

Southern Planning Committee

Agenda

Date:	Wednesday, 2nd October, 2019
Time:	10.00 am
Venue:	Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ

Members of the public are requested to check the Council's website the week the Southern Planning Committee meeting is due to take place as Officers produce updates for some or all of the applications prior to the commencement of the meeting and after the agenda has been published.

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the top of each report.

It should be noted that Part 1 items of Cheshire East Council decision making meetings are audio recorded and the recordings are uploaded to the Council's website

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. **Apologies for Absence**

To receive apologies for absence.

2. **Declarations of Interest/Pre Determination**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests and for Members to declare if they have pre-determined any item on the agenda.

3. **Minutes of Previous Meeting** (Pages 3 - 6)

To approve the minutes of the meeting held on 4 September 2019.

Please contact Julie Zientek on 01270 686466

E-Mail: julie.zientek@cheshireeast.gov.uk with any apologies or requests for further information
Speakingatplanning@cheshireeast.gov.uk to arrange to speak at the meeting

4. **Public Speaking**

A total period of 5 minutes is allocated for each of the planning applications for the following:

- Ward Councillors who are not members of the Planning Committee
- The relevant Town/Parish Council

A total period of 3 minutes is allocated for each of the planning applications for the following:

- Members who are not members of the planning committee and are not the Ward Member
- Objectors
- Supporters
- Applicants

5. **18/5510N Land Off Sydney Road, Crewe: Development of 40 affordable dwellings, the creation of a new vehicle and pedestrian access from Sydney Road, internal shared surface roads, car parking, landscaping and public open space for Galliford Try Partnerships (Pages 7 - 30)**

To consider the above planning application.

6. **19/2938C Hawthorn Cottage, Harvey Road, Congleton CW12 2PS: Outline Application for the Refurbishment of Hawthorn Cottage, Canal Side Farm and the Erection of 35 No. Dwellings. The Formation of a New Vehicle and Pedestrian Access from Gordale Close for Mr David Poyner, Davico Properties UK Ltd (Pages 31 - 64)**

To consider the above planning application.

7. **19/3307N Boot and Slipper, Long Lane, Wettenhall: Erection of 4 Dwellings for E Atkinson, Commercial Development Projects Ltd (Pages 65 - 82)**

To consider the above planning application.

THERE ARE NO PART 2 ITEMS

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 4th September, 2019 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

Councillor J Wray (Chairman)
Councillor S Akers Smith (Vice-Chairman)

Councillors M Benson, P Butterill, A Critchley, S Davies, H Faddes (for Cllr Bratherton), K Flavell, A Gage, A Kolker, D Murphy and J Rhodes

NON-COMMITTEE MEMBERS IN ATTENDANCE

Councillor J Clowes

OFFICERS PRESENT

Daniel Evans (Principal Planning Officer)
Andrew Goligher (Principal Development Control Officer - Highways)
James Thomas (Senior Lawyer)
Julie Zientek (Democratic Services Officer)

Apologies

Councillor J Bratherton

22 DECLARATIONS OF INTEREST/PRE DETERMINATION

There were no declarations of interest.

23 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meeting held on 7 August 2019 be approved as a correct record subject to the placing on record of Councillor D Murphy's apologies for the meeting.

**24 19/2086N - LAURELS FARM, CREWE ROAD, HATHERTON, CW5 7PE:
PROPOSED COLD STORE EXTENSION FOR MR M HELER, JOSEPH
HELER LIMITED**

Note: Councillor J Clowes (Ward Councillor), Parish Councillor C Knibbs (on behalf of Hatherton & Walgherton Parish Council), Mrs D Holland (objector) and Mr K Read (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application, a written update and an oral report of the site inspection.

RESOLVED

- (a) That, for the reasons set out in the report and the written update, authority be DELEGATED to the Head of Development Management to APPROVE the application, following consultation with the Chairman of Southern Planning Committee (or in his absence the Vice Chairman), subject to:
- confirmation as to whether any hours of operation conditions have been attached to previous planning permissions on Laurels Farm and, if so, to consider whether an hours of operation condition should be imposed on this application
 - any hours of operation condition deemed necessary
 - the following conditions:
 1. Time limit
 2. Approved plans
 3. Materials
 4. Public Rights of Way scheme of management
 5. Nesting birds survey
 6. Feature for nesting birds
 7. Landscaping scheme to include native species hedgerow along the building's east boundary.
 8. Landscaping scheme implementation
 9. Landscaping management scheme
 10. The cold store building to only be used for storage purposes ancillary to the operation of Laurel Farm
 11. Details of how excess soil will be handled
 12. Tree protection
 13. Compliance with the FRA
 14. Drainage strategy
 15. Details of how the development will secure at least 10 per cent of its predicted energy requirements from decentralised and renewable or low carbon sources
 16. Cycle storage (6 spaces) to be provided
 17. Specification/siting of any refrigeration plant/equipment to be submitted and approved
 18. External lighting details to be submitted and approved

Informatives:

1. As part of condition 15 the applicant is encouraged to consider the use of solar panels on the building.
2. The applicant is encouraged to consider the use of rainwater harvesting.

- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Development Management, following consultation with the Chairman (or in his absence the Vice Chairman) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, before issue of the decision notice.

The meeting commenced at 10.00 am and concluded at 11.30 am

Councillor J Wray (Chairman)

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Application No: 18/5510N

Location: Land Off, SYDNEY ROAD, CREWE

Proposal: Development of 40 affordable dwellings, the creation of a new vehicle and pedestrian access from Sydney Road, internal shared surface roads, car parking, landscaping and public open space.

Applicant: -, Galliford Try Partnerships

Expiry Date: 08-Feb-2019

SUMMARY

The site is within the Open Countryside where, under policy PG6 of the Adopted Local Plan Strategy, there is a presumption against new residential development. The proposed development although affordable has not been put forward as a Rural Exception Site and therefore would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside. The issue in question is whether there are other material considerations associated with this proposal, which are sufficient material considerations in this case to outweigh the policy objection.

The site is an essentially land-locked site and no longer forms part of the functional open countryside as it is contained by existing residential development, the railway line and Sydney Road Bridge, and also future development which has been approved beyond the railway line to the east.

The development would provide significant social benefits in terms of affordable housing through the provision of a 100% affordable housing scheme. It would also provide economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses.

The development of is of acceptable layout and design which accords with the principles of the Cheshire East Design Guide. It would not have a harmful impact on the local highway network or highway safety, and would not adversely affect the amenities of nearby properties or highway safety. In addition there are no objections to the development in relation to air quality, noise, ground conditions, ecology and trees.

Therefore it is considered that although the application is a departure to the Development Plan, other material considerations as set out above, are considered to be acceptable and therefore recommended for approval subject to a legal agreement and conditions set out below.

SUMMARY RECOMMENDATION

Approval subject to completion of S106 Agreement and conditions

PROPOSAL

The application seeks full planning permission for a scheme of 40, two storeys, and affordable dwellings.

The proposed development will comprise of 4 no. one-bed apartments, 17 no. two-bed dwellings, and 19 no. three-bedroom dwellings. All dwellings will be transferred to a Registered Provider for future management. The proposed split in tenure is that 26 dwellings will be provided as affordable rent and 14 dwellings will be sold as shared ownership units.

Access into the site will be gained from Sydney Road to the west, using a currently undeveloped strip of land between existing dwellings (No 72 and 74) which front onto the Sydney Road.

The dwellings have been arranged to face on to the new adoptable access road which will serve the site from Sydney Road and consist of a mix of semi- detached houses and short terraced blocks.

This application seeks to address the reasons for the refusal of the previous application (17/0560N) for a similar affordable housing scheme on this site. In particular, the layout has been revised to now incorporate an area of designated public open space (1000 sq metres) and also the housing mix has been expanded to include one- bedroom , ground floor flats to meet the needs of elderly/disabled persons. In addition, further to a full review of the financial viability of the submitted scheme during the course of the application, the applicant has agreed payment of all financial contributions which are necessary to mitigate the adverse impacts of the development. These contributions will be secured through a S106 agreement as set out below.

SITE DESCRIPTION

The site is located on the north-eastern edge of Crewe and lies within Open Countryside as identified by the Development Plan, and covers an area of 1.03 hectare. It is a triangular parcel of land comprising a single field on the northern side of Sydney Road. The site is pasture land, but is not in agricultural use, nor is it accessible to the public.

The rear garden boundaries of dwellings fronting Sydney Road (Nos.56-84 even) form the western edge of the Site. The residential curtilage of a detached property (No.54 Sydney Road) adjoins the northern boundary of the site.

The Manchester to Crewe railway line runs north/south alongside the eastern site boundary. An electricity pylon is also located within open land adjacent to the eastern boundary of the Site, but no powerlines pass directly over the site.

RELEVANT HISTORY

17/0560N - Full planning permission for the proposed development of 40 affordable dwellings, comprising of 17 two-bed and 23 three-bed dwellings, the creation of a new vehicle and pedestrian access from Sydney Road, internal shared surface roads, car parking, landscaping and public open space. Refused 1st December 2017 for the following reasons:

1. *It is considered that the harm to the Open Countryside is not outweighed by the benefits of the proposed development, given its poor layout and design resulting in the lack of satisfactory provision of recreational open space and opportunities for children's play. The development is therefore deemed to be contrary to Policies PG6 (Open Countryside), SE1 (Design), SC3 (Health and Wellbeing), SD1 (Sustainable Development in Cheshire East), and SD2 (Sustainable Development Principles) of the Cheshire East Local Plan Strategy, and saved Policy RT3 of the Borough of Crewe and Nantwich Replacement Local Plan 2011.*

2. *It has not been demonstrated that the proposals cannot deliver the necessary financial contributions towards identified educational need and off-site open space/play space to mitigate the adverse impacts of the development. The proposals are therefore contrary to the Policies IN1 (Infrastructure) and IN2 (Developer Contributions) of the Cheshire East Local Plan Strategy and saved Policy RT3 of the Borough of Crewe and Nantwich Replacement Local Plan 2011.*

7/16274 - Residential Development - Refused 19th January 1989

7/07282 - 4 detached dwellings - Refused 30th October 1980

POLICY

Cheshire East Local Plan Strategy (CELPS)

PG2 – Settlement Hierarchy

PG6 - Open Countryside

PG7 – Spatial Distribution of Development

SC4 – Residential Mix

SC5 – Affordable Homes

SC6 - Rural Exceptions Housing for Local Needs

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 3 - Biodiversity and geodiversity

SE 4 - The Landscape

SE 5 - Trees, Hedgerows and Woodland

SE 6 – Green Infrastructure

SE9 - Energy Efficient Development

SE12 - Pollution, Land contamination and land instability

SE13 - Flood risk and water management

CO1 - Sustainable Travel and Transport

CO4 - Travel plans and transport assessments

IN1 - Infrastructure

IN2 - Developer Contributions

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

Crewe & Nantwich Replacement Local Plan 2011

NE.5 (Nature Conservation and Habitats)
NE.8 (Sites of Local Importance for Nature Conservation)
NE.9 (Protected Species)
NE.17 (Pollution control)
NE.20 (Flood Prevention)
BE.1 (Amenity)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
BE.6 (Development on Potentially Contaminated Land)
RES.5 (Housing in the Open Countryside)
TRAN.3 (Pedestrians)
RT.3 (Provision of recreational open space and children's play space in new housing developments)

Other Material Considerations

National Planning Policy Framework (2019)
National Planning Practice Guidance

Supplementary Planning Documents

Cheshire East Design Guide
Interim Cheshire East Design Guide
Planning Statement Affordable Housing
Interim Planning Statement Release of Housing Land
Development on Backland and Gardens
The EC Habitats Directive 1992
Conservation of Habitats & Species Regulations 2010
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory

CONSULTATIONS

Environmental Health - No objection subject to conditions regarding the implementation of the Noise Mitigation Scheme, charging for electric vehicles, travel information pack, installation of ultra low emission boilers, lighting scheme and remediation of contamination. An Informative relating to hours of construction is recommended.

Highways Officer - No objection subject to a condition requiring a Construction Management Plan.

Education - No objection subject to an education contribution of £86,770.

NHS - No objection subject to contribution of £31,356 towards improvement of local medical centres.

Public Rights of Way Officer - No objection

United Utilities - No objections subject to conditions requiring surface and foul drainage to be being carried out in accordance with the submitted Flood Risk Assessment, and the submission of a drainage management plan.

Flood Risk - No objection in principle subject to clarification of surface water discharge rates from the site.

Network Rail - No objection subject to standard informatives regarding construction work and development adjacent to the railway.

Cheshire Brine Subsidence Compensation Board - No objection subject to an informative being attached in relation to the foundation design of the proposed development.

Cadent – No objection subject to informatives safeguarding gas apparatus within site.

VIEWS OF THE TOWN COUNCIL

Crewe Town Council - Commented as follows;

The Town Council has no objection in principle to residential development on this site, but would like to see:

- *An acoustic barrier to railway line, preferably in the form of a green wall. It is unrealistic and unreasonable to expect families to keep windows closed all year round to reduce noise.*
- *The highway authority take this development into account when determining the location of the pedestrian crossing to be installed in connection with the Sydney Road Bridge Improvement Scheme.*

OTHER REPRESENTATIONS

Representations have been received from the residents of 14 neighbouring properties raising the following points:

- Reasons for the refusal of the previous application have not been addressed
- Overdevelopment of the site. Number of properties should be reduced
- Inappropriate site and no need for development
- Cumulative effects of development in the immediate area
- Increased pressure on community facilities and infrastructure including Doctor's surgeries, schools, dentists and hospitals
- Development out of character.
- Proposed access serving the site is very narrow and of inadequate width.
- Adverse impact on highway safety due to inadequate highway visibility along Sydney Road and proximity to Sydney Road Bridge
- Increase traffic congestion on Sydney Road, which is a busy road especially at peak periods

- Increased traffic flows and speed across reopened Sydney Road Bridge will exacerbate problems of joining the flow of traffic on to this busy stretch of road and a dangerous place for pedestrians to cross
- Public transport provision in locality is poor with no direct bus services
- Reduction in quality of life
- Overlooking and loss of privacy
- Loss of open aspect and green space to rear
- Unfavourable ground conditions due to brine subsidence;
- Land subject to contamination
- Increased heavy railway traffic has caused vibration and subsidence
- Will exacerbate drainage and flooding problems
- Increased noise from traffic using site access and impact from headlights of vehicles facing towards windows of adjacent properties
- Adverse impact on air quality in locality from increased vehicle emissions
- Adverse impact of construction work
- Loss of wildlife habitat and adverse impact on nesting birds
- Health, noise and safety issues due to proximity of site to railway line and electricity pylon
- Children's play area not provided on site and poor provision of public open space within the development
- Odours originating from Maw Green landfill site
- Reduction of property values
- Access needed to maintain boundary hedges and trees
- Inadequate neighbour consultation

APPRAISAL

Principle of development

The site lies within the Open Countryside. Policy PG6 of the Adopted Local Plan Strategy 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. Residential development is restricted to agricultural workers dwellings, affordable housing and limited infilling within built up frontages.

The proposed development although affordable, has not been put forward as a Rural Exception Site and therefore 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".

Policy SC6 (Rural Exceptions Housing for Local Needs) of the CELPS only applies to developments which adjoin a Local Service Centre or Other Settlement and are for small schemes (10 dwellings or fewer). As a result the proposed development does not comply with this Policy.

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

The Cheshire East Local Plan Strategy was adopted on the 27th July 2017 and forms part of the statutory development plan. The plan sets out the overall strategy for the pattern, scale and quality of development, and makes sufficient provision for housing (36,000 new dwellings over the plan period, equating to 1,800 dwellings per annum) in order to meet the objectively assessed needs of the area.

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted.

The National Planning Policy Framework (NPPF) identifies the circumstances in which relevant development plan policies should be considered out-of-date. These are:

- Where a local planning authority cannot demonstrate a five year supply of deliverable housing sites (with appropriate buffer) or:
- Under transitional arrangements, where the Housing Delivery Test Result indicates that the delivery of housing was substantially below 25% of housing required over the previous three years.

In accordance with the NPPF, the council produces an annual update of housing delivery and housing land supply. The council's most recent Housing Monitoring Update (base date 31 March 2018) was published on the 6th November 2018. The report confirms:

- A five year housing requirement of 12,630 net additional dwellings. This includes an adjustment to address historic shortfalls in delivery and the application of a 5% buffer.
- A deliverable five year housing land supply of 7.2 years (18,250 dwellings). The 2018 Housing Delivery Test Result was published by the Ministry of Housing Communities and Local Government on the 19th February 2019 and this confirms a Cheshire East Housing Delivery Test Result of 183%. Housing delivery over the past three years (5,610 dwellings) has exceeded the number of homes required (3,067). The publication of the HDT result affirms that the appropriate buffer to be applied to the calculation of housing land supply in Cheshire East is 5%.

Relevant policies concerning the supply of housing should therefore be considered up-to-date and consequently the 'tilted balance' at paragraph 11 of the NPPF is not engaged

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”

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

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

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

a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and These roles should not be undertaken in isolation, because they are mutually dependent.

SOCIAL SUSTAINABILITY

Affordable Housing

The Council's Housing Officer has advised that the SHMA 2013 shows the net affordable housing need in Crewe is 217 new affordable dwellings per annum upto 2018. Broken down this evidenced a requirement for 50x 1 bedroom, 149x 3 bedroom, 37x 4+ bedroom dwellings for General Needs. Also the SHMA is showing a need for 12x 1 bedroom and 20x 2 bedroom dwellings for Older Persons these can be provided via flats, cottage style flats or bungalows.

