

Application No: 17/4705C

Location: Land At Junction With Centurion Way, HOLMES CHAPEL ROAD, MIDDLEWICH

Proposal: Outline application for the erection of up to 370 dwellings a new church with ancillary facilities and associated parking, landscaping, public open spaces and play areas

Applicant: Persimmon Homes

Expiry Date: 30-Jan-2019

SUMMARY

On 27th July the Council adopted the Cheshire East Local Plan Strategy therefore the Council have demonstrated that they have a 5 year supply of deliverable housing sites.

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 consideration indicates otherwise.” The National Planning Policy Framework, which is the Secretary of State’s guidance, also advises Councils as to how planning decisions should be made. The ‘presumption in favour of sustainable development’ at paragraph 14 of the NPPF means “approving development proposals that accord with the development plan without delay”

The proposal would be contrary to Policy PG6 of the CELPS and Policy PS8 of the Congleton Borough Local Plan as it is not listed as an appropriate form of development in the open countryside and therefore represents a departure from the adopted Local Plan. Cheshire East can also demonstrate a 5 year supply of deliverable housing sites.

The benefits of the proposal would be the provision of open market housing and affordable housing, Public Open Space/community benefit and the economic benefits during construction.

The development would have a neutral impact upon, education, medical capacity, highway safety, ecology, trees, flooding, living conditions, air quality and contaminated land.

The dis-benefits would be the loss of open countryside/landscape harm and the loss of Agricultural Land.

Applying the tests within paragraph 11 it is not considered that the benefits outweigh the dis-benefits. As such, on balance, it is considered that the development does not

constitute sustainable development and should therefore be refused.

RECOMMENDATION

REFUSE

PROPOSAL

The proposal seeks outline application for the erection of up to 370 dwellings a new church with ancillary facilities and associated parking, landscaping, public open spaces and play areas.

Access is being applied for but all other matters of appearance, layout, landscaping and scale are reserved.

An indicative plan has been provided to show one way in which the site could be developed. This shows most of the housing being sited in the Cheshire West boundary with x11 dwellings, x2 apartment blocks, church and public open space in the form of a new park being sited within the Cheshire East boundary.

JURISTITION

This is a cross boundary application which crosses land within the boundaries of both Cheshire East & Cheshire West Council.

The land in Cheshire East equates to 13% of the site with the remaining 87% being in Cheshire East. The hatched white line below shows the boundary.

The applications are being dealt with separately by each Local Authority with Cheshire West Planning Committee due to consider their application in early February.



SITE DESCRIPTION

The application site comprises a parcel of land sited just off the junction of Centurian Way and Holmes Chapel Road. It is located in the Open Countryside as per the Local Plan.

The area consists of predominantly residential properties to the south and west, with open land to the north and east. Some commercial premises are also located to the south-east.

There are no significant variation in land levels noted across the site, which largely enclosed by 2-3m high planting.

RELEVANT HISTORY

16/3334S – Screening Opinion for mixed use development consisting of church/community, commercial uses (to be defined), up to 500 houses and associated open space – Environmental Impact Assessment Required

ADOPTED PLANNING POLICY

Development Plan

The Development Plan for this area comprises of the Cheshire East Local Plan Strategy (CELPS) and the Congleton Borough Local Plan First Review 2005.

Cheshire East Local Plan Strategy (CELPS):

MP1 – Presumption in Favour of Sustainable Development
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
SE9 – Energy Efficient Development,
SE12 – Pollution, Land Contamination and Land Instability
SE13 – Flood Risk and Water Management
PG1 – Overall Development Strategy
PG2 – Settlement Hierarchy
PG6 – Open Countryside
PG7 – Spatial Distribution
SC4 – Residential Mix
IN2 – Developer Contributions
CO1 – Sustainable Travel and Transport
CO4 – Travel Plans and Transport Assessments
SC5 – Affordable Homes
IN1 – Infrastructure
IN2 – Developer Contributions
SC1 – Leisure and Recreation

Congleton Borough Local Plan First Review 2005 saved policies:

PS8 - Open Countryside
NR4 - Non-statutory sites
GR6 - Amenity and Health
GR7 - Amenity and Health
GR9 - Accessibility, servicing and provision of parking
GR14 - Cycling Measures
GR15 - Pedestrian Measures
GR16 - Footpaths Bridleway and Cycleway Networks
GR17 - Car parking
GR18 - Traffic Generation
NR3 - Habitats
NR5 – Habitats

Middlewich Neighbourhood Plan (MNP)

The Middlewich Neighbourhood Plan (MNP) is at regulation 17 stage examination and therefore should be given moderate weight.

Policy TC6: Locations Outside the Town Centre
Policy DH1: General Principles

Policy DH2: Sustainable Design
Policy DH5: Special Blue and Green Routes and Encouraging Walking and Cycling
Policy H1: Housing Strategy
Policy H2: House Types
Policy T1: Middlewich Eastern Bypass
Policy T2: Car Parking
Policy E4: Tourism and Visitors
Policy ECHW5: Open Spaces
Policy ECHW6: Protecting Local Biodiversity

National Planning Policy Framework (NPPF)

The relevant paragraphs include;

11. Presumption in favour of sustainable development.
59. Delivering a Sufficient Supply of Homes
124-132. Achieving well-designed places

Other Considerations

The EC Habitats Directive 1992
Conservation of Habitats & Species Regulations 2010
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System
National Planning Practice Guidance

CONSULTATIONS

CEC Head of Strategic Infrastructure (Highways) – No objection subject to condition requiring a pedestrian crossing, bus stop and travel plan and preventing occupancy prior to the opening of the completed Middlewich Eastern Bypass. Also require the following contributions:

- £2,003,180 towards the provision of Middlewich Eastern Bypass secured via way of a S106 agreement.
- A travel plan monitoring fee of £5,000, secured via way of a section 106 agreement

CEC Environmental Protection – No objections, subject to a number of conditions/informatives including; piling, dust, travel plan, electric vehicle charging points and contaminated land

CEC Flood Risk – No comments received at the time of writing the report

CEC Education – No objection subject to contribution of £1,080,848 towards secondary and SEN schools

CEC Open Space (ANSA) – No objection subject to providing 40m² per family unit each of children's play, Amenity Green Space (AGS) and Green Infrastructure (GI) Connectivity and contribution of £50,000 towards indoor sport & £1,500 per family home and £750 per bed space in apartments for outdoor sport

CEC Housing – No objection subject to providing 30% affordable housing provision

CEC Public Rights of Way (PROW) – No objection subject to condition requiring a scheme of signage for pedestrians and cyclists

Historic England – No objection subject to additional screening

Natural England – No objection

United Utilities – No objections subject to conditions regarding foul and surface water drainage and surface water drainage scheme

South Cheshire Clinical Commissioning Group (NHS) – Request a contribution of £424,584 to support the development of Oaklands Medical Practice & Waters Edge Medical Practice

Cheshire Brine – Outside the consultation zone so no comments to make

Archaeology – No objection subject to condition requiring a staged programme of archaeological mitigation

Sproston Parish Council

Any development on this site will impact on the already heavily congested A54 carrying almost 20,000 vehicle movements a day with a very large proportion being HGV's Class 1 traffic going back and forth from Junction 18 off the M6, traffic regularly queues back past the Fox and Hounds Public House and with the 'Waste Handling Plant' in Middlewich now in operation this is also impacting on traffic on the A54 through Sproston, not to mention the very large industrial development in Winsford and still the possibility of the landfill site going ahead with planning permission already granted.

