

Application No: 14/5921C

Location: Land Off, LONDON ROAD, HOLMES CHAPEL

Proposal: A mixed use development including residential and commercial

Applicant: Gladman Developments Ltd

Expiry Date: 25-Mar-2015

SUMMARY

The proposed development would be contrary to Policy PS8 and H6 and the development would result in a loss of open countryside. However as Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites and the presumption in favour of sustainable development applies at paragraph 14 of the Framework where it states that LPA's should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

The development would provide benefits in terms of affordable housing provision, delivery of housing, POS provision and significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in Holmes Chapel.

The development would have a neutral impact on education, trees and hedgerows, protected species/ecology, residential amenity, noise, air quality and contaminated land.

The adverse impacts of the development would be the loss of open countryside and the resultant significant adverse visual impact of the proposal on the character and appearance of the area, including on the intrinsic character and beauty of the countryside, the adverse impact on users of the existing public footpaths on and adjacent to the site, the potential adverse impact of the proposal on the surrounding highway network and the adverse impact of future occupiers of the site being largely car dependent.

In this case it is considered that the adverse impacts of the development would significantly and demonstrably outweigh the benefits of the development. As such the application is recommended for refusal. In reaching this conclusion, regard has been had to a recent appeal decision on land off Audlem Road/Broad Lane, Stapeley where an Inspectors decision was overturned by the Secretary of State due to concerns regarding otherwise unacceptable development being allowed on a piecemeal basis until such time that the Council's true picture on housing land supply has been established through the Cheshire East Local Plan (CELP). It is considered that even if it is concluded

through the CELP that additional commercial and residential development is required in this area, for the reasons set out in this report the application site is not the most appropriate site for this type of development.

RECOMMENDATION

Refuse

PROPOSAL

Outline planning permission is being sought for a mixed use development on a site of 16.02 hectares of up to 190 dwellings (including a minimum of 30% affordable housing) and 0.8 hectares of employment land with a maximum floor area of 350 sq metres of use class B1 commercial space. All matters are reserved except access. Two access points are proposed off London Road, one to serve the residential development and one to serve the commercial development. Main access routes within the residential development are also indicated on the submitted masterplan.

Associated development of a playing field (0.22 Ha), a small play area (0.04 Ha), an attenuation pond (1,966 sq metres), proposed public open space (4.51 Ha), proposed nature reserve and retained woodland (2.7 Ha), circular footpath link around the site and buffer planting and habitat areas are also proposed.

The Design & Access Statement indicates that the housing would be mixed, between 2 and 5 bedrooms comprising of a range of house types (single and two storey) from linked town houses to detached properties. The commercial development is likely to be two storey, up to a maximum of three storey.

SITE DESCRIPTION

The application site measures 16.02 hectares and is located to the south of the settlement boundary of Holmes Chapel, in the parish of Brereton. It is located immediately to the west of London Road, with its eastern boundary running parallel with the road for a distance of approximately 500m. The northernmost part of the site is located opposite Sanofi Aventis, and south of existing and proposed residential development. The western and southern boundaries of the site adjoin open countryside, with some sporadic residential and commercial development within the vicinity. The railway line runs in a north-easterly, south-westerly alignment to the north/west of the site. The site is within open countryside as defined by the Congleton Borough Local Plan.

The site is made up of large, relatively flat and open agricultural fields, with existing hedgerows located along the site boundaries and within the fields. Public footpaths are located to the north and south with one running through the site along its western boundary. An existing pond is located within the site.

RELEVANT HISTORY

Application site

None relevant.

Adjacent sites

14/5834C – Full planning for 10 dwellings – not yet determined.

12/0036C – Full planning construction of 18 new affordable two and three bedroom houses – appeal allowed.

NATIONAL & LOCAL POLICY

National Policy

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

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

50. Wide choice of quality homes

56-68. Requiring good design

Development Plan

The Development Plan for this area is the Congleton Borough Local Plan First Review 2005, which allocates the site, under policy PS8, as open countryside.

The relevant Saved Policies are:

PS3 – Settlement Hierarchy

PS8 - Open Countryside

GR21- Flood Prevention

GR1- New Development

GR2 – Design

GR3 - Residential Development

GR4 – Landscaping

GR5 – Landscaping

GR9 - Accessibility, servicing and provision of parking

GR14 - Cycling Measures

GR15 - Pedestrian Measures

GR16 - Footpaths Bridleway and Cycleway Networks

GR17 - Car parking

GR18 - Traffic Generation

NR1 - Trees and Woodland

NR3 – Habitats

NR4 - Non-statutory sites

NR5 – Habitats

H2 - Provision of New Housing Development

H6 - Residential Development in the Open countryside

H13 - Affordable Housing and Low Cost Housing

The 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:

PG2 – Settlement Hierarchy
PG5 - Open Countryside
PG6 – Spatial Distribution of Development
SC4 – Residential Mix
CO1 Sustainable Travel and Transport
CO4 – Travel Plans and Transport Assessments
SC5 – Affordable Homes
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE 1 Design
SE 2 Efficient Use of Land
SE 3 Biodiversity and Geodiversity
SE 4 The Landscape
SE 5 Trees, Hedgerows and Woodland
SE 6 – Green Infrastructure
SE 8 – Renewable and Low Carbon Energy
SE 9 – Energy Efficient Development
SE 13 Flood Risk and Water Management
IN1 – Infrastructure
IN2 – Developer Contributions

