

Application No: 13/4634C

Location: LAND EAST OF, SCHOOL LANE, SANDBACH

Proposal: Outline Application for up to 13 no. residential dwelling houses, associated infrastructure and ancillary facilities. (re-submission of refused planning application 13/1559C).

Applicant: Jean Pierpoint, Paul Ferguson, and Grant and Helen Dinsdale

Expiry Date: 05-Feb-2014

SUMMARY RECOMMENDATION

Approve subject to the completion of a Section 106 Agreement and conditions

MAIN ISSUES

Principal of the Development

Planning Policy and Housing Land Supply

Landscape and Trees

Affordable Housing

Highway Implications

Amenity

Design

Ecology

Open Space

REASON FOR REFERRAL

This application is referred to the Strategic Planning Board as it relates to a departure to the Congleton Borough Local Plan.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises a paddock 0.63 hectare in size, currently used for grazing horses. It is a generally level site which is bounded by St John's School to the north, a detached dwelling to the south and to the west there are a variety of residential properties fronting School Lane and a cul-de-sac known as Pear Tree Close. To the east is an area of protected open space used by the school for sports activities.

The boundaries of the site to the north, west and east contain existing hedgerows, which were subject to some cutting back before submission of the previous application (13/1559C).

The site is designated as being within the Open Countryside in the adopted local plan and is classed as Grade 3 (subject to urban pressures) agricultural land. It is also identified in the Strategic Housing Land Assessment (SHLAA), reference 2607. It is described as being suitable with policy change, available, achievable and developable.

DETAILS OF PROPOSAL

This is a re-submission of an application that was refused in July 2013 and is currently the subject of an appeal. The re-submission has been made in the light of the recent appeal decisions relating to housing land supply.

The application is for outline planning permission for the erection of up to 13 dwellings with ancillary facilities and associated infrastructure. Access is to be determined at this stage with appearance, landscaping, layout and scale to be determined at reserved matters stage. The access would be taken on to School Lane from a central point on the plot.

An **indicative** layout plan has been submitted with the application, which shows a 'T' shaped cul-de-sac with the dwellings arranged around this.

RELEVANT HISTORY

13/1559C 2013 Refusal for outline permission for up to 13 dwellings (application under appeal). The reason for refusal was as follows:

"The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies PS8 and H6 Of the adopted Congleton Borough Local Plan First Review 2005 and the principles of the National Planning Policy Framework. The Local Planning Authority can demonstrate a 5 year supply of housing land in accordance with the National Planning Policy Framework. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan."

8430/1 1979 Refusal for outline permission for residential development

POLICIES

National Policy

National Planning Policy Framework

Local Plan policy

PS3 – Settlement Hierarchy

PS8 - Open Countryside

GR1- New Development

GR2 – Design

GR3 - Residential Development

GR4 – Landscaping

GR5 – Landscaping

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
NR1 - Trees and Woodland
NR3 – Habitats
NR4 - Non-statutory sites
NR5 – Habitats
H2 - Provision of New Housing Development
H6 - Residential Development in the Open countryside
H13 - Affordable Housing and low cost housing

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
Interim Planning Statement Affordable Housing
Interim Planning Statement Release of Housing Land
Sandbach Town Strategy

CONSULTATIONS (External to Planning)

Environment Agency:

No objections.

Strategic Highways Manager:

The Strategic Highways Manager does not consider that the development would generate a sufficient increase in vehicle movements to warrant refusal of the application. Conditions should be imposed securing frontage footpaths and a detailed suite of design construction plans for the adoptable highways at reserved matters stage.

Environmental Health:

Recommend that conditions are imposed relating to the hours of construction and piling. They have recommended that the application be refused due to lack of information relating to mitigation to protect future residents from noise generated from the M6.

VIEWS OF THE TOWN COUNCIL:

Members object due to site access in close proximity to the local primary school and have serious concerns at increased traffic in an area with existing congestion and parking problems.

