

Application No: 16/2233C

Location: Beech House, 20, BUXTON ROAD, CONGLETON, CW12 2DT

Proposal: Outline application for the development of 10 new houses, including alterations to the existing access and boundary wall to form a new vehicular access and layout, applied for in detail, all other matters reserved

Applicant: Dominic Shaw, Bower Mattin Partnership

Expiry Date: 19-Sep-2016

SUMMARY

The application site lies 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.

It is necessary to consider whether the proposal constitutes “sustainable development” in order to establish whether it benefits from the presumption in favour of development 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 bring positive planning benefits such as; the provision of market and affordable dwellings, improvements to the setting of the Listed Building (social), a minor boost to the local economy (Economic) and would be located in a sustainable location (Environmental).

Balanced against these benefits must be the dis-benefits, which in this case relate to the loss of the parcel of open countryside with landscape value and the loss of TPO trees (Environmental).

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

However, there is currently insufficient information to establish if a commuted sum would be required to offset the loss of bio-diversity on the site. As such, it is recommended that the application be delegated to the Head of Planning (Regulation) in consultation with the Chair of Northern Planning Committee to consider an assessment of the residual ecological impacts of the proposed development in order to identify if there is a need for a commuted sum to off-set this loss, and subsequently approval.

RECOMMENDATION

DELEGATE, to the Head of Planning (Regulation) in consultation with the Chair of the Northern Planning Committee to;

- Consider an assessment of the residual ecological impacts of the proposed development to establish if a subsequent commuted sum would be required to off-set the loss of bio-diversity and subsequently;

APPROVE, subject to conditions and a S106 Agreement to secure;

- 30% on-site Affordable Housing
- £25,812.90 towards off-site Open Space enhancements and maintenance
- A management plan for the buffer strip to the south of the site in perpetuity
- Any required commuted sum to offset the loss of bio-diversity to be identified

REASON FOR REFERRAL

This application is referred to Northern Planning Committee as it proposes residential development in the countryside and is recommended for approval contrary to the Local Plan. The application therefore represents a departure.

PROPOSAL

This application seeks outline planning permission to erect 10 dwellings. Matters of Access and Layout are also sought.

Approval of scale, appearance and landscaping, and scale are not sought at this stage and as reserved for subsequent approval.

As such, this application shall consider the principle of the development, access and layout arrangements only.

It should be noted that the original submission sought the erection of 28 dwellings and only sought matters of access. However, due to various planning reasons, the scheme was subsequently reduced to 10 dwellings and a full re-consultation exercise undertaken and Layout is now also sought.

SITE DESCRIPTION

The site relates to a parcel of land located to the east of Buxton Road (A54), Congleton, predominantly within the Open Countryside.

The site extends approximately 1 hectare in size and is accessed via the access off Buxton Road which serves Beech House, a Grade II listed building.

To the south of the application site is Tommy's Lane which the proposed development would bound by.

The majority of the site comprises of green fields.

RELEVANT HISTORY

12/1908C – (Beech House) New glazed internal timber door in lieu of existing timber panelled door – LBC – Approved 13th August 2012

11/0879C – (Lambs House) Removal of Ground Floor Window Bay - LBC – Approved 10th June 2011

10/4386C – (Lambs House) Listed Building Consent for Repair and Replacement of Internal Stud Work, Walls and Doors – Approved 23rd December 2010

07/0038/OUT – (Ivanhoe) Detached bungalow – Refused 26th April 2007

05/0676/FUL – (Lambs House) Erection of three storey administration and classroom block and improvements to car park – Refused 13th September 2005

05/0290/FUL – (Lambs House) Erection of fire escape stairway to existing building – Approved 12th May 2005

29726/3 – (Lambs House) Additional Classrooms/Facilities And Play Area – Approved 24th March 1998

28143/3 – (Lambs House) Erection of Concrete Sectional Garage For Storage Of Tools And Extension Of Existing Car Park – Approved 2nd August 1996

21981/4 – (Lambs House) Rooms In Roof And Fire Escape/Blue Slates Walls And Roof – LBC - Approved 27th March 1990

21980/3 – (Lambs House) Rooms in Roof – Approved 27th March 1990

21305/3 – (Lambs House) C/U Of Dwelling To Residential School For Autistic Children – Approved 22nd August 1989

2551/1 – (Land fronting Tommys Lane) – Erection of two detached dwellings – Refused 19th December 1975

LOCAL & NATIONAL POLICY

Congleton Borough Local Plan

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

The relevant Saved Policies are;

