

Application No: 12/0036C

Location: LAND NORTH EAST OF, DUNKIRK FARM, LONDON ROAD,
BRERETON, HOLMES CHAPEL

Proposal: The Construction of 18 New Affordable Two and Three Bedroom Houses

Applicant: Mike Watson, Plus Dane Group

Expiry Date: 28-Mar-2012

SUMMARY RECOMMENDATION:

APPROVE subject to conditions and S106 Legal Agreement

MAIN ISSUES:

- Principle of Development
- Housing Need
- Affordable Housing
- Design & Layout
- Highways
- Trees & Landscaping
- Ecology
- Public Open Space Provision
- Drainage and Flood Risk
- Residential Amenity
- Noise

1. REASON FOR REFERRAL

This application proposes the erection of more than 10 dwellings and is therefore a major development.

2. PREVIOUS MEETING

At the 28th March 2012 Southern Planning Committee, Members resolved to defer the planning application pending the receipt of further information. Members sought clarification about the existing housing figures/need in the area and details of the current status of other brownfield sites in the locality.

The housing need information taken from the SHMA 2010 and the Congleton and Macclesfield Border Rural Housing Needs Survey Assessment, shows significant need for affordable housing in the Holmes Chapel area plus need in Brereton. To date, there has been a failure to deliver any of the affordable housing needed between 2009/10 – 2013/14 for these areas.

There have been other planning applications for brownfield sites in Holmes Chapel, which have resolutions to approve and will provide an element of affordable housing if they go ahead. These are:

08/0942/OUT – Fine Art, Victoria Mills, Holmes Chapel – 24 affordable units (the requirement is 15% of the total units on site are affordable or a minimum of 24 affordable units)

11/1682C – Former Fisons Site, Holmes Chapel Road, Holmes Chapel – up to 69 affordable units (this is 30% of the 231 units which the site has outline permission for)

If both these sites and the Dunkirk Farm site were developed, potentially there could be a maximum affordable housing provision of up to 111 new affordable units. This is slightly above the identified affordable housing need for Holmes Chapel alone (90 units). However, with the inclusion of the need identified for Brereton from the Congleton and Macclesfield Border Rural Housing Needs Survey Assessment, the delivery of all the 3 sites would provide just under the required amount of affordable housing needed between 2009/10 – 2013/14.

The timescales for delivery of the proposed developments at Fine Art - Victoria Mills and the Former Fison's Site are not clear. What is clear is that it is unlikely that the first affordable units will not be ready for at least 2 years if development at the former Fison's site is to go ahead. This has been confirmed in correspondence between the applicant and Holmes Chapel Parish Council

With respect to the Fine Art site, the resolution to approve subject to signing of the S106 Agreement was given on 3rd February 2009 and the S106 Agreement has still not been signed over 3 years later. Commencement of development of that site is also subject to Fine Art relocating. Taking this into account, it is unlikely that the delivery of the affordable housing on these 2 sites will take place by 2013/14 and any such delivery will not cater for all of the identified need.

In terms of this application, the scheme is only small scale and the site constraints are minimal as it is a greenfield site. The applicant is Plus Dane, who has a commitment to deliver much needed affordable housing. The likelihood of this scheme being delivered in the next 2 years and this relieving the short term need is much greater. As such, Members are recommended to approve the application in line with the original resolution included in the report below.

2. DESCRIPTION AND SITE CONTEXT

This application relates to a green field site situated on the west side of London Road just outside of the settlement boundary of Holmes Chapel. The site is broadly triangular in shape and measures just over 1 ha in size. The site is bounded to the northwest by the Crewe to Manchester Railway Line to the South West by open countryside and to the north by the River Croco beyond which there are residential properties arranged around a courtyard (Alum Court).

Directly to the south of the site is a private drive, which is accessed directly off the A50 London Road, which serves Dunkirk Farm to the east.

3. DETAILS OF PROPOSAL

Full planning permission is sought for the erection of 18 affordable dwellings with access provided off the private drive serving Dunkirk Farm. The dwellings would be managed by a registered social housing company (Plus Dane Group). The tenure is proposed to be a mix of rented and shared ownership, which should the application be approved, would be secured by a Section 106 Legal Agreement.