OTHER REPRESENTATIONS

At the time of report writing, letters of objection have been received from approximately 12 local households raising the following points:

Principal of development

- The site is outside the settlement boundary
- The site is not identified for development in the emerging local pla

- The proposal is contrary to the Congleton Local Plan
- The proposal would harm the rural character of the site
- Loss of Open Countryside
- A previous application has been refused on this site
- The proposal is contrary to the NPPF
- The cumulative impact of all the developments proposed in Sandbach
- Brownfield land should be used first

Highways

- Increase in the levels of traffic in the area
- Danger and disruption due to construction traffic
- Congestion – the area is already used as a rat run from the M6
- Danger to school children from increased traffic
- The development should have a single access

Green Issues

- Loss of trees and hedgerows
- Loss of agricultural land

Design Issues

- Inappropriate design
- The properties would be over dominant
- Urbanising effect on the countryside

Other issues

- “Greedy gold digging” developers who do not live in the area
- The boundary treatments with the school should be retained or replaced like for like
- Speculative development

APPLICANT’S SUPPORTING INFORMATION

To support this application the application includes the following documents:

- Supporting Planning Statement
- Design and Access Statement
- Extended Phase 1 Habitat Survey
- Tree Survey Report

These documents are available to view on the application file.

OFFICER APPRAISAL

Principle of Development

The site lies in the Open Countryside, as designated in the adopted Congleton Borough Local Plan First Review 2005, where Policies PS8 and H6 state that only development which is essential for the purposes of agriculture, forestry, outdoor sport, recreation and tourism, cemeteries and for other uses of land which preserve the openness of the countryside and maintain or enhance its local character. Residential development will be restricted to

agricultural workers dwellings, replacement dwellings, and conversion of existing buildings or limited development within the infill boundary line.

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

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

In addressing this, members should be mindful of the key principles of the National Planning Policy Framework

This highlights that the principal objective of the planning system is to contribute to sustainable development. As the Planning Minister states in his preamble:

“*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.”

There are 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 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

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

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

Housing Land Supply

The National Planning Policy Framework (NPPF) states at paragraph 47 that there is a requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

“identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”.

The NPPF states that, Local Planning Authorities should have a clear understanding of housing needs in their area. This should take account of various factors including:

- housing need and demand,
- latest published household projections,
- evidence of the availability of suitable housing land,
- the Government’s overall ambitions for affordability.

The figures contained within the Regional Spatial Strategy proposed a dwelling requirement of 20,700 dwellings for Cheshire East as a whole, for the period 2003 to 2021, which equates to an average annual housing figure of 1,150 dwellings per annum. In February 2011, a full meeting of the Council resolved to maintain this housing requirement until such time that the new Local Plan was approved. . In October 2013 the Cabinet Member agreed the Cheshire East Local Plan Pre-Submission Core Strategy for consultation and gave approval for it to be used as a material consideration for Development Management purposes with immediate effect. This proposes a dwelling requirement of 27,000 dwellings for Cheshire East, for the period 2010 to 2030, an annual average of 1350 homes per year. This figure represents not only the objectively assessed need for housing based on the latest household projections but also a policy “boost” to allow for an enhanced level of economic development once the downturn recedes.

However the most up to date position on the Councils 5-year housing land supply figure is following the recent appeal decisions. As part of the consideration of the Congleton Road and Sandbach Road North decisions, the Inspector found that the housing land supply over 5 years is 5750 dwellings. It is necessary to add to this figure the existing backlog 1750 dwellings and a 20% buffer for a record of persistent under delivery which gives a total requirement of 9000 dwellings over 5 years or 1800 per annum. This calculation took account of the High Court judgement in the Hunston Properties case (subsequently reinforced at the Court of Appeal). For whilst the RSS has clearly been revoked, it remains the only examined housing figure for the current period and itself represented a step change in housing growth when it was adopted (reversing the previous policy of restraint). Accordingly the Appeal decisions published on 18 October 2013 all use the RSS base.

In terms of the existing supply the Inspector found that there is currently:

‘a demonstrable supply, taking the generous approach to Council estimates, which is likely to be in the region of 7000 to 7500 dwellings at most’ (Sandbach Road North Appeal)

This demonstrable supply therefore equates to a figure of 4.0 to 4.2 years.

The NPPF clearly states at paragraph 49 that:

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

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means:

“where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
- specific policies in the Framework indicate development should be restricted.”*

As it has been found that Cheshire East cannot demonstrate a five year supply of housing land, the provisions of paragraphs 49 and 14 apply in this case. It is therefore necessary to carry out a balancing exercise in this case to assess whether the harm ‘significantly and demonstrably’ outweighs its benefits.

