

Southern Planning Committee

Agenda

Date: Wednesday, 25th November, 2020
Time: 10.00 am
Venue: Virtual

How to watch the Meeting.

For anyone wishing to view the meeting live, please click in the link below:

[Click here to view the meeting](#)

Or dial in via telephone on 141 020 3321 5200 and enter Conference ID: 961 665 368# when prompted.

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 top of each report.

It should be noted that Part 1 items of Cheshire East Council decision meetings are audio recorded and the recordings are uploaded to the Council's website.

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

Please contact Helen Davies on 01270 685705

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

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 3 - 6)

To approve the minutes of the meeting held on 28 October 2020.

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. **20/2470C Hawthorn Cottage, Harvey Road, Congleton, Cheshire, CW12 2PS- Outline planning permission for 35no. residential dwellings (including all dwellings 100% affordable housing), vehicle access from Gordale Close, open space, landscaping and associated infrastructure. Hawthorn Cottage to be retained.** (Pages 7 - 46)

To consider the above report.

6. **20/2569M 58, Hazelwood Road, Wilmslow, SK9 2QA- Single storey rear extension** (Pages 47 - 50)

To consider the above report.

THERE ARE NO PART 2 ITEMS

Membership: Councillors S Akers Smith (Vice-Chairman), M Benson, J Bratherton, P Butterill, S Davies, K Flavell, A Gage, D Marren, D Murphy, J Rhodes, L Smith and J Wray (Chairman)

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 28th October, 2020 virtually

PRESENT

Councillor J Wray (Chairman)
Councillor S Akers Smith (Vice-Chairman)

Councillors M Benson, J Bratherton, P Butterill, S Davies, K Flavell, A Gage,
D Marren, D Murphy, J Rhodes and L Smith

Also Present

Daniel Evans- Principal Planning Officer
Andrew GoLigher- Highways Development Officer
James Thomas- Solicitor
Helen Davies- Democratic Services Officer

26 APOLOGIES FOR ABSENCE

There were no apologies for absence received from the Committee.

27 DECLARATIONS OF INTEREST/PRE DETERMINATION

RESOLVED- There were no declarations of interest.

28 MINUTES OF PREVIOUS MEETING

RESOLVED-

That the minutes of the virtual meeting held on 30 September 2020 be approved
as a correct and accurate record and signed by the Chairman.

29 PUBLIC SPEAKING

RESOLVED-

That the public speaking procedure be noted.

**30 20/2317N REPLACEMENT OF BEECHMERE EXTRA CARE FACILITY
BUILDING COMPRISING 132 APARTMENTS WITH ASSOCIATED
LANDSCAPING AND REUSE OF EXISTING CAR PARKING AND SITE
ACCESSES.**

Consideration was given to the above application.

(Councillor Anthony Critchley, the Adjacent Ward Councillor, Councillor Hazel
Faddes, Visiting Ward Member, Nigel Murray, the Project Architect and Grant

Robinson the Project Manager attended the virtual meeting and spoke on behalf of the application).

RESOLVED-

That for the reasons set out in the report and in the verbal update to the Committee, the application be approved subject to the following conditions:

- 1) Standard Time
- 2) Development in accordance with approved plans
- 3) Details of materials and finishes
- 4) Tree Protection
- 5) Hedgerow protection scheme
- 6) Provision of Electric Vehicle infrastructure
- 7) Provision of Ultra Low Emission Boilers
- 8) Details of external Lighting
- 9) Obscure glazing to windows in flank walls of buildings
- 10) Contaminated land – submission of updated phase 2 report - prior to commencement of development
- 11) Contaminated land – submission of a verification report
- 12) Contaminated land – works to stop if any unexpected contamination is discovered on site
- 13) Contaminated land imported soil
- 14) Submission of Landscape scheme
- 15) Implementation of the landscaping scheme
- 16) Implementation of Bird and Bat boxes in accordance with ecological survey
- 17) Submission, approval and implementation of a Construction Management Plan
- 18) Details of covered cycle storage and provision before first occupation
- 19) Design details of Bin Stores and provision before first occupation
- 20) Occupation limited to residents over 60 years
- 21) Condition to Secure the Affordable Housing provision as part of the development

And the following informative;

- 1) The developer is encouraged to enter into discussions with the Cheshire East Highways department regarding local pavement improvements.

31 20/1872N THE CONSTRUCTION OF 25 DWELLINGS; PROVISION OF ASSOCIATED ACCESS, DRAINAGE AND HARD AND SOFT LANDSCAPING; AND OTHER ASSOCIATED WORKS.

Consideration was given to the above application.

(Councillor Hazel Faddes, the Ward Member and Nicolas Mills the Planning Agent who represented the applicant, attended the virtual meeting and spoke on behalf of the application).

RESOLVED-

That for the reasons set out in the report and in the verbal update to the Committee, the application be deferred subject to the following conditions:

- For the outcome of the Flood Risk discussions and a final consultation response from the flood risk officer
- To reconsider the parking layout within the site- so it is in-front of the relevant dwelling
- To consider parking along the main access road
- Further information on the marketing of the site- is this now out of date?
- Clarification as to why no education response is required
- Update on what Play Space has been provided within the site and where this is located.

(This was contrary to the Officer recommendation)

32 20/1554N REMOVAL OF CONDITION 3 AND VARIATION OF CONDITION 4 ON APPROVAL 19/1532N FOR CHANGE OF USE FROM WELFARE FACILITIES FOR MEMBERS TO DOMESTIC FOR MAINTENANCE/SECURITY STAFF FAMILY

Consideration was given to the above application.

(Councillor Janet Clowes, the Ward Councillor, and Councillor who called in the application and Caroline Payne, Agent for the application attended the virtual meeting and spoke in respect of the application).

RESOLVED-

That for the reasons set out in the report and in the verbal update to the Committee, the application be refused for the following reasons:

- The removal of condition 3 would not support the retention of the existing fishery business and would be harmful to the rural economy. The proposed removal of condition 3 is contrary to Policies EG2 and PG6 of the CELPS and NE.16 of the Crewe and Nantwich Local Plan.

(This was contrary to the Officer recommendation)

The meeting commenced at 10.00 am and concluded at 1.43 pm

Councillor J Wray (Chairman)

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Application No: 20/2470C

Location: Hawthorn Cottage, Harvey Road, Congleton, Cheshire, CW12 2PS

Proposal: Outline planning permission for 35no. residential dwellings (including all dwellings 100% affordable housing), vehicle access from Gordale Close, open space, landscaping and associated infrastructure. Hawthorn Cottage to be retained.

Applicant: David Poyner, DAVICO Properties UK Ltd

Expiry Date: 26-Nov-2020

SUMMARY

This 2.16 ha site is located about 2 miles from the town centre of Congleton and lies entirely within the designated Green Belt. It is currently laid to pasture, with a dwelling and agricultural buildings to the south east boundary.

The proposal is an inappropriate form of development within the Green Belt, as defined by the Development Plan. The development is therefore contrary to policy PG3 of the Cheshire East Local Plan Strategy and Policy PS7 of the Congleton Borough Local Plan First Review and would cause material harm to the openness of the Green Belt.

The proposed development would not constitute “rural exceptions housing” in accordance with Policies PG3 and SC6.

It considered that insufficient information has been submitted to demonstrate that the development of the site would not be harmful to the character and appearance of the area, and given the need for significant areas of the site to be free from any form of development. It has not been demonstrated that the development of site could realistically be achieved without adverse impact upon the setting of the adjoining Canal Conservation Area, protected trees and wildlife habitat.

The impact upon education and health infrastructure would be neutral as the impact could be mitigated through a financial contribution as requested by the Education Manager and the NHS via S106.

Whilst indicative, the submitted layout falls considerably short of the necessary quantum of on site POS/children's play. Contributions to mitigate the impact upon indoor and outdoor sport could be dealt with by financial contributions.

The impact upon residential amenity/noise/air quality and contaminated land could be mitigated through the imposition of planning conditions.

It is recognised that the development would provide economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses through new residents spending in the economy. In addition the provision of 100% affordable housing (35 dwellings) is given some weight, but it is not considered that this, or any economic benefits arising from the development would amount to very special circumstances that would outweigh the harm to the Green Belt.

There are no interests of acknowledged importance which would outweigh the presumption against inappropriate development in the Green Belt. Accordingly, a recommendation of refusal is made.

RECOMMENDATION

Refuse

DESCRIPTION OF SITE AND CONTEXT

This 2.16 ha site is located about 2 miles from the town centre of Congleton and lies within the designated Green Belt.

It is currently laid to pasture, with a dwelling and agricultural buildings to the south east boundary. These buildings comprise a two storey detached dwelling (Hawthorn Cottage, an inhabited dwelling occupied by people who are not associated with this application) and a small number of separate agricultural buildings which are presently unused. The buildings are clustered around Hawthorn Cottage; the remainder of the site is vacant agricultural land

The site is bordered by mature vegetation with trees and hedgerows forming a strong boundary edge to the site's northern curtilage, hedgerows and trees on the southern boundary (part of which borders properties in Swaledale Avenue and Gordale Close), hedgerows along the eastern boundary (adjoining the canal towpath), and extensive tree cover to the west (sloping down to the River Dane and afforded Ancient Woodland status). The vegetation makes a significant contribution to the character of the site. The site slopes considerably

Four trees to the south western boundary of the site on the boundary with Gordale Close are subject to TPO protection; The Congleton Borough Council (Gordale Close) TPO 1983.

The application site abuts the Macclesfield Canal Conservation Area, one of the earliest linear conservation areas in the country. The eastern side of Congleton is located at the Peak fringe resulting in the sloping topography within the application site. The canal forms the eastern boundary of the site, occupying the high point in relation to the site, which slopes steeply away to the west and north. The canal is set higher above the site in its south eastern corner where the land slopes down to the public right of way to the south of the site. An overhead power line traverses the centre of the site.

A bridleway (PROW) linking Swaledale Avenue and the canal towpath adjoin the southern boundary of the site.

DETAILS OF PROPOSAL

This is an outline planning application for 35 dwellings which has been amended to comprise 100% affordable housing. Access is to be determined at this stage, with all other matters reserved. The existing dwelling (Hawthorn Cottage) is to be retained.