4. RELEVANT HISTORY

09/2897C - The Construction of 18 affordable two-bedroom houses - Withdrawn 18/11/2009

10/3320C - The Construction of 18 affordable two-bedroom houses – Refused and Dismissed at Appeal

At the meeting of the Southern Planning Committee held on 1st June 2011, Members resolved to refuse an identical scheme on the following grounds:

‘The Local Planning Authority considers that the affordable housing requirements within the area could be accommodated for by alternative Brownfield sites in the locality which would negate the need to use land within the open countryside. The proposal is therefore contrary to Policy H14 of the adopted Congleton Borough Local Plan First Review (2005).’

The applicant lodged an appeal against the council’s decision and the appeal was subsequently dismissed on 14th December 2011.

In determining the appeal, the Inspector acknowledged that there is an identified local need for affordable housing in the area and that the contribution towards accommodating this need would not be fully met by the developments already approved in the village of Holmes Chapel. As such, there is a need to provide further affordable housing.

Whilst the inspector concluded that in principle, the scheme was acceptable, the appeal could not be allowed because the submitted unilateral undertaking, which aimed to secure the affordable housing, public open space and highways contributions, was inadequate. This was because the Deed had not been properly executed and therefore without an appropriate undertaking, the scheme failed to secure the housing as affordable. This was the principal and only reason that the appeal was dismissed.

5. POLICIES

National Policy

National Planning Policy Framework (NPPF)

Regional Spatial Strategy (RSS)

Regional Spatial Strategies (RSS) were revoked by the Secretary of State for Communities and Local Government on 9 July 2010 under Section 79 (6) of the Local Democracy, Economic Development and Construction act 2009. However, the Regional Spatial Strategy for the North West has been reinstated (protem) as part of the statutory Development Plan by virtue of the High Court decision in the case of Cala Homes (South) Limited and the Secretary of State for Communities and Local Government and Winchester City Council on 10 November 2010.

DP1 Spatial Principles

DP2 Promote Sustainable Communities

DP4 Making the Best Use of Existing Resources and Infrastructure

DP5 Manage Travel Demand: Reduce the Need to Travel, and Increase Accessibility

DP7 Promote Environmental Quality

DP8 Mainstreaming Rural Issues

DP9 Reduce Emissions and Adapt to Climate Change

RDF1 Spatial Priorities

RDF2 Rural Areas

L2 Understanding Housing Markets

L4 Regional Housing Provision

L5 Affordable Housing

RT2 Managing Travel Demand

RT9 Walking and Cycling

EM1 Integrated Enhancement and Protection of the Region's Environmental Assets

Local Plan Policy

PS8 Open Countryside

GR1 New Development

GR2 Design

GR3 Residential Developments of More than 10 Dwellings

GR4 Landscaping

GR6&7 Amenity & Health

GR9 Accessibility, servicing and parking provision

GR10 Managing Travel Needs

GR18 Traffic Generation

GR19 Infrastructure

GR20 Public Utilities

GR21 Flood Prevention

GR22 Open Space Provision

H1 & H2 Provision of New Housing Development

H6 Residential Development in the Open Countryside

H14 Affordable Housing in Rural Parishes

NR1 Trees & Woodland

NR2 Wildlife & Nature Conservation

SPG1 Provision of Public Open Space in New Residential Developments

SPG2 Provision of Private Open Space in New Residential Developments

SPD4 Sustainable Development

SPD6 Affordable Housing and Mixed Communities

Other Material Considerations

Interim Planning Policy on the Release of Housing Land
Interim Planning Statement: Affordable Housing
Strategic Market Housing Assessment (SHMA)

Circulars of most relevance include: ODPM 06/2005 Biodiversity and Geological Conservation;

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

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

6. CONSIDERATIONS (External to Planning)

Environmental Protection:

The Environmental Protection Division states that an assessment should be undertaken in order to identify and evaluate all potential sources and impacts of land and/or groundwater contamination. The noise attenuation measures detailed in the submitted 'Noise and Vibration Survey' should be conditioned and implemented prior to occupation of the dwellings. It is also recommended that conditions relating to hours of construction, piling and associated deliveries to the site are imposed.

Highways:

Visibility from the proposed access point is good in both directions. London Road has an existing speed limit of 40 mph at the proposed access point, with it changing to de-restricted to the south. There are no pedestrian crossing facilities close to this site to the north (towards Holmes Chapel end). As such it is recommended that the developer provide a financial contribution towards traffic management improvements for an extension of the 40mph speed (to the south) and a pedestrian refuge island to the north. Conditions relating to the construction of the access and turning head are recommended.

