

Application No: 14/5675C

Location: Land to South of, HOLMES CHAPEL ROAD, CONGLETON

Proposal: Outline planning permission for 70 dwellings and associated works (resubmission of 14/0134C)

Applicant: Hourigan Connolly

Expiry Date: 05-Mar-2015

### **SUMMARY:**

It is acknowledged that the Council is unable to robustly demonstrate a five-year housing land supply and that, accordingly, in the light of the advice contained in the National Planning Policy Framework, it should favourably consider suitable planning applications for housing that can demonstrate that they meet the definition of sustainable development.

There is an environmental impact in the locality due to the loss of open countryside and agricultural land and the proposal will have an adverse impact on the landscape character of the area and will represent an intrusion into the open countryside.

However, the proposal would satisfy the economic and social sustainability roles by providing for much needed housing adjoining an existing settlement where there is existing infrastructure and amenities. The proposal would provide policy compliant levels of affordable housing (for which there is significant demand), as well contributions to local health care. There is sufficient local education capacity to absorb the additional children generated by the development. In addition it would also provide appropriate levels of public open space both for existing and future residents.

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

Local concerns of residents are noted, particularly in respect of highway matters but the impact is not considered to be severe under the NPPF test. An appropriate quality of design can be secure at reserved matter stage as can any impacts on amenity.

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

The scheme represents a sustainable form of development and that the planning balance weighs in favour of supporting the development subject to a legal agreement and conditions.

### **SUMMARY RECOMMENDATION:**

**Delegate to Principal Planning Manager in consultation with the Chairman and Vice Chairman to Approve subject to Section 106 Agreement and Conditions.**

## **PROPOSAL**

This is an outline application with all matters reserved except access for up to 70 dwellings.

The density is indicated at 30 dwellings per hectare in a mix of types of dwellings from 2-5 bedrooms. 30% affordable housing provision is proposed.

The indicative layout indicates 2 access points onto Holmes Chapel Road with three distinct blocks of development and 2 areas of open space, one of which has a balancing pond indicated and a smaller area more centrally located within the site has a LEAP.

## **SITE DESCRIPTION**

This 3.9 hectare site is located close to the junction of Sandy Lane with Holmes Chapel Road within the Parish of Somerford. The Loach brook itself forms the western boundary, beyond which is the site of the open space and landscape features/ponds etc which were part of the Loachbrook Farm 200 housing unit development granted planning permission on appeal.

The site comprises 100% Best and Most versatile agricultural land.

The land is generally level with a gentle fall towards Loach Brook. A group of mature trees on a mounded landscape feature, previously a Scheduled Ancient Monument are prominent within the Loachbrook farm site adjoining when viewed from the Holmes Chapel Road frontage, which are covered by Tree Preservation Order. Hedgerows are prominent boundary features around the site with some hedgerow trees. Beyond the site to the south west lies Sandy Lane which has a pastoral landscape.

## **RELEVANT HISTORY:**

Members may recall that on the 17<sup>th</sup> September 2014, Strategic Planning Board considered an application for a proposed residential development of up to 70 dwellings and associated works at Holmes Chapel Road, Congleton. (14/0134C refers)

The Application is the subject of an Appeal against non-determination and the Strategic Planning Board resolved to contest the Appeal on the following grounds:

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policy PS8 and H6 of the Congleton Borough Local Plan First Review 2005, Policy PG5 of the emerging Cheshire East Local Plan Strategy - Submission Version and the principles of the National Planning Policy Framework, which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it and creates harm to interests of*

*acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land in accordance with the National Planning Policy Framework and consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan, to the emerging Development Strategy and the principles of the National Planning Policy since there are no material circumstances to indicate that permission should be granted contrary to the development plan.*

- 2. The proposal would result in loss of the best and most versatile agricultural land and given that the Authority can demonstrate a housing land supply in excess of 5 years, the applicant has failed to demonstrate that there is a need for the development, which could not be accommodated elsewhere. The use of the best and most versatile agricultural land is inefficient and contrary to Policy SE2 of the emerging Cheshire East Local Plan Strategy - Submission Version and the provisions of the National Planning Policy Framework.*
- 3. The proposed residential development, by virtue of the adverse impact that the proposals would have on the local landscape character thereby failing to recognise the intrinsic character and beauty of this site and the contribution to the wider landscape setting is contrary to Policies GR5, GR3 of the Congleton Borough Adopted Local Plan First Review 2005 and policies SE4, SE5 and SE6 of the emerging Cheshire East Local Plan Strategy - Submission Version and the provisions of Paragraph 17 of the National Planning Policy Framework.*
- 4. Insufficient information has been submitted to demonstrate that the proposal will have an acceptable impact upon the operation of the highway network in the vicinity in terms of safety and congestion impacts and lack of data in the Transport Assessment contrary to Policies GR9 and GR10 of the Congleton Borough Adopted Local Plan First Review 2005.*
- 5. Insufficient information has been submitted to demonstrate that the scheme would provide for the retention and protection of existing trees of amenity value and no assessment of historic hedgerows has been provided therefore the applicant has failed to demonstrate that the proposal complies with Policies GR1 and NR1 of the adopted Congleton Borough Local Plan First Review 2005 and policy SE3 and SE5 of the emerging Cheshire East local Plan and the provisions of the National Planning Policy Framework.*

Following submission of the Appeal a duplicate application (14/2685C refers), was submitted to the Council, and refused for the same reasons by the Strategic Planning Board on 15<sup>th</sup> October 2014. However, since that time the application has been the subject of on-going negotiations with Officers which led to the resolution of a number of the Board's previous concerns. In addition, the Local Plan Inspectors interim report has been received which warranted the reconsideration of the other reasons for refusal.

In the light of these developments, the Board resolved at its meeting on 10<sup>th</sup> December 2014 to withdraw the reasons for refusal in respect of open countryside, housing land supply,

important hedges, highways and landscape and to instruct the Principal Planning Manager not to contest the issues at the forthcoming public inquiry.

Following on from this decision, the application has been resubmitted in order to give the Council the opportunity to approve the proposal, which it has already resolved not to contest and to avoid the need for the Public Inquiry.

## **NATIONAL & LOCAL POLICY**

### **National Policy**

National Planning Policy Framework

### **Local Plan policy**

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 currently comprises the saved policies from the Congleton Borough (January 2005), Crewe and Nantwich (February 2005) and Macclesfield Local Plans (January 2004).

