

Application No: 14/0132C

Location: SALTERSFORD FARM, MACCLESFIELD ROAD, HOLMES CHAPEL,
CW4 8AL

Proposal: Development of residential scheme comprising up to 100 dwellings,
amenity areas, landscaping and associated infrastructure

Applicant: Russell Homes (UK) Limited, G.J & M.J P

Expiry Date: 04-Jun-2014

SUMMARY RECOMMENDATION

REFUSE

MAIN ISSUES

Impact of the development on:

Planning Policy and Housing Land Supply
Affordable Housing,
Highway Safety, Traffic Generation and off site impacts
Landscape Impact
Hedgerow and Tree Matters
Ecology
Urban Design
Amenity
Open Space
Drainage and Flooding
Sustainability
Education
Health

REASON FOR REFERRAL

The application has been referred to Strategic Planning Board because it is a large scale major development and a departure from the Development Plan.

1. DESCRIPTION OF SITE AND CONTEXT

The application site comprises an agricultural field of some 3.6 hectares located in a triangular shaped site which is sandwiched between Macclesfield Road to the south and east and the railway line to the north and west. The site is located within designated open countryside although it adjoins the settlement boundary. Manor Road is located opposite Macclesfield Road and the site is circa 700m to the east. The site is relatively flat but the site elevates in northerly direction as surrounding land falls away towards Twemlow.

A four arm roundabout is proposed as part of the access arrangements via Macclesfield Road/Manor Road and the site.

1. DETAILS OF PROPOSAL

Outline planning permission is sought for the erection of up to 100 dwellings with open space and associated infrastructure. A four arm roundabout is proposed at the junction of Macclesfield Road, the site and Manor Lane. Approval is also sought for the means of access. All other matters, including appearance, landscaping, layout and scale are reserved for a subsequent application.

2. RELEVANT HISTORY

None of relevance

3. POLICIES

National Policy

National Planning Policy Framework

Local Plan policy

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan for Cheshire East currently comprises the saved policies from the Congleton Borough (January 2005), Crewe and Nantwich (February 2005) and Macclesfield Local Plans (January 2004).

Policies in the Local Plan

| | |
|---------|--|
| PS3 | Settlement Hierarchy |
| PS6 | Settlements in Open Countryside |
| PS8 | Open Countryside |
| GR1 | New Development |
| GR2 | Design |
| GR3 | Residential Developments of More than 10 Dwellings |
| GR4 | Landscaping |
| GR6&7 | Amenity & Health |
| GR9 | Accessibility, servicing and parking provision |
| GR10 | Managing Travel Needs |
| GR18 | Traffic Generation |
| GR19 | Infrastructure |
| GR20 | Public Utilities |
| GR21 | Flood Prevention |
| GR22 | Open Space Provision |
| GR23 | Provision of Services and Facilities |
| H1 & H2 | Provision of New Housing Development |
| H6 | Residential Development in the Open Countryside |
| H14 | Affordable Housing in Rural Parishes |

| | |
|-----|---|
| NR1 | Trees & Woodland |
| NR4 | Nature Conservation (Non Statutory Sites) |
| NR5 | Maximising opportunities to enhance nature conservation |

National Policy

National Planning Policy Framework

Other Material Policy Considerations

| | |
|------|---|
| SPG1 | Provision of Public Open Space in New Residential Developments |
| SPG2 | Provision of Private Open Space in New Residential Developments |
| SPD4 | Sustainable Development |
| SPD6 | Affordable Housing and Mixed Communities |

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

Cheshire East SHLAA

Cheshire East Local Plan Strategy – Submission Version

Cheshire East Local Plan Strategy – Submission Version

Paragraph 216 of the National Planning Policy Framework (NPPF) states that, Unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process.

At its meeting on the 28th February 2014, the Council resolved to approve the *Cheshire East Local Plan Strategy – Submission Version* for publication and submission to the Secretary of State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

Cheshire East Local Plan Strategy – Submission Version

PG2 – Settlement Hierarchy
PG5 - Open Countryside
PG6 – Spatial Distribution of Development
SC3 – Health and Wellbeing
SC4 – Residential Mix
SC5 – Affordable Homes
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE1 - Design
SE2 - Efficient Use of Land
SE3 – Biodiversity and Geodiversity
SE4 - The Landscape
SE5 – Trees, Hedgerows and Woodland
SE9 –Energy Efficient Development
IN1 - Infrastructure
IN2 – Developer Contributions

4. CONSULTATIONS (External to Planning)

Environment Agency: no objection subject to conditions to address the following:

The discharge of surface water from the proposed development is to mimic that which discharges from the existing site. If surface water is to be disposed of via watercourse, and a single rate of discharge is proposed, this is to be the mean annual runoff (Q_{bar}) from the existing undeveloped greenfield site. For discharges above the allowable rate, attenuation will be required for up to the 1% annual probability event, including allowances for climate change.

The discharge of surface water should, wherever practicable, be by Sustainable Drainage Systems (SuDS). SuDS, in the form of grassy swales, detention ponds, soakaways, permeable paving etc., can help to remove the harmful contaminants found in surface water and can help to reduce the discharge rate.

United Utilities: No objection to the proposal providing that the following conditions are met:-

The discharge of surface water from the proposed development is to mimic that which discharges from the existing site. If surface water is to be disposed of via watercourse, and a single rate of discharge is proposed, this is to be the mean annual runoff (Q_{bar}) from the existing undeveloped greenfield site. For discharges above the allowable rate, attenuation will be required for up to the 1% annual probability event, including allowances for climate change.

The discharge of surface water should, wherever practicable, be by Sustainable Drainage Systems (SuDS). SuDS, in the form of grassy swales, detention ponds, soakaways, permeable paving etc., can help to remove the harmful contaminants found in surface water and can help to reduce the discharge rate.

