

Application No: 17/3611C

Location: Land Off, MARSH GREEN ROAD, SANDBACH

Proposal: Outline application for Residential development on land off Marsh Green Road, Elworth, Sandbach

Applicant: Safeguard Limited

Expiry Date: 01-Dec-2017

## **SUMMARY**

The site is within the Open Countryside where, under policy PG6 of the Adopted Local Plan Strategy, there is a presumption against new residential development. The proposed development although affordable cannot be considered as a Rural Exception Site as it would not adhere to the relevant strict criteria. As such, the proposals would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside. The issue in question is whether there are other material considerations associated with this proposal, which are sufficient material considerations in this case to outweigh the policy objection.

The development would provide significant social benefits in terms of much needed affordable housing through the provision of a 100% affordable housing scheme. It would also provide economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses. Due to its landscape designation, it is not considered that the proposal will have a significant landscape impact.

Balanced against this are the adverse impacts of the development including the limited loss of open countryside and a loss of Best and Most Versatile Agricultural Land.

It is considered that the benefits arising from proposed scheme of 30 affordable dwellings on this site weighs significantly in the planning balance, and would outweigh the disadvantages of the scheme, and justify a departure from the Development Plan.

The application is therefore recommended for approval.

## **RECOMMENDATION**

**APPROVE** subject to a S106 Agreement to secure; On-site Open Space, a financial contribution of £146,791 to education and 100% affordable housing and conditions

## **PROPOSAL**

This application seeks outline planning permission to erect 30 affordable dwellings. Matters of Access are also sought.

Approval of layout, scale, appearance and landscaping, and scale are not sought at this stage and as reserved for subsequent approval.

As such, this application shall consider the principle of the development and the access arrangements only.

## **SITE DESCRIPTION**

The site relates to a parcel of green field located between the eastern side of Marsh Green Road and the western side of Vicarage Lane, Sandbach within the Open Countryside.

The application site measures approximately 1.66 hectares in size and is largely flat in nature.

To the north, the site is boarded by the Crewe to Manchester railway line.

The site lies approximately 2km to the northeast of the Sandbach town centre.

## **RELEVANT HISTORY**

**16/1134C** - Outline application for proposed development of 30 dwellings including open space (allotments), internal access road and car parking refused 2<sup>nd</sup> September 2016 for the following reasons;

- 1. The proposal involves the development of a parcel of countryside outside of the Settlement Boundary for Sandbach as defined in the Sandbach Neighbourhood Plan 2016. It is also involves development within the Open Countryside as set out in the Congleton Borough Local Plan First Review 2005. The proposal erodes the rural character of the countryside and undermines the ability of the community to shape and direct sustainable development in their area, contrary to Sandbach Neighbourhood Plan Policy PC3, Congleton Borough Local Plan First Review 2005 policies PS8 and H6 and the advice of NPPF paragraphs 17, 183-5 and 198. In addition, the development will also result in the loss of Best and Most Versatile agricultural land, contrary to paragraph 26 of the Natural Environment National Planning Policy Guidance. These conflicts are considered to significantly and demonstrably outweigh the benefits of the proposal.*

**09/0495H** - Hedgerow Removal – Consent to remove granted 1<sup>st</sup> May 2009

**19414/1** - New 18 Hole Golf Course, Clubhouse and Leisure Facilities, Residential Development (Outline) – Refused 21<sup>st</sup> June 1988

## **ADOPTED PLANNING POLICY**

### **Development Plan**

The Cheshire East Council Development plan's relevant to the application proposals include; The Sandbach Neighbourhood Plan (SNP), The Cheshire East Local Plan Strategy (CELPS) and the Congleton Borough Local Plan First Review 2005 (CBLP);

*Sandbach Neighbourhood Plan (SNP);*

PC2 (Landscape Charter), PC3 (Policy Boundary for Sandbach), PC4 (Biodiversity and Geodiversity), PC5 (Footpaths and Cycleways), H1 (Housing growth), H2 (Design and Layout), H3 (Housing mix and type), H4 (Housing and an Ageing Population), H5 (Preferred Locations), IFT1 (Sustainable Transport, Safety and Accessibility), IFT2 (Parking), IFC1 (Community Infrastructure Levy)

*Cheshire East Local Plan Strategy (CELPS);*

SD1 - Sustainable Development in Cheshire East, SD2 - Sustainable Development Principles, SE1 - Design, SE2 - Efficient Use of Land, SE3 - Biodiversity and Geodiversity, SE4 - The Landscape, SE5 - Trees, Hedgerows and Woodland, SE6 – Green Infrastructure, SE7 – The Historic Environment, SE8 – Renewable and Low Carbon Energy, SE9 - Energy Efficient Development, SE12 - Pollution, Land Contamination and Land Instability, IN1 - Infrastructure, IN2 - Developer Contributions, PG1 - Overall Development Strategy, PG2 – Settlement Hierarchy, PG6 – Open Countryside, PG7 – Spatial Distribution of Development, SC4 - Residential Mix, SC5 – Affordable Homes, SC6 – Rural Exceptions Housing for Local Needs, CO1 – Sustainable Travel and Transport, CO4 – Travel Plans and Transport Assessments

*Congleton Borough Local Plan (CBLP);*

PS8 – Open Countryside, GR6 - Amenity and Health, GR9 - Accessibility, Servicing And Parking Provision - New Development, GR16 – Footpath, Bridleway and Cycleway Networks, GR20 – Public Utilities, GR22 – Open Space Provision, NR2 - Wildlife And Nature Conservation Statutory Sites, NR3 – Habitats

**Other relevant material policy considerations**

*The National Planning Policy Framework (NPPF);*

17 – Core planning principles, 47-50 - Wide choice of quality homes, 55 - Isolated dwellings in the countryside, 56-68 - Requiring good design, 69-78 - Promoting healthy communities

**CONSULTATIONS**

**Head of Strategic Infrastructure (HSI)** – No objections, subject to an informative advising that a 278 agreement is required

**Environmental Protection (Cheshire East Council)** – No objections, subject to a number of conditions including; the prior submission of a piling method statement; the prior submission/approval of a Construction Phase Environmental Management Plan; the implementation of the noise mitigation measures proposed; the noise mitigation shall be maintained for the purpose of originally intended throughout the use of the development; the prior submission/approval of travel information pack, the provision of electric vehicle infrastructure; the prior submission/approval of a dust mitigation scheme; prior submission/approval of a Phase I and if required, Phase II contaminated Land report; The prior

submission/approval of verification information that the imported soils are free of contamination and works should stop if contamination identified.