### **Congleton Local Plan:**

PS3	Settlement Hierarchy
PS6	Settlements in Open Countryside
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
GR23	Provision of Services and Facilities
H1 & H2	Provision of New Housing Development
H6	Residential Development in the Open Countryside
H14	Affordable Housing in Rural Parishes
NR1	Trees & Woodland
NR4	Nature Conservation (Non Statutory Sites)
NR5	Maximising opportunities to enhance nature conservation

### **National Policy**

## National Planning Policy Framework

### Other Material Policy Considerations

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

Interim Planning Policy: Release of Housing Land (Feb 2011)

Interim Planning Statement: Affordable Housing (Feb 2011)

Strategic Market Housing Assessment (SHMA)

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

North West Sustainability Checklist

Cheshire East SHLAA

### Cheshire East Local Plan Strategy – Submission Version

The following are considered relevant material considerations as indications of the emerging strategy:

PG2 – Settlement Hierarchy  
PG5 - Open Countryside  
PG6 – Spatial Distribution of Development  
SC3 – Health and Wellbeing  
SC4 – Residential Mix  
SC5 – Affordable Homes  
SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
SE1 - Design  
SE2 - Efficient Use of Land  
SE3 – Biodiversity and Geodiversity  
SE4 - The Landscape  
SE5 – Trees, Hedgerows and Woodland  
SE9 –Energy Efficient Development  
IN1 - Infrastructure  
IN2 – Developer Contributions

### CONSULTATIONS:

**United Utilities:** No objection to the proposal providing that the following conditions are met:-

- Notwithstanding any indication on the approved plans, no development approved by this permission shall commence until a scheme for the disposal of foul and surface waters for the entire site has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, surface water must drain separate from

the foul and no surface water will be permitted to discharge directly or indirectly into existing sewerage systems. The development shall be completed, maintained and managed in accordance with the approved details.

- A public sewer crosses this site and we will not permit building over it. An access strip width of six metres, three metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for maintenance or replacement will be required.

United Utilities also advise that as a public sewer crosses the site, a modification of the site layout, or a diversion of the affected public sewer at the applicant's expense, may be necessary.

**Strategic Housing Manager :** No objection subject to the provision of 30% affordable housing in a 65% / 35% split with a variety of unit sizes within each tenure

**Sustrans :** Offer the following comments if permission is to be granted

1) The site abuts Holmes Chapel Road, a busy A road. Significant traffic management measures on Holmes Chapel Road, A54, along with crossings, and connections to adjacent existing and proposed residential areas will be required to promote walking and cycling for local journeys in line with the advice in the National Planning Policy Framework (NPPF) clauses 34, 35.

We would also like to see the design include a separate entry off Holmes Chapel Road for pedestrians/cyclists away from traffic, tied in with any crossings.

2) The design of the estate should restrict vehicle speeds to less than 20mph.

3) The design of any smaller properties without garages should include storage areas for residents' buggies, bikes.

4) We would like to see travel planning set up for the site with targets and monitoring and a sense of purpose following advice in NPPF clause 36.

**Jodrell Bank :** No objection subject to the use of features to shield Telescope from electromagnetic interference within the design of dwellings

- **Environment Agency:** No objection in principle to the proposed development subject to a number of conditions including a surface water drainage scheme and management of the buffer zone.

**Environmental Health:** Conditions suggested in relation to environmental management plan, external lighting, noise mitigation measures (to protect future residents from noise from road traffic), travel plan, dust control and contaminated land (phase II report). In terms of air quality conditions are requested in terms of electric car charging points and travel planning.

**Public Open Space (amenity greenspace childrens playspace):** No objection subject to the provision of on site amenity greenspace and a LEAP (minimum 5 pieces of equipment).

– all of which to be maintained by private management company in future since the areas contain water features

**Public Rights of Way (Countryside Improvement Team):**

The Development Framework plan depicts a proposed 3m shared pedestrian/cycle path along Holmes Chapel Road. To be of use to new and existing residents, this would need to form part of a coherent network of pedestrian and cyclist routes between the site and town centre and other facilities. Contributions would be sought towards the improvement of this route for non-motorised users, including the continuation of the River Dane walkway between West Heath and the town centre.

The legal status of new routes would require agreement with the Council as Highway Authority and the routes would need to be maintained as part of the Open Space Management arrangements.

The transport assessment states that there is a continuous pavement along the northern side of the Holmes Chapel Road. The development is on the southern side and so pedestrians would need to cross this road, as would cyclists heading from the proposed shared use route on the southern side of the road into the town centre . Therefore the existing Puffin pedestrian crossing would need to be upgraded into a Toucan facility for use by both pedestrians and cyclists. The upgrade would cost £40k.

**Archaeologist :** No objection. Advises that a significant amount of archaeological mitigation has been carried out in connection with the consented housing development to the west of the Loach Brook. In particular, available areas of arable were subject to systematic fieldwalking with, it must be admitted, very limited results. In these circumstances, it is accepted that further archaeological work would be difficult to justify and no further archaeological mitigation is required

**Education:** No contribution to education is required in this case

**Strategic Highways Manager:** The traffic impact on the Waggon & Horses junction has now been assessed via the Authority VISSIM micro-simulation model

The results show that the impact on queue lengths is non-material and therefore the Head of Strategic Infrastructure has no objection to this aspect of the development traffic generation and resolves all of the highway and transportation issues which were originally flagged up for this development proposal. It is anticipated that agreement with the developers highway consultant can be reached.

**Somerford Parish Council:** No comments received at the time of report preparation but previously stated: Objection on grounds that the Parish Council are very much against the erosion of Somerford any further. The houses are not wanted and yet again destroying open country side, the development will have a high environmental impact and the road safety issues will be severely affected. The design is unacceptable and has taken no consideration for the best use of space. In addition there are no provisions for heath care and schooling. The shortage of housing now should not apply after the SPB have passed the five year supply plus 20%.