PS4 – Towns, PS8 – Open Countryside, GR1 – New Development, GR2 – Design, GR4 and GR5 – Landscape, GR6 - Amenity and Health, GR9 - Highways & Parking, GR20 – Public Utilities, GR16 – Footpath, Bridleway and Cycleway networks, GR20 – Public Utilities, GR21 – Flood Prevention, GR22 – Open Space Provision, NR1 – Trees, NR2 - Statutory Sites, NR3 –

Habitats, NR1 - Trees and Woodlands, BH4 and BH5 – Listed Buildings (Effect of Proposals), H1 & H2 - Provision of New Housing Development and H6 - Residential development in the Open Countryside and the Green Belt

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

Emerging Cheshire East Local Plan Strategy

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

Policy SD1 - Sustainable Development in Cheshire East, Policy SD2 - Sustainable Development Principles, Policy SE1 - Design, Policy SE2 - Efficient Use of Land, Policy SE3 - Biodiversity and Geodiversity, Policy SE4 - The Landscape, Policy - SE5 Trees, Hedgerows and Woodland, Policy SE9 - Energy Efficient Development, Policy SE12 - Pollution, Land Contamination and Land Instability, Policy IN1 - Infrastructure, Policy IN2 - Developer Contributions, Policy PG1 - Overall Development Strategy, Policy PG2 - Settlement Hierarchy, Policy PG5 - Open Countryside and Policy SC4 - Residential Mix

Supplementary Planning Documents:

North West Sustainability Checklist

CONSULTATIONS

Head of Strategic Infrastructure (HSI) – No objections

Environmental Protection – No objections, subject to a number of conditions including; the implementation of noise impact mitigation measures; the prior submission/approval of a piling method statement; the provision of a travel pack for the future residents prior to occupation; the prior submission/approval of electric vehicle infrastructure; the prior submission/approval of a dust mitigation scheme; the prior submission/approval of a Phase II Contaminated Land Report; the prior submission/approval of soil verification report and that works should stop if contamination identified. In addition, informatives in relation to hours of piling, hours of construction and contaminated land are also sought

Strategic Housing (Cheshire East Council) – No objections, subject to the provision of 30% on-site affordable housing (3 dwellings) with a tenure split of 2 affordable rent and 1 intermediate tenure.

Natural England – ‘No comment’

Environment Agency – No objections

United Utilities – No objections, subject to the following conditions; that foul and surface water be drained on separate systems; the prior submission/approval of a surface water drainage scheme; the prior submission/approval of a sustainable drainage management and maintenance plan. The applicant should also be made aware that a public sewer crosses the site and therefore UU may not permit building over it.

ANSA Open Space – No objections, subject to a contribution of £7,869.68 towards enhancement and maintenance of off-site Amenity Green Space and £17,943.22 towards enhancements and maintenance of off-site Children's and Young Persons Play Provision

Education - No objections

Flood Risk Manager – No objections, subject to a number of conditions including; the prior submission/approval of a surface water management and maintenance plan; the prior submission/approval of an overland flow from surcharging scheme; the prior submission/approval of ground levels and finished floor levels

Public Rights of Way - No objections, subject to a condition seeking the prior submission/approval of a scheme of signage for pedestrians and cyclists

Congleton Town Council – No comments received at time of report in relation to revised scheme

Previous comments;

Object to the proposal for the following reasons;

- Not allocated for development in the Local Plan
- Poor egress and access in the development
- Restricted visibility

REPRESENTATIONS

Neighbour notification letters were sent to all adjacent occupants, a site notice was erected and an advert placed in the local newspaper. In relation to the original proposals, 4 letters of representation have been received from 3 neighbouring properties. The main objections raised include;

- Loss of Countryside
- Need for further housing
- Impact upon landscape
- Highway safety – suitability of access, congestion
- Anti-social behaviour
- Ecology – Loss of wildlife/habitat
- Amenity – noise

In response to the revised plans, letters of representation have been received from 3 neighbouring properties. The main objections raised include;

- Environmental impacts
- Impact upon landscape
- Drainage / Flooding
- Highway safety - visibility, traffic volume
- Design - limited mix
- Land stability

APPRAISAL

The key issues are:

- The principle of the development
- The sustainability of the proposal, including its; Environmental, Economic and Social role
- CIL
- Planning balance

Principle of Development

The site is designated as being within the Open Countryside where Policy PS8 (Open Countryside) of the Congleton Borough Local Plan states that development will only be permitted if it falls within one of a number of categories as defined by Policy H6 of the Local Plan and PG5 of the emerging Cheshire East Local Plan Strategy.