Strategic Highways Manager: No objection Subject to a s278 agreement for the delivery of a new roundabout junction at Manor Lane/Macclesfield Road incorporating a site access with a toucan crossing.

Environmental Health: Suggest Conditions suggested in relation to hours of operation, environmental management plan, external lighting, noise mitigation measures to protect future residents from railway/road traffic noise), travel plan, dust control and contaminated land (phase I report).

PROW Improvement Team: The Illustrative Site Layout indicates a proposed 'green route' link to Macclesfield Road. This would be the main trajectory for cyclists as well as pedestrians accessing the site from the facilities of Holmes Chapel and should be designed to accommodate both categories of user. That said, it is anticipated that the location of this link onto the highway network would make it difficult for users to cross the A536 due to the volume of traffic, increased as a result of the proposed development, the limited visibility due to the corner and railway line and the junction with Manor Lane. The need for a crossing facility for non-motorised users should be assessed.

Education:. This development will yield 18 Primary and 13 Secondary aged pupils. Based on the October 2013 school Census forecasts the 3 primary schools within the 2 mile radius (Goostrey, Hermitage and Holmes Chapel) are expected to have a surplus of 36 places across all year groups by 2019, and the secondary, Holmes Chapel comprehensive, is expected to have 96 surplus places across years 7-11.

There is one development already approved in this area which impacts on these same schools, Sanofi Aventis, but the expected yield pupil yields from this development are already included in the 2013 forecasts , and therefore the surplus mentioned above takes these pupils in to account.

Based on the information available the Education Department do not seek a contribution from the developer as indications are that the schools can accommodate the expected pupils associated with the proposal

National Health Service England : Formal Comments awaited

Jodrell Bank : No Objection subject to the use of electromagnetic insulation within new properties

Public Open Space and Childrens Play Space:

Following an assessment of the existing provision of Amenity Greenspace accessible to the proposed development, if the development were to be granted planning permission there would be a deficit in the quantity of provision, having regard to the local standards set out in the Council's Open Space Study. A LEAP comprising 8 pieces of equipment would be required.

Strategic Housing Manager: Objection on the basis that the 50% : 50% split of the affordable units as applied for does not comply with the Council's IPS on Affordable housing which requires a 65% : 35% split

Network Rail: No objection subject to the developer contacting the Asset Protection Team regarding working next to railway.

Sustrans: If this land use is considered appropriate, and is approved by the council's planning committee, our comments are as follows:

- 1) This site, whilst close to the town centre, is bounded by the Crewe - Manchester railway line and the A535. Therefore promoting walking and cycling as recommended in the National Planning Policy Framework (NPPF) clause 35 will only be achieved with some significant traffic management measures on the A535 to make the road corridor more suitable for walking, cycling, and to promote a safe crossing into Manor Lane for the station.
- 2) Within the site itself the design of the roads should restrict vehicle speeds to less than 20mph.
- 3) The design of any smaller properties without garages should include storage areas for residents' bikes/buggies.
- 4) We would like to see travel planning set up for the site with targets, monitoring and a sense of purpose (NPPF, clause 36).

5. VIEWS OF THE PARISH COUNCIL

Holmes Chapel Parish Council - Objection on the following grounds:

Under CEC's SHLAA this land is classed as 'not currently developable' (no 2710).

This application is contrary to the National Planning Policy Framework and there are already sufficient planning permissions within Holmes Chapel to meet housing need.

This Greenfield site is outside the settlement zone being far from the village centre.

The application will have a negative impact on local infra structure.

There are serious highway safety issues along this stretch of road with vehicular access problems.

Twemlow Parish Council: Objection on grounds -

Contrary to National Planning Policy Framework;

Does not comply with the Local Plan First Review 2005 (CBC plan is still existing until superseded);

Outside the settlement zone boundary for Holmes Chapel and within the open countryside (PS8);

A green field site - there are brownfield sites available in Holmes Chapel to meet housing needs;

No special HC rural area reasons although close to Twemlow boundary;

Would remove good agricultural land from use.

Have serious effects on local infrastructure.

Highways concerning as there are serious access issues

Cheshire East has now approved the 5 year housing supply with a buffer, subject the final consultation and approval from the inspectorate. This land is NOT included as developable in the SHLAA.

6. OTHER REPRESENTATIONS

Circa 97 representations of objection have been received to the original and updated application raising the following points;

Principal of the development

- Loss of Greenfield land
- Loss of open countryside
- Contrary to the SHLAA
- The site is beyond the boundary for development in the village. By extending this boundary it will start the process of development on the eastern side of the railway.
- Contrary to the National Planning Policy Framework and there are already sufficient planning permissions within Holmes Chapel to meet housing need - fewer than 25% of the 224 homes currently built/under construction have been sold. Holmes chapel now sits within a new 5 year plan, and has already committed to its 'share' of housing. each area needs to be considered within the whole plan, not its individual boundary.

Highways

- Increased traffic congestion
- Highway safety – this stretch of Macclesfield Road is dangerous

Infrastructure

- Existing schools are full
- Doctors and local dentists are full

• Ecology

- Impact upon protected species
- Loss of habitat
- Impact upon wildlife - there are little owls, tawny owls and even ravens at Saltersford

Amenity

- The development would have a negative impact on the quality of life of the existing populations
- Overlooking from new houses to existing houses
- Disruption during construction

Other issues

- No demand for new houses

- Affordable housing for local needs catered for by committed developments
- The sustainability credentials are over stated
- Increased flooding from the site

Holmes Chapel Health Centre states that it is the only GP Practice in the Holmes Chapel area. They have some concerns that their current premises / facilities will not be able to cope adequately with the increase in population that they are seeing in the Holmes Chapel area, i.e. housing developments already approved.

Accordingly the Health Centre have reservations regarding any further housing developments of significant size, such as this proposal. Provision needs to be first put in place to develop the Health Centre so that it can cope with the future needs of the local area.

