

Application No: 15/2099C

Location: TALL ASH FARM, 112, BUXTON ROAD, CONGLETON, CHESHIRE, CW12 2DY

Proposal: Demolition of existing building and the development of up to 236 dwellings including access

Applicant: Bloor Homes North West Ltd

Expiry Date: 07-Aug-2015

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 by utilising a previously developed site and will promote economic growth. It is the view of officers that these considerations outweigh the site's conflict with adopted local plan. 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 proposed development would not adversely affect the visual character of the landscape or adjoining conservation area subject to appropriate details secured at the reserved matters stage. The proposed development would provide a safe access and the development would not have a detrimental impact upon highway safety or cause a severe traffic impact subject to contributions to secure mitigation. In terms of Ecology it is not considered that the development would have a significant impact upon the nearby SSSI, Local Wildlife Site, ecology or protected species subject to the mitigation proposed.

The proposed development would provide appropriate provision of open space on site and the necessary affordable housing requirements. The education department has

confirmed that there is a lack of capacity within local schools and that a contribution will be required in this case. This would be secured as part of a S106 Agreement.

The proposal is considered to be acceptable in terms of its impact upon nearby PROW and would provide much needed improvements to the public realm along Mountbatten Way (subject to contributions). The proposal is also acceptable in terms of its impact upon residential amenity and drainage/flooding and it therefore complies with the relevant local plan policy requirements for residential environments. It is considered that an acceptable solution could be negotiated in terms of the PROW on this site at the Reserved Matters stage. 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 obligations.

RECOMMENDATION

APPROVE subject to conditions and a S106 Agreement

REASON FOR DEFERRAL:

At the last meeting of 21 October 2015, Members resolved to defer this application to consider locational sustainability, further highway information and consideration of the public realm in Congleton. This is an updated report which deals with these considerations.

PROPOSAL

This is an outline application with all matters reserved apart from access. The application includes a single access point to the north of the site off Buxton Road (A54). The development relates to a residential development of up to 250 dwellings. The dwellings would comprise of a mix of 2-5 bed units and would include 30% affordable housing (up to 75 units). Public open space would also be provided within the application site.

SITE DESCRIPTION

This application relates to 15.97 ha of agricultural grazing land, located on the eastern edge of Congleton, to the south of Buxton Road. The site lies within the open countryside as defined by the Congleton Borough Local Plan First Review (2005).

The site is bound to the north and north-west by existing residential development and to the south lies the former Bath Vale Works, which has been redeveloped for housing. The Macclesfield Canal forms the eastern boundary to the site while Bath Vale Woods and Timbers Brook Sites of Biological Importance are located to the south.

Footpath 58 Congleton follows the route of the Macclesfield Canal and Footpath 70 Congleton follows the northern edge of Bath Vale Wood, along the southern boundary of the application

site. Footpath 32 Congleton, which links to Footpath 19 Congleton, follows a route from Buxton Road along a short section of the northern boundary of the application site.

The site occupies an elevated position, relative to the Macclesfield Canal. The land slopes downwards from the site frontage to the rear extent of the site. There are a number of trees and hedgerows within and bordering the site.

RELEVANT HISTORY

29648/1 - RESIDENTIAL DEVELOPMENT ON 4.5 HA OF LAND AND OPEN SPACE AND COMMUNITY WOODLAND ON 3.8 HA OF LAND – Refused 03-Mar-1998

09/1116C - THE CONSTRUCTION OF 20 NEW BUILD AFFORDABLE HOUSES AND NEW ACCESS ROAD. – Dismissed at appeal 16-Feb-2009

11/0471C - The Construction of 20 New Build Affordable Houses and New Access Road – Approved 06-Nov-2012

12/4612C - Removal of Conditions 17 (Renewable Energy) and 18 (Development to be Built to Code for Sustainable Homes Level 4 or Higher) on Planning Application 11/0471C - The Construction of 20 New Build Affordable Houses and New Access Road – Withdrawn 04-Apr-2013

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

Local Plan Policy

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

The relevant Saved Policies are:

PS3 – Settlement Hierarchy

PS4 – Towns

PS8 – Open Countryside

GR1- New Development

GR2 – Design

GR4 – Landscaping

GR5 – Landscaping

GR6 – Amenity and Health

GR7 – Amenity and Health
GR9 - Accessibility, servicing and provision of parking
GR10 - Accessibility, servicing and provision of parking
GR13 – Public Transport Measures
GR14 - Cycling Measures
GR15 - Pedestrian Measures
GR16 - Footpaths Bridleway and Cycleway Networks
GR17 - Car parking
GR18 - Traffic Generation
BH9 - Conservation Areas
GR21- Flood Prevention
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

Cheshire East Local Plan Strategy – Submission Version

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

PG2 – Settlement Hierarchy
PG5 - Open Countryside
PG6 – Spatial Distribution of Development
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
SE3 – Biodiversity and Geodiversity
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 Considerations

The EC Habitats Directive 1992
Conservation of Habitats & Species Regulations 2010

CONSULTATIONS (External to Planning)

Environment Agency: No objection subject to conditions relating to foul and surface water drainage.

Head of Strategic Infrastructure: There are elements of information requested by the Strategic Infrastructure team that need to be submitted and agreed before a positive recommendation can be made for this development proposal and these items include;

- More detailed access design including relevant visibility splays and the design of the emergency access as it meets the wider highway network.
- A travel plan or at least firm commitments to sustainable transport measures including; walk, cycle, and bus measures.
- A breakdown of committed development traffic flows.

However, in principle, the Head of Strategic Infrastructure agrees with the applicant that the approach of contributing to the potential online A34 corridor scheme and/or the relief road will have the effect of mitigating the overall traffic impacts of the development proposal.

CEC Environmental Protection: Conditions and informatives suggested in relation to hours of construction, environmental management plan, noise mitigation, a low emission strategy, a travel plan, electric vehicle infrastructure, dust control and contaminated land.

Natural England: The application site is in close proximity to the Dane in Pasture and Madams Wood Sites of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the sites have been notified. Natural England advises that the SSSIs do not represent a constraint in determining this application.

For advice on protected species reference should be made to the Natural England standing advice.

Campaign to Protect Rural England: Object to the application on the following grounds:

- The development fails to meet the criteria as set out in Policy PS8
- The development fails to meet any of the requirements as set out in policy H6
- Within the SHLAA the development is deemed to be not sustainable, not achievable and not developable. The development of the site will not make a significant contribution to residential allocation
- The development is not in an area designated in the emerging CEC Local Plan as a strategic location for housing
- The only access to the site is from Buxton Road a very busy and very narrow road that connects Congleton to Macclesfield, Buxton and Leek. The developer has not included any

provision for additional services. In addition to commuter traffic to and from the site there will be considerable additional traffic on this road especially towards Congleton Town Centre.

