

Application No: 14/4130C

Location: LAND ADJACENT MANOR LANE, MANOR LANE, HOLMES CHAPEL

Proposal: Development of 24 dwellings with associated landscaping and access.

Applicant: Property Capital Plc and Mr and Mrs L Bu

Expiry Date: 10-Dec-2014

SUMMARY:

The proposal is situated within the Open Countryside and is therefore contrary to development plan policies PS8 and H6 (Open Countryside) 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, which has been accepted in recent appeals.

The proposal is considered to be sustainable both locationally and in the context of the social, economic and environmental dimensions of sustainability. It will assist the Council's 5 year housing land supply position and will promote economic growth. It is the view of officers that these considerations outweigh the site's conflict with adopted local plan and limited impact on the nearby grade II listed Marsh Hall. Furthermore, it is considered that any harm arising from these issues would not be substantial or demonstrable, and therefore the presumption in favour of development, under paragraph 14 of the NPPF applies.

The proposal is acceptable in terms of its impact on Jodrell Bank, highways and residential amenity. The affordable housing requirement and public open space requirements are met by the proposals through on site provision and financial contributions. The design and layout is also considered to be acceptable and will respect the character and appearance of the surrounding area. The proposal will be acceptable in terms of its impact on ecology, trees and landscape. It will also assist in meeting local affordable housing needs subject to conditions and a S106 agreement to mitigate the relevant impacts.

RECOMMENDATION:

APPROVE subject to conditions and S106 Agreement

PREVIOUS MEETING

At the last meeting of 4th March 2015, Members resolved to defer this application to seek a more detailed explanation as to why there were no contributions requested by NHS England and the Council's Education Department.

Healthcare:

Since the last meeting, NHS England has reiterated that they do not seek any contributions from this development proposal. NHS England has stated that they only wish to seek contributions from larger schemes where the impact on local healthcare provision is greater and therefore a case can be made that any financial contributions are necessary and reasonably related to the development to be permitted.

NHS England is undertaking a premises review and formulating a 'primary care premises strategy' going forward for Cheshire. Once this has been formulated, this will provide the basis for seeking contributions from housing developments where there is a need to mitigate any impacts generated by a development. However, at this moment in time, there is no definite development practice in place in order to justify contributions from small developments such as this one.

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010, it has to be demonstrated that any contributions are fairly and reasonably related in scale and kind to the development. NHS England has confirmed that they have no evidential basis to request contributions from this small scale development. As such, any requests would be unreasonable and would fail the tests outlined in the CIL Regulations.

Education:

With respect to the impact that the proposal would have on local education provision, the Council's Education Department has provided some further information. The proposed development of 24 houses is expected to generate 4 primary and 3 secondary children.

The primary schools within a 2 mile radius from the development that were assessed were Brereton, Goostrey, Hermitage and Holmes Chapel. Forecasts indicate a cumulative surplus of 76 primary places by 2019. The approved development sites impacting on these schools currently totals 55 pupils. Therefore, a cumulative surplus remains for primary provision in the area.

In terms of secondary provision, Holmes Chapel Comp would serve the proposed development. Forecasts indicate a surplus of 96 places at Holmes Chapel Comp by 2020. Approved development sites total 43 pupils therefore, a surplus remains for secondary provision.

Consequently, there is sufficient capacity within the local schools to absorb the children generated by this development as well as other developments which have been approved

Jodrell Bank:

Members questioned the impact on Jodrell Bank. The site lies approximately 3 ½ miles from the telescope and is within the “outer zone” for consultation.

Jodrell Bank (Manchester University) has been consulted and they have not commented on the application. Members will be aware, from other applications, that when Jodrell Bank does have concerns about the impact of a development proposal they do make representations. The site lies adjacent to a larger housing scheme that is under construction. Jodrell Bank raised no objections to that scheme subject to a condition for electromagnetic screening. The same principle is being applied to this scheme, with the same conditions proposed. As such it is considered that the Jodrell Bank telescope will be adequately safeguarded and there is no evidence to the contrary.

