

Application No: 14/4452C

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

Proposal: Erection of up to 95 dwellings with associated infrastructure (Phase 2)

Applicant: P E Jones (Contractors) Ltd

Expiry Date: 12-Jan-2015

## **SUMMARY**

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

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

**The site also forms part of the CS17 site allocation within the Submission Version of the Cheshire East Local Development Strategy, which is allocated for housing development and is an important material consideration to which significant weight can be placed, due to the stage the emerging Plan has reached.**

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

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

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

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

**There remains issues relating to levels information concerning some trees on site, which need further negotiations but are considered to be resolvable . All other issues are considered to be mitigated against by the use of planning conditions or a S106 Agreement and as such, are considered to have a acceptable impact upon the social, economic and environmental conditions of the area.**

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

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

### **RECOMMENDATION**

**Delegate Approval to the Head of Planning (Regulation) and the Chair/Vice Chair of Southern Planning Committee pending further negotiations concerning levels on site and their impact upon trees within the development site and subject to a S106 agreement and conditions**

### **PROPOSAL**

Full planning permission is sought for the erection of 95 no. dwellings on a site bounded by Moss Lane and Manchester Road, Congleton. A sister application, 14/4451C is reported separately on this agenda. The numbers of units have been reduced from 99 as originally submitted. The proposal comprises a density of 26.9 units per hectare.

The site will be access via the phase 1 development site. Two access points are provided via Manchester Road. The Housing layout is laid out in cul de sacs and a barn style development of 6 barns/coach houses centred around the existing (not part of this development) farmhouse. A linear strip of open space is a continuation of the POS/NEAP area within phase 1.

Affordable housing is provided at 30% (29 in total). These are a mix of 2 and 3 bedroomed houses.

The existing farmhouse remains, however, barns are demolished on site. A mix of house types are proposed, in the main being 2 storey, some have gabled and other hipped roof forms. Barns and coach house style development sites (2 ½ storey) around a courtyard with the existing farmhouse. Materials comprise brick, tile and some limited use of render. The house styles mirror those on phase 1, with the exception of the 6 coach houses and barns, which are a site specific design feature to complement the farmhouse and reflect the buildings that are to be demolished to accommodate the development.

The housing layout comprises

23 no. 5 bed detached  
29 no. 4 bed detached  
14 no. 3 bed semi-detached  
12 no. 4 bed mews  
11 no. 3 bed mews  
40 no. 2 bed mews  
8 no. 1 bed apartments

## **SITE DESCRIPTION**

The application site is 3.53 hectares in area and comprises Moss Farm and its agricultural grazing land fronting onto Moss Lane on the northern edge of Congleton. The site is located in the Open Countryside as designated in the Congleton Borough Local Plan First Review and is allocated within the emerging Cheshire East Local Plan Strategy as a housing site.

## **RELEVANT HISTORY**

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

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

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

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

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

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

## **NATIONAL & LOCAL POLICY**

### **National Policy**

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

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

## **Development Plan**

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

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

## **Cheshire East Local Plan Strategy – Submission Version (CELP)**

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

PG2 – Settlement Hierarchy  
PG5 - Open Countryside  
PG6 – Spatial Distribution of Development  
CS17 - Manchester Road  
SC4 – Residential Mix  
SC5 – Affordable Homes  
SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
SE3 – Biodiversity and Geodiversity  
SE5 – Trees, Hedgerows and Woodland  
SE 1 – Design  
SE 2 - Efficient Use of Land  
SE 4 - The Landscape  
SE 5 - Trees, Hedgerows and Woodland  
SE 3 - Biodiversity and Geodiversity  
SE 13 - Flood Risk and Water Management  
SE 6 – Green Infrastructure  
IN1 – Infrastructure  
IN2 – Developer Contributions

## **Other Material considerations:**

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

## **Supplementary Planning Documents:**

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

## **CONSULTATIONS**

**Head of Strategic Infrastructure (HSI)** – No objections, subject to conditions and financial mitigation of £158,333 to be provided upon occupation of the 25<sup>th</sup> (25%) dwelling on site.

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

**Flood Risk Manager (Cheshire East Council)** – No objections, subject to a conditions

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

**ANSA Greenspaces (Cheshire East Council)** – No objection subject to financial mitigation payment in lieu of on site provision of POS and children's play space and the delivery of the NEAP within Phase 1 for the use of future resident of this development. Financial mitigation to form enhanced provision off site in lieu of on site provision and maintenance.

