

Application No: 16/5279C

Location: Land East Of, MEADOW AVENUE, CONGLETON

Proposal: Erection of 16 Bungalows with ancillary facilities and associated infrastructure

Applicant: Mr Kevin Humphries, Humphries Builders Ltd.

Expiry Date: 10-Aug-2017

SUMMARY

On 27th July the Council adopted the Cheshire East Local Plan Strategy therefore the Council have demonstrated that they have a 5 year supply of deliverable housing sites.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.” The National Planning Policy Framework, which is the Secretary of State’s guidance, also advises Councils as to how planning decisions should be made. The ‘presumption in favour of sustainable development’ at paragraph 14 of the NPPF means “approving development proposals that accord with the development plan without delay”

In this instance the proposed development would be contrary to Policy PG6 of the Adopted Cheshire East Local Plan & saved Policy PS8 of the Congleton Local Plan. As a result the dis-benefit would be the loss of open countryside.

However material considerations exist, mainly that the principle of residential development of site has already been accepted by the extant planning approval for the erection of x14 two storey/two and a half storey properties which could be built out at any point. The current is considered to provide benefits over the extant scheme as it seeks to provide bungalows and would also result in less visual bulk when viewed from the wider setting.

The development would provide benefits in terms of affordable housing provision, delivery of housing, POS, a play area and economic benefits through the usual economic benefits during contraction and through the spending of future occupiers.

The development would have a neutral impact upon education, protected species/ecology, flooding, living conditions, landscape, trees, design and contaminated land.

Applying the tests within paragraph 14 it is considered that the benefits outweigh the dis-benefits. As such, on balance, it is considered that the development constitutes

sustainable development and should therefore be approved.

RECOMMENDATION

APPROVE

REFFERAL

The application has been referred to Southern Planning Committee because it is a major development and a departure from the development plan as it is situated outside of the settlement zone line for Congleton.

The application was heard at the 5th July Planning Committee where members resolved to defer the application to obtain further information regarding the following:

- 1) Confirmation that the development meets HAPPI – Housing our Ageing Population: Panel for Innovation. (Dimensions for bungalows in particular on plots 1-3 and to explore housing numbers on site following an assessment of HAPPI.)

An assessment against the HAPPI criteria has been provided and confirms that the overall footprints of the affordable units are based on 'Technical Housing Standards – Nationally prescribed space standards' published by the Department for Communities and Local Government in 2015. This sets out specific area requirements for dwellings and the footprints of all the units are in excess of these guidelines (a break down of the full criteria is included in the key plans pack)

- 2) Discussions about potential upgrade to the Public Right of Way

This can be dealt with by way of planning condition which would allow the Council to agree a suitable scheme for the management of the public right of way to be provided prior to commencement of the development. This approach has been agreed with the Councils Public Rights of Way Officer who also advises that issues regarding levels would be need to be Equality Act compliant.

- 3) Clarification of where the Public Open Space (POS) money is spent. (Can it be spent closer to the site and discussion with Town Council regarding where the money is spent)

ANSA and have been consulted but are not aware of any closer sites where the required POS money could be spent. Congleton Town Council have also been consulted to consider other sites but no response has been received at the time of writing the report.

However it should be noted that policy dictates that any money should be used within 800m of the development site as the crow flies. Whilst ANSA are aware of other sites which might benefit from a contribution they are too far away to be policy compliant.

- 4) Clarification of the pumping station/vacant land to the south of the site

The pumping station is solely to service this site. The area shown is that which is required by United Utilities and needs to be in this location on site given the ground levels and required

separation distances. The balance of the 'vacant' land to the south of the site is part of the wild life mitigation strategy outlined in the Badger report as rough grassland for foraging badgers.

5) Clarification of the garage sizes

Drawing 095-17 shows the garage sizes which confirms that the garages to serve plots 5,12,13 measures 5.7m width x 5.7m depth

Garages to serve plots 6-11 measures 5.8m width and 5.7m depth

Garage to serves plot 16 measures 3m width and 5.7m depth

The Councils Highways Engineer has advised that the garages sizes to serve plot 5,12,13, 6-11 is compliant with spacing standards. However the garage to serve plot 16 is too small to be considered as a parking space as the internal width is below 2.7m. This has been relayed to the applicant and amended plans are expected in time for the update report.

PROPOSAL

The application seeks full planning consent for the erection of 16 Bungalows with ancillary facilities and associated infrastructure.

