

<b>Planning Reference No:</b>	10/2651C
<b>Application Address:</b>	Land at Canal Road, Congleton
<b>Proposal:</b>	Erection of 17 Dwellings, Associated Works and Vehicular Access, Curtilage Extensions to 'Brackenwood' and 'The Sheiling'; Detached Double Garage for 'Brackenwood; Single Garage for 'Canal Villa'
<b>Applicant:</b>	Wainhome Developments
<b>Application Type:</b>	Full Planning Permission
<b>Ward:</b>	Congleton
<b>Registration Date:</b>	12-July-2010
<b>Earliest Determination Date:</b>	26-August-2010
<b>Expiry Date:</b>	11-October-2010
<b>Date report Prepared</b>	23-September-2010
<b>Constraints:</b>	Within Settlement Zone Line Adjacent to the Macclesfield Canal Conservation Area

#### **SUMMARY RECOMMENDATION:**

REFUSE on Design grounds.

#### **MAIN ISSUES:**

- Principle of Development
- Housing Land Supply
- Design & Layout
- Highways
- Trees
- Ecology
- Affordable Housing
- Public Open Space Provision
- Residential Amenity
- Drainage and Flood Risk
- Other Considerations

## **1. REASON FOR REFERRAL**

This application proposes the erection of more than 10 dwellings and is therefore a small-scale major development. It has been brought to Strategic Planning Board to accommodate the statutory timescales for determining applications.

## **2. DESCRIPTION AND SITE CONTEXT**

This application relates to a 0.64 ha parcel of land located on the western side of Canal Road directly to the east of Wolstanholme Close within the Congleton Settlement Zone Line. The site is bounded to the north by access to the Macclesfield Canal, to the east by Canal Road, and to the south and west by residential properties. The site is predominantly

Greenfield in nature with the remainder comprising the residential property known as 'Canal Villa' and land to the north west of the site, which is currently used for the parking of plant hire equipment.

### **3. DETAILS OF PROPOSAL**

Full planning permission is sought for the erection of 17 dwellings with access provided off Wolstanholme Close. The proposal would also extend the curtilages of the properties known as 'Brackenwood' and 'The Sheiling' and would provide garages for both.

### **4. RELEVANT HISTORY**

In 1982 a lawful development certificate was issued for use of part of the site for use as an agricultural haulage business operated from Canal Villa (ref; 14397/5). An application for the storage of plant hire and equipment shortly followed in the same year and this was permitted on a temporary basis (ref; 14398/3). In the subsequent 20 years, this temporary permission has been renewed on 10 separate occasions the most recent being in 2004 (ref; 36846/6).

In 2001, an application for the erection of 26 dwellings (ref; 36846/6) was refused as the former Congleton Borough was experiencing an oversupply in housing. Furthermore, at that time, the proposal was deemed to be contrary to the former PPG3 'Housing' due to the development of a Greenfield site.

An application to erect 21 dwellings with access off Canal Road was recently withdrawn (planning ref; 10/0167C).

### **5. POLICIES**

#### **National Policy**

PPS1 'Delivering Sustainable Development'  
PPS3 'Housing'  
PPS9 'Biodiversity and Geological Conservation'  
PPG13 'Transport'  
PPS23 'Land Contamination'  
PPG25 'Development and Flood Risk'

#### **Local Plan Policy**

PS4 Towns  
GR1 New Development  
GR2 Design  
GR3 Residential Developments of More than 10 Dwellings  
GR4 Landscaping  
GR6&7 Amenity & Health  
GR9 Accessibility, servicing and parking provision  
GR10 Managing Travel Needs  
GR18 Traffic Generation  
GR19 Infrastructure  
GR20 Public Utilities  
GR21 Flood Prevention

GR22 Open Space Provision  
H1 & H2 Provision of New Housing Development  
H4 Residential Development in Towns  
H13 Affordable and Low Cost Housing  
NR1 Trees & Woodland  
NR2 Wildlife & Nature Conservation  
SPG1 Provision of Public Open Space in New Residential Developments  
SPG2 Provision of Private Open Space in New Residential Developments  
SPD4 Sustainable Development  
SPD6 Affordable Housing and Mixed Communities

### **Other Material Considerations**

Circulars of most relevance include: ODPM 06/2005 Biodiversity and Geological Conservation; ODPM 05/2005 Planning Obligations; and 11/95 'The use of Conditions in Planning Permissions'.