**Ecology:** No objection subject to conditions and mitigation for the loss of habitat in the form of a financial contribution to the creation/enhancement of on site ecological mitigation. Financial mitigation to be provided on phase 2 is £46,000 (as a proportion of the total mitigation payment for both phases) and a barn owl mitigation payment of £2,000.

**Education (Cheshire East Council)** – This development of 95 dwellings is expected to generate:

18 primary children (95 x 0.19) 17 once SEN pupil taken into account  
14 secondary children (95 x 0.15)  
1 SEN child (95 x 0.51 x 0.023%)

17 x £11,919 x 0.19 = **£184,387** (primary)  
14 x £17,959 x 0.91 = **£228,798** (secondary)  
1 x £50,000 x 0.91 = **£45,500** (SEN)  
Total education contribution: **£458,685**

No Objection provided the mitigation required is provided

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

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

**Jodrell Bank:** No reply

## **REPRESENTATIONS**

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

Approximately 9 letters of representation have been received objecting to the proposal. The main areas of objection are:

- Principle of development
- Inadequate public consultation
- Lack of sustainability (access to public transport/linkages with surroundings)
- Lack of commitment from Developer to reduce carbon footprint
- Lack of conformity with Masterplan for the area
- Loss of agricultural land/green field
- Loss of green belt land when brownfield sites are available
- Traffic congestion, town is grid locked, increased traffic in area
- Galloway Green residential development should not set precedent for development of green field
- Flooding
- Cumulative impact of the approved housing developments in area
- Need by-pass before any new housing
- Ecology – Impact upon protected species / wildlife
- Impact upon hedgerows
- Highway safety –Design – loss of character- Congleton is becoming one huge housing estate
- No need for more housing and many existing housing in Congleton up for sale
- Impact upon schools and physical infrastructure
- No need for more housing / affordable housing in this location

## **APPRAISAL**

The key issues are:

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

### ***Policy Position***

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

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

The issue in question is whether there are other material considerations associated with this proposal, which are a sufficient to outweigh the policy concerns. One of these material considerations is the allocation of the site within the emerging Plan.

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

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

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

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

### **Site Specific Principles of Development**

- a. Contributions towards the delivery of the Congleton Link Road.*

- b. *Contributions towards complementary highway measures on the existing highway network.*
- c. *Pedestrian and cycle links set in green infrastructure to be provided to new and existing employment, residential areas, shops, schools, health facilities the town centre. This should include the retention of existing Public Rights of Way into a landscaped corridor to provide enhanced pedestrian connectivity.*
- d. *Contributions to education and health infrastructure.*
- e. *The provision of a network of open spaces for nature conservation and recreation. Development should retain and enhance areas of landscape quality / sensitivity.*
- f. *The timely provision of physical and social infrastructure to support development at this location.*
- g. *The achievement of high quality design reflecting the prominent landscape location of the site and creating a vibrant destination and attractive public realm.*
- h. *The site should be developed comprehensively consistent with the allocation of uses set out in Figure 15.25 and the principles of the North Congleton Masterplan. Development should integrate with the adjacent existing and proposed uses, particularly through sustainable transport, pedestrian and cycle links*
- i. *The delivery of appropriate public transport links to connect with employment, housing and retail / leisure uses in the town.*
- j. *The Local Plan Strategy Site will provide affordable housing in line with the policy requirements set out in Policy SC5 (Affordable Homes).*
- k. *Future development -should consider the use of SUDs to manage surface run off from the site.*
- l. *A desk-based archaeological assessment should be undertaken, with appropriate mitigation, if required.*
- m. *Development proposals should positively address and mitigate any impacts on the adjacent Cranberry Moss.*
- n. *Any replacement and/or new sports provision should be in accordance with an adopted up to date and robust Playing Pitch Strategy and Indoor Sports Strategy and with Policy SC2 'Indoor and Outdoor Sports Facilities*
- o. *Future development should provide an east to west Greenway with pedestrian and cycle links across the site linking together proposed and existing leisure uses, local retail and other community facilities at this site with other sites to the north of Congleton.*
- p. *A minimum of a Phase 1 Preliminary Risk Assessment for contaminated land should be carried out to demonstrate that the site is, or could be made, suitable for use should it be found to be contaminated. Further work, including a site investigation, may be required at a pre-planning stage, depending on the nature of the site.*

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

The location of the town's existing employment sites to the north of the settlement, the ambition to create a link road to the north of the town and the constraints presented by the South Cheshire

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

### **Housing Land Supply**

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

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

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

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

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

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

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

### **Open Countryside Policy**

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

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

In order to assess the impact upon the overall impact upon the Open Countryside, a significant consideration is the impact the development would have upon the landscape which is considered below.

