

Application No: 13/0041C

Location: LAND OFF MIDDLEWICH ROAD, HOLMES CHAPEL

Proposal: Outline application for residential development, comprising 80 homes, including 24 affordable homes to include an area of public open space and children's play area.

Applicant: Adele Snook, Persimmon Homes North West

Expiry Date: 21-Mar-2013

#### **SUMMARY RECOMMENDATION**

**APPROVE** subject to conditions and signing of a S106 legal agreement

#### **MAIN ISSUES**

**Policy**  
**Housing Land Supply**  
**Loss of Agricultural Land**  
**Sustainability**  
**Design Considerations**  
**Landscape and Tree Matters**  
**Provision of Open Space**  
**Impact of Setting of Listed Building**  
**Impact on Residential Amenity**  
**Highway Safety and Traffic Generation**  
**Impact on Protected Species**  
**Flooding and Drainage**  
**Affordable Housing**  
**Impact on Education Capacity**  
**Archaeology**

## **1. REFERRAL**

The application has been referred to Strategic Planning Board because it is a major development and a departure from the development plan as it is situated outside of the settlement zone line for Holmes Chapel.

## **1. SITE DESCRIPTION**

The application site measures approximately 4.6 hectares in size and is located on the northern side of Middlewich Road towards the west of the settlement of Holmes Chapel

Village. The site comprises of a series of flat grassed paddocks which are used for the keeping of horses.

The site is adjoined to the east by residential development, to the north by the Grade II listed Cotton Hall and an equestrian centre, and to the west it is adjoined by Cotton Farm barns and open fields. The site falls outside of the settlement limits for Holmes Chapel and is therefore designated as Open Countryside in the adopted Congleton Borough Local Plan First Review (2005).

## **2. DETAILS OF PROPOSAL**

This application seeks outline planning permission for the construction of up to 80 dwellings. All matters are reserved for approval at a later stage.

## **3. RELEVANT PLANNING HISTORY**

24296/1 – Residential Development – Withdrawn 22-May-1992

## **4. PLANNING POLICIES**

National Planning Policy Framework

### **Local Plan Policy**

PS8 Open Countryside

GR1 New Development

GR2 Design

GR3 Residential Development

GR5 Landscaping

GR6 Amenity and Health

GR9 Accessibility, servicing and provision of parking

GR14 Cycling Measures

GR15 Pedestrian Measures

GR17 Car parking

GR18 Traffic Generation

GR21 Flood Prevention

GR 22 Open Space Provision

NR1 Trees and Woodland

NR2 Statutory Sites (Wildlife and Nature Conservation)

NR3 Habitats

NR5 Habitats

H2 Provision of New Housing Development

H6 Residential Development in the Open countryside

H13 Affordable Housing and Low Cost Housing

### **Other Material Policy Considerations**

Interim Planning Policy: Release of Housing Land (Feb 2011)

Interim Planning Statement: Affordable Housing (Feb 2011)

Strategic Market Housing Assessment (SHMA)

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

## **6. OBSERVATIONS OF CONSULTEES (EXTERNAL TO PLANNING)**

### **Environmental Health**

No objection subject to conditions restricting hours of construction / piling, a condition requiring submission of an environmental management plan, contaminated land, submission of a scheme to mitigate against road noise and a condition requiring individual travel plans to be submitted.

### **Highways**

No objection - This is an outline application with all matters reserved. It envisages 80 houses, privately-owned, taking vehicular access from Middlewich Road via an upgrade of the existing driveway to Cotton Hall. Pedestrian and cycle access will also be available via the entrance to the Equestrian Centre, off Middlewich Road at the east side of the proposed development. However, although the Transport and D & A Statements imply that pedestrian access can be provided into Ravenscroft, so providing a quieter route into the village centre, this requires rights over third-party land and so although very desirable cannot be assumed as achievable. Thus all walking and cycling into the village centre will in all probability have to be along Middlewich Road. There is only one footway along Middlewich Road, on its southern side, so pedestrians need to cross the road on leaving the site regardless of their intended direction.

The submitted Transport Statement proposes the provision of a Toucan Crossing on Middlewich Road to assist pedestrians and cyclists. This is considered essential, in view of the lack of footway along the north side of Middlewich Road. The crossing would fall on the desire-line for movements to the High School and Leisure Centre as well as links to other facilities and residential areas. Provision of this crossing and associated works will require an agreement under S278 of the Highways Act. In view of the necessity of this crossing, the Strategic Highways Manager will need to be satisfied that all land required for the crossing and approaches is under the control of the highway authority or the developer, and to have received a satisfactory Stage 1 Road Safety Audit, before accepting the development.