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

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

Local Plan / 5-year Housing Land Supply Update

On 13 December 2016 the Local Plan Inspector published a note which sets out his views on the further modifications needed to the Cheshire East Local Plan Strategy. This note follows 6 weeks of Examination hearings concluding on 20 October 2016.

This note confirms that his previous endorsement for the core policies on the plan still stand and that *“no new evidence or information has been presented to the examination which is sufficient to outweigh or alter my initial conclusions”*. This signals his agreement with central issues such as the ‘Duty to Cooperate’, the overall development strategy, the scale of housing and employment land, green belt policy, settlement hierarchy and distribution of development.

The Inspector goes on to support the Council’s approach to the allocation of development sites and of addressing housing supply. He commented that the Council:

“seems to have undertaken a comprehensive assessment of housing land supply, and established a realistic and deliverable means of meeting the objectively assessed housing need and addressing previous shortfalls in provision, including assessing the deliverability and viability of the proposed site allocations”

The Inspector went on to state that the development strategy for the main towns, villages and rural areas appeared to be “appropriate, justified, effective, deliverable and soundly based.” As a consequence there was no need to consider other possible development sites at this stage.

The Inspector’s recommendations on Main Modifications mean that under paragraph 216 of the Framework the emerging policies of the Cheshire East Local Plan Strategy can be attributed a greater degree of weight – as the Plan as revised is at an enhanced stage, objections are substantially resolved and policies are compliant with National advice.

The Inspector’s recommendations on housing land supply, his support for the Cheshire East approach to meeting past shortfalls (Sedgepool 8) indicate that a remedy is at hand to housing supply problems. The Council **still cannot demonstrate a 5 year supply of housing at this time** but it will be able to on the adoption of the Local Plan Strategy. This is highly relevant to the assessment of weight given to housing supply policies which are deemed out of date by the absence of a 5 year supply. Following the Court of Appeal decision on the *Richborough* case, the weight of an out of date policy is a matter for the decision maker and could be influenced by the extent of the shortfall, the action being taken to address it and the purpose of the particular policy. Given the solution to housing supply now at hand, correspondingly more weight can be attributed to these out of date policies.

Sustainability

The National Planning Policy Framework definition of sustainable development is:

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

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

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

a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high

quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being;

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

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

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

Environmental role

Locational Sustainability

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 applicant completed a locational sustainability assessment as part of their Planning Statement. This advises that the accessibility of the site shows that following facilities meet the minimum standard:

- Public house (1000m) - 700m
- Amenity open space (500m) – 400m
- Pharmacy (1000m) – 600m
- Supermarket (1000m) – 750m
- Railway station (2000m) – 1900m
- Children’s Play space (500m) – 500m
- Any transport node – 1150m
- Primary School (1000m) – 380m
- Secondary School (1000m) – 980m
- Outdoor Sports Facility – (1000m) – 750m
- Bus stop (500m) – 150m
- Public right of way (500m) – 400m
- Post Box (500m) – 200m
- Child care facility (1000m) – 800m
- Bank or Cash Machine (1000m) – 750m
- Convenience Store (500m) – 500m
- Medical Centre (1000m) – 900m
- Leisure Facilities (Leisure Centre or Library) (1000m) – 750m

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

- Local meeting place (1000m) – 1007m

The following amenities/facilities fail the standard:

- Post Office (500m) – 600m

In summary, the site complies with the majority of the standards advised by the NWDA toolkit. As such, the application site is considered to be locationally sustainable.

Landscape Impact

The site is located to the north east of Congleton and the south of Buxton Road. Beech House, (a listed building) lies close to Buxton Road. There is residential development to the north, a paddock to the east, and agricultural land beyond Tommy’s Lane to the south. A public bridleway runs along Tommy’s Lane. The landform in the area can be associated with the valley of the Dane-in-Shaw brook which runs to the south.

The site edged red comprises part of the curtilage of Beech House where there is an existing drive, TPO protected trees and areas of planting. Further back from Buxton Road there is some disturbed ground to the south and east and sloping grassland with tree and hedge cover including a single mature Oak and a woodland to the north and a line of trees and hedgerow to the south.

The proposed development would take the main access off Buxton Road, impacting on the existing boundary wall and requiring the loss of several prominent protected trees. Housing

would be accommodated on the sloping southern area with the Design and Access statement indicating cut and fill required with embankments and retaining structures to provide usable space.

The layout and site boundary were amended during the application process, and various supporting documents provided including a Landscape and Visual Impact Assessment (LVIA) dated January 2017.

The Council's Landscape Officer has reviewed this documentation and concludes that the submission under-estimates the landscape value and magnitude of impact. However, as the site is enclosed on 3 sides by existing built form, it is not considered that this impact would be substantially adverse in any event.