- In the submitted planning statement the developer seems to link the proposed development to deliverability of the link road. This concern for the link road is based on speculation rather than facts
- CPRE wishes to commend the developer's efforts to meet concerns in relation to wildlife and environmental issues. However despite these issues the proposal will lead to the destruction of wildlife habitats and corridors. If the application is approved the developer should adhere to the following:
 - Clearance of alien species and management of streams, banks and corridors
 - Provision of artificial nest sites for Bats, Barn Owls and other protected species
 - Protection and replanting of existing hedgerows
 - Use of native species in the planting on this site
 - Protection of Badgers and other relevant protected species

CEC Public Rights of Way: The Macclesfield Canal towpath, Congleton Public Footpath No. 58, would form an important leisure and active travel route for residents of the proposed development. In order to accommodate the increased resultant traffic and in order to increase the accessibility of the proposed development, the request to improve the surface of the towpath would be supported. The proposed ramped access improvement between Buxton Road and the towpath, for both pedestrians and cyclists, would increase the accessibility of the route.

In order to increase the accessibility of this Public Footpath for residents of the proposed development, the developer contribution towards the improvement of off-site footpaths would be requested. Should the proposal be granted planning permission: works would include the replacement of stiles with gaps or gates, destination signposting and surfacing works to an initial estimate cost of £17,065.

CEC Strategic Housing Manager: No objection subject to 30% of the dwellings as affordable in perpetuity and 65% as social or affordable rent and 35% as intermediate tenure. The preferred method of securing the affordable housing is as part of a S106 Agreement.

CEC Flood Risk Manager: No objection subject to the imposition of planning conditions.

ANSA Public Open Space: No objection subject to onsite provision of Amenity Greenspace and Children and Young Person's Provision (a NEAP comprising of 8 items of play equipment) and the following financial contributions towards future maintenance:

Amenity Greenspace £66,977

Children and Young Persons Play Provision £169,070

Education: No objection subject to the following contributions:

£173,540 (primary)

£196,112 (secondary)

£136,500 (Special Education Needs - SEN)

= total of £506,112

The Inland Waterways Association: No objection would like to make the following comments:

- The Macclesfield Canal is designated as a conservation area in recognition of its heritage value, and there are two listed buildings, Wallworth's Bridge No.69 and a canal milestone, adjacent to the site boundary. The existing hedgerow will be retained, improved where necessary and maintained into the future and to avoid the erection of any less appropriate boundary treatments at the top of the cutting.
- It would also be beneficial for the dwellings closest to the canal to be two story buildings so that the view from the towpath is not dominated by rooflines.
- The addition of a connection to the towpath near to Bridge 69 is welcome however the towpath currently has a grassed surface and becomes muddy during wet weather, particularly in places where surface water runs down the cutting. The stepped towpath access adjacent to Buxton Road (Bridge 68) does not provide access for all potential towpath users including cyclists.
- Policies GR14 and GR15 of the adopted Congleton Local Plan First Review require development to adequately provide for pedestrian and cycle connections, including securing developer contributions where necessary. It is requested that provision be made to improve the towpath due to the increased traffic.

CEC Countryside Access & Public Rights of Way (PROW): Make the following comments:

- In order to accommodate the increased traffic there is a request for improvements to the canal towpath. The proposed ramped access improvement between Buxton Road and the towpath would also increase accessibility
- The provision of the footway and pedestrian crossing on Buxton Road will increase the permeability of the site and improve access to the towpath. Further details as to the connectivity between the towpath and Buxton Road should be requested to ensure that the facility is adequate for all users
- In order to increase the accessibility of this Public Footpath for residents of the proposed development walking to the school, the developer contribution towards the improvement of off-site footpaths outlined in the s106 heads of terms would be requested, should the proposal be granted planning permission: works would include the replacement of stiles with gaps or gates, destination signposting and surfacing works to an initial estimate cost of £17,065.
- A developer contribution would be sought to be held to cover the impact of the proposed development on Public Footpath No. 70 at the southern end of the development. Whilst an increase in footfall can be anticipated as a result of the development, the actual impact on the path in terms of ground conditions, and therefore the required remedial works, cannot be anticipated. Any funds not required within the term of the s106 agreement would be returned to the developer. A pre and post condition survey would be required.
- The other local route which would receive an increase in usage as a result of the development is the Biddulph Valley Way linear country park and National Cycle Network route, as this would offer scope for circular walks and cycle rides for residents. A developer contribution for surfacing works to accommodate this increased usage would be sought, again following an assessment of the deterioration of the route.

VIEWS OF THE CONGLETON TOWN COUNCIL

Object as contrary to Congleton Local Plan:

1. PS8 Open Countryside

The proposed development fails to meet any of the criteria set out in PS8; in particular it cannot be shown that it is controlled infilling as the proposed site is outside the settlement zone.

2. H6 Residential Development in Open Countryside and the Green Belt

The development fails to meet any of the provisions set out in H6 in that the proposal is not limited infill within the boundary line; it is major proposal for 250 dwellings outside the settlement zone

Cheshire East Council

3. SHLAA

The proposed site is designated in the SHLAA 2012 as site 2549 which is designated as not currently developable. The definition of not currently developable is where it is not known when a site could be developed. This may be for example, because one of the constraints to development is severe, and it is not known if or when it might be overcome.

4. Cheshire East Core Strategy

The proposed site is not in an area designated in the emerging CEC Local Plan as one of the strategic locations for housing and would be contrary to the Local plan as it is not part of the site allocation and development policies near to the route of the Congleton Link Road. The proposed development then would prejudice the achievement of the Plan's objectives and would frustrate the financial viability of the Link Road and as such should be rejected

5. Unacceptable Increases in Traffic

Buxton Road is already a very busy and congested road, the increase in traffic emanating from the proposed development would be detrimental to the safe and efficient operation of the highway and adversely affect the free flow of traffic on Buxton Road heading towards the Town Centre

OTHER REPRESENTATIONS

Over 200 representations have been received, with 44 letters in support of the proposals and the remaining against. The letters of objection raise the following points;

Principal of Development

- The proposal is speculative
- There is no need for more housing in Congleton
- The development is too large for Congleton
- No benefits from this development
- The development should not be approved as it is contrary to local plan policies
- There are more appropriate sites which could be developed
- Loss of agricultural land / farmland
- The development is not needed or wanted

- Lack of detail contained within this planning application
- The number of housing applications is disproportionate to the size of the area
- Loss of countryside
- The site is not identified within the current Local Plan
- There are plenty of brownfield sites which should be used first
- The site is not sustainable
- There are no jobs in Congleton
- This site should be kept green for local residents to enjoy
- Impact upon the character of Congleton which is a market town
- Loss of Green Belt

