

Application No: 17/1000C

Location: LAND BETWEEN MANCHESTER ROAD AND GIANTSWOOD LANE,
HULME WALFIELD, CHESHIRE

Proposal: Outline application with all matters reserved except for means of access for a development comprising up to 500 dwellings (use class C3), site for new primary school (use class D1) and local shopping facility (use class A1) together with associated open space, green infrastructure, pedestrian and cycle links

Applicant: Worth Partnership

Expiry Date: 27-Sep-2017

SUMMARY

The development is in accordance with the site specific newly adopted CE Local Plan Strategy and would deliver 500 houses, a primary school, a retail facility together with areas of open space and green infrastructure and significant contributions to the Congleton Link Road.

The proposal would satisfy the economic and social sustainability roles by providing for much needed housing adjoining an existing settlement where there is existing infrastructure and amenities. As with other key sites in North Congleton, the site is making a significant contribution towards the Link Road, but with an agreed reduction in affordable housing to 17.5%, together with contributions to other highway/sustainable transport works and education. In addition, the scheme would also provide appropriate levels of public open space both for existing and future residents.

The development would provide for a one form entry primary school, and addresses issues of drainage, highways, trees, residential amenity, noise, air quality and contaminated land.

At the time of writing the report there are outstanding matters in relation to landscape impact, with particular reference to the proposed school site, and ecological offsetting mitigation and these matters will need to be reported to Members in an update report.

Jodrell Bank have objected to the application and this does represent a factor against the proposals.

On the assumption the outstanding matters can be addressed, the scheme represents a sustainable form of development which the NPPF states should be "approved without delay" and the planning balance weighs in favour of supporting the development in accordance with the development plan subject to a 106 legal agreement and conditions.

Recommendation

Approve subject to a Section 106 Agreement and conditions.

1. SITE DESCRIPTION

This application relates to a 25.7-hectare site on the northern side of Congleton. The site currently consists of 2 agricultural fields, used for crop growing. The larger of the two fields lies to the south of the unnamed narrow watercourse, and whilst not flat, consists of an area which sits above the adjacent water course and associated tree line. Within the centre of this area is an area of woodland, and the boundaries are largely marked by hedgerows, in particular on Giantswood Lane. The smaller parcel of land lies north of the water course, and is general lower lying, but rises towards the northern site boundary. This site has a frontage to Manchester Road.

In the future the area will change significantly with the building of the Congleton Link Road (CLR) to the north of the site, and indeed parts of the land holding are required to build the road, and the associated landscaping/ecological mitigation.

2. DETAILS OF PROPOSAL

This application seeks outline planning permission for:

Outline application with all matters reserved except for means of access for a development comprising up to 500 dwellings (use class C3), site for new primary school (use class D1) and local shopping facility (use class A1) together with associated open space, green infrastructure, pedestrian and cycle links.

The application is accompanied by an Environmental Statement and a Parameters Plan. The parameters plan has been revised during the lifetime of the application, and shows the larger of the two site areas being set out for housing, retaining the central area of woodland, and providing areas of green infrastructure and open space. The smaller site area is proposed to be the site of the new primary school and retail facility.

Access is only proposed for vehicular traffic off Manchester Road, but with pedestrian/cycle links onto Giantswood Lane and north towards the CLR.

3. RELEVANT PLANNING HISTORY

Nothing affecting the site in question, but on the adjacent site to the south and east is an approved development by Bloor Homes who have recently started on site. The approval is as follows:

16/3107C – Reserved matters application (appearance, landscaping, layout and scale) for residential development comprising of 96 dwellings. Land Between Manchester Road and, Giantswood Lane, Hulme Walfield APPROVED May 2017

In addition is the approval for the Congleton Link Road:

15/4480C - The proposed Congleton Link Road - a 5.7 km single carriageway link road between the A534 Sandbach Road and the A536 Macclesfield Road. APPROVED July 2016

Finally, across the A34 to the east are approvals for housing developments under approvals 14/4451C & 14/4452C amongst others.

4. PLANNING POLICIES

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan for Cheshire East comprises the recently adopted Cheshire East Local Plan Strategy, and the saved policies from the Congleton Borough (January 2005), Crewe and Nantwich (February 2005) and Macclesfield Local Plans (January 2004). The Congleton Local Plan is applicable for the majority of this site.

Cheshire East Local Plan Strategy 2010-2030

The following are considered relevant material considerations:

PG2 – Settlement Hierarchy
PG5 - Open Countryside
PG6 – Spatial Distribution of Development
SC3 – Health and Wellbeing
SC4 – Residential Mix
SC5 – Affordable Homes
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
SE9 –Energy Efficient Development
SE14 - Jodrell Bank.
IN1 - Infrastructure
IN2 – Developer Contributions

Site LPS 29 - Giantswood Lane to Manchester Road, Congleton (See below for wording).