The current number of those on the Cheshire Homechoice waiting list with Crewe as their first choice is 2,092. This can be broken down to 959x 1 bedroom, 661x 2 bedroom, 296x 3 bedroom, 96x 4 bedroom dwellings and 80 5 bedroom dwellings.

Therefore the Housing Officer considers that the proposed mix of 1, 2, and 3 bedroom dwellings for General Needs would be acceptable for this site. The provision of 4x 1 bedroom apartments, 17x 2 bedroom dwellings and 19x 3 bedroom dwellings is also considered satisfactory.

The applicant is proposing a total of 40 affordable dwellings with a tenure split in line with the CELP Policy SC 5 with 26 dwellings provided as affordable rent and these will be let to those in housing need via Cheshire Homechoice. The remaining properties will be sold as shared ownership by a Registered Provider to those who are unable to afford to buy an equivalent property on the open market.

The proposed scheme of 40 affordable dwellings incorporating both Shared Ownership and Affordable Rented dwellings will clearly assist in addressing the Council's commitment to providing sustainable affordable housing in Cheshire East and is therefore supported.

Therefore this 100% affordable housing scheme makes a significant contribution to the community in its own right and therefore ensures the proposal is socially very sustainable.

NHS Health

The South Cheshire Commissioning Group (CCG) have sought a S106 contribution to provide funding to support the development of Millcroft, Hungerford and Earnswood Medical Centres, and their future ability to meet the needs of residents of the proposed scheme and continue to provide the expected levels of primary care services in Crewe.

Based on this 40 home affordable housing scheme, a contribution of £31,356 is requested. The applicant has agreed to enter into an S106 agreement to secure this contribution.

Education

Following consultation with children's services a financial contribution is required as the development of 40 dwellings is expected to generate:

8 primary children (40 x 0.19)
6 secondary children (40 x 0.15)
0 SEN children (40 x 0.51 x 0.023%)

The development is forecast to increase an existing shortfall for primary provision (8 pupils) in the immediate locality as set out in the table below.

The development is not expected to impact upon secondary or SEN school place provision.

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

$8 \times £11,919 \times 0.91 = £86,770$ (primary)
Total education contribution: £86,770

Without a secured contribution of £86,770, Children's Services would object to this application as without the mitigation, 8 primary children would not have a school place in Crewe. The applicant has however agreed to enter into a S106 agreement to secure this contribution.

Open Space Provision

Policy SE.6 of the LPS requires development to provide adequate open space and Saved Policy RT3 states that where a development exceeds 20 dwellings the Local Planning Authority will seek POS and play space on site. This is quantified as follows;

Children's Play Space - 20 sq m per family dwelling
Amenity Green Space – 20m sq per family dwelling

To address the reason for refusal of the previously submitted scheme a designated area of public open space (1000 sq m) is proposed.

The proposed provision of POS exceeds the requirements of Policy SE.6

For amenity green space (20sq m per family dwelling), but given the constraints of this small site it is not of sufficient size to accommodate an equipped children's play-space.

The Council's Leisure Officer (ANSA) has commented that although it is not possible to install formal play equipment within this area given its size and the need to minimise disturbance to overlooking dwellings (plots 6 -10) positioned in close proximity to the POS, it is nevertheless considered it will provide an landscaped green space for the community of this relatively small housing scheme to make their own, as well as providing opportunities for informal children's play.

Whilst located on the eastern side of the site, the provision of POS here ensures that existing boundary trees/hedges can be incorporated into this area and augmented with further planting. Its location is also advantageous as a footpath route is proposed to run through the POS connecting the northern and southern parts of the scheme and secure good accessibility within the development in accordance with the Design Guide.

ANSA further advises that a fully equipped children's play already serving this locality is within easy walking distance of the site. A commuted sum has not been requested as being necessary to enhance this facility, which is located in Lime Tree Park off Greendale Avenue to the south of Sydney Road. A pedestrian crossing facility has now been provided along Sydney Road to the north of the site access as part of railway bridge improvement which improves accessibility from the site to this play area via Wheatley Road and Lime Tree Avenue.

It is therefore considered that although the proposed provision of open space does not fully meet Policy SE6, it is nevertheless proportionate to the size of this development to meet the needs of residents, and also easily accessible from a fully equipped children's play area located nearby.

Economic Benefits

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 the local area including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

Agricultural Land

Policy SE2 of the Local Plan Strategy sets out that development should safeguard natural resources including high quality agricultural land (grades 1, 2, and 3a), whilst recognising that some reduction of agricultural land is inevitable if new development is to proceed.

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 the site comprises of Grade 3 Agricultural Land. However, the loss of such a small and constrained parcel, which is enclosed on by residential properties and the railway line is considered to be acceptable. As a result this issue needs to be considered as part of the planning balance.

Site location

Accessibility is a key factor of sustainability that can be measured. A 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 relates to current planning policies set out in the North West Regional Spatial Strategy for the North West (2008).

The application site is located on the edge of Crewe, which is a main service centre. The site is close to a variety of amenities and services, with public transport available along Sydney Road. The site location therefore performs well against the desired distances to local facilities which developments should aspire to achieve as set out within the toolkit of the checklist. The site is therefore considered to be locationally sustainable.

There are, however, three dimensions to sustainable development: economic, social and environmental. Sustainability is the golden thread running through the National Planning Policy Framework, and proposals for sustainable development should be approved without delay.

Landscape Impact

Whilst the site lies within the open countryside, it is effectively contained by existing residential development and the west coast main line with very limited views into the site from public vantage points. In addition, land beyond the railway to the east is allocated for residential development and as a result this small parcel of land will become entirely isolated from the surrounding countryside. Therefore although the site itself would remain open, its surroundings would not.

In principle, the development of this site would not have not had unacceptable impact on the character or appearance of the locality, nor on the wider rural landscape.

Impact on Trees

A supporting Arboricultural Statement has been submitted and assessed by the Councils Tree Officer. This identifies the removal of two groups Sycamore/Hawthorn located within the southern boundary section of the site and a group of Hawthorn/Crab Apple (an overgrown hedge) adjacent to the central eastern site boundary.

The Tree Officer advised during the consideration of the previous application (17/0560N) that these trees present a low to medium contribution to visual amenity within the immediate surrounding area, but are not considered to be significant in terms of their contribution to the wider public realm.

In addition, the Tree Officer originally raised concerns as regards the impact of the scheme on an Oak (T4) located alongside the eastern boundary. However a subsequent inspection of this tree revealed that there is extensive damage to the base of the stem. Furthermore there are overhead high voltage cable that run within a couple of metres of the trees crown and the basis of these factors the tree officer has confirmed that this tree is not worthy of long term protection.

The Tree Officer therefore raises no objection to the proposals and recommends that conditions are imposed to ensure that the development is carried out in accordance with the submitted Arboricultural Impact Assessment and Tree Protection measures are implemented.

Ecology

The proposals and the supporting Ecological Appraisal have been assessed by the Council's Ecologist.

Although the habitat survey undertaken as part of the submitted ecological appraisal was undertaken in October, the Council's Ecologist considers that given the nature of the habitats present on site, this is not a significant constraint on the accuracy of the submitted survey.

Reptiles

Reptile species are known to occur to the north of the application site. The habitats on site are potentially suitable for reptiles, but the site is relatively isolated from the known populations. The Council's Ecologist considers that the risk posed by the proposed development to reptiles is relatively low, and be mitigated through the implementation of 'reasonable avoidance measures' during the construction phase. A condition is therefore recommended requiring the submission of a method statement of Reptile Reasonable Avoidance Measures prior to the commencement of development.

Hedgerows

Native species hedgerows are a priority species and hence a material consideration. There is an existing hedgerow located on the eastern boundary of the site and the layout plan shows the hedgerow being retained as part of the proposed development.

Hedgehogs

Hedgehogs are a biodiversity action plan priority species and hence a material consideration. There are records of hedgehogs in the broad locality of the proposed development and so the species may occur on the site of the proposed development. A condition is recommended to ensure that features for hedgehogs are provided as part of the proposed development and also method statement of reasonable avoidance measures.

Trees with bat roost potential

A single tree has been identified on site as having moderate potential to support roosting bats. This tree is to be retained as part of the proposed development.

To avoid any adverse impacts on bats resulting from any lighting associated with the development a condition should be attached requiring details of external lighting to be agreed with the LPA.

Great Crested Newts

The Council's Ecologist has advised that this species is unlikely to be affected by the proposed development and no further action is required in respect of GCN.

Nesting Birds

Standard conditions are recommended to safeguard nesting birds.

Incorporation of features for wildlife

Local Plan Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity. This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development in accordance with his policy. It is therefore recommended that if planning permission is granted a condition should be attached which requires the submission of an ecological enhancement strategy including proposals for the provision of nesting birds.

Residual impacts on biodiversity

The Council's Ecologist has advised that habitats on site are of low value and do not present a significant constraint upon development. Nevertheless the proposals may still result in an overall loss of biodiversity and it is recommended a financial contribution is made to 'offset' the impacts of the development and fund habitat creation/enhancement works locally.

As recommended by the Council's Ecologist, the applicant has submitted an assessment of the residual ecological impacts of the proposed development using the DEFRA 'metric' methodology. As required, this assessment quantifies the residual ecological impacts of the development and calculates in 'units' the level of additional habitat provision which would be required to 'offset' the impacts of the development.

It has been calculated that the ecological contribution for the creation of an appropriate habitat creation scheme which would be secured through the S106 Agreement would be £26,374.

Summary

It is considered that ecological issues can be addressed through suitably worded conditions and the recommended financial contribution for the creation

of an off-site habitat creation scheme. Therefore it is considered that the proposal accords with policy NE.9 of the Crewe and Nantwich Local Plan and CELPS Policy SE.3

Flood Risk

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps. Flood Zone 1 defines that the land has less than 1 in 1000 annual probability of flooding and all uses of land are appropriate in this location. As the application site is more than 1 hectare, a Flood Risk Assessment (FRA) has been submitted in support of the application.

The Flood Risk Officer and United Utilities have not raised objections in principle to this application or the previous scheme (17/0560N) in terms of flood risk and drainage implications, subject to conditions. However, further technical clarification has been requested by the Flood Risk Manager of the proposed drainage scheme. Additional information has been submitted by the applicant for consideration by the Flood Risk Manager and Southern Planning Committee will be updated accordingly.

Contaminated Land

Environmental Health has been consulted with regard to contamination and the Contaminated Land team has raised no objections. This is however subject to conditions being imposed requiring an updated Phase II ground investigation be undertaken in order to further investigate the potential contamination risks at the site.

Air Quality

Whilst this scheme itself is of a small scale, and as such would not require an air quality impact assessment, there is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality.

Crewe has three Air Quality Management Areas and as such the cumulative impact of developments in the town is likely to make the situation worse, unless managed.

Modern Ultra Low Emission Vehicle Technology (such as all electric vehicles) are expected to increase in use over the coming years (the Government expects most new vehicles in the UK will be ultra low emission). As such, it is considered appropriate to create infrastructure to allow home charging of electric vehicles in new, modern, sustainable developments. The Council's Environmental Health Officer recommends conditions to mitigate the impact on air quality including the provision of ELV infrastructure, a Residents' Travel Information Pack incorporating local information on sustainable transport and installation of Ultra Low Emission Boilers.

Noise Impact

The proposed development is located next to the West Coast Main Line and noise from this would have the potential to adversely impact upon any residential properties.

An acoustic report has been submitted in support of the application. The Council's Environmental Health Officer has advised that the impact of the noise from the west Coast Main Line on the proposed development has been satisfactorily assessed.

It is considered that the acoustic report's recommended noise mitigation measures will ensure that occupants of the properties are not adversely affected by noise from the trains on the West Coast Main Line. This relates to the provision of double glazing and through-frame window mounted trickle ventilators for habitable rooms.

As the elevations of several dwellings will face the railway line, the report recommends that measures are needed to control internal noise levels. It is proposed that a through-frame window mounted trickle ventilator is incorporated into the glazing unit of windows serving habitable rooms. This simply provides residents with an alternative to opening these windows in order to provide background ventilation. All windows will remain opening.

It is therefore considered that the proposed development will not have a detrimental impact on the amenity of future residents by virtue of excessive noise or vibration.

Neighbour Amenity

Care has been taken to ensure that the layout of the proposed development does not create issues with overlooking, loss of privacy or loss of light to existing properties (Sydney Road) due to the juxtaposition of the proposed dwellings and the provision of adequate separation distances.

Although concerns have been raised as regards the vehicular use of the proposed site access, it is not considered that the low traffic movements generated by this development will give rise to unacceptable noise, disturbance or amenity issues to existing dwellings.

The proposed dwellings of the scheme will have areas of outdoor private amenity space, which will not be subject to unacceptable overlooking, loss of light, or loss of privacy within the scheme. A planning condition is recommended to ensure the provision of satisfactory boundary treatment with adjoining properties.

It is considered that the proposed development accords with policy BE1 of the Crewe and Nantwich Local Plan.

Design

The importance of securing high quality design is specified within the NPPF and paragraph 124 states that:

'The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this'

This is supported by the Cheshire East Design Guide SPD and Policy SE1 of the CELPS.

Design – Assessment

Connections

Does the scheme integrate into its surroundings by reinforcing existing connections and creating new ones; whilst also respecting existing buildings and land uses along the boundaries of the development site?

This site is triangular and tightly constrained with the rear gardens of established housing to the western boundary and the railway lines to the eastern edge and a wooded area with residential properties to the north. The site is accessible only at one point between Nos.72 and 74 Sydney Road. The constraints described above are a limiting factor, and clearly there is no potential to secure other connections to the site. However, given good internal accessibility, all proposed dwellings are in reasonably close proximity to the site access to Sydney Road.

Facilities and services

Does the development provide (or is it close to) community facilities, such as shops, schools, workplaces, parks, play areas, pubs or cafes?

This is a relatively small development and as such it would not be expected to provide additional community facilities and/or services. This is not problematic as the scheme is located within an established residential area and there are a range of local facilities including a variety of local shops, Monks Coppenhall Primary School, William Stanier Secondary School and sports and recreational facilities at Cumberland Arena all in reasonably close proximity. Crewe town centre is also located just over a mile away.

Public transport

Does the scheme have good access to public transport to help reduce car dependency?

The proposed site is close (approximately 0.2km) to bus stops for the No.8 service with regular buses to Crewe Town Centre which lies approximately 1.5 miles to the south west.

Meeting local housing requirements

Does the development have a mix of housing types and tenures that suit local requirements?

This is a 100% affordable housing scheme and proposes a mix of 1, 2, and 3 bedroom properties. This includes the provision of 4 x 1 bedroom apartments, 17x 2 bedroom dwellings and 19x 3 bedroom dwellings. This is considered to be an appropriate accommodation and tenure mix which as advised by the Council's Housing officer will meet identified local needs.

Character

Does the scheme create a place with a locally inspired or otherwise distinctive character?

The local area is characterised by 1960s-80s semi-detached and detached housing. The site is also contained and consequently not prominent from public vantage points other than from the vehicular access into the site.

Nevertheless the layout achieves cohesive groupings of buildings particularly around squares and focal points. The Buildings enclose spaces well, and additional detailing on house types has providing increased visual interest. The proposed houses are of an appropriately simple and uncluttered design with a suitably limited palette of materials.

The proposed street hierarchy is clearly defined which reflects the principles of the Design Guide and provides good accessibility throughout the site. The layout has minimised obtrusive frontage parking and planting has also softened its impact in prominent locations.

Working with the site and its context

Does the scheme take advantage of existing topography, landscape features (including watercourses), wildlife habitats, existing buildings, site orientation and microclimates?

This is a contained site with the rear gardens of established housing to the western boundary and the railway lines to the eastern edge with proposed residential areas beyond, and a wooded area surrounding residential properties to the north.

There are no existing buildings or significant landscape features to retain on site, and no particular views to exploit, other than into the development from Sydney Road. However existing trees have been retained where possible, through the provision of public open space adjacent to the eastern boundary of the site.

Creating well defined streets and spaces

Are buildings designed and positioned with landscaping to define and enhance streets and spaces and are buildings designed to turn street corners well?

This layout has taken account of the principles of the Design Guide and avoided over-engineered access roads to cul-de-sacs. The buildings form acceptable groupings at prominent focal points and where possible have been designed to turn corners to minimise blank gable walls. It is considered that the overall approach achieves the provision of reasonably well-defined streets and spaces.

Easy to find your way around

Is the scheme designed to make it easy to find your way around?

This is a small scheme and as a result it would be difficult to lose your way within it. The layout provides a circulatory route within the scheme as a footpath running through POS connects cul de sacs to the north and south. In addition, at focal points and prominent locations have been designed to turn corners effectively, providing a landmark function to aid wayfinding and also improving the legibility of the scheme.

Streets for all

Are streets designed in a way that encourage low vehicle speeds and allow them to function as social spaces?

A clear street hierarchy is defined for this small scheme which conforms to the principles of the Design Guide. Care has been taken to avoid over-engineered railways. This ensures that vehicle speeds are reduced, enabling streets with the scheme to also function for pedestrians and cyclists as well as having the potential to be used as social spaces.