Sproston Parish Council and its residents are also very concerned regarding the air quality of people living alongside this road who are being subjected to noise and vibration and the fumes from stationary traffic especially in the light of recent government health findings regarding diesel pollution on congested roads.

The infrastructure in and around Middlewich is at breaking point, hundreds of houses are being erected in Warmington Lane all relying on services in Middlewich. This application will only add to the chaos

Middlewich Town Council

(i) The site is not within either the Cheshire East Local Plan or the Cheshire West Local Plan. This is therefore contrary to the National Planning Policy Framework which does not change the statutory status of the development plan as the starting point for decision making. The NPPF states that proposed development that conflicts with the Local Plan should be refused unless other material considerations indicate otherwise.

(ii) The proposed development is contrary to PG6 in that it will not retain a suitable green gap between Middlewich and Sproston and is not covered by any of the exceptions. The Town Council supports the statement within PG6 that the retention of gaps between settlements is important, in order to maintain the definition and separation of existing communities and the individual characters of such settlements.

- (iii) The level of residential development proposed will have a severely detrimental impact on the local highways, which already experience congestion. Middlewich has poor public transport provision and transport problems will be exacerbated by the proposed additional housing.
- (iv) The proposal will put increased pressure on existing services such as GP practices and dental practices; as well as on schools and SEN provision.
- (v) The Council notes at this stage there is no reference to open space or a contribution towards a by-pass for Middlewich.

Ward Councillor – No comments received at the time of writing the report

REPRESENTATIONS

Letters of objection received 181 regarding the following:

- Pressure of existing infrastructure (doctors, shops)
- Church would be used as conference facility
- Roads already at capacity and proposal would make this worse
- Traffic issues/increase/highway safety concerns
- Impact on air quality / noise / vibration
- No need for church
- Loss of open countryside / contrary to policy
- Council has a 5 year housing land supply and does not need this housing to meet the quota
- Harm to listed building Kinder Hall & Scheduled Ancient Monument
- No justification for the church
- Contributions put forward are not sufficient
- Not enough residents consulted
- Harm to the landscape
- Harm to wildlife
- Impact on broadband signal
- Houses will likely be leasehold
- Light pollution
- No pavements for future users
- No consultation with Jodrell Bank
- Mining risk assessment required
- No safe routes to schools
- Cheshire West will get the Council Tax benefits not Cheshire East
- Impact on archaeology
- Harm to rural character of the area
- Land allocated for future development is on land not owned by the applicant
- Development should not be considered until the bypass has been built
- Cheshire East and Cheshire West websites show different amounts of information for the same scheme

APPRAISAL

Principle of Development

Housing

The site lies largely in the Open Countryside as designated by the Adopted Cheshire East Local Plan, where policy PG6 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. Exceptions may be made where there is the opportunity for limited infilling in villages; the infill of a small gap with one or two dwellings in an otherwise built up frontage elsewhere, re-use of existing rural buildings, replacement buildings, extensions to dwellings, re-development of previously developed sites, essential for preservation of a heritage asset, affordable housing or where the dwelling is exceptional in design and sustainable development terms.

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

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

Church

The church building would also not fall into any of the categories or exceptions listed in PG6. Whilst it would see the existing church building replaced, this would not be on the same site nor has any detail been provided in which to compare the size of the existing building to assess if the replacement would be materially larger than the one it replaces.

Similarly it is also questionable whether or not a church could be considered to constitute essential for the purposes of public infrastructure. Unfortunately there is no definition of what constitutes public infrastructure in the local plan whilst there is a definition of what constitutes infrastructure, a church is not listed here. Notwithstanding whether or not a church could be considered to constitute public infrastructure, the proposal fails to justify why the replacement church is considered essential for the purposes of public infrastructure as no detail has been given to advise whether or not any other sites have been considered and why these sites were not considered suitable. The Council would have expected that a list of sites would have been provided and evaluated accordingly with priority given to sites in the settlement boundary.

The only justification provided relates to the need for the a replacement church due to the existing church only being on a short lease, the site being submitted for housing and the suitability of the existing site and building. However this only justifies a need for a replacement building and does not justify the proposed location on this site in open countryside.

Housing Land Supply

The Cheshire East Local Plan Strategy was adopted on the 27th July 2017 and forms part of the statutory development plan. The plan sets out the overall strategy for the pattern, scale and quality of development, and makes sufficient provision for housing (36,000 new dwellings over the plan period, equating to 1,800 dwellings per annum) in order to meet the objectively assessed needs of the area.

Planning law requires that applications for planning permission be determined in accordance with the development plan. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted.

The National Planning Policy Framework (NPPF) identifies the circumstances in which relevant development plan policies should be considered out-of-date. These are:

- Where a local planning authority cannot demonstrate a five year supply of deliverable housing sites (with appropriate buffer) or:
- Where the Housing Delivery Test Result indicates that the delivery of housing was substantially below 25% of housing required over the previous three years. This result will be published in November by the Ministry of Housing, Communities and Local Government (MHCLG).

In accordance with the NPPF, the council produces an annual update of housing delivery and housing land supply. The council's most recent Housing Monitoring Update (base date 31 March 2018) was published on the 6th November 2018. The report confirms:

- A five year housing requirement of 12,630 net additional dwellings. This includes an adjustment to address historic shortfalls in delivery and the application of an appropriate buffer.
- A deliverable five year housing land supply of 7.2 years (18,250 dwellings).
- Housing delivery over the previous three years (5,556 dwellings) has exceeded both the Cheshire East adopted housing requirement (5,400 dwellings) and the Local Housing Need figure (3,100 dwellings).

Relevant policies concerning the supply of housing should therefore be considered up-to-date and consequently the 'tilted balance' at paragraph 11 of the NPPF is not engaged.