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

Design compendiums include 'By Design' and Manual for Streets'

## **6. CONSIDERATIONS (External to Planning)**

### **Environmental Health:**

The Environmental Health Division states that an assessment should be undertaken in order to identify and evaluate all potential sources and impacts of land and/or groundwater contamination. Conditions restricting the hours of construction, piling and associated deliveries to the site are recommended.

### **Highways:**

This is a detailed application for 17 dwellings. Access is proposed from Woolstanholme Close. The application is supported by a Traffic Statement in accordance with DfT guidelines, which robustly demonstrates that the traffic impact from this scale of development would be negligible and that the junction of Astbury Lane Ends with Canal Road retains significant capacity when development traffic generation is considered. In Highway safety terms the option to serve this development from an existing infrastructure junction is preferred to the creation of a new access off Canal Road. Subject to an amended plan showing a 1.0 metre service strip on the cul-de-sac fronting plots 12-15, and a pedestrian link to Canal Road, the Strategic Highways Manager would offer no objection.

### **Sustran:**

No objection but recommend that the proposal should include a pedestrian and cycle link from the development onto Canal Road and the Macclesfield Canal towpath to help promote walking and cycling. To improve connectivity with Congleton Town Centre, it also recommended that a financial contribution be sought from the developer to improve the existing network.

**Spatial Planning:**

Spatial Planning have confirmed that in general terms the proposal is in accordance with local plan policy H4 and that the principle of residential development on the site is acceptable subject to compliance with other material planning considerations. They have confirmed that for a development of this size, a contribution in lieu of Public Open Space would usually be sought from the developer where no provision is made within the development. Further, the local plan would also require 30% of the dwellings to be affordable, which would equate to 5 dwellings. The proposal appears to only provide for 4.

**Housing Land Supply**

With regard to housing land supply, although the NW Regional Spatial Strategy (RSS 2008) has recently been revoked, until further notice the Local Planning Authority will still rely upon the figures contained within it. Therefore the RSS proposes a dwelling requirement of 20,700 dwellings for Cheshire East for the period 2003 to 2021, which equates to an average annual housing figure of 1,150 dwellings per annum. It should be noted that these requirement figures are average annual figures to be achieved during the overall period covered by this RSS, from 2003 to 2021 rather than an absolute annual target, and may be exceeded where justified by evidence of need, demand, affordability and sustainability issues and fit with relevant local and sub-regional strategies. It should be noted that this RSS document supersedes the figures in both the Structure Plan and the Local Plans for the former Districts. 7,449 dwellings have been completed for Cheshire East for the period 2003-2009 (AMR 2009).

National policy guidance states that Local Authorities should manage their housing provision to provide five years supply. This suggests that Cheshire East Council should be providing its 5-year housing supply information for Cheshire East as a whole rather than the former districts or any housing market areas. Correspondence from Government Office for the North West confirms that in order to establish the appropriate housing requirement for Cheshire East, the district figures included in the published Regional Spatial Strategy (RSS) should to be added together to give the new unitary authority requirement.

With the introduction of PPS3 if the Council does not have a five-year supply it should consider favourably suitable planning applications for housing. Cheshire East has a 5.14 years supply (AMR 2009). This figure takes into account any backlog or over delivery of dwellings over the last 5-year period. Notwithstanding the existence of a 5-year supply, this does not preclude other, suitable sites being released for housing development, subject to it not undermining the achievement of housing policy objectives.

Taking the above into account, with the exception of the amount of affordable housing proposed, there are no policy objections to this application.