The proposed vehicular access provides adequate visibility to and from Middlewich Road. A 5.5 metre carriageway with 10m radii will be required for the junction itself but within the site a more flexible layout can be accepted subject to adequate provision for servicing and emergency vehicles and for undertakers' services. The road system will need to ensure that speeds are limited to 20mph or less.

Parking is stated to be on the basis of two spaces per property, which may be in the form of one space plus garage. There are concerns that in the latter case the inability of garages to also provide adequate storage space for gardening equipment and the like will result in their not being used for parking, with a resultant overflow of vehicles onto the highway. This will need to be considered at the detailed application stage.

The development can only add to the existing undesirable levels of traffic through Holmes Chapel. To encourage the use of greener modes it is advised that the developer provide bus stops on Middlewich Road (and safe pedestrian access thereto) in the vicinity of the development to encourage use of public transport.

Public consultation is proposed this summer on options for reducing the impact of traffic now passing through the village. A contribution of £100,000 towards such measures to offset the impact of the development on the local urban environment and road safety is required.

### **Greenspaces**

No objection subject to the onsite Amenity Greenspace and the onsite Locally Equipped Area of Play being transferred and maintained by a management company.

### **Education**

No objection - 80 houses will generate 14 primary and 10 secondary aged pupils. Taking into account the local schools capacities and forecasted capacities then on this basis no contribution is required.

### **United Utilities (UU)**

No objection provided that the site is drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the watercourse/surface water sewer and may require the consent of the Local Authority. No surface water flows shall communicate with the public sewerage system via direct or indirect means.

### **English Heritage**

The application should be determined in accordance with national and local policy guidance, and on the basis of the council's own specialist conservation advice.

### **Archaeology**

No objection subject to a condition securing a programme of archaeological works.

### **Public Rights of Way (PROW)**

No objection subject to financial contributions towards improving local footpath and cycle links.

### **Jodrell Bank**

No objection subject to a condition requiring electromagnetic screening materials to be incorporated into the dwellings.

## **7. VIEWS OF THE HOLMES CHAPEL PARISH COUNCIL**

Object on the grounds that:

- the application falls out of the established settlement zone line for Holmes Chapel

- sufficient planning permission has already been granted for residential use in Holmes Chapel without the need to develop this site

## **7. OTHER REPRESENTATIONS**

Representations have been received from 26 addresses objecting to this application on the following grounds:

- Additional housing is not needed, there is already a large development of housing underway on the Sanofi Aventis / Fisons site and ample Brownfield land in the village
- The Council already has a 5-year supply of housing
- Site is not sustainable
- Proposal would lead to pressure for further development at the back of the site
- Proposed access would be dangerous
- Volume and speed of traffic along Middlewich road is very bad and will be made worse
- The traffic studies are flawed
- There have been numerous road traffic accidents in the area
- Access road to the site will run through a children's play area
- Proposed play area will lead to anti-social behaviour
- Roads, infrastructure and amenities have got worse since a similar application was submitted years ago and are oversubscribed
- Parking within the village centre is constrained
- The site is Green Belt and Greenfield. It is not in the borough plan
- Walking and cycling is becoming a risk due to volume of traffic
- Application contravenes covenants on Cotton Hall which states that houses must not be built between the hall and Middlewich Road
- Possibility of building creep towards M6 motorway
- Local drainage and flooding problems and potential de-stabilisation of local river bank
- Loss of views
- Disruption during construction (including dust)
- This site was not included within the councils previously identified sites for future development
- Area is predominantly a retirement area. Family homes would lead to noise
- Wildlife and protected species will be affected
- There are little of no footways between the site and the village
- Proposal would result in the loss of an equestrian and recreational facility which is used to train Olympians and Paralympics Judge
- Proposal would contravene deeds

## **8. OFFICER APPRAISAL**

### **Main Issues**

Given that the application is submitted in outline, the main issues in the consideration of this application are the suitability of the site for residential development, having regard to matters of principle of development in respect of policy and housing land supply, sustainability, loss of agricultural land, affordable housing, air quality, residential amenity, drainage and flooding, design issues, open space, landscape impact, trees and forestry, ecology, education, highway safety and traffic generation and archaeology.

