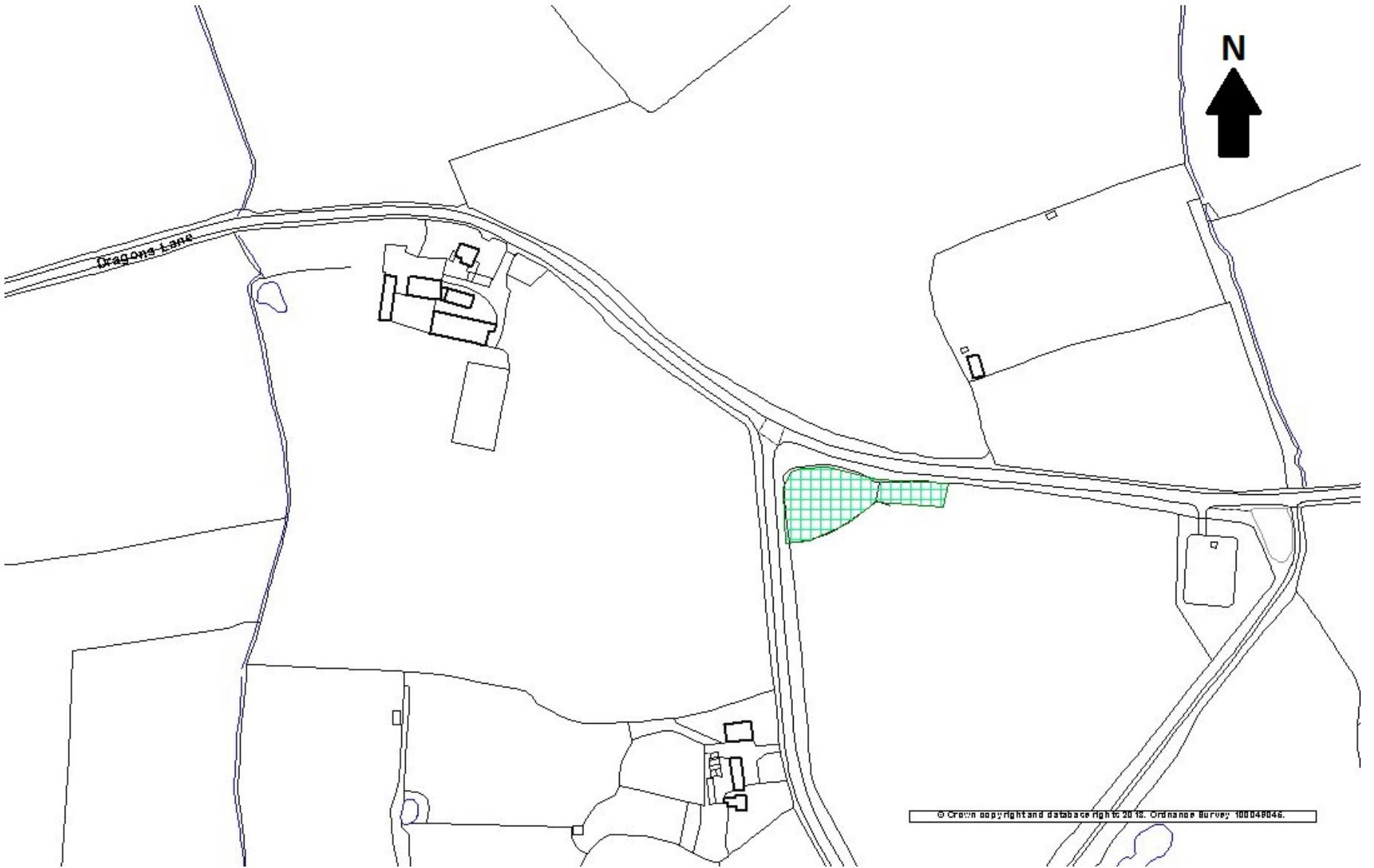
RECOMMENDATION

It is recommended that the application be granted for a temporary period.

Application for Variation of Condition

RECOMMENDATION: Approve subject to following conditions

1. Use of the land as a residential caravan site shall be discontinued on or before 14 September 2018
2. Approved plans
3. Occupation by gypsies and travellers
4. Landscaping scheme to be submitted within 3 months
5. No more than six caravans (no more than three static caravans)
6. External lighting to be approved
7. Details of external colour of stable block to be submitted
8. Manure storage details to be submitted



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Application No: 15/1666N

Location: Land at Bowe's Gate Road, Bunbury, Cheshire, CW6 9PL

Proposal: The erection of 11 no. new dwellings including affordable housing

Applicant: Rural Housing Trust

Expiry Date: 10-Jul-2015

SUMMARY

The application site lies entirely within the Open Countryside as determined by the Borough of Crewe and Nantwich Local Plan.

Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by Local Plan Policy NE.2. The proposed development does not fall within any of the listed categories and as such, it constitutes a “departure” from the development plan and there is a presumption against the proposal.

The proposal remains contrary to Open Countryside policy regardless of the Council’s 5-year housing land supply position in evidence at any particular time and a judgement must be made as to the value of the particular area of countryside in question and whether, in the event that a 5 year supply cannot be demonstrated, it is an area where the settlement boundary should be “flexed” in order to accommodate additional housing growth.

Whilst the proposed development would result in the loss of a green space outside of the settlement boundary for the village, the Council’s Landscape Officer has advised that its impact upon the wider landscape will not be significant. Owing to the size, shape and characteristics of the site, subject to appropriate landscaping (which would be secured by condition), a refusal on grounds of landscape impact / open countryside would not be sustainable.

The revised scheme would be well designed and would account for its proximity and relationship to all of the nearby listed buildings (including St Bonifaces Church) as well as the Higher Bunbury the Conservation Area. The access and parking would not give rise to issues of highways safety and subject to conditions relating to trees, hedges, ecology and materials, it is not considered that the proposed development would create any significant environmental concerns and as such on balance, is considered to be environmentally sustainable.

The proposal would bring positive planning benefits such as a boost to the local economy and a social benefit via the provision of the required affordable housing. In addition the site is located in a relatively sustainable location with regards to its physical relationship to existing built form and with regards to its distance from local facilities.

The proposal would represent a sustainable form of development and would be limited in terms of its scale in accordance with the relevant policies of the Bunbury Neighbourhood Development Plan.

The detrimental impact of the development would be the loss of a green field and the minor loss of hedgerow which although regrettable, would not be significant enough to warrant refusal of this application.

As a result of the above reasons, it is considered that the proposal would represent sustainable form of development and is therefore recommended for approval.

RECOMMENDATIONS

APPROVE subject to conditions & S106 Agreement

REASON FOR DEFERRAL:

At the last meeting of 3rd February 2016, Members resolved to defer this application to negotiate a more traditional design for the 3 detached dwellings to the rear of the site. In response to this, amended plans have been submitted amending the design of the 3 units at the rear of the site. This is an updated report which deals with these considerations and also provides an up to date position on the Council's housing land supply position following the publication of the 'Housing Supply and Delivery Topic Paper' of February 2016 and also the Bunbury Neighbourhood Development Plan which is now part of the Development Plan.

PROPOSAL

This application seeks full planning permission for the erection of 11 dwellings (including affordable housing) on land to the south of Bowe's Gate Road, Bunbury.

SITE DESCRIPTION

This application relates to a paddock situated to the southeast of the Grade I Listed St Bonifaces Church in Higher Bunbury. The site measures approximately 0.9 ha in size and is configured in an 'L' shape where it wraps around the rear of the properties referred to as 'The Old Coachhouse' and 'Birchfield'. The site is to the south of Bowe's Gate Road just outside of the Higher Bunbury Conservation Area, which is located to the west.

The site is bound by hedgerows along most of its perimeter and there are a number of mature trees to the west of the site, some of which are afforded protection under the 'Tree Preservation Order: The Nantwich Rural District Council (Bunbury) Tree Preservation Order 1973 (A5 and T36)'. Beyond the southern boundary of the site is the River Gowy. To the east and south are open countryside designated fields. A public footpath runs to the north east and east of the site.

The site is outside of the settlement boundary of the village as designated in the Borough of Crewe and Nantwich Adopted Replacement Local of Plan 2011 and is not allocated for any other purpose within the Local Plan.

RELEVANT HISTORY

None

NATIONAL & LOCAL POLICY

National Policy

The National Planning Policy Framework establishes a presumption in favour of sustainable development. Of particular relevance are paragraphs:

14 - Presumption in favour of sustainable development
47-50 - Wide choice of quality homes
55 - Isolated dwellings in the countryside
56-68 - Requiring good design
69-78 - Promoting healthy communities
217 Implementation

Development Plan

The Development Plan for this area is the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011, which allocates the site, under Policy NE.2, as Open Countryside.

The relevant Saved Policies are:

BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
BE.6 (Development on Potentially Contaminated Land)
TRAN.9 (Car Parking Standards)
NE.2 (Open Countryside)
NE.5 (Nature Conservation and Habitats)
NE.9 (Protected Species)
RES.5 (Housing in the Open Countryside)
RES.7 (Affordable Housing)
RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)
TRAN.3 (Pedestrians)
TRAN.5 (Cycling)

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

Cheshire East Local Plan Strategy – Submission Version (CELP)

The following are considered relevant material considerations as indications of the emerging strategy:

PG2 – Settlement Hierarchy
PG5 - Open Countryside
PG6 – Spatial Distribution of Development
SC4 – Residential Mix
SC5 – Affordable Homes
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE3 – Biodiversity and Geodiversity
SE5 – Trees, Hedgerows and Woodland
SE 1 – Design
SE 2 - Efficient Use of Land
SE 4 - The Landscape
SE 5 - Trees, Hedgerows and Woodland
SE 3 - Biodiversity and Geodiversity
SE 13 - Flood Risk and Water Management
SE 6 – Green Infrastructure
IN1 – Infrastructure
IN2 – Developer Contributions

Bunbury Neighbourhood Development Plan

The following are considered relevant material considerations as indications of the emerging neighbourhood plan:

H1 – Housing Development
H2 - Scale of Housing Development
H3/H4 – Affordable Housing
H5 - Design
LC1 - Built Environment
LC2 – Landscape
ENV2 – Countryside & Open Views

Other Material considerations:

SPD2 – Development on Backland and Gardens
The EC Habitats Directive 1992
Conservation of Habitat & Species Regulations 2010
Interim Affordable Housing Statement: Affordable Housing
Bunbury Village Design Statement

CONSULTATIONS

Cheshire Archaeology Planning Advisory Service

No objection subject to a condition requiring submission of a programme of archaeological mitigation.

Environmental Protection

No objection subject to conditions / informatives relating to hours of construction / piling and contaminated land.

Head of Strategic Infrastructure (Highways)

No objection

Natural England

No comment

Public Rights of Way Unit (PROW)

No objection

United Utilities

No objections, subject to conditions relating to foul water and surface water.

Bunbury Parish Council

Bunbury Parish Council has no objections to this application subject to the following conditions:

- That the mill pond at Bunbury Mill be desilted at the cost of the developer before construction begins and any water from the site is discharged into the River Gowy
- That existing hedges/sandstone walls are retained except for the access to the site and any sandstone removed is stored on site for reuse
- That the variegated holly tree in the hedge fronting the site be retained and protected during the development
- That a detailed drainage report for the entire site be prepared, demonstrating how water run off to the River Gowey, which feeds the Bunbury Mill pond, will not be reduced by the construction of the development, before planning permission is granted
- That the affordable homes, plots 1 to 8, will be designated as shared equity homes

REPRESENTATIONS

Over 300 representations (including one from the neighbouring Spurstow Parish Council), and a petition with 25 signatures on has been received objecting to this proposal on the following grounds:

- Principle of the development / outside of village boundary
- Contrary to development plan policies
- Contrary to the Neighbourhood Plan
- Loss of open countryside and greenfield site
- Loss of views
- Will lead to a loss in tourism
- The area has become increasingly popular to visitors following filming of the ITV drama 'Homes Fires'
- Impact on stream that feeds nearby Mill and the Mill Pond

- 3 large dwellings at the rear are not in keeping with the area
- There should be no further expansions
- The site offers recreational amenity for children
- Not appropriate in this rural setting
- Design – Size and scale of development, impact upon local character including conservation area and listed buildings
- Views would be spoilt
- Development not in keeping with area
- Highway Safety – inadequate access off a narrow lane / visibility splays, additional traffic, increased impact upon highway safety, impact upon parking, safety for pedestrians, transport statement inadequate
- Traffic study is misrepresentative
- How will construction vehicles get to the site
- Loss of parking for the church
- Other application in the area have been refused
- There are more preferable sites for housing
- Impact upon the landscape
- Impact upon hedgerows
- Contrary to Bunbury Village Design Statement
- Contrary to Higher Bunbury Conservation Plan, outlined in the Character Appraisal and Management Strategy document of June 2007
- Loss of wildlife / impact on protected species
- Loss of hedgerow
- Impact on protected trees
- Noise and light pollution
- The affordable houses will not be affordable
- Street lighting could prejudice the character of the area
- Lack of infrastructure / services and amenities in the area
- Flooding - sewerage, surface water and drainage can't cope
- Development is unsustainable

APPRAISAL

The key issues are:

- Principle of the development
- Bunbury Neighbouring Development Plan
- Housing land supply
- Impact upon the Open Countryside
- Sustainability
- The acceptability of the design
- Impact on heritage assets
- Impact on residential amenity
- The impact upon highway safety
- The impact upon ecology
- The impact upon the landscape, trees and hedgerows

- The impact upon flooding and drainage
- Affordable housing
- Residential Amenity

Principle of Development

Policy NE.2 of the Local Plan advises that: *'within the Open Countryside only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.'*

An exception may be made where there is the opportunity for the infilling of a small gap with one or two dwellings in an otherwise built up frontage.'

Policy RES.5 of the Local Plan advises that *'Outside settlement boundaries all land will be treated as open countryside. New dwellings will be restricted to those that; a) Meet the criteria for infilling contained in Policy NE.2; or b) are required for a person engaged full time in agriculture or forestry...'*

The proposed development does not meet any of the above exceptions and as such, the proposal 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 the development represents a sustainable form of development and whether there are other material considerations associated with this proposal, which are a sufficient to outweigh the conflict with the development plan.

Bunbury Neighbourhood Development Plan

Bunbury Parish Council has prepared a neighbourhood plan for the Parish of Bunbury. The Bunbury Neighbourhood Development Plan (BNDP) has reached 'Regulation 20' stage which means it is a publicised neighbourhood plan. The National Planning Practice Guidance (NPPG) states that a neighbourhood plan is a material consideration and accordingly, on 29th March 2016, it was decided that the BNDP now forms part of the Development Plan for Cheshire East Council.

With respect to housing development, Policy H2 of the Bunbury NP seeks to limit the number of houses by only permitting small developments of no more than 15 houses. The policy also seeks to prevent 'co-location' of development in order to protect the character of the village. Policy H1 also seeks to focus development immediately adjacent to Bunbury Village.

In this case a development of 11 dwellings would be in conformity with the neighbourhood plan, namely Policies H1 and H2 which limits development to sites of up to 15 dwellings and there are no developments adjoining the site that would result in 'co-location'. The development would be situated immediately adjacent to the village boundary. Consequently, it is considered that the scale of this development and its location would comply with the neighbourhood plan.

Housing Land Supply

Paragraph 47 of the National Planning Policy Framework requires that Council's identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements.

The calculation of Five Year Housing supply has two components – the housing requirement – and then the supply of housing sites that will help meet it. In the absence of an adopted Local Plan the National Planning Practice Guidance indicates that information provided in the latest full assessment of housing needs should be considered as the benchmark for the housing requirement.

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

The information presented to Full Council as part of the LPS proposed changes included the Council's 'Housing Supply and Delivery Topic Paper' of February 2016.

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

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

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

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

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

Open Countryside Policy

In the absence of a 5-year housing land supply we cannot rely on countryside protection policies to defend settlement boundaries and justify the refusal of development simply because it is outside of a settlement, but these policies can be used to help assess the impact of proposed development upon the countryside. Where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply. Policy NE.2, seeks to protect the intrinsic character and beauty of the countryside.

Therefore, the proposal remains contrary to Open Countryside policy regardless of the 5 year housing land supply position in evidence at any particular time and a judgement must be made as to the value of the particular area of countryside in question and whether, in the event that a 5 year supply cannot be demonstrated, it is an area where the settlement boundary should be “flexed” in order to accommodate additional housing growth.

In order to assess the impact upon the Open Countryside, a key consideration is the impact that the development would have upon the landscape, which forms part of the assessment as to whether the proposal is a sustainable form of development.

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”.

Inspectors have determined that locational accessibility is but one element of sustainable development and it is not synonymous with it. The NPPF determines that sustainable development comprises of three dimensions:- economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

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

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;

These roles should not be undertaken in isolation, because they are mutually dependent.

ENVIRONMENTAL ROLE

The application site is located adjacent to the existing residential development at Higher Bunbury. The proposed housing development will be accessed directly off Bowe's Gate Road. The application site is located in close proximity to a number of facilities including a local primary school, convenience store, public house and post office which are all readily accessible by foot. On the whole, these facilities and amenities are accessible to the proposed development. Given the factors above and the designation of Bunbury as a local service centre, the proposed site it is considered to be locationally sustainable.

Landscape Impact

The site has no national landscape designation. In the Cheshire Landscape Character Assessment the site is within the East Lowland Landscape Type, ELP1 Ravensmoor Character Area. In this area the landscape type is represented by generally flat agricultural land where the prevailing field pattern and condition of the hedgerows can account for subtle differences in landscape character.

The village of Bunbury is separated into four distinct areas, Bunbury Commons, Bunbury Heath, Upper and Lower Bunbury. The area of the site which is currently undeveloped forms part of an area of land outside of Upper Bunbury. The development of the paddock to the south and east of the St Bonifaces Church would be contained within the existing field boundaries which are delineated by hedgerows. Further, the shape of the site where it wraps around the development to the north east would alter the character of this section of Upper Bunbury but any harm would be minimised and set against the backdrop of the existing development. It would not represent an inappropriate incursion into the landscape.

The development would impact on visual receptors including a number of residential properties, road users and pedestrians on Bowe's Gate Road. However, owing to the existing field boundaries, shape of the site and surrounding features, the proposed development would be relatively contained and as such, any harm would not be significant enough to sustain a refusal on the grounds of landscape impact.

Trees

Some of the tree specimens within and adjacent to the site area protected under the 'Tree Preservation Order: The Nantwich Rural District Council (Bunbury) Tree Preservation Order 1973 (A5 and T36)'.

The submitted Arboricultural Report (ACS Consulting dated March 2015) provides a detailed survey of existing trees within the application site which broadly accords with the requirements of *BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations* (Sections 4.4-4.6). The report includes a Tree Constraints Plan that identifies Root Protection Areas (RPA's) and a shading diagram; however these were not originally plotted on the proposed layout plan as required by section 5.2.1 of BS5837:2012.

Para 4.02 of the Tree Report states that development should be located outside the RPA of trees and at para 4.04 that Plots should be so located as to avoid excessive shading. This is a full

application that requires the project arboriculturist to carry out a detailed arboricultural impact assessment (AIA) in accordance with para 5.4 of BS5837:2012 in order that the impact of the development on existing protected trees can be fully evaluated.

The proposed access and provision of car parking/footpaths appears to conflict with the Root Protection Area (RPA) of a number of protected Chestnut and Sycamore trees within A5 of the TPO (part of G15 of the submitted Tree Report and T13/T14). The Council's Tree Officer has been in discussions with the applicant's Arboriculturist in order to fully understand the extent of the impact of the proposed access (and associated service provision) on the long term health, physiological viability and safe well being of these trees and identify whatever modifications are required that ensures the trees remain viable.

Following discussions, the applicant has submitted further detail regarding the construction techniques where the proposed access road would encroach within the root protection areas of the trees. The Council's Tree Officer is presently considering this detail and will be reported to Members by way of an update.

Ecology

The application is supported by an Extended Phase 1 habitat survey and this has further been updated following initial comments from the Council's Nature Conservation Officer (NCO). The NCO has reviewed the submitted information and advised that protected species would not be materially harmed by the proposals. The NCO has commented that an oak tree within the site has potential to support roosting bats. However, based upon the submitted layout this tree would be retained as part of the proposed development. As such, it is considered that the proposal would not affect species protected by law and would accord with Policy NE.9 of the Local Plan.

Design Standards

Policy BE.2 of the Local Plan advises that new development should respect the pattern, character and form of the surroundings and not adversely affect the streetscene by reason of scale, height, proportions or materials used. Policies SD2 and SE1 of the emerging Cheshire East Local Plan Strategy – Submission Version and H3 of the Bunbury Neighbourhood Development Plan largely support this local plan policy.

The proposed dwellings would be arranged around an 'L' shape with a row of 8 dwellings situated at right angles to Bowe's Gate Road overlooking a greenspace between the site and St Bonifaces Church to the west. The internal road would then turn 90-degrees with a further 3 detached split level dwellings positioned towards the southern boundary of the site.

The corner unit at Plot 1, which would serve as the gateway to the development would be single storey and dual fronted to provide frontage onto Bowe's Gate Road and the internal road to the development. This would begin the row of link detached mews style properties, which would increase in height along its extent from single storey to half dormer style two-storey properties. The design of Plots 1-8 would be successfully broken up with varying design details and alternate roof heights. The detailed design would be high quality and would be respectful to the rural context of the site.

At the previous meeting, Members expressed concern regarding the design of the 3 detached units at plots 9-11 occupying the southern end of the site where the levels drop away. Members wished to seek a more traditional design similar in style to those proposed at the front of the proposed development.

The 3 units at the rear remain split level and as viewed within the site, would have the appearance of a single storey dwelling at the front. The units need to be split level in order to accommodate the change in levels where the site drops away to the rear. The rear facing elevations of these units would have arrow like gable features which would be traditional in form with glazing overlooking views to the south which would add a contemporary element.