The indicative layout (not to scale) shows a suburban housing estate, and includes a small area centrally positioned area of play as well as undeveloped buffer areas between dwellings and ancient woodland alongside northern and western site boundaries.

The site is proposed to be accessed via Gordale Drive. At least one TPO tree would be removed to accommodate the access point from Gordale Drive.

RELEVANT HISTORY

20/2026C – (Prior Approval) Change of use of existing agricultural buildings and conversion to 3no. residential dwellings. Refused 10/07/2020

19/2938C - Outline Application for the refurbishment of Hawthorn Cottage, Canal Side Farm and the erection Of 35 No. dwellings. The formation of a new vehicle and pedestrian access from Gordale Close. Withdrawn 26/09/2019

13/2954C - Proposed outline application for the demolition of Hawthorne Cottage, Canal Side Farm, and gaining the consent for the principle of up to 49 no. dwellings. The formation of a new vehicle and pedestrian access from the existing Gordale Close carriageway. Refused 24/1/2014 for the following reasons;

1 The proposal is an inappropriate form of development within the Green Belt, as defined by the Development Plan. The development is therefore contrary to policy PS7 of the Congleton Borough Local Plan First Review and would cause material harm to the openness of the Green Belt. The proposed development by reason of inappropriateness would be contrary to nationally established policy as set out in NPPF, and as a result would cause harm to the objectives of this guidance. There are no very special circumstances to outweigh this harm.

2 The proposed development, notwithstanding the contribution to economic and social activity associated with new residents, by virtue of its locational characteristics, impact upon trees and lack of information concerning protected species will cause environmental harm and thereby comprises unsustainable development contrary to the NPPF.

3 The proposed development by virtue of its size and siting of the proposed access would result in the direct loss of existing trees in Gordale Close which are subject to TPO protection; The Congleton Borough Council (Goredale Close) TPO 1983. The loss of these trees is considered to be unacceptable because of the impact upon the general amenity and character of the area in which the application site is located contrary to Policy NR1 of the Congleton Borough Local Plan First Review and the provisions of the National Planning Policy Framework.

4 The application fails to provide sufficient information to quantify and mitigate any impact on species protected under the Wildlife and Countryside Act 1981 and Habitat Regulations in accordance with Policies NR3 and NR4 of the Congleton Borough Local Plan First Review and

the provisions of the National Planning Policy Framework

5 Insufficient information has been provided to demonstrate that the proposed development can achieve an adequate quality of design to justify approval of planning permission. In reaching this conclusion regard was had to the indicative design and layout including the width of access and the characteristics of the site, contrary to the Policy GR1, GR2, GR3 and GR9 of the Congleton Borough Local Plan First Review and the provisions of the National Planning Policy Framework.

POLICIES

Cheshire East Local Plan Strategy – (CELPS)

PG2 – Settlement Hierarchy

PG3 – Green Belt

SC4 – Residential Mix

CO1 Sustainable Travel and Transport

CO4 – Travel Plans and Transport Assessments

SC4 - Residential Mix

SC5 – Affordable Homes

SC6 - Rural Exception housing

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

SE 1 Design

SE 2 Efficient Use of Land

SE 3 Biodiversity and Geodiversity

SE 4 the Landscape

SE 5 Trees, Hedgerows and Woodland

SE 6 – Green Infrastructure

SE7 _Conservation Areas

SE 8 – Renewable and Low Carbon Energy

SE 9 – Energy Efficient Development

SE 13 Flood Risk and Water Management

IN1 – Infrastructure

IN2 – Developer Contributions

Saved Policies Congleton Local Plan 2005

PS7- Green Belt

GR 6 Amenity and Health

GR9 - Accessibility, servicing and provision of parking

GR14 - Cycling Measures

GR15 - Pedestrian Measures

GR16 - Footpaths Bridleway and Cycleway Networks

GR17 - Car parking

GR18 - Traffic Generation

GR 22 Open Space Provision

NR3 – Habitats

NR4 - Non-statutory sites

NR5 – Non-statutory sites

Congleton Neighbourhood Plan

The Congleton Neighbourhood Plan was formally withdrawn.

National Planning Policy Framework

Of particular relevance are paragraphs:

11 Presumption in favour of sustainable development.

50. Wide choice of quality homes

102-107 Promoting Sustainable Transport

124-132 Achieving well designed places

143-146 Green Belt

174-177 Habitat and biodiversity

184- 202 Conserving and Enhancing the Historic Environment

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

Cheshire East Residential Design Guide

CONSULTATIONS (External to Planning)

United Utilities: No objection subject to conditions

Canal and River Trust : Comments;

- The Trusts emphasises the need to ensure that the development does not result in any risk of damage to the embankment, which could result in a collapse of the towpath or, in the worst case scenario, cause a breach of the canal itself.
- A condition is recommended to ensure that no development shall take place within 20m of the canal until a Risk Assessment and Method Statement outlining all works to be carried out adjacent to the canal embankment.
- The layout, appearance and scale of the development are all reserved matters. However the design, scale and material finish of the properties should be appropriate to the setting of the canal conservation area.
- The Flood Risk Assessment (FRA) has considered potential flooding from the canal, however little consideration has been given to the potential risk of failure of the embankment or potential seepage and leaks. No assessment of the risk from flooding from a canal breach, which is adjacent to the site, has been provided.
- Any SUDS or soakaways of the development should be positioned well away from the canal embankment to prevent potential saturation of the toe (bottom) of the embankment. A condition is recommended for the submission and approval of details of drainage for the development.
- The existing bridleway to the south of the application site as a connection with the canal towpath. A pedestrian connection to the existing bridleway should be secured. The existing access point to the towpath is in a poor state of repair and a contribution should be sought to improve this access

- Clarification is required of whether the proposed perimeter footpath shown on the indicative layout would form part of a landscaped buffer between rear gardens (plots 15-24) and canal corridor.
- Clarification required of the close proximity to the canal/towpath of the access road/turning head at the northern end of the development and potential impact on canal embankment
- No indication has been provided on the layout plan to indicate where the site section relates to. The canal is on an embankment (for at least part of the site) and as such is elevated above the canal. As such this cross section not an accurate reflection and more section drawings should be provided.
- The indicative layout appears to show the rear gardens of the properties would run up to the canal boundary/mature hedgerow. Future occupiers of the properties may cut down or remove the hedgerow along the canal and put up alternative boundary treatments providing an unsightly piecemeal boundary to the towpath detrimental to the conservation area and rural character of the canal corridor.
- The landscape assessment submitted with the application places great emphasis on the important retention of the hedge to limit the impact on the canal and conservation area. The final layout should provide an easement to the hedgerow/landscaped buffer to ensure that the hedgerow is retained and does not form the boundary to residential gardens.

Drainage: No Objection subject to conditions.

Strategic Highways Manager: No Objection subject to condition require Construction Management plan

Strategic Housing Officer: Objects; the development would not represent rural exception housing using (more that 10 units) and does not meet all the criteria within polis SC6.

Environmental Health: No objection subject to conditions relating to remediation on of contamination, submission of a travel plan, provision of electric infrastructure and ultra low emission boilers. Informatives are recommended with regard to the hours of construction, piling and submission of Dust Management Plan.

ANSA Public Open Space (Amenity Greenspace) and Children's Play Space – The proposal will result in deficiency in provision locally. On-site provision for both open space and play space to an adoptable standard in accordance with CELPS Policy SE.6 will be required. Contributions will also be required towards indoor and outdoor sport.

Public Rights of Way (Countryside Access Team): No objection. A Public Right of Way, namely Public Footpath No. 58 and Public Bridleway Congleton No. 34 adjoin the site.

Education: No objection subject to a contribution of £81,713 being secured to mitigate the impact of the proposals on secondary education provision.

NHS Eastern Cheshire CCG - Advises that a financial contribution is necessary to mitigate for the impacts of the proposals on local health care facilities.

Cheshire Police – Designing out Crime Officer: No specific comments to outline application but advises applicant to consider matters in relation to designing out crime.

Natural England - No objection

Cheshire Wildlife Trust - Object;

- The proposals will result in a substantial loss of biodiversity which is contrary to the NPPF (paragraphs 170d, 174b and 175d) and Local Plan policy SE3 Biodiversity and Geodiversity
- The site lies immediately adjacent to ancient semi-natural woodland, also designated as a Local Wildlife Site – River Dane (Congleton to Peak Park). Ancient woodlands are protected under the NPPF. The presence of this feature is a material consideration and Natural England's standing advice must be followed to prevent damage (including changes in water table /drainage, root damage, pollution, disturbance and removal of adjacent semi-natural habitat). There is no evidence that any of these issues have been addressed in the current proposals
- The northern section of the application site supports areas of Priority Lowland Mixed Deciduous Woodland and neutral grassland Priority habitat, both of which will be directly impacted by the proposals.
- The 2020 ecological survey was severely compromised as the majority of the site had been recently mown making it impossible to identify many indicator species and also undertaken on the 4th May before many indicators would have flowered. A previous survey in 2013 had identified the majority of the site supported neutral semi-improved grassland that "contained a good range of flower and grass species typical of neutral grassland". This habitat would meet the criteria for Local Wildlife Site selection H11 Restorable grassland and without appropriate assessment it must be assumed that this habitat is still present.
- In response to additional ecological information provided to support the application in August 2020 the trust states ; *We are disappointed that Ecotech seek to challenge the veracity of the Cheshire region Local Wildlife Site criteria citing the criteria as being 'not fit for purpose'. The criteria were put together in 2012 (reviewed in 2014) with the input of a wide range of local naturalists and ecologists. The criteria reflect the conservation status of habitats and species in a local (Cheshire region) context.*
- the losses of semi-natural grassland in Cheshire outstrip most areas of the country by some margin.
- *a survey undertaken in June/July provides the best opportunity to identify the most grassland species, even if they are not in flower. We remain of the view that unless an optimal survey is undertaken it must be assumed that the grassland still meets the Local Wildlife Site criterion H11.*

Woodland Trust: Objection on grounds of potential disturbance and deterioration to an irreplaceable habitat within the ancient woodland adjoining the site. Request a buffer to the woodland of 30m.

VIEWS OF THE PARISH COUNCIL

Congleton Town Council: Reject due to the following –

- Highway and safety issues
- Tree loss
- Traffic generation
- Nature conservation
- Intrusion into the open countryside and green belt-
- Not in the Local Plan for development

Eaton Parish Council: No Comments received.