Emerging Policy

Clarification has been given on the weight which can be attributed to the emerging Local Plan as part of recent appeal decisions for Abbeyfields, Sandbach and Congleton Road, Sandbach and Sandbach Road North, Alsager. As part of the decision for the Abbeyfields site the SoS stated that:

‘As the emerging LP is still at an early stage the Secretary of State accords it limited weight in his decision making’

As part of the appeal decision for Congleton Road, Sandbach and Sandbach Road North, Alsager the Inspector found that:

‘There is a draft Local Plan, variously described as the Core Strategy and Development Strategy, which is moving towards a position in which it can be submitted for examination. The Council is seeking to achieve this in late 2013. The current state of the plan is pre submission. It is not disputed that there are many outstanding objections to the plan, and to specific proposals in the plan. Hence it cannot be certain that the submission version of the plan will be published in the timescale anticipated. The plan has already slipped from the intended timetable. In addition there can be no certainty that the plan will be found sound though I do not doubt the Council’s intentions to ensure that it is in a form which would be sound, and I acknowledge the work which has gone into the plan over a number of years.

Nonetheless I cannot agree that the draft Local Plan should attract considerable weight as suggested by the Council. There are many Secretary of State and Inspector appeal decisions which regard draft plans at a similar stage as carrying less weight. The

Council's own plan has been afforded little weight in the earlier months of 2013, and although the plan has moved on to an extent, it has not moved on substantially. For these various reasons I consider that the draft Local Plan can still attract no more than limited weight in this case'

Since then the Council has published the Pre-Submission Core Strategy which is supported by fuller evidence and takes account of the 16,000 comments made during the two consultations in 2013. Accordingly its weight should correspondingly increase in decision making. Never the less, given the stance taken in the above appeals the emerging Local Plan can only be given moderate weight in the determination of this planning application.

Countryside Policies

As well as assessing housing supply, the decisions at Sandbach Road North and Congleton Road Sandbach are also significant for clarifying the status and intent of settlement zone line and countryside policies.

Some have sought to argue that as settlement boundaries effectively contain the built area of a town or village – and so define the area in which development is usually concentrated – that accordingly they should be viewed as housing supply policies. This subsequently could mean that those policies, along with normal countryside policies, should be considered “out of date” if there is no five year supply of housing land. This view is derived from paragraph 49 of the framework which states that:

“Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”.

There are appeal decisions that appear to support this perspective, although those in Cheshire East have generally taken a different approach.

The recent appeal decisions consider this matter in some detail. It was noted by the Inspector that the settlement zone lines serve a variety of purposes – and take account of land allocated for development up to a particular point (in this case 2011). However, the Inspector considered that settlement zone lines were not driven by the need to identify land for development, but rather are based on the objective of protecting countryside once development land is identified. Consequently, he concluded that the related policy (Policy PS4 of the Congleton Local Plan) was *“not sufficient directly related to housing land supply that it can be considered time expired for that purpose.”* Instead the Policy is *“primarily aimed at countryside & green belt protection”*. These objectives are largely in conformity with the NPPF and attract *“significant weight”*. In both appeals conflict with countryside policies were acknowledged.

This means that these policies remain important in the planning balance – but are not necessarily determinative. The two decisions pinpoint that much depends on the nature and character of the site and the individual circumstances pertaining to the application. At Congleton Road, the Inspector considered that the objective to boost significantly the supply of housing outweighed the “relatively moderate” landscape harm. In contrast, at Sandbach Road North the provision of housing was viewed as an “important and substantial” material consideration, but there would also be serious harm resulting from the impact on the

character and appearance of the countryside. On this occasion that identified harm, combined with the significant weight attributed to countryside policies, outweighed the benefits in terms of housing supply.

In reaching this conclusion, the Inspector memorably noted that:

“the lack of a 5 year supply of housing land does not provide an automatic ‘green light’ to planning permission”.

Therefore, countryside policies in existing local plans can be considered as consistent with NPPF and are not housing land supply policies – and thus not of date, even if a 5 year supply is not in evidence. They accordingly need to be played into the planning balance when decisions are made. Where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply.