In response to Members concerns, the proposed glazing has been broken up and the previously proposed timber cladding to the upper floors has been replaced with facing brick. This has reduced the extent of glazing. Additionally, the ridge height of the 3 units has been reduced and the solar panels omitted with a reduction in the number of roof-lights proposed. The architectural detail has taken reference from the front units to better tie these in together. As amended, it is considered that the proposed 3 units at the rear are more in keeping with the units at the front of the proposed development and the reduction in expanse of glazing and use of more traditional materials would result in a more traditional design. The revised design is considered to be acceptable

Impact on Heritage Assets

The proposed development would be visible from views into and out of the Higher Bunbury Conservation Area and would have an impact upon existing views of Grade I listed church of St Bonifaces Church and from the Grade II listed Mill/ Mill House and from The Chantry which is a Grade II* listed building.

The front of the site adjacent to the green will be set back from the road and the visually important trees/TPO trees will be retained. The proposed height, design and appearance of the new houses off the access road would be well designed and modest in terms of size and as such, would not impact detrimentally on the setting of the identified heritage assets.

The Conservation Officer has expressed concern regarding the inclusion of photovoltaics / solar panels on the dwellings. These could be excluded from the development by condition. Concern has also been expressed regarding the unbroken roof form of plots 1-8. However, the roof forms are successfully broken up as it steps up and down from single storey to two-storey and as such, would not cause visual harm to views in and out of the conservation area or views of the nearby listed buildings.

With respect to the 3 larger detached units towards the rear southern portion of the site, their modern design will be seen from wider views to the south. However, the impact on the character and appearance of the conservation area and visible listed buildings will not be adverse as they are well designed and will provide some visual interest between the old and the new. They will not be overly prominent and as such, the impact of the proposals is acceptable.

Highways

Access to the site is to be taken from a new priority controlled junction with Bowe's Gate Road. The Head of Strategic Infrastructure (Highways - HSI) has assessed the application and has confirmed

that in terms of junction geometry, layout and visibility the access proposals are considered to be an acceptable solution to serve a development of 11 dwellings and would not give rise to concerns regarding highway safety.

Pedestrian access will be taken from Bowes Gate Road and a new footpath link is proposed from south-west corner of the site, which will connect the site with footpath 11 and 10 of the PROW network, which in turn connect the site to the centre of Bunbury Village. This would improve links between the development and the village and would assist accessibility.

With respect to traffic impact, the commuter peak hour and daily traffic generation associated with the development of 11 dwellings would not be expected to have a material impact on the operation of the adjacent or wider highway network owing to its small scale.

There has been concern expressed regarding existing parking issues in the vicinity of the site. The proposals for access result in the loss of three on-street parking spaces on Bowe's Gate Road opposite the site access. However, following amendments, these are re-provided within the site in close proximity to Bowe's Gate Road. Accordingly, there would not be a loss in provision.

In terms of off-street parking provision for the new dwellings, the proposals are in accordance with CEC's minimum parking standards for residential dwellings.

Based on these conclusions, the HSI is satisfied that the development proposals can be safely accommodated on the adjacent highway network. Accordingly, the application is acceptable in terms of highways and parking.

Flood Risk and Drainage

The application site does not fall within a Flood Zone and is not of a scale which requires the submission of a Flood Risk Assessment.

United Utilities have also reviewed the application and advised that they have no objections, subject to a number of informatives relating to the provision of water metres and general drainage advice.

Whilst comments have been received from both objectors and Bunbury Parish Council about the potential to contribute towards the Mill Pond, this is would not be reasonably related to the development to be permitted. Contributions must offset planning harm generated by a proposal. This proposal does not cause planning harm to the Mill Pond.

ECONOMIC ROLE

It is accepted that the construction of a housing development of this size would bring the usual economic benefit to the closest shops in Bunbury for the duration of the construction, and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain. There would be some economic and social benefit by virtue of new residents spending money in the area and using local services. As such, it is considered that the proposed development would be economically sustainable.

SOCIAL ROLE

The proposed development would provide new housing in a sustainable location including the provision of the requisite affordable units which would be to the benefit of the local area. It is considered that this offers social benefit in consideration of the sustainability of the application.

Affordable Housing

The Interim Planning Statement: Affordable Housing (IPS) states that in areas with a population of less than 3,000 the Council 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 3 dwellings or more than 0.2 hectare in size.

Initially, the applicant proposed a contribution in lieu of affordable housing on site. However, this was not acceptable to the Council's Strategic Housing section and as such, the scheme has now been amended to include on site provision. This would comprise of a 50 / 50 tenure split on the advice of the Strategic Housing Manager, as it is acknowledged that it would be difficult for a Registered Provider to manage a single intermediate tenure unit in isolation. Consequently, it is proposed and accepted that the scheme would provide for 2 affordable / social rent and 2 intermediate tenures properties.

Residential Amenity

Policy BE.1 of the Local Plan advises that development shall only be permitted when the proposal would not have a detrimental impact upon neighbouring amenity in terms of overlooking, overshadowing, visual intrusion or environmental disturbance.

For the erection of new houses, the proposal would be expected to adhere to specified separation distances between the proposed new dwellings themselves and the surrounding properties.

The Council's '*Development on Back lands and Gardens Supplementary Planning Document*.' details these minimum standards. Paragraph 3.9 of the SPD advises that '*As a general indication, there should ideally be a distance of 21 metres between principal elevations* (e.g. between properties fronting and backing onto each other), *13.5 metres between a principal elevation with windows to habitable rooms and blank elevations* (e.g. the front and rear of dwellings and the side of other properties)...

The closest residential properties to the site in question would be the occupiers of the properties to the north, on the opposite side of Bowe's Gate. The nearest proposed dwelling would achieve a minimum separation of some 34 metres, which would be more than sufficient to prevent direct overlooking, visual intrusion and loss of light.

The proposed units would be afforded a sufficient standard of private amenity including 50 metres squared private amenity space in accordance with Development on Backlands and Gardens Supplementary Planning Document. As such, subject to conditions, it is considered that the proposed development would adhere with Policy BE.1 of the Local Plan.

Planning Balance

The application site lies entirely within the Open Countryside as determined by the Borough of Crewe and Nantwich Local Plan.

Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by Local Plan Policy NE.2. The proposed development does not fall within any of the listed categories and as such, it constitutes a “departure” from the development plan and there is a presumption against the proposal.

The proposal remains contrary to Open Countryside policy regardless of the Council’s 5-year housing land supply position in evidence at any particular time and a judgement must be made as to the value of the particular area of countryside in question and whether, in the event that a 5 year supply cannot be demonstrated, it is an area where the settlement boundary should be “flexed” in order to accommodate additional housing growth.

Whilst the proposed development would result in the loss of a green space outside of the settlement boundary for the village, the Council’s Landscape Officer has advised that its impact upon the wider landscape will not be significant. Owing to the size, shape and characteristics of the site, subject to appropriate landscaping (which would be secured by condition), a refusal on grounds of landscape impact / open countryside would not be sustainable.

The revised scheme would be well designed and would account for its proximity and relationship to all of the nearby listed buildings (including St Bonifaces Church) as well as the Higher Bunbury the Conservation Area. The access and parking would not give rise to issues of highways safety and subject to conditions relating to trees, hedges, ecology and materials, it is not considered that the proposed development would create any significant environmental concerns and as such on balance, is considered to be environmentally sustainable.

The proposal would bring positive planning benefits such as a boost to the local economy and a social benefit via the provision of the required affordable housing. In addition the site is located in a relatively sustainable location with regards to its physical relationship to existing built form and with regards to its distance from local facilities.

The proposal would represent a sustainable form of development and would be limited in terms of its scale in accordance with the relevant policies of the Bunbury Neighbourhood Plan.

The detrimental impact of the development would be the loss of a green field and the minor loss of hedgerow which although regrettable, would not be significant enough to warrant refusal of this application,

As a result of the above reasons, it is considered that the proposal would represent sustainable form of development and is therefore recommended for approval.

RECOMMENDATION

APPROVE subject to S106 Agreement making provision for:

Affordable Housing comprising:

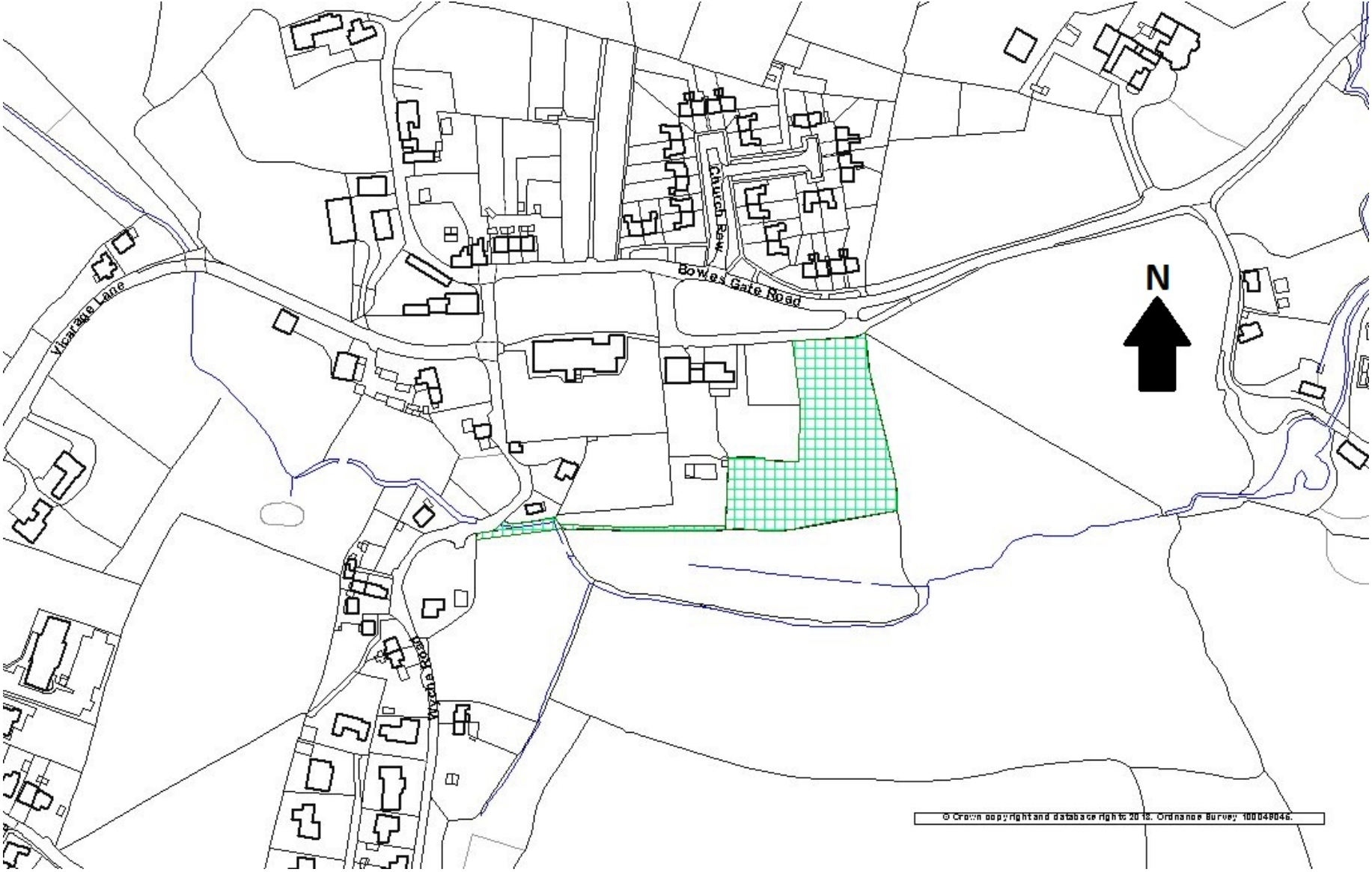
- **4 units on site 2 for social / affordable rent and 2 for intermediate tenure**

and for the following conditions:

1. Standard Time Limit (3 Years)
2. Accordance with approved / amended plans
3. Prior submission of facing and roofing material details
4. Prior submission of surfacing material details
5. Submission of details of boundary treatment
6. Tree retention and accordance with submitted AIA
7. Tree protection – Implementation including details of no dig construction
8. Landscaping to be submitted including hedgerow planting to be supplemented
9. Landscaping implementation
10. Survey for nesting birds to be carried out if development is carried out in the bird nesting season
11. Features for breeding birds to be incorporated
12. Access to be constructed in accordance with approved plans
13. Accordance with recommendations of ecological report
14. Prior submission of a piling method statement
15. Prior submission of any external lighting
16. Prior submission of a dust mitigation scheme
17. Drainage to be connected to foul sewer
18. Removal of permitted development rights for gates, walls and fences
19. Removal of permitted development right for extensions and outbuildings (Classes A-E)
20. Submission of a programme of archaeological mitigation
21. Submission of details of bin storage
22. Details of footpath link to be submitted

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) has delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

Should this application be the subject of an appeal, authority be delegated to the Head of Planning (Regulation) in consultation with the Chairman of the Southern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.



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Application No: 15/4326C

Location: Croxtonbank, 36, CROXTON LANE, MIDDLEWICH, CHESHIRE, CW10 9EZ

Proposal: Outline application for development comprising the demolition of one existing dwelling (36 Croxton Bank) and construction of 27 residential units, including a new access, affordable housing provision and area of public space.

Applicant: Lizzie Smith, Renew Land Developments Ltd.

Expiry Date: 25-Dec-2015

SUMMARY:

The application site lies entirely within the Open Countryside as determined by the Borough of Congleton Borough Local Plan. Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by Local Plan Policies PS8 and H6. The proposed development does not fall within any of the listed categories. The proposal is contrary to Open Countryside policy regardless of the Council's 5-year housing land supply position in evidence at any particular time and a judgement must be made as to the value of the particular area of countryside in question and whether, in the event that a 5 year supply cannot be demonstrated, it is an area where the settlement boundary should be "flexed" in order to accommodate additional housing growth.

The proposed development would result in the loss of a green space outside of the settlement boundary. However, the impact upon the wider landscape will not be significant and the development would serve to 'round-off' the existing settlement. A refusal on grounds of landscape impact / open countryside would not be sustainable and the proposal would offer a benefit by providing additional houses in a sustainable location.

The indicative layout demonstrates how a development of up to 27 dwellings could be accommodated on the site without causing material planning harm to neighbouring amenity, the character and appearance of the area (including the designated heritage assets) and matters relating to drainage and flooding. The proposed access and parking would not give rise to issues of highways safety and subject to conditions relating to trees, hedges, ecology, it is not considered that the proposed development would create any significant environmental concerns and as such on balance, is considered to be environmentally sustainable.

The proposal would bring positive planning benefits such as a boost to the local economy and a social benefit via the provision of the required affordable housing. In

addition the site is located in a sustainable location with regards to its physical relationship to existing built form and with regards to its distance from local amenities and facilities accommodated within Middlewich Town Centre. As such, this proposal would also satisfy the economic and social roles of sustainability.

Subject to the required Section 106 package, the proposed development would provide adequate public open space and the necessary affordable housing.

RECOMMENDATION:

APPROVE subject to conditions and S106 Agreement

PROPOSAL:

Outline planning permission is sought for the demolition of one existing dwelling (36 Croxton Bank) and the construction of 27 residential units, including a new access, affordable housing provision and area of public space. Details of access and landscaping have been provided with this application, with all other matters reserved for approval at a later stage.

SITE DESCRIPTION:

This application relates to a Greenfield site measuring approximately 1.1 ha in size located on the northern edge of Middlewich. The site also includes a single residential property and its domestic curtilage referred to as no. 36 Croxton Lane occupying party of the southwestern corner of the site.

The site is bound to the west by Croxton Lane, to the north by a paddock beyond which lies the 'Trent and Mersey Canal' and its conservation area which also follows the eastern boundary of the site and to the west on the opposite side of Croxton Lane there is further residential development.

There are a number of trees in and around the periphery of the site including a orchard to the north west boundary of the site. Public Footpath no. 13 Middlewich dissects the north eastern of the site

The south western corner of the site lies within the settlement zone line of Middlewich with the remaining part falling within open countryside as designated in the Congleton Borough Local Plan First Review (2005).

RELEVANT HISTORY:

None

NATIONAL & LOCAL POLICY

National Policy:

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs 7, 14, 17, 32, 34, 47, 49, 55, 132 and 173.

Development Plan:

The Development Plan for this area is the adopted Congleton Borough Local Plan First Review (2005), which allocates the site within the settlement boundary of Congleton under Policy PS4.

The relevant Saved Policies are: -

PS4	Towns
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
GR14	Cycling Measures
GR17	Car Parking
GR18	Traffic Generation
GR19	Infrastructure
GR20	Public Utilities
GR21	Flood Prevention
GR22	Open Space Provision
H2	Provision of New Housing Development
H4	Residential Development in Towns
H13	Affordable and Low Cost Housing
NR1	Trees & Woodland
NR2	Wildlife & Nature Conservation
NR3	Habitats
NR4	Non-Statutory Sites
BH5	Impact of Proposals - Listed Buildings
BH9	Impact of Proposals – Conservation Areas
SPG1	Provision of Public Open Space in New Residential Developments
SPG2	Provision of Private Open Space in New Residential Developments

Cheshire East Local Plan Strategy – Submission Version (CELP)

The following are considered relevant material considerations as indications of the emerging strategy:

Policy SD 1 Sustainable Development in Cheshire East
 Policy SD 2 Sustainable Development Principles
 Policy SE 1 Design
 Policy SE 3 Biodiversity and Geodiversity
 Policy SE 5 Trees, Hedgerows and Woodland
 Policy SE 9 Energy Efficient Development
 Policy IN 1 Infrastructure
 Policy IN 2 Developer Contributions

Policy PG 1 Overall Development Strategy
Policy PG 2 Settlement Hierarchy
Policy SC 4 Residential Mix

Supplementary Planning Documents:

Interim Planning Statement: Affordable Housing (Feb 2011)

CONSULTATIONS:

Environmental Protection Unit: No objection subject to conditions requiring submission of an environmental management plan, a noise mitigation scheme, a phase II contaminated land investigation, a travel plan, electric vehicle charging points and informatives relating to hours of construction.

Highways: No objection. The site is located on the edge of a residential area with a reasonable level of accessibility although there is a requirement to link the site to the existing footpath network. The access design is of a suitable standard to serve a development consisting of 27 units, the visibility splays have been determined from speed surveys. The traffic impact is not considered to have a material impact on the local road network. There are no highway objections raised subject to conditions.

Green Spaces (Ansa): No objections subject to financial contributions.

The developer is proposing some POS in the North eastern area of site although the actual size of plot is not known. Having calculated the existing amount of accessible AGS within 800m of the site and the existing number of houses which use it, 27 new homes will generate a need for 800 sq m of new AGS based on the housing schedule. To maintain this area of AGS, the Council would need £9,460.00.

Having calculated the existing amount of accessible CYPP within 800m of the site and the existing number of houses which use it, 27 new homes (72 persons) will place extra demand on the facilities at the main town park at Fountain Fields. Given the size of site, new provision on site is not practical. For example a qualitative deficit can be improved at Fountain Fields to meet the needs of the new development by enhancing the quantity/quality thus increasing the sites capacity.

There are several aspects of Fountain Fields that could be improved such as a new DDA inclusive swing which would improve the quality and accessibility of the facility and encourage greater use of the area.

Applying the standards and formulae in the 2008 Guidance the Council would need £6,593.04 to upgrade Fountain Fields site. This would be spent on a DDA swing as mentioned above. The Council would also need a commuted sum of £21,492.00 to maintain the upgraded facilities over 25 years.

Education: No objection. No contributions required.

Brine Compensation Board: No objection. The site is within an area that has previously been affected by brine subsidence and future residual movements cannot be completely discounted. As such, the dwellings should be constructed on a concrete raft foundation.

Canal and Rivers Trust: No objection subject to the following comments:

The Trust would hope any application in future did not propose further development in this buffer area. The Trust would like assurances that the vegetation between the development site and the canal is supplemented and managed to ensure a sustainable visual barrier and a wildlife strip is maintained. The Trust also consider it appropriate to request some additional tree planting along the north western edge of the public open space as this will soften the visual impact of the proposed development from the canal corridor to the North.

Flood Risk Officer: No objection subject to conditions.

Public Rights of Way: No objection subject to conditions. The development, if granted consent, would affect Public Footpath No. 13 Middlewich, as recorded on the Definitive Map and Statement. However, it appears that the footpath would not require a diversion order as the plans show it has been accommodated on its current alignment within the development area.

United Utilities: No objection provided that the proposed development is drained on a separate system with only foul drainage connected to the main sewer.

VIEWS OF THE MIDDLEWICHTOWN COUNCIL

No comments received.

REPRESENTATIONS:

Representations have been received from 7 addresses objecting to the application on the following grounds:

- Loss of Greenfield site
- Anti social behaviour from proposed open space
- Motorists do not adhere to the speed limit
- Poor drainage
- Traffic impact and highway safety
- Local amenities and facilities cannot cope
- Trees and vegetation were felled prior to the application
- Trees and hedges should be retained
- Noise from construction
- Loss of wildlife
- Will lead to more housing
- Loss of views
- Brownfield sites should be built on first
- Impact on neighbouring amenity
- Loss of existing historic house

APPRAISAL:

Principle of Development

The site lies largely in the Open Countryside as designated by the Congleton Borough Local Plan 2005, where policies PS8 and H6 state that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Residential development will be restricted to agricultural workers dwellings, affordable housing and limited infilling within built up frontages.

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

The issue in question is whether the development represents a sustainable form of development and whether there are other material considerations associated with this proposal, which are a sufficient to outweigh the conflict with the development plan.

Housing Land Supply

Paragraph 47 of the National Planning Policy Framework requires that Council’s identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements.

The calculation of Five Year Housing supply has two components – the housing requirement – and then the supply of housing sites that will help meet it. In the absence of an adopted Local Plan the National Planning Practice Guidance indicates that information provided in the latest full assessment of housing needs should be considered as the benchmark for the housing requirement.