OTHER REPRESENTATIONS

Approximately 106 representations from 70 properties have been received objecting to the application and are summarised as follows:

- This is a Green Belt site
- There are no special circumstances to justify the development and is therefore inappropriate
- Changing application to 100% affordable housing does not outweigh harm
- Intrusion into open countryside within the Green Belt
- Proposal is contrary to local policy and the NPPF
- Proposal is contrary to the Congleton Town Strategy
- The latest proposal does not offer any solutions to the objections raised by previous planning applications
- Lack of Coherent Supportive Information and documents to justify the validity of the development.
- Lack of details of affordable housing
- The proposal is cannot be regarded as limited infilling as suggested by supporting Planning Statement
- Does not meet all the criteria of Policy SC6 - Rural exceptions housing
- Congleton is a key service area, thus the plan to accommodate affordable housing does not apply in this case.
- Housing land supply has been satisfied
- Congleton has met housing targets
- Significant weight cannot be given to the site having been identified in the Strategic Housing Land Availability Assessment (SHLAA)
- Brownfield sites should be used
- there are already vacant properties which cannot be sold in the area
- The development not sustainable as bus system erratic and is a car dependent area
- Local roads do not have capacity to cope with increased in traffic
- Access to the site via Gordale Close is unsuitable for heavy construction traffic
- Transport Assessment and TRICS data (July 2013) out of date
- Detrimental impact on local road network from construction traffic
- Site access from Gordale Close inadequate with risk to highway/pedestrian safety due to close proximity of steep embankment and also subsidence risk
- Insufficient parking facilities resulting in on- street parking
- Site not capable of accommodating size and scale of development proposed
- The development appears to be much higher density and not in keeping with the existing estate
- Lack of public open space /playspace for development of 3-4 bed houses
- Intrusion into open countryside within the Green Belt
- Would result in the loss of a green space/open land
- Loss of protected trees in protected Woodland
- Loss of trees and hedgerows
- Loss of good agricultural land
- Disregard for required buffers from Ancient Woodland and canal

- Impact of protected species and local ecology/loss of wildlife habitat
 - Swallows, bats, badgers and other wildlife regularly use the site
 - Would impact detrimentally on the character and appearance of the area
 - Challenging topography of site
 - Potential to damage the canal structure
 - The site is prominent from the adjacent canal and housing level in comparison to the canal is inaccurate
 - Extends the urban sprawl of Buglawton adversely affecting the amenity value and rural character of the Macclesfield canal
 - Overbearing impact and adverse affect on Conservation Area
 - Disturbance to neighbouring amenity during building work
 - Site is elevated above adjoining properties on Swaledale Close and will look directly into those properties
 - loss of sunlight and overshadowing
 - overlooking and loss of privacy
 - Light Pollution
 - Increase in traffic noise
 - Adverse impact on air quality
 - Exacerbate problems with water supply
 - Reduction in quality of life
 - Risk of flooding to neighbouring properties
 - Schools in the locality are oversubscribed
 - Doctors and dentists are full
 - Pressure on Infrastructure from housing development in Congleton
- 5 Representations from 5 properties have been received in support of the application;
- Will provide more affordable housing to meet local needs
 - Site not valuable agricultural land
 - Great opportunity for first time buyers who wish to live in Buglawton

OFFICER APPRAISAL

Principle of Development

Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

This is acknowledged in the NPPF at paragraphs 2 and 12. Paragraph 12 states that *‘the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.’*

The site lies in the Green Belt, as designated in the Adopted Development Plan, where Policy PG3 of the Cheshire East Local Plan Strategy and saved policy PS7 of the Congleton Local Plan states that only development which is essential for the purposes of agriculture, forestry,

outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, limited infilling or complete redevelopment of brownfield sites which would not have any greater impact upon the openness of the green belt and the purposes of including land within it than the existing development.

The proposed development would not fall within any of the categories of exception to the restrictive policy relating to development within the Green Belt. 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”*.

Additionally, the emerging Site Allocations Document (SADPD) does not change the Green Belt Status of this land, albeit this can only be attributed limited weight at this time.

Green Belt

Inappropriate development

The application site lies entirely within the Green Belt. National and local policies attach great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The two essential characteristics of Green Belts are their openness and their permanence.

Green Belts serve the following five purposes: a) to check the unrestricted sprawl of large built-up areas; b) to prevent neighbouring towns merging into one another; c) to assist in safeguarding the countryside from encroachment; d) to preserve the setting and special character of historic towns; and e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land. To achieve this, there are restrictions on the types of development which may be carried out.

These are detailed within NPPF paragraphs 145 and 146 and reiterated within CELPS policy PG 3. Development not falling within one of the listed exceptions is inappropriate.

Paragraph 145 of the NPPF echoes the advice contained within PS7 of the Congleton Local Plan First Review. Para 145 advises:

‘A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- *buildings for agriculture and forestry;*
- *provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;*
- *the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- *limited infilling in villages,*

- *limited affordable housing for local community needs under policies set out in the development Plan (inc policies for rural exception sites);*
- *limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would :*
 - *not have a greater impact on the openness of the Green Belt than the existing development*
 - *not cause substantial harm to the openness of the Green Belt, where development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

CELPS policy PG3 does consider 'limited infilling' of brownfield land (excluding residential garden areas) which does not have any greater impact upon the openness of the green belt as being appropriate development, as the NPPF does.

The proposed development, which is indicated to comprise the entire site proposes the retention of the one dwelling (Hawthorn Cottage) and the demolition of a small number of agricultural buildings located close to the dwelling with the remainder of the site is open pasture/ agricultural land.

Agricultural buildings are specifically excluded from the definition of brownfield land and therefore do not comprise previously developed land (PDL) for the purposes of the policy or the NPPF.

The proposal does not therefore comply with the limited infilling/PDL criteria listed in either the CELPS or the NPPF.

As addressed in the affordable housing section below the applicant considers that that the proposals represent an exception to green belt policy on the grounds that the application would provide limited affordable housing for local community needs under policies set out in the development Plan and constitute rural exception housing under Policy SC6 of the CELPS. However the development of this site would not meet, as required, all listed criteria of Policy SC6 (rural exceptions housing for local needs) to be considered as an "exception site".

Therefore the development would have a substantial harm on the openness of the Green Belt in this location, and therefore has to be regarded as "inappropriate" development in principle.

Paragraph 143 of the NPPF confirms that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. In addition NPPF paragraph 144 directs Local Planning Authorities to give substantial weight to any harm to the green belt. It confirms that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Impact on openness

Paragraph 133 of the NPPF states that *'the essential characteristics of Green Belts are their openness and their permanence.'*

Openness can be considered as meaning an absence or built or other urbanising development. In terms of the Green Belt, openness has a spatial aspect as well as a visual aspect.

As the application proposals would introduce the significant built form in from the development of a housing estate of 35 homes on a predominantly open and undeveloped site, it is considered that development would have a significant impact upon openness in this location.

It is also considered that the development would result in encroachment into the countryside, impacting one of the five purposes of the Green Belt. This additional harm, as detailed by paragraph of 144 of the NPPF is afforded substantial weight.

Accordingly, in order to consider whether very special circumstances exist to justify development within the Green Belt it will be necessary to consider if the harm caused by reason of inappropriateness is outweighed by other considerations. These are considered below.

Housing Land Supply

The Cheshire East Local Plan Strategy was adopted on the 27th July 2017 and forms part of the statutory development plan. The plan sets out the overall strategy for the pattern, scale and quality of development, and makes sufficient provision for housing (36,000 new dwellings over the plan period, equating to 1,800 dwellings per annum) in order to meet the objectively assessed needs of the area.

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted.

Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. The National Planning Policy Framework (NPPF) identifies the circumstances in which relevant development plan policies should be considered out-of-date. These are:

- Where a local planning authority cannot demonstrate a five year supply of deliverable housing sites (with appropriate buffer) or:
- Under transitional arrangements, where the Housing Delivery Test Measurement 2019 indicates that the delivery of housing was substantially below 45% of housing required over the previous three years.

In accordance with the NPPF, the council produces an annual update of housing delivery and housing land supply. The council's most recent Housing Monitoring Update (base date 31 March 2019) was published on the 7th November 2019. The report confirms:

- A five year housing requirement of 11,802 net additional dwellings. This includes an adjustment to address historic shortfalls in delivery and the application of a 5% buffer.
- A deliverable five year housing land supply of 7.5 years (17,333 dwellings).

The 2019 Housing Delivery Test Result was published by the Ministry of Housing Communities and Local Government on the 13th February 2020 and this confirms a Cheshire East Housing Delivery Test Result of 230%. Housing delivery over the past three years (7,089 dwellings) has exceeded the number of homes required (3,084). The publication of the HDT result affirms that

the appropriate buffer to be applied to the calculation of housing land supply in Cheshire East is 5%.

Relevant policies concerning the supply of housing should therefore be considered up-to-date. Relevant policies concerning the supply of housing should therefore be considered up-to-date and consequently the 'tilted balance' at paragraph 11 of the NPPF is not engaged. The LPS is an up-to-date plan. The relevant test is whether there are material considerations that indicate that the adopted development plan should not be followed.

Sustainability

The National Planning Policy Framework definition of sustainable development is:

"Sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs"

The NPPF determines that sustainable development includes three overarching objectives – economic, social and environmental – which are interdependent and need to be pursued in mutually supportive ways (so opportunities can be taken to secure net gains across each of the different objectives).

an economic objective – to help build 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 improved productivity; and by identifying and co-ordinating the provision of infrastructure;

a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change including moving to a low carbon economy.

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

Economic Benefits

With regard to the economic role of sustainable development, the proposed development would contribute to a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to the local area including additional trade for local shops and businesses by virtue of people living in the houses, and the economic benefits during the construction phase including jobs in construction and economic benefits to the construction industry supply chain.

Locational Sustainability

Both policies SD1 and SD2 of the CELPS refer to supporting development in sustainable locations. Within the justification text of Policy SD2 is a sustainable development location checklist toolkit from the CELPS.