### **Locational Sustainability**

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

The National Planning Policy Framework definition of sustainable development is:

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

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

The criteria contained within the North West Sustainability Checklist are also being used during the Sustainability Appraisal of the Cheshire East Local Plan. With respect to accessibility, the toolkit advises on the desired distances to local facilities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether

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The NPPF determines that sustainable development includes three dimensions:- economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

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

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

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

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

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The toolkit sets maximum distances between the development and local amenities. These comprise of everyday services that a future inhabitant would call upon on a regular basis, these are:

- a local shop (500m),
- post box (500m),
- playground / amenity area (500m),
- post office (1000m), bank / cash point (1000m),
- pharmacy (1000m),
- primary school (1000m),
- medical centre (1000m),
- leisure facilities (1000m),
- local meeting place / community centre (1000m),
- public house (1000m),
- public park / village green (1000m),
- child care facility (1000m),
- bus stop (500m)
- railway station (2000m).
- public right of way (500m)

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

Local Amenity	Recommended	Actual
Any transport node	400m	290m
Convenience store	500m	630m
Post box	500m	490m
Playground	500m	570m
Bus stop	500m	290m
Public right of way	500m	15m
Amenity open space	500m	On site
Children's Play space	500m	On14/4451c site
Post office	1000m	1320m
Bank/cash point	1000m	1600m
Supermarket	1000m	1600m
Pharmacy	1000m	1320m
Primary School	1000m	900m
Secondary School	1000m	830m
Medical centre	1000m	1720m
Leisure centre or library	1000m	1800m
Local meeting place/community centre	1000m	1600m

Public house	1000m	560m
Public park/village green	1000m	1400m
Child care facility	1000m	900m
Railway station	2000m	3620m

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

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

### **Environmental role**

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

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

Paragraphs 96 and 97 of the Framework deal with decentralised and renewable energy supply. The aim is to secure a proportion of predicted energy requirements for new developments from

decentralised and renewable or low carbon sources. This can be dealt with by condition in the interests of sustainable development.

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

## **COUNTRYSIDE AND LANDSCAPE IMPACT**

One of the Core Planning Principles of the NPPF is to “take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it”.

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

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

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

### **Trees**

The application (together with sister application 14/4451c) is supported by an updated Arboricultural Report (Urban Green dated October 2015), Tree Removal Plan and Tree Protection Plan. The trees are treated as part of the same overarching development and there are similar concerns expressed by the Tree Officer concerning levels on both schemes.

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

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

As a consequence there is a conflict between the Tree Removals plan and the site layout. T33 is a 'A' category Oak is shown for retention on the site layout plan but excluded from the Tree Protection Plan. G4 and G15 are excluded from the site layout plan but included on the Tree Protection Plan and H3 and there may be others. BS5837:2012 at para 5.3.1 states that the default position should be that structures (including roads) are located outside RPAs of retained trees unless it can be demonstrated that the trees can remain viable and that the area lost to encroachment can be compensated for. The British Standard requires that tree constraints should inform the layout design(5.1.1). The submitted Tree Protection Plan shows that in the majority of cases where trees are to be retained, the Root Protection Area is affected by proposed roads and/or proposed dwellings. In design terms this does not accord with the requirements of BS5837:2012.

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

There are conflicts between proposed access road (turning head Road 9 being an example) and Root Protection Areas/viable rooting environment of trees where reduced/no dig solutions may not be achievable due to existing/proposed levels and highway engineer adoptable road standards. Positions of Plots (Plot 164/165, Plots 198/199/ Plots 217/Plots 12/12A) and potential for shading of gardens /future pressure for removal does not appear to have been fully addressed in the design. The Tree Officer has requested more levels information, which the applicant is not in a position to provide at this time.