**Housing (Cheshire East Council) – No objections**

**United Utilities** – No objections, subject to the following conditions; that foul and surface water be drained on separate systems; the prior submission/approval of a surface water drainage scheme; the prior submission/approval of a sustainable drainage management and maintenance plan

**Health and Safety Executive – No objections**

**ANSA Greenspace** – Proposals will trigger a requirement to provide 1950sqm of Public Open Space on the assumption that all dwellings are 2 bedroomed.

**Education** – No objections, subject the provision of £146,791 towards both secondary and primary education

**Flood Risk Manager** – No objections, subject to a number of conditions including; that the development proceed in accordance with the approved FRA, that no development shall take place until a detailed strategy/design and associated maintenance and management plan of surface water be submitted to and approved in writing by the LPA; the prior submission/approval of a plan demonstrating ground levels and finished floor levels

**Public Rights of Way Officer** - No objections, subject to a condition that no works to the surface of the PROW can take place without prior approval.

**Network Rail** - No objections, subject to a number of informatives

**Cycling UK** – Suggest developer contributions towards the upgrading of footpaths for cycling provision

**Sandbach Town Council** – Object to the proposal for the following reasons;

The proposal is contrary to the following policies of the Neighbourhood Plan; PC1, PC3, PC2, IFT1 and H1 and policies SE4, PG6 and PG7 of the CELPS and Policies PS8, GR6, GR7, GR9 and GR18 of the Congleton Borough Local Plan

## **REPRESENTATIONS**

Neighbour notification letters were sent to all adjacent occupants, a site notice was erected and an advert placed in the local newspaper. To date, approximately 115 letters of representation have been received. The main objections raised include;

- Contrary to 'Made' Neighbourhood Plan
- Principle/need of housing development
- Loss of Countryside
- Design – loss of character, house appearance

- Highway safety – Congestion/increase in traffic volume, parking, suitability of access road, impacts during construction, pedestrian safety, impact upon emergency vehicle/refuse response/access, submitted transport statement is out-of-date
- Ecology – Impact upon bats, badgers, hedgehogs, swallows, swifts, house martins
- Loss of good agricultural land
- Loss of hedgerows, impact upon trees
- Amenity – noise and air pollution
- Impact upon Public Right of Way
- Impact upon public facilities / infrastructure – children’s nursery’s, Schools, highway network, medical facilities, dentists
- Sustainability of location
- Flooding and drainage
- Impact upon historic ‘Marsh Green Farm’ and ‘Barn Croft’
- Anti-social behaviour
- Not notified of the application
- Need for affordable housing shown is not comprehensive

A number of matters have also been raised that are not material planning considerations including; that the proposal would set a precedent, loss of outlook/view

## **APPRAISAL**

### **Principle of Development**

The site lies within the Open Countryside. Policy PG6 of CELPS states that within the Open Countryside only development that is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Residential development is restricted to agricultural workers dwellings, affordable housing and limited infilling within built up frontages.

The proposed development although 100% affordable cannot be put forward as a Rural Exception Site as it relates to development on the edge of a Key Service Centre and such proposals are only considered if they adjoin Local Service Centres and Other Settlements. Furthermore, the exception is only for smaller schemes of 10 dwellings or fewer. Therefore would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside. As a result, it constitutes a “departure” from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined “in accordance with the plan unless material considerations indicate otherwise”.

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

Notwithstanding the above, Policy PC3 of the SNP supports the provision of affordable housing in the Open Countryside in principle.

## 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”*

There are, however, three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

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

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

**a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future

## SOCIAL SUSTAINABILITY

### Affordable Housing

The application proposes 30 affordable dwellings.

There is a pressing need for affordable housing of all tenures. This proposal will include 30 units, the exact housing tenure types, location and size can be confirmed at reserved matters with an Affordable Housing Scheme.

The SHMA 2013 shows the majority of the demand in the Sandbach and Sandbach Rural area PER YEAR until 2018 is for 31 x one bedroom, 35 x two bedroom, 10 x three bedroom and 12 x four bedroom dwellings for General needs. The SHMA 2013 also shows a need for 13 x one bedroom and 5 x two bedroom dwellings for Older Persons.

The majority of the demand on Cheshire Homechoice is for 137 x one bedroom, 145 x two bedroom, 92 x three bedroom, 22 x four bedroom and 4 x five bedroom dwellings therefore a mix of 1, 2, 3 and 4 bedroom dwellings on this site would be acceptable. 20 units should be provided as Affordable rent and 10 units as Intermediate tenure.

The Local Plan Strategy's annual affordable housing target for the borough is 7,100 across the Plan period (average of 355 per year). Affordable housing completions since 2010 are reflected in the table below taken from the Councils Annual Monitoring Report (AMR).

	10/11	11/12	12/13	13/14	14/15	15/16
Affordable housing	170	214	184	131	638	448

Given the rates of the completion, a key Action of the AMR in, relation to planning for housing in Cheshire East is to;

- Make sure that affordable houses are being provided on appropriate sites

The proposal is strongly supported by the Councils Housing officers. Therefore the proposal makes a significant contribution to the community in its own right and therefore is socially very sustainable.

At a more local level, the applicant has submitted a brief housing needs survey to accompany their application. This has considered the housing needs of Sandbach and Sandbach Rural.