Other Material Considerations:

The EC Habitats Directive 1992
Conservation of Habitats & Species Regulations 2010
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System
Interim Planning Statement Affordable Housing
Interim Planning Statement Release of Housing Land
Brereton Neighbourhood Plan
Holmes Chapel Neighbourhood Plan

CONSULTATIONS

Strategic Highways Manager: concern raised regarding the submitted highways information as it fails to demonstrate that the development could take place without a severe impact on the surrounding highway network. In the absence of sufficient information being received, recommend refusal on highways grounds.

Environment Agency: refer to standing advice.

CE Flood Risk Manager: comments awaited.

United Utilities: no objection subject to the imposition of a drainage condition.

Environmental Health: no objection subject to conditions.

Jodrell Bank: no objection subject to the incorporation of materials to reduce electromagnetic interference.

Ansa (Public Open Space): comments awaited.

Natural England: no objections.

Countryside Access Team/PROW: no objection in principle but various works are required/suggested in order to improve accessibility on/near the site, some of which would require conditions and commuted sums to be secured via a S106 agreement.

Regeneration: phasing condition would be required to ensure that commercial development was phased to be constructed at the start of the development.

Education: commuted sums required to provide for school places generated by the development to be secured via a S106 agreement.

NHS: no comment.

Housing: no objections having regard to the fact that 30% affordable housing is proposed.

Ramblers Association: comments awaited.

VIEWS OF THE PARISH COUNCIL

Brereton Parish Council: request deferral of the application until June to allow officers and Members to familiarise themselves with policies in the emerging Brereton Neighbourhood Plan. Notwithstanding the above, the following points have also been raised in objection:

- Site is in Brereton and not Holmes Chapel
- Lack of consultation with residents of Brereton
- Would represent a 40% increase in housing in Brereton
- Proposal not in conformity with the development plan – site is in open countryside
- Site is greenfield not previously developed land
- Proposal does not encourage safe and sustainable forms of access to facilities in Brereton Parish
- No cycle path along the A50
- Footpath along the A50 not suitable for safe use by pedestrians, wheelchair users or pushchairs
- Existing footpath does not cover full distance
- No controlled crossing of A50
- Contrary to NPPF
- Approval would undermine the plan making process
- Contrary to emerging local plan

Holmes Chapel Parish Council: oppose for the following reasons:

- Dependent on the infrastructure of Holmes Chapel
- Concern that the capacity of the sewers and drains are unable to cope with any more development. Surface water drainage may also be an issue.
- CEC have acknowledged that the forecast of school numbers may not be accurate. Providing a one-off sum of money to schools is inadequate.
- Although technically in Brereton Parish, the proposed development is a considerable distance from Brereton village and is contiguous with the developed area of Holmes Chapel. It represents an unplanned de facto increase in the settlement zone of Holmes Chapel.
- The emerging CEC Local Plan (2010-2030) suggests that as a Local Service Centre, Holmes Chapel's new housing allocation should be 273 homes. The inspector has not challenged the settlement hierarchy used to allocated housing needs. Existing planning permissions amount to 618 dwellings. This application would increase the number of planned dwelling to nearly 800. Although the Cheshire East Local Plan has yet to be approved it is inconceivable that any changes would require an increase in Holmes Chapel's allocation of this magnitude.
- Contrary to the emerging Neighbourhood Plans of Holmes Chapel and Brereton
- Contrary to H6 and PS8 (in open countryside) in the NPPF
- Not considered a sustainable site in the Cheshire East SHLAA (ref 4121)
- Not balanced by any employment opportunity, therefore will require residents to travel non-sustainable distances.

REPRESENTATIONS

55 representations have been received in relation to the application, objecting to the proposal. The main points raised in representation are summarised below:

- Concern about impact on local facilities e.g. schools and doctors, which are already oversubscribed;
- Impact on traffic in the area;
- Contrary to Neighbourhood Plan;
- Unsuitable and unsustainable development;
- Development will be reliant on the use of cars;
- Empty commercial units on Manor Lane so why more commercial units proposed?;
- Not part of the Local Plan;
- Little/no consultation with local residents, particularly those in Brereton;
- Increased pollution;
- Will blur the gap between Holmes Chapel and Brereton;
- Development not typical of the area;
- Hazardous access;
- Impact on listed Brereton Hall;
- Located in open countryside/Green Belt;
- Loss of natural habitat;
- Removal of trees and hedgerows;

- No need for the development;
- Development does not reflect good design;
- Development should be on brownfield sites not greenfield;
- Increased traffic on Mill Lane

Additionally a letter has been received from Fiona Bruce MP objecting to the proposal due to concerns regarding highways, healthcare provision, schools and the prematurity of the proposal in light of the emerging Brereton Neighbourhood Plan.