### **Policy Position**

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

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

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

Members should note that on 23<sup>rd</sup> March 2011 the Minister for Decentralisation Greg Clark published a statement entitled ‘Planning for Growth’. On 15<sup>th</sup> June 2011 this was supplemented by a statement highlighting a ‘presumption in favour of sustainable development’ which has now been published in the National Planning Policy Framework (NPPF) in March 2012.

Collectively these statements and the National Planning Policy Framework mark a shift in emphasis of the planning system towards a more positive approach to development. As the minister says:

*“The Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy”.*

### **Housing Land Supply**

On 1 March 2013 the Council published a revised SHLAA with base date of 31 March 2012. This demonstrated a 5 year deliverable supply of housing based on identified land with potential for 9771 homes set against a housing requirement of 6,835.5 homes.

The housing requirement figure was derived from the emerging Cheshire East Local Plan. Given that the SHLAA included emerging sites from this document it was considered consistent to use the housing figures associated with it. The basic requirement was 6,050

homes 2013 – 2018, with an allowance of 460 for backlog since 2010 and a 5 % buffer making up the remainder of the housing target.

The identified supply of 9,771 homes was derived from a combination of sites with planning permission, sites under construction, sites awaiting planning obligations, strategic sites in the merging Local Plan and large & small sites without planning permission.

Since March, the publication of fresh ONS household projections and a series of appeal decisions placed the reliance on emerging housing figures in doubt, even though they are higher than previous development plan targets. Accordingly in recent months the Council has relied on a housing requirement of 6,776 homes, based on the basic housing provision figure of 5,750 homes over five years set out in the North West Regional Spatial Strategy. It is this figure that has been used in a series of appeals through the summer of 2013.

Both the SHLAA and the updated figure relied on the residual or “Liverpool” method of factoring in the backlog of housing not built during the recession. This has previously been the standard means of accounting for variations in supply – and seeks to spread any shortfall over the remainder of the relevant plan period. This is on the basis that housing requirements in Local Plans are established over many years (usually 15-20) rather than being annualised targets. At the time the SHLAA was published this method was supported by the Home Builder’s Federation.

In addition the housing requirement also took account of the standard 5% buffer to allow for choice and competition in the housing market. The NPPF advises that where there is “a record of persistent under delivery of housing” a greater 20% buffer should be applied, in order that to provide a realistic prospect of achieving the planned supply. The Framework does not elaborate further on the definition of persistent under delivery – and appeal decisions take a different view on the subject. The Planning Advisory service guidance of July 2013 suggested a whole economic cycle of at least ten years should be considered; other decisions take a shorter period of time. The Council’s approach has been to take a longer view of delivery – and also to assess delivery against the development target as a whole rather than taking a year on year view (as the RSS does not have annual targets). On this basis a 5% buffer was applied in the SHLAA

### Appeal Decisions October 2013

Following the publication of the SHLAA a series of planning appeal inquiries were held through the summer of 2013, alongside a long running planning appeal remitted to the Secretary of State.

On 18 October two appeal decisions were issued (at Congleton Road, Sandbach and Sandbach Road North, Alsager) along with the Secretary of State’s decision at Abbeyfields in Sandbach. The Secretary of State and the Inspector both found that the Council could not demonstrate a five year supply of deliverable housing land. Both Sandbach appeals were allowed, but the Alsager appeal was dismissed on grounds of impact on the countryside

The Secretary of State's letter is based on written representations rather than evidence presented at an Inquiry. It seeks to address broad principles in terms of housing supply rather than detailed figures. The Secretary of State concluded that the 5 year housing requirement was "between 7,366 to 9,070 dwellings"

The Secretary of State considered that there was "justifiable doubt" about the assumed build rates on sites. He also highlighted the high proportion of supply that related to strategic sites in the emerging plan, where delivery appeared less assured – and the correspondingly modest proportion of sites with planning permission. Concern is also expressed over the involvement of the Housing Market Partnership which further undermined confidence in the SHLAA. In conclusion the view was taken that the Council had "not demonstrated a 5 year supply of deliverable housing sites against even the most favourable assessment of the 5 year housing requirement."