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)

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

- a local shop - Co-op St Johns/ Wharfedale Road junction(500m),
- post box - opposite Co-op St Johns/ Wharfedale Road junction(500m),
- bus stop – St Johns Road/ Wharfedale Road - outside Co-op (bus 92 twice hourly in peak times -, no Sunday service to Macclesfield and Biddulph) (500m) – limited hourly service 09:35 to 16.15 daily with additional bus at 07.35, 17.45 and 19.00

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

- primary school – Havannah Primary School Malhamadale Road (840m)
- playground / amenity area - children's play ground Llttondale Road(600m),
- post office / bank / cash point - counter/bank machine inside Havannah Street Londis convenience store (1200m)
- pharmacy Havannah Street (1200m)
- medical centre – Lawton House surgery Bromley Road (1868m)
- leisure facilities – Leisure Centre Worrall St (2170m)
- public house – Church House Buxton Road (1200m)
- public park – Congleton Park (2300m)
- child care facility – Old Hall Private nursery, Spragg Street (2000m)
- railway station (2900m)

Clearly, this site is located on the urban fringe so the same distances would apply to the existing residents in the area. However, public transport accessibility to the site is rather poor with the bus service being hourly but none on Sundays at all. Even this limited analysis demonstrates, for day to day services and facilities that any resident would need, the site fails more criteria than it passes and locationally must be regarded as being generally unsustainable. However, it is acknowledged that these facilities are available within the town and Congleton is a principal town in Core Strategy where we can expect development to occur on the periphery.

Inspectors have determined that locational accessibility is but one element of sustainable development and it is not synonymous with it. 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.

Nevertheless, this is an outline application and a detailed scheme to achieve greater linkages and permeability could be secured through the use of conditions.

Affordable Housing

During the course of this outline application the proposals have been amended in that all 35 dwellings are proposed to be affordable housing units to meet local need.

The Housing officer has advised that the applicant has not provided an Affordable Housing Scheme with this application in terms of the provision of Social, Affordable or Intermediate Rent for these units and the tenure split is unknown. In any event the units should be provided in a 35%: 65% split between affordable or social rent and intermediate properties in accordance with Policy SC5.

The Housing Officer has further advised that the current number of those on the Cheshire Homechoice waiting list within Congleton as their first choice is 873. This can be broken down as below;

	How many bedrooms do you require?						
First Choice	1	2	3	4	5	5+	Grand Total
Congleton	457	251	106	32	27		873

The Housing Officer advises that the data above is a snapshot of current rental need in the Congleton settlement area. This data does not show the Intermediate need, however both locally and nationally there is a need for low cost homes for ownership for 1st time buyers and those who wish to buy a bigger property but cannot afford or gain a mortgage on the open market price.

Policy PG3 sets out that construction of new buildings is inappropriate within the Green Belt the than the exceptions listed. An exception is the provision of "Limited affordable housing for local

community need” under policies set out the local plan. The applicant considers that as development of this site will be 100% affordable housing it should therefore be considered in the context representing rural exception housing under Policy SC6 of the CELPS.

Policy SC 6 (“rural exceptions housing for local needs”) sets out the LPS policy approach to where rural exception affordable housing will be permitted as an exception to other policies relating to the countryside . Policy SC6 sets out 8 listed criteria. Importantly, the policy also makes clear in its introduction that **all** of the listed criteria need to be met in order for the site to be considered as an exception site.

Point 1 of policy SC6 states that *“sites should adjoin local service centres and other settlements and be close to existing employment and existing or proposed services and facilities, including public transport, educational and health facilities and retail services”*. The application site is considered to relate to Congleton, which is a “key service centre” in the LPS settlement hierarchy. The application site does not adjoin a local service centre or an ‘other settlement’ and therefore does not therefore meet criterion 1 of policy SC 6.

Criterion 2 of policy SC6 refers to *“proposals must be for small schemes; small schemes are considered to be those of 10 dwellings or fewer (54). Any such developments must be appropriate in scale, design and character to the locality”*. Footnote 54 of policy SC6 clarifies that the, *“scale of the rural exception site should broadly reflect the affordable housing need appropriate to the parish it is situated. The housing need identified in the local housing needs survey is an important factor, however, if a higher housing need is identified (greater than 10 dwellings), then it is considered appropriate for development of more than one site to meet this need”*. The application site is for a single site of 35 dwellings and so is not consistent with this policy criterion.

Criterion 3 requires a thorough site assessment to demonstrate why the site is the most suitable one. Reference is made by the applicant to the SHLAA produced by the Council in 2012. However this is a technical study to inform future planning policy development and it does not in itself determine whether a site is acceptable for future housing development. Consequently the reference by the applicant to the SHLAA in support of the proposals does not constitute a thorough site assessment to demonstrate why the site is the most suitable one.

Criterion 4 notes that proposals for rural exception sites must be supported by an up to date housing needs survey. This is a survey prepared in the last five years that identifies the need for such provision within the parish. This information has not been provided. As established above, the application site does not adjoin a “local service centre” or an ‘other settlement’ and therefore does not meet criterion 1 of policy SC 6.

The applicant also refers to the Strategic Housing Market Assessment (SHMA) but the 2013 SHMA document for the purposes of the Local Plan Strategy has been superseded by the Housing Development Study which established an affordable housing need of 7,100 dwellings over the Plan period (2010-2030). This equates to an average, for the borough, of 355 dwellings per year. The Council’s Authority Monitoring Report 2018/19 (indicator MF4 Gross total of affordable housing units provided) in table 12.30 shows the number of affordable units completed over the last 5 years:-

Table 12.30 Provision of Affordable Homes

2014/15	2015/16	2016/17	2017/18	2018/19
638	448	372	655	729

This demonstrates that over the past five year period, the number of affordable units completed has exceeded the 355 dwellings figure per year. Indeed, since the start of the Plan period on 01.04.2010 and until 1.03.2019 affordable dwelling completions stand at 3,541 compared to a requirement of 3,195 (355 x 9) over the same period. This suggests that the number of affordable homes delivered in the borough is currently exceeding the objectively assessed needs for affordable housing in the borough.

From the above, it is clear that aspects of the proposal do not meet the requirements of policy SC6 as the policy requires that all criteria (1-8) are met. Furthermore the Strategic Housing Officer objects to the application on the basis that it does not meet the requirements to allow for an exception to Green Belt policy via Policy SC 6 given that the site is directly connected to Congleton and nor is there a current Parish Needs Survey covering Congleton.

The primary objective of Policy SC6 is to address affordable housing need in rural areas as an exception to other policies governing development within the countryside. Therefore the needs of larger settlements such as Congleton (key service centres) are addressed through the requirements of Policy SC5 (Affordable housing), particularly as Policy LPS (Spatial Distribution of development) states that Congleton is expected to accommodate in the order of 4,150 new homes over the plan period (2010-2030).

Public Open Space

The indicative plan show that the proposed open space/children's play space is small and estimated to be around 300 sq. m, and located in the central portion of the site.

The Buglawton area of Congleton already suffers from a deficiency of amenity green space and children's play space. Therefore the Leisure Officer has advised that as minimum, a combined area of 40m² per dwelling (20m² children's play and 20m² amenity open space) is required to be provided within the development in accordance with Table 13.1 of CELP Policy SE6.

Based on the current proposal for 35 dwellings a total of 1,400m² combined POS is needed so as not to place extra burden on existing the POS in the area.

The indicative proposals fall considerably short of what is required. The quantum of amenity green space and play space required to comply with adopted policy further indicates that a development of 35 houses is a significant overdevelopment, and that the constraints of the site would not allow for adequate open space or children's play space to be provided.

Outdoor Sport

Policy SC2 and SE6, Table 13.1 for Open Space Standards require developer contributions for outdoor sports facilities. In line with the recently updated Playing Pitch Strategy contributions sought would be £1,000 per family dwelling or £500 per 2 bed space (or more) apartment for off-site provision. This figure may change as Policy is updated at any time.

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

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

Indoor Sport

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

Based on a development of 35 dwellings -

- 35 dwellings at 1.61 people per residence = a population increase of 57
- The annual Sport England Active People Survey Results for 2016 showed 42.7% participation rate for Cheshire East. = 24 additional “active population” due to the new development in Congleton
- Based on an industry average of 25 users per piece of health & fitness equipment this equates to an additional equivalent of 1 station (one fitness station equivalent of £6,500).

A contribution of £6,500 is sought towards improvements at Congleton Leisure Centre. Specified use should be included within a Section 106 agreement. This would need to be secured as part of a S106 Agreement.

Education

This is an outline application which seeks approval for the development of 35 dwellings.

The development of 35 dwellings is expected to generate:

- 7- Primary children (35 x 0.19)
- 5 - Secondary children (35 x 0.15)
- 0 - SEN children (35 x 0.51 x 0.023%)

The development is expected to impact on secondary school places in the 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 secondary schools in the area as a result of agreed financial contributions. The analysis undertaken has identified that a shortfall of 5 secondary school places still remains. The development is not expected to impact on primary provision.

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

$5 \times £17,959 \times 0.91 = £81,713$ (secondary)

Without a secured contribution of £81,713 Children's Services raise an objection to this application.

Health

The East Cheshire Clinical Commissioning Group (CCG) has sought a S106 Contribution and advises that the local medical centres are operating at capacity.

Therefore to accommodate future residents, the Readesmoor Surgery and Meadowside Medical Centre will need to be developed to support their ability to provide the expected level of primary care facilities in Congleton.

The mitigation requested, as this is an outline application for 35 dwellings the numbers of bedrooms as yet unknown, is based on the formula consisting of occupancy x number of units in the development x £360. This equates to £35,280

The requested mitigation can be provided as part of the overall financial contributions offered. On this basis the proposal mitigates for its health related impacts.

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 layout and design of the site are reserved matters but will need to take account of the buffer zones that have been incorporated, the provision of on-site public open space and also the elevated nature of the site above the adjoining dwellings.

The SPD also requires a minimum private amenity space of 65sq.m for new family housing. Care would also be needed with regard to levels differences within the site and the adjoining dwellings and the potential overlooking problems that would be created.

Given the constraints of the site, there is significant concern that a development of 35 houses could physically be accommodated on this site, whilst also safeguarding the privacy of neighbours/future residents.