APPLICANTS SUPPORTING INFORMATION

The following documents have been submitted in support of the application:

- Planning Statement
- Design & Access Statement
- Landscape and Visual Assessment
- Socio-Economic Report
- Transport Assessment
- Travel Plan
- Ecological Appraisal
- Great Crested Newt Survey Report
- Bat Survey Report
- Badger Survey Report
- Arboricultural Assessment
- Phase 1 Site Investigation Report
- Flood Risk Assessment
- Foul Drainage Analysis
- Air Quality Assessment
- Noise Assessment
- Archaeology Report
- Statement of Community Involvement
- Agricultural Land Use & Soil Quality

APPRAISAL

The key issues are:

- Principle of the development
- Loss of open countryside
- Landscape and visual impact
- Highway safety
- Impact upon nature conservation interests
- Amenity of neighbouring property
- Impact upon local infrastructure

Principle of Development/loss of open countryside

The site is located in the Open Countryside as designated by the Congleton Borough Local Plan 2005, where policies PS8 and H6 state that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Residential development will be restricted to agricultural workers dwellings, affordable housing and limited infilling within built up frontages.

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

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

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 sites 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.

SOCIAL SUSTAINABILITY

Affordable Housing

The application proposes that either 30% of the dwellings to be provided on site would be affordable or as an alternative 20% could be provided on site with an additional 15% to be provided off site.

In line with the Council's Interim Planning Statement on Affordable Housing, the general minimum proportion of affordable housing for any site will normally be 30%. The preferred tenure split for affordable housing identified in the SHMA 2010 was 65% affordable or social rented and 35% intermediate tenure.

The applicant has stated in their accompanying Planning Statement that 30% of the dwellings will be affordable equating to up to 57 units, provided as 37 rented and 20 intermediate tenure units. On this basis the Council's Housing department raise no objections to the proposal. Whilst the off site provision of affordable housing is acceptable under some circumstances, it is not considered that in this case there is enough information regarding the proposed on/off site mix to properly assess that alternative proposal.

The applicants are proposing that the proposed affordable housing be secured by condition. However, the Council's normal approach is to secure affordable housing by way of a S106 agreement.

Public Open Space

The submitted masterplan shows that areas of public open space (POS), a playing field, a small play area, a proposed nature reserve, a circular footpath link and buffer planting are proposed throughout the site. The Council's Greenspace Officer has been consulted on the application, but to date no comments have been received on the proposal and the amount/type of public open space proposed. Any comments received prior to committee will be provided as an update.

Education

The Council's education department has been consulted on the application and advise that a development of up to 190 dwellings with no bedroom information provided would be expected to generate 36 primary aged pupils and 29 secondary aged pupils.

Forecasts indicate that the primary schools local to this development are filling up over the period of the forecasts with a low of 59 unfilled places over the period. Based on planning approvals which impact on these local schools the education service considers that 36 of these places have already been allocated to other developments (with a further 4 to be considered in the Manor Lane application going to Northern planning committee on 1 April). This will leave 19 unfilled places. On this basis a contribution will be required for the 17 pupils which cannot be accommodated in the local schools.

$17 \times 11919 \times 0.91 = \text{£}184,387.$

Forecasts for secondary school provision in the local area fluctuate over the forecasts with a low of 52 unfilled places over the period. Based on planning approvals which impact on the local secondary school the service considers that 26 of these places have already been allocated to other developments (with a further 3 to be considered in the Manor Lane application going to Northern planning committee on 1 April). This will leave 23 unfilled places. On this basis a contribution will be required for the 6 pupils which cannot be accommodated.

$$6 \times 17959 \times 0.91 = \text{£}98,056$$

S106 contribution required for the impact on local primary and secondary education £282,443.

Health

Comments received in representation have raised concerns regarding the pressure on existing local health facilities. The NHS was consulted on the application but declined to comment. Recent appeal decisions have accepted that new developments can have an impact on health infrastructure. However, in the absence of specific schemes Inspectors have concluded that there is insufficient evidence to justify any s106 contributions.

Location of the site

The submitted Planning Statement considers that the site is located within easy walking distance of a range of shops and community facilities in Holmes Chapel, including Holmes Chapel centre, the Victoria Sport and Social Club, Holmes Chapel Health Centre, Holmes Chapel Dental Practice, Holmes Chapel Primary School, Holmes Chapel Comprehensive School and Sixth Form College and the proposed Sainsburys Supermarket and Petrol Station which are all within a walking distance of 1.2m from the centre of the site. It is stated that the nearest bus stop is located approximately 700m to the north of the site on London Road. It is stated that the applicant is willing to enter into discussions with the Highways department regarding the potential of a new bus stop located closer to the main site access on London Road if required. The main bus service connects Holmes Chapel to Crewe and Congleton. Holmes Chapel railway station is located approximately 1100m from the site.

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 addition the emerging Cheshire East Plan provides a guide to the appropriate distances for access to services and amenities.

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 to the south of Holmes Chapel. However, even having regard to the applicant’s figures, the site is not considered to be located in a sustainable location having regard to access to services and facilities. In addition, given the sheer size and length of the site, some of the proposed dwellings would be even further away than the distances stated. Added to this is the fact that whilst there is a footpath along London Road, the road is relatively fast and busy and as such is likely to discourage use by pedestrians.