7. APPLICANT'S SUPPORTING INFORMATION

To support this application the application includes the following documents;

- Supporting Planning Statement
- Design and Access Statement
- Statement of Community Involvement
- Ecological Assessment
- Flood Risk Assessment
- Phase 1 Contamination Assessment
- Air Quality Assessment
- Landscape and Visual Assessment
- Hedgerow Assessment
- Transport Assessment

All of these documents are available in full on the planning file, and on the Council's website. In précis the applicant considers that the development is a sustainable form of development and that the Council cannot demonstrate a 5 year supply and that Para 14 of the NPPF is engaged, ie favourable consideration should be given to the proposal.

9. OFFICER APPRAISAL

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 planning policy and housing land supply, open countryside, affordable housing, highway safety and traffic generation, contaminated land, air quality, noise impact, landscape impact, hedge and tree matters, ecology, amenity, open space, drainage and flooding, sustainability and education and health provision.

Principle of Development.

The site lies in the Open Countryside as designated in the Congleton Borough Local Plan First Review, where policies H6 and PS8, and PG5 within the Submission Version of the Local Plan Strategy state that, inter alia, only development which is essential for the purposes of agriculture,

forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.

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

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

Housing Land Supply

The National Planning Policy Framework (NPPF) confirms at paragraph 47 the requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

"identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land".

The NPPF clearly states at paragraph 49 that:

"housing applications should be considered in the context of the presumption in favour of sustainable development. 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."

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means:

*"where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
specific policies in the Framework indicate development should be restricted."*

Appeal decisions in October 2013 concluded that the Council could not conclusively demonstrate a five year supply of deliverable housing land. This was founded on information with a base date of 31 March 2012 selectively updated to 31 March 2013.

In response, in February 2014 The Council published a 5 Year Supply Position Statement which seeks to bring evidence up to date to 31 December 2013. The approach taken to the Statement has been informed by policy requirements and by consultation with the Housing Market Partnership.

The Position Statement set out that the Borough's five year housing land requirement as 8,311. This was calculated using the 'Sedgefield' method of apportioning the past shortfall in housing supply across the first five years. It included a 5% buffer, which was considered appropriate in light of the Borough's past housing delivery performance and the historic imposition of a moratorium.

A standard formula of build rates and lead-in times was applied to most housing sites, unless more detailed site-specific information is available. Those considered deliverable within the five year supply were 'sense-checked' and assumptions altered to reflect the circumstances of the particular site. The Criticisms made of the yields from certain sites in the recent appeals, particularly those in the merging Local Plan, were also been taken on board.

Sources of supply included sites under construction; sites with full and outline planning permission; sites awaiting Section 106 Agreements; selected Strategic Sites which are included in the emerging Local Plan; sites in adopted Local Plans; and small sites. This approach accorded with the National Planning Policy Framework, existing guidance and the emerging National Planning Policy Guidance at that time.

A discount was been applied to small sites, and a windfall allowance included reflecting the applications which will come forward for delivery of small sites in years four and five.

A number of sites without planning permission were identified and could contribute to the supply if required. However, these sites were not relied upon for the five year supply.

The current deliverable supply of housing was therefore assessed as being some 9,757 homes. With a total annual requirement of 1,662 based on the 'Sedgefield' methodology and a 5% 'buffer' the Five Year Housing Land Supply Position Statement demonstrated that the Council has a 5.87 year housing land supply. If a 20% 'buffer' was applied, this reduced to 5.14 years supply.

Notwithstanding this, however, the recent appeal at Elworth Hall Farm, Sandbach (11 April 2014) determined that the Council had still not evidenced sufficiently the 5 year supply position, although the Inspector declined to indicate what he actually considered the actual supply figure to be.

Members should note, however, that the Elworth Hall Farm inquiry took place shortly after the publication of the Position Statement with only very limited time available to evidence the case. Since that time, the housing figures have been continuously refined as part of the preparation of evidence for further public inquiries which have taken place during March and April 2014 and are scheduled to take place within the coming months and against the RSS target, Cheshire East Council can now demonstrate a 5.94 year housing land supply with a 5% buffer or 5.2 year housing land supply with a 20% buffer.

Following the release of the Planning Practice Guidance (PPG), which now proposes that Council's include development which falls into the C2 Use Class category (i.e. care homes, halls of residence etc.) when considering housing land supply figures, the requirement provisionally drops to 6,496 (due to increased delivery in previous years) and the supply is elevated to 10,514. This equates to 8.09 years supply.

At the time of the Elworth Hall Farm inquiry the PPG was only in draft form, and although the Inspector gave consideration to the potential contribution of C2 accommodation to supply, the full implications of its inclusion were not known at that stage. The Inspector considered that the Council had a record of under-delivery and expressed the view that a 20% buffer would be appropriate. However, the inclusion of the C2 consents takes away the suggestion of persistent under supply.

The Elworth Hall Farm inspector also criticised assumptions which the Council had made around build rates and lead in times, which he considered to be overly optimistic. In response Officers have been reworking the supply figures using longer lead in times, and on build rates which do not assume that on large sites there will be two or more developers except where there is the actual site specific evidence. Whilst this clearly reduces the overall supply, this is balanced out by the inclusion of the C2 permissions, and (subject to confirmation) the most recent figures still indicate that the Council can demonstrate a 5 year supply of housing land.

In the light of the above the Council considers that the objective of the framework to significantly boost the supply of housing is currently being met and accordingly there is no justification for a departure from Local Plan policies and policies within the Framework relating to housing land supply, settlement zone lines and open countryside in this area.

Additionally, the adverse impacts in terms of conflict of this proposal with the emerging draft Local Plan of releasing this site for housing development would, in the planning balance, outweigh the benefits of the proposal in terms of housing land supply, since the site is not relied upon with the emerging Core Strategy or the Assessed Housing land supply.

Therefore, the site is not required for the 5 year housing land supply plus buffer.