Saved policies in the Congleton Local Plan

PS8	Open Countryside
PS10	Jodrell Bank Radio Telescope Consultation Zone
GR6&7	Amenity & Health
GR9	Accessibility, servicing and parking provision
GR10	Managing Travel Needs
GR14	Cycling measures

GR15	Pedestrian measures
GR18	Traffic Generation
GR20	Public Utilities
GR22	Open Space Provision
GR23	Provision of Services and Facilities
NR4	Nature Conservation (Non Statutory Sites)
NR5	Maximising opportunities to enhance nature conservation

The **Macclesfield Local Plan** is however relevant for land north of the water course – the proposed school site, and as such the following policies are considered relevant:

NE17	Nature Conservation in Major Developments
GC14	Jodrell Bank
RT7	Cycleways, Bridleways and Footpaths
DC8	Design - Landscaping
DC9	Design - Tree Protection
DC13 & DC14	Design - Noise

National Policy

National Planning Policy Framework

Other Material Policy Considerations

Interim Planning Statement: Affordable Housing (Feb 2011)
 Strategic Market Housing Assessment (SHMA)
 Strategic Housing Land Availability Assessment (SHLAA)
 Article 12 (1) of the EC Habitats Directive
 The Conservation of Habitats and Species Regulations 2010
 The North Congleton Masterplan

Site LPS 29 - Giantswood Lane to Manchester Road, Congleton. (Former SL 8 & CS 46)

The wording reads as follows:

“The site at Giantswood Lane to Manchester Road over the Local Plan Strategy period will be achieved through:

- 1. The delivery of, or a contribution towards, the Congleton Link Road / complementary highway measures on the existing highway network;*
- 2. The delivery of around 500 new homes (at approximately 30 dwellings per hectare) as set out in Figure 15.34;*
- 3. The provision of appropriate retail space to meet local needs;*
- 4. The provision of a new primary school as set out in Figure 15.34;*
- 5. Vehicular, pedestrian and cycle links set in green infrastructure to new and existing employment, residential areas, shops, schools, health facilities the town centre;*
- 6. The provision of children's play facilities;*
- 7. The provision of land required in connection with the Congleton Link Road as set out in Figure 15.34.*

Site Specific Principles of Development

- a. Provision should be made for managed vehicular linkage through the site between Manchester Road and Giantswood Lane, together with connection through to Strategic Site LPS 27 Congleton Business Park. Contributions will also be sought towards the Congleton Link Road.*
- b. Contributions towards complementary highway measures on the existing highway network including the management of traffic on Giantswood Lane.*
- c. The provision of the new school and associated localised retailing should be made in an accessible location capable of serving adjacent developments. Contributions should be made to health infrastructure.*
- d. The provision of a network of open spaces for nature conservation and recreation. This should include enhancement of the proposed habitat area defined by the Congleton Link Road as set out in Figure 15.34.*
- e. The timely provision of physical and social infrastructure to support development at this location.*
- f. The achievement of high quality design reflecting the prominent landscape location of the site and creating a vibrant destination and attractive public realm. Landscape features should be retained whilst defining landscaped spaces and key movement choices.*
- g. The site should be developed comprehensively consistent with the allocation of uses set out in Figure 15.34 and the principles of the North Congleton Masterplan. Development should integrate with the adjacent uses, particularly through sustainable transport, pedestrian and cycle links.*
- h. The delivery of appropriate public transport links to connect with employment, housing and retail / leisure uses in the town.*
- i. The provision of pedestrian and cycle routes to provide clear and safe links to surrounding communities including adjacent Strategic Site LPS 27 Congleton Business Park. Future development should provide an east to west greenway with pedestrian and cycle links across the site linking together proposed and existing leisure uses, local retail and other community facilities at this site with other sites to the north of Congleton.*
- j. The site will provide affordable housing in line with the policy requirements set out in Policy SC 5 'Affordable Homes'.*
- k. Future development should also have consideration to Policy SE 14 'Jodrell Bank'.*
- l. Future development should consider the use of SuDS to manage surface run off from the site.*
- m. A desk-based archaeological assessment should be undertaken, with appropriate mitigation, if required.*
- n. The visual, noise and pollution assessment of development should be undertaken with the assumption that the link road is in situ and suitable screening / mitigation provided accordingly. Noise and visual mitigation measures should be provided between future and existing employment / residential areas. This could include separation distances, acoustic fencing, earth mounding, tree planting and building orientation.*
- o. Any replacement and/or new sports provision should be in accordance with an adopted up to date and robust Playing Pitch Strategy and Indoor Sports Strategy and with Policy SC 2 'Indoor and Outdoor Sports Facilities'.*
- p. The Congleton Link Road will form the northern boundary to this site.*
- q. A minimum of a Phase 1 Preliminary Risk Assessment for contaminated land should be carried out to demonstrate that the site is, or could be made, suitable for use should it be*

found to be contaminated. Further work, including a site investigation, may be required at a pre-planning stage, depending on the nature of the site.

r. The proposed route of the Congleton Link Road is as shown in Figure 15.34. The land required for the construction and delivery of the Congleton Link Road will be safeguarded from development..”