SOCIAL SUSTAINABILITY

Housing Mix

Paragraph 61 of the Framework states that 'the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes'.

Policy SC4 of the submission version of the Local Plan requires that developments provide an appropriate mix of housing (however this does not specify a mix). This is echoed within the SNP Policies H3 (Housing Mix and Type) which states that housing should be designed to provide a mix of houses to meet identified need (e.g. affordable housing, starter homes and provision for housing an ageing population) and Policy H4 (Housing and an Ageing Population) which states that developments will be supported that provide suitable, accessible houses.

The exact mix of properties will be determined at reserved matters stage. However, the planning statement advises that housing will comprise of 1-4 bedroom dwelling either detached, semi-detached or mews style properties.

A condition could therefore be imposed to secure a mix of house types at the reserved matters stage.

Affordable Housing

This is a full application for up to 370 dwellings and there is a requirement for 30% of dwellings to be provided as affordable dwellings. In order to meet the Council's Policy on Affordable Housing there is a requirement for 111 dwellings to be provided as affordable dwellings.

The SHMA 2013 shows the majority of the demand in Middlewich is for 26x 1 bedroom, 22x 2 bedroom, 8x 3 bedroom General Needs dwellings. The SHMA is also showing a requirement for 4x 1 bedroom and 4x 2 bedroom dwellings for Older Persons. These can be via Bungalows, Flats, Cottage Style Flats or Lifetime Homes.

The current number of those on the Cheshire Homechoice waiting list with Middlewich as their first choice is 272. This can be broken down to 66x 1 bedroom, 114x 2 bedroom, 77x 3 bedroom, 14x 4 bedroom and 1x 5 bedroom dwellings.

The Cheshire East part of the site is the bottom area that has the roundabout and Centurion Way and Holmes Chapel Road to each side of the site. This is shown on the Illustrative Master Plan as being the car park for the Church with housing on the Border with Chester West and Chester Council land. If this housing is to be above 15 dwellings or the area is larger than 0.4 Hectares, the Council would require 30% of the dwellings to be Affordable Housing. This 30% would be split to 65% Affordable/Social Rent and 35% Intermediate Tenure such as Shared Ownership or Shared Equity. Across both sites 111 affordable units should be provided with of those 72 units being provided as Affordable/Social rent and 39 units as Intermediate tenure.

The exact mix and location of the affordable dwellings can be detailed in the Reserved Matters application.

The affordable housing provision would be secured as part of a S106 Agreement.

Open Space

POS evidence

The Open Space Survey identifies the lack of accessible amenity greenspace especially in the North West of Middlewich going beyond 5 – 10 walking threshold. Formal children's play facilities also fall short at 0.49 ha per 1000 population giving and overall shortage in Middlewich of 6.5ha.

An assessment of existing public Open Space within 800m of the site has identified a deficit in both amenity green space and children's play provision. In addition to the aforementioned land typologies (in line with Table 13.1 contained within the CELP) Green Infrastructure Connectivity is also required along with allotment provision.

POS contribution

The development creates the need for 24,050sqm of Public Open Space (POS). The area being provided on site is 71,200sqm, however only 3,800sqm is identified as formal POS the remainder being

buffer planting, soft verge, visibility splays and SUD's mitigation. Amenity greenspace must be functional, varied and flexible space, to serve the current and future needs of the community that it serves. Therefore, amenity greenspace should be a minimum width of 40m. Areas/buffers of less than 40m wide will not be considered amenity greenspace. A "proportion" of the overall Green Infrastructure (G.I.) could be accepted as G.I. Connectivity and buffer planting to protect Kinderton Hall shown on the Parameters Masterplan to the North West of the site lends itself to a community orchard this could be accepted in lieu of the allotment provision, but there is still a requirement for a minimum of 14,800sqm formal/informal recreational land including formal play. This application appears to fall far short of this requirement.

There is a lack of formal play facilities, only one small area identified for formal play lies between parcel 3 and 4 shown on the Parameters Masterplan. This would be accepted as a combined LAP/LEAP with sufficient buffers in line with Fields in Trust but a large NEAP catering for all ages located as central as possible for both sides of Byley Lane should also be provided. The NEAP should be a minimum 1000sq.m with addition amenity greenspace adjacent for informal games, should be designed to European and Fields in Trust standards taking note of a 30m buffer zone embracing the DDA inclusive ethos.

Indoor sport evidence

The Indoor Built Facility Strategy has identified that any existing shortfalls Middlewich should look to focus on improvement of provision at Middlewich Leisure Centre as set out in the attached Strategy (pages 43). Whilst new developments should not be required to address an existing shortfall of provision, they should ensure that this situation is not worsened by ensuring that it fully addresses its own impact in terms of the additional demand for indoor leisure provision that it directly gives rise to. Furthermore, whilst the strategy acknowledges that the increased demand is not sufficient to require substantial indoor facility investment through capital build there is currently a need to improve the quality and number of health and fitness stations at Middlewich Leisure Centre to accommodate localised demand for indoor physical activity.

Indoor sport contribution

- 370 houses at 1.61 people per residence = a population increase of 596. The calculation below has been based on 370 units, this would change if Cheshire East were only allocated a pro rata contribution
- The annual Sport England Active People Survey Results for 2016 showed 42.7% participation rate for Cheshire East. = 250 additional "active population" due to the new development in Wilmslow
- Based on an industry average of 25 users per piece of health & fitness equipment this equates to an additional ten (10) stations equivalent. Requirement for – x4 running machines (£6,500 per treadmill) , x 4 spin bikes (£4,500 per bike) and x 2 resistance / weight pieces (£3,000 per piece). Total £50,000

Outdoor sport evidence

The Playing Pitch Strategy identifies that Sutton Lane playing fields requirement to be upgraded to sustain the pitches for current and increased future use. Whilst new developments should not be required to address an existing shortfall of provision, they should ensure that this situation is not worsened by ensuring that it fully addresses its own impact in terms of the additional demand. This site has also been identified as a potential for a community hub.

Outdoor sport contribution

There is a requirement for Recreation and Outdoor Sport contributions. This should be calculated at £1,500 per family home and £750 per bed space in apartments.

Policy IN 2 allows for ongoing revenue costs. If members are minded to accept the application they may wish to request a com sum for the ongoing maintenance of the upgraded facilities. This will be based on actual life costs over 25 years based on current Policy.

The concerns of the open space officer are noted and these features can be conditioned to secure the details at the reserved matters stage.