Open Countryside Policy

As well as assessing housing supply, the recent Appeal decisions at Sandbach Road North Congleton Road Sandbach, the Moorings/Goldfinch Close in Congleton and Crewe Road, Gresty Green are also significant for clarifying the status and intent of settlement zone line and countryside policies within the existing Plan.

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 the recent appeals in Cheshire East (mentioned above) have generally taken a different approach.

The recent appeal decisions consider this matter in some detail. It was noted by Inspectors decisions” that the 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 were acknowledged.

This means that these policies remain important in the planning balance – but are not necessarily determinative. The two decisions (Congleton Road and Sandbach Road North) 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 that occasion that identified harm, combined with the significant weight attributed to countryside policies, outweighed the benefits in terms of housing supply and notwithstanding the housing supply position previously identified by Inspector Major, the appeal was dismissed.

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”.

It is acknowledged that the Council has recently consented to judgement in a High Court challenge to the Sandbach Road decision and that accordingly that decision has been quashed on the grounds that the Inspector erred in law in concluded that Policies PS4, PS8 and H6 were not a relevant policy for the supply of housing within the meaning of paragraph 49 of the national Planning Policy framework to the extent that it seeks to restrict the supply of housing. This is consistent with other recent court cases such as *South Northamptonshire v Secretary of State for Communities and Local Government and Barwood Land*.

Whilst the implications of this judgement are still being considered, the Council’s current stance on this matter, as put at recent inquiries, such as Weston Lane, Shavington is that, countryside policies in existing local plans can be considered as consistent with NPPF and are not housing land supply policies in so far as their primary purpose is to protect the intrinsic value of the countryside in accordance with paragraph 17 of the NPPF– and thus are not of date, even if a 5 year supply is not in evidence. However, it is acknowledged that where the Council cannot demonstrate a 5 year supply, they may be out of date in terms of their geographical extent, in that the effect of such policies is to restrict the supply of housing. They accordingly need to be played into the planning balance when decisions are made. Where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply.

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

Loss of Agricultural Land

It is noted that Policy NR8 (Agricultural Land) of the Congleton Borough Local Plan has not been saved. Policy SE2 of the Submission Version of the Local Plan concerns the efficient use of land and states that development should safeguard natural resources including agricultural land.

In addition, the National Planning Policy Framework, states that:

“where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality”.

The National Planning Policy Framework highlights that the use agricultural 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.

The applicant has submitted an agricultural land classification study which concludes that is an area of Grade 3a land. They have stated the farmer who utilises the site has extensive land holdings in the area and the loss of this site will not effect the functioning of the farming activity.

Previous appeal decisions make it clear that in situations where authorities have been unable to demonstrate a 5 year supply of housing, the need for housing land outweighs the loss of agricultural land. However, given that Cheshire East has a greater than 5 year supply of housing, it is considered that this argument does not apply and that the loss of the best and most versatile Grade 3a agricultural land makes the scheme less sustainable since it results in a loss of such land in the open countryside when there is no necessity to do so in housing land supply terms. The proposal is therefore considered to be contrary to policy SE2 of the and the provisions of the NPPF in respect of loss of agricultural land.

Affordable Housing

The Councils Interim Planning Statement for Affordable Housing states that the Council will seek affordable housing on all sites with 15 units or more, and the general minimum proportion of affordable housing for any site will be 30% of the total units.

The Affordable Housing Statement submitted in support of this application states that the developer will provide the requisite 30% affordable housing on site, however, the percentage split is 50:50 intermediate/affordable rented.

This is not acceptable to the Strategic Housing Manager. The IPS outlines that in order to ensure full integration with open-market homes the affordable units should not be segregated in discrete or peripheral areas and therefore should be pepper-potted within the development. The external design, comprising elevation, detail and materials should be compatible with open-market homes on the development and also that the affordable housing should be provided no later than occupation of 50% of the open market dwellings. Furthermore the affordable homes should be constructed in accordance with Homes and Communities Agency

Design and Quality Standards (2007) and should achieve at least Level 3 of the Code for Sustainable Homes (2007).

The IPS states that: -

“The Council will require any provision of affordable housing and/or any control of occupancy in accordance with this statement to be secured by means of planning obligations pursuant to S106 of the Town and County Planning Act 1990 (as amended) .

The IPS goes on to state: -

“In all cases where a Registered Social Landlord is to be involved in the provision of any element of affordable housing, then the Council will require that the Agreement contains an obligation that such housing is transferred to and managed by an RSL as set out in the Housing Act 1996.

Therefore it is preference of the Strategic Housing Manager that the affordable housing is secured by way of a S106 agreement, which secures: -

- 30% of the total dwellings to be provided as affordable housing
- 65% of the affordable dwellings to be affordable or social rented, 35% to be intermediate
- provide details of when the affordable housing is required
- includes provisions that require the affordable homes to be let or sold to people who are in housing need and have a local connection. The local connection criteria used in the agreement should match the Councils allocations policy.
- includes the requirement for an affordable housing scheme to be submitted at Reserved Matters application stage that includes full details of the affordable housing on site including location, type and size
- requires them to transfer any rented affordable units to a Registered Provider
- requires the affordable units to be constructed to HCA Design and Quality Standards (2007) and Level 3 of the Code for Sustainable Homes (2007).

The applicant has been advised of this but has declined to change the detail of the application. However, it is considered that the Heads of Terms as required by the Strategic Housing Manager are fair, reasonable and in accordance with the adopted policy of the Council. All matters which carry considerable weight

Rather than this be a reason to refuse the application, however, it is recommended that for the purposes of any appeal that the Heads of terms as required by the Strategic Housing Manager be incorporated into any S106 agreement rather than those put forward by the Applicant.