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

## **Design**

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

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

The Council's Principal Urban Designer has made various suggestions about the layout of the scheme (and 14/4451C, whose design needs to be considered in conjunction with this proposal) since its submission, which has resulted in the provision of an amended scheme of reduced numbers on site and the re-orientation of key plots, which will improve the vista, particularly when approaching Congleton from the north on Manchester Road. The density of 26.9 dwellings

per hectare is appropriate due to the urban fringe location of the site and is in line with the emerging Strategy.

The height of the proposed development would be mainly two-storey. The layout plan includes a central area of green open space located within the central spine area to the immediate north of the site boundary. The development envelope is generally set back from the Moss Lane frontage. The landscape screen in the form of hedgerows will be retained in the main, which will assist in some degree of softening the urbanising impact of the site in the landscape. The residential properties would be orientated so that the areas of open space in the site would be well overlooked.

To turn to elevational detail; the housing layout and house types utilised, in the main, are a continuation of the phase 1 development by the same developer on the sister site. The proposed properties have gabled and pitched roof forms and dwellings which incorporate many features such as canopy porches and window head details and limited use of render that add visual interest to the elevations and are similar to other properties in the vicinity. Similar designs have been employed on the developments throughout the area and it is considered that the proposed dwellings would be appropriate for the site and in keeping with the character of Congleton.

## **Highway Safety**

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

This site is accessed entirely via the Phase 1 development. The application has been reviewed by the Council's Head of Strategic Infrastructure (HSI). His initial comments were that the proposal needed to be assessed considering existing road conditions and also it should assess impact of scheme on the wider strategic road network, this had not been done and the HSI initially recommended that the application be refused on lack of information. Since that time further information has been provided and a financial mitigation package in respect of the impacts on the surrounding road network has been agreed. This has taken on board the other developments in the area.

The applicant has submitted a further technical report regarding the cumulative traffic impact of phase 1 and 2 on the local highway network. The HSI has considered the impact of both phases of the development together.

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

To mitigate the traffic impact resulting from the development of 95 units a financial contribution is required towards the agreed schemes of mitigation on the A34 and the A536. The level of contribution to be provided per unit in this application is consistent with contributions secured from other nearby residential developments. The mitigation contribution required as a result of

this development is £158,333 to be provided upon occupation of the 25<sup>th</sup> (25%) dwelling on site. A further contribution will be required as a result of the sister application which together will equate to an overall financial contribution of £388,411 towards highways works required to mitigate for both phases as proposed.

The Strategic Highways Manager has advised that the access strategy to the site and the access points to the nearby Local Plan site SL8 have been agreed and as such the current access proposals to this site is acceptable.

In summary, there are no highway objections to Phase 1 and 2 applications subject to a financial contribution towards traffic calming/ speed management measures on the A34/A536 or local infrastructure improvements. Subject to the conditions requested and the highways mitigation payment, it is considered that the proposal would not create any significant highway safety concerns and would adhere with Policy GR9 of the Local Plan.

### **Affordable Housing**

The site falls partly within the parish of Eaton which is in the Macclesfield Rural sub-area for the purposes of the Strategic Housing Market (SHMA) Update 2013. However, it is adjacent to Congleton and as such is adjacent to the Congleton sub-area for the purposes of the SHMA. Housing needs information is as below: -

The Congleton sub-area identifies a need for 58 affordable homes per annum for the period 2013/14 – 2017/18. This is a requirement for 27 x 1 bed, 10 x 3 bed, 46 x 4+ bed general needs units and 37 x 1 bed older persons accommodation. There is an over-supply of 2 bed accommodation.

The Macclesfield Rural sub-area area identifies a need for 59 affordable homes per annum for the period 2013/14 – 2017/18. This is a requirement for 9 x 1 bed, 6 x 2 bed, 23 x 3 bed, 11 x 4+ bed general needs units and 2 x 1 bed older persons accommodation and 8 x 2 bed older persons accommodation.

In addition information taken from Cheshire Homechoice shows there are currently 549 live applicants who have selected one of the Congleton lettings areas as their first choice. These applicants require 238 x 1 bed, 185 x 2 bed, 87 x 3 bed and 17 x 4+ bed accommodation. (22 applicants have not specified how many bedrooms they require).