**British Waterways (BW):**

The layout plan appears to show a connection to the existing pedestrian access to the towpath. This should be clarified in any reserved matters application where a connection should be sought as part of the application to encourage the use of the towpath for recreation and as a sustainable transport route, and to add to interest, vitality and security along the canal corridor.

New buildings should overlook the waterway and any adjoining open spaces and footpaths to provide natural surveillance and policing. In addition, the site is within the Macclesfield

Canal Conservation Area and close to the grade 2 listed aqueduct. Orientating the buildings to front towards the canal would follow the existing urban grain of the Conservation Area.

It is considered that the development will place an additional burden on the adjacent Macclesfield Canal as a result of increased activity on the towpath. Policy GR16 'Footpath, Bridleway and Cycleway Networks' of the Congleton Local Plan states that where a requirement can be demonstrated a financial contribution may be sought from developers towards the improvement and extension of the network. Policy GR22 'Open Space Provision' states that in lieu of on-site provision, the Borough Council may accept a commuted payment to provide or improve facilities elsewhere in the locality, providing the alternative is near to and easily accessible from the housing site.

Having regard to these policies, and the 5 tests as set out in Circular 05/05 'Planning Obligations', BW considers that it would be reasonable to request financial contributions towards the costs of improving and maintaining the adjacent towpath between the bridges to the north east and south west of the site. Such contributions should consist of a payment to cover the necessary clean-up and upgrading works initially required, followed by annual contributions to cover maintenance costs for an appropriate time period. Payments should be secured through a Section 106 agreement.

**Conservation Officer:**

Individual house designs are weak, but the Conservation Officer does not consider that the impact seen from the Macclesfield Canal Conservation Area will be that significant. If minded to approve, the Conservation Officer recommends the use of high quality facing and roofing materials for the properties visible from the canal bridge.

**Nature Conservation Officer:**

Overall the site appears to have limited nature conservation value. There are small areas of common habitat types present that do at least have some value in the local context. With regard to protected species the only likely issues at this site relate to the potential presence of breeding birds and the potential usage of the site by foraging bats.

Breeding Birds

It appears likely that the site may support a number of breeding bird species including House Sparrow. The value of the site for breeding birds is likely to be limited to the local context and the adverse impact on breeding birds could be partly mitigated for by means of conditions requiring exclusion zones around breeding sites during the breeding season and the incorporation of native species in the landscaping scheme.

Loss of Ponds

A single small garden pond was recorded on site. It is recommended that the pond should be replaced by a modest purpose designed wildlife pond as a feature of the landscaping for the site.

Landscaping for bats and Wildlife in general

In order to maintain the sites nature conservation value and mitigate for the loss of breeding bird habitat and foraging habitat for bats, the landscaping for the proposed development should include native species planting. The strengthening of the existing boundaries

through hedgerow gapping up/creation and native shrub and tree planting would be one way of meeting this objective.

#### **Senior Landscape & Tree Officer:**

There are a number of trees on and adjacent to the site, including one mature protected Oak tree on the site boundary close to the end of Wolstanholme Close. Levels vary across the site and in the absence of a site survey with existing levels and details of proposed levels, it is not possible to accurately fully assess the impact of the detailed layout proposed on existing trees. In particular, alterations to levels could impact on the protected Oak tree. As such further additional information is required.

#### **Green Spaces:**

An assessment of the existing Amenity Greenspace accessible to the site has revealed that there would be a surplus in the quantity of provision. Whilst there is no need for the creation of new open space; a qualitative deficiency has been identified in local open spaces. As such, an opportunity has been identified for enhancing the quality of the Amenity Greenspace at Townsend Road. This would require a financial contribution towards the cost of improving drainage at the bottom of the site and for footpath improvements. The required sums of money would be £2,958 for the enhancements and £6,622 for the maintenance.