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

The information presented to Full Council as part of the LPS proposed changes included the Council’s ‘Housing Supply and Delivery Topic Paper’ of February 2016.

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

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

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

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

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

Open Countryside Policy

In the absence of a 5-year housing land supply we cannot rely on countryside protection policies to defend settlement boundaries and justify the refusal of development simply because it is outside of a settlement, but these policies can be used to help assess the impact of proposed development upon the countryside. Where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply. Policy PS8, seeks to protect the intrinsic character and beauty of the countryside.

Therefore, the proposal remains contrary to Open Countryside policy regardless of the 5 year housing land supply position in evidence at any particular time and a judgement must be made as to the value of the particular area of countryside in question and whether, in the event that a 5 year supply cannot be demonstrated, it is an area where the settlement boundary should be “flexed” in order to accommodate additional housing growth.

In order to assess the impact upon the Open Countryside, a key consideration is the impact that the development would have upon the landscape, which forms part of the assessment as to whether the proposal is a sustainable form of development.

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”.

Inspectors have determined that locational accessibility is but one element of sustainable development and it is not synonymous with it. The NPPF determines that sustainable development comprises of three dimensions:- economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

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

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;

These roles should not be undertaken in isolation, because they are mutually dependent.

ENVIRONMENTAL ROLE

The application site is located adjacent to the existing residential development at Middlewich where the application site is within walking distance of the Town Centre. The application site is located in close proximity to a number of facilities including local primary schools, secondary school, convenience store, supermarket, various shops, public houses, a post office and public transport which are all readily accessible by foot. On the whole, these facilities and amenities are accessible to the proposed development. Given the factors above and the designation of Middlewich as a Key Service Centre, the proposed site it is considered to be locationally sustainable.

Landscape Impact

Full details of landscaping have been submitted for consideration with this outline application, which includes a Landscape and Visual Appraisal. This indicates that it has been undertaken according to the Guidelines for landscape and Visual Impact (Third Edition) 2013. The appraisal identifies both the national and regional landscape character of the application site; this site is located within Landscape Character Type 13: River valleys, specifically R4: Lower Dane Character Area. The Cheshire Landscape Character Assessment (2009) identifies that part of the application site is located within the urban part of Middlewich.

The Council's Principal Landscape Officer broadly agrees with the appraisal, and considers that any potential landscape and visual impacts can be mitigated with appropriate design details and landscape proposals. This could be ensured through the reserved matters, appropriate conditions and the S106 agreement. The proposal would serve to 'round-off' the existing settlement and as such, the landscape impact would not be adverse.

Trees

The proposal will necessitate the removal of a number of low (C) category trees including a previously topped Ash and Lombardy Poplar on the Croxton Lane frontage and an Ash and various fruit trees internally within the site. The Poplar and Ash are structurally poor exhibiting weak branch attachments decay points and past branch failures. Their removal is considered arboriculturally acceptable.

An old orchard located to the North West boundary of the site (Group G17) includes some 11 Apple trees and 5 Plum. Most are relatively recent plantings, with only two specimens of Apple in excess of 40+ years. All are in relatively poor structural and physiological condition and have limited life expectancy. Similarly a mature Pear (T19) within the centre of the site is in acute decline and has limited life expectancy. Their removal together with a linear group of 6 small Apple trees to accommodate the development does not present any significant arboricultural implications.

There is a mature protected Oak tree located to the north east boundary section to the south of footpath FP13 and is shown within an area of amenity space. Root Protection Areas (RPA) in respect of the proposed indicative turning head and indicative position of Plot 15 comply with BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations. In this regard, it is not anticipated that there would be any significant arboricultural implications.

The proposed internal access arrangements serving indicative plots 22-27 allow for the retention of part of the Holly hedge located along the Croxton Lane frontage which is welcomed, although it will be necessary to remove a section of Hawthorn hedge to accommodate the access. Any future reserved matters application must be supported by an Arboricultural Implication Study in accordance with BS5837:2012, which shall include full details of those trees for retention and removal and tree protection plan.

Ecology

The application is supported by the relevant protected species surveys. There is a commitment by the applicant to establish satisfactory confidence levels if the building to be demolished (no. 36 Croxton Lane) supports an active bat roost. This will require additional surveys which cannot now be completed until spring 2016. A Natural England licence application may or may not be required dependent on the findings of the additional bat surveys. The Council cannot determine risk to European Protected Species, to satisfactory confidence levels, until updated surveys are completed.

Planning conditions should be set to ensure that 'Reasonable Avoidance Measures' for great crested newt and reptiles as set out in supporting ecology reports are implemented in full.

Design Considerations

Policy GR2 of the development plan states that planning permission will only be granted where the proposal is sympathetic to the character and form of the site and the surrounding area in terms of the height, scale, form and grouping of buildings, and the visual, physical and functional relationship of the proposal to neighbouring properties, the street scene and to the locality generally.

Site layout is reserved for subsequent approval. However, an indicative layout has been submitted which shows a main spinal road taking access directly from Croxton Lane. The proposed access

would be offset to the left hand side of the site frontage and shows that units could be accommodated either side of the proposed access directly fronting Croxton Lane.

The indicative layout shows dwellings arranged around the spinal road which would terminate towards the rear of the site (eastern end) where there would be an area of open space which would accommodate the existing Middlewich FP13 public footpath and a mature protected Oak tree. This would also ease the transition between the built development and the Trent and Mersey Canal Conservation Area to the east.

It is considered that an appropriate design can be achieved, which will sit comfortably alongside the mix of existing development within the area and will sustain the provision of up to 27 units.

Impact on Heritage Assets

To the east, the application site borders the 'Trent and Mersey Canal Conservation Area' and a grade II listed canal milepost. The boundary to these assets is only short as the site tapers off and narrows in this direction. Further, the indicative layout shows that this end of the site would be given over to open space and therefore the visual impact on the setting of both heritage assets would be minimised. The development would also be read in the context of the existing built development to the south and west and as such, subject to an appropriate detailed reserved matters application, the impact on the heritage assets would be acceptable.

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.

There is a single access proposed to serve the development with a carriageway measuring 5.5m wide and two 2.0m footways on either side of the access road. The applicant has submitted a priority junction design to serve the site and a speed survey has been undertaken to determine the approach vehicle speeds so that the appropriate visibility splays can be calculated.

The submitted traffic impact assessment has calculated that the trip generation arising from 27 units is low being 20 two way trips in the peak hours. This level of traffic generation will not give rise to capacity problems on Croxton Lane and is not considered to have 'severe' impact on the road network. Sufficient space within the development would allow adequate parking spaces to be provided as part of a future detailed layout scheme. The Head of Strategic Infrastructure (HSI – Highways) has confirmed that the proposed access strategy is acceptable.

Public Right of Way

The Middlewich FP13 public footpath dissects the norther eastern corner of the site. The indicative layout shows that this could be accommodated within the layout of the site by incorporating within the proposed on site open space. This would allow it to be maintained without obstruction an without the need for diversion. On this basis, the Council's Public Rights of Way Unit (PROW) have confirmed that the scheme is acceptable in this regard. The incorporation of the public footpath into the scheme serves as a social benefit of the scheme also.

Flood Risk and Drainage

The application site does not fall within a Flood Zone and is not of a scale which requires the submission of a Flood Risk Assessment. United Utilities and the Council's Flood Risk Team have reviewed the application and advised that they have no objections, subject to condition.

Taking the above into account, subject to further updated protected species surveys, the proposals are found to be environmentally sustainable.

ECONOMIC ROLE

It is accepted that the construction of a housing development of this size would bring the usual economic benefit to the closest shops in Middlewich for the duration of the construction, and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain. There would be some economic and social benefit by virtue of new resident's spending money in the area and using local services. As such, it is considered that the proposed development would be economically sustainable.

SOCIAL ROLE

The proposed development would provide new housing in a sustainable location including the provision of the requisite affordable units which would be to the benefit of the local area. It is considered that this offers social benefit in consideration of the sustainability of the application.

Affordable Housing

The Interim Planning Statement: Affordable Housing (IPS) advises – *that for Windfall sites in settlements with a population of 3,000 or more the Council 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 than 0.4 hectare in size. It also advises that the exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion of affordable housing for any site will normally be 30%, in accordance with the recommendation of the 2010 Strategic Housing Market Assessment.*

The site falls within the Middlewich sub-area for the purposes of the Strategic Housing Market Assessment (SHMA) Update 2013. This identifies a need for 65 affordable homes per annum for the period 2013/14 – 2017/18. There is a requirement for 26 x 1 beds, 22 x 2 beds, 8 x 3 beds, 4 x 1 bed older persons accommodation and 4 x 2+ bed older persons units

In addition, information taken from Cheshire Homechoice, shows there are currently 184 live applicants who have selected one of the Middlewich lettings areas as their first choice. These applicants require 63 x 1 bed, 53 x 2 bed, 45 x 3 bed and 12 x 4+ bed accommodation (2 applicants did not specify how many bedrooms they require). Using this information there would be a preference for the affordable housing on this site to include 1 and 2 bedroom properties.

Therefore, there should be provision of 30% of the total dwellings as affordable, with 65% provided as social rent (affordable rent is also acceptable at this site) and 35% intermediate. This is the preferred tenure split identified in the SHMA 2010, SHMA Update 2013 and highlighted in the IPS. This equates

to a requirement for 8 affordable dwellings on this site, with 5 provided as social or affordable rent and 3 provided as intermediate tenure.

The IPS requires that the affordable homes should be provided no later than occupation of 50% of the open market units, unless the development is phased and there is a high degree of pepper-potting in which case the maximum proportion of open market homes that may be provided before the provision of all the affordable units may be increased to 80%. The Affordable Homes should also be integrated with the open market homes and therefore 'pepper-potted' and be tenure blind and also not be segregated in discrete or peripheral areas.

On the basis that the application will provide the requisite level of affordable housing, the Council's Strategic Housing Officer has confirmed that such provision is acceptable and in line with policy.

Public Open Space Provision

The Greenspaces section (ANSA) has confirmed that the proposal would generate the need to provide both amenity greenspace and children's and young person's provision. This would equate to 800 m² of new Amenity Greenspace (AGS), which would be provided on site and an opportunity to contribute towards the upgrade and future maintenance of the main town park at Fountain Fields. To maintain the proposed area of AGS, the Council would need £9,460.00. To upgrade the Fountain Fields play area (Children and Young Person's Provision), £6,593.04 would be required to upgrade a DDA swing and £21,492.00 to maintain the upgraded facilities over 25 years. Subject to s106 legal agreement to secure the terms of the provision, the scheme is deemed to be acceptable in this regard at this stage.

Residential Amenity

In respect of the residential amenities afforded to neighbouring properties, the closest of which are to the south (Waterside Way), the proposals would broadly achieve the minimum interface distances advised within SPG2. Subject to a detailed layout and elevations to show the precise positions of windows, the scheme would not give rise to any direct overlooking or significant loss of sunlight or daylight to neighbouring properties.

With regard to the amenities of the occupiers of the proposed units, the dwellings could be configured and arranged so as to ensure that there is no direct overlooking of principal windows, overshadowing, or visual intrusion. Each dwelling unit would benefit from its own rear garden and it is considered that the amenity space provided as part of the development would be acceptable for the size of units proposed as indicated on the indicative plan.

Noise

The applicant will need to ensure that the future occupants of the proposed dwellings are not adversely affected by noise from the A530 Croxton Lane. The Environmental Protection Unit is satisfied that this can be adequately mitigated through appropriate insulation, glazing and ventilation. Such mitigation will need to be confirmed at the reserved matters stage.

S106 contributions Levy (CIL) Regulations:

Policy GR19 of the Local Plan advises that the Local Planning Authority may impose conditions and/or seek to negotiate with developers to make adequate provision for any access or other infrastructure requirements and/or community facilities, the need for which arises directly as a consequence of that development. It is advised that such provision may include on site facilities, off site facilities or the payment of a commuted sum.

Policy IN1 of the Cheshire East Local Plan Strategy – Submission Version, advises that the Local Planning Authority should work in a co-ordinated manner to secure funding and delivery of physical, social, community, environmental and any other infrastructure required to support development and regeneration.

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

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

The provision of Public Open Space and the requisite level of affordable housing are necessary to make the development acceptable in planning terms and are directly related to the scale of development in order to offset its impacts on these matters. As such, they meet the above tests.

Planning Balance & Conclusions

The application site lies entirely within the Open Countryside as determined by the Borough of Congleton Borough Local Plan. Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by Local Plan Policies PS8 and H6. The proposed development does not fall within any of the listed categories and as such, it constitutes a “departure” from the development plan and there is a presumption against the proposal.

The proposal remains contrary to Open Countryside policy regardless of the Council’s 5-year housing land supply position in evidence at any particular time and a judgement must be made as to the value of the particular area of countryside in question and whether, in the event that a 5 year supply cannot be demonstrated, it is an area where the settlement boundary should be “flexed” in order to accommodate additional housing growth.

Whilst the proposed development would result in the loss of a green space outside of the settlement boundary, the Council’s Landscape Officer has advised that its impact upon the wider landscape will not be significant and the development would serve to ‘round-off’ the existing settlement. Owing to the size, shape and characteristics of the site, subject to appropriate landscaping (which would be secured by condition), a refusal on grounds of landscape impact / open countryside would not be sustainable.

The indicative layout demonstrates how a development of up to 27 dwellings could be accommodated on the site without causing material planning harm to neighbouring amenity, the character and appearance of the area (including the designated heritage assets) and matters relating to drainage and flooding. The proposed access and parking would not give rise to issues of highways

safety and subject to conditions relating to trees, hedges, ecology and materials, it is not considered that the proposed development would create any significant environmental concerns and as such on balance, is considered to be environmentally sustainable.

The proposal would bring positive planning benefits such as a boost to the local economy and a social benefit via the provision of the required affordable housing. In addition the site is located in a sustainable location with regards to its physical relationship to existing built form and with regards to its distance from local amenities and facilities accommodated within Middlewich Town Centre. With respect to fulfilling the environmental role, this proposal will safeguard the natural, built and historic environment.

This proposal would also satisfy the economic and social roles by providing for much needed housing adjoining to an existing settlement where there is existing infrastructure and amenities. The boost to housing supply is considered to be an important benefit – and this application achieves this in the context of a deliverable, sustainable housing land release.

Subject to the required Section 106 package, the proposed development would provide adequate public open space and the necessary affordable housing.

RECOMMENDATION

APPROVE subject S106 Agreement making provision for:

Affordable Housing comprising:

- **8 units on site 5 for social / affordable rent and 3 for shared ownership**

Public Open Space comprising of:

- **800m2 of new Amenity Greenspace on site and commuted sum of £9,460.00. towards future maintenance**
- **£6,593.04 required to upgrade a DDA swing at Fountain Fields and £21,492.00 to maintain the upgraded facilities over 25 years.**

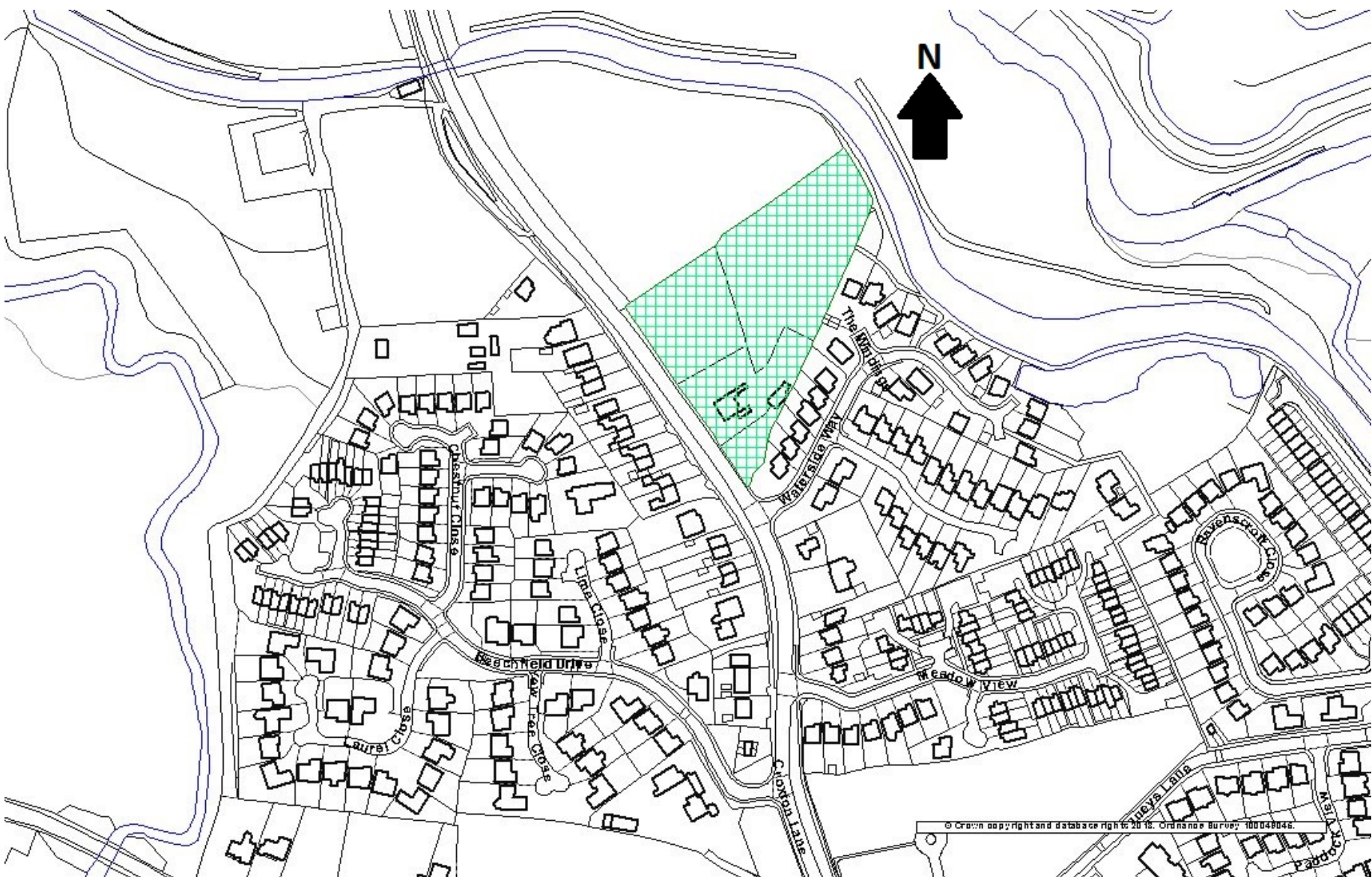
And the following conditions:

- 1. Standard Outline Time limit – 3 years**
- 2. Submission of Reserved Matters**
- 3. Accordance with Approved Plans**
- 4. Submission of an Environmental Management Plan**
- 5. Details of pile driving operations to be limited**
- 6. Details of drainage (SUDS) to be submitted**
- 7. Only foul drainage to be connected to sewer**
- 8. Submission of landscaping scheme**
- 9. Implementation of landscaping scheme**
- 10. Retention of important trees**
- 11. Tree and hedgerow protection measures**
- 12. Arboricultural Specification/Method statement**

13. Timing of the works and details of mitigation measures to ensure that the development would not have a detrimental impact upon breeding birds.
14. Submission of update protected species surveys with reserved matters application
15. Submission of noise mitigation scheme with reserved matters
16. Accordance with approved access and constructed prior to first occupation
17. Electric Vehicle charging points for each dwelling
18. Scheme for connection into public right of way
19. Phase II contaminated land investigation to be submitted

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Planning and Enforcement Manager, in consultation with the Chair (or in his absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

Should this application be the subject of an appeal, authority be delegated to the Planning and Enforcement Manager in consultation with the Chairman of the Southern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.



Application No: 14/4451C

Location: Land Off Manchester Road, Congleton, Cheshire, CW12 2NA

Proposal: Erection of up to 137 dwellings with associated infrastructure (Phase 1)

Applicant: P E Jones (Concrtactors) Ltd

Expiry Date: 15-Jan-2015

SUMMARY

The application site lies entirely within the Open Countryside as determined by the Congleton Borough Local Plan First Review 2005.

Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by Local Plan Policy H6. The proposed development does not fall within any of the listed categories and as such, there is a presumption against the proposal unless material considerations indicate otherwise.

Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites and that where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development

It is therefore necessary to make a free-standing assessment as to whether the proposal constitutes “sustainable development” in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

In this case, the development would provide positive planning benefits such as; the provision of a market and affordable dwellings in a sustainable location and the knock-on local economic benefits such a development would bring to local shops and suppliers.

Balanced against these benefits must be the dis-benefits, which in this case would be the loss of open countryside.

The site also forms part of the CS17 site allocation within the Submission Version of the Cheshire East Local Development Strategy, which is allocated for housing

development and is an important material consideration to which significant weight can be placed, due to the stage the emerging Plan has reached.

There remains issues relating to levels information concerning some trees on site, and the need to amend the design of a limited number of 3 storey plots located to the periphery of the site which need further negotiations but are considered to be resolvable.

All other issues are considered to be mitigated against by the use of planning conditions or a S106 Agreement and as such, are considered to have a neutral impact.

In this instance, is considered that the benefits of the scheme would outweigh the dis-benefits.

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits. Accordingly it is recommended for approval.

RECOMMENDATION

Delegate to the Head of Planning (Regulation) and the Chair of the Southern Planning Committee to resolve outstanding matters relating to levels around trees and detailed design revisions concerning the siting of a block of 2.5/3 storey houses to Plots 22-25 to APPROVE subject to a S106 Agreement and conditions

PROPOSAL

Full planning permission is sought for the erection of 137 no. dwellings on a site bounded by Moss Lane and Manchester Road, Congleton. A sister application, 14/4452C, for the site adjoining (phase 2 for 95 units is reported separately on this agenda). The numbers of units have been reduced from 143 as originally submitted. The proposal comprises a density of 26.6 units per hectare.

Two access points are provided via Manchester Road. The Housing layout is laid out in 3 groups throughout the site separated by a separate area of greenspace/ecological mitigation area.