Trees and Hedgerows

The site is located to the north east of Congleton and the south of Buxton Road. Beech House, (a listed building) lies to close to Buxton Road. There is residential development to the north, agricultural land to the east, and agricultural land beyond Tommy's Lane to the south. A public bridleway runs along Tommy's Lane. The landform in the area can be associated with the valley of the Dane-in-Shaw brook which runs to the south.

There is significant tree and hedge cover on the site with trees subject to the Congleton Borough Council (Buglawton No 2.) TPO 1955 in the western area.

The proposed development would take the main access off Buxton Road.

The submission includes a revised package of arboricultural information to inform assessment of the proposals, together with an amended layout.

To accommodate the access from the entrance and through the site, the Council's Tree Officer has advised that the proposals would have the following arboricultural impacts:

- Removal of the large mature grade A TPO protected Maple tree (T2 in the survey) located in front of Beech House.
- Removal of 3 TPO trees from the grade A tree belt (G2) adjacent to Buxton Road east of access point.
- Removal of 3 self seeded trees part group G4 west of access point, in TPO area but too young to be considered protected.
- Removal of 33 trees (Grade C unprotected) from a group of young/semi mature trees on a steep embankment to the south east (G9).

The layout would have the following 'potential' additional impacts:

- Removal of 1 unprotected tree on the southern boundary (in grade B group G8)
- Special measures required to remove existing hardstanding around mature protected grade B Beech (T3).
- Whilst protective measures are indicated, there is the potential for retained trees to be impacted by development works, levels changes and future pressure from residents due to shading.

One group of Hawthorn and Holly trees in decline (G3) and part of a further group (G4) are identified for removal on grounds of poor condition. In summary, the proposal would result in the loss of 38 trees, 4 of which are protected by a TPO and have 'significant amenity value' as advised by the Council's Tree Officer. To help mitigate this loss, the applicant has provided an indicative landscaping plan showing the planting of 80 new trees within the development site. Furthermore, protective measures for the retained trees on site are proposed.

Although the proposed tree planting would assist in offsetting the loss of the existing trees, the loss of the x4 Category A, TPO trees of significant amenity value, would be contrary to Policy NR1 of the Local Plan.

Ecology

The application is supported by an Ecological Survey which advises on the following:

Congleton Wildlife Corridor

The revised scheme has removed the portion of the site that previously occupied part of the Congleton Wildlife Corridor as shown in the Congleton Local Plan. As such, the Council's Nature Conservation Officer has advised that the proposed development is unlikely to have a significant adverse effect on the wildlife corridor.

Hedgerows

Native species hedgerows are a priority habitat and hence a material consideration. The hedgerow along the northern edge of Tommy's Lane has also been identified as being 'Important' under the Hedgerow Regulations. This hedgerow is shown as being retained under the submitted layout plan. The Council's Nature Conservation Officer has advised that if outline consent is granted it must be ensured that this hedgerow is retained as part of the detailed design produced at the reserved matters stage. This may be secured by condition.

Grassland Habitats

Whilst the grassland habitats on site support a number of species indicative of better quality habitats, the Council's Nature Conservation Officer has advised that these are not present at sufficient abundancies for the habitat to be considered of sufficient value to be considered a priority habitat or to meet the threshold for designation as a local wildlife site.

Bats

The Council's Nature Conservation Officer has advised that whilst the application site offers limited opportunities for roosting bats, bats are likely to commute and forage around the site. To avoid any adverse impacts on bats resulting from any lighting associated with the development, the Council's Nature Conservation Officer recommends that if planning permission is granted, a condition should be attached requiring that any additional lighting should be agreed with the LPA. It is further advised that any proposed lighting should be low level and directional and the design of the lighting scheme informed by the advice in *Bats and lighting in the UK- bats and the built environment series*, (Bat Conservation Trust, 2009).

Badgers

No evidence of badgers was recorded during the submitted survey. The survey was however constrained by limited access to part of the site due to the density of the vegetation. The Council's Nature Conservation Officer advises that based on the available information, the proposed development is unlikely to have an adverse impact upon this species. However, as the status of badgers on a site can change, the Council's Nature Conservation Officer recommends that if outline consent is granted a condition should be attached which requires any future reserved matters application to be supported by an updated badger survey.

Biodiversity offsetting

The Council's Nature Conservation Officer advises that the grassland and scrub habitats on site are of low value and do not present a significant constraint upon development. However, the Officer advises that the development may still result in an overall loss of biodiversity. As such, the Conservation Officer recommends that the applicant undertake and submit an assessment of the residual ecological impacts of the proposed development using the Defra 'metric' methodology.