ENVIRONMENTAL SUSTAINABILITY

Residential Amenity

In general terms, given the nature of the surrounding area and the layout shown on the submitted masterplan, there are no significant concerns regarding the impact of the proposal on residential amenity. The only residential properties that are likely to be directly impacted on by the proposal is a pair of semis located on the opposite side of London Road, opposite the site of the proposed commercial units. However given the relative distances indicated between these properties and the proposed commercial units, subject to the height of the units not being excessive, it seems unlikely that the amenity of the occupiers of these properties would be significantly injured by the proposal.

The Environmental Health Officer has requested conditions in relation to noise, use restrictions on the commercial element, delivery/service vehicles/operating hours, a construction management plan, hours of construction, bin storage, slurry pit, low emission strategy, electric vehicle charging infrastructure, travel plan, dust control and contaminated land. These conditions would be attached to any planning permission.

Air Quality

An Air Quality Impact Assessment (AQIA) has been submitted with the application. It should be noted that the scope and assumptions made within the assessment have not been agreed with the Council’s Environmental Health department.

The site lies within 120m of the West Coast Mainline. The line through Holmes Chapel has been identified within Local Air Quality Management Technical Guidance LAQM.TG (09), as a line with a heavy traffic of diesel locomotive movements, the emissions of which can be equivalent to those of a busy road. As such, the line past the proposed development site needs to be assessed to ensure exposure for future residents remains below national limit values.

The report considers whether the development will result in increased exposure to airborne pollutants, particularly as a result of additional traffic and changes to traffic flows.

The proposed development is considered significant in that it is highly likely to change traffic patterns and congestion in the area.

In particular, the development has the potential to impact upon the Cranage M6 Air Quality Management Area (AQMA), declared as a result of breaches of the European Standard for nitrogen dioxide (NO₂).

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

The assessment uses ADMS Roads to model NO₂ and PM₁₀ impacts from the additional road traffic associated with this development and committed development in the vicinity.

With regards to PM₁₀ concentrations at existing receptors, it is predicted that there will be a negligible increase at all receptors modelled.

Impacts of NO₂ at existing receptors highlighted that there will be increased exposure at all receptors modelled, describing the impact as negligible. A number of receptors are within the Cranage AQMA. It is the view that any increase in concentrations within an AQMA is significant as it is directly converse to our local air quality objectives and the Air Quality Action Plan. The NPPG requires that development be in accordance with the Council's Air Quality Action Plan.

Taking into account the uncertainties associated with air quality 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. Therefore it is considered that mitigation should be sought in the form of direct measures to reduce the impact of traffic associated with the development.

Mitigation to reduce the impact of traffic pollution can range from hard measures (such as highway alterations or traffic signalling changes) to softer measures such as the provision of infrastructure designed to support low carbon (and low pollution vehicles).

To reflect increases in pollution levels, the report recommends a number of mitigation measure options. The mitigation measures described form the basis of a low emission strategy for the development.

It is recommended that there is an overall Low Emission Strategy for the development to show how low emission technologies can be incorporated into the design. These can include:

- Public transport links (including low emission public transport routes)
- Walking routes
- Cycle routes
- Provision for infrastructure for ultra low emission vehicles (public charging posts and provision on residential properties)
- Delivery vehicle euro standards
- Support for low emission car clubs

Following from this, the individual commercial unit should put suitable infrastructure and plans in place before occupation of the unit.

It is proposed that these issues be addressed by a condition requiring the submission of a low emission strategy.

Contaminated Land

The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. A condition would be attached to secure remediation of the site.

Highways

Access

The development would have two vehicular access points onto London Road.

Impact upon surrounding junctions

The relevant test contained within the NPPF states that

'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'

As previously advised, the Strategic Highways Manager (SHM) has been consulted on the application and has raised concerns regarding the supporting highways information submitted. In particular there is concern that it fails to demonstrate that the development could take place without a severe impact on the surrounding highway network. In the absence of sufficient information being received, the SHM recommends refusal of the application on highways grounds.

Trees and Hedgerows

Trees

An arboricultural report has been submitted with the application and the Council's tree officer has been consulted and has provided the following comments:

Supporting Arboricultural Documentation

The application is supported by an Arboricultural Assessment (FPCR dated October 2014 which includes an Impact Assessment (AIA), Tree Schedule, Tree Survey Plan (6068-A-02), Tree Retention Plan (6068-a-03) and Tree Retention Access Plan (6068A-04). The report identifies that the trees were assessed in accordance with BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations; the primary document guiding the process of determining planning applications and the impact on existing trees.

The report identifies 100 individual trees, five groups and eight hedgerows within the application site and provides a tree quality assessment based upon the arboricultural, landscape and cultural categories defined in Table 1 of BS5837:2012.

The AIA is based on the submitted Framework Plan (Dwg 1975.02 issued December 2014) which provides the parameters for the location of residential development, commercial development, public open space, sports provision road infrastructure and existing trees and hedgerows.