Affordable housing is provided at 30% (28 in each of the 3 development zones. A NEAP (8 pieces of equipment) is to be provided to the southern boundary of the site, this is to be shared with the phase 2 housing scheme(14/4452C).

The housing layout comprises

23 no. 5 bed detached

29 no. 4 bed detached

10 no. 3 bed semi-detached
16 no. 4 bed mews
11 no. 3 bed mews
40 no. 2 bed mews
8 no. 1 bed apartments

A mix of house types are proposed, in the main being 2 storey, some have gabled and other hipped roof forms. Materials comprise brick, tile and some limited use of render. The apartment block and a small number of town-houses are 3 storey buildings with gabled roof forms.

SITE DESCRIPTION

The application site is 5.14 hectares in area and comprises Moss Farm and its agricultural grazing land fronting onto Moss Lane and Manchester Road (A34) on the northern edge of Congleton. The site is located in the Open Countryside as designated in the Congleton Borough Local Plan First Review and is allocated within the emerging Cheshire East Local Plan Strategy as a housing site.

The site is currently occupied on a short term tenancy.

RELEVANT HISTORY

No previous planning applications of relevance on this site itself however, there are extant permissions on the site to the south of Moss Farm; these are

13/091C - . Outline Application For Residential Development Comprising Up To 45 Dwellings (All Matters Reserved) – permission granted 13-Oct-2014

14/5386C - Reserved matters application for approval of details of access; relating to Phase 1 of outline consent reference 13/0918C comprising 1N° dwelling and construction of new road junction to Manchester Road – Permission granted 06-Feb-2015

Further to the south, and adjoining the site of the former Cattle Market, the following was approved:

13/0922C – Land Off Biggs Way, Congleton - Outline Application For Residential Development Comprising Up To 45 Dwellings (All Matters Reserved) permission granted 05-Nov-2015

There are a number of other schemes either presently with the Council for determination in the application stage or recently approved in outline form on Giantswood Lane in the vicinity of the site for significant housing led schemes and the proposed by-pass.

NATIONAL & LOCAL POLICY

National Policy

The National Planning Policy Framework establishes a presumption in favour of sustainable development. Of particular relevance are paragraphs:

14 - Presumption in favour of sustainable development, 17 – Core planning principles, 47-50 - Wide choice of quality homes, 55 - Isolated dwellings in the countryside, 56-68 - Requiring good design, 69-78 - Promoting healthy communities

Development Plan

The Development Plan for this area is the adopted Congleton Borough Local Plan First Review (2005). The relevant Saved Policies are:

GR1 New Development
GR2 Design
GR3 Residential Development
GR5 Landscaping
GR6 Amenity and Health
GR9 Accessibility, servicing and provision of parking
GR14 Cycling Measures
GR15 Pedestrian Measures
GR17 Car parking
GR18 Traffic Generation
GR21 Flood Prevention
GR22 Open Space Provision
NR1 Trees and Woodland
NR2 Statutory Sites (Wildlife and Nature Conservation)
NR3 Habitats
NR5 Habitats
H2 Provision of New Housing Development
H6 Residential Development in the Open countryside
H13 Affordable Housing and Low Cost Housing

Cheshire East Local Plan Strategy – Submission Version (CELP)

The following are considered relevant material considerations as indications of the emerging strategy:

PG2 – Settlement Hierarchy
PG5 - Open Countryside
PG6 – Spatial Distribution of Development
CS17 - Manchester Road
SC4 – Residential Mix
SC5 – Affordable Homes
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE3 – Biodiversity and Geodiversity
SE5 – Trees, Hedgerows and Woodland
SE 1 – Design
SE 2 - Efficient Use of Land

SE 4 - The Landscape
SE 5 - Trees, Hedgerows and Woodland
SE 3 - Biodiversity and Geodiversity
SE 13 - Flood Risk and Water Management
SE 6 – Green Infrastructure
IN1 – Infrastructure
IN2 – Developer Contributions

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

Supplementary Planning Documents:

Interim Planning Statement: Affordable Housing (Feb 2011)
North West Sustainability Checklist
SPG2 - Provision of Private Amenity Space in New Residential Development
The EC Habitats Directive 1992

CONSULTATIONS

Head of Strategic Infrastructure (HSI) – No objections, subject to conditions and financial mitigation of £299,999 to be provided upon occupation of the 108th (80%) dwelling on site.

Environmental Protection (Cheshire East Council) – No objections, subject to a number of conditions including; electric car charging points to be provided for all dwellings (not as suggested by the Applicant as upon request from future residents); the implementation of noise mitigation; the prior submission/approval of an Environmental Management Plan; the prior approval of air quality mitigation measures; the provision of contaminated land remediation in accordance with the phase ii report;

Flood Risk Manager (Cheshire East Council) – No objections, subject to a condition concerning sustainable urban drainage

United Utilities – No objections, subject to a condition that the site be drained on a separate system.

Housing (Cheshire East Council) – No objections, subject to the 30% affordable housing provision being secured via a S106 Agreement in a 65:35 split

ANSA Greenspaces (Cheshire East Council) – No objection subject to enhanced provision off site in lieu of on site provision. Request financial contribution for 25 year maintenance of on site NEAP (but not ecological mitigation or incidental open space – which should be maintained by private residents management agreement). The Applicant requests the NEAP to be maintained and managed via Private Management Agreement

The commuted sum calculations as follows (in lieu of on site provision):

Amenity Greenspace

Requirement for 3,240m² of Amenity Greenspace

Cost of Maintenance (in lieu of onsite provision) £51,084

Ecology: No objection subject to conditions and mitigation for the loss of habitat in the form of a financial contribution to the creation/enhancement of on site ecological mitigation. Financial mitigation to be provided on phase 2

Education (Cheshire East Council) – To alleviate forecast pressures in primary, secondary and SEN provision and to allow for the following contributions would be required:

25 x £11919 x 0.91 = **£271,157** (primary)

20 x £17,959 x 0.91 = **£326,854** (secondary)

2 x £50,000 x 0.91 = **£91,000** (SEN)

Total education contribution: **£689,011**

No objection provided the mitigation required is provided. The Applicant agrees to this.

Congleton Town Council – No objection subject to contributions to highways improvements and contributions to education

Eaton Parish Council - This development will be part of the Cheshire East Plan but no additional infrastructure, ie. primary schools, has been put in place. These houses will be built before any new road work takes place. Also the access on to the A34 is on two bends and therefore visibility comes into question.

Jodrell Bank: No reply

REPRESENTATIONS

Neighbour notification letters were sent to all adjacent occupants, site notices were erected and an advert placed in the local paper.

Approximately 22 letters of representation have been received objecting to the proposal. The main areas of objection are:

- Principle of development
- Loss of agricultural land/green field
- Loss of 'green belt' land when brownfield sites are available
- Traffic congestion, town is grid locked
- Need by-pass before any new housing
- Ecology – Impact upon protected species / wildlife
- Impact upon hedgerows
- Highway safety –Design – loss of character- Congleton is becoming one huge housing estate

- No need for more housing and many existing housing in Congleton up for sale
- Impact upon schools and physical infrastructure
- No need for more housing / affordable housing in this location

APPRAISAL

The key issues are:

- The Policy Position
- Sustainability including the proposal's Environmental, Economic and Social role
- Housing land supply
- The acceptability of the design and layout
- Impact on residential amenity
- The impact upon highway safety in the locality
- Impact upon trees and landscape
- Impact upon Infrastructure
- Impact upon ecology
- Drainage
- Planning Balance

Policy Position

The site lies in the Open Countryside as designated in the Congleton Borough Local Plan First Review, where policies H6 and PS8 state that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.

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 to outweigh the policy concerns. One of these material considerations is the allocation of the site within the emerging Plan.

Cheshire East Local Plan Strategy – Proposed Changes Consultation Draft (March 2016)

The application site is identified as a preferred site for housing and commercial development (site CS17: Manchester Road to Macclesfield Road) within the Cheshire East Local Plan Strategy – Submission Version. The strategy (inter alia) envisages:

'The development of Manchester Road to Macclesfield Road over the Local Plan Strategy period will be achieved through:

1. *The delivery of 450 new homes (at approximately 30 dwellings per hectare); and*
2. *The provision of appropriate retail space to meet local needs.*

Site Specific Principles of Development

- a. *Contributions towards the delivery of the Congleton Link Road.*
- b. *Contributions towards complementary highway measures on the existing highway network.*
- c. *Pedestrian and cycle links set in green infrastructure to be provided to new and existing employment, residential areas, shops, schools, health facilities the town centre. This should include the retention of existing Public Rights of Way into a landscaped corridor to provide enhanced pedestrian connectivity.*
- d. *Contributions to education and health infrastructure.*
- e. *The provision of a network of open spaces for nature conservation and recreation. Development should retain and enhance areas of landscape quality / sensitivity.*
- f. *The timely provision of physical and social infrastructure to support development at this location.*
- g. *The achievement of high quality design reflecting the prominent landscape location of the site and creating a vibrant destination and attractive public realm.*
- h. *The site should be developed comprehensively consistent with the allocation of uses set out in Figure 15.25 and the principles of the North Congleton Masterplan. Development should integrate with the adjacent existing and proposed uses, particularly through sustainable transport, pedestrian and cycle links*
- i. *The delivery of appropriate public transport links to connect with employment, housing and retail / leisure uses in the town.*
- j. *The Local Plan Strategy Site will provide affordable housing in line with the policy requirements set out in Policy SC5 (Affordable Homes).*
- k. *Future development –should consider the use of SUDs to manage surface run off from the site.*
- l. *A desk-based archaeological assessment should be undertaken, with appropriate mitigation, if required.*
- m. *Development proposals should positively address and mitigate any impacts on the adjacent Cranberry Moss.*
- n. *Any replacement and/or new sports provision should be in accordance with an adopted up to date and robust Playing Pitch Strategy and Indoor Sports Strategy and with Policy SC2 'Indoor and Outdoor Sports Facilities*

o. Future development should provide an east to west Greenway with pedestrian and cycle links across the site linking together proposed and existing leisure uses, local retail and other community facilities at this site with other sites to the north of Congleton.

p. A minimum of a Phase 1 Preliminary Risk Assessment for contaminated land should be carried out to demonstrate that the site is, or could be made, suitable for use should it be found to be contaminated. Further work, including a site investigation, may be required at a pre-planning stage, depending on the nature of the site.

Congleton has been identified as a Key Service Centre for Cheshire East. The focus for Congleton over the Local Plan Strategy period will be that of high quality employment led growth to accommodate the expansion of existing businesses and attract new investment into the town. The provision of new housing is seen as important as part of balanced and integrated portfolio of development to support the town centre, ensure balanced and sustainable communities and support the delivery of the Congleton Link Road. Congleton is therefore expected to accommodate in the order of 24 hectares of employment land and 3,500 new homes up to 2030. This site is one of the sites that has been identified to contribute towards future needs.

The location of the town's existing employment sites to the north of the settlement, the ambition to create a link road to the north of the town and the constraints presented by the South Cheshire Green Belt have led to the selection of a range of Local Plan Strategy Sites and Strategic Locations located to the north of Congleton. These sites offer the most effective means to support the expansion of existing successful business locations and make sure that new residential development is not only located within easy access of these employment sites but also to facilities and services in Congleton without the need to remove land from the South Cheshire Green Belt.

Housing Land Supply

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

The information presented to Full Council as part of the LPS proposed changes included the Council's 'Housing Supply and Delivery Topic Paper' (CD 9.7) of February 2016.

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

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

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

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

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

Open Countryside Policy

In the absence of a 5-year housing land supply we cannot rely on countryside protection policies to defend settlement boundaries and justify the refusal of development simply because it is outside of a settlement, but these policies can be used to help assess the impact of proposed development upon the countryside. Where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply.

Therefore, the proposal remains contrary to Open Countryside policy regardless of the 5 year housing land supply position in evidence at any particular time and a judgement must be made as to the value of the particular area of countryside in question and whether, in the event that a 5 year supply cannot be demonstrated, it is an area where the settlement boundary should be “flexed” in order to accommodate additional housing growth.

Locational Sustainability

To aid this assessment, there is a toolkit which was developed by the former North West Development Agency. With respect to accessibility, the toolkit advises on the desired distances to local amenities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

The 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”

Accessibility is a key factor of sustainability that can be measured. One methodology for the assessment of walking distance is that of the North West Sustainability Checklist, backed by the Department for Communities and Local Government (DCLG) and World Wide Fund for Nature (WWF). The Checklist has been specifically designed for this region and can be used by both developers and architects to review good practice and demonstrate the sustainability performance of their proposed developments. Planners can also use it to assess a planning application and, through forward planning, compare the sustainability of different development site options.

The criteria contained within the North West Sustainability Checklist are also being used during the Sustainability Appraisal of the Cheshire East Local Plan. With respect to accessibility, the toolkit advises on the desired distances to local facilities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

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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.

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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:

Local Amenity	Recommended	Actual
Any transport node	400m	290m
Convenience store	500m	630m

Post box	500m	490m
Playground	500m	570m
Bus stop	500m	290m
Public right of way	500m	15m
Amenity open space	500m	On site
Children's Play space	500m	On site
Post office	1000m	1320m
Bank/cash point	1000m	1600m
Supermarket	1000m	1600m
Pharmacy	1000m	1320m
Primary School	1000m	900m
Secondary School	1000m	830m
Medical centre	1000m	1720m
Leisure centre or library	1000m	1800m
Local meeting place/community	1000m	1600m
Public house	1000m	560m
Public park/village green	1000m	1400m
Child care facility	1000m	900m
Railway station	2000m	3620m

Where the proposal fails to meet the standards, the facilities in question are still within a reasonable distance of those specified and are therefore accessible to the proposed development. Manchester Road is served by public transport with the surrounding area and the site will be served by footpaths linking it to the main road.

As such, the application site is considered to be locationally sustainable.

Environmental role

The site is a greenfield site and therefore not the first priority for development. However, it is acknowledged that the Council's Strategic Housing Land Availability Assessment (SHLAA) recognises that the land is capable of development for housing, and as noted above, the site is within the zone which is also a preferred site for housing/commercial development (site CS17 Manchester Road to Macclesfield Road Congleton) within the Local Plan Strategy Consultation Version March 2016.

Paragraph 38 of the Framework states that for larger scale residential developments, policies should promote a mix of uses in order to provide opportunities to undertake day to day activities including work on site, thereby minimising the need to travel.

Paragraphs 96 and 97 of the Framework deal with decentralised and renewable energy supply. The aim is to secure a proportion of predicted energy requirements for new developments from decentralised and renewable or low carbon sources. This can be dealt with by condition in the interests of sustainable development.

This proposal will also provide commuted sum payments for off site habitat creation in lieu of the loss of species rich grassland in the site and an on site ecological mitigation zone.

Environmental role

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 is located on the northern edge of Congleton and covers an area of 5 hectares in a roughly triangular area of land that is defined by Manchester Road to the west and Moss Lane. The western side of Manchester Road to the south of the application is characterised by an existing ribbon of development, housing and businesses that front onto Manchester Road.

The application is agricultural land the boundary is characterised by hedgerows and mature trees.

Clearly, by virtue of the loss of an open field, the proposal will result in the loss of intrinsic countryside character. However, this has to be seen against the existing urban back drop of most viewpoints into the site. The scheme has been amended and provides a central area of open space areas the Framework Plan are retained within the scheme, and appropriately landscaped, the impact could be mitigated. This could be ensured through appropriate conditions and the S106 agreement.

Trees

The application is supported by an updated Arboricultural Report (Urban Green dated October 2015), Tree Removal Plan and Tree Protection Plan. The report covers both sites and some of the trees considered straddle both phases of the development site.

The report identifies 5 (U category) potentially hazardous trees that require removal (T21-T25) and two trees (T50 and T51) as being in poor condition. A further two trees and one group (T20, T35 and G45) have been identified as potentially hazardous and require works to make them safe. A further tree (T39) has been identified as requiring further inspection to assess the extent of decay of the wood decay fungus *Fistulina hepatica*.

The Assessment states (at section 5.4) that the proposed development will require a moderate amount of tree loss but does not state which trees are proposed to be removed. The Tree Removal Plan provides details of removals for the proposed development but this should be cross referenced in the text of the document

As a consequence there is a conflict between the Tree Removals plan and the site layout. T33 is a 'A' category Oak is shown for retention on the site layout plan but excluded from the Tree Protection Plan. G4 and G15 are excluded from the site layout plan but included on the Tree Protection Plan and H3 and there may be others. BS5837:2012 at para 5.3.1 states that the

default position should be that structures (including roads) are located outside RPAs of retained trees unless it can be demonstrated that the trees can remain viable and that the area lost to encroachment can be compensated for. The British Standard requires that tree constraints should inform the layout design (5.1.1). The submitted Tree Protection Plan shows that in the majority of cases where trees are to be retained, the Root Protection Area is affected by proposed roads and/or proposed dwellings. In design terms this does not accord with the requirements of BS5837:2012.

It is important to note that the site has significant constraints in terms of levels, a point raised several times in the AIA. Neither the layout plan nor the Tree Protection Plan provides any details of any existing and proposed levels and therefore it is not possible to determine any direct or indirect impact of the proposed layout on retained trees. Without this detail it will not be possible to consider or implement the submitted Tree protection Plan which in many cases across the site shows the RPA not protected by protective fencing.

There are conflicts between proposed access road (turning head Road 9 being an example) and Root Protection Areas/viable rooting environment of trees where reduced/no dig solutions may not be achievable due to existing/proposed levels and highway engineer adoptable road standards. Positions of Plots 12/12A in phase 1) and potential for shading of gardens /future pressure for removal does not appear to have been fully addressed in the design. The Tree Officer has requested more levels information, which the applicant is not in a position to provide at this time.

These conflicts are considered to be resolvable but with the necessary levels information provided before a decision is reached upon the siting of affected plots. In these circumstances it is considered appropriate to delegate the decision to the Development Manager (Regulation) and the Chair/Vice Chair of Southern Planning Committee to enable the further information to be provided.

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 Council's Principal Urban Designer has made various suggestions about the layout of the scheme since its submission, which has resulted in the provision of an amended scheme of reduced numbers on site and the re-orientation of key plots, which will improve the vista, particularly when approaching Congleton from the north on Manchester Road. The density of 26.6 dwellings per hectare is appropriate due to the urban fringe location of the site and is in line with the emerging Strategy, being only slightly below the 30dph earmarked in the emerging Strategy.

The height of the proposed development would be mainly two-storey. A 3 storey apartment block and a small number of 3/2.5 storey town houses are proposed within the site. One of

these blocks was originally located in a prominent position abutting Moss Lane, facing Cranberry Moss, which is considered to be out of keeping with the setting of Moss Lane. This was amended and reduced to a terrace of 4 no two storey units, which is welcomed. The other block is in a prominent position abutting Manchester Road. The Applicant has reduced this block down by half a storey at roof level of the end units. This element of the scheme, whilst minor in the overall scale of this development site, is considered to be detrimental to the gateway setting of this site as a prominent feature on the approach into Congelton

The layout plan includes centrally located ecological area, POS and NEAP located within the central spine green area, which then transfers into the second phase of the development (14/4452C). The development envelope is set back from the main Manchester Road and Moss Lane frontage. The landscape screen in the form of hedgerows will be retained in the main, which will assist in some degree of softening the urbanising impact of the site as you approach Congleton. The residential properties would be orientated so that the areas of open space would be well overlooked and the boundary treatments to rear gardens are obscured from view.

To turn to elevational detail; the existing residential area on the other side of Manchester Road comprises a mixture of ages and architectural styles. The properties are traditional gabled and pitched roofed dwellings which incorporate many features such as canopy porches and window head details that add visual interest to the elevations and are similar to other properties in the vicinity. Similar designs have been employed on the neighbouring developments at and it is considered that the proposed dwellings would be appropriate for the site and in keeping with the character of Congleton.

Educational Impact

A development of 135 dwellings is expected to generate:

26 primary children (135×0.19) 25 once SEN pupil taken into account

21 secondary children (135×0.15) 20 once SEN pupil taken into account

2 SEN children ($135 \times 0.51 \times 0.023\%$)

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

The development is expected to impact on 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 primary 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 2 children expected from this application will exasperate the shortfall. The 2 SEN children who are thought to be of

mainstream education age have been removed from the calculations above to avoid double counting.

To alleviate forecast pressures in primary, secondary and SEN provision and to allow for the following contributions would be required:

25 x £11919 x 0.91 = **£271,157** (primary)
20 x £17,959 x 0.91 = **£326,854** (secondary)
2 x £50,000 x 0.91 = **£91,000** (SEN)
Total education contribution: **£689,011**

The applicant has agreed this level of mitigation to be dealt with by S106 Agreement.

Highway Safety

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

The proposed site would be served by 2 access points directly off Manchester Road. These accesses are positioned to accommodate the access to the approved Giantswood Lane development access on the other side of Manchester Road that falls half way between the two accesses proposed for this scheme. Each of the access points will have a right turn ghost island proposed on the A34.

The application has been reviewed by the Council's Head of Strategic Infrastructure (HSI). Initial comments were that the proposal needed to be assessed considering existing road conditions and also it should assess impact of scheme on the wider strategic road network, this had not been done and the HIS initially recommended that the application be refused on lack of information. Since that time further information has been provided and a financial mitigation package in respect of the impacts on the surrounding road network has been agreed

The applicant has submitted a further technical report regarding the traffic impact of phase 1 and 2 on the local highway network.

Although the report concludes that the impact of the development has a small percentage impact on the A34/A536, there are significant congestion concerns at the principle junctions on the A34 through Congleton. The addition of the already committed development will increase congestion and delay and this development will add further to these problems.

To mitigate the traffic impact resulting from the development a financial contribution is required towards the agreed schemes of mitigation on the A34 and the A536. The level of contribution to be provided per unit in this application is consistent with contributions secured from other nearby residential developments. The mitigation contribution required as a result of this development is £225,045. A further contribution will be required as a result of the sister application which together will equate to an **overall** financial contribution of £388,411 towards highways works required to mitigate for both phases as proposed.