With regard to Children and Young Persons provision (CYPP), an assessment has identified that there would be a local deficiency in the quantity of the provision arising from the development. To meet the needs of the development, an opportunity has been identified for the upgrading of the existing facilities at Townsend Road in order to increase its capacity. Improvements would consist of relocation of items of play equipment on the same site and provision of additional equipment to bring the facility up to a Local Equipped Area for Play (LEAP). This would improve the quality and accessibility of the facility to the development. The financial contributions for such would be £5,128 for the enhancements and £16,716 for the maintenance.

#### **Housing:**

The Housing Needs studies carried out for the former Congleton found a shortfall of over 116no 2 bedroom houses and 41no 3 bedroom houses. The Council's Choice Based Lettings scheme shows high demand for 2 bedroom houses for social rent in Congleton.

In line with Supplementary Planning Document 6 (Affordable Housing and Mixed Communities) 30% of the site should be classed as Affordable Housing. This housing should be in line with the definition in PPS3 which includes social rented housing or intermediate affordable housing including shared equity schemes. Of this 30%, 50% should be social rented and 50% either shared ownership or discounted for sale.

The applicant has offered 4 units rather than the 5 units which would be required by the Council's policy which would all be social rented units rather than a mix of tenure. The proposal for affordable housing in this application put forward by Wain Homes is not therefore in accordance with the policy. However if their offer remains at 4 two bedroom houses for social rent the Strategic Housing Officer would recommend acceptance because of the high demand for these type of units in Congleton and because social rent needs much more subsidy than intermediate tenure and therefore a reduced number is acceptable.

**United Utilities (UU):**

United Utilities offer no objection to the proposal provided that the site is drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the surface water sewer at manhole 6001 restricted to a discharge of 8l/s.

**7. VIEWS OF CONGLETON TOWN COUNCIL**

Object on highways grounds – the junction at Astbury Lane Ends and Canal Road is very busy and also contains a bus stop in both directions picking up school children in the mornings and afternoons. Thus the impact of traffic emanating from the new development will exacerbate an already busy junction and increase the probability of accidents occurring and would be contrary to highway safety because of the unacceptable increase in traffic.

Additional concerns:-

1. Proposed development would result in more road parking.
2. No notices have been put up in Wolstanholme Close publicising the planning application.
3. Not aware of any community involvement relating to this application.
4. Builder plans to use soak away drains for storm water, as all the existing homes have a similar system, there is concern that the issues under the aqueduct of Canal Road will be intensified.
5. Strongly suggest that the pond is surveyed on the site for evidence of Great Crested Newts in the pond, which are believed to exist in the area.

**8. OTHER REPRESENTATIONS**

130 letters of representation have been received objecting to this application on the grounds summarised below:

- The junction at Canal Road/Astbury Lane Ends/Lamberts Lane is well known as a very busy and dangerous junction already. The development would give rise to an unacceptable increase in traffic using this junction.
- A full traffic survey should be carried out to appreciate the existing traffic conditions and how the development will make these conditions worse.
- A recent appeal decision for Lamberts Lane Farm highlighted issues with traffic using Lamberts Lane.
- The Applicants Traffic Survey was carried out during the summer holidays, at very limited time periods and cannot be taken as a fair representation of the traffic impact following the development and includes no accident data of which there have been 3.
- Insufficient parking would lead to parking on Wolstanholme Close especially during bad weather.
- Lamberts Lane is a particular congestion hotspot due to the condition of the road and the numbers of parked cars on the roadside, which reduces visibility.
- The proposed plan has no provision for the turning of large vehicles.
- The development would lead to 100 vehicle movements per day.
- The actual egress from the Close on to Lamberts Lane has a blind spot to the right due to the presence of a protected oak tree on the corner which obscures oncoming traffic.

