

Application No: 15/4791C

Location: Big Stone Cottages, MIDDLEWICH ROAD, CRANAGE, CW4 8HG

Proposal: Demolition of existing residential building and ancillary buildings, removal of trees, replacement of existing house, and development of three new houses, highways access , landscaping and infrastructure.

Applicant: Mr Mike Cohen

Expiry Date: 23-Dec-2015

SUMMARY

The application site lies entirely within the Open Countryside as determined by the Congleton Borough Local Plan First Review 2005.

Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by Local Plan Policy H6. The proposed development does not fall within any of the listed categories and as such, it constitutes a “departure” from the development plan and there is a presumption against the proposal.

The proposal remains contrary to Open Countryside policy regardless of the Council’s 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. This consideration is made on the sustainability of the development.

Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites and where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development

It is therefore necessary to make a free-standing assessment as to whether the proposal constitutes “sustainable development” in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

In this case, the development would bring positive planning benefits such as; the provision of market housing, an affordable housing financial contribution and a boost to the local economy.

Balanced against these benefits must be the dis-benefits, which in this case relates to the detrimental impact the scheme would have upon the landscape.

In this instance, it is considered that the social benefits of the scheme outweigh the dis-benefits.

On the basis of the above, it is considered that the proposal represents sustainable development.

RECOMMENDATION

APPROVE subject to a S106 Agreement to secure off-site affordable housing provision and conditions

REFERRAL

The application has been called-in to Southern Planning Committee by Councillor A. Kolker due to the remoteness of the location from local amenities and facilities.

PROPOSAL

Full planning permission is sought for the demolition of 1 existing property and an adjoining business unit and ancillary outbuildings and the erection of 4 new dwellings.

SITE DESCRIPTION

The application site relates to a residential plot to the north of Oak Tree Lane, off Middlewich Road, Cranage in the Open Countryside.

The site extends approximately 0.7 hectares in size and comprises of a pair of two-storey semi-detached cottages, a garage, an outdoor swimming pool and 2 elongated outbuildings.

The site also lies within the Jodrell Bank Radio Telescope Consultation Zone Line.

RELEVANT HISTORY

05/0669/COU - Temporary change of use of dwelling to offices. Two full time workers and one part timer. No physical alterations to be made either internally or externally, bathroom and kitchen to be retained (No.2 Big Stone Cottages) – Approved 21st October 2005

31660/3 - Conservatory extension to rear of existing dwelling (No.1 Big Stone Cottages) – Approved 18th February 2000

27717/3 - Application for change of use from office use to ancillary residential accommodation (No.1 Big Stone Cottages) – Approved 14th October 1996

25483/3 - Application to retain office use in redundant stable building (No.1 Big Stone Cottages)
– Approved 17th August 1993

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, 17 – Open Countryside, 47-50 - Wide choice of quality homes, 55 - Isolated dwellings in the countryside, 56-68 - Requiring good design

Development Plan

The Development Plan for this area is the 2005 Congleton Borough Local Plan, which allocates the site, under Policy PS8, as Open Countryside

The relevant Saved Policies are:

PS8 – Open Countryside, PS10 – Jodrell Bank Radio Telescope Consultation Zone, GR1 - New Development; GR2 - Design, GR4 - Landscaping, GR6 - Amenity and Health, GR9 - Accessibility, Servicing and Parking Provision – New development, GR16 - Footpath, Bridleway and Cycleway Networks, GR20 - Public Utilities, GR21 - Flood Prevention, NR1 - Trees and Woodlands, NR2 - Wildlife and Nature Conservation – Statutory Sites, H1 - Provision of New Housing Development, H6 - Residential Development in the Open Countryside and the Green Belt and H13 - Affordable and low cost-housing

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

MP1 - Presumption in favour of sustainable development, PG1 - Overall Development Strategy, PG5 - Open Countryside, PG6 - Spatial Distribution of Development, SD1 - Sustainable Development in Cheshire East, SD2 - Sustainable Development Principles, IN1 – Infrastructure, IN2 - Developer contributions, SC4 - Residential Mix, SC5 - Affordable Homes, SE1 – Design, SE2 - Efficient use of land, SE3 - Biodiversity and geodiversity, SE4 - The Landscape, SE5 - Trees, Hedgerows and Woodland, SE6 - Green Infrastructure, SE9 - Energy Efficient Development, SE12 - Pollution, Land contamination and land instability, SE13 - Flood risk and water management, CO1 - Sustainable Travel and Transport and CO4 - Travel plans and transport assessments