Design issues

- Visual impact due to the topography of this site
- Loss of views
- Impact upon the Conservation Area
- The development is too dense
- The site is prominent/landscape impact
- Will affect views of Bosley Cloud

Infrastructure

- Impact upon schools
- Impact upon medical infrastructure
- No assessment of the impact upon local infrastructure
- Public transport needs to be improved first
- Lack of pavements

Highways

- Increased traffic congestion
- Dangerous access onto the A54 Buxton Road
- Pedestrian safety
- The highway network should be improved first
- Increased traffic
- Cumulative highways impact
- Congleton needs a relief road
- People will be car dependant

Amenity

- Increased pollution – air quality
- Impact upon living conditions
- Loss of outlook
- Loss of privacy
- Noise pollution
- The existing trees and hedgerows which provide a buffer to existing dwellings should be retained as screening
- Light pollution
- Increased landscaping/vegetation is required
- Ground contamination

Green issues

- Landscape impact
- Loss of trees on the site
- Impact upon nearby woodland
- Impact upon wildlife habitat
- Impact upon local ecology
- Impact upon protected species
- Bats are located on the site

Other issues

- Increased drainage problems
- Flooding
- Impact upon the PROW
- The site is well used by walkers and ramblers
- Affordable housing not affordable

The letters of support raise the following points;

- Will provide much needed affordable housing
- Will assist Eaton Bank High School with more pupils and more funding
- Natural extension to Congleton
- The roads are not busy
- Will create much needed employment opportunities and new workers
- Will attract people to the area
- Will help the local economy

An objection has been received from Fiona Bruce MP raising the following points:

- The site is within the open countryside and is outside the settlement zone
- The A54 is already known as an accident zone with a narrow bridge over the canal with no pavements – any increase in traffic would be detrimental
- It is suggested that there are insufficient school places or medical provision within the locality to support this proposed development. Furthermore there are concerns that as Congleton Town has not been prioritised for growth it currently has inadequate employment opportunities to provide local jobs for residents of the proposed developments
- This letter is written in full support of many constituents that are opposed to this application.

An objection has been received from the Congleton Sustainability Group raising the following points:

- The Congleton Sustainability Group (CSG) wish to state that they disagree with the report of the meeting that the (CSG) had with the applicant (Bloor Homes) as contained at page 9 of the applicant's Statement of Community Involvement which states, *'with all parties agreeing that Tall Ash Farm is set in a sustainable location for new housing'*.
- This is a misrepresentation of the views of the CSG which states that *'should you proceed with this development its sustainability can and needs to be significantly improved'*.
- The CSG response to Bloor Homes' consultation and the subsequent meeting with them identified a wide range of measures, which are needed to bring the development up to minimum standards of sustainability. While some of the measures have been incorporated in

the latest proposals (as submitted to Cheshire East) most have not. The CSG therefore maintain that this site is not in a sustainable location.

- The CSG object strongly to the application on the grounds of the impact upon the highway network, lack of sustainability, impact upon designated sites and impact upon bio-diversity
- If this development should be given approval either by the Council or at appeal the CSG consider, for reasons of road safety, it is essential that as part of any conditions of approval the developer must fund a Toucan crossing of the A54 (Buxton Road) and, under a Section 38 agreement, to fund the proposed improvement to the A54 on the east side of the canal bridge. Furthermore, the developer must increase the visibility splays to match the speed of vehicles past the site, which the CSG consider will be much nearer to the current 40mph.
- Furthermore, any approval must include a commitment to funding and delivering all-weather surface improvements to the Macclesfield Canal towpath up to Congleton railway station and other links to the existing PROW network; in this respect the lack of a firm commitment to these improvements in the draft Heads of Terms is disappointing.
- The CSG would also expect a firm commitment to the provision of allotments; again the lack of a firm commitment within the submitted documentation is disappointing.
- In order to provide adequate protection to designated sites adjoining the site and the bio-diversity of the site and adjoining areas the CSG require buffer zones with a minimum width of 40m between any development (including internal roads) and the Macclesfield Canal and Bath Vale Woods.
- Finally, again to improve the sustainability of the development and reduce its carbon footprint the CSG ask that the applicant revisits the other sustainability measures that the CSG identified in the response to their public consultation and includes all, or at least most, of these measures in the development rather than the vague possibility of including a few as currently proposed.

APPRAISAL

Principle of Development

The site lies largely 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 the development represents a sustainable form of development and whether there are other material considerations associated with this proposal, which are a sufficient to outweigh the conflict with the development plan.

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.

The 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.

Following the suspension of the Examination into the Local Plan Strategy and the Inspectors interim views that the previous objectively assessed need (OAN) was 'too low' further evidential work has now taken place and a fresh calculation made.

Taking account of the suggested rate of economic growth and following the methodology of the NPPG, the new calculation suggests that need for housing stands at 36,000 homes over the period 2010 – 2030. Although yet to be fully examined this equates to some 1800 dwellings per year.

The 5 year supply target would amount to 9,000 dwellings without the addition of any buffer or allowance for backlog. The scale of the shortfall at this level will reinforce the suggestion that the Council should employ a buffer of 20% in its calculations – to take account of 'persistent under delivery' of housing plus an allowance for the backlog.

While the definitive methodology for buffers and backlog will be resolved via the development plan process this would amount to an identified deliverable supply of around 11,300 dwellings.

This total exceeds the total deliverable supply that the Council is currently able to identify – and accordingly it remains unable to demonstrate a 5 year supply of housing land.

The change in the housing land supply position and the uplift in numbers will require further sites to be brought forward for consideration as part of the emerging Cheshire East Local Plan.. Congleton is identified as an area where additional housing development will take place due to the site hierarchy and distribution work that has now been agreed. The Tall Ash Farm site is also one of a number of alternative sites that are currently being considered for further development

Accordingly to paragraph 49, where in the absence of a 5-year housing land supply policies for the supply of housing are considered to be out of date and proposals should be considered in the context of the presumption in favour of sustainable development. Previous Appeal decisions and court rulings have established that Open Countryside policies are policies for the supply of housing and therefore it is necessary to consider whether the proposal is sustainable in order to determine whether the presumption applies.