- Cars travelling down Leek Road towards the town centre rarely keep within the speed limit.
- All the pressure points and roads listed above are totally unsuited to the construction vehicles and associated noise pollution.
- Service vehicles such as refuse collection would have to reverse down Wolstanholme Close.
- Making this road a through road will seriously compromise the safety of all children by putting their lives at risk when playing out.
- The traffic impact on the entrance to the Lamberts Lane bridleway, used as an amenity by locals and other visitors from Congleton for both walking with and without dogs and also horse riders and fishermen
- No community consultation has been carried out.
- The submitted protected species surveys are not comprehensive in terms of bats and great crested newts.
- Contained within the site is a pond, which the applicant has failed to survey
- With no access off Canal Road, residents are more likely to use the car to travel to the town centre.
- Stormwater will make existing drainage conditions worse especially beneath the Aqueduct Bridge on Canal Road.
- The existing houses around this plot have soak away storm drains since they are not allowed to attach to the main sewers when they were built because it was considered that the drains would not be able to cope.
- This application has too few affordable dwellings. Only 4 of the house will be low cost and 4 affordable houses –the other 9 houses seem to be 4+ bedrooms and will not address or ease the current housing shortage.
- This is a Greenfield site, it should not be developed when there are a number of Brownfield sites available.
- Only the proposed access road has pavement provision. The proposal does not give provision for pedestrians or direct access to Canal Road.
- Lack of public notices on Wolstanholme Close and Lamberts Lane.
- Incorrect reference numbers used on plans, traffic survey conducted at the wrong times of day (this doesn't give an accurate reflection of frequency and travel times) as it was only monitored for a limited period on a single day.
- Children and young people from at least two high schools and two colleges are picked up and dropped off each day by buses from directly outside this junction.
- There is a thriving local shop adjacent to the junction which attracts not only local residents but also passing traffic from Leek Road/Canal Road.
- The area is used a lot by learner drivers.
- Many recently completed developments in Congleton are still uninhabited.
- The first houses along Lamberts Lane do not benefit from off-street parking.
- The traffic survey was carried out by the applicant and has several omissions and errors.
- No traffic count on Canal Road, 4 school buses, and delivery vehicles to shop, the nursery school traffic, post office vans, and the Moss Inn public house entrance.
- Erosion of quality of amenities - as will be remembered from all the arguments put forward in connection with the proposed planning for the chicken farm, this area is used by walkers, joggers, horse riders, children cyclists and fishermen accessing the canal. It is an area of some beauty with mature trees both on and close to the site. I feel this ought to be preserved at all cost an any substantial increase in road traffic must be deemed unacceptable



- Density & Quality - from the plans it appears that the proposal is for the bulk of the houses to be small and in the 'affordable' category.
- Also the drop of 1 metre from Wolstanholme into the site means that cars driving out of the site at night will shine their lights into the bedrooms of 17 Wolstanholme Close, not really on.
- Proposed Plan will destroy the Wolstanholme Close community.
- The field level is metres higher than Canal Road. At the top of the embankment there is only a wire fence, not a hedge, therefore the planned houses on this raised field would take my light and devalue adjacent properties.
- Loss of a view.

## **9. APPLICANT'S SUPPORTING INFORMATION**

Amended Plans comprising revised layout and changes to house types  
 Planning Design & Access Statement  
 Climate Change Statement  
 Transport Statement  
 Phase 1 Habitat Survey  
 Bat Survey  
 Tree Survey

## **10. OFFICER APPRAISAL**

### **Principle of Development**

Policy PS4 of the development states that there is a general presumption in favour of development within settlement zones lines of towns provided that it is in keeping with the town's scale and character and does not conflict with other relevant local plan policies. Any development on land which is not otherwise allocated for a particular use must also be appropriate to the character of its locality in terms of use, intensity, scale and appearance.

Whilst part of the site is Greenfield, it should be noted that this is a relatively small area of private land, sandwiched between developments within an otherwise built up area. In addition, it is a site which would complete the development of this part of Congleton, and as it is surrounded by existing residential properties, its development would not lead to pressure for future expansion. Furthermore, the site is identified within the Council's draft SHLAA as a site, which could be released for development and delivered within the next 5 years. Subject to the submission of an appropriate layout and design it is not considered that its loss would cause significant detriment to the character or appearance of the area.