Sustainability

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

The National Planning Policy Framework definition of sustainable development is:

“Sustainable means ensuring that better lives for ourselves don’t mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment”

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

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

The 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:

- Primary School Hermitage Primary 640m
- Bus stop corner Sandiford Rd 640m
- Railway Station 900m
- Public House 900m
- Tumble Tots Manor Lane 650m
- Barclays Bank 750m

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:

- Local shop – Sainsbury Local 800m
- medical centre – Holmes Chapel Medical Centre 1120m
- Leisure facilities Holmes Chapel Library 1120m
- Lloyds pharmacy -1120m

In summary, whilst the site does not comply with all of the standards advised by the NWDA toolkit, as stated previously, these are just guidelines and are not part of the development plan. Owing to its position on the edge of Holmes Chapel, there are some amenities that are not within the ideal standards set within the toolkit and will not be as close to the development as existing dwellings which are more centrally positioned.

Nevertheless this is not untypical for suburban dwellings and will be the same distances for the residential development in the vicinity of the application site. However, the majority of the services and amenities listed are accommodated within Holmes Chapel and are accessible to the proposed development on foot or via a short bus journey. Accordingly, it is considered that this is a locationally sustainable site.

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. The proposal would also generate Government funding through the New Homes bonus.

There are, however, three dimensions to sustainable development:- economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

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

Environmental role

The site is a greenfield site and therefore not the first priority for development. The site is within walking distance along level terrain, or a short bus journey from the town centre, a matter previously accepted by the Planning Inspector. This centre offers a wide range of essential facilities and means that occupiers of the development will have a choice of means of transport.

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

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

Economic Role

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

Paragraph 19 states that:

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

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

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

Specifically, in relation to the rural economy the Framework identifies that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

‘support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings’

The economic benefits of the development need to be balanced against the impact upon the open countryside and the loss of agricultural land.

In addition, the proposed development will help to maintain a flexible and responsive supply of land for housing, business and community uses as well as bringing direct and indirect economic benefits to the town including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain. The proposal will also deliver economic benefit in the form of the New Homes Bonus, additional Council Tax revenue, all of which is a material consideration.

Similarly, the NPPF makes it clear that:

“the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.”

According to paragraphs 19 to 21:

“Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century. Investment in business should not be overburdened by the combined requirements of planning policy expectations.”

Social Role

The final dimension to sustainable development is its social role. In this regard, the proposal will provide up to 230 (150 above the existing approvals on site) new family homes, including 30% affordable homes, on site public open space and financial contributions towards education provision.

In summary, in terms of its location and accessibility the development does not meet all the criteria in terms of the Checklist. However, given the location of the site adjacent to the settlement, the failure is not. However, previous Inspectors have determined that 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, reducing energy consumption through sustainable design, and assisting economic growth and development, which this proposal will help to do.

To conclude, the benefits include the need to provide people with places to live and 30% affordable housing, which is in great need, the economic benefit of new residents and the New Homes Bonus, revenue in terms of Council Tax to the Council and more spending in the local economy and some social benefit in terms of the limited medical provision, however, these do not outweigh the harm to the local environment by virtue of the loss of the open countryside.

Landscape Impact

The site has no landscape designations however the Dane Valley ASCV boundary is on the eastern side of the A535 Macclesfield Road.

The mainline railway runs in a cutting along the western boundary of the roughly triangular site and the A535 Macclesfield Road runs around the eastern and southern boundaries.

To the west beyond the railway there is a visually prominent housing estate beyond the railway line and the Manor Lane industrial estate is visually conspicuous in the street scene to the south.

The area to the east and the south east of the site is more attractive and rural in character however, this landscape contains scattered dwellings and mature trees. There are no public footpaths on the site or in the vicinity but there is a bridleway to the south east of the site.

The site is in agricultural use with a fairly substantial house and mature gardens adjacent the main road. This dwelling is indicated as being retained with the proposed housing estate wrapping around the existing dwelling and its garden.

To the south of the dwelling the land is fairly flat and is in arable use. To the north of the house the land is used for grazing. Towards the northern tip the site becomes narrower and slopes quite steeply eastward down to the main road. There are groups of mature trees in proximity to the house, along the northeastern boundary and a few field trees close to the western boundary.

Housing development on this site would obviously change the character of the site itself but the Landscape Architect, given the context and the prominence of urban development adjacent to the site does not consider that the proposal would not have any significant impacts on the character of the wider landscape or have any significant adverse visual impacts.

The indicative layout indicates that the existing house would be retained and almost all of the mature trees would be retained mainly within areas of open space and along the north eastern boundary which is positive.

The application does not include a topographical survey or any proposed levels to indicate a cut and fill operation, however, the northern part of the site does have steep gradient, meaning that the indicative layout towards the northern end of the site could realistically accommodate the indicated dwellings. The application is however in outline and the mix of smaller units could be increased to address this at a reserved matters stage.

The noise report indicates that acoustic fencing and/or earth mounds 2.5m to 3.0 m high would be required along the western boundary with the railway and that acoustic fencing up to 2.5 m high would be necessary along the north eastern boundary where gardens are adjacent to the main road. Ideally, any acoustic fencing along the NE boundary should be located on the inner side of a native boundary hedge in order to retain the rural character of this stretch of road adjacent to the ASCV. Any acoustic fencing along the western boundary that is not in rear gardens should also be screened and softened with trees and shrubs. This would be a reserved matter detail.

Overall, the Landscape Architect considers that landscape conditions in respect of the following matters would safeguard the Dane Valley ASLV

- Mature trees to be retained and protected
- Existing and proposed levels
- Landscape Scheme
- Full hard and soft details
- Boundary treatments (including acoustic fencing)
- Landscape Implementation & 5 year replacement
- Landscape Management Plan. This document should form part of a s106 agreement in order to secure appropriate on-going management and public access to Open Space in perpetuity.

Design

The application is outline form with details of scale, layout, appearance and landscaping to be determined at a later date. In support of this planning application, a Design and Access Statement has been provided. An indicative layout has been provided with circa 95 individual units indicated in cul de sacs accessed off a single central road/access drives.