SOCIAL SUSTAINABILITY

Access to Facilities (Locational Sustainability)

When assessing how well a site is located in terms of access to local services and amenities, there is a toolkit which was developed by the former North West Development Agency. The toolkit advises on the desired distances to local amenities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing locational sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

The accessibility of the site shows that following facilities meet the minimum standard:

- Amenity Open Space (500m) – would be provided on site
- Children’s Play Space (500m) – would be provided on site
- Bus Stop (500m) – 465m (St John’s Road)
- Public House (1000m) – 450m (Church House Inn)
- Public Right of Way (500m) – 70m (Macclesfield Canal Towpath)
- Supermarket (1000m) – 500m
- Pharmacy (1000m) – 1000m
- Community Centre/Meeting Place (1000m) – 850m (St John’s Church / Buglawton Primary School)
- Supermarket (1000m) – 650m (The Co-operative, St John’s Road)
- Bank or Cash Machine (1000m) – ATM in Co-operative, St John’s Road)
- Primary School (1000m) – 850m (Buglawton Primary School)
- Secondary School (2000m) – 2000m (Eaton Bank)
- Outdoor Sports (1000m) – Outdoor Sports (1000m) – would be provided on site
- Public Park & Village Green (1000m) - would be provided on site

Where the proposal fails to meet the standards, the facilities / amenities in question are still within a reasonable distance of those specified and are therefore accessible to the proposed development. Those amenities are:

- Convenience Store (500m) – 650m (The Co-operative, St John’s Road)
- Post Box (500m) – Outside the Co-operative, St John’s Road)
- Post office (1000m) – 1200m (Londis, Havannah Street)
- Pharmacy (1000m) – 1200m (Salus Pharmacy, Havannah Street)
- Leisure Facilities (1000m) – 1400m (Witness the Fitness)
- Child Care Facility (nursery or crèche) (1000m) - 1200m (Old Hall Day Nursery)
- Medical Centre (1000m) - 2300m (Meadowside Medical Centre)
- Railway Station (2000m) – 2200m (Congleton Railway Station)

In summary, the site does not comply with all of the standards advised by the NWDA toolkit. However as stated previously, these are guidelines and are not part of the development plan. Owing to its position on the easterly edge of Congleton, there are some amenities that are not within the ideal standards set within the toolkit and will not be as close to the development as existing dwellings which are more centrally positioned. Nevertheless this is not untypical for suburban dwellings and will be the same distances for the residential development to the north of the site. However, all of the services and amenities listed are accommodated within Congleton and are accessible to the proposed development on foot via well lit public footpaths or via a short bus journey. Accordingly, it is considered that this site is locationally sustainable.

Public Open Space

Comments have been received from the Council's Greenspaces Section (ANSA). It has been confirmed that the proposed development would require the provision of both amenity greenspace (AGS) and children and young person's provision (CYPP) in the form of a NEAP with 8 pieces of play equipment.

Having calculated the existing amount of accessible AGS within 800 metres of the site and the existing number of houses which use it, 236 new homes (566.4 persons based on policy average of 2.4 persons per dwelling) will generate a need for 5,664 square metres of new AGS. The Council could consider adopting the AMG. Applying the standards and formulae in the 2008 Guidance the Council would need a commuted sum to maintain an area of this size.

With respect to Children and Young Person's Provision within 800 metres of the site and the existing number of houses which use it, 236 new homes will generate the need for a new NEAP play facility (Neighbourhood Equipped Area for Play). The area should include at least 8 items/activities incorporating DDA inclusive equipment plus infrastructure. The detailed layout would be secured at the reserved matters stage. The new children's play facility should be secured for public use and transferred to the Council together with a 25 years commuted maintenance sum.

This would comprise of the following financial contributions which will need to be secured by the signing of a s106 agreement:

<u>Amenity Greenspace</u> –	Provision of 5,664 sq m on site
	Maintenance: £66,977

<u>Children and Young Persons Provision</u>	Provision of a NEAP (8 items of equipment)
	Maintenance: £169,070

This is considered to be necessary and fair and reasonable in relation to the development.

Affordable Housing

The site falls within the Congleton sub-area for the purposes of the SHMA update 2013. This identified a net requirement for 58 affordable homes per annum for the period 2013/14 – 2017/18. This equates to a need for 27x 1bd, 10x 3bd, 46x 4+bd general needs units and 37x 1bd older persons accommodation. Information taken from Cheshire Homechoice shows there are currently 568 applicants who have selected one of the Congleton lettings areas as their first choice. These applicants require 245 x 1bed, 193x 2bed, 87x 3 bed and 19x 4 bed. 24 applicants did not specify their bedroom requirement.

The Interim Planning Statement: Affordable Housing (IPS) and Policy SC5 in the emerging Local Plan states that in this location the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing.

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 or affordable rented and 35% intermediate tenure.

As this is an outline application, the precise detail of the affordable housing is limited. However, the quantum, tenure and location proposed is acceptable and could be secured by a s106 Agreement, with a requirement that an affordable housing scheme is included with the Reserved Matters application.

Education

The local primary and secondary schools are forecast to be cumulatively oversubscribed and the Education Department has requested that contributions are sought in the town on a per pupil basis (£173,540 for primary education £196,112, for secondary education and £136,500 for SEN). The contributions will mitigate the impact of the development and could be secured as part of a S106 Agreement. Therefore the development is considered to be acceptable in terms of its impact upon education in Congleton.

ENVIRONMENTAL SUSTAINABILITY

Open Countryside

Although open countryside policies are policies for the supply of housing and are out of date where no 5 year supply is in evidence, these policies can be used to help assess the impact of proposed development upon the countryside. Where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply. Policy PS8 and H6, seek to protect the intrinsic character and beauty of the countryside.

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.

Landscape

Within the submitted Landscape and Visual Impact Assessment, the baseline landscape character of the site is identified at both the national and regional level. The application site lies within the National NCA 61 Shropshire, Cheshire and Staffordshire Plain. At the regional level the application site is located the area identified in the Cheshire Landscape Character Assessment (2009) as Landscape Character Type 16: Higher farms and Woods, Buglawton Character Area (HFW4).

The submitted Landscape and Visual Impact Assessment (LVIA) advises that the general impact of the proposal on the landscape will not be ‘significant, with a beneficial effect on landscape features through the introduction of new tree planting on site boundaries as part of the green space provision’. Whilst the Council’s Landscape Officer broadly agrees with these conclusions, he advises that the Southern Green Corridor (H) as shown on the Parameters plan should be wider than the 15m min corridor shown, and that development should not take place along the western part of the field identified as Field 7 on Fig 6.

The submitted LVIA does identify the rural character of this part of the application site, as well as the substantial contribution it makes to the character of the stretch along Footpath 70. However, it is important to note that this application is in outline form and therefore the specific layout is not for consideration at this stage. This would be a matter to be dealt with at the reserved matters stage where the Landscape Officer's comments should inform the reserved matters layout to provide both landscape and visual benefits for both the proposed development, as well as for the area to the south. As such, at this stage, a refusal could not be sustained as the precise landscape treatment and layout of the dwellings is not for consideration.