Landscape/ Visual Impact

The application site is bounded by the canal and towpath, which are elevated above the site. The site levels generally fall from a high area adjacent to the canal boundary towards the western, southern and northern boundaries. The gradient shelves steeply towards the northern

boundary where there's an area of unimproved grassland. The site is accessed via a narrow, unmade private road to the south which is a bridleway that joins the canal tow path via a flight of steps. The canal towpath is a public right of way

The vegetation on and around the boundaries encloses and screens the site. There is a hedge with protected trees on the boundary with Gordale Close, the Dane Valley woodland, a hedgerow with trees to the north and a tall hawthorn hedgerow along the entire eastern Canal boundary.

The application includes a Landscape Appraisal which is unchanged from the previous, refused application. It states that;

The site is in an urban fringe location but has the character of an attractive, self contained and discrete site, well contained by the existing landform and by hedgerows and trees. Because of this the effect is to have a limited effect on the overall wider landscape.

The Council's Landscape Architect would broadly agree with this statement. The development site is largely contained and would have little impact on the character of the wider landscape but it would have an adverse impact on the rural, tranquil character of the adjacent Canal Conservation Area. This would be particularly relevant should housing back onto the Canal tow path as and future occupiers remove the hedgerow.

Public views of the site are limited. There are filtered views from Gordale Close and some views from other residential properties in the vicinity. The site is visible from a short section of the bridleway to the south. It is not visible from the canal towpath during the summer months but in winter there are some filtered views through the hedge. There are unlikely to be longer distance views from the A54 to the east or from the A536 Macclesfield Road to the west due to the undulating landform and the Dane Valley woodland.

The visual impact on the existing residential areas and the short section of bridleway would be fairly minor. However, as the landscape officer also acknowledges that houses located on the higher, eastern side of site could potentially be visible above the hedgerow from tow path and this could change the rural character of the canal and adversely affect the setting of the Conservation Area.

This would be a sensitive viewpoint which would urbanise an essentially rural aspect presently. Furthermore it would also be difficult to control the height and retention of the boundary hedge in the longer term if it was owned by numerous potential dwellings backing on to the canal. It would therefore be important that any dwellings should not back onto the canal frontage of the site.

The originally submitted indicative plan indicated that the eastern canal side hedge would be retained alongside a perimeter footpath within the site. The landscape Officer has advised that;

- The perimeter footpath must not be located to the rear of properties with inadequate surveillance.
- Houses should front on to the site boundaries and buffers to form a positive relationship with the adjoining countryside in accordance with the Borough Design Guide.

However, the subsequently submitted Illustrative layout plan and boundary section drawing both appear to show the canal-side hedge located on rear garden boundaries of properties backing on to the canal. These drawings are indicative, but if the hedge was in multiple ownership as shown, it would not be possible to control its height or its long-term retention. House owners would be able to reduce the height of the hedge or remove it completely to gain the attractive eastern views. This would open up views of the development from the canal and would adversely affect the setting of the Conservation Area.

In addition, a series of accurate, existing and proposed cross sections through the site and canal bank would be required to properly demonstrate whether the siting and ridge heights of dwellings would affect the Conservation Area.

The NPPF at para 127 seek to ensure that planning decisions (amongst other things) ensures that developments are 'sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation and change (such as increased densities)..'

Overall, it is considered that whilst there would be little impact on the wider landscape, it is considered that the proposals would have an adverse impact on the rural, tranquil character of the Canal Conservation Area. This particularly the case when considering aspects of the illustrative plan and also the lack of convincing information which fails to demonstrate that in principle a development of 35 dwellings on this constrained site would achieve an acceptable and sympathetic visual relationship with the Canal and locality.

Impact upon Trees/Ancient Woodland

Woodland adjoining the western boundary and overlapping with the site boundary to the north west of the site is registered as Ancient semi-natural woodland and is on the Priority Habitat Inventory- Deciduous woodland (England). The 2020 Ecological Survey identifies a single Ash tree on the northern boundary as a veteran tree. The Woodland Trust recommends an undeveloped buffer area of 30m between Ancient woodland and development (including gardens) within the site.

Ancient Woodland is important in ecological terms and Natural England's standing advice requires a minimum 15m buffer to the woodland, to be provided within the indicative layout. Whilst the current Illustrative layout shows a buffer, this is not to scale and the proposed separation distance cannot be measured. Furthermore in view of the assessment which is required by the Council's Ecologist of the potential impacts of the proposed development upon the ancient woodland, it is not currently possible to determine the full extent of the buffer beyond a minimum width of 15m. This will be considered further in the ecological section.

The site is bordered by mature vegetation with trees and hedgerows forming a strong edge to the Northern boundary, hedgerows and trees on the southern boundary (part of which borders properties in Swaledale Avenue and Gordale Close), hedgerows along the eastern boundary (adjoining the canal towpath), and extensive tree cover to the west (sloping down to the River Dane). The vegetation makes a significant contribution to the character of the site.

Four trees to the south west of the site on the boundary with Gordale Close are subject to TPO protection; The Congleton Borough Council (Gordale Close) TPO 1983.

The submission is supported by a Tree survey and Arboricultural constraint report dated August 2013. The same documents were submitted with the previous applications. The report identifies a grade A Oak tree on the site boundary at the end of Gordale Close, 7 grade B trees, distributed between the south west and the northern boundaries (3 of which are on the boundary with Gordale Close) , 3 Grade C trees and one Grade U tree. The report recommends that the grade A Oak be retained, together with Grade B trees where possible, and that protective measures be provided for all retained trees.

The arboricultural report indicates that for the new entrance to the proposed development, trees T1 & T2 in the survey, (grade B trees) and T3 in the survey (the grade A Oak) may have to be removed. Reference is also made to potential conflict with the provision of utility services.

BS5837:2012 Trees in relation to design, demolition and Construction – Recommendations places an emphasis on 'evidence based planning' and accords with standard RIBA work stages. The Standard references higher levels of competency and a more precautionary approach to tree protection. The Standard also identifies at para 5.2 *Constraints posed by Trees* that all relevant constraints including Root Protection Areas (RPAs) should be plotted around all trees for retention and shown on the relevant drawings, including proposed site layout plans. Above ground constraints should also be taken into account as part of the layout design.

The Council Tree Officer considers that the tree survey which was undertaken in August 2013 is out of date. Furthermore the tree survey and associated plan do not detail all the tree cover on /adjacent to the site. They exclude trees around Hawthorn Cottage and Canalised Farm, and also trees to the north and west of the site all which could influence or be impacted by the development. An extended and updated survey is therefore required and the constraints should be plotted on an indicative site layout drawn to a recognised scale.

Whilst access is to be determined at this stage, the submission does not provide a detailed access plan. The Planning Statement references that the access would be off Gordale Close and that one TPO tree will be removed. Nevertheless, when taking into account level changes and likely associated engineering works, the tree officer concludes that without detailed information it cannot be determined with any accuracy the direct or indirect impact of the proposed access on the four TPO trees.

With reference to the Ash identified as a veteran in the ecological survey located on the northern boundary of the site (T11 of the tree survey), the Tree Officer states that advice for the protection veteran trees is a buffer 15x larger than the trunk diameter or 5m from the edge of the canopy if that is greater. It is not clear if this would be achieved.

Whilst access is to be determined at this stage, the submission does not provide a detailed access plan to inform assessment. The Planning Statement references that the access would be off Gordale Close and that one TPO tree will be removed. Nevertheless, taking into account level changes and likely associated engineering works, without detailed information it is not possible for the LPA to determine with any accuracy the direct or indirect impact of the proposed access on the four TPO trees. As a minimum, an access plan drawn to a recognised scale with existing and proposed levels and up to date tree constraints plotted is required.

Overall, the submission does not provide the level of detail required to inform a comprehensive assessment of the impact of development on existing trees and woodland cover. It has failed to demonstrate that the proposed development will not result in the loss of trees contrary to Policy SE5 of the Cheshire East Local Plan Strategy and the provisions of the National Planning Policy Framework.

The Tree Officer has advised that the outstanding information includes;

- Tree and site survey extended to cover all trees with tree survey updated to reflect the current status of trees on the site.
- Detailed proposed access layout plan with tree constraints plotted.
- All tree constraints shown on a revised indicative testing site layout (drawn to a recognised to scale) to demonstrate that the number of dwellings cited can be accommodated whilst respecting the constraints posed by trees and woodland.

Impact upon the setting of the Macclesfield Canal Conservation Area

Policy SE.7 of the CELPS seeks to avoid harm to designated heritage assets by

(i) Requiring development proposals that cause harm to, or loss of, a designated heritage asset including its setting, to provide a clear justification as to why that harm is considered acceptable. Where that case cannot be demonstrated, proposals will not be supported

The application site is adjacent to the Macclesfield Canal and is considered to be within the setting of the Macclesfield Canal Conservation Area. The NPPF clearly defines setting as “*The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral*”.

The site sits on the edge of the Macclesfield Canal Conservation Area which runs along the eastern boundary of the site. The site is on the northern edge of the built-up area of Buglawton, with open countryside on three sides. A grade II listed canal bridge lies to the south west of the site which allows views over some of the site through and over the canal boundary hedge. It is also the case that views to and from the Heritage Assets will increase and decrease seasonally. The towpath runs along western edge of the canal, adjacent to the site boundary which defined by a hedgerow.

The application site therefore makes a positive contribution to the setting of the Canal Conservation Area section 11. Conservation Area Appraisal (CAA), section 11 summarises the character of this part of the Conservation Area as follows;

‘..This rural section is almost uninterrupted in a winding westwards direction until, just after Bridge No.65, it turns ninety degrees southwards. Again the towpath is accompanied by the hedgerow to the north side. This section is particularly prevalent with distance markers. Once again the Railway Viaduct over the River Dane is visible and ‘The Cloud’ overlooks this section. Alongside the canal a number of timber-

framed buildings from the late medieval period survive and indicate the long standing prosperity of this part of Cheshire, including examples at Big Fenton Farm and Crossley Hall. Views across to the stone-built Buglawton Hall, with the Cloud as a backdrop are a feature of this stretch...'