Car parking

Is resident and visitor parking sufficient and well integrated so that it does not dominate the street?

The siting and provision of car parking is acceptable and is provided in small groups, and also to the side of properties. The development avoids long sections of prominent car parking with the street scene. In addition to this, spaces are located close to houses so vehicles can be overlooked.

Public and private spaces

Will public and private spaces be clearly defined and designed to be attractive, well managed and safe?

A designated area of public open space (1000 sq m) is proposed.

As set out above, although it is not possible to install formal play equipment within the POS due to the need to minimise disturbance to overlooking dwellings (plots 6 -10), it will still provide a landscaped green space for the community of this relatively small housing scheme to make their own, as well as providing opportunities for informal children's play.

Whilst located on the eastern side of the site, the provision of POS here ensures that existing trees/hedges will be incorporated, and also importantly includes a footpath link which ensures that good accessibility is achieved throughout the scheme.

External storage and amenity space

Is there adequate external storage space for bins and recycling as well as vehicles and cycles?

Each house has an accessible rear garden of sufficient size to store refuse and recycling bins and this is welcome. Gardens are also large enough to provide cycle storage in garden sheds or similar. As a result of this it is felt that the houses have adequate external storage and amenity space.

Design Conclusion

Given the site location and character of development, these proposals are of density (35 dwellings per hectare) which would not adversely affect the landscape and townscape of the surrounding area, therefore representing an efficient use of land in compliance with Policy SE.2 of the Local Plan Strategy.

It is considered that an acceptable design/layout has been achieved, and includes an area of public open space to meet the needs of residents. It is considered that the proposed development accords with the principles of the Cheshire East Design Guide and Policy SE.1 of the Adopted Local Plan Strategy

Highways

A Transport Statement has accompanied the application and the Strategic infrastructure Manager concurs with its findings. The proposal would generate around 25 two-way vehicle trips during the peak hour, and the Highway Officer has advised that this would have negligible impact on the local highway network.

Objections have been raised by neighbouring properties in relation to highway safety given the location of the site access which is close to the re-opened Sydney Road Railway Bridge and reinstatement of two-way traffic flow. However the Highway Officer has confirmed that visibility of oncoming traffic from the proposed access onto Sydney Road is acceptable and traffic flows will not make it unsafe.

The site access onto the existing access road will also be upgraded to CEC adoptable standards, and would have sufficient visibility of oncoming vehicles. The overall road layout of the scheme and the provision of on-site parking are considered acceptable.

The development would provide footways from the site access to the existing footways on Sydney Road assisting in the provision of access to the wider area and to near-by bus stops.

As part of the Sydney Road bridge widening project there have been significant improvements to the pedestrian and cycling infrastructure in the locality. This includes an uncontrolled crossing point just north of the bridge (approximately 30m south of the site access), a signalised pedestrian crossing just south of the bridge, and new footway and cycle lanes connecting to the wider area.

Summary

The Highway Officer has confirmed that a safe and suitable access to the site can be achieved. It is considered that the development would have a minimal impact upon the highway given the modest levels of traffic movements which it would be expected generate.

A condition is recommended requiring the submission and approval of a Construction Management Plan including details of contractor and construction vehicle parking locations, materials loading/unloading locations, and wheel wash facilities.

Electric Infrastructure - pylon

The site layout ensures that dwellings are not located within 20m of the existing pylon. The National Grid has published guidelines in two documents which are considered most relevant:

- Development Near Overhead Lines (July 2008)
- A sense of Place: Design guidelines for development near high Voltage overhead lines.

Electric and Magnetic Fields (EMFs) - Both documents cover this subject in detail and outline the current legislation on building close to overhead lines. Page 15 of National Grids Publication 'Development Near Overhead Lines' states that 'in the UK at present, there are no restrictions on EMF grounds on building close to overhead lines.' and concludes that 'Neither the UK Government nor the National Radiological Protection Board (NRPB) has recommended any special precautions for the development of homes near power lines on EMF grounds'.

Brine Subsidence

The Brine Board has stated that the site is within an area that has previously been affected by brine subsidence and future residual movements cannot be completely discounted. The Board requires the foundations of the development to be of strengthened beyond the specification proposed to satisfactorily mitigate the effects of minor residual brine pumping movements.

An Informative will be attached to advise the applicants of these comments, as details concerning foundation design are matters ordinarily addressed by the Building Regulations;

Viability

A Viability Appraisal in respect of the delivery of the proposed scheme was submitted in support of the application. This has been reviewed by the Councils Independent Advisors who concluded that the proposed 100% affordable housing scheme (40 units) can provide the requested financial contributions set out above for education, health and ecology whilst remaining financially viable.

Given the conclusions of the Council's advisors, the applicant had agreed to complete a S106 agreement to secure these financial contributions which are required to mitigate the impacts of the development.

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.

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 primary education is required. This is considered to be necessary and fair and reasonable in relation to the development.

The development would result in increased demand for NHS provision locally in Crewe where there is limited capacity at existing medical centres. In order to increase future capacity to support the proposed development, a contribution towards health care provision is required. This is considered to be necessary and fair and reasonable in relation to the development.

To address an overall loss of biodiversity resulting from the development it is recommended a financial contribution is made to 'offset' the impacts of the development and fund habitat creation/enhancement works locally. This is considered necessary, fair and reasonable in respect of this development.

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

PLANNING BALANCE

The site is within the Open Countryside where, under policy PG6 of the Adopted Local Plan Strategy, there is a presumption against new residential development. The proposed development although affordable, has not been put forward as a Rural Exception Site, and therefore would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside.

However, the site is an essentially land-locked site and no longer forms part of the functional open countryside as it is contained by existing residential development, the railway line and Sydney Road Bridge, and also future development which has been approved beyond the railway line to the east.

The benefits in this case are:

- The proposed development would provide sustainable affordable housing (100%)
- The development would provide significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses.
- The design of the proposed development adopts key urban design principles, including the provision of POS

The development would have a neutral impact upon the following subject to mitigation:

- The impact upon protected species/ecology is considered to be neutral subject to the imposition of conditions and a financial contribution to secure off site mitigation
- There is not considered to be any significant drainage implications raised by this development
- The impact upon trees is considered to be neutral as this can be addressed through mitigation.
- The impact upon the residential amenity/noise/air quality/landscape and contaminated land could be mitigated through the imposition of planning conditions.
- Highway impact would be broadly neutral due to the scale of the development.
- The impact on Education and Health services will be mitigated by financial contributions secured by S106 contributions.

The adverse impacts of the development would be:

- The loss of open countryside and the loss of a small parcel of agricultural land albeit a small, contained and essentially land-locked site.

It is considered on balance that in this case the benefits of the scheme weigh significantly in the planning balance and outweigh the disadvantages of the scheme.

Through the assessment as to whether the scheme represents sustainable development, it is considered that it does achieve this in terms of social, environmental and economic sustainability. Therefore the proposal aligns with the presumption in favour of sustainable development set out in the NPPF, and should be approved without delay

The scheme is therefore recommended for approval.

RECOMMENDATION: Approve subject to the completion of the S106 agreement making provision for;

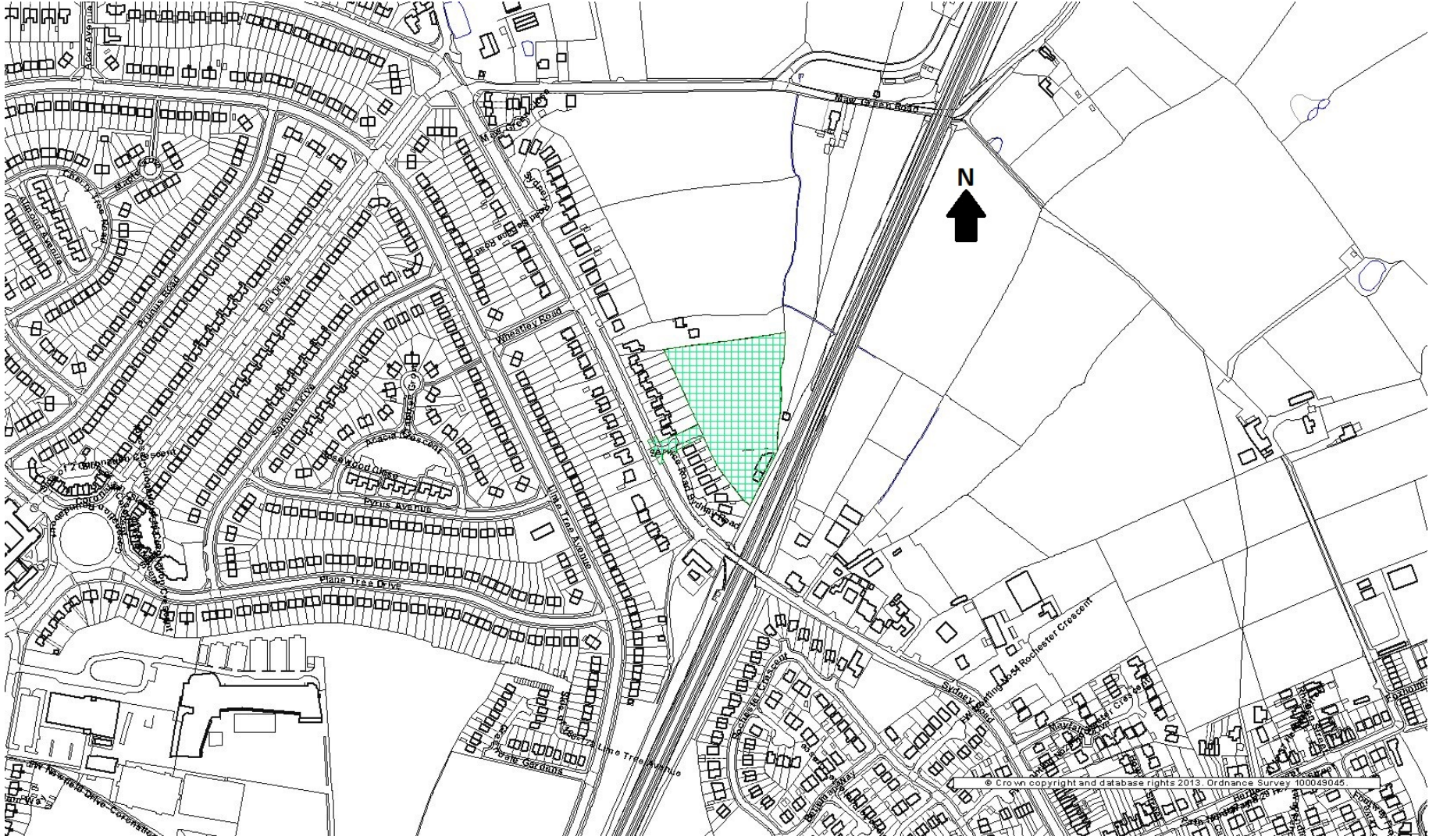
S106	Amount	Triggers
Affordable Housing	100% affordable Housing	Prior to occupation and in accordance with submitted details
Health	£31,356	To be paid prior to first occupation
Private management of Public Open Space		Prior to first occupation
Education	£86,770	To be paid prior to first occupation
Ecology – Habitat Creation	£26,374	To be paid prior to first occupation

And subject to the following conditions:

- 1. Commencement of development (3 years)**
- 2. Development in accordance with approved plans,**
- 3. Materials**
- 4. Surfacing materials**
- 5. Levels**
- 6. Nesting bird survey to be submitted**
- 7. Ecological Enhancement Strategy**

8. Method statement of Reptile Reasonable Avoidance Measures
9. Hedgehog mitigation
10. Details of external lighting
11. Submission of landscape scheme
12. Implementation of landscaping
13. Development in accordance with Flood Risk Assessment
14. Details of surface water drainage scheme
15. Contamination - Phase II investigation to be submitted
16. Contamination – Verification report
17. Contamination - Importation of soil
18. Remediation of unexpected contamination
19. Implementation in accordance with Arboricultural Method Statement 20
Implementation of tree protection measures
21. Boundary treatment
22. Dust Management
23. Noise mitigation scheme
24. Details of Construction Management Plan
25. Electric vehicle charging points to be provided for dwellings
26. Residents Travel Information Pack to be submitted
27. Installation of Ultra Low Emission Boilers

In order to give proper effect to the 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 his 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.



Application No: 19/2938C

Location: Hawthorn Cottage, Harvey Road, Congleton, CW12 2PS

Proposal: OUTLINE APPLICATION FOR THE REFURBISHMENT OF HAWTHORN COTTAGE, CANAL SIDE FARM AND THE ERECTION OF 35 NO. DWELLINGS. THE FORMATION OF A NEW VEHICLE AND PEDESTRIAN ACCESS FROM GORDALE CLOSE.

Applicant: Mr David Poyner, Davico Properties UK Ltd

Expiry Date: 28-Oct-2019

SUMMARY

The proposed development would be contrary to Policy PG2 and PG3 of the Cheshire East Local Plan Strategy and saved policy PS7 Congleton Local Plan of the as the development site is located outside a settlement zone line and is wholly within designated Green Belt. The proposal is an inappropriate form of development for which there are no very special circumstances.

The development would provide economic benefits through the provision of employment during the construction phase, new homes, affordable and market and benefits for local businesses through new residents spending in the economy.

The impact upon education and health infrastructure would be neutral as the impact could be mitigated through a financial contribution as requested by the Education Manager and the NHS via S106.

The impact upon residential amenity/noise/air quality and contaminated land could be mitigated through the imposition of planning conditions.

The development can not be supported in design or residential mix terms for the reasons set out in the main report. The proposal would not accord with CELPS policy SE1, SC4 and SC5, nor would it accord with the NPPF in relation to design quality and the requirements of the CEC Design Guide SPD concerning the creation of sustainable communities.

The indicative layout falls considerably short of the necessary quantum of on site POS/children's play. Whilst this is an indicative layout and contributions to mitigate the impact upon indoor and outdoor sport could be dealt with by financial contributions.

The heritage significance of the site has not been adequately assessed contrary to the NPPF and the indicative layout is considered to comprise a significant overdevelopment of the site which would harm the setting of the Canal Conservation Area

There is a lack of detailed information about the impact upon protected trees at access point, where 2 TPO trees are likely to need to be removed. The indicative layout demonstrates an inadequate relationship with the adjoining Ancient Woodland, particularly with regard to the lack of a minimum 15m buffer between the woodland and any development (including residential gardens) and there is a general lack of information submitted with respect to trees and hedgerows. The proposals are therefore detrimental to ecological interests and the presumption in favour of sustainable development fails to apply

The proposal also contains insufficient or outdated information concerning ecological matters

RECOMMENDATION

Refuse

DESCRIPTION OF SITE AND CONTEXT

This 2.6 ha site is located circa 2 miles from the town centre of Congleton and is currently laid to pasture, with a dwelling and agricultural buildings to the south east boundary. These buildings comprise a two storey detached dwelling (Hawthorn Cottage, an inhabited dwelling occupied by people who are not associated with this application) and a small number of separate agricultural buildings which are presently unused. The buildings are clustered around Hawthorn Cottage; the remainder of the site is vacant agricultural land

The site is bordered by mature vegetation with trees and hedgerows forming a strong boundary edge to the site's northern curtilage, hedgerows and trees on the southern boundary (part of which borders properties in Swaledale Avenue and Gordale Close), hedgerows along the eastern boundary (adjoining the canal towpath), and extensive tree cover to the west (sloping down to the River Dane and afforded Ancient Woodland status). The vegetation makes a significant contribution to the character of the site. The site slopes considerably

Four trees to the south western boundary of the site on the boundary with Gordale Close are subject to TPO protection; The Congleton Borough Council (Goredale Close) TPO 1983.

The application site abuts the Macclesfield Canal Conservation Area, one of the earliest linear conservation areas in the country. The eastern side of Congleton is located at the Peak fringe resulting in the sloping topography within the application site. The canal forms the eastern boundary of the site, occupying the high point in relation to the site, which slopes steeply away to the west and north. The canal is set higher above the site in its south eastern corner where the land slopes down to the public right of way to the south of the site. An overhead power line traverses the centre of the site.

The site is wholly contained within the designated Green Belt. A bridleway (PROW) linking Swaledale Avenue and the canal towpath adjoins the southern boundary of the site.

DETAILS OF PROPOSAL

This is an outline planning application for 35 dwellings, following a change in description sought by the Applicant on 23 September 2019, although the information detailed in the Planning

Statement, indicative plan and planning application form have not changed from the original 49 units.

Access is to be determined at this stage, with all other matters reserved. The proposal originally sought to demolish the existing Hawthorn Cottage and other buildings associated with the former agricultural use of the site. The indicative layout shows a suburban housing estate which utilises the entire site, together with a centre area of play.

The revised description refers to the 'refurbishment' of Hawthorn Cottage rather than demolition although no details are provided of that refurbishment, which may or may not be permitted development in any event.

The site is intended to be accessed via Goredale Drive. Two grade B TPO Ash trees would be removed to accommodate the access point at Gordale Drive.

RELEVANT HISTORY

13/2954C Proposed outline application for the demolition of Hawthorne Cottage, Canal Side Farm, and gaining the consent for the principle of up to 49 no. dwellings. The formation of a new vehicle and pedestrian access from the existing Goredale Close carriageway refused 24/1/2014 for the following reasons:

1 The proposal is an inappropriate form of development within the Green Belt, as defined by the Development Plan. The development is therefore contrary to policy PS7 of the Congleton Borough Local Plan First Review and would cause material harm to the openness of the Green Belt. The proposed development by reason of inappropriateness would be contrary to nationally established policy as set out in NPPF, and as a result would cause harm to the objectives of this guidance. There are no very special circumstances to outweigh this harm.