Within the statement, it is advised that;

*'Local Authority records show that up to September 2016 there were 760 dwellings recorded as social housing within the ownership of Registered Housing providers. From September 2016 to September 2017, there have been 48 affordable dwellings developed within Sandbach. When comparing the 48 affordable dwellings against the required provision, there is a significant shortfall in supply. Less than half of the annual requirement is being met (based on the annual requirement of 106 affordable units across Sandbach and Sandbach Rural).'*

These findings demonstrate the local need and the conclusions have been supported by the Council's Housing Officer.

## Education

The Council's Education Officer has advised that the development of 30 dwellings is expected to generate:

- 6 primary children (30 x 0.19)
- 5 secondary children (30 x 0.15)
- 0 SEN children (30 x 0.51 x 0.023%)

The development is expected to impact on both primary and secondary school places in the immediate locality as shown in the tables below. Contributions which have been negotiated on other developments are factored into the forecasts both in terms of the increased pupil numbers and the increased capacity at schools in the area as a result of agreed financial contributions.

The analysis undertaken has identified that a shortfall of both primary and secondary school places still remains.

Primary Schools	PAN Sep 17	PAN Sep 18	NET CAP May-17	any Known Changes	PUPIL FORECASTS based on October 2016 School Census					Comments
					2017	2018	2019	2020	2021	
Elworth CE	45	45	315	315	334	366	391	415	431	
Elworth Hall	30	30	210	210	175	178	185	184	186	
Offley Primary	60	60	420	420	375	385	383	378	376	
Sandbach Primary Academy	15	15	105	105	103	111	117	117	118	
Wheeloak	45	45	315	315	303	325	328	332	334	
Warmingham	10	10	70	70	70	71	70	70	70	
<b>Total Schools Capacity</b>				<b>1,435</b>						
<b>Developments with S106 funded and pupil yield included in the forecasts</b>				<b>140</b>						
<b>Developments pupil yield not included in the forecasts</b>									<b>132</b>	
<b>Pupil Yield expected from this development</b>									<b>6</b>	
<b>OVERALL TOTAL</b>	<b>205</b>	<b>205</b>	<b>1,435</b>	<b>1,575</b>	<b>1,360</b>	<b>1,436</b>	<b>1,474</b>	<b>1,496</b>	<b>1,653</b>	
<b>OVERALL SURPLUS PLACES PROJECTIONS based on Revised NET CAP</b>					<b>215</b>	<b>139</b>	<b>101</b>	<b>79</b>	<b>-78</b>	

Secondary Schools	PAN Sep 17	PAN Sep 18	NET CAP May-17	any Known Changes	PUPIL FORECASTS based on October 2016 School Census						
					2017	2018	2019	2020	2021	2022	2023
Sandbach High	210	210	1,074	1,074	1,169	1,236	1,329	1,390	1,418	1,420	1,452
Sandbach School	210	210	1,050	1,050	1,028	1,045	1,095	1,139	1,153	1,137	1,132
<b>Total Schools Capacity</b>				<b>2,124</b>							
<b>Developments with S106 funded and pupil yield included in the forecasts</b>				<b>237</b>	exclude any allowance for 6th Form Pupils						
<b>Developments pupil yield not funded and not included in the forecasts</b>											<b>46</b>
<b>Pupil Yield expected from this development</b>											<b>5</b>
<b>OVERALL TOTAL</b>	<b>420</b>	<b>420</b>	<b>2,124</b>	<b>2,361</b>	<b>2,197</b>	<b>2,281</b>	<b>2,424</b>	<b>2,529</b>	<b>2,571</b>	<b>2,557</b>	<b>2,635</b>
<b>OVERALL SURPLUS PLACES PROJECTIONS</b>					<b>164</b>	<b>80</b>	<b>-63</b>	<b>-168</b>	<b>-210</b>	<b>-196</b>	<b>-274</b>

The Education Officer has advised that to alleviate the impact upon both primary school and secondary school places in the immediate locality, the following contributions would be required;

- 6 x £11,919 x 0.91 = £65,078 (primary)
- 5 x £17,959 x 0.91 = £81,713 (secondary)

Total education contribution: £146,791.00

Without a secured contribution of £146,791, Children's Services raise an objection to this application.

This objection is on the grounds that the proposed development would have a detrimental impact upon local education provision as a direct cause from the development. Without the mitigation, 6 primary children and 5 secondary children would not have a school place in Sandbach. The applicant has agreed to the contribution.

### Public Open Space (POS)

As the application proposal is for 30 dwellings, it triggers a POS requirement. Indeed, 30 new dwellings would require 1,950 square metres of Public Open Space based on Policy SE6 of the CELPS and on the assumption that all the dwellings are 2 bedrooms or more as there is no housing schedule to refer to at this point. This would include requirements in relation to; Children's Play Space, Amenity Green Space, Allotments and Green Infrastructure Connectivity.

On the indicative layout plan, the developer has highlighted a large area of over 4,500sqm of Allotment space. This is significantly more than the minimum policy requirement.

As identified in the SNP and the Open Space Survey 2012, there is a shortfall in allotment POS provision; therefore the ANSA Greenspace Officer welcomes the proposals should the planning application be approved, subject to an appropriate management agreement. The ANSA Greenspace Officer advises that applicant would need to carefully consider the design of the allotments to ensure appropriate parking and access, waste management and security both practically and aesthetically so as to compliment the wider housing development and avoid conflict between residents and allotment tenants. This would be agreed on a plan to be submitted as part of the S106 Agreement should the application be approved.

It is therefore recommended that should the application be approved, a S106 Agreement should be used to secure a minimum of 1950sqm of open space, the make up of which would be agreed, as would the design and layout of the provision.

### **Public Rights of Way (PROW)**

The indicative proposals affect Public Footpath No.1 Sandbach, as recorded on the Definitive Map of Public Rights of Way.

The PROW Officer has raised no objections to the planning application subject to a condition that no works to the surface of the PROW can take place without prior approval.

An informative is also requested should the application be approved to advise that the works must be undertaken in liaison with the Council's Management and Enforcement Officer. Subject to the above, it is considered that the proposals would adhere with Policy PC5 of the SNP and Policy GR16 of the CBLP.