The Inspector in the Congleton Road and Sandbach Road North cases heard detailed evidence at Inquiry – and accordingly provided more specific analysis of the sites and housing numbers. He took the view that it would not be appropriate to take too relaxed a view on catching up the backlog and so preferred the Sedgefield methodology to Liverpool. He also looked at the preceding five years (2008-2013) where it had been acknowledged that annual average figures had not been met. Notwithstanding oversupply in earlier years, this run of half a decade was tantamount in his eyes to persistent under delivery – and so considered a 20% buffer should be applied. This raises the housing requirement by well over 2,000 units to around 9,000 homes.

At the same time the Inspector also had misgivings over the delivery and yield predicted from certain sites – most notably those in the Development Strategy. Whilst acknowledging that delivery would take place, a variety of factors lead to the conclusion that the Council's assumed yield within the five years was too optimistic. When similar concerns over other sites was factored in he downgraded the likely deliverable supply by around 1500-2000 units – to around 7,000 - 7,500 homes.

Accordingly he concluded that the Council could not demonstrate a five year supply of deliverable homes against a requirement of some 9,000 units.

### Consequences

The Appeal decisions raise a number of issues – most notably over the calculation of the housing requirement. Without a clear target, the Council cannot be sure of meeting the housing requirement. In this case both decisions highlight different perspectives on the calculation of the backlog and the buffer.

Both the Inspector and the Secretary of State adopt the "Sedgefield" methodology for tackling backlog – namely to include the whole of the backlog within the five year requirement. This is considered to better match the NPPF aspiration to "significantly boost housing supply". It is entirely admirable to seek to recover housing supply as quickly as possible – but we would question whether it is realistic to think that the impacts of the worst recession for many years can genuinely be caught up in just five years. It is ironic that when the Council has been criticised for a "rose tinted" view in its approach to supply an even greater optimism is now considered *de rigueur* in the setting of housing targets.

More importantly neither Sedgefield nor Liverpool make any difference to the number of homes ultimately built – and so the widespread mantra that Sedgefield boosts the supply of housing is ephemeral and illusory.

Nevertheless, these decisions follow the pattern of many recent decisions – and indeed the recent NPPG also supports the Sedgefield methodology. Accordingly this has increasingly become the new orthodoxy and the Council must take account of this trend.

With regard to the buffer the picture is less clear cut – the Secretary of State appearing to concede that a 5% buffer might be appropriate as a minimum. The Inspector's reasoning relies heavily on assessing completions against the annualised average in any individual year – as opposed to the delivery against the Development Plan target. This difference of view underlines the need for clear guidance as to the parameters of persistent under delivery.

In considering the supply of housing, both decisions recognise that sites in the draft Local Plan can properly contribute to housing supply – but that their emerging status lends doubt to delivery and yield in some cases. This is an important principle as many have argued that no or little reliance should be placed on such sites.

In considering the anticipated yield from sites, this is an area which is invariably subject to debate and conjecture. However both decisions suggest that the Council has over estimated the likely contribution that strategic sites are likely to make in the next five years. This underlines the need for solid evidence to underpin whatever estimate is applied on likely completions in future years.

The consequence of these views of the calculation of the housing requirement is to expand the housing requirement considerably – either to the 9000 homes advocated by the Inspector or to the range of 7,366 – 9,070 promoted by the Secretary of State. When this elevation is combined with the tempering of the supply deliverable sites the consequence is to undermine the Council's ability to demonstrate a five year supply. It is interesting to note that the Inspector found that the Council's original target of 6,776 homes had been met – and also that the Secretary of State's minimum requirement sits within the range of supply endorsed by the Inspector. This is especially so as at first glance the Inspector appears to have misapplied the Council's supply figures – using a base of 9,000 homes rather than the figure of 9,399 quoted at the inquiry.

However none of that diminishes the overall conclusion that either a five year supply cannot be demonstrated or that the evidence for doing so is inconclusive.

Accordingly unless or until these decisions are challenged or a new SHLAA prepared, the Council is unable to conclusively demonstrate a five year supply of deliverable housing land. Accordingly Policies for the Supply of housing will not be considered up to date (see further below) and enhanced weight should be given to the provision of housing in decision making

### Countryside Policies

As well as assessing housing supply, the decisions at Sandbach Road North and Congleton Road Sandbach are also significant for clarifying the status and intent of Settlement zone line and countryside policies.