The dwellings would comprise X16 bungalows ranging from 1,2,3 bedrooms with x5 Affordable Dwellings on the site at plots 1, 2, 3, 4 and 16.

The development would have a mix of detached and semi-detached bungalows with brick walls and tiled roofs.

Access, both vehicular and pedestrian would be taken from a single point opposite to Nos.6 and 7 Meadow Avenue.

Trees are shown as being retained on the north, east and western boundaries.

SITE DESCRIPTION

The application site comprises an rectangular parcel of Greenfield land, 0.81 hectares in size, situated to the to the south of Waggs Road and East of Meadow Avenue, Congleton. The land is designated as being within the open countryside in the adopted local plan.

The sites slopes to the east and the south and the boundary treatment consists of mixed fencing/planting to the northern and eastern boundaries, large tree buffer to the western boundary and open to the southern boundary. No trees are located in the sites itself.

Public footpath runs to the west.

RELEVANT HISTORY

12/3536C – Outline Application with Access For Erection Of Up To 14 No. Dwelling houses With Ancillary Facilities and Associated Infrastructure – Refusal 14-Jan-2013 on the following grounds:

1. The development would create new residential development in the open countryside and is therefore not in compliance with Policy PS8 of the adopted Congleton Borough Local Plan First Review 2005.
2. The development would have an adverse impact on Badger habitat contrary to the requirements of Policies NR3 and NR5 of the adopted Congleton Borough Local Plan First Review 2005.
3. The development would have an adverse impact on highway safety contrary to the requirements of Policy GR9 of the adopted Congleton Borough Local Plan First Review 2005.

13/4781C – Outline application with access for erection of up to 14 no. dwelling houses with ancillary facilities and associated infrastructure – Approved 12-Sep-2014

17/2755C – Reserved Matters application for all matters other than access following outline approval 13/4781C - (Outline application with access for erection of up to 14 no. dwelling houses with ancillary facilities and associated infrastructure) – not yet determined

DIFFERENCE TO APPROVED SCHEME

The site benefits from extant planning approval 13/4781C for the erection of x14 two/two and a half storey dwellings.

The current proposal seeks to increase the number of dwellings to 16 but changing the house type to bungalows and a resultant re-orientation of properties on the plot.

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.

50. Wide choice of quality homes

56-68. Requiring good design

Development Plan

Cheshire East Local Plan Strategy – Adopted Version (CELP)

The following policies are relevant:

PG2 – Settlement Hierarchy

PG6 - Open Countryside

PG7 – Spatial Distribution of Development

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

It should be noted that the Cheshire East Local Plan Strategy was formally adopted on 27th July 2017. There are however policies within the legacy Local Plan that still apply and have not yet been replaced. These policies are set out below.

The relevant Saved Policies of the Congleton Local Plan are:

PS8 Open Countryside
GR6 Amenity and Health
GR9 Accessibility, servicing and provision of parking
GR17 Car parking
GR 22 Open Space Provision
NR2 Statutory Sites (Wildlife and Nature Conservation)
NR3 Habitats
NR5 Habitats

Supplementary Planning Documents and other relevant material:

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
Interim Planning Statement Release of Housing Land
Provision of Private Open Space in New Residential Developments
Public Open Space Provision for New Developments

CONSULTATIONS

CEC Highways: No objection subject to a Section 38 Agreement regarding the construction and future adoption of the internal road layout

CEC Flood Risk Manager: No objection subject to drainage conditions

CEC Environmental Health: No objection subject to conditions/informatives regarding piling, dust, travel pack, electric vehicle charging points, working hours and contaminated land

CEC Ansa (Public Open Space): No objection subject to contribution of £17,908,89 for Amenity Green Space enhancement and Children & Young People enhancement

CEC Education: No objection subject to contribution of £54,378 for primary & secondary provision

CEC Housing: No objection subject to 5 affordable dwellings being provided

CEC Public Rights of Way (PROW): No objections subject to condition regarding management scheme of the PROW

NHS England: No comments received at the time of writing the report

United Utilities: No objection subject to condition that the development proceeds in accordance with the submitted Flood Risk Assessment

Archaeology – No objection subject to condition requiring a programme of archaeological work

VIEWS OF THE PARISH COUNCIL

Congleton Town Council: No objection but offer the following comments:

- Outside settlement boundary
- Access over Stoney Lane would require the provision of steps for the footpath
- Details should be provided of the pumping station
- To avoid flooding in the Town Centre, surface water drainage should not be into Howty Brook
- The border fencing needs to ensure that the hedgerows are not deprived of light
- The Section 106 Agreement to provide funds for health and education and a bus service in the area
- The amount of affordable housing should be increased from 4 to 5 houses

REPRESENTATIONS

87 letters of objection have been received local households raising the following points:

- Loss of green field site
- Loss of agricultural land
- The houses are not needed. There are plenty of properties for sale in Congleton
- The land is not allocated for housing
- Will lead to further development around the site and Astbury will be swallowed by Congleton
- Creation of urban sprawl towards the A34
- Proposal is premature coming before the adoption of the local plan
- Not in accordance with the Congleton Town Plan
- Will open the flood gates for future development
- Will undermine the spatial vision for the area
- The applicant has not undertaken an assessment of the sustainability of the site
- Does not meet affordable housing requirements
- Congestion on Waggs Road and Fol Hollow
- Fol Hollow is not suitable for additional traffic
- Danger from traffic to children at the nearby school
- Danger from HGVs during development because of unsuitable roads
- Impact on footpaths
- No plans for extra hospitals, schools, nurseries and police

- No provision of community facilities or open space
- The application offers no infrastructure benefits
- Damage to the landscape character of Priestly Fields
- Adverse visual impact on the area
- Threat to the unique natural heritage of enormous value to Congleton
- Loss of a rare example of access to the centre of a town through wooded countryside
- Loss of privacy to the properties on Waggs Road
- Increase in noise levels
- Quality of life will be severely affected during construction
- Adverse impact on wildlife
- Inadequate drainage on Waggs Road
- Scale of the pumping station is unnecessary for a development of this size
- Development is out of character with the area
- Houses would not be in keeping with those in the locality
- Greater impact than the approved scheme
- The Council should have been better organised and had a functioning local plan
- Loss of a view across the land
- The land is not completely in the ownership of the developer
- The sewage system proposed would serve 300 dwellings meaning this is a 'Trojan Horse' for future development
- The 76 bus route has been cancelled

APPRAISAL

Principle of Development

The site lies largely in the Open Countryside as designated by the Cheshire East Local Plan and saved Policy PS8 of the Congleton Local Plan which states that within the Open Countryside only development that is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Exceptions may be made where there is the opportunity for limited infilling in villages; the infill of a small gap with one or two dwellings in an otherwise built up frontage elsewhere, affordable housing or where the dwelling is exceptional in design and sustainable development terms.

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

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

Housing Land Supply

Paragraph 49 on the NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

The Inspector's Report published on 20 June 2017 signalled the Inspector's agreement to the plans and policies of the Local Plan Strategy, subject to the modifications consulted on during the spring of 2016 and 2017. On adoption, all of these sites and policies will form part of the Statutory Development plan. In particular sites that were previously within the green belt are removed from that protective designation and will be available for development. Other sites also benefit from the certainty that allocation in the development plan affords.

In the light of these new sources of housing supply, The Inspector has now confirmed that on adoption, the Council will be able to demonstrate a 5 year supply of housing land. In his Report he concludes:

"I am satisfied that CEC has undertaken a robust, comprehensive and proportionate assessment of the delivery of its housing land supply, which confirms a future 5-year supply of around 5.3 years"

Given this conclusion from the examining Inspector, the Council now takes the position that it can demonstrate a 5 year supply of housing land.

SOCIAL SUSTAINABILITY

Affordable Housing

The Councils Interim Planning Statement: Affordable Housing (IPS) states in Settlements with a population of less than 3,000 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 10 dwellings or more or a combined housing floor space including garages larger than 1000sqm 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 16 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 5 dwellings to be provided as affordable dwellings with the above 65/35 split.

The affordable housing provision will be secured as part of a S106 Agreement.

Public Open Space

As the proposal is over 7 dwellings a form of public open space is required. However as the development is considered to be smaller scale, it is considered reasonable to request a financial contribution in lieu of on site provision given the limited size of the site.

ANSA have been consulted regarding the application and have advised that the following contribution would be required for Green Space and Children's/young people enhancement:

Amenity Green Space enhancement £1,796.22
 AGS maintenance £4,020.50

Children & Young People enhancement £2,838.67
 CYPP maintenance £9,253.50

This contribution would be used for Seating (AGS) and new swings (CYPP) at West Road play area.