Highways Implications

The development proposal is supported by a Transport Assessment (TA) and, following a request from the Head of Strategic Infrastructure (HSI), a further technical note was submitted on 8th September 2015 and a Framework Travel Plan (FTP) was submitted on 13th October 2015.

Access

The proposed development would be served by the formation of a new access with a ghost-island right turn lane directly onto the A54 Buxton Road. The submitted drawings indicate visibility splays of 2.4m x 91m based on a stopping sight distance for a 40mph road. Such visibilities do not adhere to advice based on a speed limit of 40mph. However, the HSI notes that the observed 85th percentile speeds around the site access are in the order of 40mph and such visibility splays are considered adequate for such speeds on this road and in this location.

Although the applicant has indicated that they will seek an extension of the 30mph speed limit on the A54, they cannot rely upon such implementation. The speed reduction proposal should be pursued to enhance pedestrian and driver safety but even if the Traffic Regulation Order (TRO) is not successful the available visibility is deemed adequate for actual speeds along the road.

The proposed cycleway/footway/emergency access is deemed necessary and suitable to serve this residential proposal.

Traffic Impact

The submitted Transport Assessment (TA) considers the operation of the proposed site access and impact of traffic flows on the A54 Mountbatten Way/A54 Moor Street/A527 Park Lane roundabout. The analysis confirms that the operation of the A54 Mountbatten Way / A54 Moor Street roundabout junction would, in fact, be satisfactory at future year predicted levels of traffic.

The original TA did not consider the operation of the A54 Mountbatten Way corridor. Subsequently, the applicant has considered the operation of the following junctions in this corridor;

- A54 Mountbatten Way / A54 Moor Street roundabout junction;
- A54 Mountbatten Way / Worrall Street signal junction;
- A54 Mountbatten Way / The Meadows roundabout junction; and
- A54 Mountbatten Way / A34 Rood Hill signal junction

The analysis confirms that the operation of the A54 Mountbatten Way / A54 Moor Street roundabout junction would be satisfactory at future year predicted levels of traffic.

The operation of the A54 Mountbatten /Worrall St junction is such that it is operating beyond capacity in the evening peak hour and at capacity in the morning peak hour. The applicant's submission takes no account of delays but indicates little change as a result of the proposed development. On examination of the outputs, the modelling demonstrates long queues and delays on several arms (102 in a queue in the PM peak on A54 SB with 227 seconds delay per vehicle) that are increased (112 in queue and 252 seconds delay per vehicle) with the addition of development traffic.

Queue and delay issues are also apparent at the A54 Mountbatten Way / The Meadows junction in the PM peak hour which will also be increased with the addition of development traffic. The applicant accepts that the corridor will be congested and that the network effects of congestion need to be considered as part of a strategic approach.

Analysis at the A54 Mountbatten Way / A34 Rood Hill signal junction indicates a junction operating under high levels of demand in both the AM and PM peak hours. The development proposal will further impact upon the operation of this junction.

The HSI considers that the cumulative impact of development along this corridor is significant and warrants the introduction of mitigation measures. The applicant proposes that a strategic approach to the corridor is required and that this would amount to either; online improvements on the A34, or the Congleton Link Road, and the development should provide contributions to such works.

Although the proposals do not fully mitigate traffic impacts in the Mountbatten Way corridor, a number of trips to/from the development (and on the network generally) will be long distance and taking those journeys as a whole, it is anticipated that an appropriate financial contribution to proposed improvements (online or Congleton Link Road) will have an overall beneficial highway impact to outweigh the harm of the development.

The applicant has offered a £3,000 per dwelling contribution to the highway network strategy for the area and this is agreed as suitable by the Head of Strategic Infrastructure.

CEC Modelling of the Wider Network

The Council has previously run VISSIM models to indicate the impact of other developments on the highway network in Congleton and to propose relevant highway improvement measures and a suitable contribution strategy to those measures.

The modelling indicated problems in the A34 corridor (it did not model the A54 Mountbatten Way corridor) and identified potential on-line improvements and costings. The modelling also considered the possibility of the Congleton Link Road. On the basis of an "either/or" funding approach CEC has adopted a strategy of seeking a contribution of £3,000 per dwelling as contribution to the A34 online improvements or the Link Road if/when it comes forward.

Although the applicant's modelling indicates that the A54 Mountbatten Way corridor will be operating under stress during peak hour periods it is suggested that the impact will be relatively small. The HSI is of the view that the impact will be significant and must be viewed as a cumulative impact that needs to be addressed.

The Council's proposals will improve travel conditions generally in Congleton and trips from/to the development, particularly those with out of town destinations and origins that will make use of the A34 corridor. The Head of Strategic Infrastructure agrees with the applicant that the approach of contributing to the potential online A34 corridor scheme and/or the Congleton Link Road will have the effect of mitigating the overall traffic impacts of the development proposal.

The Head of Strategic infrastructure therefore has no objection to this planning application subject to condition and legal agreement.

Residential Amenity

Whilst there are residential properties in the vicinity of the site, the nearest would be Tall Ash Farm itself, which would adjoin the north-western corner of the site. As the application is in outline form, the precise position and layout of the proposed dwellings is not known at this stage. However, the indicative layout demonstrates that the proposed development could be accommodated within the site whilst complying with the minimum separation distances with the nearest neighbouring properties.

The Council's Environmental Protection Unit has requested conditions in relation to hours of operation, environmental management plan, external lighting, and contaminated land and noise mitigation. These conditions will be attached to any planning permission.

Air Quality

The proposed scale of the development is likely to change traffic patterns in the area. There are concerns that the cumulative impact of developments in the area will lead to successive increases in pollution levels, thereby increased exposure for both existing and future residents.

Poor air quality is detrimental to the health and wellbeing of the public, and also has a negative impact on the quality of life for sensitive individuals. It is therefore considered that mitigation should be sought from the developer in the form of direct measures to reduce the impact of traffic associated with the development. Mitigation to reduce the impact of the traffic can range from hard measures to softer measures such as the provision of infrastructure designed to support low carbon (and polluting) vehicles.

The air quality impacts from this development could be mitigated with the implementation of the proposed travel plan and suitable electric vehicle charging infrastructure. Subject to the mitigation measures being secured the Environmental Protection Unit has no objection to the development. Details of dust mitigation would be secured by condition.

Noise

The applicant will need to ensure that the future occupants of the proposed dwellings are not adversely affected by noise Buxton Road. The Environmental Protection Unit is satisfied that

this can be adequately mitigated through appropriate insulation, glazing and ventilation. Such mitigation will need to be confirmed at the reserved matters stage.