**Congleton Town Council:** No comments received at the time of report preparation but previously stated: Objection on grounds of site not being included in the local plan for development. Support comments made by Somerford Parish Council

## **REPRESENTATIONS:**

Neighbour notification letters were sent to all adjoining occupants and a site notice erected. One letter of representation had been received at the time of report preparation. However, the consultation period does not expire until 21<sup>st</sup> January 2015. Objections have been received to the 2 previous identical applications on the following grounds:

### Principle of development

- The site is outside the settlement boundary
- The site is not identified for development in the Congleton Town Strategy
- The proposed development would not result in sustainable development
- Loss of Greenfield land
- The site is entirely outside the infill boundary line of the settlement
- Impact upon the rural landscape
- Housing would not blend in with the existing residential environment
- There is a greater than 5 year housing land supply
- Allowing the development would conflict with the localism agenda
- The proposal is contrary to the Congleton Local Plan
- The proposal is contrary to the emerging Plan
- The development of the site will jeopardise brownfield sites from being brought forward
- The proposal would harm the rural character of the site
- Adverse impact on landscape character and appearance
- The proposal is contrary to the NPPF
- Car reliant site, distances from facilities impractical for walking/cycling and public transport is poor
- The requirement for affordable housing within the whole of the Congleton Rural area has already been more than satisfied by the approved development at the adjacent Loach Brook Farm and the proposed development is too far from local services and facilities for this class of occupancy

### Highways

- Increased traffic congestion
- Impact upon highway safety.
- Future residents would be dependent on the car
- Pedestrian safety
- Poor public transport service to site
- Damage to buildings from heavy traffic

### Green Issues



- Loss of green land
- Increased flood risk
- The site is prone to flooding, which will be worsened by the proposed development
- Impact upon wildlife
- Impact upon protected species
- Impact upon local ecology
- The FRA is inadequate
- Loss of trees/hedgerows
- Loss of agricultural land (grade 2 and 3a)
- Loss of Hedgerows/ trees as an ecological issue
- Creation of ponds to assist drainage would risk the safety of potential residents and, particularly, children

#### Infrastructure

- Increased pressure on local schools
- The local schools are full
- Doctors are full
- The sewage system is overstretched
- There is little in terms of leisure facilities
- Adverse impact upon local drainage infrastructure

#### Amenity Issues

- Impact upon air quality
- Cumulative impact upon air quality with other developments
- Noise and disruption from construction of the dwellings
- Increased noise caused by vehicular movements from the site
- Increased light pollution

#### Other issues

- Insufficient information into geology in the area
- Lack of consultation
- Weight of opposition against the proposal is a material consideration
- Impact upon archaeology – Impact on Scheduled Ancient Monument on site adjacent
- The development would impair the efficiency of the radio telescope at Jodrell Bank

An objection has been received from SPRAG which raises the same issues as outlined above and considers the proposal to be economically, environmentally and socially unsustainable.

The full content of the objections are available to view on the Councils Website.

#### **APPRAISAL:**

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 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**

The first dimension to sustainable development is its social role. In this regard, the proposal will provide up to 70 new family homes, including 30% affordable homes, on site public open space and residents would use local education and health provision.

### ***Housing Land Supply***

Paragraph 47 of the National Planning Policy Framework requires that Council's identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements

This calculation of Five Year Housing supply has two components – the housing requirement – and then the supply of housing suites that will help meet it. In the absence of an adopted Local Plan the National Planning Practice Guidance indicates that information provided in the latest full assessment of housing needs should be considered as the benchmark for the housing requirement.

The current Housing Supply Position Statement prepared by the Council employs the figure of 1180 homes per year as the housing requirement, being the calculation of Objectively Assessed Housing Need used in the Cheshire East Local Plan Submission Draft

The Local Plan Inspector has now published his interim views based on the first three weeks of Examination. He has concluded that the council's calculation of objectively assessed housing need is too low. He has also concluded that following six years of not meeting housing targets a 20% buffer should also be applied.

Given the Inspector's Interim view that the assessment of 1180 homes per year is too low, we no longer recommend that this figure be used in housing supply calculations. The Inspector has not provided any definitive steer as to the correct figure to employ, but has recommended that further work on housing need be carried out. The Council is currently considering its response to these interim views

Any substantive increase of housing need above the figure of 1180 homes per year is likely to place the housing land supply calculation at or below five years. Consequently, at the present time, the Council is unable to robustly demonstrate a five year supply of housing land.

On the basis of the above, the Council at this time cannot reasonably continue to rely upon the first reason for refusal of the previous applications and the provision of housing land is considered to be a substantial benefit of the proposal.

### ***Affordable Housing***

There should be provision of 30% of the total dwellings as affordable, with 65% provided as social or affordable rent and 35% intermediate. This is the preferred tenure split identified in the SHMA and highlighted in the Interim Planning Statement on Affordable Housing (IPS). This equates to a requirement for up to 21 affordable dwellings on this site, with up to 14 provided as social or affordable rented dwellings and 7 provided as intermediate tenure. (pro rata)

The Affordable Housing Review and Statement submitted with the application confirms that 30% affordable housing will be provided on this site with a 65% Affordable Rent and 35% intermediate split which is acceptable.

The Affordable Housing Review and Statement (AHRs) gives an indicative breakdown of the sizes of affordable housing proposed. The Strategic Housing Manager welcomes the broad range of sizes of accommodation proposed but would also be looking for some accommodation to meet the needs of older people and would look for the intermediate units to be either 2 or 3 beds.

Further information would be required by providing details in an affordable housing scheme to be submitted at reserved matters stage and the scheme to meet the affordable housing requirements detailed above and in the Council's IPS. Including the following: -

- 30% of the total dwellings to be provided as affordable housing
- 65% of the affordable dwellings to be affordable or social rented, 35% to be intermediate
- The affordable dwellings to be pepper-potted across the site
- Affordable homes to meet CFSH Level 3 and to be built in accordance with the Homes & Communities Agency Design & Quality Standards. (This is required for intermediate units as well as rented units, the AHDP confirms that only the rented units will be built to the required standard)
- The affordable dwellings to be provided no later than occupation of 50% of the open market dwellings.

It is therefore the preferred option that the developer undertakes to provide the social or affordable rented affordable units through a Registered Provider who are registered with the Homes and Communities Agency to provide social housing.

The Planning Statement submitted in support of the application states that the affordable units will be delivered by condition in the same way as the Loachbrook Farm site.

However, the Council's IPS requires affordable housing to be secured by of s106 agreement and as such a condition would not be in line with this policy. Accordingly it is recommended that this matter be the subject of S106 Agreement.