### **Housing Land Supply**

Although the Regional Spatial Strategy for the North West (2008) has recently been revoked, the Local Planning Authority still relies upon the figures contained within it. National policy guidance, states that Local Authorities should manage their housing provision to provide a five-year supply. With the introduction of PPS3 if the Council does not have a five-year supply it should consider favourably suitable planning applications for housing. Cheshire East has a 5.14 years supply. This figure takes into account any backlog or over delivery of dwellings over the last 5-year period. However, notwithstanding the existence of a 5-year supply, this does not preclude other suitable sites being released

for housing development, subject to it not undermining the achievement of housing policy objectives. The housing figures indicate that there is a demand for additional housing land and therefore at the present time the Council is favourably considering applications for residential development subject to compliance with other material considerations.

## **Design & Layout**

Following an assessment of the proposal, it is considered that the design and layout of the scheme is unacceptable and would result in a poor quality development which fails to improve the character of the area and the way it functions. In this respect, three of the principal concerns that have contributed to the decision to recommend refusal of the scheme are identified below.

Firstly the highway layout, circulation spaces and car parking arrangements unduly dominate the scheme to the detriment of the built form and the appearance of the public realm within the site; something that is particularly evident in and around the area of the site entrance where the opportunity to deliver a focal point building and ensure a sense of arrival and has been missed.

Secondly, the arrangement of plots 10, 11 and 12 would result in long stretches of blank boundary walls and unattractive service strips which contribute to the poor quality street scene and public realm environment within what is otherwise a prominent part of the site.

Thirdly the overall site layout arrangement is poor. The scheme lacks any form of cohesion and legibility which has a significant detriment impact upon the public realm and overall character and appearance of the development.

In summary, the design and layout is unacceptable and has missed the opportunities to deliver high quality development on a site with great potential and it therefore fails to satisfy the requirements of PPS1, PPS3, By Design, Manual For Streets along with local plan policies GR1, GR2 and GR3 which seek to deliver high quality design and avoid development which fails to improve the character and quality of an area and the way it functions.

## **Highways**

Policy GR9 states that proposals for development requiring access, servicing or parking facilities will only be permitted where a number of criteria are satisfied. These include the adequate and safe provision for access and egress by vehicles, pedestrians and other road users to a public highway. The site would be accessed via Wolstanholme Close, a cul-de-sac comprising of modern detached dwellings that is accessed via Lamberts Lane to the south. The head of the cul-de-sac would be extended directly into the site and has been constructed with a view to serving the future development of the site. A Transport Statement has been submitted with the application and the Strategic Highways Manager has assessed this and verified its findings. The Assessment concludes that the site is considered to be accessible by a range of non-car modes of travel, is in close proximity to the existing public transport infrastructure and that the scale of development would not have a detrimental impact on the local highway network, including the nearby junction of Lamberts Lane, Astbury Lane Ends and Canal Road.

At the end of 2009, planning permission was refused for the erection of a free-range chicken unit at a nearby smallholding known as 'Lamberts Lane Farm' and a subsequent appeal was dismissed. Objectors have cited the appeal decision with particular reference to access, however, the main highways issues identified by the Inspector were with regard to the impact that large heavy lorries would have on the public safety and amenity value of Lamberts Lane where it is a single track after its junction with Wolstanholme Close. The proposed access off Wolstanholme Close would not require vehicles to use this section of Lamberts Lane and therefore the vehicle movements associated with the proposed development would not affect this section of Lamberts Lane. The capacity of the local highway network is deemed sufficient to accommodate the vehicle movements associated with the scale of the proposed development. The requirements of policies GR1, GR9 and GR18 of the adopted local plan are therefore deemed to have been satisfied.