This update report therefore deals with the additional queries raised by Members and supplements the original report below. The recommendation remains one of approval subject to conditions and the completion of a s106 legal agreement.

PROPOSAL:

The application seeks full planning permission for the erection of 24 houses with associated landscaping and access at land adjacent to Manor Lane, Holmes Chapel.

SITE DESCRIPTION:

The application site comprises 1.15ha of greenfield land, located on the eastern side of Holmes Chapel Village. The site is broadly rectangular in shape and is bound along the south-western boundary by Marsh Lane and the western boundary by Manor Lane. On the opposite side of Manor Lane to the west, there is a small commercial / trading estate (referred to as ‘The Clocktower’) and to the south is the recently established residential development which occupies part of the former Fison’s site. There is an agricultural field to the north of the site. To the south/east there are 2 residential properties beyond which there are fields.

One of the said properties to the south (Marsh Hall) is Grade II listed and abuts the south-eastern corner of the site.

The application site is positioned just outside of the settlement boundary of Holmes Chapel and as such is within Open Countryside as designated in the adopted Congleton Borough Local Plan First Review (2005).

RELEVANT HISTORY:

06/0332/OUT – Construction of 38 affordable houses and 12 affordable apartments and associated access parking and landscaping. All houses 2 storey with 3 storey apartments – Refused 31-May-2006

NATIONAL & LOCAL POLICY

National Policy:

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs 7, 14, 17, 34, 47, 49 and 55.

Development Plan:

The Development Plan for this area is the adopted Congleton Borough Local Plan First Review (2005), which allocates the site within Open Countryside under Policy PS8.

The relevant Saved Policies are: -

- PS8 Open Countryside
- NR4 Non-statutory sites
- GR1 New Development
- GR2 Design
- GR3 Residential Development
- GR5 Landscaping
- GR9 Accessibility, servicing and provision of parking
- GR14 Cycling Measures
- GR15 Pedestrian Measures
- GR17 Car parking
- GR18 Traffic Generation
- BH4 Listed Building Effect of Proposals
- BH5 Listed Building Effect of Proposals
- NR1 Trees and Woodland
- NR3 Habitats
- NR5 Habitats
- H2 Provision of New Housing Development
- H6 Residential Development in the Open countryside
- H13 Affordable Housing and low cost housing

The relevant saved Local Plan policies are consistent with the NPPF and should be given full weight.

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

- Policy SD 1 Sustainable Development in Cheshire East
- Policy SD 2 Sustainable Development Principles
- Policy SE 1 Design
- Policy SE 3 Biodiversity and Geodiversity
- Policy SE 5 Trees, Hedgerows and Woodland
- Policy SE 9 Energy Efficient Development
- Policy IN 1 Infrastructure
- Policy IN 2 Developer Contributions
- Policy PG 1 Overall Development Strategy

Policy PG 2 Settlement Hierarchy
Policy PG 5 Open Countryside
Policy SC 4 Residential Mix

Supplementary Planning Documents:

Interim Planning Statement: Affordable Housing (Feb 2011)
North West Sustainability Checklist

CONSULTATIONS:

Highways:

No objection subject to conditions.

Environmental Protection:

No objection subject to conditions relating to hours of construction / piling, dust control, submission of an environmental management plan and air quality measures.

Jodrell Bank:

No comments received

United Utilities:

No objection provided that the site is drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

Environment Agency:

No objection

Flood Risk Manager:

No objection

Natural England:

No objection

Sustran:

If this land use is approved, the following comments are made:

- 1) As the proposed roundabout is on Marsh Lane, an A road, we would like to see crossing facilities for pedestrians/cyclists included in the design of the junction
- 2) Can the development make a small contribution to traffic management measures on Marsh Lane/Station Road toward Holmes Chapel centre?