Environment Agency (EA):

No objection subject to the imposition of conditions relating to finished floor levels, ground levels, drainage, landscaping and a scheme for the future management and maintenance of the buffer zone with the River Croco.

Green Spaces:

Following the assessment of the existing provision of Amenity Greenspace accessible to the proposed development, it is acknowledged 900 sq metres of Amenity Greenspace is being provided on site. This is actually an over provision by 480sq metres but is welcomed and recognised when calculating and assessing the Children and Young Persons Provision.

Taking into account the amount of POS located within the area of the development site and the location of the POS that has been proposed, it would seem adequate, although more detail as to the landscaping proposals would be sought.

To the North and North East of the site there are existing trees and natural landscaping to be retained. In addition, boundary treatments of post and rail fencing incorporating some hedgerows to retain the openness and character of the site are to be provided. Clarification

would be required as to the intended end ownership of these areas due to any maintenance implications that may arise as a result of it. It is with this in mind therefore, that it is suggested that consideration is made for these areas of POS to be transferred to a management company. This, if preferred, could also be applied to the centrally located formal area of POS.

If the formal POS was to be transferred to the Council serving the development based on the Council's Interim Policy Note on Public Open Space Requirements for New Residential Development the financial contributions sought from the developer would be;

Maintenance: £10,647.00

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

Consequently there is a requirement for new Children and Young Persons provision to meet the future needs arising from the development.

On site provision would normally be required as there is none in the local vicinity, (the closest being over the 800m distance threshold set out in Interim Policy Note for the Provision of new Open Space).

Whilst Green Spaces acknowledge that this would be the requirement following guidelines and policy, it also recognises the provision of this may make the development economically unviable.

An alternative would be a contribution towards upgrading of the play facility at Middlewich Rd, Holmes Chapel. This is located approximately 950m distance from the development site but is the main park for the town of Holmes Chapel. The last play area report for CE in 2009 recommends;

- considering installing a new multi-play unit including a slide to accommodate the 12 and under age range, to replace the existing climbing frame and slide, two separate units if finance will allow, and a new rocking item.
- Ensure that there is a hard standing surface or pathway system into and across the site.
- Ensure any future development of the site in terms of equipment, ancillaries and access embraces the ethos of the DDA and allows accessibility for all.

With the above in mind and as a **guide only** a ballpark estimate for contributions sought from the developer would be;

Enhancement: £17,589.00
Maintenance: £12,537.00 (25 years)

The enhancement figure is based on 2 items of equipment including a small multi unit and rocking item for the under 7-age range. Green Spaces would request that any enhancement contributions should not be 'time limited' so ensure maximum benefit to the community, thus enabling the 'pooling' of funds should the old Aventis site and/or old wallpaper site (FADS) be developed.

It should be noted that the maintenance figure is based solely on the estimated extra (42) persons emanating from the development and will contribute to the existing maintenance budget.

Public Rights of Way Unit:

Whilst the site is adjacent to public footpath no. 2, in the Parish of Brereton as recorded on the Definitive Map, it appears unlikely that the proposal would affect the public right of way, although the PROW Unit would expect the planning department to add an advisory notes to any planning consent to ensure that developers are aware of their obligations with regards to health of the users of the public right of way.

United Utilities (UU):

United Utilities offer no objection to the proposal subject to the site being drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the SUDS.

University of Manchester (Jodrell Bank):

The University of Manchester recommends that the development should incorporate materials that assist in the electromagnetic screening of the development to prevent interference with the Jodrell Bank telescope.

Network Rail:

No objection subject provided the development does not encroach onto Network Rail land and subject to conditions relating to boundary treatment, drainage, construction, noise / vibration, landscaping including hard-standing.

7. VIEWS OF THE PARISH COUNCIL

Holmes Chapel Parish Council object for the following reasons:

- The site is outside the established development zone line for Holmes Chapel and, therefore, is in open countryside
- There are adequate Brownfield sites within Holmes Chapel where affordable housing can be accommodated
- Outline planning permission has been granted for 2 Brownfield sites – Victoria Mills and Sanofi Aventis. Building on the latter site is programmed to start in September 2012
- It is not considered that the figures, used by the Inspector in connection with the appeal for a previous application for this site, reflect the true position; nor is contamination an issue for this part of the site
- Therefore, current permissions on Brownfield sites will cater for immediate affordable household needs in Holmes Chapel for the time being

Brereton Parish Council object and consider that the affordable housing requirements within the area could be accommodated for by alternative Brownfield sites in the locality which would negate the need to use land within the open countryside. The proposal is therefore contrary to Policy H14 of the adopted Congleton Borough Local Plan First Review (2006).