The access strategy to the site and the access points to the nearby Local Plan site SL8 have been agreed and as such the current access proposals to this site is acceptable.

In summary, there are no highway objections to Phase 1 and 2 applications subject to a financial contribution towards traffic calming/ speed management measures on the A34/A536 or local infrastructure improvements. Subject to the conditions requested and the highways mitigation payment, it is considered that the proposal would not create any significant highway safety concerns and would adhere with Policy GR9 of the Local Plan.

Affordable Housing

The site falls partly within the parish of Eaton which is in the Macclesfield Rural sub-area for the purposes of the Strategic Housing Market (SHMA) Update 2013. However, it is adjacent to Congleton and as such is adjacent to the Congleton sub-area for the purposes of the SHMA. I have therefore provided housing needs information below: -

The Congleton sub-area identifies a need for 58 affordable homes per annum for the period 2013/14 – 2017/18. This is a requirement for 27 x 1 bed, 10 x 3 bed, 46 x 4+ bed general needs units and 37 x 1 bed older persons accommodation. There is an over-supply of 2 bed accommodation.

The Macclesfield Rural sub-area area identifies a need for 59 affordable homes per annum for the period 2013/14 – 2017/18. This is a requirement for 9 x 1 bed, 6 x 2 bed, 23 x 3 bed, 11 x 4+ bed general needs units and 2 x 1 bed older persons accommodation and 8 x 2 bed older persons accommodation.

In addition information taken from Cheshire Homechoice shows there are currently 549 live applicants who have selected one of the Congleton lettings areas as their first choice. These applicants require 238 x 1 bed, 185 x 2 bed, 87 x 3 bed and 17 x 4+ bed accommodation. (22 applicants have not specified how many bedrooms they require).

There should be provision of 30% of the total dwellings as affordable, with 65% provided as social rent (affordable rent is also acceptable at this site) and 35% intermediate. This is the preferred tenure split identified in the SHMA 2010, SHMA Update 2013 and highlighted in the Interim Planning Statement on Affordable Housing (IPS).

The application confirms that 30% affordable housing will be provided on this site which is acceptable. The mix is 65:35 Affordable rent: Intermediate with the rental units being a mix of 1 bed apartments and 2 bed dwellings. The intermediate units are mix of 2 and 3 bedroomed dwellings. The Strategic Housing Manager has no objection to the application based on the provision or the pepper-potting throughout the site.

Flood Risk and Drainage

The application site does not fall within a Flood Risk Zone. The Council's Flood Risk Officer has reviewed the submission and advised that he has no objections, subject to conditions regarding sustainable urban drainage.

Ecology

Great Crested Newts occur on this site. 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

(a) 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

(b) no satisfactory alternative and

(c) no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK has implemented the Directive in the Conservation (Natural Habitats etc) Regulations 2010 (as amended) which contain two layers of protection (i) a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and (ii) a licensing system administered by Natural England and supported by criminal sanctions.

Local Plan Policy NE.9 states that development will not be permitted which would have an adverse impact upon species specially protected under Schedules 1, 5 or 8 of the Wildlife and Countryside Act 1981 (as amended), or their habitats. Where development is permitted that would affect these species, or their places of shelter or breeding, conditions and/or planning obligations will be used to:

- facilitate the survival of individual Members of the species
- Reduce disturbance to a minimum
- Provide adequate alternative habitats to sustain the current levels of population.

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."

The NPPF advises LPAs to conserve and enhance biodiversity: if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) or adequately mitigated, or as a last resort, compensated for, planning permission should be refused.

Natural England's standing advice is that, if a (conditioned) development appears to fail the three tests in the Habitats Directive, then LPAs should consider whether Natural England is likely to grant a licence: if unlikely, then the LPA should refuse permission: if likely, then the LPA can conclude that no impediment to planning permission arises under the Directive and Regulations.

The Habitat Regulations 2010 require Local Authorities to have regard to three tests when considering applications that affect a European Protected Species. In broad terms the tests are that:

- the proposed development is 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

- there is no satisfactory alternative
- there is no detriment to the maintenance of the species population at favourable conservation status in its natural range.

Current case law instructs that if it is considered clear or very likely that the requirements of the Directive cannot be met because there is a satisfactory alternative, or because there are no conceivable “other imperative reasons of overriding public interest”, then planning permission should be refused. Conversely, if it seems that the requirements are likely to be met, then there would be no impediment to planning permission be granted. If it is unclear whether the requirements would be met or not, a balanced view taking into account the particular circumstances of the application should be taken.

Overriding public Interest

The site is an emerging housing allocation on the edge of the existing built up area. Its planned development will assist in negating development pressure on other sites of ecological significance and will assist in the provision of the Link Road. It is therefore considered that its development is of overriding public interest. With regard to the second test, the choice of alternative sites are not as sustainably located on the edge of the existing town.

The terrestrial habitat is also compensated by virtue of the central zone of on site ecological mitigation and the contribution to off site mitigation. It is concluded that the benefits to the public in the form of socio-economic development and the contribution to housing land supply, on balance, outweigh the negative impact of the overall loss of the terrestrial habitat. On this basis, and subject to a financial mitigation of £50,000 (as a percentage of the overall mitigation in both phases) there is considered to be no detriment.

In respect of the third test, the Council’s Ecologist has advised that if planning consent is granted the proposed Great Crested Newt mitigation/compensation will be adequate to maintain the favourable conservation status of the Great Crested Newt.

In respect of other ecological matters, advice has been sought from the Council’s Ecologist has commented as follows:

Hedgerows

Hedgerows are a priority habitat and hence a material consideration. Most of the boundary hedgerows appear to be retained on site but there will be some losses to facilitate the site access points and some losses from the interior of the site.

Cranberry Moss (Local Wildlife Site)

The submitted hydrological assessment confirms that the proposed development is unlikely to affect the hydrology of this Local Wildlife Site.

Great Crested Newts

Great Crested newts were recorded in two ponds within the application site boundary. In the absence of mitigation the proposed development is likely to result in a ‘moderate-high’ level of

adverse impact upon great crested newts as a result of the loss of terrestrial. The survey submitted in support of the application identifies the great crested newt population as being 'small', however surveys undertaken to inform the development of the Congleton Link Road (and hence known to the Council's Ecologist) recorded breeding by a 'medium' sized population of great crested newts.

To mitigate the potential impacts of the proposed development upon great crested newts the applicant is proposing the retention and enhancement of two of the existing ponds, the creation of two new ponds and the enhancement of an area of terrestrial habitat. The Council's ecologist has advised during the negotiation stage of this application, that in order to ensure the viability of the local newt population an area of terrestrial habitat amounting to 1.2ha should be provided on site. The applicant has confirmed that 1.17ha of terrestrial habitat will be provided on site, just less than requested. The revised layout now however includes the retention of the northern pond which reduces the ecological impacts of the scheme. On balance, this is considered to be acceptable.

The great crested newt impact assessment and mitigation strategy submitted in support of this application has assessed both the potential impacts of both this application and also the sister application (14/4452c). The ecological mitigation strategy for this site is therefore been formulated on the basis that both of these schemes being taken forward together. The applicant's ecologist consultant that this will be the approach taken in terms of their subsequent Natural England license. The compensatory habitat is however all provided in Phase 1 (this application) so provided phase one is built out (which is inevitable since phase 2 relies upon phase 1 road layout for access), this would not cause any significant issues.

The Ecologist advises that the submitted great crested newt strategy is likely to be sufficient to maintain the favourable nature conservation status of the local great crested newt population subject to condition that the mitigation is done in accordance with the report submitted in support of the application.

Bats

A number of trees have been identified on site as having potential to support roosting bats. Further bat activity surveys have been undertaken of a number of trees and no evidence of roosting bats has been recorded.

The applicant has now indicated that T8 would be retained as part of the proposed development.

Nesting Birds

If planning consent is granted standard conditions can be imposed to safeguard nesting birds.

Other Protected Species

A protected species survey has been submitted and other protected species are active on site, but there is no conclusive evidence of a sett being present. The proposed development is likely to result in the loss of some foraging habitat however the habitat areas provided as part of the great crested newt mitigation would go some way towards mitigate this impact and also provide a means for other protected species to commute across the site. As the status of other protected

species can change within a short time scale therefore a condition should be attached requiring an updated protected species survey report to be submitted prior to the commencement of the development.

Commuted sum for habitat creation

The submitted great crested newt mitigation strategy suggests that a commuted sum be secured to fund habitat creation projects in partnership with Cheshire Wildlife Trust as a means of compensating for the residual impacts of the scheme. This impact relates to the loss of grassland habitats on site. This approach is supported as a means of addressing the residual ecological impacts of the development but cannot be considered as compensation for the impacts of the development upon protected species. The applicant is proposing a commuted sum of £96,000, which would address the impacts of both Phase 1 and Phase 2.

The applicant is proposing that as this sum be secured by means of a section 106 attached to Phase 2 (14/4452c). However, it is considered that it would be more appropriate to be attached to both phases since it mitigates for loss of habitat occurring on both sites. It is therefore considered that £50,000 to be paid on the occupation of the 80th dwelling on this part of the site is appropriate in this case, with the remainder of the ecological mitigation payment to be levied on phase 2 (14/4452c).

Breeding Birds

The proposed development site is likely to support breeding birds including the more widespread Biodiversity Action Plan priority species which are a material consideration for planning. If planning consent is granted standard conditions will be required to safeguard breeding birds.

Subject to the above, it is considered that the development would adhere with Policy NR5 of the Local Plan and Policy SE3 of the emerging Cheshire East Local Plan Strategy – Submission Version.

Environmental Conclusion

The proposed revised development would be of an acceptable design that would not create any significant issues in relation to; landscape, highway safety, drainage or flooding and ecology, subject to the conditions and mitigation negotiated.

Whilst there are some remaining issues that need to be resolved with regard to some trees on site concerning the levels of roads etc in their vicinity which the Tree Officer wishes to have greater detail, it is considered that potential minor revisions that may be necessary can be accommodated. As such, it is considered that the proposed development would be environmentally neutral.

Economic Conclusion

It is accepted that the construction of a housing development of this size would bring the usual economic benefit to the closest shops in the general area for the duration of the construction, and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain. There would be some economic

and social benefit by virtue of new resident's spending money in the area and using local services.

As such, it is not considered that the proposed development would be economically sustainable.

Other social considerations

Open Space

The provision of a NEAP (minimum 8 pieces of equipment) and area of on site POS are provided as part of this phase, but is intended to cater for all dwellings on both phases. This has been accepted by the Greenspace Manager on the basis that this part of the whole larger development provides for enhanced provision off site in lieu of the provision of a quantum of open space on site.

There is a deficiency in the quantity of provision of amenity Greenspace accessible in the area should the application be approved. As such a financial contribution is required towards enhancement of public open space/play provision within the vicinity of the proposed development. The contributions sought are;

Maintenance : £51,084

The Applicant has suggested that the on site NEAP will be maintained in perpetuity by a Residents Management Company and therefore does not wish to transfer the NEAP to ANSA.

Whilst ANSA consider their on going maintenance of the NEAP would be preferable with an appropriate commuted sum, the scheme would be in compliance with Local Plan Policy GR22 and Policy IN1 of the Cheshire East Local Plan Strategy on the basis of a private management regime, which would need to be approved by the Council . The requested maintenance contribution suggested by ANSA is therefore not required in these circumstances.

Residential Amenity

According to Policy GR6, planning permission for any development adjoining or near to residential property or sensitive uses will only be permitted where the proposal would not have an unduly detrimental effect on their amenity due to loss of privacy, loss of sunlight and daylight, visual intrusion, and noise.

Supplementary Planning Guidance Note 2 advises on the minimum separation distances between dwellings. The distance between main principal elevations (those containing main windows) should be 21.3 metres with this reducing to 13.8 metres between flanking and principal elevations. The general relationships within the site are considered to accord with the guidance.

The EPO has advised that due to the proximity of the development to other residential properties, there is a need to protect the amenity of nearby residential properties during the construction phase of the development, as such a condition seeking the prior submission of an Environmental Management Plan.

With regards to Air Quality the report considers whether the development will result in increased exposure to airborne pollutants, particularly as a result of additional traffic and changes to local traffic flows.

The proposed developments are considered significant in that they are highly likely to change traffic patterns and congestion in the area.

In particular, the developments have the potential to impact upon the three Air Quality Management Areas (AQMA) in Congleton declared as a result of breaches of the European Standard for nitrogen dioxide (NO₂).

The report concludes that all modelled impacts from road traffic on air quality conditions for residential units on the proposed developments sites will be below the air quality objectives.

The impacts of NO₂ at existing receptors highlighted that there will be increased exposure at all receptors modelled, describing the impact as slight adverse. A number of receptors are within the Rood Hill and Lower Heath AQMA's.

The report concludes the effects associated with NO₂ emissions from road traffic on receptors located within the AQMA's are not considered to be significant. It is the view of the Air Quality Officer that any increase in concentrations within an AQMA is significant as it is directly converse to our local air quality management objectives and the Air Quality Action Plan. The NPPG requires that development be in accordance with the Council's Air Quality Action Plan.

Taking into account the uncertainties associated with air quality modelling, the impacts of the development could be significantly worse.

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 considered therefore that operational mitigation measures should be provided in the form of direct measures to reduce the impact of traffic associated with the development and its impact upon the AQMA's and within Congleton.

Mitigation to reduce the impact of the traffic pollution can range from hard measures to softer measures such as the provision of a low emission strategy for the development designed to support low carbon (and polluting) vehicles.

It is noted that the developer intends to provide upon request, electric car charging points in garages. The accessibility of low or zero emission transport options has the potential to help mitigate the impacts of transport related emissions. To ensure the uptake of these options is maximised, it is considered appropriate to create infrastructure to allow home charging of electric vehicles in all new, modern properties. This should not therefore be 'on request' but a condition attached to any permission.

With regard to land contamination, dust and noise it is considered that conditions can satisfactorily safeguard future living conditions. As such, subject to the above conditions, it is considered that the proposal would not create any significant amenity concerns.

Levy (CIL) Regulations

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

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

The proposed commuted sum for ecology is considered necessary, fair and reasonable and given that the proposal will result in the loss of an existing greenfield and the potential habitat that this offers.

The development would result in a deficiency in the quantity of provision of public open space within the area. In order to offset this loss, a contribution towards off site enhancement and maintenance is required. The development would also result in a deficiency in the quantity of provision of children's space within the area. In order to offset this loss, a contribution towards of site enhancement and maintenance is required. This is considered to be necessary, fair and reasonable in relation to the development.

The education contribution is necessary having regard to the oversubscription of local primary and secondary schools and the demand that this proposal would add to the local provision.

The highways contribution is necessary to mitigate for the impact of the development on the local highway network and in that regard is fair and reasonable.

The above requirements are considered to be necessary, fair and reasonable in relation to the development. The S106 recommendation is compliant with the CIL Regulations 2010.

Planning Balance

The application site lies entirely within the Open Countryside as determined by the Congleton Borough Local Plan First Review 2005.

Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by Local Plan Policy H6. The proposed development does not fall within any of the listed categories and as such, there is a presumption against the proposal unless material considerations indicate otherwise.

Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites and that where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development

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

In this case, the development would provide positive planning benefits such as; the provision of a market and affordable dwellings in a sustainable location and the knock-on minor local economic benefits such a development would bring.

Balanced against these benefits must be the dis-benefits, which in this case would be the loss of open countryside.

The site also forms part of an allocated housing site within the emerging Local Plan Strategy, to which the decision maker is entitled to afford significant weight, given the advanced stage the Plan has now achieved.

All other issues are considered to be mitigated against by the use of planning conditions or a S106 Agreement and as such, are considered to have a neutral impact.

In this instance, is considered that the benefits of the scheme would outweigh the dis-benefits.

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits

RECOMMENDATION

Delegate to the Head of Planning (Regulation) and the Chair of the Southern Planning Committee to resolve outstanding matters relating to levels around trees and detailed design revisions concerning the siting of a block of 2.5/3 storey houses to Plots 22-25 to APPROVE subject to a S106 Agreement to secure;

- 1. £51,084 in lieu of on site Public Open Space provision – upon 1st occupation**
- 2. NEAP including at least 8 items of equipment. Specification to be submitted to and agree by the Council.**
- 3. Provision for a private residents management company to maintain the on-site ecological area/ amenity space / play area and all incidental areas of open space not within the adopted public highway or domestic curtilages**
- 4. Detailed management plan for the above Open Space/ecological mitigation area to be submitted and approved.**
- 5. Provision of 30% on-site affordable dwellings – 65% provided as affordable rent and 35% as Intermediate tenure. The affordable units should be tenure blind and be provided no later than occupation of 50% of the open market dwellings.**
- 6. £50,000 ecological mitigation payment to be paid on the occupation of the 109th dwelling**
- 7. £271,157 towards primary school education provision - 50% of the money upon the occupation of the 55th dwelling house and a further 50% upon the occupation of the 109th dwelling**
- 8. £326,854 towards secondary school education provision - 50% of the money upon the occupation of the 55th dwelling house and a further 50% upon the occupation of the 109th dwelling**

9. £91,000 towards special education needs education provision (1 space primary and 1 space secondary) - 50% of the money upon the occupation of the 55th dwelling house and a further 50% upon the occupation of the 109th dwelling
10. £299,999 towards schemes of highway mitigation on the A34 and the A536 to be paid upon commencement of building of the 109th dwelling

And the following conditions;

1. Time – 2 years
2. In accordance with approved plans
3. Materials – Prior submission/approval
4. Construction Management Plan, inc wheel washing – Prior submission/approval
5. Right turn lanes from Manchester Road to be provided and implemented prior to any occupation
6. Details of bin and bike store for flats to be submitted, approved and provided prior to flat occupation
7. Parking areas to be provided as per the submitted plan prior to 1st occupation of relevant flat/house
8. Removal of PD rights for extensions – selective plots – smaller house types
9. Removal of PD rights for any walls, fences, means of enclosure forward of any buildings
10. Surface water drainage scheme – Prior submission/approval of the detailed design, implementation, maintenance and management
11. Landscaping – Prior submission/approval – To include hedgerow retention/enhancement/further planting
12. Landscaping – Implementation
13. Boundary treatments – Prior submission/approval
14. Nesting birds - Prior submission/approval
15. Breeding birds and roosting bat features – Prior submission/approval
16. Piling
17. Floor Floating
18. Environmental Management Plan – Prior submission/approval
19. Land Remediation Strategy – Prior submission/approval in accordance in Compliance with Phase II Contamination report
20. Energy Efficiency/fabric first approach
21. Residential travel plan
22. Evidence and verification report of imported soil and soil forming materials – Prior submission/approval
23. Tree and hedgerow Protection scheme – Prior submission/approval
24. Levels existing and proposed prior to any development. Implementation in accordance
25. Retention and protection scheme for existing trees and hedgerows.
26. Phasing plan for the completion of POS & ecological mitigation areas
27. Landscape Masterplan and full hard and soft landscape details submitted prior to commencement with phasing of implementation
28. Implementation of great crested newt mitigation and *Scheme to fully comply with GCN Appraisal and mitigation & Habitat compensation measures (2014) prepared by CES Ecology unless varied by a subsequent Natural England license.*
29. Updated badger survey prior to commencement of development

- 30. **Safeguarding of nesting birds**
- 31. **Provision of details for the incorporation of features for nesting birds including house sparrow**
- 32. **Scheme of reduction of energy use/enhanced fabric approach**

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Planning Manager (Regulation) in consultation with the Chair (or in there absence the Vice Chair) of the Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

Should the application be subject to an appeal approval is given to enter into a S106 Agreement to secure the Heads of Terms as detailed above.



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Application No: 14/4452C

Location: Land Off Manchester Road, Congleton, Cheshire, CW12 2NA

Proposal: Erection of up to 95 dwellings with associated infrastructure (Phase 2)

Applicant: P E Jones (Contractors) Ltd

Expiry Date: 12-Jan-2015

SUMMARY

The application site lies entirely within the Open Countryside as determined by the Congleton Borough Local Plan First Review 2005.

Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by Local Plan Policy H6. The proposed development does not fall within any of the listed categories and as such, there is a presumption against the proposal unless material considerations indicate otherwise.

The site also forms part of the CS17 site allocation within the Submission Version of the Cheshire East Local Development Strategy, which is allocated for housing development and is an important material consideration to which significant weight can be placed, due to the stage the emerging Plan has reached.

Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites and that where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development

It is therefore necessary to make a free-standing assessment as to whether the proposal constitutes “sustainable development” in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

In this case, the development would provide positive planning benefits such as; the provision of a market and affordable dwellings in a sustainable location and the knock-on local economic benefits such a development would bring to local shops and suppliers.

Balanced against these benefits must be the dis-benefits, which in this case would be the loss of open countryside.

There remains issues relating to levels information concerning some trees on site, which need further negotiations but are considered to be resolvable . All other issues are considered to be mitigated against by the use of planning conditions or a S106 Agreement and as such, are considered to have a acceptable impact upon the social, economic and environmental conditions of the area.

In this instance, is considered that the benefits of the scheme would outweigh the dis-benefits.

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits. Accordingly it is recommended for approval.

RECOMMENDATION

Delegate Approval to the Head of Planning (Regulation) and the Chair/Vice Chair of Southern Planning Committee pending further negotiations concerning levels on site and their impact upon trees within the development site and subject to a S106 agreement and conditions

PROPOSAL

Full planning permission is sought for the erection of 95 no. dwellings on a site bounded by Moss Lane and Manchester Road, Congleton. A sister application, 14/4451C is reported separately on this agenda. The numbers of units have been reduced from 99 as originally submitted. The proposal comprises a density of 26.9 units per hectare.

The site will be access via the phase 1 development site. Two access points are provided via Manchester Road. The Housing layout is laid out in cul de sacs and a barn style development of 6 barns/coach houses centred around the existing (not part of this development) farmhouse. A linear strip of open space is a continuation of the POS/NEAP area within phase 1.