- 3) We would like to see secure and conveniently sited cycle parking provided for those smaller properties without garages
- 4) We would like to see travel planning set up for the site with targets, monitoring and with a sense of purpose

VIEWS OF THE PARISH COUNCIL

Holmes Chapel Parish Council:

Object on the grounds that:

- 1) this is a green field site
- 2) outside the settlement zone
- 3) the local housing quota has already been exceeded
- 4) the development is in the immediate vicinity of a listed building

REPRESENTATIONS:

Representations have been made by 9 properties objecting to this application on the following grounds:

- This is a Greenfield site in Open Countryside outside of the village boundary
- There are Brownfield sites which should be used
- Site is not in the new 5 year local plan
- Holmes Chapel has already exceed its quota of housing
- Proposal will open the floodgates and spoil the Village
- Already too much development in Holmes Chapel
- Local service and amenities area already stretched to capacity (health centre/schools/leisure facilities)
- Traffic and parking is becoming dangerous
- No pedestrian crossings
- Increase in population is affecting local businesses
- Lack of consultation
- Loss of agricultural land
- Density of development too much and harmful
- Site is in vicinity of a listed building

APPRAISAL:

The key issues are:

Principle of Development
Design Considerations
Impact on Heritage Asset
Affordable Housing
Trees & Landscape
Highways
Residential Amenity
Ecology
Jodrell Bank

Principle of Development

The site lies outside of the Holmes Chapel settlement zone line as shown on the local plan map. Consequently the proposal represents a departure from adopted local plan policy.

Sec.38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications and appeals must be determined “*in accordance with the plan unless material considerations indicate otherwise*”. The most important consideration in this case is the National Planning Policy Framework (NPPF).

(i) 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, our advice is that the Council is unable to robustly demonstrate a five year supply of housing land. Accordingly recommendations on planning applications will now reflect this position.

(ii) Open Countryside Policy

Countryside policies in existing local plans can be considered as consistent with NPPF and are not housing land supply policies in so far as their primary purpose is to protect the intrinsic value of the countryside in accordance with paragraph 17 of the NPPF– and thus are not of date, even if a 5 year supply is not in evidence. However, it is acknowledged that where the Council cannot demonstrate a 5 year supply, they may be out of date in terms of their geographical extent, in that the effect of such policies is to restrict the supply of housing. 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.

Therefore, the proposal remains contrary to Open Countryside policy regardless of the 5 year housing land supply position in evidence at any particular time and a judgement must be made as to the value of the particular area of countryside in question and whether, in the event that a 5 year supply cannot be demonstrated, it is an area where the settlement boundary should be “flexed” in order to accommodate additional housing growth.

Consequently, the main issues in the consideration of this application are the sustainability of the site and whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits in terms of housing land supply.

(iii) Sustainability

Paragraph 34 of the NPPF states that decisions should ensure that developments that generate travel movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. 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.

In addressing sustainability, 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.”

The site is located on the easterly edge of Holmes Chapel Village. The village hosts a range of shops and local services including health care facilities, primary and secondary schools and also a range of public transport services serving the local and wider area. These include bus stops and the nearby Holmes Chapel Railway Station. Taking this into account, the site is considered to be in a sustainable location.

Locational factors and the carbon footprint associated with car borne travel are an important aspect of sustainability. However, the Framework advises that there are three interdependent

dimensions to sustainable development, these being economic, social and environmental. These include, meeting general and affordable housing need, reducing energy consumption through sustainable design, and assisting economic growth and development, which this proposal will help to do.

Having regard to the current housing land supply, the fact that this site is sustainably located, the economic growth and social benefits are considered, on balance, to outweigh the limited conflict with local plan policy in terms of the scale of development. Consequently, the adverse impacts are not considered to be significant or demonstrable and as such the principle of the development is found to be acceptable.

Design Considerations

The site occupies a prominent position on edge of Holmes Chapel with a decent frontage to Manor Lane. The site is also viewed within the context of the adjacent grade II listed Marsh Hall. Consequently, any development will need to be high quality in design terms and will need to address and respond appropriately to the setting of the listed building.

This scheme has been the subject of pre-application discussions with officers and has been amended and developed to minimise as far as practicable the impact on both the visual amenities of the area and the setting of the adjacent listed building (designated heritage asset).