Conclusion

- The site is within the Open Countryside which is also subject to Policy PS7 (Open Countryside) where there is a presumption against new residential development.
- The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies for the supply of housing are out of date and there is a presumption in favour of development unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
 - specific policies in the Framework indicate development should be restricted.
- Cheshire East has a housing land supply figure of in the region of 4.0 to 4.2 years
- Only moderate weight can be applied to the emerging Local Plan.
- As the Council cannot demonstrate a 5 year housing land and the NPPF carries a presumption in favour of sustainable development. It is therefore necessary to consider whether the proposal is sustainable in all other respects as part of the planning balance.

Location of the site

To aid a sustainability assessment, a toolkit was developed by the former North West Development Agency. With respect to accessibility, the toolkit advises on the desired distances to local amenities which developments should aspire to achieve. The performance

against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

The applicant’s assessment of the accessibility of the site shows that following facilities meet the minimum standard:

- Amenity Open Space (within 500m)
- Children’s Play Space (within 500m)
- Outdoor Sports (within 1,000m)
- Public Park or Village Green (within 1,000m)
- Convenience Store (within 500m)
- Bus Stop (within 500m)
- Post Box (within 500m)
- Primary School (within 1000m)
- Public House (1000m) – 310m
- Secondary School (within 1000m)
- Medical Centre (within 1,000m)
- Local Meeting Place/Community Centre (within 1,000m)
- Public House (within 1,000m)
- Child Care Facility (within 1,000m)

In summary, whilst the site does not comply with all of the standards advised by the NWDA toolkit, as stated previously, these are guidelines and are not part of the development plan. Owing to its position on the edge of Sandbach, there are some facilities that are not within the ideal standards set within the toolkit and will not be as close to the development as existing dwellings which are more centrally positioned.

However, this is not untypical for suburban dwellings. However, all of the services and amenities listed are accommodated within Sandbach and are accessible to the proposed development on foot or via a short bus journey, with a bus stop in close proximity to the site. Accordingly, it is considered that this small scale site is a sustainable one.

Landscape and Trees

The application site is a relatively level agricultural landscape, characterised by hedgerows and a number of mature hedgerow trees, but influenced by the surrounding development. The site has the landscape capacity to accommodate future residential development, providing that this is well planned and designed and takes due account of the existing landscape characteristics and features. In consideration of the site being located in Open Countryside, it is considered that green edges should be used where possible. This would allow the proposed development to sit more comfortably on the urban edge and assimilate more easily into the wider landscape. The anticipated loss of the roadside hedge for access, footway and visibility would be regrettable and it is questioned whether there is a need for a footway to the south of the access as this has no connection. Should the hedge loss be accepted soft landscape boundary treatment should be provided in mitigation. This should ideally comprise a native species hedge.

The submission is supported by a tree survey plan and report. The trees and their respective root protection areas are also identified on the controlling parameter plan. The submission does not include an arboricultural impact assessment as recommended in BS 5837:2012 Trees in relation to design demolition and construction. Nevertheless, given the nature of the site, from the information provided it is considered that subject to appropriate protection measures, the indicative layout could be achieved without harm to trees. Tree protection measures should be secured by condition.

As indicated above, it appears from the submission that in order to accommodate the access, footway and visibility splays on School Lane, it would be necessary to remove the existing boundary hedgerow. Whilst this is regrettable the applicant did have pre-application correspondence with the Cheshire Archaeological Planning Advisory Service, who raised no issues with its removal.

Affordable Housing

The Strategic Housing Market Assessment Update 2013 identified that for the Sandbach sub-area there is a need for 94 new affordable units per year between 2013/14 – 2017/18, this totals a requirement for 470 new affordable homes for the period and is made up of an annual requirement for 18 x 1 bed, 33 x 2 bed, 18 x 3 bed, 9 x 4+ beds and 11 x 1 bed older persons accommodation & 5 x 2+ bed older persons accommodation.

There are also currently 174 applicants on the housing register on Cheshire Homechoice who have selected one of the Sandbach letting areas as their first choice. These applicants require 67 x 1 bed, 67 x 2 bed, 27 x 3 bed & 5 x 4 bed (8 applicants haven't specified how many bedrooms they require).

The Interim Planning Statement: Affordable Housing (IPS) states that in areas with a population of more than 3,000 the Council 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 than 0.4 hectare in size.

The IPS also states the exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion of affordable housing for any site will normally be 30%, in accordance with the recommendation of the 2010 Strategic Housing Market Assessment. The preferred tenure split for affordable housing identified in the SHMA 2010 was 65% social rented and 35% intermediate tenure.