Other Material Considerations;

Interim Planning Statement: Affordable Housing (Feb 2011)
North West Sustainability Checklist
Pre-application letter: PRE/0753/14

CONSULTATIONS

Jodrell Bank (University of Manchester) – The additional potential contribution to the existing level of interference coming from that direction will be relatively ‘minor’

Head of Strategic Infrastructure (HSI) – No objections, subject to an informative that the developer enter into a Section 184 Agreement to provide the new vehicular crossing

Environmental Protection – No objections, subject to a number of conditions including; the prior submission of a piling method statement; the prior approval of a dust mitigation scheme; a restriction over the hours of construction; the approval of a contamination report prior to occupation. In addition, a contaminated land and hours of piling informative is proposed

Flooding (Cheshire East Council) – No objections, subject to a condition that no development shall take place until a detailed design and maintenance plan of surface water drainage for the site has been submitted to and approved in writing by the LPA

Housing (Cheshire East Council) – No objections, subject to the provision of appropriate affordable housing provision

United Utilities – No objections, subject to a condition that foul and surface water shall be drained on separate systems and a condition that a surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority

Cranage Parish Council – No objection, but recommend an improved design

REPRESENTATIONS

Neighbour notification letters were sent to all adjacent occupants and a site notice was erected.

Neighbouring letters of objection were received from 2 properties at the time of writing this report. The main areas of concern raised are;

- Design – Layout does not adhere to local character
- Amenity – Loss of privacy
- Highway safety – additional traffic, access concerns
- Trees

Other matters have been raised which are not material considerations such as ownership concerns / rights of access.

APPRAISAL

The key issues are:

- The principle of the development
- Housing Land Supply
- Open Countryside

- Sustainability including; Environmental, Economic and Social Role
- Planning balance

Principle of Development

The site lies entirely within the Open Countryside as designated in the Congleton Borough Local Plan First Review 2005 where policies PS8 and H6 state that only residential development which is required for a person engaged full-time in agriculture or forestry, the replacement of an existing dwelling, the conversion of an existing rural building, the change of use or re-development of an existing employment site, infill development or affordable housing shall be permitted.

The proposed development does not fall within any of these exceptions. 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 sustainable development and 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.

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 ‘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.

Open Countryside Policy

In the absence of a 5-year housing land supply we cannot rely on countryside protection policies to defend settlement boundaries and justify the refusal of development simply because it is outside of a settlement, but 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, seeks 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.

In order to assess the impact upon the Open Countryside, a significant consideration is the impact the development would have upon the landscape which is considered as part of the sustainability assessment.

Sustainability

The National Planning Policy Framework definition of sustainable development is:

“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. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment”

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

The applicant was advised at pre-application to complete this short, simple assessment to enable the Council to be able to make an informal assessment on locational sustainability. In response, no information regarding this has been submitted with the application.

The site does not fall within a settlement and is approximately 1.7 miles away from the closest service centre of Holmes Chapel.

However, a number of recent appeal decisions have determined that this small area of Cranage (e.g. from the application site to the east onto Goostrey Lane), can be considered to be locationally sustainable.

As a result of these decisions which were on sites within close proximity to the application, this is accepted in this instance also.

Notwithstanding the above, Inspectors have determined that locational accessibility is but one element of sustainable development and it is not synonymous with it. The NPPF determines that sustainable development includes three dimensions:- economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

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

an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being;

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

Environmental role

Previously Development Land

Paragraph 111 of the NPPF states that *"Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value."*

Annex 2 of the NPPF defines "Previously developed land" as:

'Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.'

This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments;

and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.'

It is accepted that part of the site can be classed as previously developed land, namely the site of the outbuildings and swimming pool.

However, it is not accepted that the entire site should be considered as previously developed as many part remain open.

As such, it is not accepted that the entire site can be classified as 'previously developed land' in line with the NPPF definition.

Landscape

The Planning Statement states that the site is well screened by boundary trees and hedgerows. It asserts that visually, development of the site will have no impact on the Open Countryside because it is well contained. It also asserts that the impact on the wider landscape is likely to be insignificant. In relation to the local area, it asserts the proposed development sits well within the site and has no impact on the character and appearance of the local area.

The existing buildings on site fit in the existing landscape and ribbon development on Middlewich Road and are not prominent. Vegetation on site provides a degree of screening.