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

The affordable units (29 in total) are 2 and 3 bedroomed dwellings in this phases of the development. They are in 2 groups at opposite ends of the site.

The application confirms that 30% affordable housing will be provided on this site which is acceptable. The Mix is 65:35 Affordable rent : Intermediate with the rental units being a mix of 1 bed apartments and 2 bed dwellings. The intermediate units are mix of 2 and 3 bedroomed dwellings. The Strategic Housing Manager has no objection to the application.

## **Flood Risk and Drainage**

The application site is within Flood Risk Zone 1. The Council's Flood Risk Officer has reviewed the submission and advised that he has no objections, subject to conditions.

## **Ecology**

Great Crested Newts occur in the vicinity of this site. The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places

(a) in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment, and provided that there is

(b) no satisfactory alternative and

(c) no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK has implemented the Directive in the Conservation (Natural Habitats etc) Regulations 2010 (as amended) which contain two layers of protection (i) a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and (ii) a licensing system administered by Natural England and supported by criminal sanctions.

Local Plan Policy NE.9 states that development will not be permitted which would have an adverse impact upon species specially protected under Schedules 1, 5 or 8 of the Wildlife and Countryside Act 1981 (as amended), or their habitats. Where development is permitted that would affect these species, or their places of shelter or breeding, conditions and/or planning obligations will be used to:

- facilitate the survival of individual Members of the species
- Reduce disturbance to a minimum
- Provide adequate alternative habitats to sustain the current levels of population.

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

The NPPF advises LPAs to conserve and enhance biodiversity: if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) or adequately mitigated, or as a last resort, compensated for, planning permission should be refused.

Natural England's standing advice is that, if a (conditioned) development appears to fail the three tests in the Habitats Directive, then LPAs should consider whether Natural England is likely to grant a licence: if unlikely, then the LPA should refuse permission: if likely, then the LPA can conclude that no impediment to planning permission arises under the Directive and Regulations.

The Habitat Regulations 2010 require Local Authorities to have regard to three tests when considering applications that affect a European Protected Species. In broad terms the tests are that:

- the proposed development is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment
- there is no satisfactory alternative
- there is no detriment to the maintenance of the species population at favourable conservation status in its natural range.

Current case law instructs that if it is considered clear or very likely that the requirements of the Directive cannot be met because there is a satisfactory alternative, or because there are no conceivable “other imperative reasons of overriding public interest”, then planning permission should be refused. Conversely, if it seems that the requirements are likely to be met, then there would be no impediment to planning permission be granted. If it is unclear whether the requirements would be met or not, a balanced view taking into account the particular circumstances of the application should be taken.

#### Overriding public Interest

The site is an emerging housing allocation on the edge of the existing built up area. Its planned development will assist in negating development pressure on other sites of ecological significance and will assist in the provision of the Link Road. It is therefore considered that its development is of overriding public interest. With regard to the second test, the choice of alternative sites are not as sustainably located on the edge of the existing town.

The terrestrial habitat is also compensated by virtue of the central zone of on site ecological mitigation and the contribution to off site mitigation. It is concluded that the benefits to the public in the form of socio-economic development and the contribution to housing land supply, on balance, outweigh the negative impact of the overall loss of the terrestrial habitat. On this basis there is considered to be no detriment.

In respect of the third test, the Council’s Ecologist has advised that if planning consent is granted the proposed Great Crested Newt mitigation/compensation will be adequate to maintain the favourable conservation status of the Great Crested Newt.

In respect of other ecological matters, advice has been sought from the Council’s Ecologist has commented as follows:

#### Hedgerows

Hedgerows are a priority habitat and hence a material consideration. Most of the boundary hedgerows appear to be retained on site but there will be some losses to facilitate the site access points and some losses from the interior of the site.

#### Cranberry Moss (Local Wildlife Site)

The submitted hydrological assessment confirms that the proposed development is unlikely to affect the hydrology of this Local Wildlife Site.

### Great Crested Newts

Great Crested newts were recorded at two ponds to the north of the application site within the sister application (14/4451C). In the absence of mitigation the proposed development is likely to result in a 'moderate-high' level of adverse impact upon great crested newts as a result of the loss of terrestrial habitat. The Ecologist advises that the survey submitted in support of the application identifies the great crested newt population as being 'small', however surveys undertaken to inform the development of the Congleton Link Road recorded breeding by a 'medium' sized population of great crested newts.