In the light of the level of need identified above, the provision of 30% affordable housing is considered to be a significant benefit of the scheme in terms of its contribution to the social aspects of sustainable development.

### ***Public Open Space***

#### Amenity Greenspace

Following an assessment of the existing provision of Amenity Greenspace accessible to the proposed development, 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.

Based on 70 dwellings the quantity of Amenity Greenspace required would be 1680m<sup>2</sup>. Two areas of Open space are identified on the masterplan (page 41 of the Design and Access Statement) but the size of the areas are not quantified.

The open space to the north of the site contains an attenuation pond. Whilst it is appreciated this promotes bio-diversity and due to regulatory requirements to comply with SUD's it has never been the Council's policy to take transfer of areas of POS that have water bodies located in, around or running through them due to the additional liabilities and maintenance implications associated with such areas. Therefore it is recommended that any areas of this type should be transferred to a residents management company or other competent body.

#### Children and Young Persons Provision

Following an assessment of the existing provision of Children and Young Persons Provision accessible to the proposed development, 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.

Consequently there is a requirement for new Children and Young Persons provision to meet the future needs arising from the development. The Masterplan (Page 41 of the D&A Statement) shows a green open space with a LEAP. This should include at least 5 items of equipment, using play companies approved by the Council. We would request that the final layout and choice of play equipment be agreed with CEC, the construction should be to the Council's satisfaction. Full plans must be submitted prior to the play area being installed and these must be approved in writing prior to the commencement of any works. A buffer zone of

at least 20m from residential properties facing the play area should be allowed for with low level planting to assist in the safety of the site.

As with the Amenity Greenspace it is recommended that future maintenance and management of the play area be transferred to a management company.

However, subject to these conditions, that could form part of reserved matters no objection is raised to the provision of the public open space

### ***Infrastructure***

Policy GR19 of the Local Plan advises that the Local Planning Authority may impose conditions and/or seek to negotiate with developers to make adequate provision for any access or other infrastructure requirements and/or community facilities, the need for which arises directly as a consequence of that development. It is advised that such provision may include on site facilities, off site facilities or the payment of a commuted sum.

Policy IN1 of the emerging Cheshire East Local Plan Strategy – Submission Version, advises that the Local Planning Authority should work in a co-ordinated manner to secure funding and delivery of physical, social, community, environmental and any other infrastructure required to support development and regeneration.

The Council's Education Officer, in response to a consultation to ascertain the impact of the proposed development on nearby schools has advised that *'...no contribution will be required from this development.'*

NHS England advice on recent applications submitted in the area is that existing health infrastructure in Congleton is already operating above capacity and cannot absorb the planned developments in the Emerging Strategy. This site is not one of the planning sites. Another 70 dwellings in the area will therefore have an impact.

NHSE has calculated that the relevant contribution would be £68,000. This could be secured through the Section 106 Agreement.

## **ENVIRONMENTAL SUSTAINABILITY**

### ***Open Countryside and Landscape***

The application site occupies an area of approximately 3.9 hectares and is located on the western edge of Congleton within land defined in successive Local Plans' including the Submission Version of the Core Strategy as being Open Countryside.

The 200 house Loachbrook Farm development on the site to the north of the application site has commenced and it is in the context of the finished Loachbrook development that this assessment has been undertaken by the Council's Landscape Architect.

However, it is also important to recognise that the area of built development within the Loachbrook Farm Development itself terminates some distance to the south of this site on the other side of the Loach Brook itself. The area of land within the Loachbrook Farm

development site immediately adjacent to the application site is entirely open public space as designed within the Loachbrook Farm Development, which would be entirely open when viewed from Holmes Chapel Road.

The Loachbrook Inspector identified the (now de-designated) Scheduled Ancient Monument as being important feature within the landscape. This feature is a well tree'd mound which within the context of the current proposals lies to the west of the proposed housing.

The submission includes a Landscape and Visual Assessment (LVA). The LVA states that the methodology used encompasses the 'Guidelines for Landscape and Visual Impact Assessment' (GLVIA) published by the Institute of Environmental Assessment and the Landscape Institute (2002) and 'Landscape Character Assessment. Guidance for England and Scotland' (LCA) published by the Countryside Agency and Scottish National Heritage 2002. The baseline conditions are based on Natural England's Countryside Character Assessment defining the site as Character Area 61; Shropshire, Cheshire and Staffordshire Plain. The study also refers to the Cheshire Landscape Character Assessment (adopted in 2008) which identifies the site as being located in Landscape Type 10: Lower Farms and Woods, the site is also located within the Brereton Heath Character Area: LFW2.

The site description identifies that the surrounding landscape is predominantly pastoral with some areas of woodland, as well as the tree covered mound, formerly a Scheduled Ancient Monument, which is acknowledged to be 'an important element in the landscape. Its distinctive form can be clearly seen from the surrounding area and forms part of the view upon arrival from Congleton from the west'.

The Councils Landscape Architect has considered the detail of the application Landscape and Visual Character Assessment.

The assessment identifies that there would be a moderate/major adverse effect upon the site's landscape character at the construction phase. The Landscape Architect agrees with this.

The assessment identifies that upon completion there would be a minor adverse landscape effect upon this localised part of the Brereton Character Area, this appears to be based on consideration of the already approved site to the south having an impact on the immediately surrounding landscape, and because the assessment considers that this landscape contains no significant features. I would disagree with this.

The assessment correctly identifies that 'the existing character of the site is dominated by its current use as agricultural farmland' and has also identified the former Scheduled Ancient Monument, a mound approximately 130m long and 25m wide, which 'forms an important element in the landscape. Its distinctive form can be clearly seen from the surrounding area and forms part of the view upon arrival into Congleton from the west'. This would appear to indicate that it is indeed a 'significant feature'. Nevertheless, the assessment notes that the overall significance of effects on the local landscape will be minor adverse, I feel that it would in fact be more adverse than this.

As part of the visual assessment a number of viewpoints have been identified (Viewpoints 1- 11). At the construction phase the assessment identifies that there would be a moderate to major adverse visual effect. The Landscape Architect concurs with this assessment.

Upon completion the assessment identifies that for those residential receptors on Holmes Chapel Road that there would be a negligible/minor to moderate/major significance. The Visual effects table notes that this would reduce to Moderate Adverse.