8. OTHER REPRESENTATIONS

Letters have been received from 22 addresses objecting to this application. 3 Letters of objection have been forwarded on by the MP Fiona Bruce. The grounds for objecting are as follows:

- The application has no significant differences to 10/3320C which was refused
- There is already outline planning permission for 231 houses, 69 of these being affordable
- Traffic problems – A50 is dangerous and congested
- More traffic, disruption, making the schools in Holmes Chapel more populated hence requiring more teachers, over subscriptions at the doctors, dentists and placing strain on local infrastructure within Holmes Chapel
- Loss of biodiversity and habitats
- Loss of views and intrusive within Open Countryside
- Will exacerbate drainage and flooding issues
- Brownfield sites should be prioritised before Greenfield sites (CPRE)
- Would set an undesirable precedent
- There is already an ample supply of affordable units set to be built according the Council's SHLAA
- Loss of privacy
- Loss of 6 trees
- The adjacent fields are in the same ownership. If permitted this could lead to pressure for further houses
- The application is not supported by a survey of housing need in accordance with policy
- Dane Housing cannot let their current vacant units
- More suitable sites should be considered before this one within Holmes Chapel e.g. Sanofi Aventis, Fads, Victoria Mills, Albion Chemicals and Arclid
- Proposed parking facilities are very close which will obviously mean more noise and pollution for residents on Alum Court
- The site is in the Parish of Brereton and therefore the houses should be situated within Brereton Village.
- Flooding and drainage issues.- During heavy rain, the pumping station at Sanofi - Aventis cannot cope with the increased capacity. On a number of occasions the sewers have flooded resulting in sewage flowing into public areas

9. APPLICANT'S SUPPORTING INFORMATION

Supporting Planning Statement Incorporating a Design & Access Statement
Affordable Housing Statement
Flood Risk Assessment
Highways Assessment
Noise Impact Assessment
Phase 1 Habitat Survey
Tree Survey
Arboricultural Implications Assessment

10. OFFICER APPRAISAL

Principle of Development

The application site lies outside of the settlement boundary for Holmes Chapel and within the open countryside as defined by the adopted Congleton Borough Local Plan First Review. National planning policy in the form of Planning Policy Statement 3: *Housing* indicates that where viable and practicable, local planning authorities should consider releasing sites solely for affordable housing in perpetuity that would not normally be used for housing because, for example, they are subject to policies of restraint. Consistent with this advice, saved policy PS8 of the local plan restricts development within the open countryside, with a number of exceptions, which include affordable housing for local need.

Local plan policy H14 outlines the detailed requirements for affordable housing schemes within the rural parishes of the former Borough of Congleton. It promotes proposals which meet an identified local housing need that cannot be accommodated any other way and indicates that sites must be small and close to existing or proposed services and facilities. It requires developments to be appropriate to the locality in terms of scale, layout and design. It also explains that schemes should consist only of low cost housing in perpetuity, which is for rent, shared equity, or in partnership with the local housing authority or a housing association.

In addition, policy H14 indicates that such schemes must be subject to a legal agreement to ensure, amongst other matters, that initial and subsequent occupancy is limited to members of the local community who are in housing need, that occupants are prevented from subsequently disposing of the properties on the open market and a satisfactory mechanism is established for the management of the scheme. As such, the principle of affordable rural housing within the open countryside is acceptable subject to local need and compliance with other material planning considerations. This view was supported at appeal by the planning inspector (appeal ref: APP/R0660/A/11/2159406).

Housing Need

The site located in the Parish of Brereton. However, it was agreed that due to the proximity to Holmes Chapel the Housing Need should be looked at for this area primarily as it would be an extension to this area. There is also affordable housing need information available for Brereton. Although the housing need was determined when the appeal for the site was considered, due to the time that has passed, the housing need has been checked again.

The SHMA 2010 shows that for Holmes Chapel there is a requirement for 90 new affordable units between 2009/10 – 2013/14. This is made up of a net requirement for 18 new units per year. The unit types required are 4 x 1bed, 9 x 3bed, 2 x 4/5bed and 1 x 1/2bed older persons units.