An assessment of this type would both quantify the residual ecological impacts of the development and calculate in 'units' the level of financial contribution which would be required to 'offset' the impacts of the development to enable the total ecological impacts of the development to be fully addressed in a robust and objective manner. Any commuted sum provided would be used to fund habitat creation/enhancement works locally.

The Council's Nature Conservation Officer has advised that this assessment should be done prior to the determination of the application. However, the outcome of this assessment would have no overall bearing on the acceptability of the development from a Nature Conservation perspective, which is considered to be acceptable, subject to conditions and subject to it being appropriately offset if necessary. It would only establish whether a commuted sum to offset the loss would be required and if so what quantum.

Agricultural Land Quality (ACL)

Paragraph 26 of the Natural Environment NPPG advises that Local Planning Authorities should seek to use areas of poorer quality land in preference of higher quality land for development.

The Agricultural Land Classification system classifies land into five grades, with Grade 3 subdivided into Sub-grades 3a and 3b. The best and most versatile land is defined as Grades 1, 2 and 3a and is the land which is most flexible, productive and efficient in response to inputs and which can best deliver food and non food crops for future generations.

The applicant has undertaken an Agricultural Land Classification report. This has concluded that the site comprises of a mixture of grade 3b land (0.6 hectares) and the remainder is not agricultural classified land as it comprises of hard-standing and access areas (0.2 hectares).

As such, the land to be lost to development, would at worst not be 'Best and Most Versatile' and would therefore not be contrary to Policy NR8 of the Local Plan.

Flood Risk and Drainage

The application proposal is supported by a Flood Risk Assessment. This has been reviewed by the Environment Agency, the Council's Flood Risk Manager and United Utilities.

The Environment Agency have advised that they have no objections.

The Council's Flood Risk Manager has reviewed the submission and advised that he has no objections, subject to a number of conditions including; the prior submission/approval of a surface water management and maintenance plan; the prior submission/approval of an overland flow from surcharging scheme; the prior submission/approval of ground levels and finished floor levels.

With regards to drainage, United Utilities have advised that they have no objections, subject to the following conditions; that foul and surface water be drained on separate systems; the prior submission/approval of a surface water drainage scheme; the prior submission/approval of a sustainable drainage management and maintenance plan.

It should also be noted that UU have advised that a public sewer crosses the site and as such, permission may not be granted for development over it. UU have advised that should the application be approved, the developer/applicant should contact UU to discuss this matter.

Design and Heritage

Layout

The revised layout plan shows the provision of 10 new dwellings within the site and it is indicated within the revised Design and Access Statement that the mix would comprise of a mix of 4 no. 3/4 bed houses and 6 no. 4/5 bed houses. It is further advised that a *'different mix of smaller houses leading to increased numbers might be proposed as part of a reserved matters application.'*

Indicative elevations shown within the Design and Access Statement indicate a mixture of 2 and 2 1/2 storey properties.

It is proposed that the site be accessed via an enlarged and improved access point onto Buxton Road. An internal access road would then extend in a south-easterly direction into the site.

The indicative layout plan proposes the position of all 10 units on the southern side of the proposed internal access road, facing in a northerly direction. The relationship of the proposed dwellings onto Tommy's Lane is of concern. The Council would normally seek to avoid housing backing onto a footpath or highway (Tommy's Lane); both in terms of security and surveillance but also in terms of the character of the environment of the footpath (close boarded fences sheds etc, which can become unsightly).

There is a hedgerow along the north of Tommy's Lane but back garden relationships may create pressure for removal of these in the long term. To mitigate this, the applicant has introduced a 4-5 metre 'buffer' between the proposed back garden's and Tommy's Lane. It has also been advised that a combination of railings and dense planting would be proposed to form the rear boundaries of the gardens, not close-boarded fences. Such boundary treatment options would be considered at reserved matters stage. The applicant has agreed that the maintenance of this strip of land could be secured by a S106 Agreement. Although this relationship would not be ideal, it is considered that this proposed mitigation would assist in tempering the impact.

It is considered the design of the development, with specific regards to layout for the purposes of the outline application, subject to the management and maintenance plan for the buffered strip of land, the layout is considered to comply Policy GR2 the Local Plan.

Heritage considerations

Policy BH4 of the Congleton Borough Local Plan refers to Listed Buildings. It states that planning permission should only be granted where a development would, amongst other matters, not adversely affect the setting of the listed building.