Affordable housing is provided at 30% (29 in total). These are a mix of 2 and 3 bedroomed houses.

The existing farmhouse remains, however, barns are demolished on site. A mix of house types are proposed, in the main being 2 storey, some have gabled and other hipped roof forms. Barns and coach house style development sites (2 ½ storey) around a courtyard with the existing farmhouse. Materials comprise brick, tile and some limited use of render. The house styles mirror those on phase 1, with the exception of the 6 coach houses and barns, which are a site specific design feature to complement the farmhouse and reflect the buildings that are to be demolished to accommodate the development.

The housing layout comprises

23 no. 5 bed detached
29 no. 4 bed detached
14 no. 3 bed semi-detached
12 no. 4 bed mews
11 no. 3 bed mews
40 no. 2 bed mews
8 no. 1 bed apartments

SITE DESCRIPTION

The application site is 3.53 hectares in area and comprises Moss Farm and its agricultural grazing land fronting onto Moss Lane on the northern edge of Congleton. The site is located in the Open Countryside as designated in the Congleton Borough Local Plan First Review and is allocated within the emerging Cheshire East Local Plan Strategy as a housing site.

RELEVANT HISTORY

No previous planning applications of relevance on this site itself however, there are extant permissions on the site to the south of Moss Farm; these are

13/091C - Outline Application For Residential Development Comprising Up To 45 Dwellings (All Matters Reserved) – permission granted 13-Oct-2014

14/5386C - Reserved matters application for approval of details of access; relating to Phase 1 of outline consent reference 13/0918C comprising 1N° dwelling and construction of new road junction to Manchester Road – Permission granted 06-Feb-2015

Further to the south, and adjoining the site of the former Cattle Market, the following was approved:

13/0922C – Land Off Biggs Way, Congleton - Outline Application For Residential Development Comprising Up To 45 Dwellings (All Matters Reserved) permission granted 05-Nov-2015

There are a number of other schemes either presently with the Council for determination in the application stage or recently approved in outline form in the vicinity of Giantswood Lane in the vicinity of the site for significant housing led schemes and the proposed by-pass.

NATIONAL & LOCAL POLICY

National Policy

The National Planning Policy Framework establishes a presumption in favour of sustainable development. Of particular relevance are paragraphs:

14 - Presumption in favour of sustainable development, 17 – Core planning principles, 47-50 - Wide choice of quality homes, 55 - Isolated dwellings in the countryside, 56-68 - Requiring good design, 69-78 - Promoting healthy communities

Development Plan

The Development Plan for this area is the adopted Congleton Borough Local Plan First Review (2005). The relevant Saved Policies are:

GR1 New Development
GR2 Design
GR3 Residential Development
GR5 Landscaping
GR6 Amenity and Health
GR9 Accessibility, servicing and provision of parking
GR14 Cycling Measures
GR15 Pedestrian Measures
GR17 Car parking
GR18 Traffic Generation
GR21 Flood Prevention
GR22 Open Space Provision
NR1 Trees and Woodland
NR2 Statutory Sites (Wildlife and Nature Conservation)
NR3 Habitats
NR5 Habitats
H2 Provision of New Housing Development
H6 Residential Development in the Open countryside
H13 Affordable Housing and Low Cost Housing

Cheshire East Local Plan Strategy – Submission Version (CELP)

The following are considered relevant material considerations as indications of the emerging strategy:

PG2 – Settlement Hierarchy
PG5 - Open Countryside
PG6 – Spatial Distribution of Development
CS17 - Manchester Road
SC4 – Residential Mix
SC5 – Affordable Homes
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE3 – Biodiversity and Geodiversity
SE5 – Trees, Hedgerows and Woodland
SE 1 – Design
SE 2 - Efficient Use of Land
SE 4 - The Landscape
SE 5 - Trees, Hedgerows and Woodland
SE 3 - Biodiversity and Geodiversity
SE 13 - Flood Risk and Water Management
SE 6 – Green Infrastructure
IN1 – Infrastructure
IN2 – Developer Contributions

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

Supplementary Planning Documents:

Interim Planning Statement: Affordable Housing (Feb 2011)
North West Sustainability Checklist
SPG2 - Provision of Private Amenity Space in New Residential Development
The EC Habitats Directive 1992

CONSULTATIONS

Head of Strategic Infrastructure (HSI) – No objections, subject to conditions and financial mitigation of £158,333 to be provided upon occupation of the 25th (25%) dwelling on site.

Environmental Protection (Cheshire East Council) – No objections, subject to a number of conditions including; electric car charging points to be provided for all dwellings (not as suggested by the Applicant as upon request from future residents); the implementation of noise mitigation; the prior submission/approval of an Environmental Management Plan; the prior approval of air quality mitigation measures; the provision of contaminated land remediation in accordance with the phase ii report.

Flood Risk Manager (Cheshire East Council) – No objections, subject to a conditions

Housing (Cheshire East Council) – No objections, subject to the 30% affordable housing provision being secured via a S106 Agreement in a 65:35 split

ANSA Greenspaces (Cheshire East Council) – No objection subject to financial mitigation payment in lieu of on site provision of POS and children's play space and the delivery of the NEAP within Phase 1 for the use of future resident of this development. Financial mitigation to form enhanced provision off site in lieu of on site provision and maintenance.

Ecology: No objection subject to conditions and mitigation for the loss of habitat in the form of a financial contribution to the creation/enhancement of on site ecological mitigation. Financial mitigation to be provided on phase 2 is £46,000 (as a proportion of the total mitigation payment for both phases) and a barn owl mitigation payment of £2,000.

Education (Cheshire East Council) – This development of 95 dwellings is expected to generate:

18 primary children (95 x 0.19) 17 once SEN pupil taken into account
14 secondary children (95 x 0.15)
1 SEN child (95 x 0.51 x 0.023%)

17 x £11,919 x 0.19 = **£184,387** (primary)

14 x £17,959 x 0.91 = **£228,798** (secondary)

1 x £50,000 x 0.91 = **£45,500** (SEN)

Total education contribution: **£458,685**

No Objection provided the mitigation required is provided

Congleton Town Council – No objection subject to contributions to highways improvements and contributions to education

Eaton Parish Council - This development will be part of the Cheshire East Plan but no additional infrastructure, ie. primary schools, has been put in place. These houses will be built before any new road work takes place. Also the access on to the A34 is on two bends and therefore visibility comes into question.

Jodrell Bank: No reply

REPRESENTATIONS

Neighbour notification letters were sent to all adjacent occupants, site notices were erected and an advert placed in the local paper.

Approximately 9 letters of representation have been received objecting to the proposal. The main areas of objection are:

- Principle of development
- Inadequate public consultation
- Lack of sustainability (access to public transport/linkages with surroundings)
- Lack of commitment from Developer to reduce carbon footprint
- Lack of conformity with Masterplan for the area
- Loss of agricultural land/green field
- Loss of green belt land when brownfield sites are available
- Traffic congestion, town is grid locked, increased traffic in area
- Galloway Green residential development should not set precedent for development of green field
- Flooding
- Cumulative impact of the approved housing developments in area
- Need by-pass before any new housing
- Ecology – Impact upon protected species / wildlife
- Impact upon hedgerows
- Highway safety –Design – loss of character- Congleton is becoming one huge housing estate
- No need for more housing and many existing housing in Congleton up for sale
- Impact upon schools and physical infrastructure
- No need for more housing / affordable housing in this location

APPRAISAL

The key issues are:

- The Policy Position
- Sustainability including the proposal's Environmental, Economic and Social role
- Housing land supply
- The acceptability of the design and layout
- Impact on residential amenity
- The impact upon highway safety in the locality
- Impact upon trees and landscape
- Impact upon ecology
- Drainage
- Planning Balance

Policy Position

The site lies in the Open Countryside as designated in the Congleton Borough Local Plan First Review, where policies H6 and PS8 state that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.

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 to outweigh the policy concerns. One of these material considerations is the allocation of the site within the emerging Plan.

Cheshire East Local Plan Strategy – Proposed Changes Consultation Draft (March 2016)

The application site is identified as a preferred site for housing and commercial development (site CS17: Manchester Road to Macclesfield Road) within the Cheshire East Local Plan Strategy – Submission Version. The strategy (inter alia) envisages:

'The development of Manchester Road to Macclesfield Road over the Local Plan Strategy period will be achieved through:

- 1. The delivery of 450 new homes (at approximately 30 dwellings per hectare); and*
- 2. The provision of appropriate retail space to meet local needs.*

Site Specific Principles of Development

- a. Contributions towards the delivery of the Congleton Link Road.*

- b. Contributions towards complementary highway measures on the existing highway network.*
- c. Pedestrian and cycle links set in green infrastructure to be provided to new and existing employment, residential areas, shops, schools, health facilities the town centre. This should include the retention of existing Public Rights of Way into a landscaped corridor to provide enhanced pedestrian connectivity.*
- d. Contributions to education and health infrastructure.*
- e. The provision of a network of open spaces for nature conservation and recreation. Development should retain and enhance areas of landscape quality / sensitivity.*
- f. The timely provision of physical and social infrastructure to support development at this location.*
- g. The achievement of high quality design reflecting the prominent landscape location of the site and creating a vibrant destination and attractive public realm.*
- h. The site should be developed comprehensively consistent with the allocation of uses set out in Figure 15.25 and the principles of the North Congleton Masterplan. Development should integrate with the adjacent existing and proposed uses, particularly through sustainable transport, pedestrian and cycle links*
- i. The delivery of appropriate public transport links to connect with employment, housing and retail / leisure uses in the town.*
- j. The Local Plan Strategy Site will provide affordable housing in line with the policy requirements set out in Policy SC5 (Affordable Homes).*
- k. Future development -should consider the use of SUDs to manage surface run off from the site.*
- l. A desk-based archaeological assessment should be undertaken, with appropriate mitigation, if required.*
- m. Development proposals should positively address and mitigate any impacts on the adjacent Cranberry Moss.*
- n. Any replacement and/or new sports provision should be in accordance with an adopted up to date and robust Playing Pitch Strategy and Indoor Sports Strategy and with Policy SC2 'Indoor and Outdoor Sports Facilities*
- o. Future development should provide an east to west Greenway with pedestrian and cycle links across the site linking together proposed and existing leisure uses, local retail and other community facilities at this site with other sites to the north of Congleton.*
- p. A minimum of a Phase 1 Preliminary Risk Assessment for contaminated land should be carried out to demonstrate that the site is, or could be made, suitable for use should it be found to be contaminated. Further work, including a site investigation, may be required at a pre-planning stage, depending on the nature of the site.*

Congleton has been identified as a Key Service Centre for Cheshire East. The focus for Congleton over the Local Plan Strategy period will be that of high quality employment led growth to accommodate the expansion of existing businesses and attract new investment into the town. The provision of new housing is seen as important as part of balanced and integrated portfolio of development to support the town centre, ensure balanced and sustainable communities and support the delivery of the Congleton Link Road. Congleton is therefore expected to accommodate in the order of 24 hectares of employment land and 3,500 new homes up to 2030. This site is one of the sites that has been identified to contribute towards future needs.

The location of the town's existing employment sites to the north of the settlement, the ambition to create a link road to the north of the town and the constraints presented by the South Cheshire

Green Belt have led to the selection of a range of Local Plan Strategy Sites and Strategic Locations located to the north of Congleton. These sites offer the most effective means to support the expansion of existing successful business locations and make sure that new residential development is not only located within easy access of these employment sites but also to facilities and services in Congleton without the need to remove land from the South Cheshire Green Belt.

Housing Land Supply

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

The information presented to Full Council as part of the LPS proposed changes included the Council's 'Housing Supply and Delivery Topic Paper' (CD 9.7) of February 2016.

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

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

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

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

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

Open Countryside Policy

In the absence of a 5-year housing land supply we cannot rely on countryside protection policies to defend settlement boundaries and justify the refusal of development simply because it is outside of a settlement, but these policies can be used to help assess the impact of proposed development upon the countryside. Where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply.

Therefore, the proposal remains contrary to Open Countryside policy regardless of the 5 year housing land supply position in evidence at any particular time and a judgement must be made as to the value of the particular area of countryside in question and whether, in the event that a 5 year supply cannot be demonstrated, it is an area where the settlement boundary should be “flexed” in order to accommodate additional housing growth.

In order to assess the impact upon the overall impact upon the Open Countryside, a significant consideration is the impact the development would have upon the landscape which is considered below.

Locational Sustainability

To aid this assessment, there is a toolkit which was developed by the former North West Development Agency. With respect to accessibility, the toolkit advises on the desired distances to local amenities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

The 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”

Accessibility is a key factor of sustainability that can be measured. One methodology for the assessment of walking distance is that of the North West Sustainability Checklist, backed by the Department for Communities and Local Government (DCLG) and World Wide Fund for Nature (WWF). The Checklist has been specifically designed for this region and can be used by both developers and architects to review good practice and demonstrate the sustainability performance of their proposed developments. Planners can also use it to assess a planning application and, through forward planning, compare the sustainability of different development site options.

The criteria contained within the North West Sustainability Checklist are also being used during the Sustainability Appraisal of the Cheshire East Local Plan. With respect to accessibility, the toolkit advises on the desired distances to local facilities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether

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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.

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achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

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

Local Amenity	Recommended	Actual
Any transport node	400m	290m
Convenience store	500m	630m
Post box	500m	490m
Playground	500m	570m
Bus stop	500m	290m
Public right of way	500m	15m
Amenity open space	500m	On site
Children's Play space	500m	On14/4451c site
Post office	1000m	1320m
Bank/cash point	1000m	1600m
Supermarket	1000m	1600m
Pharmacy	1000m	1320m
Primary School	1000m	900m
Secondary School	1000m	830m
Medical centre	1000m	1720m
Leisure centre or library	1000m	1800m
Local meeting place/community centre	1000m	1600m

Public house	1000m	560m
Public park/village green	1000m	1400m
Child care facility	1000m	900m
Railway station	2000m	3620m

Where the proposal fails to meet the standards, the facilities in question are still within a reasonable distance of those specified and are therefore accessible to the proposed development. Manchester Road is served by public transport with the surrounding area and the site will be served by footpaths linking it to the main road.

As such, the application site is considered to be locationally sustainable.

Environmental role

The site is a greenfield site and therefore not the first priority for development. However, it is acknowledged that the Council's Strategic Housing Land Availability Assessment (SHLAA) recognises that the land is capable of development for housing, and as noted above, the site is within the zone which is also a preferred site for housing/commercial development (site CS17 Manchester Road to Macclesfield Road Congleton) within the Local Plan Strategy Consultation Version March 2016

Paragraph 38 of the Framework states that for larger scale residential developments, policies should promote a mix of uses in order to provide opportunities to undertake day to day activities including work on site, thereby minimising the need to travel.

Paragraphs 96 and 97 of the Framework deal with decentralised and renewable energy supply. The aim is to secure a proportion of predicted energy requirements for new developments from

decentralised and renewable or low carbon sources. This can be dealt with by condition in the interests of sustainable development.

This proposal will also provide commuted sum payments for off site habitat creation in lieu of the loss of species rich grassland in the site and on site ecological mitigation and a barn owl mitigation payment.

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 is located on the northern edge of Congleton and covers an area of 5 hectares in a roughly triangular area of land that is defined by Manchester Road to the west and Moss Lane. The western side of Manchester Road to the south of the application is characterised by an existing ribbon of development, housing and businesses that front onto Manchester Road.

The application is agricultural land the boundary is characterised by hedgerows and mature trees.

Clearly, by virtue of the loss of an open field, the proposal will result in the loss of intrinsic countryside character, however, this has to be seen against the existing urban back drop of most viewpoints into the site. The scheme has been amended and provides a central area of open space areas the Framework Plan are retained within the scheme, and appropriately landscaped, the impact could be mitigated. This could be ensured through appropriate conditions and the S106 agreement.

Trees

The application (together with sister application 14/4451c) is supported by an updated Arboricultural Report (Urban Green dated October 2015), Tree Removal Plan and Tree Protection Plan. The trees are treated as part of the same overarching development and there are similar concerns expressed by the Tree Officer concerning levels on both schemes.

The report identifies 5 (U category) potentially hazardous trees that require removal (T21-T25) and two trees (T50 and T51) as being in poor condition. A further two trees and one group (T20, T35 and G45) have been identified as potentially hazardous and require works to make them safe. A further tree (T39) has been identified as requiring further inspection to assess the extent of decay of the wood decay fungus *Fistulina hepatica*.

The Assessment states (at section 5.4) that the proposed development will require a moderate amount of tree loss but does not state which trees are proposed to be removed. The Tree Removal Plan provides details of removals for the proposed development but this should be cross referenced in the text of the document

As a consequence there is a conflict between the Tree Removals plan and the site layout. T33 is a 'A' category Oak is shown for retention on the site layout plan but excluded from the Tree Protection Plan. G4 and G15 are excluded from the site layout plan but included on the Tree Protection Plan and H3 and there may be others. BS5837:2012 at para 5.3.1 states that the default position should be that structures (including roads) are located outside RPAs of retained trees unless it can be demonstrated that the trees can remain viable and that the area lost to encroachment can be compensated for. The British Standard requires that tree constraints should inform the layout design(5.1.1). The submitted Tree Protection Plan shows that in the majority of cases where trees are to be retained, the Root Protection Area is affected by proposed roads and/or proposed dwellings. In design terms this does not accord with the requirements of BS5837:2012.

It is important to note that the site has significant constraints in terms of levels, a point raised several times in in the AIA. Neither the layout plan nor the Tree Protection Plan provides any details of any existing and proposed levels and therefore it is not possible to determine any direct or indirect impact of the proposed layout on retained trees. Without this detail it will not be possible to consider or implement the submitted Tree protection Plan which in many cases across the site shows the RPA not protected by protective fencing.

There are conflicts between proposed access road (turning head Road 9 being an example) and Root Protection Areas/viable rooting environment of trees where reduced/no dig solutions may not be achievable due to existing/proposed levels and highway engineer adoptable road standards. Positons of Plots (Plot 164/165, Plots 198/199/ Plots 217/Plots 12/12A) and potential for shading of gardens /future pressure for removal does not appear to have been fully addressed in the design. The Tree Officer has requested more levels information, which the applicant is not in a position to provide at this time.

These conflicts are considered to be resolvable but with the necessary levels information provided before a decision is reached upon the siting of affected plots. In these circumstances it is considered appropriate to delegate the decision to the Development Manager (Regulation) and the Chair/Vice Chair of Southern Planning Committee to enable the further information to be provided.

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 Council's Principal Urban Designer has made various suggestions about the layout of the scheme (and 14/4451C, whose design needs to be considered in conjunction with this proposal) since its submission, which has resulted in the provision of an amended scheme of reduced numbers on site and the re-orientation of key plots, which will improve the vista, particularly when approaching Congleton from the north on Manchester Road. The density of 26.9 dwellings

per hectare is appropriate due to the urban fringe location of the site and is in line with the emerging Strategy.

The height of the proposed development would be mainly two-storey. The layout plan includes a central area of green open space located within the central spine area to the immediate north of the site boundary. The development envelope is generally set back from the Moss Lane frontage. The landscape screen in the form of hedgerows will be retained in the main, which will assist in some degree of softening the urbanising impact of the site in the landscape. The residential properties would be orientated so that the areas of open space in the site would be well overlooked.

To turn to elevational detail; the housing layout and house types utilised, in the main, are a continuation of the phase 1 development by the same developer on the sister site. The proposed properties have gabled and pitched roof forms and dwellings which incorporate many features such as canopy porches and window head details and limited use of render that add visual interest to the elevations and are similar to other properties in the vicinity. Similar designs have been employed on the developments throughout the area and it is considered that the proposed dwellings would be appropriate for the site and in keeping with the character of Congleton.

Highway Safety

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

This site is accessed entirely via the Phase 1 development. The application has been reviewed by the Council's Head of Strategic Infrastructure (HSI). His initial comments were that the proposal needed to be assessed considering existing road conditions and also it should assess impact of scheme on the wider strategic road network, this had not been done and the HSI initially recommended that the application be refused on lack of information. Since that time further information has been provided and a financial mitigation package in respect of the impacts on the surrounding road network has been agreed. This has taken on board the other developments in the area.

The applicant has submitted a further technical report regarding the cumulative traffic impact of phase 1 and 2 on the local highway network. The HSI has considered the impact of both phases of the development together.

Although the report concludes that the impact of the development has a small percentage impact on the A34/A536, there are significant congestion concerns at the principle junctions on the A34 through Congleton. The addition of the already committed development will increase congestion and delay and this development will add further to these problems.

To mitigate the traffic impact resulting from the development of 95 units a financial contribution is required towards the agreed schemes of mitigation on the A34 and the A536. The level of contribution to be provided per unit in this application is consistent with contributions secured from other nearby residential developments. The mitigation contribution required as a result of

this development is £158,333 to be provided upon occupation of the 25th (25%) dwelling on site. A further contribution will be required as a result of the sister application which together will equate to an overall financial contribution of £388,411 towards highways works required to mitigate for both phases as proposed.

The Strategic Highways Manager has advised that the access strategy to the site and the access points to the nearby Local Plan site SL8 have been agreed and as such the current access proposals to this site is acceptable.

In summary, there are no highway objections to Phase 1 and 2 applications subject to a financial contribution towards traffic calming/ speed management measures on the A34/A536 or local infrastructure improvements. Subject to the conditions requested and the highways mitigation payment, it is considered that the proposal would not create any significant highway safety concerns and would adhere with Policy GR9 of the Local Plan.

Affordable Housing

The site falls partly within the parish of Eaton which is in the Macclesfield Rural sub-area for the purposes of the Strategic Housing Market (SHMA) Update 2013. However, it is adjacent to Congleton and as such is adjacent to the Congleton sub-area for the purposes of the SHMA. Housing needs information is as below: -

The Congleton sub-area identifies a need for 58 affordable homes per annum for the period 2013/14 – 2017/18. This is a requirement for 27 x 1 bed, 10 x 3 bed, 46 x 4+ bed general needs units and 37 x 1 bed older persons accommodation. There is an over-supply of 2 bed accommodation.