In terms of design, the proposed scheme would see the introduction of a number of frontage units addressing the Manor Lane frontage wrapping part way round the corner where the site meets with Marsh Lane. The remaining units adjoining Marsh Lane would turn their backs onto Marsh lane but would make use of existing screen planting and would supplement it further thus softening views and allowing them to front the internal layout within the site.

The internal layout would comprise of an internal spine round taken off Manor Lane which would run parallel with the curvature of the corner of the site and allowing views to open up and terminate in the direction of the grade II listed Marsh Hall towards the south east corner of the site. This is aimed at framing Marsh Hall and together with a comprehensive planting scheme, would help to soften views of the listed building.

Section 12 of the Framework seeks to conserve and enhance the historic environment. In determining planning applications para 132 states that 'great weight should be given to the asset's conservation, depending on its significance.

The Council's Conservation Officer has confirmed that the proposal will have some harm to the setting of the designated heritage asset. However, it is considered that such harm would be minimised with time once the proposed landscape buffer establishes itself and owing to the fact that the nearest units (as amended) to the heritage asset would be more modest sized properties with cottage style like features and half dormers.

On this basis, it is considered that the proposals as indicated would not appear incongruous and the proposal would, when considering the benefits of sustainable development would offset any impacts to the setting of the adjacent grade II listed Marsh Hall given that such

harm has been limited as far as practicable. As such, the scheme is found to be acceptable in design terms and in terms of its impacts on a designated heritage asset.

Affordable Housing

The site falls within the Holmes Chapel Parish and is within the Holmes Chapel sub area for the purposes of the Strategic Housing Market Assessment (SHMA) update 2013. This identified a net requirement for 10 affordable homes per annum for the period 2013/14 – 2017/18. Broken down this is a requirement for 2x 1bd, 12x 3bd, 1x 4+bd general needs units and 4x 1bd older persons accommodation. There is an oversupply of 2 bed general needs and older persons accommodation.

In addition, information taken from Cheshire Homechoice shows there are currently 98 applicants registered who have selected the Holmes Chapel lettings area as their first choice. These applicants require 25x 1bd, 47x 2bd, 22x 3bd and 4x 4bd accommodation.

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.

The proposal is for 24 no. dwellings. This equates to a requirement for 7 affordable units in total on the site, with 4 to be provided as affordable or social rent and 3 as shared ownership. The applicant is offering 30% of the total units as affordable with a tenure split of 65% rented and 35% shared ownership. The Council's Strategic Housing Officer has confirmed that such provision is acceptable and in line with policy.

Trees and Landscape

The site has no landscape designations. Housing development on this site would obviously change the character of the site itself; however, given the context and the prominence of urban development adjacent to the site it is not considered that the proposal would not have any significant impacts on the character of the wider landscape or have any significant adverse visual impacts.

The submission includes a tree survey and arboricultural implications assessment and method statement with proposed tree protection measures. On the basis of the information provided and a site inspection, it appears that whilst some of the proposed units would come in close social proximity to certain specimens; they would not result harm to their amenity value or health and would ensure that they could be retained. In terms of hedgerows, there are none that would be considered to be 'important' under the Hedgerow Regulations and as such, the scheme is acceptable in this regard. As such, subject to protection measures and a

detailed landscaping scheme, which can be secured by condition, there are no landscape or tree issues.

Highways

The Head of Strategic Infrastructure (HSI - Highways) has examined the application and confirmed that the proposed access strategy has been the subject of discussions. Subsequently the speed limit has been reduced on this section of Manor Lane and this has made the access strategy more robust. The HSI has confirmed that the junction design and geometry meets required standards and the traffic generation from this small number of units is not a material consideration against national policy. In light of this, the HSI is satisfied with the scheme having regard to matters of highways safety. He considers that site can be satisfactorily served by the proposed access and the level of parking provision would be acceptable. As such, the scheme is deemed compliant with Local Plan Policy GR9.