### **Safety Hazard Area (SHA)**

The application site falls within a Safety Hazard Area.

The Health and Safety Executive (HSE) has subsequently been consulted and concludes that they have no objections to the development and therefore do not consider that the development poses any risk to the future occupiers of the proposed development.

### **Social Sustainability Conclusion**

It is considered that, although the proposal will provide on-site open space, make an education contribution and a very significant contribution to the provision of affordable housing to meet a significant need. It is considered that the proposals provide a significant community benefit and the proposals are strongly socially sustainable as a result.

### **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 the local area including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain. As such, it is considered that the proposals are economically sustainable.

## ENVIRONMENTAL SUSTAINABILITY

### Site location

To aid this assessment, there is a toolkit which was developed by the former North West Development Agency. With respect to 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 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”*

Accessibility is a key factor of sustainability that can be measured. One methodology for the assessment of walking distance is that of the North West Sustainability Checklist, backed by the Department for Communities and Local Government (DCLG) and World Wide Fund for Nature (WWF). The Checklist has been specifically designed for this region and can be used by both developers and architects to review good practice and demonstrate the sustainability performance of their proposed developments. Planners can also use it to assess a planning application and, through forward planning, compare the sustainability of different development site options.

The criteria contained within the North West Sustainability Checklist are also being used during the Sustainability Appraisal of the Cheshire East Local Plan. With respect to accessibility, the toolkit advises on the desired distances to local facilities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

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

- Amenity open space (500m) – 300m
- Children’s Play space (500m) – 300m
- Public house (1000m) - 520m
- Pharmacy (1000m) – 530m
- Supermarket (1000m) – 900m
- Railway station (2000m) – 550m
- Any transport node – 550m
- Primary School (1000m) – 790m

- Outdoor Sports Facility – (1000m) – 590m
- Bus stop (500m) – 430m
- Public right of way (500m) – 0m
- Post Box (500m) – 50m
- Local meeting place (1000m) – 590m

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

- Child care facility (1000m) – 1220m
- Bank or Cash Machine (1000m) – 1384m

The following amenities/facilities fail the standard:

- Post Office (500m) – 2896m
- Convenience Store (500m) – 900m
- Medical Centre (1000m) – 2414m
- Leisure Facilities (Leisure Centre or Library) (1000m) – 1770m
- Secondary School (1000m) – 1990m

In summary, the site complies with the majority of the standards advised by the NWDA toolkit. Where it fails, these are no significant failings. Furthermore, the site lies within a walkable distance to the local bus stop and train station. As such, the application site is considered to be locationally sustainable.

## **Landscape Impact**

Policy PC2 of the SNP refers to new development and its impact upon landscape character.

The application site is located to the northern part of Elworth, to the north west of Marsh Green Road, the boundary of which is formed by a mature hedgerow with a field gate for access. The site consists of two fields, bounded to the north by the mainline rail line.

As part of the previous application on site, a Landscape and Visual Impact Appraisal (LVIA) was submitted which indicated that it has been undertaken using the Guidelines for Landscape and Visual Impact Assessment, Third Edition (GLVIA 3).

As part of the LVIA, the baseline landscape character 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 7: East Lowland plain, Wimboldsley Character Area (ELP5). The appraisal has also included comments on the townscape of the site and surrounding area.

The landscape appraisal indicated that the wider site landscape would have a medium susceptibility, value and sensitivity and at the site level that it would have between low to high susceptibility for landform, site use and vegetation, medium value and a medium sensitivity. The

landscape appraisal identified a minor adverse/negligible effect on the wider landscape and a moderate to minor adverse impact on the site. The visual assessment identified a ZTV, which identified that there will be a restricted area of theoretical visibility, immediately around the site and to the north east. Eleven viewpoints were used for the visual appraisal. This identified that the visual effect is mostly limited to the immediately surrounding area and site, and that for a number of receptors in closest proximity that there would in some cases be a moderate/major effect.

The Council's Principal Landscape Officer previously concluded that he is satisfied that the correct methodology has been used and he broadly agreed with the landscape and visual appraisal. The Landscape Officer considers that any potential landscape and visual impacts can be mitigated with appropriate design details and landscape proposals which would be secured through the reserved matters. In relation to the current proposals, the Landscape Officer advised that he does not consider that the scheme alters these original conclusions and as such, no landscape objections are raised.

### **Trees and Hedgerows**

The application is supported by an Arboricultural Report (ACS Ref 3205/DR.15 dated May 2015) which identifies 24 individual trees, 5 groups and 5 hedgerows within and immediately adjacent to the application site.

The report states that the most significant constraint is that posed by trees are Oak (T5) and Ash (G1) which are within the application site.

#### TPO trees

Individual trees to the north and north east of the application site are protected by the Congleton Borough Council (Marsh Green Farm/Barlow Wood, Moston/Bradwall) Tree Preservation Order 1988.

The indicative layout plan proposes that these are retained within the detailed Public Open Space (POS) provision which is welcomed however, if this layout is progressed, it could impact the viability of the POS as a permanent allotment site as a consequence of the impact of mature trees, which in turn would result in future pressures to prune/fell these protected trees. Further work will be needed to determine the effectiveness of growing crops within the vicinity of these trees without the need for excessive pruning and ongoing maintenance.

The large mature Oak identified a T4 within the Order on the indicative plan is located within the proposed allotment and presents a relatively close social proximity to the adjacent detached dwelling and more specifically its detached garage. The Council's Tree Officer has advised that these matters would need to be addressed at reserved matters stage should the application be approved.

#### Other trees

The submitted Arboricultural Report identifies a group of moderate (B1/2) quality Ash trees located to the south of the site adjacent to Marsh Green Road. It is understood that one tree to

the northern end of this group was recently felled in late 2015 where the access is proposed to be located.