Although the main housing need identified is from Holmes Chapel, given that the site is in Brereton the affordable housing need for this area has also been examined. Brereton comes under the Sandbach Rural sub-area for the purposes of the SHMA 2010. The SHMA shows that for Sandbach Rural there is a requirement for 5 new affordable units between 2009/10 – 2013/14. This is made up of a net requirement of 1 new unit per year.

Brereton was also one of the areas which was part of the Congleton and Macclesfield Border Rural Housing Needs Survey Assessment. This showed that there are 19 hidden households. These are households that contain at least one adult who wishes to form a new household within Cheshire East in the next 5 years.

Cheshire Homechoice is used as the choice based lettings method of allocating social rented accommodation across Cheshire East. There are currently 91 applicants who require housing in Holmes Chapel and 5 applicants who require housing in Brereton. The applicants who require housing in Holmes Chapel require 25 x 1bed, 28 x 2bed, 19 x 3bed and 7 x 4bed (12 applicants didn't specify the number of bedrooms required). The applicants who require housing in Brereton require 1 x 1bed and 4 x 2bed.

The Housing Need information shows significant need for Affordable Housing in the Holmes Chapel area plus need in Brereton and to date there has been no delivery of any of the Affordable Housing needed between 2009/10 – 2013/14 for these areas. There have been other planning applications for sites in Holmes Chapel which have been approved or have resolutions to approve and include affordable housing. These are the Fine Arts (Victoria Mills) and the former Fisons sites.

If both these sites and the Dunkirk Farm site were developed there could be affordable housing provision of up to 111 new affordable units. This is slightly above the identified affordable housing need for Holmes Chapel alone. However with the inclusion of the need identified for Brereton the delivery on the 3 sites would provide just under the required amount of affordable housing needed between 2009/10 – 2013/14.

The timescales for delivery of the proposed developments at Fine Art, Victoria Mills and the Former Fisons Site, will not be able to cater for the need in the short term (i.e. before 2013/14) due to phasing and site specific issues such as contamination and remediation. Consequently, without delivery of some units, the need will be exacerbated.

Thus, in the light of the evidence of need demonstrated by the SHMA, the Congleton and Macclesfield Border Rural Housing Needs Survey Assessment and Cheshire Homechoice coupled with the previous appeal decision, it is concluded that there is an identified local need within Holmes Chapel and as such a refusal could not be sustained on this basis. The Council's Housing Strategy and Needs Manager support this application and as such the principle of the proposed development is deemed to be acceptable.

Affordable Housing

With regard to the issue of type and tenure, the tenure mix of the affordable units being offered by the applicant is 10 shared ownership and 8 social rented. This does not meet with the required tenure split of 65% social rent and 35% intermediate tenure identified in the SHMA 2010. However, the tenure split offered is the same as on application 10/3320C for this site which was accepted.

Provided that the Section 106 Agreement competently secures the provision and retention of the affordable housing in perpetuity, it is considered that this renders the proposal acceptable in terms of the provision of affordable housing and addresses the reason for dismissing the previous appeal. Subject to this, the requirements of local policies PS8 and H14 are considered to have been met.

Design & Layout

The proposed layout shows the dwellings configured in an L shape positioned along the northeastern and northern boundaries. This would allow the highways layout to follow a similar pattern with the remaining southern portions of the site given over to public open spaces/amenity space. This would also increase the separation with the southern boundaries and would provide scope for further planting along these boundaries so as to minimise the visual impact on the open countryside.

Whilst the Senior Landscape and Tree Officer has expressed concern about the visual impact on the proposals, it is considered that the potential harm the landscape would be minimised. Furthermore, it should be noted that the previous Inspector raised no concerns about the visual impact of developing this site and therefore it is not considered that a refusal on these grounds could be sustained. The proposed layout would provide a high quality public realm with good surveillance across the area of open space and formal areas of landscaping. There would be well-defined active frontages with areas of hardstanding and parking kept to a minimum. Consequently, the revised layout is deemed to be acceptable in design terms.

With regard to the design of the proposed dwellings, they would be modest in terms of their size and scale and rural in character. The house types would vary and this would help to provide some differentiation within the development itself. The individual design of the house types proposed is deemed to be acceptable. As such, the proposal satisfies the requirements of the NPPF, By Design, Manual For Streets along with local plan policies GR1, GR2 and GR3 which seek to deliver high quality design.

Highways

Policy GR9 states that proposals for development requiring access, servicing or parking facilities will only be permitted where a number of criteria are satisfied. These include the adequate and safe provision for access and egress by vehicles, pedestrians and other road users to a public highway. The proposed development would be served by a new access created off the A50 London Road. This new access would also accommodate the vehicle movements generated by the residential units at Dunkirk Farm and as such the existing access would be closed off.