The Macclesfield Rural sub-area area identifies a need for 59 affordable homes per annum for the period 2013/14 – 2017/18. This is a requirement for 9 x 1 bed, 6 x 2 bed, 23 x 3 bed, 11 x 4+ bed general needs units and 2 x 1 bed older persons accommodation and 8 x 2 bed older persons accommodation.

In addition information taken from Cheshire Homechoice shows there are currently 549 live applicants who have selected one of the Congleton lettings areas as their first choice. These applicants require 238 x 1 bed, 185 x 2 bed, 87 x 3 bed and 17 x 4+ bed accommodation. (22 applicants have not specified how many bedrooms they require).

There should be provision of 30% of the total dwellings as affordable, with 65% provided as social rent (affordable rent is also acceptable at this site) and 35% intermediate. This is the preferred tenure split identified in the SHMA 2010, SHMA Update 2013 and highlighted in the Interim Planning Statement on Affordable Housing (IPS).

The affordable units (29 in total) are 2 and 3 bedroomed dwellings in this phases of the development. They are in 2 groups at opposite ends of the site.

The application confirms that 30% affordable housing will be provided on this site which is acceptable. The Mix is 65:35 Affordable rent : Intermediate with the rental units being a mix of 1 bed apartments and 2 bed dwellings. The intermediate units are mix of 2 and 3 bedroomed dwellings. The Strategic Housing Manager has no objection to the application.

Flood Risk and Drainage

The application site is within Flood Risk Zone 1. The Council's Flood Risk Officer has reviewed the submission and advised that he has no objections, subject to conditions.

Ecology

Great Crested Newts occur in the vicinity of this site. 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

(a) 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

(b) no satisfactory alternative and

(c) no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK has implemented the Directive in the Conservation (Natural Habitats etc) Regulations 2010 (as amended) which contain two layers of protection (i) a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and (ii) a licensing system administered by Natural England and supported by criminal sanctions.

Local Plan Policy NE.9 states that development will not be permitted which would have an adverse impact upon species specially protected under Schedules 1, 5 or 8 of the Wildlife and Countryside Act 1981 (as amended), or their habitats. Where development is permitted that would affect these species, or their places of shelter or breeding, conditions and/or planning obligations will be used to:

- facilitate the survival of individual Members of the species
- Reduce disturbance to a minimum
- Provide adequate alternative habitats to sustain the current levels of population.

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."

The NPPF advises LPAs to conserve and enhance biodiversity: if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) or adequately mitigated, or as a last resort, compensated for, planning permission should be refused.

Natural England's standing advice is that, if a (conditioned) development appears to fail the three tests in the Habitats Directive, then LPAs should consider whether Natural England is likely to grant a licence: if unlikely, then the LPA should refuse permission: if likely, then the LPA can conclude that no impediment to planning permission arises under the Directive and Regulations.

The Habitat Regulations 2010 require Local Authorities to have regard to three tests when considering applications that affect a European Protected Species. In broad terms the tests are that:

- the proposed development is 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
- there is no satisfactory alternative
- there is no detriment to the maintenance of the species population at favourable conservation status in its natural range.

Current case law instructs that if it is considered clear or very likely that the requirements of the Directive cannot be met because there is a satisfactory alternative, or because there are no conceivable “other imperative reasons of overriding public interest”, then planning permission should be refused. Conversely, if it seems that the requirements are likely to be met, then there would be no impediment to planning permission be granted. If it is unclear whether the requirements would be met or not, a balanced view taking into account the particular circumstances of the application should be taken.

Overriding public Interest

The site is an emerging housing allocation on the edge of the existing built up area. Its planned development will assist in negating development pressure on other sites of ecological significance and will assist in the provision of the Link Road. It is therefore considered that its development is of overriding public interest. With regard to the second test, the choice of alternative sites are not as sustainably located on the edge of the existing town.

The terrestrial habitat is also compensated by virtue of the central zone of on site ecological mitigation and the contribution to off site mitigation. It is concluded that the benefits to the public in the form of socio-economic development and the contribution to housing land supply, on balance, outweigh the negative impact of the overall loss of the terrestrial habitat. On this basis there is considered to be no detriment.

In respect of the third test, the Council’s Ecologist has advised that if planning consent is granted the proposed Great Crested Newt mitigation/compensation will be adequate to maintain the favourable conservation status of the Great Crested Newt.

In respect of other ecological matters, advice has been sought from the Council’s Ecologist has commented as follows:

Hedgerows

Hedgerows are a priority habitat and hence a material consideration. Most of the boundary hedgerows appear to be retained on site but there will be some losses to facilitate the site access points and some losses from the interior of the site.

Cranberry Moss (Local Wildlife Site)

The submitted hydrological assessment confirms that the proposed development is unlikely to affect the hydrology of this Local Wildlife Site.

Great Crested Newts

Great Crested newts were recorded at two ponds to the north of the application site within the sister application (14/4451C). In the absence of mitigation the proposed development is likely to result in a 'moderate-high' level of adverse impact upon great crested newts as a result of the loss of terrestrial habitat. The Ecologist advises that the survey submitted in support of the application identifies the great crested newt population as being 'small', however surveys undertaken to inform the development of the Congleton Link Road recorded breeding by a 'medium' sized population of great crested newts.

The Ecologist advises that the submitted great crested newt strategy is likely to be sufficient to maintain the favourable nature conservation status of the local great crested newt population subject to condition that the mitigation is done in accordance with the report submitted in support of the application.

Bats

Evidence of bat activity in the form of a minor roosts of two relatively common bat species has been recorded within the barns on site. The usage of the building by bats is may be limited to small-medium numbers of animals using the buildings for relatively short periods of time during the year however it is suspected that there is a minor maternity roost of one species present. The loss of the roosts on this site in the absence of mitigation is likely to have a medium impact upon on bats at the local level. The submitted report recommends the installation of bat boxes on the nearby trees and a replacement 'bat loft' as a means of compensating for the loss of the roost and also recommends the timing and supervision of the works to reduce the risk posed to any bats that may be present when the works are completed.

Nesting Birds

If planning consent is granted standard conditions will be required to safeguard nesting birds.

Other Protected Species

A protected species survey has been submitted. Other protected species are active on site, but there is no conclusive evidence of a sett being present. The proposed development is likely to result in the loss of some foraging habitat. However the habitat areas provided as part of the great crested newt mitigation would go some way towards mitigate this impact and also provide a means for badgers to commute across the site. As the status of other protected species can change within a short time scale therefore a condition should be attached requiring an updated protected species survey report to be submitted prior to the commencement of the development.

Commuted sum for habitat creation

The submitted great crested newt mitigation strategy suggests that a commuted sum be secured to fund habitat creation projects in partnership with Cheshire Wildlife Trust as a means of compensating for the residual impacts of the scheme. This impact relate to the loss of grassland

habitats on site. This approach is supported as a means of addressing the residual ecological impacts of the development but cannot be considered as compensation for the impacts of the development upon protected species. The applicant is proposing a commuted sum of £96,000, which would address the impact of both developments. His preferred approach would be to deal with this solely on Phase 2 (for both phases), this is not acceptable in terms of the impact on phase 1. It is therefore recommended that Phase 2 has a financial mitigation payment of £46000, this would then equate to the £96,000 required over both phases.

Commuted sum to off set Barn Owl

Evidence of regular roosting but not breeding by barn owls had previously been recorded within one of the buildings proposed for demolition.

A more recent survey has however not recorded any further evidence of activity. As barn owls no longer appear to roost on site the potential impacts of the development on barn owls are therefore less than originally thought.

Features for barn owls are no longer proposed on the site. The ecologist advise that there was always some doubt as to whether features for barn owls on site would be successful and considering the proximity of the proposed Congleton Link Road it is not desirable to encourage barn owls onto the application site.

The applicant's ecologist has submitted a method statement detailing measures to be put in place to minimise the risk of an offence being committed in respect of barn owls and proposes the transfer of a commuted sum of £2,000 to the Local Barn Owl group in order to fund off-site habitat creation works. This is considered to be acceptable in mitigating the impact upon this species..

Breeding Birds

The proposed development site is likely to support breeding birds including the more widespread Biodiversity Action Plan priority species which are a material consideration for planning. If planning consent is granted standard conditions will be required to safeguard breeding birds.

Hedgerows

Hedgerows are a UK BAP priority habitat and hence a material consideration. The proposed development will require the removal of a section of species poor defunct hedgerow to facilitate the site entrances. The Council's Nature Conservation Officer has recommend that if planning consent is granted it must be ensured that this loss is compensated for through the enhancement of the remaining hedgerows on site and the planting of additional hedgerows as part of the detailed landscaping of the site.

Subject to the above, it is considered that the development would adhere with Policy NE5 of the Local Plan and Policy SE3 of the emerging Cheshire East Local Plan Strategy – Submission Version.

Environmental Conclusion

The proposed revised development would be of an acceptable design that would not create any significant issues in relation to; landscape, trees, highway safety, drainage or flooding and ecology subject to the suggested conditions and mitigation package. As such, it is considered that the proposed development would be environmentally sustainable.

Other economic considerations

It is accepted that the construction of a housing development of this size would bring the usual economic benefit to the closest shops in the general area for the duration of the construction, and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain. There would be some economic and social benefit by virtue of new resident's spending money in the area and using local services.

As such, it is not considered that the proposed development would be economically sustainable.

Other social considerations

Educational Impact

A development of 95 dwellings is expected to generate:

18 primary children (95 x 0.19) 17 once SEN pupil taken into account
14 secondary children (95 x 0.15)
1 SEN child (95 x 0.51 x 0.023%)

The development is expected to impact on primary 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 primary schools in the area as a result of agreed financial contributions. The analysis undertaken has identified that a shortfall of school places still remains.

The development is expected to impact on 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 primary 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 this application will exasperate the shortfall. The 1 SEN child who are thought to be of mainstream education age have been removed from the calculations above to avoid double counting.

To alleviate forecast pressures in primary, secondary and SEN provision and to allow for the following contributions would be required:

17 x £11,919 x 0.19 = **£184,387** (primary)

14 x £17,959 x 0.91 = **£228,798** (secondary)

1 x £50,000 x 0.91 = **£45,500** (SEN)

Total education contribution: **£458,685**

The applicant has agreed this level of mitigation to be dealt with by S106 Agreement.

Amenity Greenspace

Following an assessment of the existing provision of Amenity Greenspace 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.

Based on the Council's Guidance Note on its Draft Interim Policy Note on Public Open Space Requirements for New Residential Development there is a requirement for 2,376m² of new Amenity Greenspace which should provide for a wide range of Community needs

Given that an opportunity has been identified for enhancing the quality of existing Amenity Greenspace to serve the development based on the Council's Guidance Note on its Draft Interim Policy Note on Public Open Space Requirements for New Residential Development the financial contributions sought from the developer would be:

Maintenance: £28,096.20

Children and Young Persons Play 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 new development. A NEAP is required. However as it is proposed to site a NEAP to the South of Phase 1 which will be well positioned to serve both phases it would be acceptable to request off site contributions to play areas within the vicinity of the proposed development. Congleton Park's junior playground requires upgrading.

Developments such as this which will increase the burden on existing facilities and it is important that these facilities receive financial contributions for improvements and maintenance.

Based on the Council's Guidance Note on its Draft Interim Policy Note on Public Open Space Requirements for New Residential Development the financial contributions sought from the developer would be;

Enhancements : £ 34,102

Maintenance of the enhancements for a 25 year period £ 70,923

Subject to this mitigation, it is considered that the proposal would be in compliance with Local Plan Policy GR22 and Policy IN1 of the Cheshire East Local Plan Strategy on the basis of a private management regime, which would need to be approved by the Council.

Residential Amenity

According to Policy GR6, planning permission for any development adjoining or near to residential property or sensitive uses will only be permitted where the proposal would not have an unduly detrimental effect on their amenity due to loss of privacy, loss of sunlight and daylight, visual intrusion, and noise.

Supplementary Planning Guidance Note 2 advises on the minimum separation distances between dwellings. The distance between main principal elevations (those containing main windows) should be 21.3 metres with this reducing to 13.8 metres between flanking and principal elevations. The general relationships within the site are considered to accord with the guidance.

The EPO has advised that due to the proximity of the development to other residential properties, there is a need to protect the amenity of nearby residential properties during the construction phase of the development, as such a condition seeking the prior submission of an Environmental Management Plan.

With regards to Air Quality the report considers whether the development will result in increased exposure to airborne pollutants, particularly as a result of additional traffic and changes to local traffic flows.

The proposed developments are considered significant in that they are highly likely to change traffic patterns and congestion in the area.

In particular, the developments have the potential to impact upon the three Air Quality Management Areas (AQMA) in Congleton declared as a result of breaches of the European Standard for nitrogen dioxide (NO₂).

The report concludes that all modelled impacts from road traffic on air quality conditions for residential units on the proposed developments sites will be below the air quality objectives.

The impacts of NO₂ at existing receptors highlighted that there will be increased exposure at all receptors modelled, describing the impact as slight adverse. A number of receptors are within the Rood Hill and Lower Heath AQMA's.

The report concludes the effects associated with NO₂ emissions from road traffic on receptors located within the AQMA's are not considered to be significant. It is the view of the Air Quality Officer that any increase in concentrations within an AQMA is significant as it is directly converse to our local air quality management objectives and the Air Quality Action Plan. The NPPG requires that development be in accordance with the Council's Air Quality Action Plan.

Taking into account the uncertainties associated with air quality modelling, the impacts of the development could be significantly worse.

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 considered therefore that operational

mitigation measures should be provided in the form of direct measures to reduce the impact of traffic associated with the development and its impact upon the AQMA's and within Congleton.

Mitigation to reduce the impact of the traffic pollution can range from hard measures to softer measures such as the provision of a low emission strategy for the development designed to support low carbon (and polluting) vehicles.

It is noted that the developer intends to provide upon request, electric car charging points in garages. The accessibility of low or zero emission transport options has the potential to help mitigate the impacts of transport related emissions. To ensure the uptake of these options is maximised, it is considered appropriate to create infrastructure to allow home charging of electric vehicles in all new, modern properties. This should not therefore be 'on request' but a condition attached to any permission.

With regard to land contamination, dust and noise it is considered that conditions can satisfactorily safeguard future living conditions. As such, subject to the above conditions, it is considered that the proposal would not create any significant amenity concerns.

Levy (CIL) Regulations

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

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

The proposed commuted sums for ecology and for barn owl mitigation are considered necessary, fair and reasonable and given that the proposal will result in the loss of an existing greenfield and buildings and the potential habitat/roost potential that these matters offer.

The development would result in a deficiency in the quantity of provision of public open space within the area. In order to offset this loss, a contribution towards off site enhancement and maintenance is required. The development would also result in a deficiency in the quantity of provision of children's space within the area. In order to offset this loss, a contribution towards off site enhancement and maintenance is required. This is considered to be necessary, fair and reasonable in relation to the development.

The education contribution is necessary having regard to the oversubscription of local primary and secondary schools and the demand that this proposal would add to the local provision.

The highways contribution is necessary to mitigate for the impact of the development on the local highway network and in that regard is fair and reasonable.

The above requirements are considered to be necessary, fair and reasonable in relation to the development. The S106 recommendation is compliant with the CIL Regulations 2010.

Planning Balance

The application site lies entirely within the Open Countryside as determined by the Congleton Borough Local Plan First Review 2005.

Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by Local Plan Policy H6. The proposed development does not fall within any of the listed categories and as such, there is a presumption against the proposal unless material considerations indicate otherwise.

Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites and that where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development

It is therefore necessary to make a free-standing assessment as to whether the proposal constitutes “sustainable development” in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

In this case, the development would provide positive planning benefits such as; the provision of a market and affordable dwellings in a sustainable location and the knock-on minor local economic benefits such a development would bring.

Balanced against these benefits must be the dis-benefits, which in this case would be the loss of open countryside.

The site also forms part of an allocated housing site within the emerging Local Plan Strategy, to which the decision maker is entitled to afford significant weight, given the advanced stage the Plan has now achieved.

All other issues are considered to be mitigated against by the use of planning conditions or a S106 Agreement and as such, are considered to have a neutral impact.

In this instance, is considered that the benefits of the scheme would outweigh the dis-benefits.

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits

RECOMMENDATION

Delegate to the Head of Planning (Regulation) and the Chair of the Southern Planning Committee to APPROVE subject to the satisfactory levels information to determine any impact on the retained trees and a S106 Agreement to secure;

- 1. £46,000 Biodiversity mitigation to be utilised to fund off site habitat creation/enhancement within the Meres and Mosses Nature Improvement Area.**

Prior to commencement of development, to be paid upon the commencement development on site

2. £2,000 Barn Owl Mitigation payment upon commencement
3. £34,102 in lieu of on site Public Open Space provision – on 1st occupation
4. £70,923 Place Space Maintenance (in lieu of on site provision)
5. £28,096 Amenity Greenspace payment in lieu of on site provision
6. Provision for a private residents management company to maintain the on-site ecological area/ amenity space / play area and all incidental areas of open space not within the adopted public highway or domestic curtilages
7. Detailed management plan for the above Open Space be submitted and approved.
8. Provision of 30% on-site affordable dwellings – 65% provided as affordable rent and 35% as Intermediate tenure. The affordable units should be tenure blind and be provided no later than occupation of 50% of the open market dwellings.
9. £184,387 towards primary school education provision - 50% of the money upon the occupation of the 40th dwelling house and a further 50% upon the occupation of the 80th dwelling
10. £184,387 towards Secondary school education provision- 50% of the money upon the occupation of the 40th dwelling house and a further 50% upon the occupation of the 80th dwelling
11. £45,500 towards Special education needs education provision -50% of the money upon the occupation of the 40th dwelling house and a further 50% upon the occupation of the 80th dwelling
12. £158,333 towards schemes of highway mitigation on the A34 and the A536 to be paid upon commencement of building of the 25th dwelling(25%)

And conditions;

1. Time - standard
2. In accordance with approved plans
3. Materials – Prior submission/approval
4. Construction Management Plan, inc wheel washing – Prior submission/approval
5. Main access road to be constructed up to binder course prior to commencement.
6. Parking areas to laid out and drained as the agreed plan
7. Removal of PD rights for extensions – selective plots – smaller house types
8. Removal of pd rights for any walls, fences, means of enclosure forward of any buildings
9. Site to be drained on a separate system
10. Surface water drainage scheme – Prior submission/approval
11. Landscaping – Prior submission/approval – To include hedgerow retention/enhancement/further planting
12. Landscaping – Implementation
13. Boundary treatments – Prior submission/approval
14. Nesting birds - Prior submission/approval
15. Breeding birds and roosting bat features – Prior submission/approval
16. Implementation of Barn Owl survey and Mitigation strategy prepared by CES Ecology dated January 2016.
17. Piling
18. Floor Floating

19. Environmental Management Plan – Prior submission/approval
20. Land Remediation Strategy – Prior submission/approval in accordance in Compliance with Phase II Contamination report
21. Energy Efficiency/fabric first approach
22. Residential travel plan
23. Evidence and verification report of imported soil and soil forming materials – Prior submission/approval
24. Tree and hedgerow Protection scheme – Prior submission/approval
25. Levels existing and proposed
26. Retention and protection scheme for existing trees and hedgerows.
27. Phasing plan for the completion of POS & ecological mitigation areas
28. Landscape Masterplan and full hard and soft landscape details submitted prior to commencement with phasing of implementation
29. Boundary treatments
30. Implementation of great crested newt mitigation and *Scheme to fully comply with GCN Appraisal and mitigation & Habitat compensation measures (2014) prepared by CES Ecology unless varied by a subsequent Natural England license.*
31. Updated badger survey prior to commencement of development
32. Safeguarding of nesting birds
33. Provision of details for the incorporation of features for nesting birds including house sparrow
34. Scheme of reduction of energy use/enhanced fabric first approach

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Planning Manager (Regulation) in consultation with the Chair (or in there absence the Vice Chair) of the Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

Should the application be subject to an appeal approval is given to enter into a S106 Agreement to secure the Heads of Terms as detailed above.



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Application No: 15/5329C

Location: LAND AT ERF WAY, MIDDLEWICH, CHESHIRE

Proposal: Gas fuelled capacity mechanism embedded generation plant to support the National Grid.

Applicant: Mr David Sheppard

Expiry Date: 25-Feb-2016

SUMMARY:

The site is within the Settlement Zone Line of Middlewich on an existing employment park, where there is a presumption in favour of sustainable development.

The maintenance of a stable and secure supply is an important material consideration in the determination of this application.

Subject to conditions, the proposal is considered to be acceptable in terms of its impact upon noise, air quality, ecology, highway safety, amenity, landscape, trees and design.

RECOMMENDATION:

Approve subject to conditions

DEFERRAL

The application was deferred by Members of Southern Planning for further information on air quality, noise. photographs of similar developments and a response from Environmental Protection. These issues are now addressed within this report and the presentation at Committee.

PROPOSAL

The application proposes the construction an electricity generating compound within a secure 2.4m wire mesh security fence and internal acoustic wall.

The development would contain 20 containerised electricity generation units that would be gas powered. The equipment is designed to cover peak periods of electricity demand and is thereby known as a 'peaking station'. There would also be ten transformers within the site, a switchgear cabin, gas governor and metering kiosk, substation and welfare cabin. The power generated would feed into the local power network.

The site would be secured by a 2.4m high mesh security fence and inside this there would be a 4m high acoustic wall. Access would be taken from a newly formed access off ERF Way.

SITE DESCRIPTION

The application site comprises an area of employment land on the Midpoint 18 employment site. Midpoint 18 is an established industrial area and the site is bounded by ERF Way to the south, an established tree buffer and Tesco warehouse to the north with overhead power lines to the east.

The site is situated on the northern side of ERF Way, Middlewich and is within the Middlewich Settlement Zone Line.

RELEVANT HISTORY

There are several historic applications on this site relating to the development of the employment park, none of which are relevant to this application.