The Ecologist advises that the submitted great crested newt strategy is likely to be sufficient to maintain the favourable nature conservation status of the local great crested newt population subject to condition that the mitigation is done in accordance with the report submitted in support of the application.

### Bats

Evidence of bat activity in the form of a minor roosts of two relatively common bat species has been recorded within the barns on site. The usage of the building by bats is may be limited to small-medium numbers of animals using the buildings for relatively short periods of time during the year however it is suspected that there is a minor maternity roost of one species present. The loss of the roosts on this site in the absence of mitigation is likely to have a medium impact upon on bats at the local level. The submitted report recommends the installation of bat boxes on the nearby trees and a replacement 'bat loft' as a means of compensating for the loss of the roost and also recommends the timing and supervision of the works to reduce the risk posed to any bats that may be present when the works are completed.

### Nesting Birds

If planning consent is granted standard conditions will be required to safeguard nesting birds.

### Other Protected Species

A protected species survey has been submitted. Other protected species are active on site, but there is no conclusive evidence of a sett being present. The proposed development is likely to result in the loss of some foraging habitat. However the habitat areas provided as part of the great crested newt mitigation would go some way towards mitigate this impact and also provide a means for badgers to commute across the site. As the status of other protected species can change within a short time scale therefore a condition should be attached requiring an updated protected species survey report to e submitted prior to the commencement of the development.

### Commuted sum for habitat creation

The submitted great crested newt mitigation strategy suggests that a commuted sum be secured to fund habitat creation projects in partnership with Cheshire Wildlife Trust as a means of compensating for the residual impacts of the scheme. This impact relate to the loss of grassland

habitats on site. This approach is supported as a means of addressing the residual ecological impacts of the development but cannot be considered as compensation for the impacts of the development upon protected species. The applicant is proposing a commuted sum of £96,000, which would address the impact of both developments. His preferred approach would be to deal with this solely on Phase 2 (for both phases), this is not acceptable in terms of the impact on phase 1. It is therefore recommended that Phase 2 has a financial mitigation payment of £46000, this would then equate to the £96,000 required over both phases.

#### Commuted sum to off set Barn Owl

Evidence of regular roosting but not breeding by barn owls had previously been recorded within one of the buildings proposed for demolition.

A more recent survey has however not recorded any further evidence of activity. As barn owls no longer appear to roost on site the potential impacts of the development on barn owls are therefore less than originally thought.

Features for barn owls are no longer proposed on the site. The ecologist advise that there was always some doubt as to whether features for barn owls on site would be successful and considering the proximity of the proposed Congleton Link Road it is not desirable to encourage barn owls onto the application site.

The applicant's ecologist has submitted a method statement detailing measures to be put in place to minimise the risk of an offence being committed in respect of barn owls and proposes the transfer of a commuted sum of £2,000 to the Local Barn Owl group in order to fund off-site habitat creation works. This is considered to be acceptable in mitigating the impact upon this species..

#### Breeding Birds

The proposed development site is likely to support breeding birds including the more widespread Biodiversity Action Plan priority species which are a material consideration for planning. If planning consent is granted standard conditions will be required to safeguard breeding birds.

#### Hedgerows

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

Subject to the above, it is considered that the development would adhere with Policy NE5 of the Local Plan and Policy SE3 of the emerging Cheshire East Local Plan Strategy – Submission Version.

#### **Environmental Conclusion**

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

### **Other economic considerations**

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

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

### **Other social considerations**

#### **Educational Impact**

A development of 95 dwellings is expected to generate:

18 primary children (95 x 0.19) 17 once SEN pupil taken into account  
14 secondary children (95 x 0.15)  
1 SEN child (95 x 0.51 x 0.023%)

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

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

Special Education provision within Cheshire East Council currently has a shortage of places available with at present over 47% of pupils educated outside of the Borough. The Service acknowledges that this is an existing concern, however the 1 child expected from this application will exasperate the shortfall. The 1 SEN child who are thought to be of mainstream education age have been removed from the calculations above to avoid double counting.