The importance of securing high quality design is specified within the NPPF and paragraph 61 states that:

“Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”

The landscape of the area is considered to be the priority consideration in the overall design of this site. The site levels elevate in a northerly direction and there are a number of mature and attractive trees within the site and to its periphery. Hedgerows also predominate. Two areas of open space are provided indicatively which could be enhanced in the end layout to address other issues such as ecology.

Although matters of detail are reserved, in principle, it is considered that an appropriate design and layout can be achieved whilst ensuring that the landscape is the primary influence. Whilst the indicative layout may only indicate 95 units, the application has been submitted described as ‘up to 100’ - the mix is not known. Overall 100 units with a mix of smaller units could be realistically accommodated on this site.

Highways Implications - Safety

This application was originally submitted with an access on the bend in the Macclesfield Road. The Strategic Highways Manager objected to such provision in safety terms and the Application sought to address this objection by amending the access point to be the proposed four arm roundabout at the junction of Macclesfield Road and Manor Lane.

The provision of such a roundabout will provide access to the site within the existing developed area of Holmes Chapel and would fall within the 30mph zone which is currently being extended. A roundabout at this location would also better accommodate existing traffic than the existing priority junction.

The Personal Injury Accident data review of the existing Manor Lane/Macclesfield Road junction undertaken as part of the TA indicates three accidents at the existing junction, including a

serious accident, in the five-year period to February 2013. The serious accident involved a right-turn out of the junction from Manor Lane and a roundabout arrangement would prevent this type of accident, as right-turns are not possible. In order to ensure that the likelihood of accidents is considered within the new design, a Stage 1 Road Safety Audit (RSA) was requested by the SHTM and was subsequently prepared by an independent Road Safety Auditor.

The Applicant's Transport Consultant produced a Technical Note comprising their Designer's Response to the RSA, which either accepts or partially accepts the findings of the Audit. The SHTM is satisfied that the issues raised in the RSA are of a nature that can be addressed at the detailed design stage as part of a s.278 process if permission were to be granted.

The Designer's Response contains amended junction layouts showing potential active speed reduction signage, a signalised Toucan crossing, and a shared footway/cycleway and these elements will be considered during the detailed design stage. A Stage 2 RSA will be required as part of the detailed design process. A condition requiring the Toucan Crossing is recommended.

Traffic Generation

The TA suggests that the site would generate in the order of 58 two-way vehicle movements during each peak hour. Arcady junction capacity modelling was undertaken on the layout by Axis, and indicates that the junction would operate well within capacity with the proposed development traffic and committed development traffic included.

It is considered that any off-site impact caused by the traffic generated by the site will be offset by the benefit to the network of the upgrading at the Manor Lane/Macclesfield Road junction as part of the site access arrangement. Therefore, no contributions towards off-site highway improvements have been sought, subject to the delivery of a roundabout site access junction under a s.278 agreement.

A critical design issue at the proposed roundabout will be the need to accommodate abnormal loads. The Manor Lane/Macclesfield Road junction currently forms part of an Abnormal Loads Route from Holmes Chapel town centre. The preliminary design received has scope to accommodate abnormal loads and is therefore broadly acceptable in principle to the Strategic Highways Manager; however, the assessment of abnormal loads access will form a key consideration during the detailed design stage, if permission were to be granted.

For example, elements of the final design such as the diameter, height and positioning of the central island and kerbs, and the locations of lighting will need to conform to the need for abnormal load access. All these matters would be dealt with under S278 of the Highways Act.

Sustainable Transport

The TA produced by Axis suggests that the site is located so as to be accessible to local services within an acceptable walking distance of 1.2km, and to a range of surrounding built up areas within a 5km cycle distance. While these are standard distances referred to in respect of accessibility, the SHTM notes that services accessible on foot are at the upper end of these distances and that existing local cycle infrastructure is limited. Therefore, high-quality pedestrian and cycle connections into the site have been sought as part of the site access arrangement.

The junction layout shows a combined footway/cycleway leading into the site, connecting to a signal-controlled Toucan crossing on the western junction arm and an additional

footway/cycleway on the south-western corner of the junction. The provision of this facility is considered to provide a reasonable level of provision to make walking and cycling a realistic option for accessing the site, and therefore this must be included as part of the s.278 works at Manor Lane/Macclesfield Road.

In respect of public transport, an hourly "hail and ride" service operates on Macclesfield Road, calling approximately 450m from the site centre, which is outside the recommended 400m walk, while Holmes Chapel Railway Station is approximately 900m from the site centre. Although local public transport provision could be improved, there is evidence of viable existing public transport provision within a reasonable distance of the site.

As the agreed site access would be a benefit to the local highway network, it is considered that any additional contributions towards public transport improvements would not be proportionate with the scale of the development as part of this particular planning application.

Amenity

The Environmental Health Officer has requested a condition in relation to noise during construction, pile driving and contaminated land. In terms of Air Quality, conditions concerning electric vehicle charging and travel planning are requested. These conditions could be attached if planning permission were approved.

The Congleton Borough Council Supplementary Planning Document, Private Open Space in New Residential Developments, requires a distance of 21m between principal windows and 13m between a principal window and a flank elevation to maintain an adequate standard of privacy and amenity between residential properties.

The layout and design of the site are reserved matters. However, given the size of the site the indicative layout demonstrates that up to 100 units could reasonably be accommodated on the site given the appropriate mix of flats and smaller units within the overall scheme, whilst maintaining these minimum distances between existing and proposed dwellings and the open spaces

The SPD also requires a minimum private amenity space of 65sq.m for new family housing. This would be a matter of detail dealt with at reserved matter stage. It is therefore concluded that the proposed development could be accommodated in amenity terms and would comply with the requirements of Policy GR1 of the Local Plan.

Trees and Hedgerows

Para 118 of the NPPF states that veteran trees should be retained within development unless the need for, and benefits of the development in that location clearly outweigh the loss.