This would be secured by way of Section 106 Agreement.

This approach would also be consistent with the extant scheme where a contribution was sought for off-site provision.

Education

A development of 16 dwellings is forecast to generate 2 primary school children and 2 secondary school children.

The details of this forecast are contained within the table below:

Development	Thomas Street				Number of Dwellings	73								
Planning App Number	17/0155C				Primary Yield	14	Less 1 SEN							
Date Prepared	16.2.2017				Secondary Yield	11								
					SEN Yield	1								
	PUPIL FORECASTS based on October 2015 School Census													
Primary Schools	PAN Sep 16	PAN Sep 17	NET CAP May-16	Any Known Changes	2016	2017	2018	2019	2020	Comments				
Astbury St Mary's CofE Primary School	19	19	133	133	126	124	125	123	120					
Black Firs Primary School	45	45	280	315	295	323	343	345	345					
Buglawton Primary School	30	30	206	206	195	199	207	211	217					
Javen Primary School	30	30	210	210	174	205	207	210	218					
Lavannah Primary School	30	30	203	203	200	202	201	199	194					
Marfields Primary School	30	30	210	210	205	232	239	243	240					
Mossley CofE Primary School	60	60	420	420	410	407	405	402	408					
Saint Mary's Catholic Primary School	30	30	210	210	194	193	193	192	197					
The Quinta Primary School	50	50	330	330	337	335	336	339	333					
Developments with S106 funded and pupil yield included in the forecasts				31										
Developments pupil yield not included in the forecasts									121					
Pupil Yield expected from this development									13					
OVERALL TOTAL				324	324	2,202	2,268	2,136	2,220	2,256	2,264	2,406		
OVERALL SURPLUS PLACES PROJECTIONS based on Revised NET CAP							132	48	12	4	-138			
	PUPIL FORECASTS based on October 2015 School Census													
Secondary Schools	PAN Sep 16	PAN Sep 17	NET CAP May-16	Any Known Changes	2016	2017	2018	2019	2020	2021	2022			
Congleton High School	200	200	900	900	949	1,028	1,069	1,079	1,102	1,100	1,108			
Eaton bank	180	180	900	900	549	587	640	648	666	657	670			
Please Note: All figures quoted exclude any allowance for 6th Form Pupils.														
Developments with S106 funded and pupil yield included in the forecasts				12										
Developments pupil yield not included in the forecasts											143			
Pupil Yield expected from this development											11			
OVERALL TOTAL				380	380	1,800	1,812	1,498	1,615	1,709	1,727	1,768	1,757	1,932
OVERALL SURPLUS PLACES PROJECTIONS							314	197	103	85	44	55	-120	

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

$2 \times \pounds 11,919 \times 0.91 = \pounds 21,693.00$ (primary)

$2 \times \pounds 17,959 \times 0.91 = \pounds 32,685.00$ (secondary)

Total education contribution: $\pounds 54,378$

As such there is a requirement for a contribution from this development towards secondary school and the sum of $\pounds 54,378$ will be secured as part of a S106 Agreement.

Health

Although no consultation response has been received from the NHS there is a medical centre in Congleton (Readesmoor Medical Centre) within 0.3 mile of the site and according to the NHS choices website this practice is currently accepting patients indicating that they have capacity.

Location of the site

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.

- Shop selling food and grocery – Several in town centre 800m
- Post box – Junction of Waggs Road/Meadow Avenue
- Playground/amenity area – Several within 500m including Astbury Mere, Banky Fields and Marfields School fields
- Post Office – Congleton Post Office within 1,000m
- Bank or cash point – Several along Bridge Street 800m
- Pharmacy – Swan Bank 800m
- Primary School – Marfields 400m
- Medical Centre – West Street 800m
- Leisure Facilities – Tennis club 600m and Astbury Mere 400m
- Local Meeting Place – Trinity Methodist Church Hall 600m
- Child Care Facility – Marfields 400m

There is also a bus stop located 800m away which is assessable by public footpath and the railway station is located 2,700m away. The site was also deemed to be locationally sustainable under extant planning permission 13/4781C.

It is considered in the light of this assessment that the proposed development would be within a sustainable location.

Nevertheless locational sustainability is not the determinative factor in its own right but does weigh again the proposal in the overall planning balance.

ENVIRONMENTAL SUSTAINABILITY

Residential Amenity

The main residential properties affected by this development are properties to the North 84-74 Waggs Road and west 6-7 Meadow Avenue.