2 The proposed development, notwithstanding the contribution to economic and social activity associated with new residents, by virtue of its locational characteristics, impact upon trees and lack of information concerning protected species will cause environmental harm and thereby comprises unsustainable development contrary to the NPPF.

3 The proposed development by virtue of its size and siting of the proposed access would result in the direct loss of existing trees in Gordale Close which are subject to TPO protection; The Congleton Borough Council (Goredale Close) TPO 1983. The loss of these trees is considered to be unacceptable because of the impact upon the general amenity and character of the area in which the application site is located contrary to Policy NR1 of the Congleton Borough Local Plan First Review and the provisions of the National Planning Policy Framework.

4 The application fails to provide sufficient information to quantify and mitigate any impact on species protected under the Wildlife and Countryside Act 1981 and Habitat Regulations in accordance with Policies NR3 and NR4 of the Congleton Borough Local Plan First Review and the provisions of the National Planning Policy Framework

5 Insufficient information has been provided to demonstrate that the proposed development can achieve an adequate quality of design to justify approval of planning permission. In reaching this conclusion regard was had to the indicative design and layout including the width of access and the characteristics of the site, contrary to the Policy GR1, GR2, GR3 and GR9 of the

Congleton Borough Local Plan First Review and the provisions of the National Planning Policy Framework.

The current application is a re-submission of this application.

POLICIES

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

The Development Plan for Cheshire East comprises the recently adopted Cheshire East Local Plan Strategy, and the saved policies from the Congleton Borough (January 2005), Crewe and Nantwich (February 2005) and Macclesfield Local Plans (January 2004). The Congleton Local Plan is applicable for the majority of this site.

Cheshire East Local Plan Strategy – (CELPS)

PG2 – Settlement Hierarchy
PG3 – Green Belt
SC4 – Residential Mix
CO1 Sustainable Travel and Transport
CO4 – Travel Plans and Transport Assessments
SC4 - Residential Mix
SC5 – Affordable Homes
SC6 Rural Exception housing
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE 1 Design
SE 2 Efficient Use of Land
SE 3 Biodiversity and Geodiversity
SE 4 the Landscape
SE 5 Trees, Hedgerows and Woodland
SE 6 – Green Infrastructure
SE7 _Conservation Areas
SE 8 – Renewable and Low Carbon Energy
SE 9 – Energy Efficient Development
SE 13 Flood Risk and Water Management
IN1 – Infrastructure
IN2 – Developer Contributions

Saved Policies Congleton Local Plan 2005

PS7- Green Belt
GR 6 Amenity and Health
GR9 - Accessibility, servicing and provision of parking
GR14 - Cycling Measures
GR15 - Pedestrian Measures
GR16 - Footpaths Bridleway and Cycleway Networks
GR17 - Car parking

GR18 - Traffic Generation
GR 22 Open Space Provision
NR3 – Habitats
NR4 - Non-statutory sites
NR5 – Non-statutory sites

Congleton Neighbourhood Plan

The Congleton Neighbourhood Plan has formally been withdrawn.

National Planning Policy Framework

Of particular relevance are paragraphs:

11 Presumption in favour of sustainable development.
50. Wide choice of quality homes
102-107 Promoting Sustainable Transport
124-132 Achieving well designed places
143-146 Green Belt
174-177 Habitat and biodiversity
184- 202 Conserving and Enhancing the Historic Environment

Other Considerations

The EC Habitats Directive 1992
Conservation of Habitats & Species Regulations 2010
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System
Cheshire East Residential Design Guide

CONSULTATIONS (External to Planning)

United Utilities: No objection subject to conditions

Canal and River Trust : The Trust is keen to ensure that the development does not result in any risk of damage to the embankment, which could result in a collapse of the towpath or, in the worst case scenario, cause a breach of the canal itself.

Consider the indicative layout to incorporate development that occurs on sections of the embankment to the eastern boundary of the site would be unacceptable and considered that the indicative layout may constitute an overdevelopment of the site.

The Trust would therefore advise that no built development should take place on the sections of embankment on the eastern boundary of the site, and these areas should be excluded from the garden areas of the proposed dwellings. Request conditions to ensure no development within 20m of the canal without full risk assessment and the creation of a towpath link where the existing towpath has an access. Also requests a financial contribution to upgrade the canal towpath in the interests of creating linkages. Also seek a financial contribution to upgrade the towpath

CEC Drainage: No Objection subject to condition

CEC Strategic Highways Manager: No Objection subject to condition

CEC Strategic Housing Manager: No objection subject to a provision of 30% affordable housing in a 65% (affordable or social rent): 35 % (intermediate) split. Notes that the Application details 12 affordable units when 15 are required to comply with policy for 49 units and would object if the full 30% affordable quota was not provided on site.

CEC Environmental Health: No objection subject to conditions

ANSA Public Open Space (Amenity Greenspace) and Children's Play Space – The proposal will result in deficiency in provision locally. On site provision for both open space and play space to an adoptable standard will be required. The indicative proposal is not acceptable

CEC Public Rights of Way (Countryside Access Team): A Public Right of Way, namely Public Footpath No. 58 and Public Bridleway Congleton No. 34 adjoin the site.

CEC Education: The development of 35 dwellings is expected to generate:

7 primary children (35 x 0.19)
5 secondary children (35 x 0.15)
0 SEN children (35 x 0.51 x 0.023%)

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

A financial contribution is sought towards secondary provision based on the following formula

$5 \times £17,959 \times 0.91 = £81,713$
Total education contribution: £81,713

NHS Eastern Cheshire CCG – Advises that a financial contribution is necessary to mitigate for the impacts of the proposals on local health care facilities.

Designing Out Crime: No specific Comment. Recommends various matters to applicant concerning designing out crime

Woodland Trust: Objection on grounds of potential disturbance and deterioration to an irreplaceable habitat within the ancient woodland adjoining the site. Request a buffer to the woodland of 30m

VIEWS OF THE PARISH COUNCIL

Congleton Town Council: Reject due to the following –
1 In the green belt

- 2 Site not part of the Local Plan
- 3 Highway and safety issues
- 4 Traffic generation
- 5 Loss of important trees – two with TPO's
- 6 Landscaping
- 7 Risk of flooding

Eaton Parish Council : Comment as follows -

Eaton Parish Council has considered this application, noting that it lies outside Eaton Parish. Previous application No. 13/2954C on this site was REFUSED in January 2014

- The site is in Green Belt, and so not allocated for housing. Policy PG3 Green Belt applies;
- The site is not an allocated strategic site for housing in the Cheshire East Local Plan Strategy (2017);
- The site is not allocated for housing in the emerging Site Allocations and Development Policies Document; ('SADPD'). The SADPD makes it clear that Green Belt will continue to apply in future;
- Cheshire East Council can demonstrate 7.2 years supply of housing as at November 2018, so the site is not required for housing

OTHER REPRESENTATIONS

Approximately 100 representations have been received. The grounds for objection are summarised as follows:

- This is a Green Belt site
- Proposal is contrary to local policy and the NPPF
- Proposal is contrary to the Congleton Town Strategy
- Defeated in 2013 and no changes since
- Housing land supply has been satisfied
- Congleton has met housing targets
- There are no special circumstances to justify the development and is therefore inappropriate
- Brownfield sites should be used
- The development appears to be much higher density and not in keeping with the existing estate
- There are already vacant properties which cannot be sold in the area
- Would result in the loss of a green space
- Loss of protected trees in protected Woodland
- Would impact detrimentally on the character and appearance of the area
- Impact of protected species and local ecology
- Swallows, bats, badgers and other wildlife regularly use the site
- The site is prominent from the adjacent canal
- Disturbance to neighbouring amenity during building
- Site is elevated above adjoining properties on Swaledale Close and will look directly into those properties
- Schools in the locality are oversubscribed
- Doctors and dentists are full
- Loss of trees and hedgerows

- Not required on good agricultural land

OFFICER APPRAISAL

Principle of Development

Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

This is acknowledged in the NPPF at paragraphs 2 and 12. Paragraph 12 states that ‘the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.’

The site lies in the Green Belt, as designated in the Adopted Development Plan, where Policy PG3 of the Cheshire East Local Plan Strategy and saved policy PS7 of the Congleton Local Plan states that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, limited infilling or complete redevelopment of brownfield sites which would not have any greater impact upon the openness of the green belt and the purposes of including land within it than the existing development.

The proposed development would not fall within any of the categories of exception to the restrictive policy relating to development within the Green Belt. 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*”.

Additionally, the emerging Site Allocations Document does not change the Green Belt Status of this land

Green Belt Issues

The proposed site is located within the Green Belt. Paragraph 133 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, the essential characteristics of the green belt are their openness and their permanence.

Paragraph 145 of the NPPF echoes the advice contained within PS7 of the Congleton Local Plan First Review. Para 145 advises:

‘A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- *buildings for agriculture and forestry;*

- *provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;*
- *the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- *limited infilling in villages,*
- *limited affordable housing for local community needs under policies set out in the development Plan (inc policies for rural exception sites);*
- *limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would :*
 - *not have a greater impact on the openness of the Green Belt than the existing development*
 - *not cause substantial harm to the openness of the Green Belt, where development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

Paragraph 143 advises:

“inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”.

Paragraph 144 goes on to state:

“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations”.

CELPS policy PG3 does consider ‘limited infilling’ of brownfield land (excluding residential garden areas) which does not have any greater impact upon the openness of the green belt as being appropriate development, as the NPPF does.

The proposed development, which is indicated to comprise the entire site comprises the ‘refurbishment’ of the one dwelling on site and the demolition of a small number of agricultural buildings located close to the dwelling with the remainder of the site is open pasture/ agricultural land.

Agricultural buildings are specifically excluded from the definition of brownfield land and therefore **do not** comprise previously developed land (PDL) for the purposes of the policy or the NPPF.

The proposal does not therefore comply with the limited infilling/PDL criteria listed in either the CELPS or the NPPF and would have a substantial harm on the openness of the Green belt in this location, and therefore has to be regarded as “inappropriate” development in principle.

Accordingly, in order to consider whether very special circumstances exist to justify development within the Green Belt it will be necessary to consider if the harm caused by reason of inappropriateness is outweighed by other considerations. These are considered below.

Housing Land Supply

The Cheshire East Local Plan Strategy was adopted on the 27th July 2017 and forms part of the statutory development plan. The plan sets out the overall strategy for the pattern, scale and quality of development, and makes sufficient provision for housing (36,000 new dwellings over the plan period, equating to 1,800 dwellings per annum) in order to meet the objectively assessed needs of the area.

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted.

The National Planning Policy Framework (NPPF) identifies the circumstances in which relevant development plan policies should be considered out-of-date. These are:

- Where a local planning authority cannot demonstrate a five year supply of deliverable housing sites (with appropriate buffer) or:
- Under transitional arrangements, where the Housing Delivery Test Result indicates that the delivery of housing was substantially below 25% of housing required over the previous three years.

In accordance with the NPPF, the council produces an annual update of housing delivery and housing land supply. The council's most recent Housing Monitoring Update (base date 31 March 2018) was published on the 6th November 2018. The report confirms:

- A five year housing requirement of 12,630 net additional dwellings. This includes an adjustment to address historic shortfalls in delivery and the application of a 5% buffer.
- A deliverable five year housing land supply of 7.2 years (18,250 dwellings).

The 2018 Housing Delivery Test Result was published by the Ministry of Housing Communities and Local Government on the 19th February 2019 and this confirms a Cheshire East Housing Delivery Test Result of 183%. Housing delivery over the past three years (5,610 dwellings) has exceeded the number of homes required (3,067). The publication of the HDT result affirms that the appropriate buffer to be applied to the calculation of housing land supply in Cheshire East is 5%.

Relevant policies concerning the supply of housing should therefore be considered up-to-date. There is no very special circumstance to justify the release of the site from the Green Belt

SUSTAINABILITY

The National Planning Policy Framework definition of sustainable development is:

"Sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs"

The NPPF determines that sustainable development includes three overarching objectives – economic, social and environmental – which are interdependent and need to be pursued in mutually supportive ways (so opportunities can be taken to secure net gains across each of the different objectives).

an economic objective – to help build 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 improved productivity; and by identifying and co-ordinating the provision of infrastructure;

a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change including moving to a low carbon economy.

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

Economic Benefits

With regard to the economic role of sustainable development, the proposed development would contribute to a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to the local area including additional trade for local shops and businesses by virtue of people living in the houses, and the economic benefits during the construction phase including jobs in construction and economic benefits to the construction industry supply chain.

Locational Sustainability

Both policies SD1 and SD2 of the CELPS refer to supporting development in sustainable locations. Within the justification text of Policy SD2 is a sustainable development location checklist toolkit from the CELPS.

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

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

- bus stop (500m)
- railway station (2000m).
- public right of way (500m)

In this case the development meets the standards in the following areas:

- a local shop - Co-op St Johns/ Wharfdale Road junction(500m),
- post box - opposite Co-op St Johns/ Wharfdale Road junction(500m),
- bus stop – St Johns Road/ Wharfdale Road - outside Co-op (bus 92 twice hourly in peak times -, no Sunday service to Macclesfield and Biddulph) (500m) – limited hourly service 09:35 to 16.15 daily with additional bus at 07.35, 17.45 and 19.00

A failure to meet minimum standard (with a significant failure being greater than 60% failure for amenities with a specified maximum distance of 300m, 400m or 500m and 50% failure for amenities with a maximum distance of 1000m or 2000m) exists in respect of the following:

- primary school – Havannah Primary School Malhamdale Road (840m)
- playground / amenity area - childrens play ground Llttondale Road(600m),
- post office / bank / cash point - counter/bank machine inside Havannah Street Londis convenience store (1200m)
- pharmacy Havannah Street (1200m)
- medical centre – Lawton House surgery Bromley Road (1868m)
- leisure facilities – Leisure Centre Worrall St (2170m)
- public house – Church House Buxton Road (1200m)
- public park – Congleton Park (2300m)
- child care facility – Old Hall Private nursery, Spragg Street (2000m)
- railway station (2900m)

Clearly, this site is located on the urban fringe so the same distances would apply to the existing residents in the area. However, public transport accessibility to the site is rather poor with the bus service being hourly but none on Sundays at all. Even this limited analysis demonstrates, for day to day services and facilities that any resident would need, the site fails more criteria than it passes and locationally must be regarded as being generally unsustainable. However, it is acknowledged that these facilities are available within the town and Congleton is a principal town in Core Strategy where we can expect development to occur on the periphery.

Inspectors have determined that locational accessibility is but one element of sustainable development and it is not synonymous with it. There are many other components of sustainability other than accessibility. These include, meeting general and affordable housing need, an environmental role in protecting and enhancing the natural environment, reducing energy consumption through sustainable design, and assisting economic growth and development.

The Design and Access Statement and the Transport Statement do not provide any indication as to how principles of sustainable development be met within the development. The Transport Assessment whilst indicating willingness to provide access to the towpath, however this proposes a location that is not supported by the Canal and Rivers Trust. The TA also provides

no indication as to how the development would contribute to sustainable transport options. The local bus does not run on a Sunday and runs twice an hour morning to night

Nevertheless, this is an outline application and a detailed scheme to achieve greater linkages and permeability could be secured through the use of conditions, although it is less clear how this scheme would be designed to, or what commitment the Applicant has to encourage sustainable transport options.

Affordable Housing

According to the planning application form which has not been revised following the change in description, this application is for '49' dwellings, the indicative plan shows 44 four bed and 5 three bed houses which is not likely to cater to the affordable need in the area. Out of a development of 49 dwellings, 15 dwellings should be provided as affordable dwellings.

To comply with policy, the affordable housing requirement would be 30% of units would be required as affordable housing in a 35%:65% split between affordable or social rent and intermediate properties.

The Cheshire East Local Plan (CELPS) and the Councils 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.

The CELPS states in Policy SC5 justification paragraph 12.44, 'The Housing Development Study shows that there is the objectively-assessed need for affordable housing for a minimum of 7,100 dwellings over the plan period, which equates to an average of 355 dwellings per year.' This is for the whole borough of Cheshire East.

The current number of those on the Cheshire Homechoice waiting list with Congleton as their first choice is 800. This can be broken down to 406 x one bedroom, 234 x two bedroom, 110 x three bedroom, 28 x four bedroom and 22 x five bedroom dwellings.

The SHMA 2013 showed the majority of the house type demand annually up to and including 2018 in Congleton was for 27 x one bedroom, 10 x three bedroom and 46 x four+ bedroom dwellings per annum for General Needs.

The SHMA also showed an annual requirement for 37 x one bedroom dwellings for Older Persons, these can be via cottage style flats, bungalows and lifetime adaptable homes.