The site, subject of this application makes up the majority of this allocation. The only area excluded includes an area to the north east adjacent to the A34 where it would meet the Congleton Link Road. This area presumably has been excluded as it sits in a hollow and consists of low lying marshland.

It is also important to note the school site is indicated on Giantswood Lane on the proposals map, whereas it is now proposed across the site on the A34.

Hulme Walfield and Somerford Booths Neighbourhood Plan

The majority of the site falls with this Neighbourhood Area. The plan is currently at Regulation 16 - Consultation on Submitted Plan, and as such the plan can be afforded some weight in the planning process. Of particular note is emerging policy HOU 2 which states:

“New development on the proposed strategic sites must be of a high standard of design and where possible enhance local character. The developments should be designed in a way that respects the rural backdrop and protects and enhances existing landscape quality, valued trees and hedgerows, wildlife assets and the River Dane. Ecological losses should be offset or mitigated. Development should respect the important contribution that the open countryside will make to the sites’ setting and visual quality. Access points and the increased volumes of traffic from the strategic sites should not adversely affect the existing rural road network. The strategic sites should have their own distinctive neighbourhood identity and reflect local traditional building materials, and their design and layout should demonstrate consideration of the Cheshire East Design Guide (2016) the Local Character Assessment for Hulme Walfield and Somerford Booths (2017) and policies HOU4 and HOU5 of this Neighbourhood Plan.”

Whilst many of these matters will need to be looked at in more detail at the reserved matters stage, the general issues raised are addressed in this report.

Eaton Neighbourhood Plan

This plan area covers the proposed school/retail site, however as the plan is only at Regulation 7 - Neighbourhood Area Designation, it cannot be afforded much weight at this stage as the policies are only just being developed.

CONSULTATIONS:

United Utilities: No objections subject to conditions relating to foul and surface water being drained on separate systems, and submission of a surface water drainage scheme based on a hierarchy of drainage options.

Jodrell Bank: They oppose this development. Their view is that the impact from the additional potential contribution to the existing level of interference coming from that direction

will be severe. This is a general direction in which there is already significant development close to the telescope.

They ask the planning authority to take this in to account in reaching its decision on this development, noting that the cumulative impact of this and other developments is more significant than each development individually.

Environmental Health: They note that whilst an Environmental Statement accompanies the application, as the application is only in outline and as such the full details of the proposal are not known at this stage, they give a range of comments and suggested conditions with regards to the construction and demolition phase, noise and vibration, air quality and contaminated land.

Education: No objection subject to developer contribution of £3,200,000 towards education provision and the land requirement to build a primary school.

Housing: Object to the application as only 17.5% affordable housing is proposed, and the required 65/35 between social rented and intermediate housing is not being met. If a lower percentage of units is proposed with a different split this should be supported by a viability appraisal.

Flood Risk Officer: The site is flood zone 1, and they recommend conditions relating to carrying out the development in accordance with the submitted Assessment recommendations, and submission of a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods.

Strategic Highways Manager: No objections, but detailed comments are set out in the Highways section below setting out the relationship with the CLR, more localised impacts including how Giantswood Lane is addressed, accessibility and what they feel should be covered by conditions/106 contributions.

Public Rights of Way: The development would affect Public Footpath No. 3 in the Parish of Hulme Walfield, and any changes to this will require their approval in advance of any reserved matters application. This should be conditioned/subject to informatives. Detailed comments have also been received in relation to connections from the site into the local footpath and cycleway network, and extensive discussions have been had with the applicant's agent to secure in particular the east west links which are of strategic importance to North Congleton.

ANSA: Commenting on the original proposals, it was considered there would be a quantity deficiency of both Amenity Green Space (AGS) and for Children and Young Persons provision (CYPP). The comments then go on to set out what should be provided on site. Comments on the revised parameters plan will be reported in the update report.

VIEWS OF THE PARISH COUNCILS

Hulme Walfield and Somerford Booths Parish Council –Object to the application “specifically on the impact this could have on traffic in our rural parishes”. Whilst they are concerned about the increase in the numbers of houses in their small Parish, they understand the strategic nature of the development in relation to Congleton, however it is impact of traffic

movements, and access onto Giantswood Lane they are particularly concerned about. This could have a significant impact on the rural Parish.