Education

A development of up to 370 dwellings is forecast to generate 68 primary children, 55 secondary children and 4 Special Educational Needs children

The details of this forecast are contained within the table below:

To alleviate forecast pressures, the following contributions would be required:

$55 \times £17,959 \times 0.91 = £898,848$ (secondary)

$4 \times £50,000 \times 0.91 = £182,000$ (SEN)

Total education contribution: £1,080,848

As such there is a requirement for a contribution from this development towards secondary school and the sum of £1,080,848 will be secured as part of a S106 Agreement.

Any requested contributions could be secured by way of section 106 agreement.

Health

The South Cheshire Commissioning Group (SCCG) have devolved powers to act on behalf of the NHS. In this instance they have requested a contribution of £261,900 to support the development of Oaklands Medical Practice & Waters Edge Medical Practice

Having considered the contents of the response from the SCCG, officers are satisfied that the requested contribution of £424,584 is CIL compliant. This is because the NHS plan is at an advanced stage. The comments from the SCCG also provides calculations of how the requested contribution was derived and a specific scheme has been noted as to where the money will be spent which is to support the existing medical practice.

As a result the contribution is considered to be both reasonable and necessary and should be secured by way of section 106.

Location of the site

Both policies SD1 and SD2 of the CELPS refer to supporting development in sustainable locations. Within the justification text of Policy SD2 is a sustainable development location checklist.

In this instance the design and access statement has done a brief appraisal of the location in terms of sustainability. This concludes that a range of local services and facilities can be found within close proximity of the site in Middlewich.

As a result it is considered that the site would be locationally sustainable.

ENVIRONMENTAL SUSTAINABILITY

Residential Amenity

The main residential properties affected by this development are properties on Centurion Way to the south and properties off Byley Lane to the east.

The illustrative site plan suggests that the proposed properties would provide in excess of the required 13m and 21m interface distances to existing residential properties.

Environmental Protection have also raised no objections subject to conditions regarding piling, dust, travel plan, electric vehicle charging points and contaminated land.

The plan also suggests that all plots would provide in excess of the recommended 50sqm minimum garden area as per the Supplementary Planning Guidance on residential development.

As a result the layout suggests that the proposal could be provided without significant harm to living conditions of neighbouring properties. In any event, the final layout would be determined at reserved matters stage.

Highways

Site description and current application proposal

The site is being served by vehicular accesses from a new roundabout on Byley Lane. A secondary vehicular access is proposed from the south side of Byley Lane to serve the church and approx. 85 dwellings. Pedestrian access will be taken from Holmes Chapel Road and Centurion Way for the southern site and Byley Lane for the northern portion of the site.

The site and its transportation impacts straddle the Cheshire East and Cheshire West and Chester (CWaC) administrative boundaries. As the site access falls within Cheshire West and Chester Council's jurisdiction their engineers will assess the suitability of the proposed vehicular access arrangements along with the traffic impact at the A530/B5309 junction which again falls within CWaC. Cheshire East Council will be assessing the transport impact of the development on Cheshire East's highway network.

The proposed internal layout is considered to be indicative at this stage and will be considered, in conjunction with CWaC, on the submission of a reserved matters application.

Sustainable access

The site is approximately 1200m from Middlewich town centre hence is within walking and cycling distance. Continuous footways are available from the proposed site to nearby destinations including

employment opportunities and into the town centre - albeit the footway along the A54 towards the town centre is of limited width in places.

To ensure the development connects into this existing network, new pedestrian links are proposed by the applicant including a new footway along the north side of Holmes Chapel Road. To further facilitate this access the provision of a controlled pedestrian crossing is required at this location.

A bus service currently runs at hourly intervals (0800 – 1800 Mon to Fri less frequently on Sat) along Centurion Way and Holmes Chapel Road (A54) linking Crewe/Middlewich/Holmes Chapel/Congleton; to provide access to this service the applicant has proposed the provision of two new bus stops along Holmes Chapel Road.

Safe and suitable access

The access arrangements and adjoining footways are contained within Cheshire West and Chester's jurisdiction hence colleagues at this authority will make comment on these proposals.

Network Capacity (trip rates/distribution/jn modelling etc)

The applicant has acknowledged that the proposed development will produce an adverse impact on current traffic conditions along the A54 towards Middlewich town centre particularly at the junction with Leadsmithy Street (A533) which suffers from congestions and associated delay.

Given the current situation the applicant has agreed to make a financial contribution to the Middlewich Eastern Bypass which is a key capital scheme of Cheshire East Council benefiting from Government funding with a planning application due to be submitted before the end of 2018.

Accordingly a financial contribution equating to £5,414 per dwelling unit secured by Section 106 will mitigate the highway impact of the development on Cheshire East's network subject to a condition being levied that the bypass being opened prior to the first occupation of the development.

Conclusion

The provision of the Middlewich Eastern Bypass is predicted to reduce the traffic flow along the A54 in Middlewich by approximately 30% hence improving the traffic flow conditions at this location and providing the opportunity to enhance pedestrian crossing facilities. This reduction in vehicular flow will improve travel conditions for pedestrian and cyclists along the A54 between the site and the town centre.

Accordingly the provision of this piece of infrastructure is considered to be sufficient mitigation to make the proposed development acceptable from a highway perspective. In addition new linkages to existing sustainable modes are being provided by the applicant

Landscape

As part of the application a Landscape and Visual Impact Appraisal (LVIA) has been submitted, based upon the recommendations and methodology in Guidelines for Landscape and Visual Impact Assessment 3rd Edition published by The Landscape Institute and the Institute of Environmental Management & Assessment in April 2013 (GLVIA3). The LVIA identifies that the site straddles the

boundary between Cheshire East and Cheshire West and Chester, although the majority of the site is located within the boundary of Cheshire west and Chester.

The LVIA identifies the baseline landscape character at the national, regional and county and district level, in this case Landscape Type 7: East Lowland Plain, and specifically the Wimboldsley Character area (ELP5). The site is agricultural land, adjacent to the existing settlement edge of Middlewich. The A54 bounds the south of the site and Centurion Way runs along the southwest boundary, with Byley Lane running through the site. Kinderton Hall is located to the west of the site, within the boundary of Cheshire West and Chester. There is a hedgerow network across the site, as well as hedgerow and scattered trees across the site; those hedgerows within Cheshire East are identified in the Ecology Report as being 'species poor intact hedges', and the current land use as being a mix of improved grassland and arable.