If the application is to be a Full or Reserved Application an Affordable Housing Statement will have to be produced and agreed with the council that confirms the following:

- (a) the Agreed Mix;

- (b) the timing, location and distribution of the Affordable Housing within the Site, ensuring that the Affordable Housing is pepper-potted throughout the Site and not segregated from the Open Market Housing;
- (c) details of how the proposed design and construction of the Affordable Housing will ensure that the Affordable Housing is materially indistinguishable (in terms of outward design and appearance) from the Open Market Housing of similar size within the Development;

The Cheshire East Plan (CELPS) and the Councils Interim Planning Statement: 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 Strategic Housing Manager notes that the Applicant is proposing 12 affordable units, which would not be 30% of 49 units, however, 30% would be required to comply and this would comprise Heads of Terms for the purposes of any Appeal, regardless of the ultimate number of dwellings the Applicant proposes.

However, in site planning terms for reasons explained elsewhere, this site could not sustain the development of 35 units in any event and, notwithstanding the issues of principle here, the technical feasibility for development could be compliant with affordable housing requirements by virtue of the reduction in numbers on site

Additionally, the application form indicates the scheme seeks to deliver 44 four bed houses and 5 three bed houses, which is unlikely to meet the local demand or range of affordable units ranging from 1 bed units to 4 bed units. A adequate range of units would be a requirement of any S106 affordable housing scheme

The Local Plan Strategy's annual affordable housing target for the borough is 7,100 across the Plan period (average of 355 per year). Affordable housing completions since 2010 are reflected in the following taken from the Councils Annual Monitoring Report (AMR).

The proposal could deliver up to 15 affordable dwellings. However this is a policy compliant level of provision that could be secured on any site considered suitable for residential development.

In terms of affordable housing need, the borough wide housing requirement for 36,000 new dwellings, includes the provision of 7,100 new affordable homes over the plan period, equating to 355 dwellings per year.

Affordable housing completions between 01.04.2010 – 31.3.2018 totalled 2812 dwellings compared to a requirement of 2840 (355x8) over the same period. However it should be noted that there has been a significant uplift in affordable housing delivery since 2014/15 with 2113 dwellings delivered over this 4 year period, equivalent to 528 dwellings per annum. This is shown in the extract from the Authority Monitoring Report 2017/18 below.

MF4 Gross total of affordable housing units provided (SA1)

12.88 Table 12.30 shows the number of affordable units completed over the last five years. In 2017/18, 27% of the gross dwellings built were affordable. This is an increase of 283 dwellings on the number of affordable dwellings built in 2016/17 and reflects the Council's policy on affordable housing provision across the Borough.

Table 12.30 Provision of Affordable Homes⁽⁵²⁾

2013/14	2014/15	2015/16	2016/17	2017/18
131	638	448	372	655

Public Open Space

The indicative plan show that the open space would measure approximately 125sqm and located in central portion of the site.

The Buglawton area of Congleton already suffers from a deficiency of amenity green space and children's play space therefore a combined area of 40m² per dwelling (20m² childrens play and 20m² amenity open space) is required from this development in accordance with Table 13.1 of CELP Policy SE6.

Based on the current proposal for 35 dwellings a total of 1,400m² combined POS is needed so as not to place extra burden on existing the POS in the area. Any childrens play area should be a LAP with 3 pieces of equipment and comprise a minimum area of 700m². This should be centrally located, well drained and reasonable flat site surface. A buffer zone of 5 meters minimum depth should separate the activity zone and the forward-most part of the nearest dwelling. Further discussions as to how the trees could benefit the area will need to take place for example in the form of interactive art incorporating local ecology and/or natural play elements.

The indicative proposals fall considerably short of what is required, regardless of the reduction in the description of development. The quantum of open and play space required to comply with adopted policy further indicates that the indicative proposals of 49 houses, which is the only plan received, is a significant overdevelopment that the constraints of the site does not allow for adequate open space or childrens play space. The reduction in numbers put forward to 35 units is not considered to materially alter this assessment. This is a reason to refuse this application.

Outdoor Sport

Policy SC2 and SE6, Table 13.1 for Open Space Standards require developer contributions for outdoor sports facilities. In line with the recently updated Playing Pitch Strategy contributions sought would be £1,000 per family dwelling or £500 per 2 bed space (or more) apartment for off-site provision. This figure may change as Policy is updated at any time.

Policy SE6 Green Infrastructure requires all developments to strengthen and contribute to sport and playing fields through developer contributions.

Policy SC2 for Indoor and Outdoor Sports Facilities states that *“major (10 dwellings or more) residential developments contribute, through land assembly and/or financial contributions, to new or improved sports facilities where development will increase demand and/or there is a recognised shortage in the locality that would be exacerbated by the increase in demand arising from the development.”*

Indoor Sport

Policies SC1 and SC2 of the Local Plan Strategy provide a clear development plan policy basis to require developments to provide or contribute towards both outdoor and indoor recreation. Policy SC2 – states that whilst new developments should not be required to address an existing shortfall of provision, they should ensure that this situation is not worsened by ensuring that it fully addresses its own impact in terms of the additional demand.

Based on the revised description of 35 dwellings -

- 35 dwellings at 1.61 people per residence = a population increase of 57
- The annual Sport England Active People Survey Results for 2016 showed 42.7% participation rate for Cheshire East. = 24 additional “active population” due to the new development in Congleton
- Based on an industry average of 25 users per piece of health & fitness equipment this equates to an additional equivalent of 1 station (one fitness station equivalent of £6,500). A contribution of £6,500 is sought towards improvements at Congleton Leisure Centre. Specified use should be included within a Section 106 agreement. This would need to be secured as part of a S106 Agreement.

Education

This is an outline application which seeks approval for the development of 49 dwellings.

The development of 49 dwellings is expected to generate:

8 primary children (49 x 0.19) 9 – 1 SEN
7 secondary children (49 x 0.15)
1 SEN children (49 x 0.51 x 0.023%)

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

Special Education provision within Cheshire East Council currently has a shortage of places available with at present over 47% of pupils educated outside of the Borough.

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

$7 \times £17,959 \times 0.91 = £114,399$

$1 \times £50,000 \times 0.91 = £45,500$ (SEN)

Total education contribution: £159,899

Without a secured contribution of £159,899 Children's Services raise an objection to this application.

Given the late change in description, this figure needs to be revised. This will be reported in an update

Health

The East Cheshire Clinical Commissioning Group (CCG) have sought a S106 Contribution advise that the local medical centres are operating at capacity and therefore to accommodate the future residents put forward, and the Readesmoor Surgery , Lawton House Surgery, Meadows Medical Centre will need to be developed to support their ability to provide the expected level of primary care facilities in Congleton.

The mitigation requested, as this is an outline application for 35 dwellings the numbers of bedrooms as yet unknown is , based on the formula consisting of occupancy x number of units in the development x £360. This equates to £35280

The requested mitigation can be provided as part of the overall financial contributions offered. On this basis the proposal mitigates for its health related impacts

Residential Amenity

According to Policy GR6, planning permission for any development adjoining or near to residential property or sensitive uses will only be permitted where the proposal would not have an unduly detrimental effect on their amenity due to loss of privacy, loss of sunlight and daylight, visual intrusion, and noise. Supplementary Planning Guidance Note 2 advises on the minimum separation distances between dwellings. The distance between main principal elevations (those containing main windows) should be 21.3 metres with this reducing to 13.8 metres between flanking and principal elevations.

The layout and design of the site are reserved matters but will need to take account of the buffer zones that have been incorporated and the elevated nature of the site above the adjoining dwellings.

The SPD also requires a minimum private amenity space of 65sq.m for new family housing. Care would also be needed with regard to levels differences within the site and the adjoining dwellings and the potential overlooking problems that would be created.

There is significant concern that a development as applied for of 44 four bed roomed houses and 5 three bed roomed houses could physically be accommodated on this site whilst also safeguarding the privacy of neighbours/future residents.

Landscape Visual Impact

The application site is bounded by the canal and towpath, which are elevated above the site. The site levels generally fall from a high area adjacent to the canal boundary towards the western, southern and northern boundaries. The gradient shelves steeply towards the northern boundary where there's an area of unimproved grassland. The site is accessed via a narrow, unmade private road to the south which is a bridleway that joins the canal tow path via a flight of steps. The canal towpath is a public right of way

The vegetation on and around the boundaries encloses and screens the site. There is a hedge with protected trees on the boundary with Gordale Close, the Dane Valley woodland, a hedgerow with trees to the north and a tall hawthorn hedgerow along the entire eastern Canal boundary.

The application includes a Landscape Appraisal which is unchanged from the previous, refused application. It states that the site is in an urban fringe location but has the character of an attractive, self contained and discrete site, well contained by the existing landform and by hedgerows and trees. Because of this the effect is to have a limited effect on the overall wider landscape.

The Councils Landscape Architect would broadly agree with this statement. The development site is largely contained and would have little impact on the character of the wider landscape but it would have an adverse impact on the rural, tranquil character of the adjacent Canal Conservation Area. This would be particularly relevant should housing back onto the Canal tow path and future occupiers punch access through the hedgerow, as has happened on Harvey Road and over which there would be no planning control.

Public views of the site are limited. There are filtered views from Gordale Close and some views from other residential properties in the vicinity. The site is visible from a short section of the bridleway to the south. It is not visible from the canal towpath during the summer months but in winter there are some filtered views through the hedge. There are unlikely to be longer distance views from the A54 to the east or from the A 536 Macclesfield road to the west due to the undulating landform and the Dane Valley woodland.

The visual impact on the existing residential areas and the short section of bridleway would be fairly minor. However, it is likely that any proposed houses located on the higher, eastern side of site would be visible above the hedge from tow path which could adversely affect views from the tow path.

This would be a sensitive viewpoint which would urbanise an essentially rural aspect presently. It would also be difficult to control the height and retention of the boundary hedge in the longer term if it was owned by numerous potential dwellings backing on to the canal. It would therefore be important that any dwellings should not back onto the canal frontage of the site.

The site lies within the Green Belt whilst also being within a countryside setting and is governed by Policy PG3 of the CELPS. This seeks to restrict development within the countryside apart from a few limited categories. The NPPF at para 127 seek to ensure that planning decisions (amongst other things) ensures that developments are ..'sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation and change (such as increased densities).'

Policy PG3 of the CELPS accords with the NPPF desire to recognize the landscape setting. The application, by developing the site where there is no development in visual terms hence eroding an area of Green Belt conflicts with Policy PG3.

Impact upon Trees/Ancient Woodland

The Woodland Trust have indicated the presence of Ancient Woodland to the west of the site and recommend a 30m undeveloped buffer (including this being outside garden area). The Ancient Woodland is important in ecological terms and Natural England, as a statutory consultee require a 15m buffer (excluding garden) to the woodland, which has not been provided for within the indicative layout. It should be noted the requirement for any buffer of a minimum distance of 15m would have significant impact on the site's ability to accommodate the indicative units as applied for in this application.

This will be considered further in the ecological section.

There is significant tree and hedgerow cover in the vicinity. Four trees to the south western of the site on the boundary with Gordale Close are subject to TPO protection; The Congleton Borough Council (Gordale Close) TPO 1983. Woodland on adjacent land to the west has Ancient Woodland Status.

The submission is supported by a Tree survey and Arboricultural constraint report dated August 2013. Tree constraints are illustrated on a copy of the topographic survey. The report identifies a grade A Oak tree on the site boundary at the end of Gordale Close, 7 grade B trees, distributed between the south west and the northern boundaries, 3 Grade C trees and one Grade U tree.

The report indicates that for the new entrance to the proposed development, trees T1 & T2 in the survey, (grade B trees) and T3 in the survey (a grade A Oak) may have to be removed. The report recommends that protective measures be provided for all retained trees.

BS5837:2012 Trees in relation to design, demolition and Construction – Recommendations places an emphasis on 'evidence based planning' and accords with standard RIBA work stages. The standard now requires higher levels of competency and a more precautionary approach to tree protection.

The tree survey and constraints report/plan does not encompass all the tree cover on /adjacent to the site. In particular it excludes trees around Hawthorn Cottage and Canalside Farm, and trees to the north and west, all of which could influence or be impacted by the development. Further, a 2013 tree survey must now be considered out of date.

The British Standard identifies at para 5.2 *Constraints posed by Trees* that all relevant constraints including Root Protection Areas (RPAs) should be plotted around all trees for retention and shown on the relevant drawings, including proposed site layout plans. Above ground constraints should also be taken into account as part of the layout design. The submitted illustrative 'Proposed Site Layout' does not provide an accurate representation of arboricultural constraints.

Taking into account level changes on site and likely associated engineering works, without detailed information it is not possible to ascertain from the submission the full impacts on all the protected trees in the vicinity of the access.

Ancient Woodland has protection in the NPPF and Natural England /Forestry Commission Standing Advice for the protection of Ancient Woodland states a buffer zone of at least 15 metres will be required and in some circumstances the buffer will need to be greater. (The advice indicates the inclusion of gardens in buffer zones should be avoided). In an objection to the application, The Woodland Trust has recommended a 30m undeveloped buffer outside garden area.

The indicative layout does not show a buffer or achieve even the minimum 15m separation outside gardens and therefore would not be acceptable. The provision of a 15m buffer would have significant impact on the site's ability to accommodate 49 units as applied for in this application. This will be considered further in the ecological section.

Although requested, the applicant has failed to provide additional arboricultural information.

Overall it is considered that there is inadequate information provided to demonstrate that the scale of development proposed could be accommodated without harm to trees.

It is also considered that the removal of the TPO protected trees at Gordale Close to accommodate the access is not justified in planning terms and would be detrimental to the visual amenity and landscape character of the area.

This is reason to refuse this application.

Impact upon the setting of the Macclesfield Canal Conservation Area

The application site, by virtue of being adjacent to the Macclesfield Canal is considered to be within the setting of the Macclesfield Canal Conservation Area.

On this basis, in accordance with Para 189 of the NPPF, a Heritage Assessment should have supported this application. The Applicant has provided an Assessment on 23 September 2019.

The Conservation Officer does not agree with the scope of the assessment and the submitted Assessment does not follow key principles in the guidance note by Historic England "Good Practice Advice ;the setting of heritage assets". The conservation area appraisal hasn't been referred to or any real assessment of significance undertaken.

The Assessment also offers the retention of Hawthorn Cottage as mitigation for the harm to the Conservation Area

An assessment of Hawthorn Cottage, the building appears on the tithe map/ it was an important part of the assessment for demolition to further investigate its significance and history . The submitted Assessment indicates the buildings are down for retention. Whilst this is positive, the purpose of asking for the assessment was to understand what significance, if any, it has. if there is no significance to the buildings this wouldn't be needed. The heritage statement hasn't provided any historic detail on the significance of these buildings to inform this view.

This is not sufficient to satisfy the requirement of paragraph 189 the NPPF.

The extent of the Conservation Area is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral”.

The application site makes a positive contribution to the setting of the Canal Conservation Area; section 11. Therefore the application is required by policy within the CELPS policy SE7 and Government policy guidance to be supported by a heritage impact assessment.

The submitted Assessment doesn't provide a detailed assessment of significance or evidence of how the conclusions reached have been arrived at.

As set out within the Conservation Area Appraisal, section 11, this part of the conservation area has a strong rural character,

‘..This rural section is almost uninterrupted in a winding westwards direction until, just after Bridge No.65, it turns ninety degrees southwards. Again the towpath is accompanied by the hedgerow to the north side. This section is particularly prevalent with distance markers. Once again the Railway Viaduct over the River Dane is visible and ‘The Cloud’ overlooks this section. Alongside the canal a number of timber-framed buildings from the late medieval period survive and indicate the long standing prosperity of this part of Cheshire, including examples at Big Fenton Farm and Crossley Hall. Views across to the stone-built Buglawton Hall, with the Cloud as a backdrop are a feature of this stretch...’

Consequently, it is important to the conservation area that its character and appearance is not undermined by weakening its rural, landscape dominated setting.

The outline submission hasn't taken into account at this early stage the challenging topographical issues of the site as it elevates from Goredale Close towards the Canal and how this significant slope will impact on the designated heritage asset. This would be expected to be part of the heritage impact assessment, as mentioned above, for this very important reason. The impact of the development of the designated heritage asset must be taken into account. The demolition of Hawthorn Cottage/Canal Side Farm (although a more recent building) will also require assessment and justification for demolition, as a non designated heritage asset, clearly shown on the title map of 1840. This rural farm marks the edge of the urban area and the change in character.

The development will create an urbanised development and have a severe impact on the surrounding character of the land, which is respite from the urban area, a transitional point into a rural tranquil character. This is the essential setting of the canal at this point.

The development of the site, with built form, changes the way in which the Canal is appreciated and erodes the contribution the site makes to its significance. This change in character within the setting would undermine its significance as a designated heritage asset.

The Conservation Officer has assessed the Heritage Statement. She is of the opinion that the Assessment is fundamentally flawed. As part of the Heritage Assessment she required an

assessment of Canal side cottage and Hawthorn Cottage, as one appears on the tithe map and it was part of the process to understand whether the building should be retained. It's the wrong approach to retain it without having at least gone through this process. The Assessment is also proposing a heritage buffer, but there is no indication what this is and what form it will take. The Conservation Officer is of the view that the Assessment put forward is an incorrect assessment and there is no clear reasoning behind it. There is also no annotation to show the heritage buffer.

As the Assessment as required by NPPF is inadequate insufficient information is provided by the Applicant to assess the significance as required in NPPF para 190.

While it is not possible to fully assess the impact of the proposals in this application, based on CAA, given the site coverage and density as indicated, there is likely a high level of harm caused to the significance and setting of the Conservation Area at this point, and the development is not substantiated by any evidence that this harm would be justified contrary to NPPF paragraph 193.