The application proposal runs adjacent to Beech House, a grade II listed property. Following discussions between the applicant and the Council's Heritage Officer, the scheme has been revised and a scheme of enhancements proposed to enhance the special character of the listed building (Beech House) by the removal of harmful aspects of the site and therefore to try and negate the harm to the building.

There is no benefit for the listed building from the proposal in terms of bringing it back into use as the use of the building will not change. The Council's Heritage Officer accepts that there has been some degree of harm to the building, but that does not make further harm acceptable. To counteract this issue, the proposal is to revise an inappropriate single story building adjacent to the listed building, improve the landscaping and car parking and repair in a more suitable manner the boundary wall. The Council's Heritage Officer has advised that she is satisfied with this proposal, which would be secured now 'Layout' matters have been included for consideration as part of this application. The development is therefore considered to adhere with Policy BH4 of the Local Plan.

Access

The site is located approximately 1km to the north east of Congleton Town Centre and is currently accessed via an existing vehicular access off the A54 Buxton Rd, which also serves the adjacent Beech House. The site is immediately south of the Beech House and consists of grassland with no vehicle trips associated with it. The proposal includes details of access. It is proposed to upgrade and widen the existing access.

In response to the Transport Statement;

Sustainable access

The new access will include new footways with standards widths of 2 metres which would extend into the site and connect with existing footways on Buxton Road. This would provide pedestrians with access to nearby bus stops, amenities and services. The Council's Head of Strategic Infrastructure (HSI) advises that the bus stops are within adequate walking distance and would provide 3 services per hour, providing public transport access to areas of Congleton and the wider Cheshire East region.

Safe and suitable access

The revised access width has been proposed to have a width of 5.5 metres and 6 metres radii which the Council's Head of Strategic Infrastructure (HSI) has advised is sufficient to accommodate turning movements of cars and HGVs. This has also been demonstrated with the use of swept paths.

Speed surveys on Buxton Rd have been carried out indicating 85th percentile speeds of 36mph in a northbound and 30mph in a southbound direction. It has been shown on plan '1762-01-HTN03' that the required visibility is achievable.

An accident analysis has been carried out that has shown 2 recorded accidents have occurred on Buxton Road over the last 5 years in the vicinity of the site access. This is less than 1 accident every 2 years indicating no existing road safety concerns.

Network Capacity

The proposal would not have a significant impact upon the local network capacity due to the relative low number of dwellings now proposed.

Conclusion

As a result of the above reasons, the Highway's Officer has raised 'no objections' to the proposal and the scheme is therefore acceptable in highways terms.

Environmental Conclusion

The proposed development would result in the loss of a parcel of Open Countryside with a degree of landscape value, which in itself would be an environmental dis-benefit. Furthermore, the development would result in the loss of TPO trees of amenity value.

Notwithstanding these dis-benefits, the proposal would secure planning benefits by improving the setting of the Listed Building.

However, it is considered that the dis-benefits of the environmental considerations outweigh the benefits. As a result of the above reasons, it is considered that the proposal would be environmentally unsustainable.

Economic Role

It is accepted that the construction of a housing development of this size would bring the usual economic benefit to the closest facilities in Congleton for the duration of the

construction, and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain. There would be some economic and social benefit by virtue of new resident's spending money in the area and using local services. As such, it is considered that the proposed development would be economically sustainable.

Social Role

The proposed development would provide open market housing which in itself, would be a social benefit.

Affordable Housing

The Council's Interim Planning Statement: Affordable Housing (IPS) states in Settlements with a population of 3,000 or more that we will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 15 dwellings or more or larger than 0.4 hectares in size. The desired target percentage for affordable housing for all allocated sites will be a minimum of 30%, in accordance with the recommendations of the Strategic Housing Market Assessment carried out in 2013. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

This is a proposed development of 10 dwellings and the red edge of the plan that was presented for Housing comments is advised to be 1 Hectare in size. The attached Developable Area is itself showing as being 0.468 Hectares. As such, the proposal would trigger an affordable housing requirement for 3 dwellings.

2 units should be provided as Affordable rent and 1 unit as Intermediate tenure.

The SHMA 2013 shows the demand in Congleton is for 119 dwellings per annum. Broken down there is a requirement for 27 x 1 bed, 10 x 3 bed, 46 x 4+ bed and 37 x 1 bed older person dwellings.

Information from Cheshire Homechoice shows that there are 563 applicants on the waiting list for Congleton. They require 239 x 1 bed, 202 x 2 bed, 109 x 3 bed, 14 x 4 bed dwellings and 1 x 5 bed.