REPRESENTATIONS

A number of objections have been received from neighbours:

The main concern is with regards to highways impacts, both in terms of the general congestion issues in Congleton, rat running through local streets and in particular impacts on Giantswood Lane, which is a narrow country Lane regularly used by pedestrians and cyclists. Many residents make the point that the site should not be developed before the Link Road is in place.

Other concerns include:

- The infrastructure (doctors/schools/sewers etc) of Congleton can't cope with the additional houses.
- Cumulative impact of all the developments in NE Congleton
- Loss of farmland and open countryside
- Landscape impact, change in character and loss of wildlife habitat.
- Air/Noise pollution concerns
- Concern about sustainable transport links, and in particular lack of bus access near the site.

It is important to note that many of the comments received were received before the Local Plan was adopted in July this year, although clearly many of the concerns would still be raised.

Full details of resident's objections can be viewed on the Council's website.

APPLICANTS SUBMISSION:

The application is supported by an Environmental Statement (ES) (Containing 14 chapters)) and in addition the following documents have been submitted:

Supporting Planning Statement
Statement of Community Involvement
Parameters Plan – Land Uses and heights
Spatial Design Code
Transport Statement
Design and Access Statement
Arboricultural Impact Assessment
Section 106 Heads of Terms
Air quality Note
Ecology offsetting

These reports can be viewed on the application file, but it is important to highlight that some of these documents/plans amended during the lifetime of the application.

APPRAISAL:

PRINCIPLE OF THE DEVELOPMENT

On 27th July the Council adopted the Cheshire East Local Plan Strategy. Accordingly the new Local Plan now forms part of the statutory development plan.

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.”* This is the test that legislation prescribes should be employed on planning decision making.

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”

As a consequence where development accords with the adopted Local Plan Strategy the starting point should normally be that it should be approved – and approved promptly.

Councillors will be familiar with the second section of Paragraph 14, namely that:

“where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

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

With the adoption of the Local Plan, the development plan is clearly not absent. It is also unlikely to be the case that the development plan will be silent or that relevant policies are out-of-date. As a consequence the second limb of the favourable presumption will not apply to overwhelming majority of planning decisions from this point forward (but see further on housing supply below).

That being the case, the appeal Court case of *Barwood Strategic Land II LLP v East Staffordshire Borough Council* has determined that there is no further test to employ in respect of the favourable presumption. The correct test for planning decision taking is that set out in Section 38(6) of the Act.

The Inspector’s Report published on 20 June 2017 signalled the Inspector’s agreement to the plans and policies of the Local Plan Strategy, subject to the modifications consulted on during the spring of 2016 and 2017. On adoption, all of these sites and policies will form part of the Statutory Development plan. In particular sites that were previously within the green belt are removed from that protective designation and will be available for development. Other sites also benefit from the certainty that allocation in the development plan affords. In the light of these new sources of housing supply, The Inspector has now confirmed that on adoption, the

Council will be able to demonstrate a 5 year supply of housing land. In his Report he concludes:

"I am satisfied that CEC has undertaken a robust, comprehensive and proportionate assessment of the delivery of its housing land supply, which confirms a future 5-year supply of around 5.3 years"

Given this conclusion from the examining Inspector, the Council now takes the position that it can demonstrate a 5 year supply of housing land.

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 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 generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being.

ENVIRONMENTAL SUSTAINABILITY

HIGHWAY SAFETY & TRAFFIC GENERATION

Policy GR9 states that proposals for development requiring access, servicing or parking facilities will only be permitted where a number of criteria are satisfied. These include adequate and safe provision for suitable access and egress by vehicles, pedestrians and other road users to a public highway.

Paragraph 32 of the National Planning Policy framework states that:-

'All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment and that any plans or decisions should take into account the following;

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.
- Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Access

The proposed access to the site has been subject of pre application discussions and it is agreed that there would be one principal point of access taken from Manchester Road. A new priority junction to serve the site is proposed together with a ghost right turn lane. This access is located further north than the approved access point to serve the 96 units and does provide a satisfactory separation distance of 100m.

An internal road/pedestrian link between this application site and the approved 96 unit residential scheme is proposed as this is required to allow residents to access the school/retail facilities without having to use the A34 Manchester Road.

The North Congleton Masterplan ultimately foresees local highway links to LPS27 Congleton Business Park that is located on the western side of Giantswood Lane and consideration has been given to the increased level of traffic that would use Giantswood Lane should vehicular connections from this application be provided. It is likely that Giantswood Lane would see modest increases in traffic if vehicular connections were made due to vehicles accessing the town centre and the A34 and therefore it is proposed to provide the road links to Giantswood Lane to allow for this future possibility but not allow use by general traffic and have emergency access only.