The harm caused to the Conservation Area is therefore a reason to refuse this application.

Highways Implications

The Transport Assessment (TA) provided is identical to the previous version from 2013. This is over analysis for this scale of development and in fact national guidance does not require technical assessment for developments below 50 units.

Nonetheless the TA is acceptable in terms of: trip rates and traffic impact. The TA recognises that the existing roads on the approach to the site are of sufficient standard to serve the proposed number of units and this agreed by the Highways Manager. It also quotes the NPPF with regard to the definition of severe impact and the S.H.M. agrees that this is also correct.

In terms of sustainable modal choice the TA does not offer any specific proposals to enhance or improve local options and bus facilities are at or just beyond the preferred maximum walking distance from the centre of the site. The national document: Guidance on Transport Assessments requires developers to provide for and encourage the use of sustainable transport options and this proposal does not do that.

Indeed the access to bus services in particular is highlighted as an issue locally as the nearest bus stops are located outside the desirable maximum walking distances from the site (400 metres), at over 600 metres. In addition the elevated nature of the site and sloping topography to and from the shelters is not flat and involves a number of significant inclines which is therefore less attractive to pedestrian access.

The proposed development does not offer any incentives to sustainable transport options.

The TA states that the internal layout will be designed to Manual for Streets (MfS).

Policy GR9 states that proposals for development requiring access, servicing or parking facilities will only be permitted where a number of criteria are satisfied. These include adequate and safe

provision for suitable access and egress by vehicles, pedestrians and other road users to a public highway.

Paragraph 109/ 110 of the National Planning Policy framework states that:-

'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

Within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;*
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;*
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;*
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and*
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations...*

The impact of this site is modest on the local road network. This is mainly due to the location of the site and the positioning of the access at Goredale Close.

The indicative layout's failure to comply with Manual for Streets principles is another indication of the poor design quality of this scheme.

In summary, the level of development trips generated is not considered a severe impact as set out in the NPPF policy test to mitigate for the impacts of the proposal on the local highways network.

Loss of Agricultural Land

The National Planning Policy Framework highlights that the use of such land should be taken into account when determining planning applications.

In this instance, whilst no information has been submitted in the form of any assessment of the agricultural land quality, the land was last used as horse grazing, indeed some of the buildings on site are stables, it is not known whether the quality of the land is the best and most versatile agricultural land. The size of the site is very small, steeply sloping and is constrained in any ability to extend by the canal, the houses and the woodland.

It is therefore considered that the proposal would not break up a viable agricultural holding or holdings, and given that only a very limited amount of land is involved and that Inspectors have previously attached only very limited weight to the matter of agricultural land, it is not considered that an additional reason for refusal on these grounds could be substantiated.

Ecology

The ecological survey submitted with this application is identical to the Survey submitted in 2013 and is out of date.

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

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

(b) no satisfactory alternative and

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

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

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

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

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

Incomplete and out of date Ecological Assessment

Part of this site, located near the south-west boundary has not been surveyed as part of the submitted ecological assessment. The submitted ecological assessment is dated 2013 and is out of date. This part of the site includes buildings which may have potential to support roosting bats and barn owls. To enable the Council to make a fully informed assessment of the potential impact of the proposed development the Council's ecologist advises that the entirety of the site must be subject to a detailed ecological survey.

Local Wildlife Sites /Sites of Biological Importance(SBI)

The proposed development is adjacent to the River Dane SBI on its north-west boundary. The SBI supports ancient woodland habitats. The proposed development will not result in the direct loss of habitat within the ancient woodland or SBI.

Ancient woodland habitats are considered to be irreplaceable habitats and receive particular protection through paragraph 175 d) of the NPPF.

The proposed development will not result in the direct loss of ancient woodland habitat within this Local Wildlife Site. However the submitted indicative layout plan shows residential gardens backing onto the woodland. Consequently, the proposed development has the potential to have an adverse impact upon the Local Wildlife it in a number of well evidenced ways which include:

- The tipping of garden waste from adjacent residential properties.
- Direct loss of habitat due to the unauthorised extension of gardens into the woodlands.
- The introduction of non-native invasive species from adjacent gardens.
- Contamination resulting from garden pesticides and herbicides.
- Disturbance associated increased public access.
- Disturbance associated with increased road traffic.
- Increased predation from domestic cats.
- Light pollution.
- Disturbance impacts occurring during the construction phase.
- Pruning of trees due to issues of shading.

The proposed development as indicated by the submitted illustrative master plan has the potential to have a significant adverse impact upon the adjacent ancient woodland/ Local Wildlife Site in contravention of Policy SE3 of the CELPS and the NPPF. The ecologist accepts that the application is outline only and that the submitted layout is illustrative only. Based on current best practice guidance, and Natural England requirements an undeveloped buffer zone of a minimum of 15m consisting of semi natural habitats should be provided adjacent to the ancient woodland to address the potential adverse impact of the development upon the ancient woodland/Local Wildlife Site.

It is imperative that no development activity including: the movement of vehicles, storage of materials, retaining wall construction related activity, earth works or another engineering operations or site preparations take place within this buffer.

The indicative layout plan could be further amended to reflect the required undeveloped buffer and that the provision of the buffer be secured by means of a planning condition , but this would have considerable implication for the potential density of the site and, notwithstanding all the other constraints on site, further demonstrates that this site would struggle to accommodate the 49 units indicatively shown whilst also ensuring the buffer zones are left clear of any residential development, including garden space.

Habitats

Unimproved grassland

This habitat, which is a UK biodiversity action plan priority habitat and hence a material consideration has been identified in the north eastern corner of the proposed development site. It is highly likely that this proportion of the site would qualify for designation as a Local Wildlife

Sites. The ecologist advises that the loss of this habitat to development would represent a significant loss of biodiversity interest from the site.

The submitted (2013) ecological assessment acknowledges the value of this habitat and recommends that the area of unimproved grassland be retained and enhanced as part of the proposed development.

The Councils Ecologist advise that any development within this area would fail to safeguard the nature conservation value of unimproved grassland as this habitat would be lost if gardens, open space, play areas associated with a modern estate etc. were to be constructed in this area.

Semi-improved neutral grassland

This habitat covers much of the remainder of the application site. Based upon the species recorded it is possible that this habitat could also qualify for designation as a Local Wildlife site. However, no information has been provided as to the abundance of the various plant species recorded from this habitat which makes an accurate assessment of its nature conservation value difficult.

Clarification has been sought as to which species were recorded from both the unimproved and semi-improved grassland habitats and whether they hold any additional information on the abundance of the various plant species recorded.

Hedgerows

Hedgerows are a biodiversity action plan priority habitat and hence a material consideration. Based upon the submitted illustrative layout it appears likely that much of the existing hedgerows can be retained as part of the proposed development. The Ecologist advises that any losses of hedgerow must be compensated for through the creation of additional native species hedgerows as part of any detailed landscaping scheme for the site. This could be resolved by condition.

Protected Species

Great Crested Newts

A pond which has potential to support great crested newts has been recorded at a distance of 300m from the proposed development. The submitted ecological assessment recommends that this pond be subject to a detailed great crested newt survey. No such survey has been submitted. The applicant has failed to provide the information as recommended by his own Consultant.

Common Toad

This UK BAP priority species has been recorded just outside the application site boundary. Considering the distance from the nearest pond it is unlikely that the proposed development would have a significant adverse impact upon this species.

Bats

Trees identified by target notes 6 and 13 on the submitted habitat plan have been identified as having potential to support roosting bats. Whilst a number of trees appear to be retained under the submitted illustrative layout the submitted ecological assessment states that some trees would require removal.

Trees identified on the submitted Habitat Plan by target notes 6 (over mature ash) and target note 13 (mature oak and ash) have been identified by the submitted ecological appraisal as having potential to support roosting bats. The submitted ecological appraisal recommends that any trees to be lost or pruned as a result of the development must be subject to a detailed bat survey. No such survey has been provided

It is likely that the tree at target note 6 will be retained as part of the development however two trees at target note 13 (T1 and T2 on the tree report) will be lost as a result of the proposed access.

In law in order for the Council to determine this application in accordance with its policy and statutory obligations in respect of protected species a detailed bat survey of these trees is required prior to the determination of this application. The lack of such information is a reason to refuse this application.

Breeding birds

If planning consent was granted standard conditions would be required to safeguard breeding birds.

Other Protected Species

A number of setts have been recorded around the site. The submitted report is out of date although it recommends the incorporation of wildlife corridors and buffer zones around the boundary of the site to mitigate any direct impact on the setts and also to ensure other protected species are able to move freely between the setts. A license from Natural England would need to be obtained if any works are undertaken within 10m of the identified setts.

The other protected species corridor must be free of any form of development, such as garden fences, access roads etc. and must include additional screening planting to act as a deterrent to any potential interference with the setts.

A condition could be imposed to ensure that the buffer does not include garden areas, however, this has implications for the layout of the site and further reduces the area of development and limits density. This has knock on effects for the design and setting out of development within this constrained site. It further demonstrates the overdeveloped nature of the indicative proposals.

Air Quality

Policy SE12 of the Local Plan states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality. This is in accordance with paragraph 181 of the NPPF and the Government's Air Quality Strategy.

Also there is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality. Taking into account the uncertainties with modelling, the impacts of the development could be significantly worse than predicted.

Congleton has two Air Quality Management Areas, and as such the cumulative impact of developments in the town is likely to make the situation worse, unless managed.

Poor air quality is detrimental to the health and wellbeing of the public and also has a negative impact on the quality of life for sensitive individuals. It is therefore considered appropriate that mitigation should be sought in the form of direct measures to reduce the adverse air quality impact.

Conditions are suggested in relation to a Travel Plan, Electric Vehicle Charging Points, Dust Control and low emission boilers should the application be approved.

Contaminated Land

The contaminated land officer has no objection to the application but states that the application is for new residential properties which are a sensitive end use and could be affected by any contamination present. Furthermore there are a number of emissions within the submitted Phase I report due to areas not being assessed.

As such, and in accordance with the NPPF a condition is suggested in relation to contaminated land is added if permission is granted.

Flood Risk and Drainage

The majority of the application site is located within Flood Zone 1 according to the Environment Agency Flood Maps. This defines that the land has less than 1 in 1000 annual probability of flooding and all uses of land are appropriate in this location. The Environment Agency and United Utilities recommends standard conditions and on this basis there are no objections.

LEVY (CIL) REGULATIONS

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010, it is necessary for planning applications/planning appeals 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 increased demand for school places in Congleton where there is very limited spare capacity. In order to increase capacity of the school(s) which would support the proposed development, a contribution towards primary school education is required. This is considered to be necessary and fair and reasonable in relation to the development.

Likewise the proposal will have a direct impact upon existing medical provisions in Congleton which are running at capacity. This is considered to be necessary and fair and reasonable in relation to the development.

The development would result in increased demand for indoor and outdoor sports provision in where there is very limited spare capacity. In order to increase capacity of the facilities which would support the proposed development, a contribution towards indoor and outdoor sport will be required. The contribution to improve the canal towpath links into the accessibility of the site via in the Green Infrastructure around the site. This is considered to be necessary and fair and reasonable in relation to the development.

As a result the contributions are necessary, directly related to the development and fair and reasonable.

The future maintenance of public amenity space and play space within the site as required and the required mitigation is directly related to the development and is fair and reasonable.

On this basis and for the purpose of any appeal, the S106 for the scheme is compliant with the CIL Regulations 2010.

CONCLUSIONS

Green Belt policy within NPPF strongly indicates that this scheme should be resisted in principle. It is considered that the NPPF and Local Planning policy are consistent with each other and the green belt policy within the Local Plan can be afforded very significant weight. The site, being mainly agricultural buildings and land, are specifically excluded from the definition of 'previously developed land' for the purposes of the policy.

It is considered that the harm caused to the Green Belt by this development is not outweighed by other considerations in the form of any benefit to the housing land supply and therefore there are no very special circumstances to justify this development.

The proposal would be environmentally harmful to the adjacent ancient woodland and result in the un-necessary removal of important protected trees. Any benefit in the form of additional housing would be outweighed by that environmental harm. Overall, the proposal is not considered to constitute a sustainable form of development. The benefits to the housing land supply, including the affordable housing does not outweigh the harm caused.

This proposal will result in the direct loss and the threat to the continued well being of trees protected by a Tree Preservation Order that contribute to the amenity of the area and are designated heritage assets. The scheme fails to demonstrate that there would be adequate mitigation for the loss of trees, how the rooting and soil environment of retained trees can be adequately protected from damage, and that the health, long term viability and safe well being of these trees can be maintained. In addition, the loss of protected trees adds to the environmental harm caused by the proposal.

It considered that insufficient information has been submitted to demonstrate that the development of the site would not be harmful to the character and appearance of the area and given the need for significant areas of the site to be free from any form of development, including gardens, the need for extensive retaining structures and there is no indication that the development of site could realistically be achieved without adverse impact upon the setting of the adjoining Canal Conservation Area, protected trees and the wider area.

The indicative layout as submitted is over engineered in terms of design and is an over-development of a highly constrained site, and provides insufficient assessment of the impact upon protected species and no buffer to the ancient woodland.

There is insufficient information and out of date submitted in respect of protected species. Information that is required in law prior to determination of any application which affects European Protected Species has not been provided

There are no interests of acknowledged importance which would outweigh the presumption against the inappropriate development in the green belt. Accordingly, a recommendation of refusal is made.

RECOMMENDATIONS

Refuse for the following reasons:

1 The proposal is an inappropriate form of development within the Green Belt, as defined by the Development Plan. The development is therefore contrary to policy PG3 of the Cheshire East Local Plan Strategy and Policy PS7 of the Congleton Borough Local Plan First Review and would cause material harm to the openness of the Green Belt. The proposed development by reason of inappropriateness would be contrary to nationally established policy as set out in NPPF, and as a result would cause harm to the objectives of this guidance. There are no very special circumstances to outweigh this harm.

2 The proposed development by virtue of the siting of the proposed access would result in the direct loss of existing trees which are the subject of the Congleton Borough Council (Gordale Close) TPO 1983. The loss of these trees is considered to be unacceptable because of the impact upon the general amenity and character of the area in which the application site is located, contrary to Policy SE5 of the Cheshire East Local Plan Strategy and the provisions of the National Planning Policy Framework.

3 The proposed development, as shown on the illustrative layout plan, is likely to result in a significant adverse impact on the adjacent Local Wildlife Site and Ancient Woodland. The application fails to provide sufficient information to determine, assess, and mitigate or compensate any potential impact on protected/priority species and habitats and biodiversity in general, and fails to demonstrate that it would contribute positively to the conservation and enhancement of biodiversity. The application therefore fails to comply with the requirements of Policy SE 3 of the Cheshire East Local Plan Strategy and saved Policies NR3 and NR4 of the Congleton Borough Local Plan First Review and the provisions of paras 175-177 of the National Planning Policy Framework.

4 Insufficient information has been provided to demonstrate that the proposed development is a sustainable form of development which can achieve an adequate quality of design that would be in keeping with the location of the site adjacent to the Macclesfield Canal Conservation Area. In reaching this conclusion regard was had to the indicative design, the housing mix as proposed and the indicative layout, contrary to the Policy SD1, SD2, SC3, SE1, SE7, SC4 of the Cheshire East Local Plan Strategy and the Residential Design Guide SPD

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Interim Head of Planning has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.

In order to give proper effect to the Board's intent and without changing the substance of its decision, authority is delegated to the Interim Head Planning in consultation with the Chair (or in their absence the Vice Chair) to correct any technical slip or omission in the resolution, before issue of the decision notice

Should the application be subject to an appeal, the following Heads of Terms should be secured as part of any S106 Agreement:

S106	Amount	Triggers
Affordable Housing	30% affordable housing in a 65:5:35 split in accordance with the IPS	In accordance with details to be submitted and approved.
Health	£35280. (based on 35 dwellings)	Paid prior to first occupation of the development.
Education	£81,713 (based on 35 dwellings)	Staged contributions – 50% upon commencement, 50% on o 1 st occupation
Indoor Sport	£6500	Paid prior to first occupation of the

		development.
Outdoor Sport	Formula - £1,000 per family dwelling or £500 per 2 bed space (or more) apartment for off-site provision.	Paid prior to first occupation of the development.
Private management scheme for all POS/ Children's Play space on site.		Prior to commencement of development, implementation prior to 1 st occupation
Towpath upgrade	Amount to be confirmed	Prior to commencement of development

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Application No: 19/3307N

Location: Boot and Slipper, Long Lane, WETTENHALL, WETTENHALL

Proposal: Erection of 4 Dwellings

Applicant: E Atkinson, Commercial Development Projects Ltd

Expiry Date: 04-Oct-2019

SUMMARY

The proposal is for 4no dwellings on the site of a former public house, The Boot and Slipper, in Wettenhall. The Public House has been demolished in the recent past. The application site is situated within the open countryside where Policy PG6 of the CELPS states a presumption against residential development unless it meets the exception of (inter alia), infill development, infill within a village, dwellings of exceptional design, replacement building (including dwellings) which are not materially larger. There is currently no building on the site to replace and the Inspector for the previously dismissed decision (17/2522N) considered that the proposal did not meet any of the exceptions set out in Policy PG6 for residential development.

It is accepted that the land is previously developed, as confirmed by the Inspector. However it is considered that proposed development would be more harmful to the character and appearance of the open countryside in this unsustainable location, than leaving the land undeveloped.