This site is 0.63 hectares in size and as such there is a requirement for 30% affordable housing. The applicant is offering 4 dwellings as affordable housing, this meets the requirements of the IPS. As per the tenure split highlighted above 3 social or affordable rent and 1 intermediate dwelling will be required.

The 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.

Highways Implications

Traffic Generation.

This proposal for the development of a small number of residential units will not generate sufficient traffic to cause a material impact on the public highway network and the Strategic Highways Manager has no concern in this regard. The Strategic Highways Manager is however mindful of the concerns expressed by objectors and makes the following observations:

- Traffic congestion at school arrival and dispersal times - this is not a sustainable reason for refusal and the traffic generation from 13 dwellings would be approximately 9 trips in the morning peak hour. This equates to less than one trip every 6 minutes and the S.H.M. cannot consider this to be a material impact.
- Rat running manifests itself on local roads when there is stress on other parts of the highway network and is best managed through representations to the traffic management section of the highway authority. The S.H.M. does not find that local rat-running is a material reason to resist this application.
- Road safety should not be taken lightly and the concerns regarding construction traffic can be effectively managed by the production of a construction management plan. Should this proposal gain a permission this would be a recommended condition.

Access

The junction geometry provided for this development proposal was revised in the previous application after criticism from the Strategic Highways Manager and now meets acceptable standards against design guidance.

Indicative Layout

Parking ratios are shown at a minimum of 200% provision which is acceptable for 2/3 bed units whilst the larger units have 300% plus provision which is also acceptable.

The frontage footpath which is indicated is a requirement for this site however the placement of the affordable element of the development on the frontage of School Lane excludes them from the overall design of the site and puts their vehicle turning movements onto School Lane when they should be served from the main site access if the social realm of the site is to be maximised.

The internal layout should follow the pedestrian priority design principles in Manual for Streets and provide a legible adoptable boundary inclusive of service strips.

Conclusion.

The S.H.M. would make two observations with regard to this application. Firstly, the affordable housing element currently has its vehicular access from the parking court direct onto School Lane it should be taken from the development access road and not from School Lane. Secondly, the internal layout for the site should comply with Manual for Streets pedestrian priority design.

The advantages to taking affordable access from the access road are two-fold. All traffic generation will be from the main junction which has advantages in reducing necessary points of access and in terms of vehicle turning movements. It also allows the layout design to appropriately include the affordable element of the proposed housing which will provide improved quality of design and increased sense of place.

Despite these issues the Strategic Highways Manager recognises that whilst this application is outline, the detailed design elements of the proposed layout can be resolved at detailed application stage and therefore at this time recommends that conditions and informatives be attached to any permission to secure frontage footpaths and a detailed suite of design construction plans for the adoptable highways.

Amenity

In terms of the surrounding residential properties, these are mainly to the west of the site. Although the application is in outline form only, the indicative layout shows that adequate separation distances would be provided to these properties. The proposed dwellings would be of a density that is consistent with the surrounding area and would not be out of character in this locality.

In terms of air quality, the Environmental Health Officer has confirmed that there are no issues with this matter.

The Environmental Health Officer has requested a condition in relation to noise during construction and pile driving. These conditions will be attached to the planning permission.

The Environmental Health Officer has recommended refusal of the application on the grounds of lack of information about mitigation against noise from the M6. This application is in outline form and therefore detailed construction details are not contained within it. It is considered that this can be adequately dealt with by means of a condition requiring that this information is provided at reserved matters stage.

Design

The application is in outline form with details of scale, layout, appearance and landscaping to be determined at a later date. In support of this planning application, a Design and Access Statement has been provided.

The importance of securing high quality design is specified within the NPPF and paragraph 61 states that:

“Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”

Whilst the application is in outline form with access as the only matter to be agreed at this stage, the design and access statement has indicated that the development would comprise

a mix of 2, 3, 4 and 5 bedroom, terraced and detached dwellings. There is a variety of styles and sizes of dwelling types in the locality, therefore the indicative designs would not be out of character with the surrounding development.

On the Indicative layout, the proposed affordable units appear to be 'divorced' from the rest of the development, which would not be acceptable should this be submitted at reserved matters stage as they should be properly integrated in to the development.