The Report identifies that as moderate 'B' category trees, these should be considered for retention, and that development should be located outside root protection areas (RPA) to maintain tree viability (para 4.02). Para 4.01 of the report states that the Root Protection Area (RPA) of trees is identified on the submitted Arboricultural Plan (Dwg 3205\_101), although this is not shown on the drawing legend. The indicative drawing shows a pair of semi detached properties to the east of this group which has recently been assessed in respect of its suitability for formal protection, it was concluded that whilst the trees offer high amenity value their long term potential has been compromised by inappropriate historic pruning, and the presence of fruiting bodies. Though the group cannot be viewed as a long term any future reserved matters application must take into consideration the rooting volume of these trees and take into full consideration the relationship/social proximity of any future development to retained trees, and any future replacement planting.

As such, should the application be approved, it is recommended that a condition be imposed requiring that any future reserved matters application be supported by an Arboricultural Impact Assessment (AIA) and Tree Protection Plan.

### Hedgerows

The Arboricultural Report has identified 5 hedgerows within the application site and states that in arboricultural terms, the hedgerows do not accord with the criteria given in the Hedgerow Regulations 1997 The Hedgerow Regulations criteria (Part II) is concerned with Archaeology and History and Wildlife and Landscape, not arboricultural.

The Council's Tree Officer has advised that whilst hedge (H1) which forms the domestic curtilage of 'Barn Croft' cannot be deemed important, the remaining hedges may fall within the criteria.

As a section of hedgerow along Marsh Green Road is proposed to be removed to facilitate access into the site, it remains to be determined as to whether this hedge is deemed 'Important' under the Regulations.

However, following an informal discussion with the Council's Principal Tree Officer, due to the fact that only a portion of this hedgerow is to be removed (to accommodate the access into the site), subject to replacement planting being conditioned to be submitted with the reserved matters application, he raises no significant objections.

## **Ecology**

### Great Crested Newts

The submitted ecological appraisal refers to a number of (potential) ponds located within 500 metres of the proposed development. A number of ponds have been identified by the applicants consultant, one of these no longer exists a second has previously been discounted as being suitable for newts. No access permission could be obtained to survey a third pond but this is thought to be an ornamental pond likely to contain fish. Based on aerial photography it appears that this pond he pond has been constructed in the last 15 years.

The Council's Nature Conservation Officer has advised that the lack of a survey the third pond is a significant constraint on the submitted survey, but based on the limited available information he advises that on balance, great crested newts are unlikely to be affected by the proposed development.

### Hedgerows

Native species hedgerows are a priority habitat and a material consideration. The proposed development is likely to result in the loss of a section of hedgerow to facilitate the site access. The remainder of the hedgerows around the site are located at the site boundaries and the Council's Nature Conservation Officer has advised that these should be retained as part of the landscaping of the site.

The Nature Conservation Officer has advised that if outline planning consent is granted it must be ensured, by means of a landscaping condition, that suitable replacement hedgerow planting is incorporated into any detailed design produced at the reserved matters stage.

### 'Other Protected Species'

The updated 'Other Protected Species' survey submitted in support of this application has confirmed continued 'Other Protected Species' foraging activity on the site. No active setts were recorded.

The Council's Nature Conservation Officer advises that the proposed development will result in a localised loss of 'Other Protected Species' foraging habitat, however this is unlikely to be significant. As the status of 'Other Protected Species' can change within a short time scale, the Council's Nature Conservation Officer recommends that if outline consent is granted a condition should be attached which requires the submission of an updated 'Other Protected Species' survey in support of any future planning application.

### Bats

A single tree was identified on site with potential to support roosting bats. Based on the submitted illustrative layout plan it appears feasible for this tree to be retained adjacent to the allotments proposed as part of the development. The Council's Nature Conservation Officer recommends that if outline permission is granted, a condition should be attached requiring the retention of this tree (T5 on the submitted tree report).

### Hedgehogs

Hedgehogs are a Biodiversity Action Plan Priority Species and hence a material consideration. There are records of hedgehogs in the broad locality of the proposed development and so the species may occur on the site of the proposed development. If planning consent is granted, the Council's Nature Conservation Officer recommends that a condition ensuring that any future reserved matters application be supported by proposals for the incorporation of gaps for hedgehogs into any garden or boundary fencing proposed.

### Nesting Birds

The Council's Nature Conservation Officer has advised that the application site is likely to provide nesting birds including priority species such as house sparrow. As such, he has advised that if outline planning consent is granted a condition to protect nesting birds and a condition ensuring that the Reserved Matters be supported by proposals for the incorporation of features for breeding birds including house sparrows.

The proposal is therefore considered that subject to the above conditions, the proposal would adhere to Policy NR2 of the CBLP, Policy SE3 of the CELPS and Policy PC4 of the SNP.

### **Flood Risk and Drainage**

The application site falls within a Flood Zone 1 as identified by the Environment Agency Flood Maps. Land and property in flood one 1 have a low probability of flooding. However, as the site is larger than 1 hectare, the application is supported by a required Flood Risk Assessment (and drainage strategy).

The Council's Flood Risk Manager has reviewed the proposals and raise no objections, subject to a number of conditions including; that the development proceed in accordance with the approved FRA, that no development shall take place until a detailed strategy/design and associated maintenance and management plan of surface water be submitted to and approved in writing by the LPA; the prior submission/approval of a plan demonstrating ground levels and finished floor levels.

With regards to drainage, United Utilities have advised that they have no objections, subject to the following conditions; that foul and surface water be drained on separate systems; the prior submission/approval of a surface water drainage scheme; the prior submission/approval of a sustainable drainage management and maintenance plan.

### **Agricultural Land Quality**

Paragraph 26 of the Natural Environment NPPG advises that Local Planning Authorities should seek to use areas of poorer quality land in preference of higher quality land for development.

This is reflected in CELPS policy SE2 which states that '*development should safeguard natural resources including high quality agricultural land (grades 1, 2 and 3a)...*'

The Agricultural Land Classification system classifies land into five grades, with Grade 3 subdivided into Sub-grades 3a and 3b. The best and most versatile land is defined as Grades 1, 2 and 3a and is the land which is most flexible, productive and efficient in response to inputs and which can best deliver food and non food crops for future generations.