This application includes the provision of an affordable housing unit, a Bungalow which is to be Discounted for Sale by 20%. This is not required by Planning policy, but the Housing Officer has explained that there is a need for bungalows of an affordable nature in the Borough.

An area of land on the corner of Long Lane has as a veteran Oak Tree within an area of land known as the 'village green'. This area of land has been removed from the application site. It is suggested within the Statement that this will be 'gifted' to the community, however full details of this have not been submitted with this application.

The proposed development is still relatively suburban in its design and layout and the 'courtyard' design is very similar in character to the cul-de-sac previously refused. The 'L' shape building does not really reflect the character of a barn conversion in the Cheshire area.

There are still some concerns raised over the social proximity of the TPO veteran Oak Tree adjacent to unit 1 and the RPA which should be used given its Veteran status. However, the Tree Officer considers that based on the fact that the land has been developed previously, and with the tree retained in an open space, the view is taken that this could be accepted.

This is considered to be neutral impact on the development.

There are some benefits to the proposal in relation to a brownfield site being brought forward, additional housing supply, the proposed affordable housing unit, some small economic benefits during construction, and council tax once constructed. However it is not considered that these benefits would outweigh the harm caused to the open countryside.

It is therefore considered that the development has not significantly changed to that which was dismissed recently at appeal, and more recently refused at Southern Planning committee. The proposal is therefore considered to be unacceptable and contrary to Policies SD2, SE1, and PG6 of the Cheshire East Local Plan Strategy, and saved Policies RES.5 and BE.1 of the Crewe and Nantwich Replacement Local Plan, and the NPPF. The proposal is therefore recommended for refusal.

RECOMMENDATION - REFUSE

REASON FOR REFERRAL

This size of development would usually be considered under delegated powers. The application has been called into Southern Planning Committee by Councillor Sarah Pochin, for the following reasons;

‘The application is substantively and materially different from the last application that was refused;

There is now affordable housing included in the application

The Parish Council and Ward Cllr support the application

The guidance on distance from the TPO has now been taken into account’.

DESCRIPTION OF SITE AND CONTEXT

This application relates to the site of the former Boot and Slipper Inn (public house) situated off Long Lane, Wettenhall, Nantwich. The Site lies within a predominately rural area with some residential uses adjacent to the site.

In the south corner is a mature oak tree located on a grassed verge, which is covered by a recent tree preservation order, and considered locally as a Village Green (part of an application by the Parish Council for its designation).

DETAILS OF PROPOSAL

The application seeks full planning permission for 4no dwellings. The proposal shows the erection of a driveway off Long Lane, into the site with 4no dwellings accessed off the driveway.

This application includes 1no. Bungalow to be offered as an affordable housing unit.

Planning History

18/4771N - Erection of 3 Dwellings – Refused by Southern Planning Committee on 30th November 2018

1. *The proposed development is considered to be unacceptable in principle. The development site is situated within the open countryside where there is a presumption against unacceptable, unsustainable development. It is considered that, although the site is a brownfield site, the proposed development would harm the character and appearance of the open countryside. The proposal is therefore considered to be unacceptable and contrary to Policies SD2, SE1, and PG6 of the Cheshire East Local Plan Strategy, and saved Policies RES.5 and BE.1 of the Crewe and Nantwich Replacement Local Plan, and the National Planning Policy Framework.*

2. *The proposed development would result in the threat of continued health and life expectancy of a Veteran Oak Tree which is covered by a TPO; and raises concerns over social proximity to the proposed development. The proposal is therefore considered to be unacceptable and contrary to Policies SE3 and SE5 of the Cheshire East Local Plan Policy, the Standing Advice of Natural England, and the National Planning Policy Framework.*

18/1522N - Erection of 4no. dwellings – Withdrawn 6th June 2018

17/2522N - Erection of 4 Dwellings – Refused 7th December 2017, Appeal dismissed 1st June 2018

1. *The proposed development is considered to be unacceptable in principle. The development site is situated within the open countryside where there is a presumption against unacceptable, unsustainable development. It is considered that, although the site is a brownfield site, the indicative plans do not clearly show that 4 dwellings can easily be sited on the plot without causing harm to the streetscene (including the village green area) or wider open countryside location. The proposal is therefore considered to be unacceptable and contrary to Policies SD2, SE1, SC4 and PG6 of the Cheshire East Local Plan Strategy, and saved Policies RES.5 and BE.1 of the Crewe and Nantwich Replacement Local Plan, and the National Planning Policy Framework.*

16/3138N - Erection of 5 Dwellings, construction of access road and installation of septic tank/treatment plant. – withdrawn 8th March 2017

16/0849N - Prior notification of demolition of public house and dwelling. No objections 15/3/2016

09/0846N Installation of a Kee 1400 Nudisc Sewage Treatment, 2000lt Grease Interceptor and Associated Drainage Granted 1/6/2009

P06/1421 Removal of Condition No. 8 of Planning Reference P02/0128 Granted 2/2/2007

P02/0128 Conversion of Outbuilding to Residential Use Granted 4/4/2002

7/08945 - Home renal dialysis unit. – approved with conditions 29th April 1982

7/05623 - Extension to side of property to be used as public room. – withdrawn 23rd November 1979

7/13518 - Development of existing pub to farm additional owners accom, bedrooms (residential) and restaurant. – approved with conditions 18th December 1986

Local Plan Policy

Cheshire East Local Plan Strategy

MP 1 Presumption in Favour of Sustainable Development
PG 2 Settlement Hierarchy
PG 6 Open Countryside
SD 1 Sustainable Development
SD 2 Sustainable Development principles
IN 1 Infrastructure
IN 2 Developer Contributions
SC 4 Residential Mix
SC5 Affordable Homes
SE 1 Design
SE 2 Efficient use of land
SE 3 Biodiversity and Geodiversity
SE 4 The Landscape
SE 5 Trees hedgerows and woodlands
SE 6 Green Infrastructure
SE12 Pollution, Land Contamination and Land Instability
CO 2 Enabling business growth through transport infrastructure

Appendix C – Parking Standards

Saved policies of the Crewe and Nantwich Local Plan

NE.5 Nature Conservation and Habitats
NE.9 Protected Species
NE.10 Woodland and planting
NE.20 Flood prevention
BE.1 Amenity
BE.3 Access and Parking
BE.4 Drainage, Utilities and Resources
BE.6 Development on Potentially Contaminated Land
RES.5 Housing in the Open Countryside

Other Material Considerations

National Planning Policy Framework
NPPG
Cheshire East Design Guide

Consultations [External to Planning]

Strategic Housing Manager: No Objections. There is no requirement for an Affordable Housing unit on the site, however there is a need for bungalows through out Cheshire East, particularly when they are affordable. The Discounted for Sale tenure is a recognised form of affordable housing.

Highways: No objections subject, to a condition for the details of a refuse collection point and an informative for a Section 278 Agreement for the construction of the site access.

Environmental Protection: No Objections, subject to conditions for Electric Vehicle Infrastructure, Contaminated land – Phase I, Verification report, Importation of soil and Unexpected contamination, and informatives for Construction Hours, Pile Foundations and a Site Specific Management Plan,

United Utilities: No objections

Woodland Trust: None received at time of writing this report.

Flood Risk: No objections subject to a conditions and informatives

Archaeology: None received at time of writing this report.

Views of the Cholmondeston & Wettenhall Parish Council: None received at time of writing this report.

Representations

Letters of objection have been received from 3 addresses. The main issues raised are;

- The proposed development is out of character with the surrounding area,
- Insufficient parking provision has been made for visitors
- Potential impact on neighbours access gate
- Concerns over proposed planting adjacent to neighbours buildings, which may cause further subsidence due to trees removing moisture from the clay under the houses,
- Potential impact on the protected Oak tree,
- The Parish only gave consent to this development if certain criteria were met by the developer, which included the dwellings being lower and more in keeping with the surroundings – this has not been addressed in this proposal,
- The developer is only interested in making money
- Garages are not large enough for a modern car
- The developer demolished a very old beautiful building
- Impact on neighbouring amenity
- The previous application for 3 properties was refused by Committee, the same issues still remain;
- The site is not big enough for 4 properties;
- The 4th property is simply an additional 'affordable unit';
- The developer has not held an open meeting to discuss the proposals, all were either closed meetings with the PC or a scheduled Parish Council Meeting (regarding earlier applications);
- Application should not be called into to Committee again, given previous refusal and no fundamental change in the proposal;
- The feedback given to the developer on the plans has not been acted upon,
- It is the Developers fault that the site is in the vacant, unsightly state it is currently in now
- Concerns over drainage and flooding in the area,
- This is an unsustainable location, - no local amenities, no bus route, school buses are under review
- The site is on the National Cycle Network – there is no provision for cycle storage
- There are no pavements in the area

- The land has not be registered as a Brownfield site
- Development will have a negative impact on the environment
- Concerns over air quality on Winsford Road,
- Potential light pollution
- Gated Scheme is none inclusive and against the request of the parish
- Scale and design of the properties is not in keeping with the neighbouring properties,
- Proposal is an overdevelopment of the site
- No land has actually been gifted to the community – It is not within the applicants ownership
- The parish council did not agree to more than 3 dwelling on the site
- Bungalows are usually for Older people, this site is not in a sustainable location and therefore the occupants could become quite isolated,
- Farmhouse is just a modern detached dwelling
- Attached garages are not typical of a 'barn conversion'
- Concerns raised over neighbouring amenity/overlooking/right to light

Letters of support have been raised from 1 address. The main issues raised are;

- The proposal is in proportion with the site
- The overall designs are not dissimilar to other local buildings/homes
- The Oak Tree will be protected and the gift of land for the community is a benefit of the scheme and should be approved.

OFFICER APPRAISAL

Principle of the development

The application site is situated within the open countryside and is in an isolated situation not adjacent to existing settlement boundaries. Policy PG6 of the Cheshire East Local Plan Strategy stipulates that only development which is essential for agriculture will be acceptable, with the exceptions of, inter alia, 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; and for the replacement of existing buildings (including dwellings) by new buildings not materially larger than the buildings they replace. Policy RES.5 (housing in the open countryside) of the CNLP is consistent with this policy approach, which restricts development in the open countryside to infill development or agricultural/forestry worker dwellings.

The site is not considered to be a clear opportunity for infill development within an otherwise built up frontage and, as the proposal is for more than 2 dwellings it would not be considered as a genuine infill. The site is not within a village, and therefore again does not meet the criteria to infill within a village.

There was previously a Public House situated on the land, however this was demolished in 2016. Therefore the proposal could have been considered under the replacement buildings element of these criteria. However the Planning Inspectorate in relation to the previous application on the site (17/2522N – APP/R0660/W/18/3196520) agreed that,

'..There is no existing building to replace as the pub which once existed on the site has been demolished. The proposal would therefore conflict with CELP Policy PG6.'

It is therefore considered that the development does not meet the exceptions as set out in Policy PG6 of the CELPS, and also conflicts with saved Policy RES.5 of the CNLP.

Despite the previous two refusals on the site by the LPA and the appeal decision from the Inspectorate, which demonstrate the development conflicts with CELPS policy PG6, the applicant states in their submission that the application should not be determined under Policy PG6 but as it is a settlement and therefore falls under Policy PG2, as a 'Other settlement and rural areas'. The policy states that;

'Other settlement and rural areas

'In the interests of sustainable development and the maintenance of local services, growth and investment in the other settlements should be confined to proportionate development at a scale commensurate with the function and character of the settlement and confined to locations well related to the existing built-up extent of the settlement. It may be appropriate for local needs to be met within larger settlements, dependent on location.'

Whilst the hamlet of Wettenhall may be a 'settlement' it does not have a defined boundary and the main aim of Policy PG2 is to define the areas of the Borough. The application site is defined as Open Countryside and therefore the Policy PG6 set out where development is acceptable within the rural area.

Policy PG6 clearly sets out that within the Open Countryside only specific levels of development are acceptable, and as clearly set out in the last two decisions the proposal is considered to be contrary to Local Plan policy PG6.

The council is now in the position of having a 5 year housing land supply, and therefore development should be considered in accordance with the up to date development plan unless material considerations indicate otherwise.

Housing Land Supply

The Cheshire East Local Plan Strategy was adopted on the 27th July 2017 and forms part of the statutory development plan. The plan sets out the overall strategy for the pattern, scale and quality of development, and makes sufficient provision for housing (36,000 new dwellings over the plan period, equating to 1,800 dwellings per annum) in order to meet the objectively assessed needs of the area.

Planning law requires that applications for planning permission be determined in accordance with the development plan. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted.

The National Planning Policy Framework (NPPF) identifies the circumstances in which relevant development plan policies should be considered out-of-date. These are:

- Where a local planning authority cannot demonstrate a five year supply of deliverable housing sites (with appropriate buffer) or:
- Where the Housing Delivery Test Result indicates that the delivery of housing was substantially below 25% of housing required over the previous three years. This result will be published in November by the Ministry of Housing, Communities and Local Government (MHCLG).

In accordance with the NPPF, the council produces an annual update of housing delivery and housing land supply. The council's most recent Housing Monitoring Update (base date 31 March 2018) was published on the 6th November 2018. The report confirms:

- A five year housing requirement of 12,630 net additional dwellings. This includes an adjustment to address historic shortfalls in delivery and the application of an appropriate buffer.
- A deliverable five year housing land supply of 7.2 years (18,250 dwellings).
- Housing delivery over the previous three years (5,556 dwellings) has exceeded both the Cheshire East adopted housing requirement (5,400 dwellings) and the Local Housing Need figure (3,100 dwellings).

Relevant policies concerning the supply of housing should therefore be considered up-to-date and consequently the 'tilted balance' at paragraph 11 of the NPPF is not engaged.

Previously Developed land

Policy SD1 of the Cheshire East Local Plan Strategy states that one of the objectives to achieve sustainable development is Cheshire East is to make efficient use of land...and make best use of previously developed land where possible. Policy SE2 (Efficient Use of Land) of the CELPS states that the council will encourage the redevelopment/re-use of previously development land and buildings. The council will manage development to protect previously developed land where it can be clearly demonstrated that either the landscape amenity or biodiversity value of the site has become of a high value and as such would be compromised through redevelopment of the site. The policy also goes on to state;

'that windfall development should (inter alia), consider the landscape and townscape character of the surrounding area when determining the character and density of the development; build upon existing concentrations of activities and existing infrastructure; and not require major investment in new infrastructure...'

There is evidence of the former public house on the site. However this has been demolished and the site is currently vacant of development. The site previously included a public house, with a car park around the building. The site was relatively open with low hedges retained around the site. The built form was largely positioned to the north west of the site and the majority of the site was open car parking. The Planning Inspector agreed that the site was previously developed land.

The application scheme is the same number of dwellings as the appeal decision and no more than the previously refused scheme at Committee, and the layout still exceeds the previously built form on the site and does not reflect the character or density of the site previously.

Locational Sustainability

Policy SD2 outlines a checklist of key amenities which a development should be within the distances shown to be considered a sustainable location.

SUSTAINABILITY CHECKLIST POLICY SD2

CRITERION	DISTANCE	MET	COMMENTS
PUBLIC TRANSPORT			
BUS STOP	500m	X	
PUBLIC RIGHT OF WAY	500m	√	200m to the south Winsford Road
RAILWAY STATION	2km	X	
OPEN SPACE			
AMENITY OPEN SPACE	500m	X	
CHILDREN'S PLAYGROUND	500m	X	
OUTDOOR SPORTS	500m	X	
PUBLIC PARK AND VILLAGE GREEN	1km	X	Potentially area adjacent application site
SERVICES AND AMENITIES			
CONVENIENCE STORE	500m	X	
SUPERMARKET	1km	X	
POST BOX	500m	X	1.5km
POST OFFICE	1km	X	
BACK OR CASH MACHINE	1km	X	
PHARMACY	1km	X	
PRIMARY SCHOOL	1km	X	Calveley
SECONDARY SCHOOL	1km	X	
MEDICAL CENTRE	1km	X	
LEISURE FACILITIES	1km	X	
MEETING/COMMUNITY CENTRE	1km	√	St. David's Church
PUBLIC HOUSE	1km	X	Demolished
CRÈCHE/NURSERY	1km	X	
TOTAL		2	

The table demonstrates that the site is not within a sustainable location. As a result, the location of the site would be distant from a number of key facilities and would in some circumstances

encourage the use of the car. The bus service is not considered sufficient to provide adequate links to these essential services. Therefore as a site for a new development it would not adhere to Policy SD 2 of the CELPS or the NPPF. The Planning Inspector also agreed that the site was not sustainably located.

Affordable Housing

The Cheshire East Local Plan Strategy (CELPS) and the Councils Interim Planning Statement: Affordable Housing (IPS) states In developments of 11 or more dwellings (or have a maximum combined gross floorspace of more than 1,000 sq.m) in Local Service Centres and all other locations at least 30% of all units are to be affordable 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 4 dwellings therefore the trigger in the CELPS Policy SC5 has not been met. No Affordable housing is required to be provided.

The applicant is proposing to supply a 2 bedroom bungalow at 20% discount from market value housing which is an Intermediate affordable housing type.

The CELPS states in Policy SC5 justification paragraph 12.44, 'The Housing Development Study shows that there is the objectively-assessed need for affordable housing for a minimum of 7,100 dwellings over the plan period, which equates to an average of 355 dwellings per year.' This is for the whole borough of Cheshire East.