The application is supported by an Arboricultural Implication Assessment (Ref MG/4677/AIA/REV'A/APR14) dated March 2014 by TBA. The report indicates that the assessment has been carried out in accordance with the recommendations of British Standard BS5837:2012 Trees in relation to design, demolition and construction. The report has been carried out to assess the environmental and amenity values of all trees on or adjacent to the development area and the arboricultural implications of retaining trees with a satisfactory juxtaposition to the new development.

BS5837:2012 Trees in relation to design, demolition and Construction – Recommendations no longer refer to Arboricultural Implications Assessments, but to Arboricultural Impact Assessments (sub section 5.4 of the Standard). The assessment should evaluate the effects of the proposed design, including potentially damaging activities such as proposed excavations and changes in levels, positions of structures and roads etc in relation to retained trees. In this regard BS5837:2012 places greater robustness and level of confidence necessary to ensure the technical feasibility of the development in respect of the successful retention of trees.

The British Standard 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 submitted plans and particulars illustrate which trees are suggested for retention are cross referenced with their Root Protection Areas and respective Tree protection details onto the proposed Tree Removal Master Plan (Ref 4677.02). As a consequence it is possible to determine the direct or indirect impact of the proposed access and road layout on trees. The Council's Arborist is of the view that the submitted arboricultural detail does provide the level of detail required to adequately assess the impact of development on existing trees.

The submitted arboricultural impact assessment identifies a number of high value category A trees all of which can be retained in order facilitate the proposed access and the internal road network. RPA have been protected allowing the respective highway construction element to be implemented to an adoptable standard. This includes the section which extends through the existing onsite tennis court located to the east of the linear group of Oaks which form the central spine of the site, and a number of individual trees scattered throughout the site.

Those trees which form the boundary with the adjacent railways line cannot be considered as long-term features given the pruning regime implemented by Railtrack. The majority of the A category which form the Manchester Road boundary should be downgraded given their re-growth is formed as part of coppiced stools

Should this application proceed to reserved matters greater thought will have to be given the configuration of some of the plots which at present a less than desirable social proximity to retained trees.

However, the Arborist raises no objection to the scheme. It should be noted that the interior road layout is not formally submitted. Access into the site is applied for but this applies only to the access not the interior road layout. Otherwise, the Arborist would require more information give the proximity of the indicative road layout to high quality trees.

Ecology

With the exception of the hedgerows and mature trees on site, it is the Ecologists opinion that the site subject to this application is of relatively limited nature conservation value.

Hedgerows

Hedgerows are a Biodiversity Action Plan priority habitat and hence a material consideration. Based upon the submitted indicative plan most of the existing hedgerows on site are likely to be retained, there also appears to be opportunities for suitable replacement planting to be incorporated into the proposed layout to compensate for any hedgerows lost. The Hedgerow Assessment confirms that the Hedgerows are not historic.

Public Open Space -Amenity Greenspace (AGS)

Having calculated the existing amount of accessible AGS within 800m of the site and the existing number of houses which use it, 99 new dwellings (indicatively based on 238 persons) will generate a need for 2,380 sq m new AGS. This could be a condition attached to any permission.

It should be noted that as this is an outline application persons are based on an average of 2.4 per dwelling, if the number of bedrooms change, new calculations would need to be made. It is understood that an amount of AGS is to be provided on site, however few details including size of area or landscaping are available as it is proposed that landscaping will be submitted in a reserved matters application.

There are existing hedgerows to the Northern Macclesfield Road to be retained along with additional proposed planting on the buffer zone adjacent to the railway line. These areas are outside of the adoptable area for the Council and if necessary consideration should be made to be transferred to a resident's management company or other competent body.

In accordance with policy, the Council could consider adopting the formally required area running through the spine of the site subject to detailed plans along with a commuted sum for maintenance which will be calculated at the reserved matters application.

Children and Young Persons Provision

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

Consequently there is a requirement for new Children and Young Persons provision to meet the future needs arising from the development and the developer is offering on site provision which is most welcomed.

The development is over 75 dwellings, in accordance with policy, one NEAP (Neighbourhood Equipped Area for Play) standard play area would be required.

This is additional space required to the AGS and should include at least 8 items of play equipment incorporating DDA inclusive equipment. Three separate play companies should be approached for designs. We would request that the final layout and choice of play equipment is agreed with CEC, the construction should be to EN Standards. Full plans must be submitted prior to the play area being installed and these must be approved, in writing prior to the commencement of any works. A buffer zone of at least 30m from residential properties facing the play area should be allowed for with low level planting to assist in the safety of the site. Landscaping should be kept to a minimum to ensure the best natural surveillance possible. Should the layout constraints allow, the provision of the play facility should be located away from the junction and further onto the AGS. Consideration should also be given to the design in respect of minimising future maintenance costs.

Due to the complex management required for play facilities and in accordance with policy, the Greenspace Manager considers the Council has the best competencies required to carry out effective maintenance to protect these community facilities. If however, the decision is made to transfer the play facilities to a residents management company then a full maintenance plan should be submitted prior to commencement of any works.

The Greenspace Manager is unable to calculate a commuted sum for maintenance at this outline application stage. This is because the application is insufficiently detailed with regard to the housing mix.

Health Impact of the Development

It is noted that the local Health Centre has raised concern upon the application and whilst not formally objecting, making the point that the clinic is operating near capacity.

National Health Service England (NHSE) have advised informally that Holmes Chapel Health Centre is close to its operating capacity. Formal advice is still awaited. Any commuted sum required for medical infrastructure will be the subject of an update report.

Flood Risk and Drainage

The site does not lie within a flood zone and as such, flooding is not a consideration in this instance.

United Utilities were consulted with regards to drainage. UU have subsequently advised that they have no objections to the scheme, subject to a condition requiring the prior submission of a scheme for the disposal of foul and surface waters for the entire site.