The Council's Housing Officer has advised that 1, 2 and 3 bedroom affordable dwellings on the site would be acceptable.

As the SHMA 2013 shows a need for 1 bedroom Older Persons dwellings, the Council's Housing Officer has advised that the Council would prefer to have one of the 1 bedroom units to include a housing type for Older Persons, for example bungalows or Lifetime homes to enable those with accessibility needs or require adaptations access an affordable dwelling.

The Affordable Housing IPS requires that the affordable units should 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 and also that the affordable housing should be provided no later than occupation of 50% of the open market dwellings.

The affordable housing should be secured by way of a S106 agreement, which: -

- requires them to transfer any rented affordable units to a Registered Provider
- 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 Council's allocations policy.
- Includes the requirement for an affordable housing scheme to be submitted prior to commencement of the development that includes full details of the affordable housing on site.

The applicant has agreed to the required affordable housing provision. This would represent a social benefit.

Public Open Space (POS)

As the application proposal is for 10 dwellings, it triggers a POS requirement. The trigger for this requirement is 7 units as detailed within the *Revised Supplementary Planning Guidance Note 1: Provision of Public Open Space in New Residential Developments 2003*.

Amenity Green Space (AGS)

10 new homes will generate a need for 460sqm of new AGS.

Due to the size and topography of the site, no useable AGS is being provided on site therefore contributions to improve qualitative deficiencies are sought. Deficiencies in quality have been identified at Congleton Park to improve educational signage.

Given that an opportunity has been identified by the Council's Open Space Officer for enhancing the quality of existing AGS, based on the Council's Guidance Note on its Interim Approach to Public Open Space Requirements for New Residential Development the financial contributions sought from the developer are;

Enhancements: £2,430.18

Maintenance of the Enhancements: £5,439.50

The Council's Open Space Officer has advised that a full landscaping plan should be submitted along with a proposed maintenance schedule at the full/reserved matters application.

Children's and Young Persons Provision (CYPP)

The Council's Public Open Space Officer has calculated the existing amount of accessible Children and Young Persons Provision within 800m of the site and the existing number of houses which use it. It has been identified that there is a surplus in quantity of play facilities, having regard to the local standards set out in the Council's Open Space Study for Children and Young Persons.

Whilst the Council's Open Space Officer has advised that there is a surplus in quantity of Children and Young Persons Play Provision in the vicinity of the proposed development, a qualitative deficit has been identified and in order to meet the needs of the new scheme an opportunity has been identified by the Council's Open Space Officer for the upgrading of the existing facility at Congleton Park by improving public art helping to address sensory limitations of both adults and children.

Given that an opportunity has been identified for enhancing the quality of existing Children and Young Persons Provision, based on the Council's Guidance Note on its Interim Approach to Public Open Space Requirements for New Residential Development the financial contributions sought from the developer are;

Enhancements: £4,212.22

Maintenance of the Enhancements: £13,731.00

The above would be secured via a S106 Agreement should the application be supported.

Amenity

Policy GR6 (Amenity and Health) of the Local Plan, requires that new development should not have an unduly detrimental effect on the amenities of nearby residential properties in terms of loss of privacy, loss of sunlight or daylight, visual intrusion, environmental disturbance or pollution and traffic generation access and parking. Supplementary Planning Document 2 (Private Open Space) sets out the separation distances that should be maintained between dwellings and the amount of usable residential amenity space that should be provided for new dwellings.

The closest neighbouring properties to the application site would be the occupiers of the properties to the north of Balmoral Gardens and Vicarage Avenue, the occupiers of Bank Place to the east, Cotoneaster to the south and west and the occupiers of Beech House to the northwest.

The indicative layout plan indicates that an arrangement of 10 dwellings can be achieved whilst either adhering or being close to adhering with the recommended separation standards within SPD2, eliminating any neighbouring concerns with regards to loss of light, privacy or visual intrusion.

The Council's Environmental Protection Team have reviewed the submission and advised that they have no objections, subject to a number of conditions including; the implementation of noise impact mitigation measures; the prior submission/approval of a piling method statement; the provision of a travel pack for the future residents prior to occupation; the prior submission/approval of electric vehicle infrastructure; the prior submission/approval of a dust mitigation scheme; the prior submission/approval of a Phase II Contaminated Land Report; the prior submission/approval of soil verification report and that works should stop if contamination identified. In addition, informatives in relation to hours of piling, hours of construction and contaminated land are also sought

With regards to the future occupiers of the proposed dwellings, it is considered that there is space within the site for sufficient private amenity space to be accommodated for each of the proposed dwellings and sufficient separation distances can be achieved between the dwellings.