The applicant has undertaken Agricultural Land Classification report. This has concluded that the site comprises of Grade 2 land.

Paragraph 26 of the Natural Environment National Planning Policy Guidance advises that;

*'The National Planning Policy Framework expects local planning authorities to take into account the economic and other benefits of the best and most versatile agricultural land. This is particularly important in plan making when decisions are made on which land should be allocated*

*for development. 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.'*

As such, the loss of this best and most versatile land is a material consideration weighing against the proposal and would be contrary to Policy SE2 of the CELPS.

## **Design**

The importance of securing high quality design is specified within the Framework. Paragraph 61 states that:

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

The indicative layout shows the provision of up to 30 new affordable dwellings within the site and indicates a mixture of house types including; detached dormer bungalows, semi-detached dormer bungalows, detached houses and a row of terraced units.

It proposes that the site be accessed via a new access point onto Marsh Green Road towards the southern portion of the site and would extend in an easterly direction which curves around in a 'U' shape ending in a turning head ending close to Marsh Green Road further to the north.

The plan indicates the provision of 3 detached dormer bungalows and a detached dwelling on the northern side of the access to the site and 12 semi-detached dormer bungalows on the opposite side. On the outside of the bend a large allotment is proposed. On the inside of the bend facing the allotments, a row of 5 terraced units are proposed. Around the bend on the northern side of the road 5 detached dwellings are indicated. On the opposite side of the road would be 4 semi-detached self-build plots.

Policy H2 of the SNP refers to design and layout. The policy advises that all new developments will be expected to, amongst other considerations; be in keeping with the character and countryside setting of the local area; contribute to the local distinctiveness in terms of scale, height, density, layout and appearance; make efficient use of land while respecting the density, character, landscape and biodiversity of the surrounding area; create environments addressing crime prevention and community safety; use respectful materials and create secure and safe layouts.

It is considered that the overall layout of the development would not appear incongruous when you consider the layout of the immediate surrounding area (comprising of King Street, The Avenue and Vicarage Lane), which lies to the south-east of the site, also arranged in a 'U' shape with a cul-de-sac end.

The siting of the proposed allotments on the north-eastern corner also helps to reduce the overall incursion of built form into the countryside and to a degree, be in keeping with the countryside setting. However, this siting may need to be re-considered to reduce any impact upon trees and/or the quality of the space for growing plants and vegetables due to tree cover.

However, subject to consideration of this matter at reserved matters stage, the indicative layout is deemed to be acceptable in principle in design terms.

Matters of scale and appearance are also reserved for subsequent approval and as such, are not a strict consideration of this application. However, Policy H3 of the SNP advises that new housing developments should be designed to provide a mix of houses to meet identified need and lists examples such as; affordable housing, starter homes and provision for housing for an ageing population.

SNP Policy H4 states that development will be supported that meets the needs of an ageing population and suggests a mixture of tenures including; private, housing association, self-builds, co-housing and affordable housing.

The indicative plan suggests that such a mix of affordable homes would be provided which would represent a planning benefit in line with regards to the neighbourhood plan.

In the context of the location of the site, the properties on Marsh Green Road predominantly comprise of a mixture of two-storey semi and detached properties. However, there is a detached dormer bungalow at the entrance of Marsh Green Road to the south-west (No.2A). There are also terraced properties on George Street, The Avenue and Elm Street within the vicinity. There are detached bungalows along King Street.

As such, the indicative mix of dwellings indicated would not appear incongruous within the area. However, the provision of bungalows within the application site would be best served away from the site frontage as this parcel of Marsh Green Road is not characterised by such development. This however, would be determined at reserved matters stage.

There are no designated heritage assets that would be impacted by the proposals.

The indicative design of the development for the purposes of the outline application is therefore considered to comply with SNP Policies H2, H3 and H4 and Policy SE1 the CELPS.

## **Highways**

The application proposals seek permission of matters of Access. The proposals seek the creation of a new access, which will form a simple priority junction with Marsh Green Road.

### Local highway network

Traffic surveys undertaken on Marsh Green Road at its junction with the A533 London Road in March 2015, indicate that the road is a relatively lightly trafficked residential access road with two way commuter peak hour traffic flows of around 80 trips per hour; in the vicinity of the site, however, traffic flows will be much lower as only a handful of dwellings are served by the road in this location. Adjacent to the site, Marsh Green Road has a carriageway width of around 4.5m with footway provision restricted to the western side of the carriageway only.

As with most historic residential access roads, serving housing with little or no off-street parking provision, there is a significant amount of on-street parking on Marsh Green Road, which often

restricts the carriageway width such that drivers of vehicles have to give way to oncoming traffic before proceeding past parked cars. Site observations made by the Heads of Strategic Infrastructure (HSI) indicate that as a result of the relatively low level of traffic travelling along Marsh Green Road, the availability of passing places due to side roads and, good vehicle to vehicle inter-visibility, the parked cars do not normally present a significant problem for drivers.

Access from the site to the wider highway network would generally be expected to be taken via the Marsh Green Lane / A533 London Road priority junction located to the south of the site. The A533 connects Elworth with Sandbach providing access to the strategic highway network via the A534 and the M6 motorway at junction 17.

### Access

Access to the site is to be taken from a new priority controlled junction with Marsh Green Road.

The Council's Head of Strategic Infrastructure has advised that in terms of junction geometry, layout and visibility the access proposals are considered to be acceptable to serve a development of 30 dwellings.

### Traffic Impact

The HSI has advised that a development of 30 dwellings would be expected to generate less than 20 two-way trips during the morning and evening commuter peak periods.

Once distributed on the road network, the HSI has advised that the development traffic would only result small increases in the traffic flow.

### Conclusion

The Head of Strategic Infrastructure (HSI) is satisfied that the development proposals can be safely accommodated on the adjacent highway network and accordingly, raise no objections, subject to an informative advising that a S278 Agreement is required for the proposed highway works. The proposals are therefore considered to adhere with Policy GR9 of the CBLP.