Plots 1-3 would be sited 21m away to the side facing elevation of No.6 Meadow Avenue. Plots 14-16 would be sited 22m away to the side facing elevation of No.7 Meadow Avenue. Plots 4 and 4 would be sited between 23.5m-29m away to the rear facing elevations of Nos.84-74 Waggs Road.

All of the distances comply with the required interface distances as recommended in the Private Open Space SPG therefore it is not considered that there would be any significant loss of privacy between main face elevations.

Whilst the plots to the north of the site, plots 4 & 5 would be closer to the shared boundaries to properties on Waggs Road (within 1m of the boundary at the closest point) it is not considered that the single storey bungalow height would result in any harm through overbearing/oppressive impact/overshadowing to rear garden areas. Similarly any facing windows are limited to ground floor level where boundary treatment provides suitable screening to prevent overlooking of rear garden areas of properties on Waggs Road.

Contaminated Land

As the application is for new residential properties which are a sensitive end use and could be affected by any contamination present a contaminated land condition will be attached to the decision notice of any approval.

Public Rights of Way (PROW)

The Councils Public Rights of Way Team have been consulted regarding the application and have advised that if the application was approved it would affect Public Footpath Congleton No. 6, as recorded on the Definitive Map and Statement, the legal record of Public Rights of Way.

To mitigate against this impact they have suggested a condition requiring the applicant to provide a management of the PROW including design and surfacing, temporary closures and diversions. This will be added to the decision notice of any approval.

Highways

The site has an extant planning approval reference 13/4781C for 14 dwellings and the proposal is for 16 dwellings.

The current application is on the same site, would use the same access from Meadow Avenue and the net increase would be 2 units.

The Councils Highways Team have been consulted regarding the proposal and have advised that the net highway impact of 2 additional units over the existing permission would be negligible and the internal road layout is adequate.

As a result they have raised no objection subject to the informative that the applicant will be required to enter into a Section 38 Agreement regarding the construction and future adoption of the internal road layout.

As a result the proposal will not result in any significant harm to the existing highway network.

Landscape

The site has an extant planning approval reference 13/4781C where it was considered that the landscape could accommodate a proposal for 14 dwellings. The current proposal whilst would see an increase in 2 dwelling, would actual result in reduced bulk and massing as the current proposal seek bungalows rather than 2 storey dwellings as previously approved.

The application site is identified as Open Countryside in the Congleton Borough Local Plan, there are no landscape designations on the application site and within the Cheshire Landscape Character Assessment the application site is located on the boundary of the Lower Farms and Woods 2 landscape, specifically Character Area 11, Brereton Heath Area. The site displays many of the characteristics of the Brereton Heath Character Area, the character of the site is influenced by the development of bungalows along the northern boundary, along Waggs Road. Dwellings to the west of Stony Lane (FP6) - the western boundary pathway, are largely screened by the existing boundary vegetation that runs alongside this sunken track along the western boundary of the application site.

The site has a network of existing hedgerows and trees and is agricultural in character. The site, local and wider topography provide an attractive setting especially to the south and east, where there are longer distance views towards the Peak Fringe. The site is strongly influenced by the existing boundary hedgerows and longer distance views, so that visually the site is very well connected to the wider agricultural landscape, rather than Congleton to the north.

The Topographical Survey, habitat Mitigation Measures and Tree Protection Plan (Drawing No: 095/16) indicates that existing hedgerows and hedgerow trees will be retained and that there will be a new planted buffer along the southern boundary, along with a new hedgerow. As a result the Councils Landscape Officer does not consider that the proposals would result in any significant landscape or visual impacts.

Trees

This is a full application for the erection of 16 bungalows with ancillary facilities and associated infrastructure on land off Meadow Avenue, Congleton. The site is bounded by hedgerows to the west and east and there are a number of trees on the periphery. The trees and hedgerows are important components of the local landscape.

The principle of development of the site with an access of Meadow Avenue has previously been established by 13/4781C.

The current application is supported by an Arboricultural Report dated 30 Sept 2016 by Tree Heritage (RefTHL-R16/109). The report indicates that the survey has been carried out in accordance with the recommendations of British Standard BS5837:2012 Trees in relation to design, demolition and construction – Recommendations.

The tree survey covers 11 trees and two hedges. The grades afforded are: 7 Grade B trees, 1 Grade C, 1U and the hedges both A. A site plan (as existing) in the report identifies the constraints posed by the trees. The report recommends that once a proposed layout has been produced, an arboricultural impact assessment is prepared. A requirement for protection measures is also cited.