Trees and Hedgerows

There are a number of trees within and adjacent to the application site. Most are scattered isolated individual specimens within existing field boundary hedgerows or former hedgerow remnants comprising of Oak, Ash and Sycamore. To the south of the site lies 'Bath Vale Woods/Timbersbrook'; a visually significant landscape component and SBI and a linear wooded slope which forms the eastern boundary of the site with Macclesfield Canal. To the southwest section of the site is a steeply sided slope which contains an area of early mature Oak, Hawthorn and Willow and occasional Elder. To the northern boundary is Buxton Road (A54) where there is little tree cover other than a mature hedgerow from the access to Tall Ash Farm and the canal.

The submitted Tree Survey identifies 33 individual trees, 4 Groups, 3 hedgerows and 2 woodlands within and adjacent to the application site. The application is also supported by a Tree Constraints Plan which identifies the root protection area (RPA) of existing trees although this is not shown on the Illustrative layout. The application is not supported by an Arboricultural Impact Assessment that would evaluate the direct and indirect impact of the proposed development on trees; nevertheless the Illustrative layout suggests that most trees will be accommodated within potential areas of public open space.

With respect to the health and amenity value of the trees, they have been categorised in accordance with Table 1 of BS5837:2012; with the survey identifying 17 individual moderate (B) category trees; 15 Low (C) category trees and two trees unsuitable for retention due to their condition. One low category Oak tree (T32) appears to be shown within the proposed residential area shown on the Illustrative layout, but has been identified with cubical rot. The Council's Tree Officer has therefore confirmed that its retention would not be deemed a priority owing to its poor condition.

There are elements of the initial design that would require further consideration/amendment in any future reserved matters application. The orientation of back gardens and properties facing onto the Macclesfield Canal (Conservation Area) and the wooded slope should be avoided. There are a number of mature trees along the top of the wooded slope and others which have significant future growth potential. The orientation of plots and relatively small rear gardens is likely to lead to future pressure for the removal of these trees due to relationship to buildings and loss of private amenity space due to shading etc.

The submitted Tree Survey suggests a minimum 10-15 metre buffer between Bath Vale Woods and dwellings along the southern boundary. Given the nature and designation of the woodland and its importance in the landscape, it is considered that a 10-15 metre buffer is insufficient. Standing Natural England advice suggests a minimum buffer zone of 15 metres of semi natural habitat between development and ancient woodland. Whilst this is an advisory minimum, a buffer in excess of 15 metres should be appropriate in most cases unless there are significant and unavoidable reasons for not doing so.

In design terms, the indicative layout does appear to show some potential conflict with existing trees and woodland and proposed housing plots and therefore some further reassurance is

required at reserved matters stage by provision of a detailed Arboricultural Impact Assessment that trees could be retained in the long term.

Public Rights of Way

Public footpaths Congleton FP58 and FP70 adjoin the application site to the east and south respectively. There are also a number of other public rights of way which meet in the vicinity of the site, including Congleton footpaths FP19 and FP32.

As part of the proposals, a number of improvements/ additions to the Public Footpath network are proposed. Such works to the existing footpaths would be required to accommodate the additional footfall and would help to improve sustainable access for future residents.

As referenced in the response of the Canal and River Trust, the Macclesfield Canal towpath, Congleton Public Footpath No. 58, would form an important leisure and active travel route for residents of the proposed development. In order to accommodate the increased resultant traffic and in order to increase the accessibility of the proposed development, the request to improve the surface of the towpath would be supported. The proposed ramped access improvement between Buxton Road and the towpath, for both pedestrians and cyclists, would increase the accessibility of the route. These improvements have also been logged as local aspirations under the Council's statutory Rights of Way Improvement Plan (ref. T33). Such improvements are necessary in order to offset the impact that proposed development would have on the towpath owing to its close relationship with the site and having regard to the scale of the proposed development. To realise these improvements, a financial contribution of £176,000 would be required. The applicant has agreed acceptance of these terms.

The provision of the proposed footway and pedestrian crossing on Buxton Road would increase the permeability of the proposed site to pedestrians and improve accessibility to and from the canal towpath. The developer would be reminded that the footway facility would need to accommodate both pedestrians and cyclists, as both categories of user have access along the towpath. Further details as to the connectivity between the towpath and the Buxton Road would be requested to ensure that the facility is adequate for all users. However, this would be a matter of detail secured at the reserved matters stage.

The submitted Transport Assessment states that "access to Buglawton Primary School via footpath No.38 (this should read Footpath No. 32), is unsuitable due to its mixed nature of stiles, fields and secluded narrow sections of footpath". In order to increase the accessibility of this public footpath for residents of the proposed development walking to the school, the developer contribution towards the improvement of off-site footpaths outlined in the s106 heads of terms would be requested. The required works would include the replacement of stiles with gaps or gates, destination signposting and surfacing works to cost of £17,065. This contribution would be required prior to the commencement of development in order that the facility for walking to school can be improved prior to first occupation.

The Council's Public Rights of Way Unit (PROW) has also recommended future contributions towards the maintenance of footpath FP70 and the 'Biddulph Valley Way Linear Countryside and National Cycle Network route'. However, this is based on the future degradation of the paths for which the PROW team cannot anticipate likely impacts and harm from this proposed development. Accordingly, these further contributions could not be reasonably secured.

Design & Conservation

The application site is presently Greenfield and in use as pasture/grazing land. The indicative layout suggests that up to 250 dwellings could be accommodated on the site served from a new access point taken from Buxton Road (A54). This would feed a primary access road running from north to south which would then meet with an internal loop road towards the southern portion of the site, with a number of tertiary roads throughout the development. The dwellings would be arranged around the internal road network with pockets of public open space and local areas for play distributed within the central core of the site. Towards the eastern boundary to the site, where the Macclesfield Canal runs the full extent of the site, it would appear that properties would be run in a linear arrangement backing onto the canal side.

It is noted that the proposed layout is a little cramped in parts and is also quite uniform across the site. There is an opportunity to create a more diverse range and to lower the density further at the site edges so that it is more respectful to surrounding features, such as the woodland to the south. The scheme seems denser in the southern part of the site than the north. It is envisaged that a higher density in the northern part with lower density in the southern part would be required to soften the visual impact of the proposals. Also, there are concerns regarding the rear garden relationship to the canal.

The canal is set approx. 8-10m below the site immediately to the west and the embankment has mature trees and under-planting over much of its length. There are gaps though and in winter, the density and effectiveness of this landscape feature would be diminished. Whilst on the illustrative layout the housing backs on to the site edge, care will be needed to ensure domestication doesn't become visible from the canal which has a tranquil, rural character that contributes to its special interest. It is suggested that the landscape of the embankment should be supplemented by creating a buffer of further landscaping within the site and that this should run the full length of the boundary, save for the break where the bridge crosses the canal.