Some have sought to argue that as settlement boundaries effectively contain the built area of a town or village – and so define the area in which development is usually concentrated – that accordingly they should be viewed as housing supply policies. This subsequently could mean that those policies along with normal countryside policies should be considered “out of date” if there is no five year supply of housing land. This view is derived from paragraph 49 of the framework which states that:

*“Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”.*

There are appeal decisions that appear to support this perspective, although those in Cheshire East have generally taken a different approach.

The recent appeal decisions consider this matter in some detail. It was noted by the Inspector that Settlement zone lines serve a variety of purposes – and take account of land allocated for development up to a particular point (in this case 2011). However the Inspector considered that settlement zones lines were not driven by the need to identify land for development but rather are based on the objective of protecting countryside once development land is identified. Consequently he concluded that the related policy (Policy PS4 of the Congleton Local Plan) was *“not sufficient directly related to housing land supply that it can be considered time expired for that purpose.”* Instead the Policy is “primarily aimed at countryside & green belt protection”; these objectives are largely in conformity with the NPPF and attract “significant weight”. In both appeals, conflict with countryside policies was acknowledged.

This means that these policies remain important in the planning balance – but are not necessarily determinative. The two decisions pinpoint that much depends on the nature and character of the site and the individual circumstances pertaining to the application. At Congleton Road, the Inspector considered that the objective to boost significantly the supply of housing outweighed the “relatively moderate” landscape harm. In contrast, at Sandbach Road North the provision of housing was viewed as an “important and substantial” material consideration, but there would also be serious harm resulting from the impact on the character and appearance of the countryside. On this occasion that identified harm, combined with the significant weight attributed to countryside policies, outweighed the benefits in terms of housing supply.

In reaching this conclusion the Inspector memorably noted that “the lack of a 5 year supply of housing land does not provide an automatic ‘green light’ to planning permission”. Therefore Countryside policies in existing local plans can be considered as consistent with NPPF and are not housing land supply policies – and thus not of date, even if a 5 year supply is not in evidence. They accordingly need to be played into the planning balance when decisions are made. Where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply.

## **Loss of Agricultural Land**

It is noted that Policy NR8 (Agricultural Land) of the Congleton Borough Local Plan has not been saved. However, the National Planning Policy Framework highlights that the use of such land should be taken into account when determining planning applications. It advises local planning authorities that, 'significant developments' should utilise areas of poorer quality land (grades 3b, 4 & 5) in preference to higher quality land.

In this instance, 1.8ha (45%) of the site is classified as Grade 3A, which is considered to be the 'best and most versatile' agricultural land. The remaining 2.2ha (55%) is not considered to fall within the category of being the 'best and most versatile land'. However, it is important to note that the area of farmable land is not significant, measuring only 1.8 ha. At present, the plot is divided into paddocks and is used for the keeping of horses. It is not in agricultural use at present. Due to its limited size and the existing site constraints (i.e. surrounded on 3 sides by development and separated from the larger open fields to the west), it does not offer a contribution to the high quality agricultural land in the area.

Thus, whilst the proposal would result in the loss of a small quantity of Grade 3A agricultural land, the loss would not be 'significant' and would not outweigh the benefits that would come from delivering this development and assisting with the Council's housing land supply situation helping to relieve pressure on less sustainable and preferential Greenfield sites elsewhere.

## **Sustainability**

The site is considered by the SHLAA to be sustainable in terms of location. The site is located on the westerly edge of Holmes Chapel Village. The Village centre is only 1000m to the east of the site. The village hosts a range of shops and local services including health care facilities, primary and secondary schools and also a range of public transport services serving the local and wider area. These include bus stops and the Holmes Chapel Railway Station.

The NPPF advises that there are three dimensions to sustainable development which require the planning system to perform a number of roles. These roles consist of an economic role, a social role and an environmental role. This proposal would satisfy the economic and social roles by providing for much needed housing adjoining to an existing settlement where there is existing infrastructure. With respect to fulfilling the environmental role, this will be considered later. Subject to this, the proposal is considered to be sustainable.

## **Design Considerations**

Site layout is reserved for subsequent approval. However, an indicative layout has been submitted which shows a main spinal road utilising the existing access that serves the equestrian centre and a cluster of building to the north of the site. The access road would pass through an area of open space and then would have cul-de-sac spanning off the main access road.