The proposed development would involve the removal of a significant proportion of the existing vegetation and the introduction of four large detached dwellings. The Council's Landscape Officer has advised that that existing off site vegetation would restrict distant views into the site. Nevertheless, the proposed removal of much of the vegetation cover would open up views into and out of the site, resulting in the proposed development being readily visible to visual receptors including users of Middlewich Road and the public footpath which runs north from Middlewich Road.

When viewed from the section of Middlewich Road in the vicinity of the site and the public footpath to the north, the Council's Landscape Officer has advised that they anticipate that the four detached dwellings would be more prominent than the existing development and will have a visual impact within the local landscape.

With regards to mitigation planting, the Council's Landscape Officer has advised that due to the layout proposed, it would be unreasonable to expect that more than a boundary hedge could be accommodated.

However, the Council's Landscape Officer has concluded by stating that, should the proposal be deemed acceptable in principle, in the event of approval it would be appropriate to secure a comprehensive landscape scheme by condition.

It is considered that, subject to a landscape condition, any landscape harm would not be sufficient to justify withholding planning permission.

Trees

The application is supported by a revised Arboricultural Impact Assessment that confirms significant proposed vegetation losses across the site including: two trees due to poor condition, together with two individual trees, seven groups of trees and one hedge to allow development.

The submitted Arboricultural Method Statement indicates one mature Oak tree, one group of trees and three lengths of hedge could be retained and protected as part of the development. The submission suggests that supplementary native tree and hedge planting will support the application.

The trees and hedges identified for removal are identified as low grade in the tree survey and the Council's Tree Officer concurs that they are not of significant amenity value. The Tree Officer advises that they could be removed without consent. It is accepted that a new development may offer opportunities for planting as part of a landscape scheme. Nevertheless, the removal of the vegetation identified would open up the site.

In the event of approval, the Council's Tree Officer advises that the tree protection measures as detailed in the Arboricultural Method Statement could be secured by condition. Measures for tree and hedge planting would also need to be secured by condition.

As such, subject to the above recommended conditions, no issues based on tree grounds are raised.

Ecology

The application is supported by a Phase 1 Habitat Survey.

The Council's Nature Conservation Officer has reviewed the submission and advised that the survey confirms the presence of roosting bats that will be directly impacted by the proposals. A bat mitigation statement was therefore recommended.

This statement was prepared and submitted during the application process. In response, the Council's Nature Conservation Officer has advised that he is satisfied with the outcome of this survey, subject to a condition that the measures set out in the Bat Mitigation Statement are implemented.

As such, subject to the above it is not considered that the proposed development would create any ecology concerns subject to mitigation.

Design

Policy GR2 of the Local Plan states that the proposal should be sympathetic to the character, appearance and form of the site and the surrounding area in terms of: The height, scale, form and grouping of the building, choice of materials and external design features
Policies SE1 and SD2 of the Cheshire East Local Plan Strategy – Submission Version, largely reflect the Local Plan policy.

The submitted updated layout plan shows that the proposed provision of 4 detached dwellings. 3 of the proposed dwellings would front onto Oak Tree Lane and a 4th would be located to the rear (north) of the site.

The layout plan shows that the 2 dwellings to the west would be accessed via a short shared drive onto Oak Tree Lane and a second access point would be shared to access the other 2 units further to the east. This access would extend deeper into the site in order to access the 4th dwelling to the rear.

At present Oak Tree Lane and Middlewich Road is characterised by linear residential development fronting the highway to the south with elongated back gardens extending to the north.

The only built form to the rear of the row of dwellings is a detached garage, an elongated outbuilding and an outdoor swimming pool all within the curtilage of the applicant's property.

Due to the presence of these outbuildings to the rear, it is not considered that the addition of a further dwelling in this backland location would appear incongruous compared to the existing built form situation. As such, the layout of the proposed development would be acceptable.

In relation to form 4, detached dwellings are proposed.

Although the closest neighbouring properties comprise of semi-detached and terraced properties, the erection of large detached properties in the area is not uncommon. As such, the form of the dwellings is considered to be acceptable.

With regards to scale, the height of the proposed properties would range between 9.6 metres (Plots 1 and 2), 8.8 metres (Plots 3 and 4).

In comparison to the surrounding properties, Cherry Tree Cottage immediately to the east of the dwelling proposed on plot 3 measures between 8.5 and 9 metres in height according to historical planning applications.

Given that the height of the closest of the proposed dwellings to the existing surrounding development would not be dissimilar, it is not considered that the height of the proposed dwellings would appear incongruous.