As such, subject to the above suggested conditions, from the Council's Environmental Protection Officer, the proposal is considered to adhere to Policy GR6 of the Local Plan.

Public Rights of Way (PROW)

The development, if granted consent, would affect Public Bridleway No. 30 in Congleton, as recorded on the Definitive Map and Statement, the legal record of Public Rights of Way.

The National Planning Policy Framework states that "*planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails*" (para 75). NPPF continues to state (para. 35) that "*Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to.....give priority to pedestrian and cycle movements, and have access to high quality public transport facilities; create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians*".

The proposed development would have an indirect effect on the Public Right of Way, which constitutes "*a material consideration in the determination of applications for planning permission and local planning authorities should ensure that the potential consequences are taken into account whenever such applications are considered*" (Defra Rights of Way Circular (1/09), Guidance for Local Authorities, Version 2, October 2009, para 7.2). The PROW Officer has advised that should the development be granted consent, the developer should be conditioned to provide new residents with information about local walking and cycling routes for both leisure and travel purposes, with key routes signposted.

Social Conclusion

As a result of the provision of market and affordable housing, it is considered that the proposed development would be socially sustainable.

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 development would result in a deficiency in the quantity and/or quality of provision of public open space within the area. In order to offset this loss, a contribution towards off site enhancement and maintenance of both Amenity Green Space and Children's and Young

Persons Provision (CYPP) is sought. This is considered to be necessary, fair and reasonable in relation to the development.

The provision of a management and maintenance plan for the proposed buffer strip between the proposed rear gardens of the properties and Tommy's Lane is considered to be necessary in order to mitigate the impact of the development upon the highway. This is considered to be necessary, fair and reasonable in relation to the development.

The proposal will trigger the requirement of the requisite affordable housing.

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 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.

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

In this case, the development would bring positive planning benefits such as; the provision of market and affordable dwellings, improvements to the setting of the Listed Building (social), a minor boost to the local economy (Economic) and would be located in a sustainable location (Environmental).

Balanced against these benefits must be the dis-benefits, which in this case relate to the loss of the parcel of open countryside with landscape value and the loss of TPO trees (Environmental).

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

However, there is currently insufficient information to establish if a commuted sum would be required to offset the loss of bio-diversity on the site. As such, the application is recommended for delegation to the Head of Planning (Regulation) in consultation with the Chair of Northern Planning Committee to consider an assessment of the residual ecological impacts of the proposed development in order to identify the need for a commuted sum to off-set this loss, and subsequently approval.

RECOMMENDATION

DELEGATE, to the Head of Planning (Regulation) in consultation with the Chair of the Northern Planning Committee to;

- Consider an assessment of the residual ecological impacts of the proposed development to establish if a subsequent commuted sum would be required to off-set the loss of bio-diversity and subsequently;

APPROVE, subject to a S106 Agreement to secure;

- 30% on-site Affordable Housing**
- £25,812.90 towards off-site Open Space enhancements and maintenance**
- A management plan for the buffer strip to the south of the site in perpetuity**
- Any required commuted sum to offset the loss of bio-diversity to be identified**

And the following conditions;

- 1. Time – 3 years of within 2 of last Reserved Matter approval**
- 2. Reserved Matters within 3 years**
- 3. Scale, Appearance and Landscaping Matters to be submitted**
- 4. Plans**
- 5. Reserved Matters to be accompanied by a Tree Replacement Plan and Tree Protection Plan**
- 6. Foul and surface water be drained on separate systems**
- 7. Prior submission/approval of a surface water disposal/drainage scheme**
- 8. Prior submission/approval of a sustainable drainage management and maintenance plan**
- 9. Implementation of Noise mitigation Measures unless otherwise agreed**
- 10. Prior submission/approval of a piling method statement**
- 11. Prior submission/approval of electric vehicle infrastructure**
- 12. Prior submission/approval of a dust mitigation scheme**
- 13. Prior submission/approval of a Phase II Contaminated Land Report**
- 14. Prior submission/approval of soil verification report**
- 15. Works to stop if contamination land identified**
- 16. Prior submission/approval of a surface water management and maintenance plan**
- 17. Prior submission/approval of an overland flow from surcharging scheme**
- 18. Prior submission/approval of ground levels and finished floor levels**
- 19. The Reserved Matters application will show that the hedgerow on the southern portion of the site bordering Tommy's Lane shall be retained**
- 20. Prior submission/approval of external lighting**
- 21. Reserved Matters to be accompanied by an updated Badger Survey**
- 22. PD Removal – Part 1 Classes A-E and Part 2 Class A**

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