In order to address the likely use of Giantswood Lane when the links are opened by development traffic, it is considered prudent that a contribution to traffic management measures are required. The LPS27 site when it comes forward will be requested to also make a contribution. As these mitigation measures are only required in the event that a connection to the LPS27 is made it is considered that this is reflected in a suitable 'trigger' condition.

Development Traffic Impact

The applicant has considered the impact of two phases of development and provided traffic generation figures in support of these proposals. The supporting information with the application confirms that up to 40 units can be constructed prior to the CLR being implemented and the remaining 460 units can only be provided post completion of CLR.

The traffic impact on the road network for the full development has been assessed with the CLR in place with and does include the current committed development sites, the assessment has been undertaken in 2032. The development traffic impact element of the assessment includes the trips arising from the 500 units and the primary school trips travelling to the site from external residential areas.

The development is predicted to add 255 trips to the road network in morning peak hour which is the worst case as the 08.00 – 09.00 period co-insides with the peak school traffic. The traffic generation during the evening peak 17.00 – 18.00 is much lower due to the absence of the school traffic.

The impact of the additional trips on the road network needs to be considered and it is clear that in the 'Do Minimum Base' i.e. no CLR that there would be a material impact at the A34 Rood Hill junction and also the nearby gyratory at A34/A536. However, with the CLR in place the traffic flows at the same junctions are much less even with the development traffic added due to the redistribution of flow onto the CLR.

Capacity assessments have also been provided at the site access and the new roundabout on Manchester Road/Congleton Link Road, the results indicate that the site access works well within capacity and also the roundabout is predicted to operate within capacity in 2032 with full development in place.

It is apparent that the development relies on the CLR being implemented as only with the infrastructure associated with the scheme being in place can the development traffic be accommodated. Therefore, a financial contribution to the CLR will be required from the applicant.

Accessibility of the Site

The site will be linked to the footpath network both on Manchester Road and Giantswood Land. Facilities for both pedestrians and cyclists will be required as part of the development although details of routes etc will be dealt with in the reserved matters stage. There is provision within this application to link adjacent sites to allow non-vehicular trips to be made to the school and retail facilities being provided as part of this application.

It is important that a development of the size proposed 500 dwellings and a new school is as sustainable as possible and although there is a bus service that runs between Macclesfield and Crewe this service is a considerable walking distance to the bus stops 850m to the site access point alone and considerably more to the dwellings within the site. The applicant has considered how to improve the public transport accessibility of the site and has suggested a contribution towards the 'pump priming' of a new bus service from the site to the Town Centre.

It is also important that the linkage between adjacent residential site/s on the A34 and to the new cycleway facilities on the Congleton Link Road via Manchester Road is provided especially as walking to school is being promoted and a formal pedestrian/cycle crossing should be provided and a condition added to secure the provision and details to be submitted with the reserved matters application. Though outside of the applicants control there is a

strong benefit in strengthening the cycle and pedestrian links to the new underpass of the A34 provided by the CLR. A contribution to address this via a S106 is requested.

Summary and Conclusions

- As an outline application only the access is being considered at this stage, the internal layout would be considered as part of any reserved matters application.
- Access is only proposed from Manchester Road which is considered acceptable, and no vehicular access would be from Giantswood Lane.
- Due to congestion concerns, only 40 units can be brought forward in advance of the CRL, which the development should contribute to.
- Current bus services in the vicinity of the site are poor and as such the site should contribute to improvements at an estimated cost of £150,000 per annum for 3/4 years to provide an additional service
- A financial contribution towards the Congleton Link Road is required, the amount of the contribution is £15,000 per dwelling. This approach has been agreed on other sites within the North Congleton Masterplan area and has been subject to a full viability assessment. This application will be counted as one of the five S106 contributions to the CLR. On the basis of 500 houses a contribution of £7.5m would be realised. The viability work undertaken for the North Congleton area has demonstrated that to achieve this reduction in affordable housing to 17.5% is required.
- In summary Highways have no objection to this application subject to conditions and contributions listed at the end of this report.

DRAINAGE AND FLOODING

The site in question is in Flood Zone 1, at low risk of flooding, although it is noted the Dane Valley below the site is within Zone 2/3 so care will be needed during any construction phase to avoid impacts on the river and in particular impacts of pollution. Drainage is more of an issue and is fully considered as part of the supporting Environmental Statement. No detailed proposals have been put forward, but it is proposed to address possible issues with sustainable drainage measures to reduce run off to acceptable levels and prevent possible impacts on the adjacent woodland and river beyond. The Flood Risk Officer agrees these matters can be addressed at the Reserved Matters stage of the application.