The frontage to the site along Middlewich Road is tree lined with mature poplars. The indicative layout has been amended to respect these specimens and these will help to screen the development from views of the main approach road into Homes Chapel. Further, the development would be shifted over to the eastern side of the site, with western parts given over to the amenity space. This would ease the transition with the open countryside and would also fall into line with the surrounding development. In land use pattern terms, it would generally 'round-off' the edge of the settlement

The position of the proposed Public Open Space softens the edge to the open countryside, and according to the indicative layout, would be well overlooked by some of the proposed units.

On this basis, it is considered that an appropriate design can be achieved, which will sit comfortably alongside the mix of existing development within the area.

### **Tree Matters**

The submission is supported by an arboricultural survey and constraints report. The report indicates that the primary developable area, retains all trees considered to be of amenity value (grades A-C), and takes account of issues such as shade and dominance and root protection areas (RPAs). The report indicates that the secondary developable area can be developed where issues such as shade and dominance are not a factor.

The tree survey assessed 5 hedgerows, 5 groups of trees and 3 individual trees. The most significant trees on the site are a line of 51 Poplar trees which border Middlewich Road. These trees are afforded Grade B1/2 in the survey and are a visually prominent.

A revised site layout plan has been provided which shows the site layout with arboricultural constraints. The layout generally respects tree root protection areas and crown spreads. The row of proposed dwellings on the Middlewich Road frontage would be within the secondary developable area and would be influenced to a degree by shade from the Poplar trees. Whilst this situation does need to be addressed, it can be resolved at the reserved matters stage. The Council's Tree Officer has stated that, should the outline application be approved, a tree protection plan and detailed statement will be required with any future reserved matters submission once a definitive site layout is proposed.

### **Landscape**

In terms of the overall impact on the landscape, it is accepted that the proposed development would alter the landscape character of the site and that views and glimpses of the development would be achievable from the Middlewich Road. Nonetheless, these impacts have been assessed as being moderately adverse from the various vantage points in the submitted landscape appraisal. The development would amount to a squaring off of the settlement owing to it being surrounded by existing development to the east, south and to a degree the equestrian facilities to the north.

Taking into account the enclosed nature of the site and the successful retention of the existing boundary hedges and trees, the Council's Landscape Officer considers that the

scheme would be respectful to the surrounding landscape. Details of precise landscaping, planting, site levels and boundary treatment could be secured by condition. The development would not jut out and would therefore not appear intrusive or harmful within the landscape setting.

### **Provision of Open Space**

The scheme proposes an area of Public Open Space (POS) offset towards the western portion of the site which would be a Locally Equipped Area of Play (LEAP). This area would be well overlooked by the dwellings on the eastern side of the site and appears to offer a good quality useable space. The on-site open space and play area would be managed and maintained by a management company. As such, a contribution to the Council for the on-going maintenance of the on-site amenity green space would not be required. Subject to the applicant entering into a Section 106 Agreement to secure the establishment of the management company, the scheme is found to be in accordance with SPD6.

### **Impact on Setting of Listed Building**

To the north of the site, lies the grade II\* listed Cotton Hall. English Heritage has advised that the proposal should be determined in accordance with national and local policy and in accordance with the council's own specialist conservation advice.

In response to advice received from the Council's Conservation Officer, the amended indicative layout has shown additional supplemental planting to the northwest corner of the site and the nearest units have been laid out in a crescent shape to provide a less regimented layout, a better gateway to the development and a softer buffer with the boundary to the curtilage of the listed building. It is considered that such amendments would result in a development that would have an acceptable impact on the setting of Cotton Hall, subject to an appropriate final design being secured at the reserved matters stage.

### **Impact on 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. However, the indicative layout indicates that these distances can be maintained to the adjoining dwellings. Therefore, no concerns regarding the amenity of existing neighbouring dwellings are raised. Furthermore, the layout also demonstrates the required distance standards can be achieved within the site and that an acceptable level of private amenity space can be achieved.

With respect to noise, the Council's Environmental Protection Unit initially raised concerns regarding the submitted noise survey. However, following discussions with the agent, it is considered that the proposed dwellings can be adequately protected against road noise generated by the adjacent Middlewich Road and nearby M6 motorway. The mitigation put forward comprises of upgraded glazing specifications acoustic ventilation for some units and acoustic fencing specifications. Subject to these, the proposal accords with Local Plan Policy GR6.

### **Highway Safety and Traffic Generation**

Policy GR9 states that proposals for development requiring access, servicing or parking facilities will only be permitted where a number of criteria are satisfied. These include adequate and safe provision for suitable access and egress by vehicles, pedestrians and other road users to a public highway.