Ecology

The application is supported by an ecological assessment. Whilst, the field work to inform the assessment was undertaken at a poor time of year, officers are confident that enough information has been gathered to allow an assessment of the nature conservation value of the site to be made.

The grassland habitats on site are of limited nature conservation value. Hedgerows are a Biodiversity Action Plan Priority habitat and so the hedgerows around the site should be retained as far as possible and enhanced as part of the development. This matter may be dealt with by means of a condition attached to the outline permission if this application is granted.

If planning permission is granted it is also recommended that conditions be attached to safeguard breeding birds and ensure some additional provision is made for roosting bats and breeding birds:

Public Open Space

At the time of report writing, the Open Space Development has requested that contributions are required for provision of Children and Young Persons Provision and Amenity Greenspace. These are as follows.

Children and Young Persons Provision

£3,754.37 for enhancement
£12,238.50 for maintenance

Amenity Greenspace

£2,271.69 for enhancement
£5,084.75 for maintenance

This should be secured with a Section 106 Legal Agreement.

Agricultural Land Quality

It is noted that Policy NR8 (Agricultural Land) of the Congleton Borough Local Plan has not been saved. However, 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 the case of this site a survey of the agricultural land quality has been undertaken and this identifies that the land is classified as Grade 3 (subject to urban pressures). However there are no farm buildings and the site is bounded by non-agricultural uses on three sides and it is considered that, due to its size and location, it is unlikely that it would be a viable parcel of land for future agricultural use.

LEVY (CIL) REGULATIONS

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010, it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The requirements for open space and affordable housing are considered to be necessary, directly related to the development and fairly and reasonably related in scale and kind to the development. They are therefore considered to be in compliance with the CIL Regulations 2010.

CONCLUSIONS

It is acknowledged that the Council does not currently have a five-year housing land supply and that, accordingly, in the light of the advice contained in the National Planning Policy Framework, it should consider favourably suitable planning applications for housing.

In terms of sustainability, this proposal would satisfy the economic and social roles by providing for much needed housing adjoining to an existing settlement where there is existing infrastructure and amenities. While the environmental role is more limited it is considered that this proposal will safeguard the wider natural and built environment.

The boost to housing supply is considered to be an important benefit – and this application achieves this in the context of a deliverable, sustainable housing land release.

The proposal will not have a significant impact on the landscape character of the area and will represent a rounding off of the settlement without resulting in an intrusion into the open countryside.

Whilst the proposal will result in the loss of some grade 3 agricultural land, it is considered that the benefits of the delivering the site for much needed housing would outweigh this loss, given that the site does not offer a significant quality of land. Recent appeals have also supported this interpretation.

Subject to the required Section 106 package, the proposed development would provide adequate public open space and the necessary affordable housing requirements.

Subject to conditions, the proposal is considered to be acceptable in terms of its impact upon highway safety, amenity, flood risk and ecology.

RECOMMENDATION

Approve subject to the completion of a Section 106 Agreement to secure:

- 1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent (4 units) with 35% intermediate tenure (2 units). The scheme shall include:**
 - The numbers, type, tenure and location on the site of the affordable housing provision**
 - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing**
 - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved**
 - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and**
 - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.**
- 2. A £23,349.31 contribution to public open space.**

And the following conditions:

- 1. Commencement**
- 2. Submission of reserved matters (all matters other than access)**
- 3. Plans**
- 4. Tree and hedgerow protection measures**
- 5. Boundary treatment to be submitted with reserved matters**
- 6. Submission of method statement for any piling operations**
- 7. Hours of construction (8am to 6pm Mon-Fri, 9am to 2pm Saturday, no working Sunday or Public Holidays)**
- 8. Noise mitigation scheme**
- 9. Construction management plan**
- 10. Breeding bird survey for works in nesting season**
- 11. Bat and bird boxes**
- 12. Submission of a scheme to limit surface water run-off**
- 13. Reserved matters to include details of bin storage**
- 14. Reserved matters to include existing and proposed levels**
- 15. Reserved matters to include frontage footpaths**
- 16. Reserved matters to include a detailed suite of design construction plans for the adoptable highways**

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 Planning and Place

Shaping Manager 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.

Should this application be the subject of an appeal, authority be delegated to the Interim Planning and Place Shaping Manager in consultation with the Chairman of the Strategic Planning Board to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

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