FORESTRY

The Macclesfield Borough Council (Eaton - Manchester Road) Tree Preservation Order 1996 affords protection to two individual trees (a mature Beech and Oak) located adjacent to Manchester Road and a small area of trees outside the application site which comprise of Oak, Beech, Sycamore, Scots Pine, Hornbeam, Field Maple and Hawthorn located between Manchester Road and a field ditch.

The application is supported by an Arboricultural Assessment. The Assessment identifies 88 individual trees, 36 groups of trees, 1 Woodland and 8 hedges within or immediately adjacent to the site.

The Assessment has identified one Veteran Tree, a mature Alder (T60) located to the north of the site adjacent to a ditch and a public footpath FP2. This tree appears to be shown for retention on the Parameters Plan within open space provision.

The Assessment indicates that the majority of high (A) category and Moderate (B) category trees will be retained with a 35 metre section of Hawthorn hedge (H6) adjacent to Manchester Road and a low (C) category group of Wych Elm (G7) proposed for removal to accommodate access into the site. A number of trees within the group (G7) appear to be dying as a consequence of Dutch Elm Disease (DED) and therefore their loss to accommodate the proposed access is considered acceptable.

The Hawthorn hedge adjacent to Manchester Road has been identified in the Environmental Statement (Chapter 13 Ecology) as an Important Hedgerow under the Hedgerow Regulation 1997 as it forms part of a Historic Parish Boundary (Schedule 1 Part II para 1 of the Regulations).

Given that the hedgerow qualifies as an 'Important' hedge on historic criteria, the impact of the loss of a 35m section is a significant material consideration in the determination of this application. Hedgerows are also a habitat subject of a Biodiversity Action Plan.

The Assessment has identified that proposed internal access connecting the school and retail site to the residential area will require some tree removal where it crosses a tree-lined ditch. The option presented proposes a road within a gap between two Moderate (B) category Alders (T27 and T40). As suggested, the design of the road will need to be supported by an Arboricultural Method Statement, with an option of removal of one or both trees. It is accepted that the positioning of this access presents the least harm taking advantage of an existing gap within the linear group of trees along the ditch.

The proposed southernmost access off Giantswood Lane will utilise an existing access to the north-west of an existing High (A) category Oak. Whilst the access will incorporate existing compacted ground, any increase in width should be to the west taking into account the calculated Root Protection Area of the tree.

A second (northernmost) access off Giantswood Lane is not specifically referred to in the Assessment but appears to be located in a gap between two groups of poor quality Wych Elm (G15 and G16). In this regard there appears adequate space to accommodate access provision without any significant adverse harm to trees.

A second access point shown off Manchester Road on the Parameters Plan and referred to at para 5.14 of the Assessment is approved under 16/3107C.

The Arboricultural Assessment indicates that the development would not require the removal of any High and Moderate category trees, however as the Parameters Plan is indicative it

does not demonstrate that the site can accommodate the number of dwellings proposed without an impact on trees.

In this regard, whilst development stand off measures are indicated, there are potential design issues in terms of accommodating root protection areas (RPA's) and shading/daylight due the proximity of trees to new development to the north and southern boundaries and to the retained woodland block within the centre of the site.

Should this application be approved, and future reserved matters application shall be supported by a detailed Arboricultural Impact Assessment, Method Statement (in respect of the position of the proposed access between the northern and southern sections of the site), and draft Tree Protection Plan in accordance with para 5.4, 5.5 and 6.1 of BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations

ECOLOGY

Woodland

The small block of woodland in the interior of the site occurs on the national inventory of priority habitat. This woodland is shown as being retained on the submitted parameters plan with an 8m minimum stand off around the woodland. To ensure that this area of woodland is adequately safeguarded it was recommended that this stand off be increased to 15m.

There is also an area of woodland associated with the stream that crosses the site. The submitted ES states that there would be the loss of 0.01ha of this woodland as a result of the proposed bridge crossing over the stream. The impacts of this loss are considered to represent a moderate adverse impact.

No compensation proposals have been submitted to address this loss. It is advised that the loss of this woodland should be avoided. In the event that the loss of this area of woodland is considered to be unavoidable then the application must be supported by compensation proposals to address its loss.

Bluebells

This priority species is present within the streamside woodland that would be lost as a result of the proposed stream crossing.

This species is also present within the woodland located in the centre of the site and also occurs under the trees on the road frontage. The woodland in the centre of the site is retained on the submitted parameters plan and the road side trees are retained within a 9m buffer. Therefore provided the proposed development comes forward in accordance with the submitted parameters plan it is likely that this species would be retained in two of its current locations but with some losses of the local population from its third location on site.