In this case it is considered that although the indicative layout of the development should be improved, it is considered that an appropriately designed scheme could be negotiated at the Reserved Matters stage.

Public Realm Works

In deferring the application from the last meeting, Members wanted consideration to be given to potential public realm works in Congleton Town Centre. The applicant has looked at Congleton's Public Realm Strategy and has as a result, identified six locations along Mountbatten Way which would benefit from recommended improvements to the public realm. These improvements would comprise of:

- Dropped kerbs and tactile paving at 2 positions to aid pedestrians
- Congleton Town finger post,
- Relocate road gully from centre of pedestrian crossing and resurface central refuge to address trip hazard
- Remove and relay road studs along correct alignment
- Replace existing concrete bollards those specified in Public Realm Strategy
- Provide ramped footway connection

The applicant has proposed financial contributions to secure these works, which would amount to £15,500. Subject to these works, the journey for pedestrians accessing the Town Centre from the application site would be made safer and more pleasant thus increasing the ease of movement from the east of Mountbatten Way into the Town Centre. Given that the proposal is for up to 236 units, the footfall generated by the proposed development would be likely to use area to enter the Town Centre from the site. Accordingly, it is considered that such works would be reasonably related to the development to be approved and would serve as a planning benefit also. Such benefits, when weighed in the planning balance would help to assist the proposals non-conformity with the development plan. Consequently, such works are deemed appropriate and reasonable.

Ecology

SSSI and Local Wildlife Site

The proposed development is of a type that falls within Natural England's Impact Risk Zone associated with the nearby Dane in Shaw Pasture SSSI. Natural England have advised that the proposed development is unlikely to affect the features for which warranted the designation of this SSSI and therefore the impacts of this proposal area acceptable.

Bath Vale Woods Local Wildlife Site, which supports ancient woodland habitat is located immediately adjacent to the southern boundary of the site. The indicative layout includes a buffer between the proposed development and the boundary of the Local Wildlife site. The standing advice from Natural England is that minimum buffer of 15 metre is required.

In this instance considering the scale of works proposed in the vicinity of the woodland and the potential of the proposed development to alter the hydrology of the woodland, it seems likely that a buffer wider than the minimum 15m would be required in order to safeguard the woodland from the adverse impacts of the proposed development. Consequently, it is considered that a condition be attached requiring any future reserved matters application to include the buffer zone as shown on the submitted parameters plan.

Grassland Habitats

There is an area of marshy grassland habitat within the site that supports watercress and so is likely to be of sufficient quality to be designated as a Local Wildlife Site. This habitat could be feasibly retained as part of the proposed development. Elsewhere, the other grassland habitats present within the site support a number of species indicative of higher quality grassland habitats. However, recently the grassland habitats had been reseeded and therefore in their current condition the grassland habitats present on the application site are unlikely to be of significant nature conservation value.

Great Crested Newts

The Council's Nature Conservation Officer has confirmed that none of the assessed waterbodies located within 250m of the proposed development are reasonable likely to support breeding great crested newts and this species is not reasonable likely to be present or affected by the proposed development.

Common Toad

This priority species was recorded on site during the amphibian appraisal. The proposed development will result in the loss of a significant area of terrestrial habitat that is likely to be utilised by this species. The potential impacts of the proposed development on this species can be reduced through the retention and enhancement of areas of semi-natural habitat within the site layout. In order to enhance the available breeding habitat for this species, it is recommended that the detailed design layout includes an additional pond.

Badgers

Evidence of badgers has been recorded on site including a number of setts. The identified setts are all located within areas shown on the submitted parameters plan as being allocated for open space/landscaping uses. Therefore based on the current level of badger activity, it appears unlikely that any setts would be directly lost as a result of the proposed development. There is however likely to be a loss of foraging habitat that could potentially be partially mitigated through the careful design of the open space areas at reserved matters stage. As the status of badgers on the application site is likely to change over time, any future reserved matters application should be supported by an updated badger survey and mitigation strategy.

Bats and Barn Owls

There has been no evidence of roosting bats or barn owls associated with the buildings located adjacent to the application site. However, evidence of barn owl activity was recorded as being associated with one of the trees within the site. A barn owl mitigation strategy has also been formulated and submitted in support of the application. Based upon the submitted illustrative layout plan, it appears that this tree could be retained appropriately within the development. A condition would however be required to ensure that any future reserved matters application is supported by an updated barn owl survey and mitigation strategy.

A number of trees have been identified as having bat roost potential. These trees are all identified as being retained. The three trees that have been identified as having the highest level of potential to support roosting bats are all shown as being retained within suitable adjoining habitat.

A broader bat activity survey has also been undertaken of the site. There is a notable level of bat activity recorded on site in terms of the number of species potentially present. However, the survey was potentially constrained by being undertaken late in the activity season. That said, the area of the site with the greatest level of bat activity is shown as being retained on the submitted plans and the potential impacts of bats can be mitigated through retention of existing vegetation, particularly the hedgerows and existing trees around the boundaries of the site.

Water vole and Otter

A survey for both of these species has been undertaken. Potential evidence of Otter activity was recorded on the adjacent canal and so it is possible that this species utilises all of the watercourses adjacent to the site. The submitted report recommends that a buffer of 20 metres

should be provided adjacent to the water courses. This recommendation has been incorporated into the submitted parameters plan.

Hedgerows

Hedgerows are priority habitat and hence a material consideration. In addition a number of hedgerows (numbered: 2a, 2b, 6, 7, 8a, 9, 10, 11) have been identified as being Important under the Hedgerow Regulations. Based upon the submitted parameter plan it appears feasible for most of the existing hedgerows to be retained on site. There are likely to be some losses associated with a number of hedgerows on site, however, these losses can be minimised to an acceptable level.

Breeding Birds

A number of species of birds (including a range of priority species) have been recorded as being associated with the application site. In the absence of mitigation, the proposed development has the potential to have an adverse impact upon a number of these species, particularly the species associated with the adjacent woodland and on-site hedgerows. The Council's Nature Conservation Officer (NCO) has stated that the potential impacts of the proposed development upon birds could be partially mitigated through the retention of the existing hedgerows within the site with suitable buffers, and the provision of a buffer of semi-natural habitat between the proposed houses and the adjacent woodland as discussed above.