### **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 Document 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.

Policy SE1 of the CELPS states that new development should ensure an appropriate level of privacy for new and existing residential properties.

The closest neighbouring properties to the application site would be the occupiers of; Barn croft, which would be enclosed by the proposed development on 3 sides, the occupiers of the properties

on the opposite side of Marsh Green Road to the development and N0.21 Marsh Green Road to the south, the occupiers of the dwellings King Street to the southeast which back onto the site and the occupiers of Marsh Green Farm and the Swallows to the east.

As layout is not sought for approval as part of this application, consideration as to whether the application site could accommodate 30 dwellings without creating any significant amenity concerns.

The indicative layout plan indicates that the closest proposed property to Barn croft would be approximately 9 metres to its east. This would result in a side-on-side relationship between existing and proposed should the indicative layout come forward at reserved matters.

It does not appear that any of the windows within the side elevation of 'Barn Croft' serve as sole windows to principal rooms and assuming that the side elevation of the closest dwelling does not include any, no issues in relation to loss of privacy, light or visual intrusion are envisaged.

All other neighbouring properties on Marsh Green Road, King Street and Vicarage Lane are either over or close to adhering with the 21.3metre separation standards detailed within SPD2. As such, no significant amenity issues in terms of loss of privacy, light or visual intrusion would be created for these neighbouring occupiers.

With regards to the future occupiers of the proposed dwellings, it is considered that sufficient private amenity space could be afforded to each of the proposed dwellings and sufficient separation distances can be achieved between the dwellings.

The Council's Environmental Protection Team have reviewed the submission and advised that they have no objections, subject to a number of conditions including; the prior submission of a piling method statement; the prior submission/approval of a Construction Phase Environmental Management Plan; the implementation of the noise mitigation measures proposed; the noise mitigation shall be maintained for the purpose of originally intended throughout the use of the development; the prior submission/approval of travel information pack, the provision of electric vehicle infrastructure; the prior submission/approval of a dust mitigation scheme; prior submission/approval of a Phase I and if required, Phase II contaminated Land report; The prior submission/approval of verification information that the imported soils are free of contamination and works should stop if contamination identified.

As such, subject to the above suggested conditions, from the Council's Environmental Protection Officer, the proposal is considered to adhere to Policy GR6 of the CBLP and Policy SE1 of the CELPS.

### Environmental Conclusion

The proposal would result in the loss of a parcel of Open Countryside which represents an environmental dis-benefit. However, as the application site lies on the edge of the settlement zone line and would be on a site which is enclosed by existing development to 2 sides and within close proximity to a railway line to a third, it is not considered that the loss of this parcel of countryside would be significant.

Another environmental dis-benefit is the loss of Best and Most Versatile agricultural land.

All other environmental issues are considered to be neutral, subject to conditions. However in the round, the proposals are deemed to be environmentally unsustainable.

### **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 requirement for the provision of on site Public Open Space, including allotments and their associated design and management is necessary, fair and reasonable, as the proposed development will provide up to 30 dwellings of different sizes, the occupiers of which will be using these on site facilities.

The education contribution is necessary having regard to the oversubscription of both local primary and secondary schools and the demand that this proposal would add.

As there is no Registered Provider currently involved with the scheme, the LPA requires the 100% affordable housing provision to be secured via a S106 Agreement.

The above requirements are considered to be necessary, fair and reasonable in relation to the development. The S106 recommendation is compliant with the CIL Regulations 2010.

### **PLANNING BALANCE**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that where in making any determination under the planning Acts, regard is to be had to the development plan; the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

The National Planning Policy Framework includes a presumption in favour of sustainable development. Paragraph 12 of the Framework states that *'the National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. It is highly desirable that local planning authorities should have an up-to-date plan in place'*

The site is within the Open Countryside, where new development for housing is restricted to agricultural, forestry, limited infilling and affordable housing through Rural Exception Sites. The proposed development although affordable cannot be considered as a Rural Exception Site as the site does not relate to a Local Service Centre and exceeds 10 units, and therefore would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside.

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

The proposed development is for a 100% affordable housing scheme, which is needed within Cheshire East and Sandbach. The development also provides on-site open space sufficient to allow allotments, children's play space and amenity green space. In addition, a financial contribution to off-set the impact of the proposals upon both primary and secondary schools is agreed. These provisions offer significant social benefits that weigh significantly in the planning balance and outweigh the disadvantages of the scheme.

The benefits in this case are:

- The development would provide significant benefits in terms of much needed affordable housing provision
- The development would provide moderate economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses.
- The application site would be locationally sustainable

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

- The impact upon nature conservation, trees and hedgerows is considered to be neutral subject to the imposition of conditions to secure mitigation.
- There is not considered to be any significant flooding or drainage implications raised by this development.
- The impact upon the residential amenity/noise/air quality and contaminated land could be mitigated through the imposition of planning conditions.
- Highway impact would be broadly neutral due to the scale of the development and have no adverse impact of the local highway network.
- The proposals will have no impact upon public right of way, subject to a condition
- Matters of design are not considered at this stage

The adverse impacts of the development would be:

- A limited loss of open countryside (given the location of the site adjacent to the settlement boundary and largely enclosed by existing development)
- The loss of Best and Most Versatile Land

It is considered that the benefits of the scheme, with particular emphasis on the provision of affordable housing, outweigh the dis-benefits. The scheme is therefore recommended for approval.