Access is reserved for approval at a later stage. However, the indicative layout shows that the site would be served off the existing access which serves Cotton Hall to the north. The Strategic Highways Manager has confirmed that such access arrangement would be achievable and would meet with the required visibility standard.

In terms of pedestrian requirements, the submitted Transport Statement proposes the provision of a Toucan Crossing on Middlewich Road to assist pedestrians and cyclists. This is considered essential, in view of the lack of footway along the north side of Middlewich Road. The crossing would fall on the desire-line for movements to the High School and Leisure Centre as well as links to other facilities and residential areas. Coupled with this, the Strategic Highways Manager seeks contributions towards traffic management in the village centre and bus stops on Middlewich Road.

Given that there are no bus stops in the immediate vicinity of the site, and given the proposal would introduce more vehicle movements to the local highway network, such requirements are deemed reasonable, necessary and relevant to the development to be permitted in accordance with the CIL regulations. Subject to these being secured by way of planning obligation / agreement, the scheme is found to be acceptable in highways terms.

### **Impact on Protected Species**

The application is accompanied by an ecological assessment.

The Council's Nature Conservation advises that the habitats on site are of low value and do not present a significant constraint upon development. The development proposals may still result in an overall loss of biodiversity due to the loss of poor semi-improved grassland habitats. As such, the applicant has been recommended to undertake and submit an assessment of the residual ecological impacts of the proposed development using the Defra 'metric' methodology.

An assessment of this type would both quantify the residual ecological impacts of the development and calculate in 'units' the level of financial contribution which would be required to 'offset' the impacts of the development. This would enable the total ecological

impacts of the development to be fully addressed in a robust and objective manner. Any commuted sum provided would be used to fund habitat creation/enhancement works locally. The end result of this process is a development proposal that can be confidently assessed as being truly 'sustainable' in terms of ecology. It is recommended that authority be delegated to the Planning and Place Shaping Manager to agree the sum of the contribution.

The site also exhibits features that are considered as Biodiversity Action Plan Priority habitats and hence a material consideration. These include hedgerows and breeding birds. The Council's Nature Conservation Officer has recommended conditions requiring a breeding bird survey to be carried out and submission of a scheme for the incorporation of features into suitable for use by breeding birds. Subject to these being implemented, the requirements of the National Planning Policy Framework and the EC Habitats Directive are satisfied.

### **Flooding and Drainage**

A Flood Risk Assessment has been carried out to determine the impact of the proposed development on flooding. In accordance with the National Planning Policy Framework and local policy, the FRA has considered the impact on the surface water regime in the area should development occur.

United Utilities have considered the report and raised no objections subject to the imposition of appropriate planning conditions. However, the Environment Agency has still not commented. When comments are received, these will be reported to Members by way of a written update.

### **Provision of Affordable Housing**

The proposed development will provide 24 affordable units (16 social/affordable rent and 8 for intermediate tenure) within the proposed 80. This provision accords with the Interim Affordable Housing Statement requirements that developments of this scale should provide a minimum of 30% affordable housing within the scheme and of which 65% should be social rented and 35% should be intermediate tenure. The applicant suggests that the majority of the affordable homes will be provided as 2 & 3 bed properties, but 4 bed properties could also be made available if there is demand for them and this is acceptable for the type of affordable housing to be provided.

The applicant (Persimmon Homes) also states that they will make their own shared equity product available at Middlewich Road, whereby they will sell properties as shared equity at 80% of market value. Whilst these properties will offer help to people who cannot buy at the full open market value, they should not be counted towards the planning obligation requirement for 30% affordable housing as they do not meet the requirements of the Council's 'IPS: Affordable Housing' or the definition of affordable housing in the glossary of the National Planning Policy Framework. As such, the intermediate housing should be provided and transferred to a RSL.

### **Education**

The provision of 80 houses will generate 14 primary and 10 secondary aged pupils. However, the Council's Education Department have confirmed that demand can be catered for by the existing local primary and secondary schools. As such, no mitigation or financial contributions are required.

### **Archaeology**

The application is supported by an archaeological desk-based assessment. This study has examined data held in the Cheshire Historic Environment Record, aerial photographs, historic mapping, and various secondary sources and presents a thorough summary of the site's history and archaeological potential. It concludes that this potential is limited and related to the possible line of a Roman road, following the approximate line of the modern Middlewich Road, and the proximity of Cotton Hall. The hall is included in the Cheshire Historic Environment Record (CHER 1072), where it is noted that structural elements of the building appear to date from the 14<sup>th</sup> century. Documentary evidence suggests that there may have been more extensive medieval settlement in the vicinity of the hall.