Sustran have commented that they would wish to see a pedestrian crossing built into the junction with Manor Lane, a travel plan and whether contributions could be sought towards traffic management measurements. It is considered that the provision of such off the back of only 23 no. units would not be reasonably related or necessary to the size and scale of development to be permitted. This is supported by the lack of objection / recommendations from the Head of Strategic Infrastructure. Further comments have been made regarding the prospect of securing cycle parking, Given that the development is for the provision of private family dwellings, with ample private amenity space allocated to each unit, it is not considered necessary to require provision of cycle parking at this development. As such, the comments would not sustain a refusal.

Residential Amenity

Policy GR6 (Amenity and Health) of the Local Plan advises that the proposal should not have a detrimental impact upon neighbouring amenity by way of loss of privacy, loss of light or visual intrusion. The proposed layout would allow sufficient separation to be achieved between the proposed dwellings and the properties on the opposite side of Marsh Lane as well as Marsh Hall to the southeast. With regard to the proposed units within the site, the relationship between the proposed dwellings and spacing would be acceptable and would achieve a satisfactory standard of amenity for the future occupants. As such, the scheme is deemed to accord with policies GR6 and SPG2.

Public Open Space

Having calculated the existing amount of accessible Amenity Green Space (AGS) within 800m of the site and the existing number of houses which use it, 24 new homes does not generate a need for new AGS. However, heavily planted areas are being provided on site as part of buffer with the adjacent Marsh Hall and part of the site has a wetland/pond area located in it. For this reason it is recommended that a management company takes over the maintenance along with any buffer or boundary planting.

With respect to 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 for Children and Young Persons

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

Due to the small size of the proposed development, it is recommended that the development help to ease a qualitative deficit at Elm Drive (Bridge Farm) play area. This would help to meet the needs of the new development by enhancing the quantity/quality thus increasing the sites capacity. The Supporting Planning Statement 6.24 refers to pre application advice with the figure of £22,468.03. This was based on an average of 2.4 persons per dwelling in accordance with policy however revised figures in accordance with the housing schedule are shown below.

Applying the standards and formulae in the 2008 Guidance the Council would need £7,142.46 to upgrade Elm Drive. This would be spent on upgrading the equipment and infrastructure. The Council would also need a commuted sum of £23,468.00 to maintain the upgraded facilities over 25 years. Subject to this being secured under a S106 legal agreement, the proposal is found to be acceptable having regard to Public Open Space requirements.

Ecology

The application is supported by an Extended Phase 1 Habitat assessment. The Council's Nature Conservation Officer (NCO) has confirmed that the application site is of limited nature conservation value with the exception of 2 trees in the north-western extent of the site. The said trees have potential to support roosting bats. However, these features appear to be retained as part of the proposed development. Accordingly, it is considered that the proposed development would not harm species protected under the Wildlife and Countryside Act 1981.

Loss of 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".

The National Planning Policy Framework highlights that the use agricultural 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.

The applicant has submitted an agricultural land classification study which concludes that the site is an area of Grade 3a and 3b land (0.3ha and 0.8ha respectively). The land is not presently farmed and would only result in the loss of 0.3ha of the 'best and most versatile 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. Owing to the small loss and matters of housing need, the proposal is therefore considered to be in accordance with policy SE2 and the provisions of the NPPF in respect of loss of agricultural land

Jodrell Bank

The close proximity of the development to the existing urban environment and distance (over 3 miles) from the telescope limit the impact. The University of Manchester has not objected. Subject to an appropriate screening condition, it is considered any potential impact is appropriately mitigated.

Infrastructure – Education and Health Care

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.

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.'*

It is noted that during consideration of an application for residential development at a nearby site referred to as 'Saltersford Corner', the local Health Centre raised concerns that the Holmes Chapel Medical Centre is operating near capacity. Such concerns were validated and contributions were secured to towards the provision of health care within Holmes Chapel Medical Centre. However, comments have been received from NHS England confirming that they would not request any contributions from this development owing to its small size and scale. As such, no contributions are required towards health care provision.