The LVIA identifies that the nature of effects on the physical fabric of the site at construction stage will be medium/high and that the nature of the effect will be major, as will the significance of effect and that at the operation phase the sensitivity will be medium/high and the significance will remain major, reducing to minor/moderate after 15 years. The effects on the landscape setting of the site are identified as being of medium/high sensitivity, with a nature of effect as Major and a significance as Major, reducing to minor/moderate after 15 years. The visual assessment identifies the reduction in open countryside that forms the setting for Kinderton Hall, for residential amenity, commercial properties and road and footpaths. While the Councils Landscape Officer broadly agrees with the landscape assessment at the construction phase he considers that the effects after 15 years would be greater than identified.

The Design and Access Statement indicates that 38% of the site has been retained as open space, with opportunities for tree planting and landscape works and identifies a landscape strategy, which includes retention of the site's existing green infrastructure, replacement native hedgerows, a hierarchy of public open spaces, landscape buffers and the size of rear gardens and recognition of the wider landscape and views into and out of the site.

If permission is granted the proposed development would bring about a major transformation in the landscape, which would change from agricultural fields to a residential development with a church; the church element of the development would take up the majority of the site that is located within Cheshire East.

While mitigation may reduce the effects over time, this will ultimately be dependant on overall design and also landscape design across the whole development. The submission does include an Illustrative masterplan, but it does not appear to reference the Cheshire East Design Guide. This study identifies that the area lies within the boundary of the settlement type identified as salt and Engineering Towns and identifies positive rural transitions as well as information on traditional materials and detailing.

It is suggested that if permission is granted and the design process continues, that it would be prudent to refer to this study to achieve and create distinctive character and a sense of place.

Landscape features

Trees

There are hedgerows on field boundaries and a small number of trees in the vicinity.

The submission includes an Arboricultural Impact Assessment. The associated tree survey covers a larger site than the current application site. The survey records 1 category A, 5 category B, 1 category C trees and groups. The trees include two veteran specimens, T1 a mature apple and T2 a mature Oak. These are the only two trees associated with the current application site. 11 hedgerows were recorded 9 of which are on the application site.

On the basis of the Illustrative Masterplan, the executive summary in the Arboricultural Impact Assessment indicates that it would be possible to develop the site retaining all high and medium value trees. A 10 metre stand off is recommended for T1 and 15 metres for T2. Sections of two hedgerows would require removal in order to accommodate a new roundabout and site access points off the B 5081 Byley Lane. The report indicates that a detailed Arboricultural Impact Assessment would be required to support a reserved matter/full application.

It appears that a layout could be designed to respect the existing trees on the periphery of the site. Protection measures would be required. Some lengths of hedgerow could be retained however, it appears a greater amount of hedgerow would be lost than identified in the report. (See Hedgerow section below).

The Masterplan suggests that additional framework planting would be provided. The detail of new planting would need to be secured as part of a comprehensive landscape plan at reserved matters stage. A management plan would also be required to cover all areas of POS and associated site boundary hedgerows.

Hedgerows

There are significant lengths of hedgerow associated with the site. As indicated above, the Arboricultural Impact Assessment indicates that there would be hedgerow loss to accommodate the proposed new roundabout and other vehicular access points. Whilst not made clear in the submission, on the basis of Plan 3 in the Traffic Assessment, it would appear that in order to provide 2 metre wide roadside footpaths along the B5081 Byley Lane and the B 5309 Centurion Way between Centurion Way and the new roundabout, there would be further extensive hedge loss. This is not clear on the Masterplan which shows internal footways along the Byley Lane boundaries.

Where proposed development is likely to result in the loss of existing agricultural hedgerows which are more than 30 years old, it is considered that they should be assessed against the criteria in the Hedgerow Regulations 1997 in order to ascertain if they qualify as 'Important'. The Regulations require assessment on various criteria including ecological and historic value. Should any hedgerows be found to be 'Important' under any of the criteria in the Regulations, this would be a significant material consideration in the determination of the application. Hedgerows are also a habitat subject of a Biodiversity Action Plan.

The Ecology section (9) of the EIA states in para 9.4.18 that none of the hedgerows meet the criteria for 'important' classification in the Hedgerow Regulations 1977.

The Heritage Impact Assessment Report July 2016, para 5.5, indicates that a hedge to the north west boundary has been found to be 'important' under Regulation 4a Criteria 11.2a and Criteria 11.3a of the Regulations. (Hedge associated with an ancient monument and forms part of a pre-enclosure field pattern). This hedge is shown for retention on the Masterplan.

As a result the Councils Arborist concludes that the development proposals should allow the retention of significant trees but would result in hedgerow loss. To combat this various conditions are suggested including:

- Reserved matters layout to reflect the design parameter of the Illustrative Masterplan. (Once footpath issue has been clarified)
- Reserved matters application to include a landscape and ecological management plan to include the management of retained trees and hedgerows and details of a mechanism for implementation.
- Tree / hedge retention and protection
- The development shall proceed in accordance with the approved Arboricultural Impact Assessment and Method Statement and the scheme shall be retained throughout the period of the construction phase.

As a result it is considered that the development could be accommodated without significant impact to landscape features and the full impacts would be addressed at reserved matters stage.

Design

As this is outline, then the masterplan is illustrative and because the illustrative proposal for CEC land has largely non-residential components, then it would be difficult to require the full requirements of the Design Guide SPD for this site, which would necessitate a spatial design code and appropriately detailed design and access statement.

Based on the proposed master plan the Councils Urban Design Officer has raised concerns that the proposal as shown does not show an imaginative or high quality development. In particular he has raised concerns that the church/community building would have to be a very striking and high quality design to appropriately fulfil the potential of its location as a key landmark on the main roundabout junction.

As the proposal has been submitted in outline form, the detailed design would not be addressed until reserved matters stage however the applicant should be made aware of the comments raised from the Urban Design Officer regarding the prominence this building would take in the street scene which should be addressed before any application comes forward.

Below is a brief assessment of the layout as provided on the illustrative plan:

- Connections

The proposed scheme is bound by Centurion Way/Holmes Chapel Road to the south and Byley Lane to the north of the site. Access to the site serving both the Cheshire West and Cheshire East sites would be taken to the south west and north-eastern sections. Pedestrian access into the Site off Byley Lane is provided at two locations: one at the north-east corner and a second close to the south-west, close to the existing access road to Kinderton Hall. These access points are linked by a footpath/cycleway extending along the full length of southern boundary. Pedestrian access is also provided onto Holmes Chapel Road and Centurion Way.

- Facilities and Services

The site has good access to a range of local services and facilities. As well as benefitting from good access to the town centre, there are a number of facilities close to the Site including a Harvester public

house and restaurant, situated to the south of the site off Holmes Chapel Road. There is also a branch of Subway, Starbucks and petrol station filling station, located within easy walking distance of the Site.