Tree Preservation Orders

There are currently no TPOs protecting trees within the application site. The nearest protected trees are to the south of Portree Drive and Arran Close north and south of the River Croco.

Arboricultural Implications

The submitted report identifies that the majority of trees located along London Road will be retained, however three trees, a 'B' category Lime (T27) and a 'B' category Lime (T43) and 'B' category Horse Chestnut (T44) opposite The Oaks/Oakwood Cottage will require removal to accommodate access to the residential development and commercial section of the development respectively.

It is noted in the report that no assessment of the wider impact of these removals has been provided, although in mitigation the report states that the residential access point has been positioned so as to avoid multiple tree losses, and that in respect of the commercial access new planting of Lime and Horse Chestnut will be provided within the site and to link with the existing trees along London Road.

BS5837:2012 advises that constraints posed by trees are just one factor in the competing needs of the development. Given the tree lined nature of London Road at this location any prospective access off London Road would inevitably result in the loss of trees and this needs to be taken in consideration when weighing up the planning need. It is not evident that the proposed positions of the two accesses have exploited the natural gap in the tree cover along London Road, although this is likely due to design requirements and internal access configuration. The loss of three trees however is considered to be 'slightly moderate' in terms of the impact on the amenity of the immediate area and not significant in terms of the wider impact. Both accesses require visibility splays of 120 x 2.4m which will not necessitate any tree removals but would likely require some modest pruning of lower growth/branches to maintain visibility and potentially the removal of a section of hedgerow.

The indicative layout identifies that the majority of trees along London Road and internally within the site will be retained, (although their successful long term retention in relation to the built form will require clarification at the detailed design stage). In terms of tree loss the provision of landscaped open space as indicated provides sufficient scope for required replacement planting in mitigation.

One further tree, an early mature C category Oak (T69) and a section of hedgerow will require removal to accommodate a link road. It is agreed that this tree has relatively low arboricultural value due to reduced vitality and other physical defects and that its loss can adequately be compensated within the site.

A number of trees, principally four Ash trees (T21, T22, T23 and T24) situated adjacent to London Road have been risk assessed and display structural defects which presents a high

probability of failure. Given their high target area/close proximity to the existing highway, it is agreed that these trees are unsuitable for retention.

In his consultation comments The Council's Nature Conservation Officer has identified Hedgerows as a priority habitat, of which there are eight identified in the submitted arboricultural report (thirteen in the Ecological appraisal). The FPCR Ecological appraisal identifies Hedgerow 3 and 10 to the northern and southern boundary of the site as being 'Important' under the Wildlife and Landscape criteria of the Hedgerow Regulations 1997, although no assessment has been provided in terms of archaeological or historical criteria. The majority of existing hedgerows are proposed to be retained however, save for removal of some small sections to accommodate access provision. Should outline consent be granted, a condition regarding the need for a further arboricultural report at reserved matters stage.

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.”

This is an outline application and as such, only limited information is available at this stage regarding layout and design. However, the submitted Design & Access Statement indicates that the proposed dwellings are to be mixed, between 2 and 5 bedrooms comprising of a range of house types (single and two storey) from linked town houses to detached properties. The commercial development is likely to be two storey, up to a maximum of three storey.

The Council's Design Officer has been consulted on the application and his comments are awaited. Any comments received prior to committee will be provided as an update. His comments will also address whether the proposal adversely impacts on the setting of Brereton Hall, a listed building.

Landscape

A Landscape and Visual Impact Appraisal (LVIA) has been submitted with the application and the Council's Landscape Officer has been consulted.

The application includes a Landscape and Visual Impact Appraisal carried out by TPM Landscape in accordance with the current Guidelines for Landscape and Visual Impact assessment 3rd edition. The landscape and visual effects of the proposed development are considered separately:

1. Landscape effects

The landscape appraisal considers a hierarchy of national, regional, and local published landscape character assessments. The site falls within National Character Area 61- the Shropshire, Cheshire and Staffordshire Plain. In the Cheshire LCA 2008 the site lies within the East Lowland Plain character type and the Wimboldsley character area (though it is on the border

of the Lower Farms and Woods character type and Brereton character area located to the east of the A50 with which it shares some characteristics) In the Landscape Character Assessment of Congleton 1999 the site is within the Cheshire Plain Character Area.

Sensitivity of the Landscape

TPM conclude that from these published assessments that the landscape is broadly described in terms of good ordinary quality with moderate local value and that the sensitivity is assessed as **Medium**

TPM have also undertaken their own landscape character assessment of the local area identifying four character areas:

1. Cheshire Lowland Plain,
2. River Valleys (Dane & Croco)
3. Settlement (Holmes Chapel)
4. The industrial area (Sanofi Aventis and the area to the east)

The application site falls within Cheshire Lowland Plain area and is assessed as having **medium** sensitivity

The TPM appraisal then considers the character of the site itself. It assesses the site as having ordinary landscape quality and moderate landscape value and concludes that the site also has a **medium** sensitivity to the proposed development.