In addition, it is recommended that a separate water metres to each unit should be provided at the applicant's expense. All pipework must comply with current water supply (water fittings) regulations 1999. Should the application be approved, the applicant should contact UU regarding connection to the water mains.

As such, subject to the implementation of this condition and informatives, it is considered that the proposed development would adhere with Policy GR20 of the Local Plan.

Infrastructure

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

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

The Council's Education Officer, in response to a consultation to ascertain the impact of the proposed development on nearby schools has advised that '*...no contribution will be required from this development.*'

LEVY (CIL) REGULATIONS

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

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

The local doctors surgery has advised that the existing medical provision within the town is operating at capacity, accordingly the additional 100 units here will put additional pressure on resources that are at capacity. A commuted sum payment for use in the doctors surgery in the town likely to serve the development is necessary to make the development acceptable, directly related to the development and fair and reasonable

As explained within the main report, POS and children's play space would help to make the development comply with local plan policies and the NPPF.

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

10. CONCLUSIONS

The proposal involves the erection of a new residential development in the open countryside, which is contrary to established local plan policies. The Planning Acts state that development must be in accordance with the development plan unless material considerations indicate otherwise.

The site is within the Open Countryside where under Policy PS8 there is a presumption against new residential development. The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development. The Council can demonstrate a 5 year housing land supply and as a result the principle of development is not considered to be acceptable and the development would be contrary to Policy PS8.

Notwithstanding recent appeal decisions, the Council considers that it has a 5 year housing land supply, however, regardless of the housing land supply position, it is considered that open countryside policy remains up-to-date and in accordance with the NPPF.

The proposed development would provide a safe access subject to the provision of the toucan crossing required by the Highways manager.

In terms of Ecology, the development would not have a detrimental impact upon the conservation status of protected species.

There would be an adequate level of POS on site together with a LEAP which would require 8 pieces of equipment to comply with policy. This, together with other areas of open space within the site should be maintained as part of a resident's management company.

In terms of sustainable design, the scheme does not demonstrate its performance in terms of climate change mitigation and adaptation. However, as this is an outline application, this could be dealt with by condition.

Whilst it is noted that the Strategic Housing Manager objects to the application in terms of the percentage split of affordable rent and intermediate units as applied for not complying with the IPS Affordable Housing, it is considered that Heads of Terms as recommended would overcome this objection. If the Applicant then refused to enter into that S106 Agreement then permission would not be granted.

Subject to a suitable Section 106 package, the proposed development would provide adequate public open space/play space and equipment, the necessary affordable housing requirements to the requisite tenure mix, monies to mitigate for the impact upon health care provision should the National Health Service England advise of the need to mitigate for the impact of an additional 100 dwellings upon Holmes Chapel Medical Centre and the requirement for the future maintenance of the open space and playspace on site

The proposal is considered to be acceptable in terms of its impact upon residential amenity and drainage/flooding. Conditions could be imposed to ensure this. It therefore complies with the relevant local plan policy requirements for residential environments.

The access to the site is considered to be acceptable. However, the internal road layout is not formally submitted. As such, should the application be approved, a condition to the extent that the submitted internal road layout shown on the indicative layout plan is not accepted as part of the approval, should be attached.

Whilst the site does not meet all the minimum distances to local amenities and facilities advised in the North West Sustainability toolkit, there is not a significant failure to meet these and all such facilities are accessible to the site. The development is therefore deemed to be locationally sustainable.

However, the benefits of the scheme in terms of the addition to the affordable housing stock in the area, the economic and social benefits via the new homes bonus and spending in local shops by new residents and the provision of the roundabout which would improve the operation of the public highway in the vicinity; are considered to be insufficient to outweigh the harm that would be caused in terms of the loss of open countryside and agricultural land when there is no over-riding need to release the site for that purpose given the housing supply position of the Council.

The proposal is considered to be contrary to policies of the local plan, the Submission Version of the Local Plan and the provisions of the NPPF in this regard.

11. RECOMMENDATIONS

REFUSE:

1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policy PS8 of the Congleton Borough Local Plan First Review 2005, Policy PG5 of the emerging Cheshire East Local Plan Strategy - Submission Version and the principles of the National Planning Policy Framework, which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it and creates harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land in accordance with the National Planning Policy Framework and consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan, to the emerging Development Strategy and the principles of the National Planning Policy since there are no material circumstances to indicate that permission should be granted contrary to the development plan.

2. The proposal would result in loss of the best and most versatile agricultural land and given that the Authority can demonstrate a housing land supply in excess of 5 years, the applicant has failed to demonstrate that there is a need for the development, which could not be accommodated elsewhere. The use of the best and most versatile agricultural land is inefficient and contrary to Policy SE2 of the emerging Cheshire East Local Plan Strategy - Submission Version and the provisions of the National Planning Policy Framework.

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 Planning and Place Shaping Manager has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.

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

- **Affordable housing:**
 - 30% of all dwellings to be affordable (65% social or affordable rented and 35% intermediate tenure)
 - A mix of 2 , 3 bedroom and other sized properties to be determined at reserved matters
 - units to be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration.

- constructed in accordance with the Homes and Communities Agency Design and Quality Standards (2007) and should achieve at least Level 3 of the Code for Sustainable Homes (2007).
 - no more than 50% of the open market dwellings are to be occupied unless all the affordable housing has been provided, with the exception that the percentage of open market dwellings that can be occupied can be increased to 80% if the affordable housing has a high degree of pepper-potting and the development is phased.
 - developer undertakes to provide the social or affordable rented units through a Registered Provider who are registered with the Homes and Communities Agency to provide social housing.
-
- Provision of minimum of 2,380 sqm of shared recreational open space and the provision of on site children's play space to include a NEAP with 8 pieces of equipment
 - Private residents management company to maintain all on-site play space, open space, including footpaths, hedgerows and green spaces in perpetuity

(c) Crown copyright and database rights 2014. Ordnance Survey 100049045, 100049046.