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

17 x £11,919 x 0.19 = **£184,387** (primary)

14 x £17,959 x 0.91 = **£228,798** (secondary)

1 x £50,000 x 0.91 = **£45,500** (SEN)

Total education contribution: **£458,685**

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

### **Amenity Greenspace**

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

Based on the Council's Guidance Note on its Draft Interim Policy Note on Public Open Space Requirements for New Residential Development there is a requirement for 2,376m<sup>2</sup> of new Amenity Greenspace which should provide for a wide range of Community needs

Given that an opportunity has been identified for enhancing the quality of existing Amenity Greenspace to serve the development based on the Council's Guidance Note on its Draft Interim Policy Note on Public Open Space Requirements for New Residential Development the financial contributions sought from the developer would be:

Maintenance: £28,096.20

### **Children and Young Persons Play Provision**

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

Consequently there is a requirement for new Children and Young Persons provision to meet the future needs arising from the new development. A NEAP is required. However as it is proposed to site a NEAP to the South of Phase 1 which will be well positioned to serve both phases it would be acceptable to request off site contributions to play areas within the vicinity of the proposed development. Congleton Park's junior playground requires upgrading.

Developments such as this which will increase the burden on existing facilities and it is important that these facilities receive financial contributions for improvements and maintenance.

Based on the Council's Guidance Note on its Draft Interim Policy Note on Public Open Space Requirements for New Residential Development the financial contributions sought from the developer would be;

Enhancements : £ 34,102

Maintenance of the enhancements for a 25 year period £ 70,923

Subject to this mitigation, it is considered that the proposal would be in compliance with Local Plan Policy GR22 and Policy IN1 of the Cheshire East Local Plan Strategy on the basis of a private management regime, which would need to be approved by the Council.

## ***Residential Amenity***

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

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

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

With regards to Air Quality the report considers whether the development will result in increased exposure to airborne pollutants, particularly as a result of additional traffic and changes to local traffic flows.

The proposed developments are considered significant in that they are highly likely to change traffic patterns and congestion in the area.

In particular, the developments have the potential to impact upon the three Air Quality Management Areas (AQMA) in Congleton declared as a result of breaches of the European Standard for nitrogen dioxide (NO<sub>2</sub>).

The report concludes that all modelled impacts from road traffic on air quality conditions for residential units on the proposed developments sites will be below the air quality objectives.

The impacts of NO<sub>2</sub> at existing receptors highlighted that there will be increased exposure at all receptors modelled, describing the impact as slight adverse. A number of receptors are within the Rood Hill and Lower Heath AQMA's.

The report concludes the effects associated with NO<sub>2</sub> emissions from road traffic on receptors located within the AQMA's are not considered to be significant. It is the view of the Air Quality Officer that any increase in concentrations within an AQMA is significant as it is directly converse to our local air quality management objectives and the Air Quality Action Plan. The NPPG requires that development be in accordance with the Council's Air Quality Action Plan.

Taking into account the uncertainties associated with air quality modelling, the impacts of the development could be significantly worse.

Poor air quality is detrimental to the health and wellbeing of the public, and also has a negative impact on the quality of life for sensitive individuals. It is considered therefore that operational

mitigation measures should be provided in the form of direct measures to reduce the impact of traffic associated with the development and its impact upon the AQMA's and within Congleton.

Mitigation to reduce the impact of the traffic pollution can range from hard measures to softer measures such as the provision of a low emission strategy for the development designed to support low carbon (and polluting) vehicles.

It is noted that the developer intends to provide upon request, electric car charging points in garages. The accessibility of low or zero emission transport options has the potential to help mitigate the impacts of transport related emissions. To ensure the uptake of these options is maximised, it is considered appropriate to create infrastructure to allow home charging of electric vehicles in all new, modern properties. This should not therefore be 'on request' but a condition attached to any permission.

With regard to land contamination, dust and noise it is considered that conditions can satisfactorily safeguard future living conditions. As such, subject to the above conditions, it is considered that the proposal would not create any significant amenity concerns.

### **Levy (CIL) Regulations**

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

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

The proposed commuted sums for ecology and for barn owl mitigation are considered necessary, fair and reasonable and given that the proposal will result in the loss of an existing greenfield and buildings and the potential habitat/roost potential that these matters offer.

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

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

The highways contribution is necessary to mitigate for the impact of the development on the local highway network and in that regard is fair and reasonable.