The appearance of the dwellings would be largely rectangular and be characterised by numerous gable features and extensive glazing. The dwellings would also comprise of split-level roofs, chimneys and integral garages.

It is advised within the application form that the dwellings would be constructed from a mixed palette of brick and render with stone dressings, man-made slate roofs and white uPVC fenestration.

The proposed gable features, dual-pitched roofs and white fenestration would not be out of character with the closest dwellings on Middlewich Road.

The neighbouring properties predominantly comprise of exposed brickwork. However, the applicant's existing property has a rendered finish. As such, it is also considered that the proposed finish of the dwellings would not appear incongruous subject to the detail being agreed in writing by the LPA.

As a result, it is considered that the proposed development would be of an acceptable design and would adhere with Policy GR2 of the Local Plan and Policies SE1 (Design) and SE2 (Efficient use of land) of the Cheshire East Local Plan Strategy – Submission Version (CELP).

Highway safety / Access

The Council's Head of Strategic Infrastructure (HSI) has reviewed the proposal and advised that the access arrangements are satisfactory and off-street parking provision is in accordance with Cheshire East Council minimum parking standards for residential dwellings.

Accordingly, the Strategic Infrastructure Manager has raised no objection in relation to the planning application subject to the addition of an informative that the developer enter into a Section 184 Agreement to provide the vehicular crossing.

Flood Risk and Drainage

The application site does not fall within a Flood Zone and is not of a scale which requires the submission of a Flood Risk Assessment.

The Council's Flood Risk Officer has reviewed the application and advised that he has no objections, subject to a condition that no development shall take place until a detailed design and maintenance plan of surface water drainage for the site has been submitted to and approved in writing by the LPA.

United Utilities have advised that they have no objections, subject to a condition that foul and surface water shall be drained on separate systems and a condition that a surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority.

As such, subject to these conditions, it is considered that the proposed development would adhere with Policies GR20 and GR21 of the Local Plan.

Environmental Conclusion

The proposed development would create a minor landscape concern. However, due to the presence of existing built form on this site, and because the Council's Landscape Officer has suggested the inclusion of landscaping conditions, it is not considered that the impact would be significant.

Matters in relation to trees, access, ecology, design, flooding and drainage which are all considered to be neutral, subject to conditions where necessary.

However, as a result of the impact of the development upon the wider landscape, it is considered that the proposed development would be marginally environmentally unsustainable.

Economic Role

It is accepted that the construction of a housing development of this minor scale would bring the usual economic benefit to the closest shops in Holmes Chapel and Goostrey for the duration of the construction, and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain. There would be

some economic and social benefit by virtue of new resident's spending money in the area and using local services.

As such, it is considered that the proposed development would be economically sustainable.

Social Role

The proposed development would provide 4 market dwellings, 3 of which would be new which in itself would represent a social benefit. In addition;

Affordable Housing

The Council's Interim Planning Statement for Affordable Housing states that we will seek provision of 30% on-site affordable housing on sites over 0.2 hectares within settlements of 3000 or more. Furthermore we will seek a tenure split of 65% affordable or social rent and 35% intermediate tenure.

For the provision of 3 new dwellings on this site, there would be an affordable housing requirement of 0.9 units.

The applicant has proposed a financial contribution towards off-site affordable housing. A figure of £68,640 has been agreed between both parties.

The Council's Housing Officer has advised that this is acceptable and is satisfied that this has been calculated based on the Council's policy as advised by the applicant.

This would be a considerable social benefit to the scheme.

Amenity

Policy GR6 (Amenity and Health) of the Local Plan, requires that new development should not have an unduly detrimental effect on the amenities of nearby residential properties in terms of loss of privacy, loss of sunlight or daylight, visual intrusion, environmental disturbance or pollution and traffic generation access and parking. Supplementary Planning Note 2 (Private Open Space) sets out the separation distances that should be maintained between dwellings and the amount of usable residential amenity space that should be provided for new dwellings.

The closest elevation of the closest proposed dwelling (Plot 3) to the side elevation of Cherry Tree Cottage would be approximately 20.8 metres away. As this closest proposed elevation is blank and adheres with the standards of SPN2 (13.8 metres), no significant concerns in relation to loss of privacy, light or visual intrusion are considered to be created.

The deep depth of garden of Cherry Tree Cottage (approx. 17 metres) in conjunction with the further gap between the boundary and the application site to the closest dwelling further alleviate visual intrusion concerns.