Magnitude of Change to the Landscape

TPM assess the magnitude of change to the site itself is assessed as **High reducing to Medium**
*The appraisal states: For the proposal site itself there will be a change in character from a field to a built up environment. The proposals for housing development on the site would result in the need for the construction of properties, access roads, infrastructure, service connections and landscaping. Retention of key features including trees and hedgerows would result in only a small impact on these positive character elements and additional planting and habitat creation will offer landscape enhancement. The magnitude of change is assessed as **high** for the proposal site however sensitive housing layout and landscape proposals will help to mitigate this change and result in a **medium** change.*

Landscape Impacts

The predicted landscape impact are determined by combining the sensitivity of the landscape and magnitude of change. The summary of landscape effects of the proposed developments as follows:

The effect on the proposal site at year 1 would be **Moderate - Substantial** and at year 15 with mitigation would be **Moderate**

The effect on the wider landscape character areas (national, regional & local) at year 1 would be **slight - moderate** and at year 15 with mitigation would be **slight**

Landscape Summary

TPM summarise the landscape effects of the proposed development as follows:

The change to the proposal site is assessed as Medium (following establishment of the mitigation measures) This is a reflection of the ability of the scheme to balance the substantial shift in land use from agricultural land to housing development and commercial development with the

retention and enhancement of features which are identified as attractive such as the hedgerow, trees and wetland and pond habitat areas. The change will not be incongruous in the location and setting at the edge of settlement and adjacent to the existing commercial developments along London Road. It will retain the key character elements of field structure, hedges and hedgerow trees, and maintain much of the visual understanding of this land pattern through careful arrangement of the proposed layout.

The proposed development will extend the existing settlement boundary to the south along the A50 but this change will not be widely visible in the landscape due to the natural containment of boundaries.

The change to the broader landscape (beyond the development site), particularly that within the visual envelop of the site is assessed as low.

2. Visual Effects

TPM have selected fourteen viewpoints to represent a range of receptors (public, community, residents and visitors) and the sensitivity of the receptors have been categorised. The viewpoints are shown on Figure 15 on page 31.

Residents

The residential receptors include the occupants of Alum Court to the north, Dunkirk Farm to the west and Alum Brook Farm (the landowner) to the south. The assessment doesn't however consider the two properties that face the site on the opposite side of the A50. These properties would have direct views of the proposed commercial development.

Footpath Users

There are three public footpaths in very close proximity to the site. Brereton FP2 runs along the northern site boundary and then heads northwest via a railway underpass. Brereton FP3 runs within the site along the entire western site boundary and then southwards to Back Lane. Brereton FP20 is 30 to 40 metres from the southern site boundary and runs parallel to the southern site boundary between FP3 and London Road. Viewpoints 1, 2, 4, 5, 6, 7 8 & 11 assess views from these public footpaths.

Road Users

Viewpoints 9 assesses views from both London Road and from Alum Brook Farm. Viewpoint 10 assesses the view from London Road near to the entrance of Sanofi Aventis.

Longer distance views

Three longer distance viewpoints were assessed: VP12 from the motorway bridge to the south west, VP13 from the Dane Valley to the northwest and VP14 from the railway bridge to the northeast. The site is not visible from any of these points.

Visual Impacts

The summary of receptor sensitivity, the magnitude of change in the views and the visual impacts of the proposed development at year 1 following completion of development and at year 15 with growth of the mitigation scheme are as follows:

At year 1 the proposed development would have **Substantial Adverse** visual impact on the residents of Dunkirk Farm and the users of the three public footpaths Brereton 2, 3 & 20. There would be a **moderate-substantial adverse** visual impact on the residents of Alum Court. The impact on the A50 road users would be **moderate adverse to moderate substantial adverse**

After fifteen years TPM predict that the adverse visual impacts would reduce slightly to **moderate-substantial adverse** and **moderate adverse** (refer to table 2).

The TPM visual summary states:

The development has been considered from 10 representative viewpoints. The majority of these receptors are assessed as experiencing high visual change and this is a reflection of the immediate proximity of the views (all within approximately 1 Km of the site) and that a group of views describe the same path view across the landscape (Brereton FP3) Views from distances over 1Km are either unavailable from public vantage points or else are screened by the topography (the railway embankment), built development or the ubiquitous hedgerow and hedgerow tree boundaries.

Change to views from public footpaths are inevitable where the route passes through the proposals site and the mitigation plan reflects this with the identification of landscaped corridors to allow retention of these routes and additional screen planting at the boundaries.

Following mitigation measures the expected visual effects will reduce. All of the available views of the proposed development are from within 1Km of the application site and all of the identified impacts are local in nature with minimal potential to affect the wider appreciation of the countryside

Initial comments have been received from the Council's Landscape Officer who states the following:

The TPM Appraisal suggests that the landscape and visual impacts of the proposed development would be fairly localised. They suggest that the impact on the wider landscape would be slight and with regard to the site itself they suggest that landscape impact would be moderate-substantial initially reducing to moderate in the longer-term due to the effect of the maturing mitigation scheme.

The most important characteristic of this rural site is its openness and if the site were developed this would be lost. Other characteristic elements such as the hedgerows and trees may be retained (as shown on the Framework Plan) but they would exist within a completely different landscape context. These mature features together with the proposed planting and habitat creation could, in the longer-term, mitigate the development to some extent but the site would still have an urban character rather than an open rural character. There would therefore be a permanent significant adverse impact on the character of the site and the local landscape.