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

### **Planning Balance**

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

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

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

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

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

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

The site also forms part of an allocated housing site within the emerging Local Plan Strategy, to which the decision maker is entitled to afford significant weight, given the advanced stage the Plan has now achieved.

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

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

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

## **RECOMMENDATION**

**Delegate to the Head of Planning (Regulation) and the Chair of the Southern Planning Committee to APPROVE subject to the satisfactory levels information to determine any impact on the retained trees and a S106 Agreement to secure;**

- 1. £46,000 Biodiversity mitigation to be utilised to fund off site habitat creation/enhancement within the Meres and Mosses Nature Improvement Area.**

Prior to commencement of development, to be paid upon the commencement development on site

2. £2,000 Barn Owl Mitigation payment upon commencement
3. £34,102 in lieu of on site Public Open Space provision – on 1<sup>st</sup> occupation
4. £70,923 Place Space Maintenance (in lieu of on site provision)
5. £28,096 Amenity Greenspace payment in lieu of on site provision
6. Provision for a private residents management company to maintain the on-site ecological area/ amenity space / play area and all incidental areas of open space not within the adopted public highway or domestic curtilages
7. Detailed management plan for the above Open Space be submitted and approved.
8. Provision of 30% on-site affordable dwellings – 65% provided as affordable rent and 35% as Intermediate tenure. The affordable units should be tenure blind and be provided no later than occupation of 50% of the open market dwellings.
9. £184,387 towards primary school education provision - 50% of the money upon the occupation of the 40th dwelling house and a further 50% upon the occupation of the 80<sup>th</sup> dwelling
10. £184,387 towards Secondary school education provision- 50% of the money upon the occupation of the 40th dwelling house and a further 50% upon the occupation of the 80<sup>th</sup> dwelling
11. £45,500 towards Special education needs education provision -50% of the money upon the occupation of the 40th dwelling house and a further 50% upon the occupation of the 80<sup>th</sup> dwelling
12. £158,333 towards schemes of highway mitigation on the A34 and the A536 to be paid upon commencement of building of the 25th dwelling(25%)

**And conditions;**

1. Time - standard
2. In accordance with approved plans
3. Materials – Prior submission/approval
4. Construction Management Plan, inc wheel washing – Prior submission/approval
5. Main access road to be constructed up to binder course prior to commencement.
6. Parking areas to laid out and drained as the agreed plan
7. Removal of PD rights for extensions – selective plots – smaller house types
8. Removal of pd rights for any walls, fences, means of enclosure forward of any buildings
9. Site to be drained on a separate system
10. Surface water drainage scheme – Prior submission/approval
11. Landscaping – Prior submission/approval – To include hedgerow retention/enhancement/further planting
12. Landscaping – Implementation
13. Boundary treatments – Prior submission/approval
14. Nesting birds - Prior submission/approval
15. Breeding birds and roosting bat features – Prior submission/approval
16. Implementation of Barn Owl survey and Mitigation strategy prepared by CES Ecology dated January 2016.
17. Piling
18. Floor Floating

19. **Environmental Management Plan – Prior submission/approval**
20. **Land Remediation Strategy – Prior submission/approval in accordance in Compliance with Phase II Contamination report**
21. **Energy Efficiency/fabric first approach**
22. **Residential travel plan**
23. **Evidence and verification report of imported soil and soil forming materials – Prior submission/approval**
24. **Tree and hedgerow Protection scheme – Prior submission/approval**
25. **Levels existing and proposed**
26. **Retention and protection scheme for existing trees and hedgerows.**
27. **Phasing plan for the completion of POS & ecological mitigation areas**
28. **Landscape Masterplan and full hard and soft landscape details submitted prior to commencement with phasing of implementation**
29. **Boundary treatments**
30. **Implementation of great crested newt mitigation and *Scheme to fully comply with GCN Appraisal and mitigation & Habitat compensation measures (2014) prepared by CES Ecology unless varied by a subsequent Natural England license.***
31. **Updated badger survey prior to commencement of development**
32. **Safeguarding of nesting birds**
33. **Provision of details for the incorporation of features for nesting birds including house sparrow**
34. **Scheme of reduction of energy use/enhanced fabric first approach**

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

**Should the application be subject to an appeal approval is given to enter into a S106 Agreement to secure the Heads of Terms as detailed above.**



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