Offsetting/Defra metric

Once the required further ecological surveys have been completed, it is recommended that the applicant undertakes and submits an assessment of the residual ecological impacts of the proposed development using the Defra biodiversity offsetting 'metric' methodology. An assessment of this type would both quantify the residual ecological impacts of the development (after identified potential impacts have been avoided, mitigated and compensated for in accordance with the mitigation hierarchy) and calculate in 'units' the level of financial contribution which would be required to 'offset' the impacts of the development to enable the residual ecological impacts of the development to be fully addressed. Any commuted sum provided would be used to fund habitat creation/enhancement works locally.

There are no issues with respect to reptiles species was recorded or Brown Hare on site and it is advised that species protected by law would not be affected by the proposed development subject to conditions and financial contributions.

Flood Risk and Drainage

In support of this application a Flood Risk Assessment has been submitted in support of the application. The majority of the site is located within Flood Zone 1 as defined by the Environment Agency indicative flood maps and as a result the chance of flooding from rivers or sea is 0.1% (1 in 1000) or less.

The FRA identifies that it will be feasible to drain the proposed development and manage surface water runoff using attenuation and/or SuDS features. The FRA also demonstrates that

the proposed development can address the residual risk of flooding of surface water and will not increase the risk of flooding to neighbouring properties.

The Environment Agency and United Utilities have been consulted on this application and have raised no objection to the development on flood risk or drainage grounds. Therefore the development is considered to be acceptable in terms of its flood risk and drainage impact.

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 Congleton including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

Loss of Agricultural Land

The proposed development would result in the loss of agricultural land. In relation to this issue the NPPF states that:

'Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. 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'

An assessment of agricultural land has been submitted in support of this application and the results show that the agricultural land on the site is grade 3b value and therefore does not comprise the best and most versatile agricultural land. As such, *the proposal is unlikely to have adverse economic effects in respect of farming operations.*

CIL Regulations

In order to comply with the Community Infrastructure Regulations 2010 it is necessary for planning applications with planning obligations 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 development would result in increased demand for primary and secondary school places in Congleton where there is very limited spare capacity. In order to increase capacity of the school(s) which would support the proposed development, a contribution towards primary and secondary school education is required including those with special educational needs. This is considered to be necessary and fair and reasonable in relation to the development.

The development would result in increased vehicular movements on the local highway network corridor which is already at capacity. In order to mitigate this impact a contribution is required

towards the Councils scheme of improvements in the area. This is considered to be necessary and fair and reasonable in relation to the development.

As explained within the main report, POS and children's play space is a requirement of the Interim Planning Policy. It is directly related to the development and is fair and reasonable.

The PROW and Macclesfield Canal Towpath contributions are required to improve the PROW in the vicinity of the site to ease access and mitigate the impact from users generated by the development. The development would result in increased use of the PROW and upgrades are required. Additionally, the public realm works put forward by the applicant would be required to improve the public realm along Mountbatten Way, of which the pedestrians generated by the proposal would be dependant on to access the Town Centre. As a result the contributions are necessary, directly related to the development and fair and reasonable.

On this basis the S106, recommendation is compliant with the CIL Regulations 2010.

PLANNING BALANCE

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

In this case, the development would provide market and affordable housing to meet an acknowledged shortfall in a relatively sustainable location. 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. However, this incursion and adverse impact would be minimised (subject to appropriate detail being secured at the reserved matters stage) and it is not considered that this is sufficient to outweigh the benefits in terms of housing land supply in the overall planning balance.

The proposed development would not adversely affect the visual character of the landscape or adjoining conservation area subject to appropriate details secured at the reserved matters stage.

The proposed development would provide a safe access and the development would not have a detrimental impact upon highway safety or cause a severe traffic impact subject to contributions to secure mitigation.

In terms of Ecology it is not considered that the development would have a significant impact upon the nearby SSSI, Local Wildlife Site, ecology or protected species subject to the mitigation proposed.

Subject to confirmation, the proposed development would provide appropriate provision of open space on site and the necessary affordable housing requirements.

The education department has confirmed that there is a lack of capacity within local schools and that a contribution will be required in this case. This would be secured as part of a S106 Agreement.

The proposal is considered to be acceptable in terms of its impact upon residential amenity and drainage/flooding and it therefore complies with the relevant local plan policy requirements for residential environments

It is considered that an acceptable solution could be negotiated in terms of the PROW on this site at the Reserved Matters stage.

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 obligations.

RECOMMENDATION

APPROVE subject to conditions and a S106 Agreement making provision for:

- **Affordable Housing comprising 30% (65% of which will be for social / affordable rent and 35% for shared ownership / intermediate tenure)**
- **Education contributions of £173,540 (primary) £196,112 (secondary) and £136,500 (Special Educational Needs) = total of £506,112**
- **Highways contributions of £3,000 per dwelling towards the A34 online improvements or the Link Road**
- **Public Open Space**
 - **Amenity Greenspace £66,977**

- Children and Young Persons Play Provision £169,070
- Provision of a NEAP (8 items of play equipment)
- 5,664 square metres of onsite Amenity Greenspace
- Macclesfield Canal Towpath contributions of £176,000
- PROW contributions of £17,065
- Public Realm contributions of £15,500
- Improvement to 2no. bus stops – contributions of £24,000

And the following conditions:

1. **Standard Outline Time limit – 3 years**
2. **Submission of Reserved Matters**
3. **Accordance with Approved Plans**
4. **Access to constructed in accordance with approved plan prior to first occupation**
5. **Submission of an Environmental Management Plan (incl dust control)**
6. **Noise mitigation to be submitted with reserved matters**
7. **Submission of a travel plan**
8. **Provision of electric vehicle infrastructure (charging points)**
9. **Submission of contaminated land survey**
10. **Details of drainage to be submitted**
11. **Only foul drainage to be connected to sewer**
12. **Details of pile driving operations to be limited**
13. **Retention of important trees**
14. **Tree and hedgerow protection measures**
15. **Arboricultural Specification/Method statement**
16. **Timing of the works and details of mitigation measures to ensure that the development would not have a detrimental impact upon breeding birds.**
17. **Reserved matters application to include details for the provision of an additional pond**
18. **Reserved matters application to be supported by updated badger survey and mitigation strategy**
19. **Updated barn owl mitigation strategy to be submitted with any future reserved matters application**
20. **Detailed lighting scheme to be submitted in support any future reserved matters application.**
21. **Provision of 20m buffer zone adjacent to the canal.**
22. **Provision of minimum 30m buffer adjacent to woodland in accordance with submitted parameters plan.**
23. **Provision of gaps in garden and boundary fencing to allow movement of hedgehogs.**
24. **Development to be carried out in accordance with in accordance with the recommendations of paragraph 5.17 of the submitted phase one survey report prepared by CES Ecology.**
25. **Reserved matters application to be supported by a method statement for the eradication of invasive non-native plant species**

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Planning and Place Shaping Manager has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.

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