As set out within the CAA, this part of the Conservation Area has a strong rural character, typical of other parts of the Conservation Area. Consequently, it is important to the Conservation Area that its character and appearance is not undermined by weakening its rural, landscape dominated setting. This is an outline application accompanied by an indicative layout and single site section, and has not therefore taken into account the challenging topographical issues and how this will impact on the designated heritage assets. The impact of the development on the designated heritage assets must be taken into account and a certain level of detail is required to enable this assessment to be satisfactorily undertaken.

Notwithstanding the findings of the applicants Heritage Statement and also the illustrative layout and a single site-section which have subsequently been submitted, the Conservation officer has advised that insufficient information has been provided to assess the impact on the heritage assets of this development, particularly from the resulting buildings levels/roof heights adjacent to the canal. In particular the site section includes neither details of levels nor its position within the site.

Nevertheless, the applicant maintains that with reference to the landscape assessment supporting the application that Hawthorn hedge along the Eastern boundary screens any view of site from the canal with the existing view along the Macclesfield Canal retained. The applicant concludes that as a result there is no landscape or visual effects arising from the development which will cause harm to the setting of the Conservation Area and associated heritage assets.

However, the Conservation Officer has advised that this only relates to the visual elements of the scheme, which at the very least will be seasonally visible from the conservation area and listed bridge, and notwithstanding the fact that insufficient information has been provided to determine the visual impact of the development as set out above. The principles in Historic England's setting guidance (Historic Environment Good Practice Advice in Planning Note 3 (Second Edition)) sets out that that the visual aspect is one part of the setting and not the only assessment that must be made to establish what makes up the setting of a heritage asset, history, context and character of the place also play a part. Therefore the Conservation Officer considers that notwithstanding the applicant's emphasis on the findings of the landscape assessment, this does not constitute an appropriate assessment of the setting of any heritage assets.

The Conservation Officer concludes that while it is not possible to fully assess the impact of the proposals in this application, based on Conservation Area Assessment there is however a likelihood of a high level of harm resulting to the significance of the Conservation Area at this point. The proposal is not substantiated by satisfactory evidence that this harm would be justified contrary to NPPF paragraph 193 and policy SE.7. Paragraph 193 states that great weight should be given to the conservation of heritage assets.

Highways Implications

The Transport Assessment (TA) provided is identical to the previous version from that considered for the previous application withdrawn in 2019. National guidance does not require a Transport Assessments to be submitted in support of developments below 50 units.

The proposal is for 35 residential units with only access to be determined at this stage, and the internal layout of the scheme has therefore not been considered.

The application site is located to the north of Congleton at the end Gordale Close which is a cul-de-sac. Gordale Close serves a small number of dwellings and is at the northern end of a residential area. The cul-de-sac would become the main access to the proposal.

The Councils Highway Officer advises that the site would connect with the existing footway infrastructure and therefore provide pedestrian access to the wider area, including the bus stops which are approximately 500m from the site.

However access to bus services in particular is highlighted as an issue locally as the nearest bus stops are located just beyond the desirable maximum walking distances from the site (400 metres). It is also recognised that the elevated nature of the site and sloping topography to and from the Bus shelters is not flat and involves a number of significant inclines which is therefore less attractive to pedestrian access.

Although located on the urban fringe, it is nevertheless considered that the site will have an acceptable level of cycle accessibility to the surrounding residential area and facilities within the wider locality. The site is reasonably close to National Cycle Network (NCN) route 55 approximately 1km to the south west, and this can be accessed via residential roads. It is also considered that the provision of satisfactory on-site cycle storage provision can be secured at the Reserved Matters stage.

It is considered that Gordale Close has sufficient carriageway width to serve the proposed number of dwellings and the access into the application site will be built to adoptable standards. Gordale Close has a pedestrian footway which will continue into the application site. The access via the immediate residential area onto the A54 Buxton Road is acceptable.

The proposal is below what would usually require a Transport Statement, and will generate approximately 20 two-way vehicle movements in either of the morning or evening peak hours, the impact of which on Gordale Close and the wider highway network is considered to be negligible.

Policy GR9 of the Congleton Local plan 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.

Furthermore Paragraph 109/ 110 of the National Planning Policy framework states that:-

'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

The development has a modest impact on the local road network the level of development trips generated is not considered a severe impact as set out in the NPPF.

Summary

The Highways Officer recognises that proposal will be accessed off Gordale Close and then through the existing residential area and associated highway infrastructure. However as set out above given the small scale of the development the highways impact will be minimal and is considered acceptable.

To minimise the impact on the highway network during construction a condition requiring the approval of a Construction Management Plan to minimise inconvenience and disruption. This would be required to provide details of parking and loading/unloading locations, storage areas, and details of wheel wash facilities.

Loss of Agricultural Land

The National Planning Policy Framework highlights that the use of such land should be taken into account when determining planning applications.

In this instance, whilst no information has been submitted in the form of any assessment of the agricultural land quality. The land was last used as horse grazing and some of the buildings on site are stables, and it is not known whether the quality of the land is the best and most versatile agricultural land. The size of the site is very small, steeply sloping and is constrained by the canal, adjacent houses and the woodland.

It is therefore considered that the proposal would not break up a viable agricultural holding or holdings, and given that only a very limited amount of land is involved and that Inspectors have previously attached only very limited weight to the matter of agricultural land, it is not considered that an additional reason for refusal on these grounds could be substantiated.

Ecology

Updated comments have been received from the Council's Ecologist which take account of the submitted illustrative masterplan and all ecological information submitted during the course of the application.

Statutory Designated Sites

The application falls within Natural England's SSSI impact risk zones. Natural England has been consulted on this application and has raised no objection to the development.

Local Wildlife Site, Ancient Woodland and Priority Woodland

The application site is located immediately adjacent to the Rive Dane (Congleton to Peak Park) Local Wildlife Site (LWS), which incorporates an area of ancient woodland habitat. This woodland is also listed on the national inventory of priority habitats.

Ancient Woodland, the Local Wildlife Site and Priority Habitats receive protection through Local Plan Policy SE 3 and ancient woodlands are considered to be irreplaceable habitats and receive particular protection through paragraph 175 d) of the NPPF.

The Council's Ecologist has advised that the proposed development will not result in the direct loss of habitat within the ancient woodland. However the proposed development, being located in close proximity to the woodland, has the potential to have an adverse impact upon the woodland in a number of well evidenced ways:

- The tipping of garden waste from adjacent residential properties.
- Direct loss of habitat due to the unauthorised extension of gardens into the woodlands.
- The introduction of non-native invasive species from adjacent gardens.
- Contamination resulting from garden pesticides and herbicides.
- Increased predation from domestic cats.
- Dust Pollution
- Light pollution.
- Disturbance impacts occurring during the construction phase and operational phase including people and traffic.
- Changes to the hydrology of the woodland.
- Ground disturbance, root damage and hydrological impacts from SUDS.

Therefore it is considered the proposed development, in the absence of mitigation, has the potential to have an adverse impact upon this Local Wildlife Site, Priority Woodland and Ancient Woodland.

Based on Natural England's Standing Advice, the Council's Ecologist advises that an undeveloped buffer zone of a minimum of 15m consisting of semi natural habitats/undeveloped open space should be provided adjacent to the ancient woodland to address the potential adverse impact of the development upon the Local Wildlife Site.

Such a buffer is shown on the illustrative layout plan, but no indication of the width of buffer proposed is given and as the plan does not include a legible scale it is not possible to determine its width from the plan. A buffer is also shown on a plan included with the submitted Ecological Assessment.

The width of the buffer required should be based upon an assessment of the potential impacts of the proposed development upon the ancient woodland. The Council's Ecologist advises that the assessment should include; consideration of the

site's hydrology and topography, the likely layout of the development (which in this case includes properties backing onto the woodland), the need for and likely location of SUDS. This final point is particularly important given the likely requirement for SUDS to discharge to the watercourse on the site's western boundary which would result in the excavation of outfalls through the woodland.

The Council's Ecologist has noted that the Woodland Trust were consulted on this application at this site and recommended a 30m buffer be provided. However, in view of the assessment which is still required it is not currently possible to determine the full extent of the buffer beyond a minimum width of 15m.

The applicant has suggested that a minimum 15m buffer be secured by means of a condition. Whilst it is common ground with the applicant that a buffer is required to safeguard the woodland, the Council's Ecologist is not satisfied that sufficient evidence is available to agree the width of the buffer required. Whilst the applicant proposes a condition for the delivery of a minimum 15m, buffer, the Council's Ecologist considers that the width of the buffer required, and whether the required width of buffer can be incorporated into the development, be established prior to the grant of planning consent.

Furthermore, in accordance with current standing advice on ancient woodlands, a detailed tree survey should also be undertaken to establish the precise location and root protection areas of the trees on the woodland edge adjacent to the site.

Whilst the indicative layout plan could be further amended to provide buffer areas required by the Council's Ecologist, these buffer areas are likely to extend beyond a minimum width of 15m. This would have implications for the capacity of the site and, notwithstanding all the other constraints, whether this site would be capable of satisfactorily accommodating a development of 35 units.

Grassland habitats

The submitted Phase One habitat survey was undertaken in May. This is early in the survey season meaning that some grassland plant species will have been missed during the survey. A significant area of the grassland habitat on site had also been cut prior to the survey which again would mean that a number of species would not be apparent.

Despite the constraints of the survey an area of grassland in the sites north eastern corner has been identified as supporting sufficient species to meet local wildlife section criteria.

In addition, the Council's Ecologist visited the site in the optimal survey season last year. Based upon this visit, it is advised that a significant proportion of the site supports sufficient species to meet local wildlife site selection criteria.

Based upon the submitted illustrative masterplan the areas of high value grassland in

the site's north eastern corner would be lost to housing and woodland planting, and a further larger area identified Council Ecologist is also proposed accommodate housing. The Council's Ecologist advises that the effects of this loss would result in a significant loss of biodiversity from the site.

These areas of species rich grassland on site that meet Local Wildlife Site selection criteria receive protection under local Plan policy SE 3 (6). Consequently the retention of these areas of grassland will have significant impact on the ability of the site to accommodate 35 units.

Non-ancient Broadleaved Woodland

Semi-natural broad leaved woodland is a priority habitat and a material consideration and is protected by Local Plan Policy SE 3. The submitted Ecological Assessment states that there would be a loss of semi-natural woodland to facilitate the site access from the end of Gordale Close. The Council's ecologist advises that this is likely to result in the loss of an overgrown hedgerow and trees rather than broad-leaved woodland.