Therefore, the applicant is not required to provide Affordable Housing with this proposed development. However, the Strategic Housing Officer has identified that there is a need for bungalows throughout Cheshire East particularly when they are affordable. The Strategic Housing Officer confirms that the Discounted for Sale tenure is a recognised form of affordable housing, and therefore does not object to the proposal. Therefore, whilst not required by planning policy the provision of 1no affordable housing unit is a positive benefit of the scheme to weighed in the planning balance.

Impact of Design upon the Character of the Area

Guidance advocated within NPPF supports a mix of housing within areas. Policy SD2 of the CELPS outlines the Council's aims for new development including the need for development to contribute positively to an areas character and identity, creating or reinforcing local distinctiveness. Policy SC 4 of the CELPS also advises the need for a mix of housing tenures, types and sized to help support the creation of mixed, balanced and inclusive communities. The policy also specifically notes that the development should meet the need of the ageing population in the Borough.

The site was previously developed, and had a public house with 4 guest bedrooms and a 3 bedroom dwelling, occupying the area towards the north of the site, with a large car park on the south and east sides. The triangular area at the south was used as a beer garden. The agent estimates the previous floorspace as 580m².

The amended scheme is now for 4 dwellings, one being a bungalow, a detached two storey dwelling and an 'L' shape building split into two units, purporting to be akin to a barn conversion.

The proposed floorspace of the development will amount to around 800m², (200m² more than the previous scheme). The general layout of the site has remained the same with all four properties accessed off a cul-de-sac arrangement, albeit now stated as a courtyard style.

The proposed design of the development is less suburban in appearance than the previous schemes. However, the large detached property is still similar in design and scale to the previous properties and although the application states that the design is one of a farmhouse and farm buildings similar to others in the immediate vicinity. The multiple dormer windows within the roof slope is not a typical design feature found on traditional Cheshire barns. However, it is noted that some effort has now been applied to make a scheme more in keeping with the surroundings, albeit it is still considered to be unacceptable.

The Design Guide designates Wettenhall as a 'Market Town and Estate Village' Character Area, where development should reflect the local area. The design of the units do not have a distinctive appearance which relates to the surrounding area.

The Planning Inspector noted in the previous appeal application (Outline application) that,

'The 4 dwellings, however, are shown as being in a fairly tight group around a new access way. This is an arrangement which is more common in suburban areas and would be out of character with the more rural and sporadic layout of the nearby houses. Based on the information before me, I am unconvinced that up to 4 dwellings could be successfully integrated into the rural landscape. Furthermore, whilst I appreciate that there has been development on the site in the past, there is none there now. The construction of up to 4 dwellings would erode the open nature of the countryside. The site is not attractive in its cleared state but it is at least open in nature and therefore any dwelling(s) would have a far greater visual impact upon the open countryside than the untidy ground. I appreciate that there were once buildings upon the site but I must take into account the current circumstances of the site'.

The general layout of the site has not changed much from the previous applications and would still appear relatively suburban in appearance, with four dwellings accessed off a new gated access, albeit stated to be in a 'court yard' formation. The rural area is predominantly characterised by dwellings facing the road frontage, or sporadically positioned within a large plot. The properties rear gardens back onto Winsford Road and properties still have no real relationship with the 'village green' area.

The proposed drawing shows the existing hedge to be retained and tree planting proposed to mitigate visual impact of the dwelling from the road. However no formal landscape scheme has been submitted with the application to confirm the types of plants/tree to be used, however this can be secured by condition. Tall boundary treatment on this edge would have a detrimental impact on the character of the area, which is currently very open. However, the dwellings would be very over looked from the road and therefore it may be difficult to restrict future occupiers from erecting such adjacent to the highway. It would be reasonable therefore to condition the removal of permitted development rights for new boundary treatment if it were to be approved.

It is still considered that the proposed development is not in keeping with the character of development in the locality, which consists of dwellings fronting the road or farmyard groups of buildings. The 'farmhouse' dwelling is still a larger modern propoert, and the 'L' shape property

does not really reflect the character of barn in the Cheshire countryside, and therefore the proposal is not considered to be in keeping with the character and appearance of the area.

As noted by the Inspector although the site may not be attractive in its current cleared state, housing development is not the only option for the site. The site is currently open in nature and therefore any dwellings would have a far greater impact on the character and appearance of the site in the open countryside than the current situation.

The proposed development would therefore harm the character and appearance of the countryside and would therefore conflict with Policy SE1 and PG6 of the CELPS.

Amenity

Policy BE.1 seeks to ensure that the amenities of neighbouring properties are protected from development.

The current layout appears to meet the Council's separation standards for principal to principal over looking issues. The development is designed in a courtyard style design with 2 units facing towards the adjoining dwellinghouse known as Rookery View. Although the dwellings appear to meet the separations standards, there is a potential for the development to be overbearing on the neighbouring property, Rookery View. However, the Inspector considered that the proposed dwellings were far enough away to not have a significantly detrimental impact on neighbouring amenity. The layout has not changed significantly from the appeal decision and therefore the proposal is not considered to be any more detrimental to neighbouring amenity than the previous proposals.

The issue of private amenity space is a concern, although the plans show the existing hedge retained and new planting proposed to and this could be conditioned, in reality the occupants of the properties will likely want higher, more secure boundary treatment to reduce the noise of the road, and create a more defensible private amenity space, which would have a detrimental impact on the character and appearance of the open countryside.

Furthermore, the social proximity of the Oak Tree in relation to the private amenity space for Plot 1 is still a concern. Although the dwelling has been moved further out of the root protection zone, than previously, the garden will still be dominated by the root protection area/crown spread to the side of the dwelling, and this could have future pressure to prune the tree in the future.

Trees

The site is situated in open countryside in a prominent location on the corner of Long Lane and Winsford Road. There is a length of hedgerow on the Winsford Road boundary and a mature Oak tree with veteran characteristics on a grassed area close to the road junction. The tree is prominent in the streetscene and following a comprehensive assessment by the Council's Arboricultural team was afforded tree preservation order protection due to its veteran status, historical associations and amenity value - Cheshire East Borough Council (Bunbury - Wettenhall, Long Lane/Winsford Road) Tree Preservation Order 2017. The tree has also been recorded on the veteran tree register.

Veteran Tree status is afforded in recognition of the tree's contribution to wildlife, and its recognition in respect of its biological significance as well as its cultural and historical associations. This status

has highlighted the importance of the tree in the locality due to its position adjacent to a road, in addition to the implications of the proposed change of use of the land upon which the tree stands.

The tree has been found to occur on Tithe maps dating back to 1831 suggestion that the tree was of significant proportions to warrant its recording nearly 200 years ago. The historical significance of the tree in this prominent location in addition to its identified veteran status places even greater importance on the future management of the tree as a veteran in accordance with best practice.

The current application is supported by an Arboricultural Impact Assessment and Method Statement dated July 2019 which considers the impact on the tree and the hedgerow. The report states that there would be no impacts to trees /hedgerows as all construction work is located outside the designated root protection areas.

Current standing advice from The Forestry Commission/ Natural England is that an ancient or veteran tree should be afforded a buffer zone of at least 15 times larger than the diameter of the tree. The advice states that buffer zones in gardens should be avoided.

The latest layout has been amended from previous schemes to afford the Oak tree greater separation from proposed development with a define buffer zone. Whilst there is no built form in the buffer zone, the proposed garden of plot 1 encroaches. On balance, based on the fact that the land has been developed previously, and with the tree retained in an open space, the view is taken that this could be accepted. However, it would be appropriate to remove permitted development rights for plot 1.

It is also noted that the submitted Arboricultural method statement does not reference supervision of the removal of existing hard surfacing. On the basis that hard surfacing extends over the identified buffer zone, this matter would need to be addressed in a revised document, this can be secured by condition.

As with previous proposals, although not specified in the submission, a comparison of existing and proposed plans appears to indicate that a significant section of the hedge adjoining Winsford Road may have to be removed to accommodate a visibility splay. On the proposed site plan, a hedge is shown behind the visibility splay and continuing to the west around the southern side of proposed plot 1. Therefore to ensure this hedgerow is retained, a condition could be posed for its retention.

The Forestry Officer has also suggested a number of other conditions in relation to Tree Protection, a revised Arboricultural Method Statement, levels details and full details of servicing to be provided to ensure the development does not have a detrimental impact on the protected trees. These are considered reasonable.

Landscape

The site is situated in open countryside in a prominent location on the corner of Long Lane and Winsford Road. There is residential development to the North West, a farm to the south east and farmland to the north east and south west. The Winsford Road boundary is defined by a gappy hedgerow, the Long Lane boundary is open. There is a mature Oak tree to the south, close to Long Lane which displays veteran characteristics.

The proposed development with rear elevations backing onto Winsford Road would be prominent in the streetscene in this open countryside location.

From the junction where Long Lane meets Winsford Road, visibility to the north is extremely poor. The site plan suggests that the entire roadside hedge could be retained although the Landscape Officer considers the hedge currently obscures visibility at the road junction.

In the event of approval it would be essential to secure boundary treatment & landscape schemes by condition and to ensure that as far as possible the existing boundary hedges are retained/reinforced. Proposals should ensure that as far as possible the roadside facing boundaries have native species hedges facing the roads (even if for security, fences have to be erected inside the hedges). It is therefore considered that subject to conditions the proposal would not have a detrimental impact on the landscape character of the area.

Highway safety

A number of similar applications on this site have previously been applied for and although they have been refused, there has not been a highways related objection or refusal.

The Strategic Highway officer notes that the access width is larger than it needs to be but this doesn't pose a highway safety concern and is considered to be acceptable. Furthermore, the off-road parking provision is to standard. The visibility on exiting onto Long Lane, and from Long Lane to Winsford Road, is also acceptable.

The Highway Officer states that the Refuse collection will have to take place from Long Lane and a bin collection point should be conditioned. The Strategic Highways Officer therefore has raised no objections to the proposal in relation to highway safety.

Ecology

The Council's ecologist has considered the proposal and raised no objections subject to conditions for a breeding bird survey and breeding bird features.

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.

As explained within the main report, there is no policy requirement for an affordable housing unit on the site, and therefore it is not necessary to make the development acceptable in planning terms.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposal is for 4no dwellings on the site of a former public house, The Boot and Slipper, in Wettenhall. The Public House has been demolished in the recent past. The application site is situated within the open countryside where Policy PG6 of the CELPS states a presumption against residential development unless it meets the exception of (inter alia), infill development, infill within a village, dwellings of exceptional design, replacement building (including dwellings) which are not materially larger. There is currently no building on the site to replace and the Inspector for the previously dismissed decision (17/2522N) considered that the proposal did not meet any of the exceptions set out in Policy PG6 for residential development.

It is accepted that the land is previously development, as confirmed by the Inspector, however it is considered that proposed development would be more harmful to the character and appearance of the open countryside in this unsustainable location, than leaving the land un-developed.

This application includes the provision of an affordable housing unit, a Bungalow which is to be Discounted for Sale by 20%. This is not required by Planning policy, but the Housing Officer has explained that there is a need for bungalows of an affordable nature in the Borough.

An area of land on the corner of Long Lane has as a veteran Oak Tree within an area of land known as the 'village green'. This area of land has been removed from the application site. It is suggested within the Statement that this will be 'gifted' to the community, however full details of this have not been submitted with this application.

The proposed development is still relatively suburban its design and layout and the 'courtyard' design is very similar in character to the cul-de-sac previously refused. The 'L' shape building does not really reflect the character of a barn conversion in the Cheshire Area.

There are still some concerns raised over the social proximity of the TPO veteran Oak Tree adjacent to unit 1 and the RPA which should be used given its Veteran status. However, the Tree Officer considers that based on the fact that the land has been developed previously, and with the tree retained in an open space, the view is taken that this could be accepted. This is considered to be neutral impact on the development.

There are some benefits to the proposal in relation to a brownfield site being brought forward, additional housing supply, the proposed affordable housing unit, some small economic benefits during construction, and council tax once constructed. However it is not considered that these benefits would outweigh the harm caused to the open countryside.

It is therefore considered that the development has not significantly changed to that which was dismissed recently at appeal, and more recently refused at Southern Planning committee. The proposal is therefore considered to be unacceptable and contrary to Policies SD2, SE1, and PG6 of the Cheshire East Local Plan Strategy, and saved Policies RES.5 and BE.1 of the Crewe and Nantwich Replacement Local Plan, and the NPPF. The proposal is therefore recommended for refusal.

Recommendation

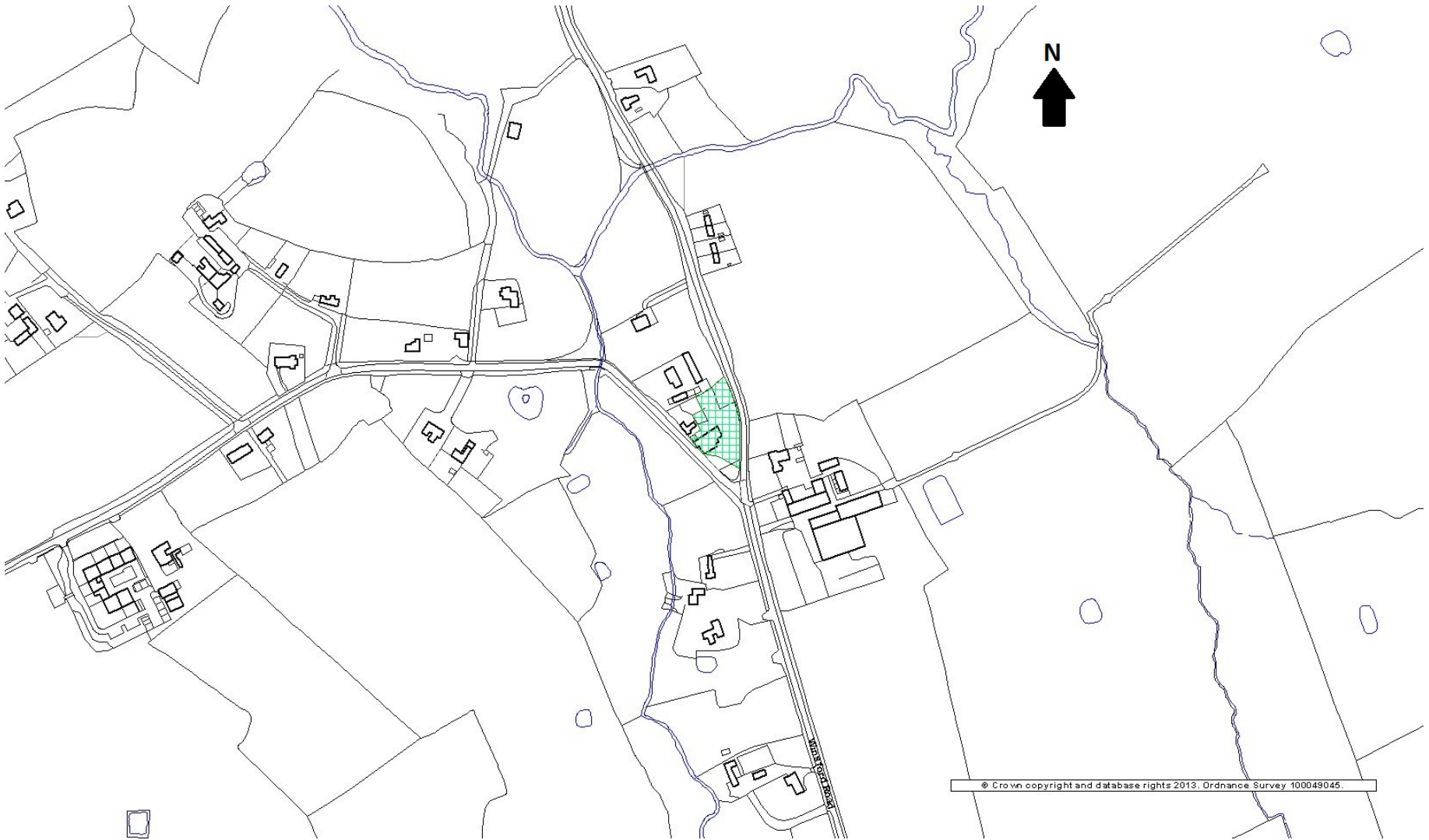
REFUSE for the following reason:

1. The proposed development is considered to be unacceptable in principle. The development site is situated within the open countryside where there is a presumption against unacceptable, unsustainable development. It is considered that, although the site is a brownfield site, the proposed development would harm the character and appearance of the open countryside. The proposal is therefore considered to be unacceptable and contrary to Policies SD2, SE1, and PG6 of the Cheshire East Local Plan Strategy, and saved Policies RES.5 and BE.1 of the Crewe and Nantwich Replacement Local Plan, and the National Planning Policy Framework.

In order to give proper effect to the Committee's intent and without changing the substance of its decision, authority is delegated to the Head of Planning (Regulation) in consultation with the Chair (or in their absence the Vice Chair) to correct any technical slip or omission in the resolution, before issue of the decision notice.

If this application is subject to an appeal, approval be given to enter into a S106 Agreement with the following Heads of Terms;

S106	Amount	Triggers
Affordable Housing	1no Bungalow – Discounted to sale by 20% market value	No more than 50% open market properties occupied prior to affordable provision



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