The Strategic Highways Manager has assessed this application and has offered no objection to the proposal on highways grounds. However, because of the rise in vehicle movements coupled with existing development at Dunkirk Farm, it has been recommended that the 40 mph speed limit be extended further south to lessen the conflict between vehicles emerging and accessing the site with traffic travelling along the A50 London Road.

The capacity of the local highway network is deemed sufficient to accommodate the vehicle movements associated with the scale of the proposed development. The recommended pedestrian island to the north on London Road and the contribution towards traffic management to extend the 40 mph speed limit are considered to be relevant and proportionate to the development. Therefore, the proposal complies with the requirements of policies GR9 and GR18.

Trees & Landscape

The layout proposed would require the removal of a section of roadside hedgerow, a short line of unmaintained Hawthorn (possibly a remnant hedge) and a number of mature trees. The Senior Landscape and Tree Officer (SLO) has considered the impact of the proposed replacement

access and hedge removal in relation to the Hedgerow Regulations 1977. A new access would be exempt from a Hedgerow Removal Notice if the existing access were closed up with hedge planting within 8 months. Therefore the SLO has not assessed any ecological or historic criteria under the Regulations.

The short line of Hawthorn is not significant and the SLO is satisfied that the individual trees identified for removal have defects, which make them unsuitable for long-term retention. Subject to appropriate protection measures and certain remedial arboricultural works, it should be possible to retain trees identified for retention within the layout as proposed. In the event that the proposals are deemed acceptable, comprehensive tree protection, boundary treatment, levels and landscape conditions are recommended.

Public Open Space Provision

Under Supplementary Planning Guidance Note 1 'Provision of Public Open Space in New Residential Developments', there is a requirement for the provision of public open space on the site. The proposed layout shows that there would be a central core of open space within the site.

The Council's Greenspaces division have stated that the proposed general open space provision is acceptable subject to either a maintenance contribution or transfer to a management company. However, no provision for children's informal play space is specified on the proposed plans. Therefore, Greenspaces have recommended contributions towards the cost of provision and future maintenance off site. The applicant has confirmed that Plus Dane will provide play equipment and will maintain the open spaces in perpetuity. Thus, subject to this being secured by way of a legal agreement, and to the specification of the Council's Greenspaces division, the financial contributions would not be required. The applicant has confirmed acceptance of this and consequently the scheme is compliant with SPG1.

Ecology

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

The application is supported by a Phase 1 habitat survey. The ecologist has identified few habitats of priority interest on site and suggested that the loss of habitats such as scrub and hedges could be mitigated through enhanced landscaping. Some of the features of the site exhibit ideal habitat for breeding birds and as such precautionary recommendations are made. With respect to birds, bats and barn owls, the ecologist has no objection to the proposals subject to the retention of 3 tree specimens, conditions relating to the protection of breeding birds, provision of bat and bird boxes, a 5m buffer zone along adjacent River Croco and the submission of 10-year-management plan to include the area of adjacent grassland identified in submitted ecological survey.

Concerns have been expressed regarding potential impacts on further protected species. A further survey has confirmed the presence of a badger's sett located on the railway embankment adjacent to the boundary of the proposed development.

The sett will not be directly affected by the proposed development however, in the absence of mitigation there may be indirect disturbance of the sett and some loss and isolation of foraging habitat.

To mitigate the adverse impact of the proposed development on badgers the applicant proposed to retain the sett in situ and to provide a narrow corridor around the site to allow badgers free movement. Works within 30m of the sett will be subject to a Natural England license and will be timed to avoid the sensitive period. Finally, nut and fruit bearing trees are proposed to provide an additional foraging resource to mitigate for any loss of foraging habitat associated with the proposed development.

The proposed mitigation is proportionate to the potential impacts associated with the proposed development.

Drainage and Flood Risk

The NPPF states that LPAs should, in determining planning applications, give priority to the use of sustainable drainage systems for the management of runoff. Building design should ideally use softer engineering structures such as swales, detention ponds, infiltration basins and porous surfaces as alternatives to conventional drainage systems to minimise flooding and environmental damage as a result of uncontrolled surface water runoff. In the event of such development being approved, sustainable drainage systems can be secured through condition or agreement. United Utilities have not objected to the application provided that the site is drained on separate system.