With regard to visual effects, the TPM Appraisal indicates that even after 15 years when the mitigation scheme had reached a degree of maturity there would still be significant adverse visual impacts on sensitive receptors in the vicinity of the development.

The proposed residential and commercial development would be a major encroachment into the open countryside to the south of the Holmes Chapel settlement boundary. As such, there is a landscape objection to the proposal.

Should any further comments be received from the landscape officer, they will be provided in an update report.

Ecology

Various ecological reports have been submitted with the application. The Council's Nature Conservation Officer has been consulted and has made the following comments:

Designated sites

The proposed development is located within 3km of Bagmere SSSI which forms part of the Midland Meres and Mosses Phase 1 Ramsar.

Natural England advise that the proposed development is not likely to have significant effect upon the features for which Ramsar the site was designated and they advise that an Appropriate Assessment under the Habitat Regulations is not required.

Under regulation 61 of the Habitat Regulations the Council is required to undertake an 'Assessment of Likely Significant effects'. This assessment has been undertaken and concludes that the proposed development is not likely to have a significant impact upon the features for which the statutory site was designated. Consequently, a more detailed Appropriate Assessment is not required.

Ponds

There are three ponds present on the application site. Ponds are a local Biodiversity priority habitat and hence a material consideration. The submitted illustrative master plans the retention of the existing ponds, however it must be ensured that these ponds are not utilised as part of any SUDS scheme developed for the site. This matter may be dealt with by means of a planning condition if outline consent is granted.

Stream

The stream located on the southern boundary of the application site has some botanical interest. The stream should be retained and safeguarded as part of the development proposals. This matter may be dealt with by means of a condition if outline planning consent is granted.

Hedgerows

Hedgerows are a priority habitat and hence a material consideration. In addition hedgerows 3 and 10 have been identified as being Important Hedgerows under the Hedgerow Regulations. For the most part the existing hedgerows are retained however there will be some losses to facilitate the site access points.

If planning consent is granted it must be ensured that suitable replacement planting is provided at the reserved matters stage to compensate for any loss of hedgerows loss.

Great Crested Newts

The submitted great crested newt survey was constrained by a lack of access to ponds 4 and 5 and ponds 10-15. However, considering the distance between the development and these ponds and the presence of barriers to newt dispersal, great crested newts are unlikely to be affected by the proposed development.

Bats

A number of trees are present on sites that have the potential to support roosting bats. Based upon the illustrative master plan and the available survey evidence it is unlikely that roosting bats would be directly affected by the proposed development.

A bat activity survey has been undertaken which has identified bat activity which is at a level which would be expected for a typical rural site such as this with associated hedgerows and trees.

The retention of mature trees, ponds and hedgerows and the enhancement of the open space area to the south of the application site would assist in mitigating the potential impacts of the proposed development upon foraging bats.

If outline consent is granted a condition must be attached requiring the submission of a lighting scheme in support of any future reserved matters application.

Common Toad

This priority species was recorded at the three ponds on site. Provided these ponds are retained there should be no loss of breeding habitat for this species. The enhancement of the open space area around pond number 6 towards the south of the application site provides an opportunity to provide compensation habitat to address the loss of low value terrestrial toad habitat.

Badgers

A badger sett has been recorded on site. The sett is likely to be an outlying sett associated with a main sett located on the railway to the north.

There is likely to be some loss of foraging habitat for badgers associated with the development but this can be compensated for through the careful design of the open space areas.

Based upon the submitted master plan it may possible to retain the sett in its current location or alternatively as the sett is unlikely to be considered a main sett it may be preferential to close the sett under the terms of a Natural England license. Either of these approaches is acceptable but the most appropriate course of action can only really be determined once the proposals get to the detailed design stage and it may be that the level of badger activity on site has changed at this point anyway.

If outline planning consent is granted it is recommended that a condition be attached requiring the submission of an updated badger survey, impact assessment and mitigation strategy in support of any future reserved matters application.

Hedgehog

Hedgehogs are a biodiversity action plan priority species and hence a material consideration. There are records of hedgehogs in the broad locality of the proposed development and so the

species may occur on the site of the proposed development on at least a transitory basis. If planning consent is granted it is recommended that a condition be attached regarding hedgehogs.

Open space/nature conservation area

An open space/nature conservation area is shown on the submitted illustrative master plan. To ensure the potential of this area of land is maximised it is advised that if outline planning consent is granted a condition should be attached requiring the submission of a detailed design of this area in support of any future reserved matters application.

Flood Risk

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

The submitted FRA demonstrates that the proposed scheme:

- Is not at risk from all flood sources.
- Would be safe and flood resilient.
- Would not adversely increase flood risk elsewhere as a result of the proposed development through increase in surface water run-off.
- Incorporates a comprehensive and flood resilient drainage and SuDS strategy.

The Environment Agency and United Utilities have been consulted and have raised no objection to the proposed development. Having regard to the advice of the Environment Agency, the Council's Flood Risk Manager has also been consulted on the application but to date, no comments have been received. Any comments received prior to committee will be provided as an update.