The Council's Environmental Protection Team have advised that they have no objections on environmental disturbance grounds subject to a number of conditions including; the prior submission of a piling method statement; the prior approval of a dust mitigation scheme; a

restriction over the hours of construction; the approval of a contamination report prior to occupation. In addition, a contaminated land and hours of piling informative is proposed.

With regards to the amenity of the future occupiers of the proposed dwellings, there is a reasonable separation distance between the dwellings proposed on plots 1 and 2. Large parts of the principal elevation of the dwellings proposed on plot 3 and the rear elevation of plot are just 14 metres apart however, would be separated by a shared access road.

Within the relevant elevations of both proposed dwellings, there are no sole principal habitable windows. As such, no significant concerns with regards to privacy, light or visual intrusion upon the future occupiers of these dwellings are envisaged.

Again, no sole principal habitable room windows are present within the opposing elevations of the dwellings proposed on plots 3 and 4.

As such, subject to the conditions proposed by the Council's Environmental Protection Officer, it is considered that the proposed development would adhere with Policy GR6 of the Local Plan and not create any amenity concerns.

Jodrell Bank

As the application site falls within the Jodrell Bank Radio Telescope Consultation Zone, it is subject to Policy PS10 of the Local Plan.

Policy PS10 advises that for such sites, development will not be permitted which can be shown to impair the efficiency of the Jodrell Bank Radio Telescope.

It is proposed that Policy PS10 will be replaced by Policy SE14 within the emerging Cheshire East Local Plan Strategy – Submission Version. The principles of this policy broadly reflect those of Policy PS10.

Jodrell Bank have advised that the additional potential contribution to the existing level of interference coming from that direction will be relatively minor.

As such, although minor, it is considered that the proposal would fail to adhere with Policy PS10 of the Local Plan and Policy SE14 of the emerging Cheshire East Local Plan Strategy – Submission Version.

Social Conclusion

The proposal would create positive social planning benefits such as the provision of market housing and will offer an affordable housing contribution.

Balanced against these benefits is the minor impact the development would have upon the efficiency of the Jodrell Bank Radio Telescope.

Given that this impact would be minor, when considered against the benefits of the provision of market housing and an affordable housing contribution, it is considered that the development would be socially sustainable.

Other Matters

The scheme is not of a scale which requires; public open space, education or health contributions.

Levy (CIL) Regulations

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

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

The development would result in the requirement of a 30% affordable housing provision which for a scheme of 3 dwellings results in a 0.9 unit requirement.

Given that this requirement is less than 1 unit, an off-site contribution is considered to be acceptable in this instance.

The applicant has agreed a figure of £68,640 with the Council.

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

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

Planning Balance

The application site lies entirely within the Open Countryside as determined by the Congleton Borough Local Plan First Review 2005.

Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by Local Plan Policy H6. The proposed development does not fall within any of the listed categories and as such, it constitutes a “departure” from the development plan and there is a presumption against the proposal.

The proposal remains contrary to Open Countryside policy regardless of the Council’s 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. This consideration is made on the sustainability of the development.

Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites and where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development

It is therefore necessary to make a free-standing assessment as to whether the proposal constitutes “sustainable development” in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

In this case, the development would bring positive planning benefits such as; the provision of market housing, an affordable housing financial contribution and a boost to the local economy.

Balanced against these benefits must be the dis-benefits, which in this case relates to the minor detrimental impact the scheme would have upon the landscape and the minor impact upon the Jodrell Bank Radio Telescope.

In this instance, it is considered that the social benefits of the scheme outweigh the dis-benefits as both the landscape and Jodrell Bank concerns can be mitigated by the use of planning conditions.

On the basis of the above, it is considered that the proposal represents sustainable development.

RECOMMENDATION

APPROVE Subject to a S106 Agreement to secure;

- 1. £68,640 towards off-site affordable housing provision**

And conditions;

- 1. Time (3 years)**
- 2. Plans**
- 3. Prior approval of facing and roofing materials**
- 4. Prior approval of a piling method statement**
- 5. Prior approval of a dust mitigation scheme**
- 6. Approval of a contamination report prior to occupation**
- 7. Foul and surface water shall be drained on separate systems**
- 8. Prior approval of a surface water drainage scheme**
- 9. Landscaping – Details**
- 10. Landscaping – Implementation**
- 11. Boundary treatment**
- 12. Bat mitigation - Implementation**
- 13. Electromagnetic screening measures**

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

Heads of Terms

- 1. Financial contribution of £68,640 towards off-site affordable housing provision**