Marshy Grassland and associated bird species

An area of marshy grassland is present on site. The submitted ES advises that this habitat is of Borough value and states that there would be a loss of 1.4ha of this habitat as a result of the proposed development. The ES also states that this habitat is used by high numbers of snipe. If snipe occur regularly at this habitat (i.e. present three years out of five) then the site would be considered to be of Local Wildlife Site (County) value for birds.

Evidence suggesting that lapwing, a priority bird species, breed within this habitat was also recorded during the submitted phase one habitat survey.

The submitted ES states that the loss of this habitat would result in a major effect at the Borough level. It is advised that this would rise to an effect significant at County level if snipe are present regularly. The creation of small areas of marshy grassland around the SUDS scheme for the site is unlikely to be adequate to compensate for the loss of this habitat.

It is further advised that revised proposals that seek to firstly avoid, then mitigate and compensate for the loss of this habitat should be sought prior to the determination of this application.

Hedgerows

Hedgerows are a priority habitat and hence a material consideration. Hedgerow 2b has found to be Important under the Hedgerow Regulations. A section of this hedgerow is likely to be removed to facilitate the site entrance.

It is advised that if outline consent is granted development proposals formulated at the reserved matters stage should seek to maximise the retention of existing hedgerows and replacement planting must be provided for any sections of hedgerow unavoidable lost.

Stream Crossing

The bridge crossing the on site stream could result in fragmentation of the associated habitats if not designed appropriately. It is therefore advised that if planning consent is granted a condition should be attached which requires the proposed bridge to be designed so as to minimise impacts on the stream side habitats. This must include the provision of a wide span bridge

Great Crested Newts

A small population of great crested newts is known to be present to the north of the site of the proposed development. The ponds are however partly isolated from the development site by a stream and much of the application site offers suboptimal habitat for great crested newts. In the absence of mitigation the proposed development would however result in the loss of some suitable terrestrial habitat for this species and also present the risk of killing or injuring any newts present on site when works were undertaken.

As a requirement of the Habitat Regulations the three tests are outlined below:

EC Habitats Directive

Conservation of Habitats and Species Regulations 2010

ODPM Circular 06/2005

The UK implemented the EC Directive in the Conservation (natural habitats etc.) regulations which contain two layers of protection:

- A licensing system administered by Natural England which repeats the above tests

- A requirement on local planning authorities (“lpas”) to have regard to the directive’s requirements.

The Habitat Regulations 2010 require local authorities to have regard to three tests when considering applications that affect a European Protected Species. In broad terms the tests are that:

- The proposed development is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment
- There is no satisfactory alternative
- There is no detriment to the maintenance of the species population at favourable conservation status in its natural range.

Current case law instructs that if it is considered clear or very likely that the requirements of the directive cannot be met because there is a satisfactory alternative, or because there are no conceivable “other imperative reasons of overriding public interest”, then planning permission should be refused. Conversely, if it seems that the requirements are likely to be met, then there would be no impediment to planning permission be granted. If it is unclear whether the requirements would be met or not, a balanced view taking into account the particular circumstances of the application should be taken.

Overriding Public Interest

The provision of mitigation would assist with the continued presence of Great Crested Newts.

Alternatives

There is an alternative scenario that needs to be assessed, this is:

- No Development on the Site

Without any development, specialist mitigation for Great Crested Newts would not be provided which would be of benefit to the species. Other wider benefits of the scheme need to be considered.

Detriment to the maintenance of the species

The Council’s Nature Conservation Officer has advised that with appropriate mitigation, as proposed in the applicant’s great crested newt strategy, there should be no harm to Great Crested Newts.

Badgers

Two badger setts are present on site. Based on the submitted parameters plan it is likely that one of these setts could be retained, however the second sett is likely be directly affected by the development and so to avoid any risk of badgers being killed or injured it may be necessary to close this sett under the terms of a Natural England license prior to the commencement of the development upon site.

The precise effects of the development of this site would be dependant upon the level of badger activity at the time and the detailed design proposed at the reserved matters stage. It must however be ensured, at the detailed design stage, that connectivity between any retained setts and the surrounding countryside is maintained.

It is recommended that in the event that planning permission is granted a condition should be attached which requires any future reserved matters application to be supported by an updated badger survey and mitigation strategy.

Bats

Whilst the application site offers limited opportunities for roosting bats, bats do commute and forage around the site. The level of bat activity is broadly as would be expected for a site of this nature. To avoid any adverse impacts on bats resulting from any lighting associated with the development it is recommended that if planning permission is granted a condition should be attached requiring details of the lighting scheme to be submitted with any future reserved matters application..

Any proposed lighting should be low level and directional and the design of the lighting scheme informed by the advice in *Bats and lighting in the UK- bats and the built environment series*, (Bat Conservation Trust, 2009).