It is accepted that there are a small number of properties on Holmes Chapel Road, the Councils Landscape Architect is of the opinion that the significance would be moderate/major for most of these properties and would remain so upon completion.

The assessment also identifies that the operation visual effect on public rights of way will be moderate adverse and will remain so, and will also be minor adverse, and remain so for users of vehicles along Holmes Chapel Road. It should be noted that there is a footway along Holmes Chapel Road, the visual effects for walkers along this route would be, and would remain greater than minor adverse. Similarly, Sandy Lane is assessed as having a moderate adverse visual effect, reducing to minor adverse. Sandy Lane is a recognised cycle route and the Landscape Architect considers that the visual effect would remain greater than minor adverse.

The submitted Landscape and Visual Impact assessment identifies that relevant policies in the Congleton Borough Local First review are Open Countryside PS8 and Landscape GR5. Policy PS8 identifies suitable developments and that they should preserve the openness of the countryside and maintain or enhance its local character (II)

The submitted Landscape and Visual Impact Assessment notes that the surrounding landscape is predominantly pastoral with some areas of woodland, as well as the tree covered mound, formerly a Scheduled Ancient Monument, which is acknowledged to be 'an important element in the landscape and also notes that the most significant changes arising to the site's landscape character during the construction process would result from the change in land use from agricultural to residential, and that this would 'cause a noticeable change upon entrance to the town'.

The assessment notes that there will be a moderate major adverse landscape effect at construction and that this will remain as minor adverse upon completion. The assessment notes that the development will have an adverse landscape effects and that this will remain adverse, also acknowledging the most significant change, that of agricultural land to residential. This is considered to be contrary to Policy PS8.

Policy GR5 notes that Development will be permitted only where it respects or enhances the landscape character of the area. Development will not be permitted which in the view of the Borough Council, would be likely to impact adversely on the landscape character of such areas or would unacceptably obscure views or unacceptably lessen the visual impact of significant landmarks or landscape features when viewed from areas generally accessible to the public, as a result of the location, design or landscaping of the proposal. Particular attention will be paid to the protection of features that contribute to the setting of urban areas.

The landscape effects have been described and as adverse which is considered to be contrary to Policy GR5. The Councils Landscape Architect also considers that notable features also appear to have been undervalued in the landscape assessment submitted.

In addition the visual assessment identifies that the visual effects will be moderate adverse and remain so for residential receptors along Holmes Chapel Road and also be moderate adverse, and remain so for users of the existing public footpath between Sandy Lane and Sandbach Road and that there will also be adverse visual effects for users of Sandy Lane and of Holmes Chapel Road. Clearly the acknowledged adverse landscape character and adverse visual effect are also contrary to Policy GR5.

The Pre-Submission Core Strategy (November 2013) recognises in Policy SE4 the high quality of the built and natural environment is recognised as a significant characteristic of the Borough and that all development should conserve the landscape character and quality and where possible, enhance and effectively manage the historic, natural and man-made landscape features that contribute to local distinctiveness of both rural and urban landscapes.

The acknowledged adverse landscape and visual effects will also be contrary to policy SE4 and will be a significant weight against the sustainability of the proposals in the overall planning balance.

### ***Amenity***

In terms of the surrounding residential properties, whilst there are a small number of dwellings adjoining the southern part of the site on Padgbury Lane. Between the nearby residential properties to the north, to the rear of the pub are a linear area of public open space, and a belt of trees. Due to these intervening features and the separation distances involved it is considered that a layout could be achieved that could comply with the separation distances as outlined in the Congleton SPD for residential layouts. Accordingly, there would be minimal impact upon residential amenity.

The Environmental Health Officer (amenity and contaminated land) has requested conditions in relation to an environmental management plan, external lighting, noise mitigation and contaminated land.

### ***Air Quality***

The EHO considered the information and advises that the scale of the development is such that there is potential to increase traffic and also alter traffic congestion in the area. In particular, there are a number of Air Quality Management Areas (AQMA's) within Congleton where levels of Nitrogen Dioxide (NO<sub>2</sub>) presently exceed the tolerance at sensitive receptors.

There is also concern that the cumulative impact of developments in the Congleton area will lead to successive increases in pollution levels thereby increased exposure.

The assessment uses ADMS-Roads to model NO<sub>2</sub> and PM<sub>10</sub> impacts from the additional road traffic associated with this proposal and other permitted developments.



The model predicts that the proposed residential development will be below the air quality objectives. Regarding existing receptor impact, the assessment concludes that there will be a negligible increase in NO<sub>2</sub> and PM<sub>10</sub> exposure at all 8 receptors modelled.

Four of these receptors are within the Congleton AQMA's. It is this department's opinion that any increase of concentrations in an AQMA is considered significant as it is directly converse to our Local Air Quality Management objectives.

In addition, taking into account the uncertainties with modelling, the impacts of the development could be significantly worse

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 that mitigation should be sought in the form of direct measures to reduce the impact of traffic associated with the development.

Modern Ultra Low Emission Vehicle technology (such as 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 charging of electric vehicles, in new modern properties.

The EHO (Air Quality) would recommend the conditions be attached to any permission for the scheme concerning travel planning, Electric Vehicle infrastructure and dust control

### ***Ecology***

The Councils ecologist has considered the Ecological report submitted with the application and raises no issues other than suggesting conditions for breeding birds and the provision of an 8m buffer zone from bank top of the Loach Brook

### **Hedgerows**

Hedgerows are a Biodiversity Action Plan priority habitat and hence a material consideration. Based upon the submitted indicative plan most of the existing hedgerows on site are likely to be retained, there also appears to be opportunities for suitable replacement planting to be incorporated into the proposed layout to compensate for any hedgerows lost.

Any losses of hedgerow must be compensated for through additional hedgerow planting as part of any detailed landscaping scheme produced for the site. Based on the submitted illustrative master plan it appears feasible that this could be achieved.

On this basis, the proposal is considered to be acceptable in ecological terms.

### ***Urban Design***

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

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

The site is a rural edge to Congleton and there is a necessity to create a townscape/landscape transition between urban and rural.

There are also established landscape features that are extremely important to the character of the site, not least the strong hedge lined frontage to Holmes Chapel Road and the fringe landscape along the west of the site. Whilst peripheral hedging is indicated for retention some hedging subdividing the sites is being lost.