The nearest large supermarkets are found in Middlewich Town Centre. Other key amenities located within the Middlewich Town Centre include a Post Office, Medical Centre, Leisure Centre and Library.

There are also a number of schools close by, the nearest being Middlewich High School on Queen Street, approximately 1.2km west of the Site.

- Public Transport

The nearest bus stops to the site are located to the northwest on Centurion Way. These bus stops are located approximately 650 metres from centre of the application site and provide up to 3 services (nos. 42, 37 & 37A) in peak periods to destinations such as Crewe, Sandbach, Winsford, Holmes Chapel and Congleton. Each service operates an hourly service from Monday to Saturday. The most accessible train station to the Site is Winsford train station, approximately 4.7km to the west.

- Meeting Local Housing Needs

The indicative plan shows a mixture of detached, semi-detached properties and apartments. The exact mix of properties will be determined at Reserved Matters stage, however the supporting statement also advises that the proposed dwellings will consist of 1-4 bedroom properties.

- Character

The proposed scheme is for up to 370 new dwellings within a total site area of 18.15 hectares, a density of approximately 19 dwellings per gross hectare, which is consistent with that of existing development to the south. The indicative plan shows that the aesthetic of the proposed scheme reflect local vernacular and street scenes with reference to the existing residential development to the south. The layout also shows that the plots to the northern, western and eastern boundaries would have an active frontage with the open countryside as they would have their front elevations facing the open countryside to the north, west and east. Details of appearance will be addressed at reserved matters stage. The design and access statement advises that heights would not exceed 3 storey. A church building is also shown as being located to the southern boundary fronting the junction of Centurion Way and Holmes Chapel Road with area of POS being located to the north of the church and towards the northern and north-western boundaries. Concern is raised of the need for the church building to be high quality design to appropriately fulfil the potential of its location as a key landmark on the main roundabout junction.

- Working with the Site and its Context

The proposal will develop an existing greenfield site just outside the settlement boundary of middlewich. Therefore it is inevitable that the proposal would be out of context in this location as it seeks to develop a site that is currently free from development and physically located outside the settlement. All high and medium value trees are shown as being retained. Further trees/planting is also proposed to the northern boundary as part of the green infrastructure, enhancing the visual value and relationship between the development and open agricultural land beyond.

- Creating Well Defined Streets and Spaces

The plans show that the buildings will face the public realm and the front doors and/or habitable room windows will give natural surveillance and active frontages will define areas of public space. The plan does not however indicate use of double frontages to help properties turn corners however design/appearance would be addressed at reserved matters stage. It is considered that new trees will also help define the boundary between dwelling and street, with private gardens, where possible, located to the rear of properties.

- Easy to Find Your Way Around

The development would appear capable of being categorised onto 3 different sections with each section having a sole access point for ease of navigation, with a clear hierarchy defining pedestrian and vehicular routes.

The hierarchy of routes is simple and legible and hierarchy consists of a series of interconnected avenues, streets, lanes, shared drives and footpaths.

The proposed street hierarchy will be reinforced through the design, planting strategy and an appropriate palette of hard landscape materials. The avenues and main streets for example will be designed as traditional roads, with a defined carriageway and pavements. In contrast, shared drives will typically be designed as paved spaces for a more domestic character. Larger specimen trees will be planted within private front gardens along the main Avenues to provide an appropriate sense of scale and hierarchy to this route.

- Streets For All

Road widths serving properties to the site boundaries are narrower to promote slower vehicle speeds and allow for functional social space. A pavement is also shown running through the site.

- Car Parking

The Illustrative Masterplan shows a range of parking solutions including a mixture of on-street, on-plot (some to frontage, some to the side of properties and some garaged or integral) and small parking courts.

All parking is provided close to, and visible from, people's homes. Street trees, planting within front gardens and landscape strips between adjacent driveways will assist in providing a degree of screening to parked vehicles, reducing their visual dominance on the streetscene. Whilst parking occurring to the front of properties is a concern, details of this would only be addressed at reserved matters stage.

Parking for the Church/Community facility will be located close to the building and could be divided into a series of smaller car parks separated by landscaped areas in order to reduce its visual impact. It is set back within the site and is largely screened from view of surrounding streets by the Church building and landscaping/tree planting around the edges of the car park.

- Public and Private Spaces

Public and private spaces will be clearly defined throughout the site, with the use of active frontages and careful landscaping. Natural surveillance is permitted by front doors and habitable room windows overlooking public space, ensuring the safety of residents and visitors moving around the site. Clear

thresholds, road and paving hierarchy and fencing will further indicate the distinction between public and private space and maintain security for residents.

- External Storage and Amenity Space

Storage for amenity will be provided within the curtilage of each individual dwelling, with direct accessed designed to connect rear gardens to the street to allow for rubbish collection. A number of properties will also have detached garages to provide additional external storage.

Ecology

Statutory Designated Sites

Whilst the application site is located within Natural England's Site of Special Scientific Interest (SSSI) Impact Risk Zone, Natural England have been consulted and responded confirming that proposed development will not have an adverse effect on the SSSI.

Breeding Birds

The bird survey undertaken to inform the ES (Environmental Statement) has identified the presence of a number of priority species. Priority species are a material consideration for planning. Priority species recorded included: Bullfinch (not breeding), House Sparrow, Dunnock, Reedbunting (not breeding), Skylark, Starling (not breeding), Yellowhammer (only possible breeding), Song Thrush (only possible breeding), Yellow Wagtail (single pair) recorded.

The regular presence of 'probably' breeding Yellow Wagtail would be sufficient for the site to qualify as a Local Wildlife Site. As only a single year of breeding bird data is available it is not possible to fully assess the importance of this site for this species.

The retention of the majority of the existing hedgerows and the addition of further planting would help to reduce the impacts of the proposed development upon some of these species. However it is likely that skylark and yellow wagtail, which are ground nesting open country species, would be adversely affected as a result of the proposed development. It is estimated that habitat used by three breeding pairs of skylark would be lost and the available habitat for Yellow Wagtail would be significantly reduced as part of the proposed development.

The previously submitted ground nesting bird mitigation strategy was found to be acceptable.

The applicant has now submitted a revised ground nesting bird mitigation strategy (Centurian Way Skylark Mitigation, August 2018 TEP). The Councils Ecologist has discussed this revised strategy with the ecologist at Cheshire West and whilst the proposed habitat management prescriptions are acceptable, his preference is for the habitat creation to be located in the originally proposed location for the following reasons:

- The revised location of the habitat mitigation is extensively crossed by overhead powerlines which would reduce 'openness' of the habitat for ground nesting birds and also provide perches for birds of prey.
- Locating the mitigation area in its original location would also provide some separation from the proposed development and so reduce the effects of disturbance and predation by pets.