LOCAL AND NATIONAL POLICY

Development Plan:

The Development Plan for this area is the adopted Congleton Borough Local Plan First Review 2005, which allocates the site as being within the within the Settlement Zone Line of Middlewich.

The relevant Saved Policies are: -

PS4 – Towns
GR1 – New Development
GR2 – Design
GR3 – Density, Housing Mix and Layout
GR4 – Landscaping
GR6 – Amenity and Health
GR7 - Pollution
GR9 - Accessibility, Servicing and Parking Provision
GR18 – Traffic Generation
GR20 – Public UTILITIES
GR22 – Open Space Provision
NR3 – Habitats
E3 – Employment Development in Towns

SPD14 – Trees and Development

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

Local Plan Strategy Proposed Changes (Consultation Draft) March 2016

The following are considered relevant material considerations as indications of the emerging strategy:

SD 1 Sustainable Development in Cheshire East

SD 2 Sustainable Development Principles

SE 1 Design

SE 4 The Landscape

SE 5 Trees, Hedgerows and Woodland

PG 1 Overall Development Strategy

SE 3 Biodiversity and Geodiversity

SE8 Renewable and Low Carbon Energy

National Policy:

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance is paragraph 98.

CONSULTATIONS:

Environmental Protection:

No objections.

Town Council 14/07/15:

No objection, but have concerns about safety and security.

REPRESENTATIONS:

There has been one representation submitted in relation to this application. This appears to have concerns about security and a 'Paris' style attack and also the impact on Great Crested Newts.

APPRAISAL

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

Principle of Development

The site lies in the Settlement Zone Line of Middlewich on an existing employment park, as designated in the adopted Congleton Borough Local Plan First Review 2005, where there is the presumption in favour of sustainable development.

The issue in question is whether this proposal represents sustainable development and whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the presumption in favour of sustainable development.

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”

There are, however, three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

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

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;

These roles should not be undertaken in isolation, because they are mutually dependent.

ENVIRONMENTAL ROLE

Energy Efficiency

The plant is designed to participate in the Capacity Mechanism, which is part the Governments energy policy, contained within the Energy Act 2013. The aim of this Act is to encourage the building of power stations that are able to provide electricity at times of most need. This is due to the closure of the majority of coal fired power stations and increasing amounts of intermittent renewable generation of power.

The plant would be gas powered and able to be turned on in 15 seconds and have full power in 2 minutes, meaning that power can be supplied at peak times when needed. The only types of existing quick-start power generation methods are heavy fuel or diesel generators that are less efficient and have worse emissions profiles or open cycle gas turbines that are also less efficient and produce power in much larger blocks.

The proposal therefore would represent a more energy efficient and responsive method of supplying power at times of peak demand.

Noise

The generating units will be enclosed in individual containers, which during generation emit 65 dB(A) at 10 metres from the unit. Due to the logarithmic nature of the dB scale, adding two sound sources increases noise levels by approximately 3 dB(A). Adding further noise sources does not add 3 dB(A) each time, such that all 10 generators running together simultaneously would produce a sound level of approximately 74dB(A) at 10 metres(any direction).

However, the units will be located in a compound surrounded by a 4m high acoustic fence designed to absorb sound and prevent sound propagation. In addition, the compound is within an industrial area, with the nearest noise sensitive properties located 500m to the east of the proposed development.

As such, even without the acoustic fence and simply allowing for the standard reduction of sound over 500m; the level at the façade of the nearest noise sensitive dwelling would be approximately 41 dB(A). This would be similar to daytime background levels in a semi-rural area.

At night, when occupants are indoors a partially open window reduces noise by around 15 dB(A), as such internal noise levels would be around 26 dB(A) and compliant with limits set within BS8223 : 2014 (which requires 30 dB(A) for bedrooms at night).

The inclusion of an acoustic fence will only serve to improve this situation, as such, the EHO advises there are no concerns regarding noise.

Air Quality

There will be no atmospheric emissions of significance with respect to relevant pollutants and Local Air Quality Management. As such Environmental Protection has no objection to the application.

Highways

The section of ERF Way from where the access would be taken is unadopted. However it is constructed to serve an employment park and already serves existing large scale businesses in a safe manner.

During construction there would be more vehicular movements onto the site, but once operational the site will only be visited by engineers in a van, usually once a day. In addition the Head of Strategic Infrastructure has raised no objection to the proposal.

The proposal is therefore considered to be acceptable in terms of highway safety, parking and traffic generation and in accordance with Policies GR9 and GR18 of the adopted local plan.

Ecology

A small population of Great Crested Newts is known to be associated with the pond located immediately adjacent to the proposed development. In the absence of mitigation the proposed development would have a Medium magnitude adverse impact upon this population due to the loss of terrestrial habitat located in close proximity to the pond. The

proposed development also poses the risk of killing or injuring any great crested newts that were present when the proposed works were completed.

In order to compensate for the loss of terrestrial habitat the applicant's consultant recommends that the retained habitat be enhanced. To mitigate the risk of Great Crested Newts being killed or injured during the works the applicant is proposing to remove and exclude newts from the footprint of the development under the terms of a Natural England license.

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected the proposed development the planning authority must have regard to whether Natural England would be likely to subsequently grant the applicant a European Protected species license under the Habitat Regulations.

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

(a) 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

(b) No satisfactory alternative and

(c) No detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK has implemented the Directive in the Conservation (Natural Habitats etc) Regulations 2010 (as amended) which contain two layers of protection (i) a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and (ii) a licensing system administered by Natural England and supported by criminal sanctions.

Local Plan Policy NR2 (Wildlife & Conservation Statutory Sites) states that development will not be permitted which would have an adverse impact on protected species or their habitats, unless mitigation / habitat creation is secured.

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."

The NPPF advises LPAs to conserve and enhance biodiversity: if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) or adequately mitigated, or as a last resort, compensated for, planning permission should be refused.

Natural England's standing advice is that, if a (conditioned) development appears to fail the three tests in the Habitats Directive, then LPAs should consider whether Natural England is likely to grant a licence: if unlikely, then the LPA should refuse permission: if likely, then the

LPA can conclude that no impediment to planning permission arises under the Directive and Regulations.

In this case the Council's Ecologist has assessed the application and relevant supporting ecological documentation and raises no objection to the proposed development. In terms of Great Crested Newts, the Council's Ecologist is satisfied that the development is unlikely to have a significant impact upon this protected species subject to compliance with the submitted Ecology Report.

Having regard to the above it is concluded that the proposal would have an acceptable impact on nature conservation interests and would comply with Local Plan policy NR2 (Wildlife & Conservation Statutory Sites) and the Framework.

It is considered that if planning consent is granted the proposed mitigation and compensation would be sufficient to maintain the favourable conservation status of the local population of Great Crested Newts. This should be controlled by condition.

Common Toads and Grass Snakes may occur on the application site on a transitory basis and are priority species. It is considered that the proposed Great Crested Newt mitigation would also be sufficient to address the potential impacts on these additional species.

If planning permission is granted a condition should be imposed in order to protect breeding birds.

Protected species habitat is present a short distance from the proposed development. In order to avoid any risk of protected species being disturbed during the proposed works the applicants consultant recommends that the habitat be closed temporarily until the works are completed. This would be done under license from Natural England. This is an acceptable approach and should be secured by condition.

ECONOMIC SUSTAINABILITY

The Framework includes a strong presumption in favour of economic growth.

Paragraph 19 states that:

'The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth'

With regard to the economic role of sustainable development, the proposed development would involve some employment and economic benefits during construction and the creation of four full time jobs related to the power plant and other related maintenance employment opportunities.

Ensuring that there is a responsive supply of energy is also a key economic consideration.

SOCIAL SUSTAINABILITY

Design

The development would have a utilitarian appearance appropriate to its use. This would not be out of keeping with the character and appearance of the site and surrounding development.

Amenity

The site is on an existing employment park and there are no residential properties in close proximity. The proposal therefore raises no issues relating to residential amenity.

Ensuring a stable supply of electricity is an important benefit of the proposal contributing to the social sustainability of the development.

Response to Observations

The representation of the member of the public has been given careful consideration, however it is not considered that a development of this nature would be likely to lead to a 'Paris style' attack and that the security fencing would be adequate. The issues relating to Great Crested Newts are addressed in the Ecology Section of this report.

Conclusion – The Planning Balance

The site is within the Settlement Zone Line of Middlewich on an existing employment park, where there is a presumption in favour of sustainable development.

The maintenance of a stable and secure supply is an important material consideration in the determination of this application.

Subject to conditions, the proposal is considered to be acceptable in terms of its impact upon noise, air quality, ecology, highway safety, amenity, landscape, trees and design.

RECOMMENDATION

Approve subject to the following conditions:

- 1. Time limit**
- 2. Approved plans**
- 3. Compliance with the submitted Ecology Report and Mitigation Measures dated January 2016**
- 4. Protection for breeding birds**
- 5. Closure of protected species habitat until construction works are completed**
- 6. Submission of details of the colour and finish of the security fence and acoustic wall**

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) has delegated authority to do so in consultation with the Chairman of the Southern Planning

Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.



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Application No: 16/0014N

Location: ROSE COTTAGE, 50, STOCK LANE, WYBUNBURY, CHESHIRE, CW2 5ED

Proposal: All matters except access - to include, appearance, layout, landscaping and scale.

Applicant: M Beeston

Expiry Date: 29-Feb-2016

SUMMARY:

The application site lies almost entirely within the Open Countryside as determined by the Borough of Crewe and Nantwich Replacement Local Plan 2011.

Outline approval has been granted for the construction of one dwelling on the site and Members imposed a condition requiring the dwelling to be a bungalow. This condition was subsequently removed by Members in a subsequent application. The principle of the erection of any dwelling house on this site has therefore already been established.

Whilst there are bungalows fronting onto Stock Lane, given the distances between the existing bungalows and the proposed dwelling and the approved development on 'Shavington Triangle', a refusal on the basis that the proposed dwelling is two-storey is not considered to be sustainable.

In this case, the development would provide positive planning benefits such as; the provision of a market dwelling in a sustainable location and the knock-on minor local economic benefits such a development would bring.

RECOMMENDATION

Approve with conditions

PROPOSAL

This is reserved matters application for the erection of one detached dwelling. Outline planning permission was granted in June 2015, and at this stage the details of the access off Stock Lane were approved. This application seeks approval for the appearance, landscaping, layout and scale of the development.

The dwelling would be two storeys and have 4 bedrooms (2 with en-suite) and there would be a detached garage within the site. It would be of a traditional design similar to that of the existing dwelling adjacent to the site (50 Stock Lane). The dwelling would be 7.3m high at the ridge and 4.9m at the eaves. The garage would be 4m high at the ridge and 2.4m at the eaves.

SITE DESCRIPTION

The application site lies within the open countryside on the edge of the village of Shavington. It is an area of garden land to the rear of a linear form of development along Stock Lane. The housing fronting Stock Lane, adjacent to the site comprises largely bungalows and number 50 is a two storey dwelling.

RELEVANT HISTORY

15/0482N Outline approval for one dwelling – 25th June 2015

15/3336N Removal of condition 10 (bungalow) on 15/0482N – 3rd September 2015

LOCAL & NATIONAL POLICY

Development Plan:

The Development Plan for this area is the Borough of Crewe and Nantwich Replacement Local Plan 2011, which allocates the site as being within the within Open Countryside.

The relevant Saved Policies are: -

- BE.1 – Amenity
- BE.2 – Design Standards
- BE.3 – Access and Parking
- BE.4 – Drainage, Utilities and Resources
- BE.5 – Infrastructure
- BE.6 – Development on Potentially Contaminated Land
- NE.2 – Open Countryside
- NE.5 – Nature Conservation and Habitats
- NE.9 – Protected Species
- NE.17 – Pollution Control
- NE.20 – Flood Prevention
- RES.3 – Housing Densities

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

Local Plan Strategy Proposed Changes (Consultation Draft) March 2016

The following are considered relevant material considerations as indications of the emerging strategy:

SD 1 Sustainable Development in Cheshire East
SD 2 Sustainable Development Principles
SE 1 Design
SE 2 Efficient Use of Land
SE 3 Biodiversity and Geodiversity
SE 4 The Landscape
SE 5 Trees, Hedgerows and Woodland
SE 9 Energy Efficient Development
SE 12 Pollution, Land Contamination and Land Instability
PG 1 Overall Development Strategy
PG 2 Settlement Hierarchy
PG5 Open Countryside
EG1 Economic Prosperity

National Policy:

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Other Considerations:

North West Sustainability Checklist
The EC Habitats Directive 1992
Conservation of Habitats & Species Regulations 2010

CONSULTATIONS:

Parish Council:

Object on the grounds of size of the dwelling and drainage issues.

REPRESENTATIONS:

Neighbour notification letters were sent to adjoining occupants and a site notice posted.

At the time of report writing 2 representations have been received which can be viewed in full on the Council website. They express several concerns including the following:

- Drainage
- Design out of keeping
- Should be a bungalow
- Loss of privacy
- Overlooking
- Loss of outlook

APPRAISAL

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

Principle of Development

The site lies largely in the Open Countryside as designated in the Borough of Crewe and Nantwich Replacement Local Plan 2011, where Policies NE.2 and RES.5 state that only development which is essential for the purposes of agriculture, forestry, outdoor recreation,

essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Residential development will be restricted to agricultural workers dwellings, affordable housing and limited infilling within built up frontages.

On 25th June 2015, outline consent was granted for a dwelling on the site, thereby establishing the principle of residential development on this plot.

Sustainable Development

The proposal was considered to be a sustainable proposal in environmental, economic and social terms as part of the earlier outline application and this conclusion remains unchanged.

The site is immediately adjacent to existing residential development and is within walking distance of services and facilities in Shavington. The issues of importance relate to the following impacts:

Landscape

There are no significant trees within the site that would constrain the development of a single dwelling.

It is not considered that the proposals would result in any significant landscape or visual impacts, due to its siting adjacent to existing development and the approved housing surrounding the site. The landscaping plans submitted with the application are considered to be satisfactory.

Design & Layout

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 submitted plans show a substantial two-storey dwelling, not dissimilar to the neighbouring dwelling (50 Stock Lane). The original outline approval had a condition added by Members of Southern Planning Committee, which required the dwelling to be a bungalow. A subsequent application to remove this condition was approved by Members of Southern Planning Committee in September 2015. This was because Paragraph 206 of the NPPF states that *‘Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.’* The outline application was only seeking approval for the access and the scale of the development was therefore not a consideration at that stage. As such that condition was not necessary at that stage.

The objectors have put forward the argument that a two storey dwelling would be inappropriate as the dwellings to the front are bungalows. However 50 Stock Lane is a two storey dwelling and it is

not considered that two storeys would be inappropriate. It is acknowledged that the dwellings fronting Stock Lane are bungalows; however there are also two storey dwellings in the vicinity including 50 Stock Lane and the proposed dwelling would not front Stock Lane, and therefore not be seen in that context. Mention has also been made of the requirement for bungalows on the 'Shavington Triangle' site to the north, however this condition was also removed as it was not necessary. This is also an important factor in the determination of this application as there are in excess of 300 houses approved surrounding the site.

The design of the dwelling is that of a relatively traditional house, with pitched roofs and gable features. The supporting statement refers to materials, including 'buff' brick, which would not be acceptable. As such a condition should be imposed to require submission of the details of external materials.

Subject to conditions, the proposal is therefore considered to be in compliance with Policy BE.2 of the adopted local plan.

Highways

The Strategic Highways Manager has not commented on this application. However there was no objection to the proposal at outline stage when access was approved and the dwelling would use an existing access and there is adequate space for the parking of 3 cars. In addition there is adequate space within the site for vehicles to enter and leave in a forward gear.

The proposal is therefore considered to acceptable and in compliance with Policy BE.3 of the adopted local plan.

Drainage

Concerns have been raised about drainage from the site; however this is addressed by the drainage condition attached to the outline approval.

ECONOMIC SUSTAINABILITY

The Framework includes a strong presumption in favour of economic growth.

Paragraph 19 states that:

'The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth'

Given the countryside location of the site, consideration must also be given to one of the core principles of the Framework, which identifies that planning, should recognise:

'the intrinsic character and beauty of the countryside and supporting thriving rural communities within it'.

Specifically, in relation to the rural economy the Framework identifies that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

‘support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings’

The economic benefits of the development need to be balanced against the impact upon the open countryside.

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 Shavington, including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

SOCIAL SUSTAINABILITY

The site is within walking distance of Shavington, which offers a wide range of essential facilities and would contribute to the supply of housing in the local area albeit in a limited manner.

Residential Amenity

The proposal is for one detached dwelling on this site. The separation distance between number 48 Stock Lane and the proposed dwelling would be in excess of 25m and therefore there would be no significant adverse impact on residential amenity caused by the proposed development.

The concerns of the residents of Stock Lane are understood, however given the small scale nature of the development itself, the existing surrounding development and the approved housing on ‘Shavington Triangle’, it would not be possible to credibly sustain a reason for refusal on the grounds that a two-storey dwelling on this plot is unacceptable.

Adequate private residential amenity space could be provided within the domestic curtilage of the property.

Response to Objections

The representations of the members of the public have been given careful consideration in the assessment of this application and the issues raised are addressed within the individual sections of the report. In particular the design and siting of the dwelling, loss of residential amenity and drainage and flooding, have been assessed by Officers and found to be acceptable.

Conclusion – The Planning Balance

The application site lies almost entirely within the Open Countryside as determined by the Borough of Crewe and Nantwich Replacement Local Plan 2011.

Outline approval has been granted for the construction of one dwelling on the site and Members imposed a condition requiring the dwelling to be a bungalow. This condition was subsequently removed by Members in a subsequent application. The principle of the erection of a dwelling house on this site has therefore already been established.

Whilst there are bungalows fronting onto Stock Lane, given the distances between the existing bungalows and the proposed dwelling and the approved development on ‘Shavington Triangle’, a refusal because the proposed dwelling is two-storey could not be sustained.

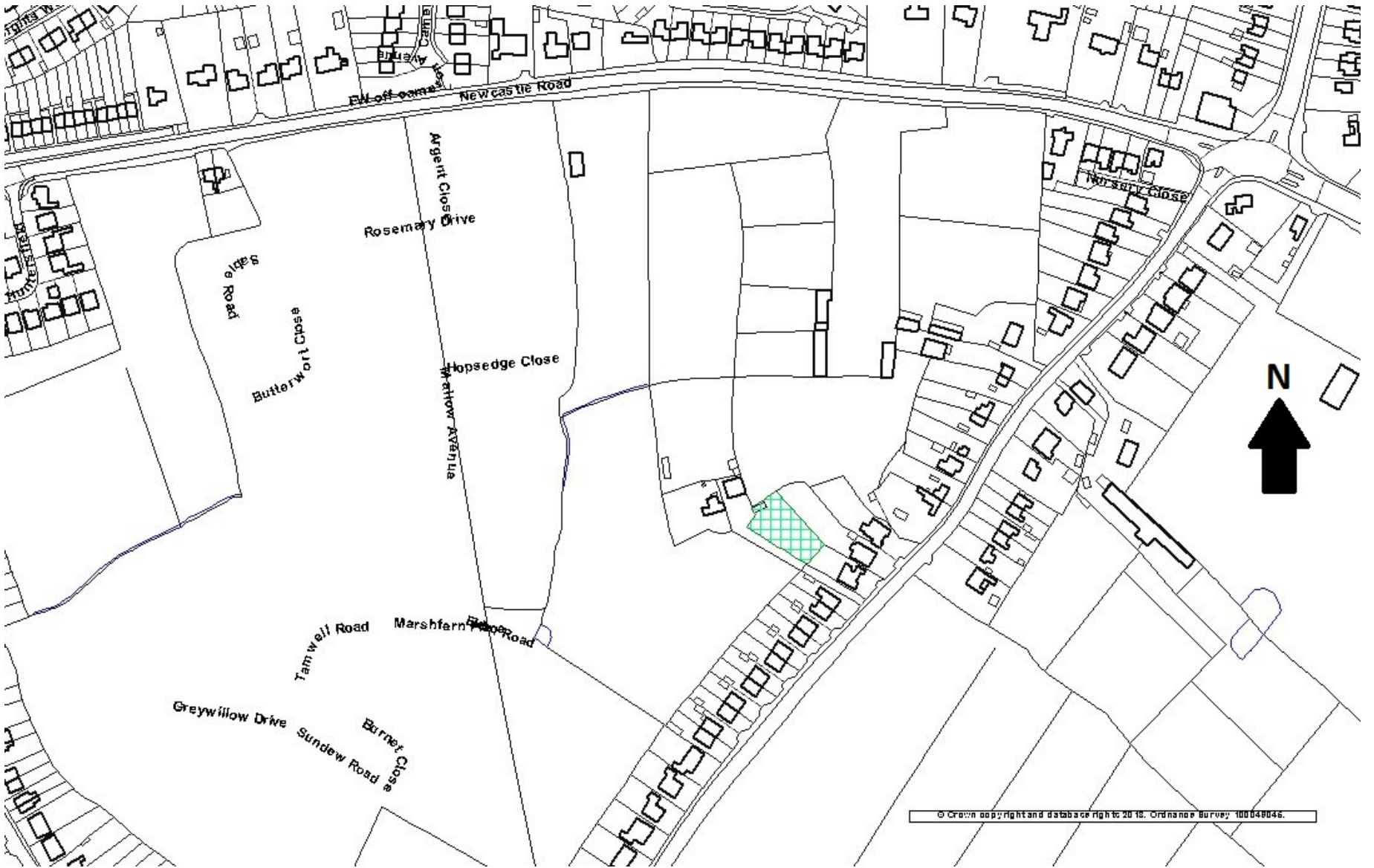
In this case, the development would provide positive planning benefits such as; the provision of a market dwelling in a sustainable location and the knock-on minor local economic benefits such a development would bring.

RECOMMENDATION

Approve subject to the following conditions:

- 1. Compliance with the conditions on applications numbered 15/3336N and 15/0482N (not condition 10)**
- 2. Approved plans**
- 3. Submission of materials for approval**

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) has delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.



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