The Council's Arborist has been consulted on the proposal who was concerned that whilst the layout plan suggests that the existing healthy trees and most of the boundary hedgerows would be retained as part of the proposed layout, the full tree constraints have not been plotted on the plan and there is no arboricultural impact assessment. In particular concern was raised regarding the location of plots 1,2,3 & 14,15 to the trees on site and the possible shading of garden areas which may put the trees under future pressure for pruning or removal.

Therefore further detail was requested to adequately assess the impact of development on existing trees. Revised plans have since been received which have resulted in plots 1,2,3 & 14,15 being moved 1.5m further to the east, further reports were also received. This has been considered by the Arborist who advises that the amended layout is an improvement on the existing situation and if permission is to be granted conditions should be attached requiring an updated tree protection scheme and an arboricultural method statement, tree retention and Services/Drainage.

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 site has an extant planning approval for the erection of x14 two storey/two and a half storey properties arranged in a cul-de-sac style. The proposed layout plan shows 16 bungalow properties arranged in a similar cul-de-sac style.

The locality consists of mixed character and dwelling types, both bungalows and two-storey dwellings. Therefore it is considered that bungalow properties could be accommodated without causing significant harm to the scale and form of development.

Property footprints and garden areas would be comparable to others locally which would ensure that the proposal assimilates into the existing environment.

Whilst the proposal would see an increase of 2 units when compared to the extant scheme, the proposal would result in less scale and massing given the proposed bungalows.

Finally the simple design and materials of brick walls and tiled roofs would match the design and material palette of the local area.

On this basis, it is considered that an appropriate design has been submitted, which will sit comfortably alongside the mix of existing development within the area. The proposal is therefore considered to be in compliance with Policy SE1 of the adopted local plan.

Ecology

- Bat activity and trees with bat roost potential

A bat activity survey has been undertaken. This survey was undertaken late in the survey season however considering the size and location of the site the Councils Ecologist is satisfied that enough information is available to assess the potential impacts of the proposed development upon foraging and commuting bats. The level of bat activity recorded on the site was relatively low and was of the order expected for this type of site. The Councils Ecologist advises that the proposed development, subject to the condition requiring lighting specification, would be unlikely to significantly affect foraging and commuting bats.

A number of trees on site were identified as having moderate potential to support roosting bats. The amended proposals now show the retention of the Ash tree that was previously proposed for removal. The Councils Ecologist therefore advises that the proposed development is not reasonable likely to affect roosting bats.

- Great Crested Newts

The Councils Ecologist advises that the proposed development is unlikely to have a significant impact upon great crested newts.

- Breeding Birds

If planning consent is granted the Councils Ecologist has suggested conditions to safeguard nesting birds.

- Polecat, Hedgehog and Brown Hare

Brown Hare, Polecat and Hedgehog are all Biodiversity Action Plan priority species and a material consideration for planning. These species are known to occur within 1km of the proposed development. Whilst there is no evidence to suggest that these species are present on the application site there is a reasonable likelihood that the site may be used at least occasionally by these species. The level of impact on these three species is however unlikely to be significant. However the Councils Ecologist has recommended a condition requiring the incorporation of gaps for hedgehogs to be incorporate into any garden or boundary fencing proposed.

- Hedgerows

Hedgerows are a priority habitat and hence a material consideration. In addition the hedgerows on the eastern and western boundaries of the site have been identified as being 'Important' under the hedgerow regulations.

The proposed development will result in the loss of a section of Important hedgerow to facilitate the site access. The submitted habitat mitigation measures plan includes proposals for the planting of an additional hedgerow on the southern boundary of the application site to compensate for this loss. This can be secured by condition.

- Badgers

The submitted report states that there are no badger setts on site. There is however evidence of badgers crossing and foraging on the application site.

The Councils Ecologist advises that the proposed development may result in the loss of foraging habitat for badgers and reduce their ability to move across the site. The submitted badger survey report recommends that additional fruit trees are provided as a means for providing an alternative seasonal source of food for badgers. This measure is supported and should be secured by means of a condition in the event that planning permission is granted.

The Councils Ecologist advises that whilst the usage of the site by badgers may be reduced as a result of the proposed development this is unlikely to have a significant adverse impact upon the status of the local badger population. However as badger activity can change over time a condition has been suggested for an updated badger survey.