The submitted phase one habitat surveys shows broad leaved woodland occurring within the site on its western and northern boundaries. The woodland extends beyond the boundary of the ancient woodland. The illustrative layout plan, despite showing a buffer to the ancient woodland, would result in the loss of broad leaved woodland from the site. The Council's Ecologist confirms that this would result in a significant loss of biodiversity.

It is advised that a tree survey/arb impact assessment must be undertaken to accurately plot the location of the woodland on site and a scaled parameter plan provided to show the appropriate retention and buffering of the woodland.

Veteran Tree

The submitted Phase One Habitat Survey refers to an Ash Tree on the site's northern boundary, which is considered to have characteristic of a Veteran Tree. Veteran trees receive specific protection through the NPPF.

Bats

The existing barn and stable building on site have been subject to an initial bat survey and follow up bat activity survey.

Evidence of bat activity in the form of a minor roost of a relatively common bat species has been recorded within the stable building on site. The usage of the building by bats is likely to be limited to single animals using the buildings for relatively short periods of time and there is no evidence to suggest a significant maternity roost is present. The loss of the roosts associated with the buildings on this site, in the absence of mitigation, is likely to have a low impact upon on bats at the

local level and a low impact upon the conservation status of the species as a whole.

The submitted report recommends the installation of bat boxes 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.

Important

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. A license under the Habitats Regulations can only be granted when:

- the development is of overriding public interest,
- there are no suitable alternatives and
- the favorable conservation status of the species will be maintained.

As set out above, the development would result in the loss of a minor bat roost. Whilst mitigation and compensation measures to address this impact have been submitted the proposed development is not considered to be of overriding public interest and not developing this site is considered to be a suitable alternative in this instance.

A bat survey has not however been undertaken of the buildings on site associated with Hawthorn Cottage. The description of the development has now been amended to state that Hawthorne Cottage would be retained. This would negate the need for a further bat survey of the cottage.

Four trees on site (located outside the woodland) were considered to have high – medium potential to support roosting bats. Based upon the illustrative layout plan it appears feasible for these to be retained. If outline consent was granted further bat surveys of these trees may however be required if they were not retained appropriately at the detailed design stage.

To avoid any adverse impacts on bats resulting from any lighting associated with the development it is recommended that if outline planning permission is granted a condition should be attached requiring any additional lighting to be agreed with the LPA.

Barn Owl

The applicant's ecological consultant has confirmed that no evidence of barn was recorded during the surveys undertaken on site. The Council's Ecologist advises that this species is not reasonably likely to be affected by the proposed development.

Other Protected Species

An outlying sett has been recorded on site. The submitted Ecological Assessment Report states that this would not be affected by the proposed development. The Councils Ecologist advises that the proposed development would not result in a direct impact on the sett. The risk of disturbance to the sett, and the need for a Natural England license, would however depend upon the level of activity occurring at the time of commencement and the detailed layout proposed at the reserved matters stage. Considering the minor nature of the sett and the likelihood of it being retained the Councils Ecologist recommends that in the event that planning consent was granted a condition be attached which requires any future reserved matters application to be supported by a revised survey and mitigation method statement.

The proposed development is likely to result in the localised loss of other protected species foraging habitat. This impact could be partially compensated for through the planting of fruit trees within the woodland buffer. This may be dealt with by means of a condition if consent is granted once the extent of the buffer has been agreed.

Hedgerows

Native hedgerows are a priority habitat and hence a material consideration. In addition the northern boundary hedgerow has been identified as being Important under the Hedgerow Regulations.

Based on the illustrative layout plan it appears likely that all of the existing hedgerows on site could be retained, with the exception of that lost to the access is from Gordale Close.

If the loss of this hedgerow is considered unavoidable it must be ensured that suitable compensatory planting be provided to address its loss.

The Councils Ecologist recommends the retention of the existing hedgerow and the provision of compensatory planting for any hedgerow lost be secured by means of a planning condition in the event that planning permission is granted.

Common Toad

This priority species was recorded on site during the 2013 Phase One Habitat survey. Due to the distance between the application site and the nearest pond it is unlikely that the proposed development would have a significant impact upon this species.

Biodiversity net gain

All development proposals must seek to lead to an overall enhancement for biodiversity in accordance with Local Plan policy SE3(5) and the NPPF. In order to assess the overall loss/gains of biodiversity associated with the proposed development an assessment undertaken in accordance with the Defra Biodiversity 'Metric' version 2 must be undertaken and submitted with the application. In order to comply with the mitigation hierarchy and to achieve net gain for biodiversity it must be ensured that any habitats are higher value (such as ponds and woodland, more species rich grassland etc) are retained and enhanced as part of the development proposals.

Air Quality

Policy SE12 of the Local Plan states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality. This is in accordance with paragraph 181 of the NPPF and the Government's Air Quality Strategy.

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

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

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

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

Contaminated Land

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

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

Flood Risk and Drainage

The majority of the application site is located within Flood Zone 1 according to the Environment Agency Flood Maps. This defines that the land has less than 1 in 1000 annual probability of flooding and all uses of land are appropriate in this location. The Councils Flood Risk team and

United Utilities have raised no objections to the scheme subject to conditions requiring details of the surface water drainage strategy and provision of measures to protect existing properties close to the site boundaries with Gordale Close and Swaledale Avenue given the sloping nature of the site.

It is also considered that a suitable planning condition would address the issues raised by the Canal and Rivers Trust as regards potential flood risk arising from the failure of the canal embankment or by potential seepage and leaks.

Other Matters

The applicant considers that a material consideration in the assessment and determination of planning applications is impact of the Covid 19 pandemic. In particular the applicant considers that significant increase in the provision of affordable housing is required due to increased demand and to mitigate the effects of the major economic downturn.

However, National planning policy has not been changed in the light of COVID19. The Government's focus has been to introduce greater planning flexibilities through changes to permitted development rules and the Use Classes Order so buildings and changes of use can take place without the need for a planning application. Many of these changes were signalled before the current COVID-19 situation. The Government has also made changes to enable planning decision making and consultation to continue and has brought in provisions to automatically extend certain planning permissions.

Furthermore, in assisting with economic recovery, both in terms of supporting future investment in employment development and housing, the Council has a growth-focused, up to date Local plan Strategy (LPS). The LPS policies are generally well placed to respond to these challenges in terms of good placemaking and the need to create quality homes and neighbourhoods, amongst other things.

LEVY (CIL) REGULATIONS

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

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

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

Likewise the proposal will have a direct impact upon existing medical provisions in Congleton which are running at capacity. This is considered to be necessary and fair and reasonable in relation to the development.

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

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

The future maintenance of public amenity space and play space within the site as required and the required mitigation is directly related to the development and is fair and reasonable.

On this basis and for the purpose of any appeal, the S106 for the scheme is compliant with the CIL Regulations 2010.

CONCLUSIONS

The proposal is an inappropriate form of development within the Green Belt, as defined by the Development Plan. The development is therefore contrary to policy PG3 of the Cheshire East Local Plan Strategy and Policy PS7 of the Congleton Borough Local Plan First Review and would cause material harm to the openness of the Green Belt.

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*”.

Policies PG3 and SC6 identify that affordable housing will be permitted as an exception to other policies relating to the countryside to meet locally identified affordable need. However no up-to-date Housing Need Survey is provided nor has a thorough site options appraisal been undertaken in support of this application. Furthermore the development exceeds the threshold of 10 dwellings identified within Policy SC6 and in any event the site is located on the edge on Congleton which is a Key Service Centre. The proposed development would not therefore constitute “rural exceptions housing” in accordance with the policies PG3 and SC6.

It considered that insufficient information has been submitted to demonstrate that the development of the site would not be harmful to the character and appearance of the area and given the need for significant areas of the site to be free from any form of development. Nor has it been demonstrated that the development of site could realistically be achieved without adverse impact upon the setting of the adjoining Canal Conservation Area, protected trees and wildlife habitat.

The impact upon education and health infrastructure would be neutral as the impact could be mitigated through a financial contribution as requested by the Education Manager and the NHS via S106.

The impact upon residential amenity/noise/air quality and contaminated land could be mitigated through the imposition of planning conditions.

Whilst indicative, the layout falls considerably short of the necessary quantum of on site POS/children's play. Contributions to mitigate the impact upon indoor and outdoor sport could be dealt with by financial contributions.

It is recognised that the development would provide economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses through new residents spending in the economy. In addition the provision of 100% affordable housing (35 dwellings) is given some weight, but it is not considered that this or any economic benefits arising from the development would amount to very special circumstances that which outweigh the harm to the Green Belt.

There are no interests of acknowledged importance which would outweigh the presumption against inappropriate development in the Green Belt. Accordingly, a recommendation of refusal is made.

RECOMMENDATIONS

Refuse for the following reasons:

- 1. The proposal is an inappropriate form of development within the Green Belt, as defined by the Development Plan. The development is therefore contrary to policy PG3 of the Cheshire East Local Plan Strategy and Policy PS7 of the Congleton Borough Local Plan First Review and would cause material harm to the openness of the Green Belt. The proposed development by reason of inappropriateness would be contrary to nationally established policy as set out in NPPF, and as a result would cause harm to the objectives of this guidance. There are no very special circumstances to outweigh this harm.**
- 2. The application site is located within the Green Belt and adjacent to a key service centre. The application is not supported by an up-to-date Housing Needs Survey or a thorough site options appraisal which demonstrates why the site is the most suitable to meet identified housing need. Furthermore a development of 35 affordable units would exceed the threshold criteria of 10 units identified by Policy SC6. As a result the proposed development would not comply with all the requirements for Rural Exception housing and constitutes inappropriate development within the Green Belt contrary to Policies SC6 and PG3 of the Cheshire East Local Plan Strategy.**
- 3. The proposed submission does not provide the level of detail required to inform a comprehensive assessment of the impact of the development on existing trees and woodland cover, including trees within ancient woodland and those protected by the Congleton Borough Council (Gordale Close) TPO 1983. The submission has therefore failed to demonstrate that the proposed development will not result in the loss of trees contrary to Policy SE5 of the Cheshire East Local Plan Strategy and the provisions of the National Planning Policy Framework.**
- 4. The proposed development, as shown on the illustrative layout plan, is likely to result in a significant adverse impact on the adjacent Local Wildlife Site and Ancient Woodland and also Priority Woodland located on site. The application fails to provide sufficient information to determine, assess, and mitigate any potential impacts on the Local Wildlife**

Site, Ancient Woodland and Priority Woodland. The proposed development would also result in the loss of an area of Local Wildlife Site quality grassland with a corresponding significant loss of biodiversity. The development would result in the loss of a minor bat roost, whilst mitigation and compensation measures to address this impact have been submitted the proposed development is not considered to be of overriding public interest and not developing this site is considered to be a suitable alternative in this instance. The application fails to demonstrate that it would contribute positively to the conservation and enhancement of biodiversity. The application therefore fails to comply with the requirements of Policy SE 3 of the Cheshire East Local Plan Strategy and saved Policies NR3 and NR4 of the Congleton Borough Local Plan First Review and the provisions of paras 174-177 of the National Planning Policy Framework

5. Insufficient information has been provided to demonstrate that the proposed development is a sustainable form of development which can achieve an adequate quality of design that would be in keeping with the location of the site adjacent to the Macclesfield Canal Conservation Area. In reaching this conclusion regard was had to the indicative layout, and the proposals are contrary to the Policy SD1, SD2, SE1, and SE7 of the Cheshire East Local Plan Strategy and the Residential Design Guide SPD

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 Interim Head of Planning 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.