Policy GR21 of the Congleton Local Plan sets out criteria to be considered when determining applications within identified flood risk areas. More recent guidance in PPS25 states that a sequential approach is to be followed at all levels of the planning process. The proposed development is for a more vulnerable use, part of which lays within flood zone 3; the sequential and exception tests should therefore be applied to the site in accordance with table D.3 of PPS25 (Annex D). The site has not been subject to these tests under the former Congleton Borough's Strategic Flood Risk Assessment. Nonetheless, the Environment Agency has accepted that the updated Flood Risk Assessment is acceptable as the amount of development falling with zone 3 would be minimal and therefore compliance with conditions relating to finished floor levels, ground levels, drainage and a scheme for the future management and maintenance of the buffer zone with the River Croco would ensure compliance with local policies GR21 and the advice within the NPPF.

Residential Amenity

The proposed dwellings would back onto the properties situated on Alum Court. However, the separation distance between the new and existing properties would exceed the minimum separation distance of 21.8 metres between principal windows as set out in the Council's Supplementary Planning Guidance (SPG2). As such, the impact on the nearest residential properties would not be significant. Within the development itself, minimum separation distances would be achieved and each property would benefit from an appropriate amount of private amenity space in accordance with policies GR6 and SPG2.

Noise

The application is supported by a noise assessment, which assesses the likely potential impact of the adjacent Crewe to Manchester Railway Line on the future occupants of the proposed dwellings. The assessment concludes that any harm could be addressed through the incorporation of appropriate glazing and materials in the development to help minimise any noise impact. The Councils' Environmental Health Division is satisfied with these measures and as such the proposal is deemed to be acceptable and in accordance with policy GR6.

11. CONCLUSIONS AND REASONS FOR THE DECISION

The principle of the development is found to be acceptable. Whilst this is a Greenfield site and the loss of any such site to housing is regrettable, consideration also needs to be given to the need for the Council to ensure an adequate supply of housing. There is an identified need for affordable housing both within the rural Parishes of Brereton and Holmes Chapel even having regard to those sites that already benefit from planning permission in the locale. This view was supported when a similar scheme was considered at appeal (ref: 10/3320C).

In highways terms, the capacity of the local highway network is deemed sufficient to accommodate the vehicle movements associated with the scale of the proposed development subject to measures aimed at reducing the speed limit on London Road. There would be no adverse impact on trees. The applicant will ensure provision of the public open space and play equipment, which will be maintained by the Plus Dance housing Group in perpetuity. The risk posed to drainage is not deemed to be high and could be controlled through the use of SUDS and conditions recommended by the Environment Agency. Subject to appropriate ecological mitigation, the applicants have demonstrated general compliance with national and local guidance in a range of areas. The application is therefore recommended for approval, subject to a Section 106 Agreement and conditions.

The drafting of the Section 106 by the Borough Solicitor will address the Inspectors previous concerns about the inadequate unilateral undertaking submitted by the Applicant at the previous Appeal.