## **Trees**

There are a number of mature trees located on or towards the perimeter of the site and along the boundaries. Of particular note is a mature protected oak tree situated close to the proposed access off Wolstanholme Close. The layout would allow for the retention of the protected Oak tree and many of the other prominent trees. Although a number of early mature Sycamore and Willow trees would have to be removed to create the access from Wolstanholme Close, the trees that would be removed have no individual amenity value. They do have some amenity value as a group where they are visible from Wolstanholme Close, however, there would be scope to secure replacement planting by condition.

## **Ecology**

In view of the fact that the development would involve the removal of some tree specimens, scrubland, and outbuildings, the existence of protected species needs consideration. The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places,

- in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment

and provided that there is

- no satisfactory alternative and
- no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK implemented the Directive by introducing The Conservation (Natural Habitats etc) Regulations 1994 which contain two layers of protection

- a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and
- a licensing system administered by Natural England.

Local Plan Policy NR2 states that proposals for development that would result in the loss or damage of any site or habitat supporting species that are protected by law will not be permitted.

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

PPS9 (2005) advises LPAs to ensure that appropriate weight is attached to protected species "Where granting planning permission would result in significant harm LPAs will need to be satisfied that the development cannot reasonably be located on any alternative site that would result in less or no harm. In the absence of such alternatives LPAs should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where significant harm cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused."

PPS9 encourages the use of planning conditions or obligations where appropriate and again advises LPAs to "refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm."

The converse of this advice is that if issues of detriment to the species, satisfactory alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations.

In line with guidance in PPS9, appropriate mitigation and enhancement should be secured if planning permission is granted. The ecologist has identified few habitats of priority interest on site and suggested that the loss of habitats such as scrub and hedges could be mitigated through enhanced landscaping. Some of the features of the site exhibit ideal habitat for breeding birds and as such precautionary recommendations are made. The Ecologist has confirmed that the existing pond on the site does not lend itself well to supporting great crested newts but does offer potential wildlife habitat. As such, the Nature Conservation Officer has recommended that a replacement pond be as part of the landscape proposals to mitigate its loss. Subject to these recommendations being implemented, the requirements of local plan policy NR2, PPS9 and the EC Habitats Directive are satisfied.

### **Affordable Housing**

The application includes an undertaking for the provision of 17 homes within the site of which only 24% would be affordable. These would consist of 4 two-bedroom homes for social rent and 4 homes as low cost market (24%). Supplementary Planning Document 6: Affordable Housing and Mixed Communities, requires 30% of the development to be classed as affordable housing in line with the definition in Planning PPS 3.

The Housing Manager states that the proposal does not provide the level of affordable housing required by Supplementary Planning Document 6, (Affordable Housing and Mixed Communities). The level to be provided would be 1 unit short of the 5 required, however as the Housing Manager is satisfied with this level of provision given that all of the units would

be social rented. The Housing Manager would recommend acceptance because of the high demand for these types of units in Congleton and because social rent needs much more subsidy than intermediate tenure and therefore this reduced number is deemed to be acceptable. Provided that the developers and the Registered Social Landlord chosen to manage the social rented properties enter into a Section 106 Agreement securing the provision and retention of the affordable housing, it is considered that this renders the proposal acceptable in terms of the provision of affordable housing.

### **Public Open Space Provision**

Under Supplementary Planning Guidance Note 1 'Provision of Public Open Space in New Residential Developments', there is a requirement for the provision of public open space on the site. However, the Local Planning Authority (LPA) recognises that in smaller developments such as this one it will not always be practical to provide public open space within the development site. Whilst the application is in outline form with details of access only, the indicative layout shows that there would be no onsite public open space or children's informal play space. In these circumstances the LPA will normally expect a financial contribution in lieu of the actual provision of Public Open Space on site where the proposed development would give rise to a quantitative and / or qualitative deficit in the area.

The Greenspaces Officer has assessed the proposal and states that due to the size of the development, it would be inappropriate to provide a large enough area of public open space within the development to offset the deficiency of provision set out by the adopted local standards in the Council's Open Space Study for both Amenity Green Space and Children and Young Persons provision. As such commuted sums would need to be secured by Section 106 Agreement and these are fully explained in the consultation response from the Greenspaces Officer. In summary they would comprise a sum of £2,958 for enhanced provision of Amenity Greenspace, with £6,622 for maintenance and £5,128 for improvements and £16,716 maintenance of a small Local Equipped Area for Play at Townsend Road.