Agricultural Land Quality

It is noted that Policy NR8 (Agricultural Land) of the Congleton Borough Local Plan has not been saved. However, the National Planning Policy Framework highlights that the use of such land should be taken into account when determining planning applications. It advises local planning authorities that, 'significant developments' should utilise areas of poorer quality land (grades 3b, 4 & 5) in preference to higher quality land.

A Soil Resources and Agricultural Use and Quality of Land Report has been submitted with the application. This states that 15.8 hectares of the site is Grade 3(b) with 0.4 hectares in non agricultural use.

Given the low grade of the land, no objections are raised to the loss of agricultural land.

ECONOMIC SUSTAINABILITY

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to Holmes Chapel including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

Other matters

A number of other matters have been raised in representation that have not been addressed in the main body of the report. These are considered below.

Firstly reference has been made to the emerging Neighbourhood Plans for Brereton and Holmes Chapel. Whilst these are material planning considerations, at this stage limited weight can be afforded to these plans given the fact that both plans are at a relatively early stage in their conception, particularly as neither have reached the public consultation stage. Whilst the Brereton Plan is more advanced, the first formal consultation is not due to begin until May. In any event, given that the application is recommended for refusal, it is not considered either necessary or appropriate to consider deferral of the application on the grounds of the neighbourhood planning process.

Brereton Parish Council has also referred to a lack of consultation by the applicants with residents of Brereton Parish. Whilst this is unfortunate, the application itself has been advertised in line with statutory guidelines and as such, sufficient consultation on the application has been carried out.

PLANNING BALANCE

The proposed development would be contrary to Policy PS8 and H6 and the development would result in a loss of open countryside. However as Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites and the presumption in favour of sustainable development applies at paragraph 14 of the Framework where it states that LPA's should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

The benefits in this case are:

- The development would provide benefits in terms of much needed affordable housing provision and would help in the Councils delivery of 5 year housing land supply.
- The provision of POS, though the acceptability or otherwise of this has yet to be confirmed by the Council's Greenspace Officer
- The development would provide significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in Holmes Chapel.

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

- The impact upon protected species/ecology is considered to be neutral subject to the imposition of conditions to secure mitigation.
- The impact upon residential amenity/noise/air quality and contaminated land could be mitigated through the imposition of planning conditions.
- The impact upon local schools.

- The impact on trees and hedgerows.
- Loss of poor grade agricultural land.

The adverse impacts of the development would be:

- The loss of open countryside that is considered to contribute to the character and appearance of the area and the significant adverse visual impact of a development of the scale proposed, including on the intrinsic character and beauty of the countryside.
- The potential severe adverse impact on the surrounding highway network. At the present time it is not considered that the applicant has adequately demonstrated that the development could take place without resulting in a severe impact.
- Due to its location relative to the settlements of Holmes Chapel and Brereton, occupiers of the site would be car dependent, resulting in the proposal being locationally unsustainable.
- The adverse impact on users of the existing public footpaths on and adjacent to the site.

In this case it is considered that the adverse impacts of the development would significantly and demonstrably outweigh the benefits of the development. As such the application is recommended for refusal. In reaching this conclusion, regard has also been had to a recent appeal decision on land off Audlem Road/Broad Lane, Stapeley. The Inspectors decision was overturned by the Secretary of State due to concerns regarding unacceptable development being allowed on a piecemeal basis until such time that the Council's true picture on housing land supply has been established through the Cheshire East Local Plan (CELP). It is considered that even if it is concluded through the CELP that additional commercial and residential development is required in this area, the application site is not the most appropriate site for this type of development.

RECOMMENDATION: Refuse for the following reasons:

1. The proposal is an unsustainable form of development as it is located within the Open Countryside and is contrary to Policies PS8 and H6 of the Congleton Borough Adopted Local Plan First Review 2005 and the principles of the National Planning Policy Framework.
2. The proposed development would result in a harmful encroachment into the open countryside. The development would adversely impact upon the landscape character and does not respect or enhance the landscape when viewed from the local footpath network. The proposed development is therefore contrary to Policies GR1 and GR5 of the Congleton Borough Adopted Local Plan First Review and guidance contained within the NPPF.
3. The proposed development is unlikely to function or operate in a sustainable manner, taking account of the predicted generation of vehicular traffic and the sites location relative to local services, facilities and public transport connections. The proposal is therefore contrary to local and national planning policies that seek to promote sustainable development, in particular paragraphs 7, 14 and 34 of the NPPF.
4. Insufficient information has been submitted with the application in order to assess adequately the impact of the proposed development on the surrounding road network. In the absence of this information, it has not been possible to demonstrate that the proposal would not result in a severe impact on the surrounding road network and would comply with relevant national policy guidance and Development Plan policies relating to highway safety.

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

Application for Outline Planning

RECOMMENDATION: Refuse for the following reasons

1. Contrary to open countryside policies.
2. Adverse landscape impact and impact on users of the PROW
3. Unsustainable development.
4. Insufficient information to adequately demonstrate that there would not be a severe impact on the surrounding road network.