## **RECOMMENDATION**

**APPROVE subject to a S106 Agreement to secure;**

- 1. Provision of at least 1950sqm of on-site Open Space.**

- The submission/approval of a plan detailing the design and break down of the make up of the open space
  - The submission/approval of an Open Space management and maintenance plan
2. The provision of £146,791 towards education provision (£65,078 for primary schools and £81,713 for secondary schools)
  3. Provision of 100% affordable housing scheme

And conditions;

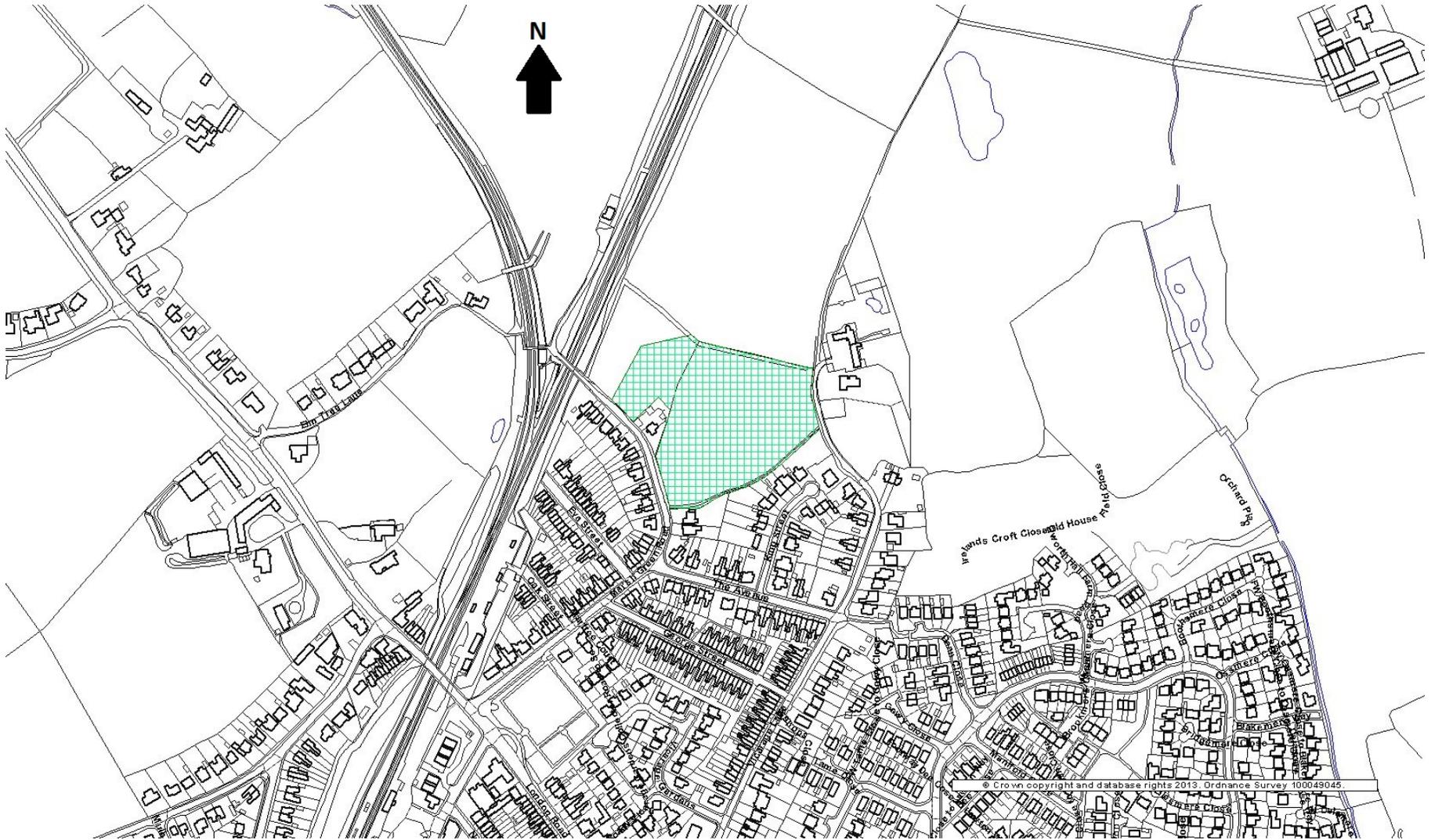
1. Time Limit (Outline)
2. Submission of reserved matters
3. Reserved Matters application made within 3 years
4. Development in accordance with approved plans
5. No works to the surface of the PROW can take place without prior approval of LPA
6. Reserved matters application be supported by an Arboricultural Impact Assessment (AIA) and Tree Protection Plan
7. Reserved matters application to be supported by a replacement hedgerow planting scheme
8. Reserved matters application to be supported by an updated 'Other Protected Species' survey
9. Retention of Tree T5
10. Reserved matters application to be supported by proposals for the incorporation of gaps for hedgehogs into any garden or boundary fencing proposed
11. Prior submission/approval of Nesting Birds survey
12. Reserved Matters application to be supported by proposals for the incorporation of features for breeding birds including house sparrows
13. Implementation of FRA recommendations
14. Prior submission/approval of a detailed strategy/design and associated maintenance and management plan
15. Prior submission/approval of a plan demonstrating ground levels and finished floor levels
16. Foul and surface water be drained on separate systems
17. Prior submission/approval of a surface water drainage scheme
18. Prior submission/approval of a Phase 1 contaminated land risk assessment
19. Prior submission/approval of soil verification report
20. Works should stop if contamination is identified
21. Prior submission/approval of a piling method statement
22. Prior submission/approval of an Environmental Management Plan
23. Implementation of noise mitigation
24. Noise mitigation shall be maintained for the purpose of originally intended throughout the use of the development
25. Prior submission/approval of travel pack
26. Prior submission/approval of electrical vehicle charging infrastructure
27. Prior submission/approval of dust mitigation scheme

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 there absence the Vice Chair) of the Southern Planning

**Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.**

**Should the application be subject to an appeal, Committee authority is sought to secure the following Heads of Terms as part of any S106 Agreement:**

- 1. Provision of at least 1950sqm of on-site Open Space.**
  - The submission/approval of a plan detailing the design and break down of the make up of the open space
  - The submission/approval of an Open Space management and maintenance plan
- 2. The provision of £146,791 towards education provision (£65,078 for primary schools and £81,713 for secondary schools)**
- 3. Provision of 100% affordable housing scheme**



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