S106 contributions Levy (CIL) Regulations:

Policy IN1 of the 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.

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 Council's Statagic Housing Officer, has advised that the proposed development will need to address a need for affordable housing by providing 7 units on site. Without such, the

scheme would exacerbate the need for affordable housing. Thus, the affordable housing requirement is necessary to meet an identified need and accords with the Council's IPS, and is directly and reasonably related to the scale of development.

Additionally, the proposed development would provide the requisite public open space contributions which would be necessary to offset the demands arising from the residents of the proposed development.

Subject to this, the scheme would be in compliance with the development plan and Policy IN1 of the Cheshire East Local Plan Strategy – Submission Version. The S106 recommendation is compliant with the CIL Regulations 2010.

Planning Balance & Conclusions

The proposal is contrary to development plan policies PS8 and H6 (Open Countryside) 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 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. Consequently the application must be considered in the context of paragraph 14 of the Framework, which states:

At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.....For decision taking means:

- *approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
 - n 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*
 - n specific policies in the Framework indicate development should be restricted.”*

It is therefore necessary to consider whether the proposal constitutes “sustainable development” in order to establish whether it benefits from the presumption under paragraph 14. The cases of Davis and Dartford have established that that “*it would be contrary to the fundamental principles of the NPPF if the presumption in favour of development, in paragraph 14, applied equally to sustainable and non-sustainable development. To do so would make a nonsense of Government policy on sustainable development*”. In order to do this, the decision maker must reach an overall conclusion, having evaluated the three aspects of sustainable

development described by the framework (economic, social and environmental) as to whether the positive attributes of the development outweighed the negative in order to reach an eventual judgment on the sustainability of the development proposal. However, the Dartford case makes clear that this should be done simultaneously with the consideration of whether “*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*” as required by paragraph 14 itself and not on a sequential basis or as a form of preliminary assessment.

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 negative effects of an incursion into Open Countryside and some adverse impact on the setting of the nearby listed building. However, this incursion and adverse impact would be limited and it is not considered that this is 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 proposal is acceptable subject to the imposition of appropriate conditions and the necessary Section 106 contributions.

RECOMMENDATION

APPROVE subject S106 Agreement making provision for:

Affordable Housing comprising:

- 7 units on site 4 for social rented and 3 for shared ownership

Public Open Space comprising of:

- £7,142.46 to upgrade Elm Drive and £23,468.00 towards future maintenance (25 years)
- Management company for onsite Amenity Green Space

* * * * *

In order to give proper effect to the Committee’s intentions and without changing the substance of the decision, authority is delegated to the Planning and Enforcement Manager, in consultation with the Chair (or in his absence the Vice Chair) of Northern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

Should this application be the subject of an appeal, authority be delegated to the Planning and Enforcement Manager in consultation with the Chairman of the Northern Planning Committee 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.

Application for Full Planning

RECOMMENDATION: Approve subject to a Section 106 Agreement and the following conditions

1. Standard time limit 3 years
2. Development to be carried out in accordance with approved plans
3. Submission / approval and implementation of scheme of electromagnetic screening
4. Submission / approval and implementation of environmental management plan
5. Hours of construction limited
6. Hours of piling limited
7. Accordance with submitted noise mitigation scheme
8. Submission / approval and implementation of scheme to minimise dust emissions
9. Foul drainage should be connected to foul sewer
10. Construction of approved access
11. Ecological mitigation to be carried out in accordance with submitted statement
12. Accordance with ecological mitigation
13. Bird breeding survey
14. Materials to be submitted and approved
15. Landscaping scheme to be submitted including management details and boundary treatments
16. Landscaping implementation
17. Tree protection scheme
18. Arboricultural Method Statement
19. Submission of plan showing refuse vehicle tracking
20. Submission of a suite of design and construction plans which will include for the proposed tactile paving on Manor Lane and 2 metre service strips
21. Submission of details of any external lighting
22. Removal of permitted development rights Classes A-E

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