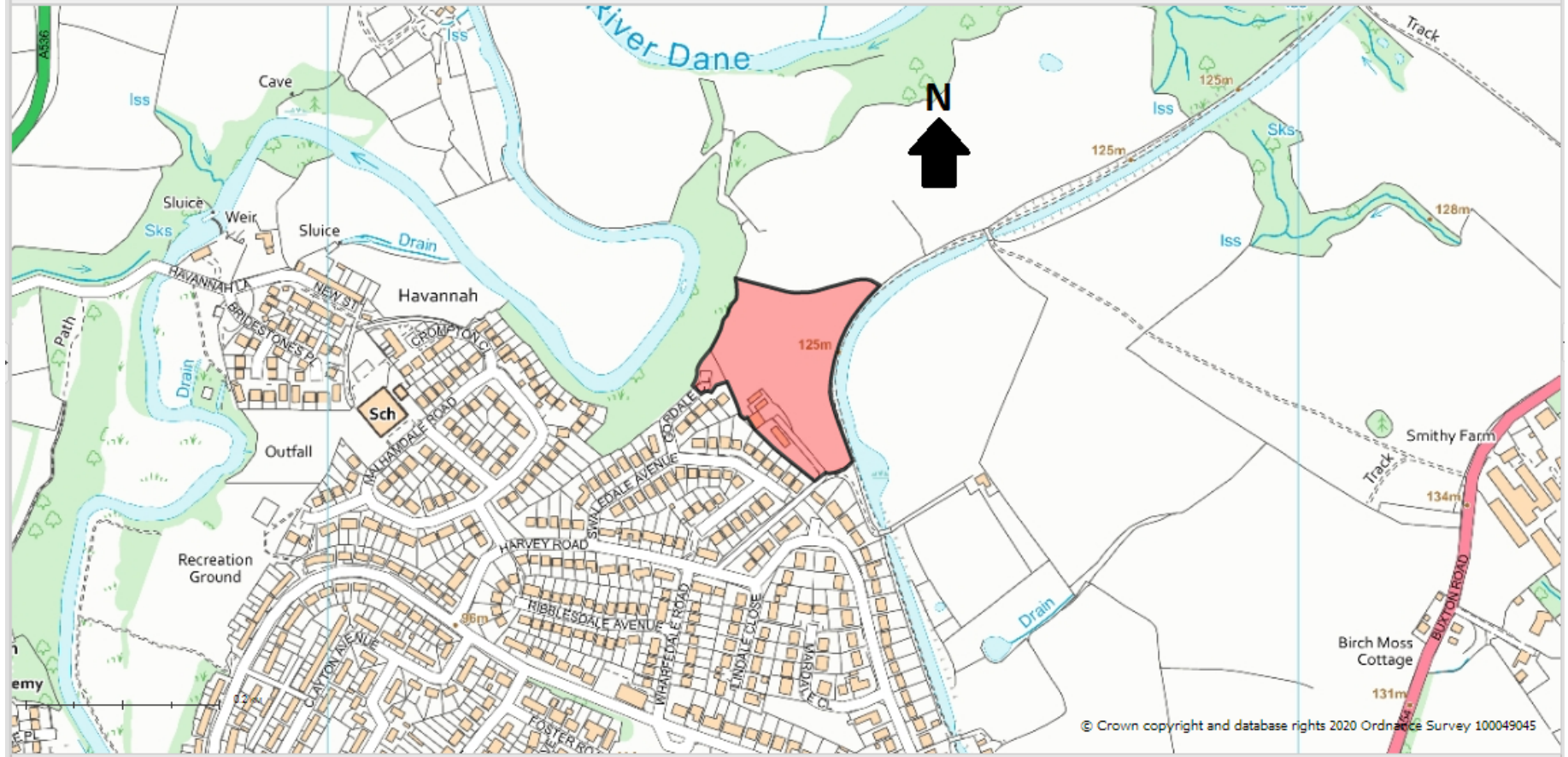
In order to give proper effect to the Committee's intent and without changing the substance of its decision, authority is delegated to the Interim Head Planning in consultation with the Chair (or in their absence the Vice Chair) to correct any technical slip or omission in the resolution, before issue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

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

S106	Amount	Triggers
Affordable Housing	100% Affordable housing	In accordance with details to be submitted and approved.
Health	£35,280 (based on 35 dwellings)	Paid prior to first occupation of the development.
Education	£81,713 (based on 35 dwellings)	

		Staged contributions – 50% upon commencement, 50% on o 1 st occupation
Indoor Sport	£6500	Paid prior to first occupation of the development.
Outdoor Sport	Formula - £1,000 per family dwelling or £500 per 2 bed space (or more) apartment for off-site provision.	Paid prior to first occupation of the development.
Private management scheme for all POS/ Children's Play space on site.		Prior to commencement of development, implementation prior to 1 st occupation
Towpath upgrade	Amount to be confirmed	Prior to commencement of development
Allotment/growing space/community gardens	If provided off site; £562.50 per family home £281.25 per apartment	Paid prior to first occupation of the development

Shortfall in provision of Amenity green space and Children's play space	£75 per square metre for any shortfall on site.	Paid prior to first occupation of the development.
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Application No: 20/2569M
Location: 58, HAZELWOOD ROAD, WILMSLOW, SK9 2QA
Proposal: Single storey rear extension
Applicant: Rose
Expiry Date: 18-Aug-2020

SUMMARY

The proposal is considered to be compatible with the surrounding area and its scale, massing and form would appear compatible with its surroundings and would not cause any harm to residential amenity.

The proposed development is environmentally, socially and economically sustainable and would comply with the relevant Development Plan Policies and the NPPF.

RECOMMENDATION

APPROVE subject to conditions

REASON FOR REFERRAL

This application is referred to Southern Planning Committee as the applicant is related to a Council Employee within the Environmental Planning Service.

DESCRIPTION OF SITE AND CONTEXT

The application site is a relatively modern detached house in a residential area of Wilmslow that was predominantly developed throughout the 1990's. The site is located to the northern side of Hazelwood Road and is within the Wilmslow Settlement Boundary.

DETAILS OF PROPOSAL

This application proposes to demolish the existing conservatory and to construct a new single storey rear extension.

Relevant Planning History

No relevant planning history

POLICIES

Cheshire East Local Plan Strategy

MP1 Presumption - Sustainable Development
SD1 Sustainable Development in Cheshire East
SD2 Sustainable Development
SE1 Design

Macclesfield Borough Local Plan Saved Policies

DC2 Extensions to existing buildings
DC3 Amenity
DC38 Space, Light and Privacy

Wilmslow Neighbourhood Plan

The Wilmslow Neighbourhood Plan (WNP) was made on 19th November 2011.

H2 Residential Design

National Policy

National Planning Policy Framework

CONSULTATIONS (External to Planning)

Wilmslow Town Council: No objections

OTHER REPRESENTATIONS

No letters of representation have been received.

OFFICER APPRAISAL

Principle of Development

The principle of development in the settlement boundary of Wilmslow is acceptable in principle providing it accords with CELPS Policies SD1, SD2 and SE1 and Macclesfield Local Plan Policies DC2, DC3, DC38 and WNP Policy H2. These policies seek to ensure, amongst other things, that proposals are not detrimental to residential amenity and are appropriate in design terms.

Design

Policy SD2 states that all development will be expected to contribute positively an area's character and identity, creating or reinforcing local distinctiveness in terms of;

- Height, scale, form and grouping
- Choice of materials
- External design features
- Massing of the development (the balance between built form and green/public spaces)

- Green infrastructure; and
- Relationship to neighbouring properties, street scene and the wider neighbourhood

The proposed development seeks to replace an existing conservatory with a single-storey rear extension of a very similar size. The development would have a pitched roof and would be finished in brick and tiles. The extension would not be visible within the street-scene.

It is considered that the relationship to the neighbouring houses, and the wider area would be acceptable and the development represents an acceptable design and thus comply with policies SD1, SD2 and SE1 of the CELPS, Policy DC2 of the MLP and Policy H2 of the WNP.

Amenity

The relationship to the neighbouring houses would not effectively change as the proposal is very similar in massing terms. It would not infringe privacy or be overbearing and thus it would not conflict with the aims of policies DC3 and DC38 of the MLP or SD2 of the CELPS. Adequate amenity space would remain at the host property.

Highways

The access to the site and car parking arrangements would be unchanged.

Trees

The Forestry Officer has confirmed there are no significant arboricultural implications associated with this application and no conditions are required.

CONCLUSION

The principle of the proposed development is acceptable; the design of the proposed extension would have an acceptable impact on the character and appearance of the area, and the proposals are considered to have an acceptable impact upon the amenities of adjacent houses. Therefore it is considered that the proposal would accord with all relevant Development Plan policies.

APPROVE subject to the following conditions

- 1. Standard (3 years)**
- 2. Approved Plans**
- 3. Materials as per application**

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 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