The application has been submitted for ‘up to 70’ units at an average net density of 30 per hectare with a mix of dwelling types of 2-5 bedroom units, which are indicated as being mainly 2 storey but with focal point buildings within the street scene that are referred to as being 2.5 storeys. In this case there is no testing layout.

This raises the potential that the numbers of units that this site could achieve, whilst also being in keeping with the prevailing residential density in the locality.

From a design perspective, the information submitted provides a decent basis on which to develop detailed design proposals. The following issues have been highlighted by the Urban Design Officer, which would be for reserved matters if permission were granted-

- There is a pinch point in relation to separation from Loach Brook, to the west of the area of open space and LEAP, which could be exacerbated by the site topography. In urban design terms it is suggested that a more generous separation between the Brook and the building line would be appropriate at detailed stage (this would require a modest reduction in plots)
- The street alignment of the Avenue along the northern frontage is a little contrived, this creates the potential for awkwardly positioned plots and visible gables to buildings not really intended in public view. It could also lead to odd shaped areas of landscaping. It would be better to reflect the linearity presented by Holmes Chapel Road and the linear arrangement of the established properties opposite. This linearity would allow the avenue planting to be completed to the south of the street, even if it is as part of the boundary planting of plots
- There are more focal building opportunities than are shown in the DAS. The corner to the south east of the play open space is one such location (there could be others)
- The north western tip of the site should be defined by a bespoke plot responding to the site’s shape and relationship to the open space. This and the focal/landmark building opportunities should be exploited to provide genuinely legible features within the scheme
- Is there scope for a further pedestrian route alongside Loach Brook? (see comment above about the pinch point)
- The reference to self build plots within the Design and Access Statement (DAS) is welcomed in urban design terms

- Some of the precedent images in the DAS are uninspiring. Character should be drawn from positive local examples, as opposed to more recent development that has not responded to local sense of place or context
- Visitor parking should be designed into streets where possible – to provide for occasional parking and as part of the traffic calming
- Locally responsive materials/landscape should underpin both the materiality of the dwellings but also landscape and boundary solutions
- The sustainable design section does not commit to a significant amount although it is positive that it is at least discussed. There need to be much firmer arrangements in place (see comments in relation to conditions below)
- In terms of Building for Life it is very hard to properly evaluate at this level of detail. The comments identified above flag up certain potential issues for the detailed design stage and therefore the developers claim that the application achieves 12 greens at present are a little presumptuous.

The Urban Designer advises that a design coding condition should be attached to any outline permission requiring the design detail to be developed in conjunction with the Reserved Matters stage (i.e. not relying on the Reserved Matters alone) should permission be granted

### ***Flood Risk and Drainage***

The Environment Agency and United Utilities have been consulted as part of this application and have both raised no objection to the proposed development subject to various conditions. As a result, the development is considered to be acceptable in terms of its flood risk/drainage implications.

The Councils Flood Risk Manager has also been consulted and is aware of existing local off site flooding problems associated with non main river (ordinary) watercourse tributary systems of Loach Brook, surface water runoff and/or potential ground water flooding in the locality and is currently investigating and considering options on how these risks can be addressed.

### ***Access to facilities***

Accessibility is a key factor of sustainability that can be measured. One 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 can be used by both developers and architects to review good practice and demonstrate the sustainability performance of their proposed developments. Planners can also use it to assess a planning application and, through forward planning, compare the sustainability of different development site options.

The criteria contained within the North West Sustainability Checklist are also being used during the Sustainability Appraisal of the Cheshire East Local Plan. With respect to accessibility, the toolkit advises on the desired distances to local facilities 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 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:

- post box – (466m) 29 Longdown Road
- amenity open space (on site)
- public park / village green (965m) - Quinta Park
- public open space - on site
- bus stop (Holmes Chapel Rd)

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:

- post office (1287m), Martin McColl West Heath Shopping Centre
- leisure facilities (3500m), Congleton Library
- medical centre. Readesmoor Group Practice, West Street, CW12 1JN. (2900m) .
- primary school (1287m) ( Quinta School Ullswater Road, CW12 4LX
- child care facility (1287m) (Somerford Kindergarten, Quinta School Grounds, Ullswater Road, CW12 4LX
- bank / cash point (1287m), Martin McColl West Heath Shopping Centre
- public house ( 1287m ( Heath farm Padgbury Lane)
- Pharmacy (1287m) – West Heath Shopping Centre
- Railway Station (4800m) (Park Lane Station)
- local meeting place / community centre - 2240m (Danesford Community Centre, West Road, CW12 4EY.

- a local shop selling food or fresh groceries (1287m), Martin McColl West Heath Shopping Centre

In summary, whilst the site does not comply with all of the standards advised by the NWDA toolkit, as stated previously, these are just guidelines and are not part of the development plan.

Owing to its position on the edge of Congleton, there are some amenities 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. Nevertheless this is not untypical for suburban dwellings and will be the same distances for the residential development in the vicinity of the application site. However, the majority of the services and amenities listed are accommodated within Congleton and are accessible to the proposed development on foot or via a short bus journey. Accordingly, it is considered that this is a locationally sustainable site.

This is also the opinion of the Inspector who granted planning permission for the 200 dwellings at Loachbrook Farm – the site immediately to the south and south-east of this site who commented :

*..’Overall, the site is in a sustainable position with reasonable access to local services and facilities, with public transport available for those facilities located at a greater distance away. It would form a sustainable site for development in respect of policy contained within the Framework.*

The site is within walking distance, subject to the provision of additional footways or through connections into the Loachbrook Farm development or a short bus journey from West Heath Shopping Centre (as noted by the Inspector at Loachbrook) This centre offers a wide range of essential facilities and means that occupiers of the development will not be overly reliant on the private car.

### ***Renewable Energy***

Paragraph 38 of the Framework states that for larger scale residential developments, policies should promote a mix of uses in order to provide opportunities to undertake day to day activities including work on site, thereby minimising the need to travel.

To the north of the West Heath Shopping Centre is the Radnor Park Industrial Estate and Green Field Farm Trading Estate, which are mixed B1, B2 and B8 sites accommodating a range of occupiers and employment opportunities. Employment opportunities are therefore available within reasonable walking distance or a short bus journey from the site

Paragraphs 96 and 97 of the Framework deal with decentralised and renewable energy supply. The aim is to secure a proportion of predicted energy requirements for new developments from decentralised and renewable or low carbon sources. This could be dealt with by condition in the interests of sustainable development.