Flood Risk

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps. The submitted Flood Risk assessment concludes that residential development would be considered sustainable in terms of flood risk.

The United Utilities have been consulted as part of this application and have raised no objection to the proposed development subject to condition that the development should be undertaken in accordance with the Flood Risk Assessment. The Councils Flood Risk team have also raised no objection subject to drainage conditions.

Therefore it would appear that any flood risk/drainage issues, could be suitably addressed by planning conditions.

Agricultural Land Quality

The National Planning Policy Framework highlights that the use of such land should be taken into account when determining planning applications. It advises local planning authorities that, 'significant developments' should utilise areas of poorer quality land (grades 3b, 4 & 5) in preference to higher quality land.

In this instance, no Agricultural Land Use and Land Classification Report has been submitted. However a report was submitted for the extant scheme which found the site was not graded in the 1 to 5 category, excellent to very poor and as such was not classed as being the 'best and most versatile agricultural land' defined in the NPPF. Given that the site remains relatively unchanged since this approval it is considered reasonable to conclude the same.

Thus, whilst the proposal would result in the loss of a small quantity of Grade 3 agricultural land, the loss would not be 'significant' and would not outweigh the benefits that would come from delivering housing.

ECONOMIC SUSTAINABILITY

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to Congleton including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

CIL Regulations

In order to comply with the Community Infrastructure Regulations 2010 it is necessary for planning applications with planning obligations 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.

As explained within the main report, POS and play equipment is a requirement of the Councils Open Space SPG. It is necessary to secure these works and a scheme of management for the open space and play equipment. This contribution is directly related to the development and is fair and reasonable.

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

The proposal would result in a requirement for the provision of 5 affordable units which would be split on a social rented/intermediate basis. This is considered to be necessary and fair and reasonable in relation to the development.

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

PLANNING BALANCE

On 27th July the Council adopted the Cheshire East Local Plan Strategy therefore the Council have demonstrated that they have a 5 year supply of deliverable housing sites.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.” The National Planning Policy Framework, which is the Secretary of State’s guidance, also advises Councils as to how planning decisions should be made. The ‘presumption in favour of sustainable development’ at paragraph 14 of the NPPF means “approving development proposals that accord with the development plan without delay”

In this instance the proposed development would be contrary to Policy PG6 of the Adopted Cheshire East Local Plan & saved Policy PS8 of the Congleton Local Plan. As a result the dis-benefit would be the loss of open countryside.

However material considerations exist, mainly that the principle of residential development of site has already been accepted by the extant planning approval for the erection of x14 two storey/two and a half storey properties which could be built out at any point. The current is considered to provide benefits over the extant scheme as it seeks to provide bungalows and would also result in less visual bulk when viewed from the wider setting.

The development would provide benefits in terms of affordable housing provision, delivery of housing, POS, a play area and economic benefits through the usual economic benefits during construction and through the spending of future occupiers.

The development would have a neutral impact upon education, protected species/ecology, flooding, living conditions, landscape, trees, design and contaminated land.

Applying the tests within paragraph 14 it is considered that the benefits outweigh the dis-benefits. As such, on balance, it is considered that the development constitutes sustainable development and should therefore be approved.

RECOMMENDATION:

APPROVE SUBJECT TO THE FOLLOWING HEADS OF TERMS AND CONDITIONS

Heads of terms

1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:

- The numbers, type, tenure and location on the site of the affordable housing provision**
- The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing**
- The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved**
- The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and**
- The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.**

2. Secondary Education Contribution of £54,378

**3. Amenity Green Space enhancement and Children & Young People enhancement
£17,908,89**

Conditions

- 1. Time limit**
- 2. Plans**
- 3. Materials**
- 4. Removal of permitted development rights**
- 5. Levels**
- 6. Foul and surface water drainage strategy**
- 7. Piling**
- 8. Electric vehicle charging**
- 9. Dust**
- 10. Travel information pack**
- 11. Contaminated land**

- 12. Carried out in accordance with the submitted Flood Risk Assessment**
- 13. Drainage strategy/design**
- 14. Management scheme of the PROW**
- 15. Programme of archaeological work**
- 16. Landscaping scheme**
- 17. Updated trees protection scheme**
- 18. Updated arboricultural method statement**
- 19. Tree retention**
- 20. Services/drainage**

Informative

1. Section 38 Agreement

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