### **Residential Amenity**

In respect of the residential amenities afforded to neighbouring properties, the proposals would achieve the minimum interface distances advised within SPG2. The scheme would not give rise to any direct overlooking or significant loss of sunlight or daylight to the properties situated to the east, south or west. With regard to the amenities of the occupiers of the proposed units, the dwellings have been configured and arranged so as to ensure that there is no direct overlooking of principal windows. Each dwelling unit would benefit from its own rear garden and it is considered that the amenity space provided as part of the development would be acceptable for the size of units proposed. Subject to the removal of permitted development rights, the proposal is found to be acceptable in terms of residential amenity.

### **Drainage and Flood Risk**

PPS25 'Development and Flood Risk' states that LPAs should in determining planning applications give priority to the use of sustainable draining systems for the management of runoff. Building design should ideally use softer engineering structures such as swales,

detention ponds, infiltration basins and porous surfaces as alternatives to conventional drainage systems to minimise flooding and environmental damage as a result of uncontrolled surface water runoff. Some objectors have expressed concern about the existing ground conditions and have pointed out that the development of the site would lead to the increased risk of flooding particularly on Canal Road. Whilst an objector has submitted a short video recording showing runoff along Canal Road, this appears to be normal rainwater runoff travelling into existing storm water drains. The site is not within an area at risk from flooding and as such, in the event of such development being approved, sustainable drainage systems can be secured through condition or agreement. United Utilities have not objected to the application provided that the site is drained on separate system.

### **Other Considerations**

British Waterways has recommended that the development should link in with the canal towpath on the Macclesfield canal to the north. However, the applicant has stated that the connecting land is third party and therefore cannot be secured for incorporation into the development. Consequently, whilst it would be advantageous to provide a pedestrian link between the development and the canal it is not feasible. With regards to the requirement to provide financial contributions towards the costs of improving and maintaining the adjacent towpath, this would not be relevant to the development and would not be reasonable for a scheme of this scale. The same applies for the requested contributions towards the Congleton Town centre cycle network recommended by Sustran.

## **11. CONCLUSIONS AND REASONS FOR THE DECISION**

The principle of the development is found to be acceptable. Whilst this is a Greenfield site and the loss of any such site to housing is regrettable, consideration also needs to be given to the need for the Council to ensure an adequate supply of housing land over the next five years. If supply is deemed to be too low, there is a risk that less desirable or more sensitive sites will need to be released for development in the future. However, whilst the principle of the development is deemed to be acceptable, the design and layout is unacceptable and has missed the opportunities to deliver high quality development on a site with good potential.

In highways terms, the capacity of the local highway network is deemed sufficient to accommodate the vehicle movements associated with the scale of the proposed development. Whilst there is a shortfall of 1 affordable unit, all of the affordable units would be 2 bedrooms and social rented of which there is a large demand in Congleton. There would be no adverse impact on trees or wildlife habitats subject to enhanced wildlife and habitat creation as part of the scheme. The applicant has offered acceptance of the financial contributions towards public open space and the risk posed to drainage is not deemed to be high and could be controlled through the use of SUDS and the use of a separate sewerage system. Nonetheless, these considerations are insufficient to outweigh the substandard design and as such this full application is recommended for refusal.

## **12.RECOMMENDATION**

**REFUSE for the following reason:**

**1. The proposed design and layout is substandard and has missed the opportunities to deliver high quality development on a site with great potential and it therefore fails to satisfy the requirements of PPS1, PPS3, By Design, Manual For Streets along with local plan policies GR1, GR2 and GR3 which seek to deliver high quality design and to avoid development which fails to improve the character and quality of an area and the way it functions.**

Location Plan: Cheshire East Council Licence No. 100049045