### ***Highways***

#### **Highway Safety**

The accident data has been considered and it is agreed between the Strategic Highways Manager and the Applicant that there are no existing highway safety issues along the site frontage with Holmes Chapel Road.

It is also agreed that the visibility attributes and operation of the residential driveways located opposite the site along the northern edge of Holmes Chapel Road (as mentioned in the highway officer's consultation response) are not of concern.

#### Site Access

It is agreed that the simple priority form of junctions and achievable visibility splays which provide 160m lateral visibility along the section of Holmes Chapel Road which is subject to a 50 mph speed limit and 120m lateral visibility along 40 mph sections are acceptable.

The locations of the two proposed site accesses as shown in the "Development Framework" plan submitted as part of the planning application (Ref: 5912-L-03 rev E) are acceptable.

There are no highway capacity issues with regards to the proposed site junctions.

#### Baseline Traffic Conditions

It is agreed that the baseline traffic conditions set out in the transport assessment submitted alongside the application "Proposed Residential Development, Holmes Chapel Road, Congleton, Transport Assessment", 18 December 2013, A084622 are acceptable.

The committed developments set out in the transport assessment and listed below for ease of reference represent the known committed development traffic at the time of the application.

- Albany Mill, Canal Street, Congleton (residential, 43 units)
- Bath Vale Works, Bath Vale Congleton (residential, 130 units)
- Bossons Mill I Brooks Mill, Congleton (residential, 60 units)
- Danebridge and Providence Mills, Congleton (residential, + 15 units)
- Loachbrook Farm, Congleton (residential, 200 units)
- Congleton Business Park extension (office, +6,436 sq m)

It is agreed that traffic associated with these committed developments should be included in future forecasts to recognise traffic growth from development.

#### Traffic Distribution

It is agreed between the Strategic Highways Manager and the developer that the traffic distribution as adopted in the submitted transport assessment is acceptable to assess the impact of development traffic.

#### Traffic Impact

The Local Highway Authority previously had concerns with respect to traffic impact on the A34 corridor and have undertaken further modelling work using VISSIM. The Highways

Department have now received the results of the traffic impact on the Waggon & Horses junction through assessment via the Authority VISSIM micro-simulation model.

The results show that the impact on queue lengths is non-material and therefore the Head of Strategic Infrastructure withdraws his objection to this aspect of the development traffic generation and this resolves all of the highway and transportation issues which were originally flagged up for this development proposal. Furthermore, the highways department do not believe that there are grounds for an infrastructure contribution to the A34 corridor against this development proposal on the strength of the VISSIM results and consider that such a contribution would not be CIL compliant. However, a contribution of £20K for bus stop improvements is considered to be necessary and has been included within the Statement of Common Ground on highways matters submitted with the related appeal.

It is agreed that traffic impact arising from the development at all other areas of the local highway network is acceptable.

On this basis, it is considered that all of the previous highway concerns have now been overcome.

### ***Trees & Hedges***

The Council's Landscape Officer examined the proposals and commented that discrepancies in respect of access points appear to have been clarified with two similar points shown on Tree retention plan detailed access figure 4 ref. 5912-A-04 and Hourigan Connolly Proposed Access plan 3.2 A

Plan 5912-A-04 appears to indicate that the two proposed access points and associated visibility splays whilst requiring removal of sections of roadside hedge, would not require the removal of trees. On the plan, the proposed combined footway/cycle way has been set back further into the site than indicated previously. The covering letter suggests the cycle /footway can be secured at reserved matters stage and that if required with the proposed landscape buffer, no dig construction could be used in the root protection area of retained trees. If this element of the layout is not to be determined at this stage, full details would have to be given careful consideration at reserved matters stage. Evidence provided confirms that the roadside hedge and a hedge running at right angles to the road both qualify as ' Important' under the Hedgerow Regulations 1997 due to historic value.

In this case, it is the historic line of the hedgerow which is considered to be important rather than the species within it or the habitat which it creates. It is acknowledged that only sections of the hedgerow need to be removed, and that, as its line follows that of the road, it could still be traced in the landscape following the implementation of the development. Notwithstanding this point, there are no overriding reasons for allowing the development and it is considered that there are suitable alternatives for accommodating the necessary housing supply. Therefore, the development fails to comply with all of the tests within Policy NR3 and it is a material consideration which weighs against the proposal in the overall planning balance.

## **ECONOMIC SUSTAINABILITY**

### ***Supporting Jobs and Enterprise***

The economic benefits of the development include, maintaining a flexible and responsive supply of land for housing, business and community uses as well as bringing direct and indirect economic benefits to the town including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

Similarly, the NPPF makes it clear that:

*“the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.”*

According to paragraphs 19 to 21:

*“Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century. Investment in business should not be overburdened by the combined requirements of planning policy expectations.”*

### **Agricultural land**

It is noted that Policy NR8 (Agricultural Land) of the Congleton Borough Local Plan has not been saved. Policy SE2 of the Submission Version of the Local Plan concerns the efficient use of land and states that development should safeguard natural resources including agricultural land.

In addition, the National Planning Policy Framework, states that:

*“where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality”.*

A survey has been provided to by the applicant which indicates that the entire 3.9 hectares of the site is Best and Most Versatile Agricultural land. Previous Appeal decisions make it clear that in situations where authorities have been unable to demonstrate a 5 year supply of housing, the need for housing land outweighs the loss of agricultural land. The loss of the agricultural land makes the scheme less sustainable and the proposal is therefore contrary to policy SE2 of the emerging local plan and the provisions of the NPPF in respect of loss of agricultural land.

However, taking account of the planning balance in respect of the weight that has been attached to the loss of agricultural land in other appeal decisions it is not considered that there would be sufficient justification to maintain the reason for refusal applied to the previous applications as outlined above.

### **Section 106 Agreement / Community Infrastructure 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.

As explained above, the ecological mitigation, POS and children's play space is a requirement of the Local Plan Policy. It is necessary to secure these works and a scheme of management for the open space and children's play space is needed to maintain these areas in perpetuity.