The Councils Ecologist therefore recommends that the submitted strategy be amended to ensure the mitigation area is delivered in its original location.

As the proposed mitigation would take place on land outside the red line of the current application a legal agreement may be required to secure the implementation of the submitted strategy. The legal agreement should also include the requirement for the applicant to submit a monitoring strategy to ensure the agreed mitigation is implemented effectively.

The proposed mitigation is also located within Cheshire West and Chester so would need to be secured under the application they are dealing with. This will be clarified in the update report.

Hedgehog

Hedgehogs are a biodiversity action plan priority species and hence a material consideration. There are records of hedgehogs in the broad locality of the proposed development and so the species may occur on the site of the proposed development. If planning consent is granted The Councils Ecologist suggests a condition is attached requiring proposals for the incorporation of gaps for hedgehogs into any garden or boundary fencing proposed.

Hedgerows

Hedgerows are a priority habitat and hence a material consideration. The proposed development is likely to result in the loss of sections of existing hedgerows to facilitate the roundabout proposed in the interior of the site. These losses are however located within Cheshire West and Chester administrative area.

The Councils Ecologist recommends that if planning permission is granted a condition should be attached which requires the provision of replacement hedgerows as compensation for any lost to be submitted with any future reserved matters application.

Other Protected Species (OPS)

A minor OPS sett was recorded outside the site boundary during an initial survey but this was not apparent on the follow up survey. The Councils Ecologist advises that based on the known current levels of badger activity on site the proposed development is not likely to have a significant adverse impact upon this species.

However in the event that outline planning permission is granted it is recommended that a condition be attached which requires an updated detailed badger survey to be submitted in support of any future reserved matters application.

Bats and trees

Two trees were identified as being veteran trees and two trees were identified as having negligible and low bat roost potential. Based on the submitted layout plan it appears feasible for all of these trees to be retained as part of the proposed development. None of these trees occur in the Cheshire East part of the site.

In accordance with the BCT Guidance Note 08/18 (Bats and Artificial Lighting in the UK), prior to the commencement of development details of the proposed lighting scheme should be submitted as part of any future reserved matters application.

Amphibians

No evidence of great crested newts was recorded during the submitted surveys and so the Councils Ecologist advises that this protected species is unlikely to be affected by the proposed development. Common Toad, a priority species, was however recorded in two of the three ponds surveyed. The proposed development will result in the loss of some terrestrial habitat likely to be used by this species.

In order to compensate for the loss of terrestrial habitat for this species the Councils Ecologist recommends that a specifically designed wildlife pond be included as part of the proposed development. This matter may be dealt with as part of the ecological enhancement strategy detailed below.

Ecological Enhancement

This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development. The Councils Ecologist therefore recommends that if outline planning permission is granted a condition should be attached which requires the submission of an ecological enhancement strategy in support of any future reserved matters application. The strategy should include proposals for the provision of features for nesting birds including house sparrow and swift and roosting bats, brash/wood piles, a wildlife pond and native species and fruit tree planting.

The above conditions are considered to be both reasonable and necessary to mitigate and off-set the impact of the proposal on local wildlife.

Air Quality

Policy SE12 of the Local Plan states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality.

This proposal is for the residential development of up to 370 dwellings. Air quality impacts have been considered within the air quality assessment submitted in support of the application by RSK Environmental Ltd. dated 11th August 2017.

The assessment concludes that the impact of the future development on the chosen receptors will be negligible with regards to both NO₂ and PM₁₀ concentrations, with four of the receptors experiencing a minor adverse effect for NO₂ and the rest a negligible effect.

Also there is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality. Taking into account the uncertainties with modelling, the impacts of the development could be significantly worse than predicted.

Poor air quality is detrimental to the health and wellbeing of the public and also has a negative impact on the quality of life for sensitive individuals. It is therefore considered appropriate that mitigation should be sought in the form of direct measures to reduce the adverse air quality impact.

The Environmental Health Officer has requested the following conditions in relation to air quality;

- Dust Control
- Travel Plan
- Electric Vehicle Infrastructure

Subject to the imposition of these conditions the impact upon air quality from this development is considered to be acceptable.

Flood Risk

The application site is located within Flood Zone 1 (low probability of river/tidal flooding) according to the Environment Agency Flood Maps. As the site is greater than 1 hectare in size a Flood Risk Assessment (FRA) has been submitted in support of this planning application.

The FRA concludes that:

- The site is located within a Flood Zone 1 with low risk of flooding
- Far enough inland to be at risk from tidal flooding
- Flood risk from surface water is low
- Flood risk from other sources such as groundwater, sewers, reservoirs etc is considered to be low
- No impact from other forms of flooding

United Utilities have been consulted as part of this application and have raised no objection to the proposed development subject to conditions regarding foul and surface water drainage and a drainage strategy. These conditions are considered reasonable and can be added to any decision notice.

The Councils Flood Risk Team have also been consulted however no comments have been received at the time of writing the report. These will be provided in the update report.

The above conditions are considered both reasonable and necessary and will be added to any decision notice.

Therefore subject to conditions, the proposal would not pose significant concerns from a flood risk/drainage perspective.

ECONOMIC SUSTAINABILITY

With regard to the economic role of sustainable development, the proposed development will help to provide new housing with indirect economic benefits to Middlesbrough including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

Agricultural Land Quality

Policies SE2, SD1, SD2 advise that development should safeguard natural resources including high quality agricultural land.

The National Planning Policy Framework highlights that the use of such land should be taken into account when determining planning applications. It advises local planning authorities that, 'significant developments' should utilise areas of poorer quality land (grades 3b, 4 & 5) in preference to higher quality land.

In this instance an Agricultural Land Classification report has been provided. This concludes that of the 27 hectare site the split is as follows:

Grade 2 – 6.6%

Grade 3a – 77.7%

Grade 3b – 15.7%

The proposal would therefore result in the loss of Grade 2 and Grade 3a agricultural land which weights against the proposal.

Archaeology

The archaeological significance of the area is considered in a Heritage Impact Assessment and an Archaeological Desk Based Assessment which have been prepared by ArchHeritage and which appear as Technical Appendices to the Environmental Impact Assessment (EIA) that has been submitted in support of the application.

This has been assessed and accepted by Cheshire Archaeology subject to condition requiring a programme of archaeological work be provided before development commenced.