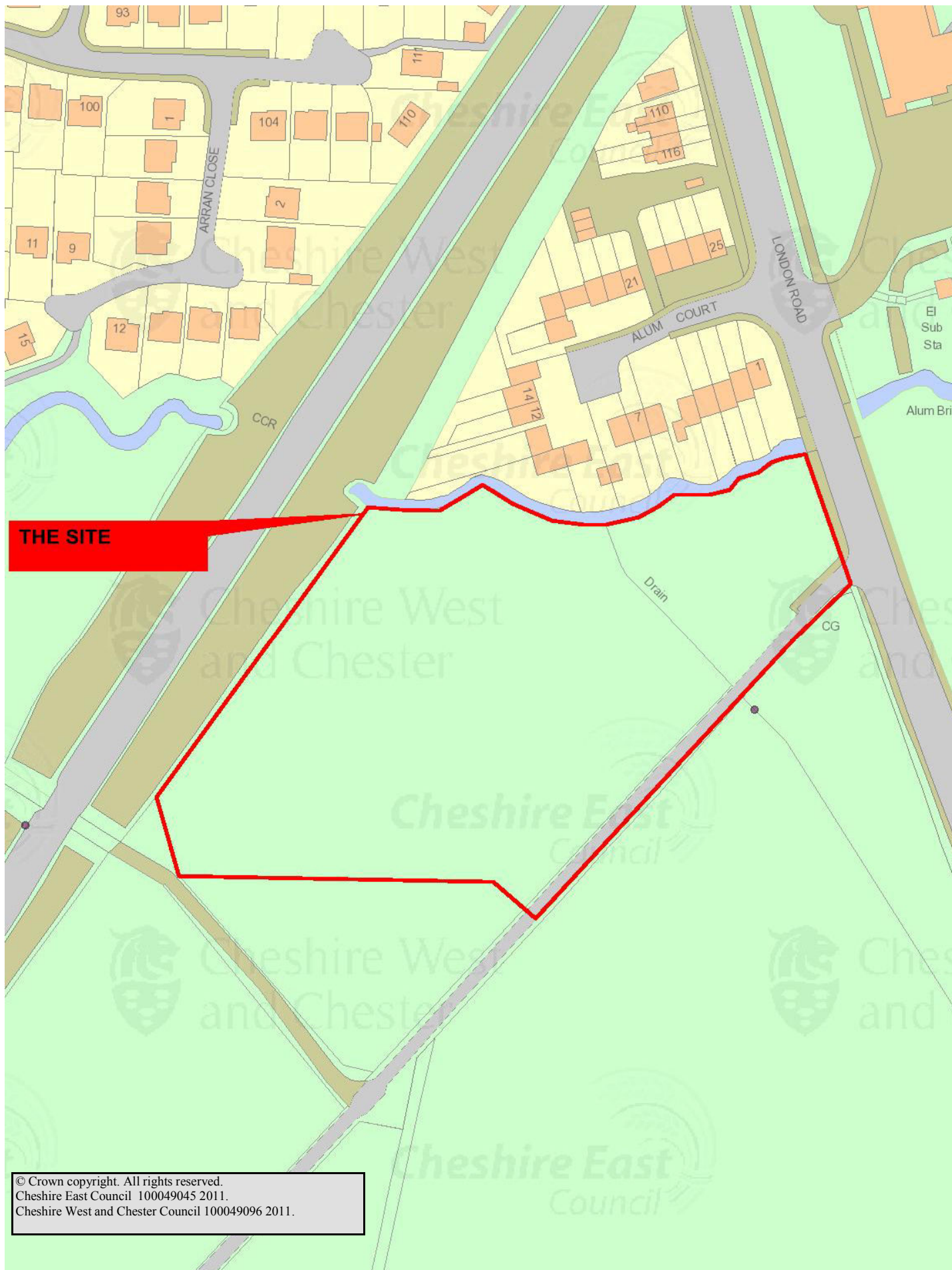
12. RECOMMENDATION:

APPROVE subject to the completion of a S106 agreement to secure affordable housing, public open space provision, and highways contributions towards traffic management improvements for an extension of the 40mph speed (to the south) and a pedestrian refuge island to the north.

Conditions

1. Commence development within 3 years
2. Development in accordance with approved drawings
3. Submission of details/samples of external materials
4. Submission of details of electromagnetic screening measures to be submitted (Jodrell Bank).
5. Submission and implementation of detailed access and junction plans

6. The dwellings shall not be occupied until the access and junction are completed in accordance with the approved details
7. Details of the closure of the existing access off London Road (including native hedge planting) to be submitted
8. Landscaping scheme (to include native species for ecological value) to be submitted
9. Implementation of approved landscaping scheme
10. Submission and implementation of a tree protection scheme
11. Submission and implementation of details of boundary treatments
12. Submission and implementation of surveys and mitigation methods for the protection of breeding birds
13. Scheme for the provision of bat and bird boxes to be submitted
14. Drainage - Submission and implementation of a scheme for the regulation of surface water including SUDS
15. Submission and implementation of a scheme to ensure that finished floor levels are set no lower than 53.82m above Ordnance Datum (AOD)
16. Submission and implementation of a scheme for the management of overland flow from surcharging of the on-site surface water drainage system
17. Submission and implementation of a scheme for the provision and management of a buffer zone alongside the watercourse to include details of buffer zone with River Croco, details of planting, management plan for the buffer zone and details of footpaths, fencing, lighting
18. Submission of details of existing and proposed ground levels
19. Submission of a Phase 1 land contamination survey
20. Construction management plan to be submitted
21. Noise attenuation measures to be carried out prior to occupation of dwellings in accordance with recommendations included within noise report
22. Limits on hours of construction including delivery vehicles.
23. Limits on hours of piling
24. Removal of permitted development rights for extensions, outbuildings and gates walls and fences.



THE SITE