The proposal would have an impact upon capacity of the local public transport network which would require an engineered solution in the form of bus stop improvements. It is considered that any financial contribution to address the capacity issues within the local transport network would be fairly and reasonably related to the impact of this development, as is a contribution to replace the existing puffin on Holmes Chapel Road with a toucan to allow for greater use by cyclists and residents from the development.

On this basis S106 financial contributions to Health Infrastructure, and highways mitigation is compliant with the CIL Regulations 2010.

## **Planning Balance and Conclusion**

The proposal is contrary to development plan policies PS8 (Open Countryside) GR5 (Landscape) and NR3 (Nature Conservation) and therefore the statutory presumption is against the proposal unless material considerations indicate otherwise.

The most important material consideration in this case is the NPPF which 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.

The development plan is not "absent" or "silent". The relevant policies are not out of date because they are not time expired and they are consistent with the "framework" and the emerging local plan. Policy GR5 is not a housing land supply policy. However, Policy PS8, whilst not principally a policy for the supply of housing, (its primary purpose is protection of intrinsic character and beauty of the countryside,) it is acknowledged has the effect of restricting the supply of housing. Therefore, where a 5 year supply cannot be demonstrated, Policy PS8 can be considered to be out of date in terms of its geographical extent and the boundaries of the area which it covers will need to "flex" in some locations in order to provide for housing land requirements. Consequently the application must be considered in the context of paragraph 14 of the Framework

In this case, the development would provide market and affordable housing to meet an acknowledged shortfall. The proposal would also have some economic benefits in terms of jobs in construction, spending within the construction industry supply chain and spending by future residents in local shops.

Balanced against these benefits must be the loss of a significant area of best and most versatile agricultural land. All of the site will be lost from agriculture, whether built upon or subject to open space. However, much of Cheshire East comprises best and most versatile land and use of such areas will be necessary if an adequate supply of housing land is to be provided. Furthermore, previous Inspectors have attached very limited weight to this issue in the overall planning balance.

The proposals would also result in the loss of part of an important hedgerow, although only a small gap would need to be created in order to form the access and the historic line could still be traced in the landscape, provided that the footpath and cycleway were constructed behind the hedge. This could be secured by condition.

As with agricultural land, in similar cases at Appeal, Inspectors, whilst concluding that the loss of important hedgerows goes against proposals in the overall planning balance, have not found this issue to be determinative.

Previous highways and tree concerns have now been resolved and can be addressed through appropriate conditions, and it is no longer considered that these provide sustainable reasons for refusal.

It is also necessary to consider the negative effects of this incursion into Open Countryside by built development effects that would be all the more marked in the locality given the conclusions of the Landscape officer. Nevertheless, the change in the housing land supply position significantly alters the way in which this should be viewed in the overall planning balance, and it is not considered that this is sufficient, either individually or when taken cumulatively with the other negative aspects of the scheme to be sufficient to outweigh the benefits in terms of housing land supply in the overall planning balance.

On the basis of the above, it is considered that the adverse effects of the scheme do not significantly and demonstrably outweigh the benefits and that the proposal represents sustainable development. Accordingly it is recommended for approval subject to the imposition of appropriate conditions and the necessary Section 106 contributions.

Given that the consultation period expires on the day of the Strategic Planning Board meeting (21<sup>st</sup> January 2015) it is recommended that power be delegated to the Principal Planning Manager, in consultation with the Chairman and Vice Chairman to approve the application subject to the consultation responses not raising any new issues.

## **RECOMMENDATION**

**Delegate to Principal Planning Manager in consultation with the Chairman and Vice Chairman to Approve subject to Section 106 Agreement to secure:**

- **Affordable housing:**

- 30% of all dwellings to be affordable (65% social or affordable rented and 35% intermediate tenure)
  - A mix of 1, 2 , 3 bedroom and other sized properties to be determined at reserved matters
  - units to 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.
  - constructed in accordance with the Homes and Communities Agency Design and Quality Standards (2007) and should achieve at least Level 3 of the Code for Sustainable Homes (2007).
  - no more than 50% of the open market dwellings are to be occupied unless all the affordable housing has been provided, with the exception that the percentage of open market dwellings that can be occupied can be increased to 80% if the affordable housing has a high degree of pepper-potting and the development is phased.
  - developer undertakes to provide the social or affordable rented units through a Registered Provider who are registered with the Homes and Communities Agency to provide social housing.
- Provision of minimum of 1680m2sqm and of shared recreational open space and children's play space to include a LEAP with 5 pieces of equipment
    - Private residents management company to maintain all on-site open space, including footpaths and habitat creation area in perpetuity
  - Commuted Sum payment in lieu of health related provision in accordance with the NHS Health Delivery Plan for Congleton of £68,000.
  - Highways contribution of £20,000 towards provision of a bus stop
  - Commuted sum of £40000 to upgrade existing Puffin Crossing to Toucan Crossing

and the following Conditions.

1. Standard Time limit
2. Standard Outline
3. Submission of Reserved Matters
4. Approved Plans
5. Submission, approval and implementation of details of existing and proposed ground levels
6. Submission, approval and implementation of details of materials
7. Submission, approval and implementation of scheme of surface water drainage
8. Submission, approval and implementation of scheme to manage overland flow
9. Submission, approval and implementation of scheme of foul water drainage
10. Submission, approval and implementation of Phase II contaminated land investigation

- 11. Submission, approval and implementation of Environmental (Construction) Management Plan**
- 12. Submission, approval and implementation of Travel Plan**
- 13. Submission, approval and implementation of electric vehicle infrastructure**
- 14. Submission, approval and implementation of scheme of noise mitigation**
- 15. Submission, approval and implementation of Noise Validation Test & Attenuation**
- 16. Submission, approval and implementation of 8m buffers zone along waterbodies**
- 17. Submission, approval and implementation of breeding bird survey prior to any works in nesting season, scheme for eradication of Himalyan Balsam.**
- 18. Submission, approval and implementation of features for use by breeding birds**
- 19. Reserved Matters to make provision for hedge replanting**
- 20. Submission, approval and implementation of scheme of tree protection / arboricultural method statement**
- 21. Submission, approval and implementation of open space scheme with first reserved matters**
- 22. Submission, approval and implementation of maintenance plan for open space**
- 23. Submission, approval and implementation of scheme of bin storage**
- 24. Submission, approval and implementation of details of boundary treatment**

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