The Cheshire Shared Services Archaeologist has advised that this limited archaeological potential is not sufficient to justify an objection to the development on archaeological grounds or to generate a requirement for any further predetermination work. However, it would be reasonable and necessary to secure a programme of archaeological works by condition.

### **Other Issues Raised by Representation**

The issues relating to covenants and deeds raised by objectors are a civil matter and are not therefore a material planning consideration.

The loss of the equestrian facility is not a matter which would preclude the approval of this development.

For the avoidance of doubt, the application site is located in the Open Countryside and is not designated as Green Belt as stated by objectors.

## **10. REASONS FOR APPROVAL**

It is acknowledged that the Council does not currently have a five-year housing land supply and that, accordingly, in the light of the advice contained in the National Planning Policy Framework, it should consider favourably suitable planning applications for housing.

In terms of sustainability, this proposal would satisfy the economic and social roles by providing for much needed housing adjoining to an existing settlement where there is existing infrastructure and amenities. With respect to fulfilling the environmental role, this proposal will safeguard the natural, built and historic environment.

The boost to housing supply is considered to be an important benefit – and this application achieves this in the context of a deliverable, sustainable housing land release. A suitable layout has been tabled which demonstrates how the provision of 80 units and public open

space could be delivered on the site whilst respecting distances with boundary hedges, trees, adjoining properties and the adjacent grade II\* listed Cotton Hall.

The proposal will not have a significant impact on the landscape character of the area and will represent a rounding off of the settlement without resulting in an intrusion into the open countryside.

Whilst the proposal will result in the loss of some grade 3a agricultural land, it is considered that the benefits of the delivering the site for much needed housing would outweigh this loss, given that the site does not offer a significant quality of land. Recent appeals have also supported this interpretation.

Subject to the required Section 106 package, the proposed development would provide adequate public open space, the necessary affordable housing requirements and monies towards highway and pedestrian improvements.

Notwithstanding flooding and drainage considerations (which will be reported by way of an update), the proposal is considered to be acceptable in terms of its impact upon ecology and archaeology. It therefore complies with the relevant local plan policy requirements and accordingly is recommended for approval.

## **11. RECOMMENDATION**

**APPROVE subject to completion of Section 106 legal agreement to secure the following:-**

- **30% affordable housing (24no. units), split on the basis of 65% social rent and 35% intermediate tenure as per the requirements of the interim planning statement.**
- **Provision for a management company to maintain the on-site Amenity Space and LEAP**
- **£100,000 Highways contributions towards traffic management in Holmes Chapel and Provision of Toucan Pelican Crossing on Middlewich Road**
- **Provision of Bus Stop/s on Middlewich Road**
- **Commuted Sum towards ecological offsetting to be agreed**

**And the following conditions**

- 1. Standard Outline Time limit – 3 years**
- 1. Submission of Reserved Matters**
- 2. Amended / Approved Plans**
- 3. Submission of an Environmental Management Plan**
- 4. Hours of construction to be limited**
- 5. Details of pile driving operations to be limited**
- 6. Submission of details of bin storage**
- 7. Details of drainage (SUDS) to be submitted**
- 8. Scheme to limit surface water runoff and overland flow**
- 9. Only foul drainage to be connected to sewer**

- 10. Retention of important trees**
- 11. Tree and hedgerow protection measures**
- 12. Arboricultural Specification/Method statement**
- 13. Landscape scheme to include replacement native hedgerow planting and boundary treatments**
- 14. Implementation of landscaping scheme**
- 15. Timing of the works and details of mitigation measures to ensure that the development would not have a detrimental impact upon breeding birds.**
- 16. Jodrell Bank Electromagnetic screening measures**
- 17. Implementation of a programme of archaeological work in accordance with a written scheme of investigation to be submitted**

**In the event of any changes being needed to the wording of the committee's decision (such as to delete, vary or add additional conditions / informatives / planning obligations or reasons for approval / refusal) prior to the decision being issued, the Development Management and Building Control Manager, in consultation with the Chair of the Strategic Planning Board is delegated the authority to do so, provided that he does not exceed the substantive nature of the Committee's decision.**