COMMENTS ON REPRESENTATIONS

Representations with neighbouring properties have raised a number of issues. The majority of these have been covered in the report above. Some issues remain and these are discussed below:

- Impact on air quality / noise / vibration – this has been considered by the Councils Environmental Protection Team who have suggested conditions to deal with air quality and noise arising from construction
- Not enough residents consulted – residents have been consulted in line with Council consultation guidance
- Impact on broadband signal – any impact on existing broadband signal would be the provider to rectify
- Houses will likely be leasehold – this is not an issue relevant to the determination of a planning application
- Light pollution – a condition has been attached requiring details of any lighting to be provided
- No pavements for future users – new footpath is proposed outside the development
- No consultation with Jodrell Bank – the site is outside the consultation zone
- Mining risk assessment required – Cheshire Brine Board have been consulted but have advised that the site sits outside of their area in which they would have jurisdiction over
- Cheshire West will get the Council Tax benefits not Cheshire East – this is not an issue relevant to the determination of a planning application
- Land allocated for future development is on land not owned by the applicant – whilst the plans do indicate an area highlighted for future development to the east of the site, this is not part of the application boundary edged in red and as such is not being considered as part of this

application, in any case this land is sited in Cheshire West and would not be the jurisdiction of Cheshire East

- Cheshire East and Cheshire West websites show different amounts of information for the same scheme – Cheshire East have all relevant information visible on their public website. It is not possible to control what information Cheshire West may or may not show

CIL Compliance

In order to comply with the Community Infrastructure Regulations 2010 it is necessary for planning applications with planning obligations to consider the issue of whether the requirements within the S106 satisfy the following:

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

The development would result in increased demand for primary, secondary and SEN places in the area and there is very limited spare capacity. In order to increase capacity of the schools which would support the proposed development, a contribution of £1,080,848 towards secondary and SEN schools is required. This is considered to be necessary and fair and reasonable in relation to the development.

The proposal would result in a requirement for the provision of 111 affordable units across the site which would be split on a social rented/intermediate basis. This is considered to be necessary and fair and reasonable in relation to the development.

The proposal would result in increased demand for medical care usage in Middlewich. Evidence has been put forward by the CCG that a contribution of £424,584 to support the development of Oaklands Medical Practice & Waters Edge Medical Practice. The NHS plan is also at an advanced stage and calculations of how the requested contribution was derived have been provided and have been linked to the expansion of the existing medical practice. This is considered to be necessary and fair and reasonable in relation to the development.

As explained within the main report, the area of open space/LEAP/NEAP is identified on the submitted plans. It is necessary to secure these works and a scheme of management. Along with a contribution of Total £50,000 towards indoor sport and £1,500 per family home and £750 per bed space in apartments for outdoor sport. This is directly related to the development and is fair and reasonable

On this basis the S106 recommendation is compliant with the CIL Regulations 2010 and a Deed of Variation will be required to the original S106 Agreement.

PLANNING BALANCE

The proposal would be contrary to Policy PG6 of the CELPS and Policy PS8 of the Congleton Borough Local Plan as it is not listed as an appropriate form of development in the open countryside and therefore represents a departure from the adopted Local Plan. Cheshire East can also demonstrate a 5 year supply of deliverable housing sites.

The benefits of the proposal would be the provision of open market housing and affordable housing, POS/community benefit and the limited economic benefits during construction.

The development would have a neutral impact upon, education, medical capacity, ecology, trees, flooding, living conditions, air quality and contaminated land.

The dis-benefits would be the loss of open countryside/landscape harm and the loss of Agricultural Land.

Applying the tests within paragraph 11 it is not considered that the benefits outweigh the dis-benefits. As such, on balance, it is considered that the development does not constitute sustainable development and should therefore be refused.

RECOMMENDATION:

Refuse for the following reasons:

- 1) The proposed development is unsustainable because it is located within the Open Countryside and would result in an adverse impact on appearance and character of the area and the loss of Grade 2 and 3a agricultural land contrary to Policies PG2 (Settlement Hierarchy), PG6 (Open Countryside), SD1 (Sustainable Development in Cheshire East) and SD2 (Sustainable Development Principles), SE2 (Efficient Use of Land) of the Cheshire East Local Plan Strategy, saved PS8 (Open Countryside) of the Congleton Borough Local Plan and the principles of the National Planning Policy Framework, which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it creates harm to interests of acknowledged importance.

In order to give proper effect to the Board's/Committee's intent and without changing the substance of its decision, authority is delegated to the Head of Planning (Regulation) in consultation with the Chair (or in their absence the Vice Chair) to correct any technical slip or omission in the resolution, before issue of the decision notice.

Should the application be subject to an appeal, the following Heads of Terms should be secured as part of any S106 Agreement:

S106	Amount	Triggers
Affordable Housing	30% (65% Affordable Rent / 35% Intermediate)	In accordance with phasing plan
Health	Contribution to support the development of Oaklands Medical Practice & Waters Edge Medical Practice using the below formula:	50% Prior to first occupation 50% at occupation of 185th dwelling

	<p>Occupancy Assumptions Based on Size of Unit</p> <p>Health Need/Sum Requested per unit</p> <p>Size of Unit</p> <p>1 bed unit 1.4 persons £504 per 1 bed unit</p> <p>2 bed unit 2.0 persons £720 per 2 bed unit</p> <p>3 bed unit 2.8 persons £1,008 per 3 bed unit</p> <p>4 bed unit 3.5 persons £1,260 per 4 bed unit</p> <p>5 bed unit 4.8 persons £1,728 per 5 bed unit</p>	
Public Open Space	<p>Provision of Public Open Space of 40m2 per dwelling combined amenity green space and children and young person provision for on site provision</p> <p>Contribution of £50,000 towards indoor sport facilities to improve the quality and number of health and fitness stations at Middlewich Leisure Centre to accommodate localised demand for indoor physical activity</p> <p>Contribution of £1,500 per family home and £750 per bed space in apartments for outdoor sport</p>	<p>50% Prior to first occupation</p> <p>50% at occupation of 185th dwelling</p>
Education	<p>Contribution to support school provision using the below formula:</p> <p>$55 \times £17,959 \times 0.91 = £898,848$ (secondary)</p> <p>$4 \times £50,000 \times 0.91 = £182,000$ (SEN)</p> <p>Total education contribution: £1,080,848</p>	<p>50% Prior to first occupation</p> <p>50% at occupation of 185th dwelling</p>
Highways	<p>Contribution of £2,003,180 towards the provision of Middlewich Eastern Bypass</p> <p>A travel plan monitoring fee of £5,000</p>	<p>Bypass</p> <p>50% Prior to first occupation</p> <p>50% at occupation of 185th dwelling</p> <p>Travel plan 100% on first occupation</p>