No-Net Loss of biodiversity - Offsetting/Defra metric

It was recommended that the applicant undertakes and submits an assessment of the residual ecological impacts of the proposed development using the Defra biodiversity offsetting 'metric' methodology.

An assessment of this type would both quantify the residual impacts of the development (after identified potential impacts have been avoided, mitigated and compensated for in accordance with the mitigation hierarchy) and calculate in 'units' the level of additional compensation which would be required to 'offset' the impacts of the development to ensure that the development proposals achieve a no net loss of biodiversity.

The applicant has submitted this off setting/Defra metric but the Council's Ecologist disagrees with the calculation of loss of biodiversity and advises that the applicants spreadsheet be amended to reflect his comments and that the outcome of the calculations be used to formulate a revised ecological mitigation and compensation strategy that could be secured by condition/section 106 agreement in the event that planning permission is granted. The applicant's comments on this will be reported in an update report to Members.

LANDSCAPE IMPACT

School and Shopping Sites

The proposed school site has an average fall east to west of approximately 10 metres (1:20) and in places the fall across the playing field area may be 1:10. The road bounding this area to the south may require substantial longitudinal adjustment of levels to achieve acceptable falls; this could have a knock on effect for the adjacent school site and shopping facility. Further work was requested to confirm the feasibility of constructing a school and associated playing fields/play ground on this site. The applicant has submitted suggested plans of how this area could be developed, and discussions on this matter are on going at the time of writing this report.

It is suggested that the streamside woodland area and a suitable buffer area should be excluded from the school site area and managed in association with the whole woodland within the housing development site.

Landscape Mitigation

The submission made a calculation about the amount of open space that is being provided by the development, but included areas which did not form part of the development site or should remain inaccessible to the public – such as the central area of woodland which contains important ecological features together with numerous ponds and depressions. As such the applicant was asked to re-calculate the areas provided and these are reflected in the revised submissions.

The stream side “woodland” (eastern boundary) is an important landscape and green infrastructure feature within the site. Much of it is only one tree wide and in winter it will have a greatly reduced screening effect for views from the north-east (Manchester Road, PROW network). It should be substantially reinforced with additional native species tree planting and be extended to have an average width of 20 metres with the minimum width being 15 metres (excluding any SUDs features and provision for footpaths).

The northern boundary of the site runs across an open field at the edge of the proposed Congleton Link Road (CLR). For much of this length the CLR is in a cutting. The proposal for 10 metre wide “woodland planting” is shown within the sketch layout (Spatial Design Code) to consist of tree planting and amenity grass. This is appropriate, but it means that the “woodland” will be little more than one tree wide. It was suggested that the minimum width should be 15 metres and minimum width of tree/shrub planting 10 metres wide.

The western boundary runs along Giantswood Lane which has an established hedgerow and mature hedgerow trees. The proposed standoff area is a minimum of 9 metres wide and contains a footpath route. A minimum width to be 10 metres would be preferred, the hedge should be gapped up as necessary and the footpath should not harm the root protection areas (RPA) of retained trees.

The southern boundary faces onto a new hedge and bridleway to be created under planning application 16/3107C. Development in this area should allow sufficient space for the hedgerow and create space for tree planting within the site. It was noted that only one connection is shown (at the western end) between the site and the bridleway and was suggested that at least two more connections are made at appropriate intervals to improve connectivity between the site and the bridleway.

The central woodland is an important feature within the site that helps to break up the scale of the development both internally and externally from viewpoints such as the Cloud to the south and Peak Park Fringe to the east. It should be extended by additional planting of large trees (Oak, Beech, Lime etc) within associated open space radiating out from the woodland. These spaces should be of sufficient size to accommodate large tree species and substantial areas of planting. Given that there is also a footpath/cycleway running through these areas, the minimum width should be 20 metres (dimension C on the Parameter Plan).

The provision of footpath and cycleway access away from the roads is welcomed. The west-east cycleway route terminates at the stream (eastern end) and consideration should be given to how it may connect to the wider network outside the site.

The development standoff along Hulme Wallfield Footpath 3 (dimension K on the Parameter Plan) was insufficient, and was suggested should be increased to 15 metres. The minimum width of 8m for dimension I on the Parameter Plan is insufficient to accommodate a footpath and landscaping and should be increased to 10 metres. The green space associated with the two emergency access roads should be a minimum of 15 metres wide excluding the road width.

Sustainable Drainage

It is noted that the provision for SUDS is suggested to be a mixture of underground pipes and two dry basins. It is not helpful to the understanding of how the basins fit into the landscape to see these coloured blue on plans and also referenced as “potential attenuation ponds”. It is also stated that the “proposed SuDs will be accommodated within the green space network”, but there is a risk that the SUDS basins may have to occupy all the available open space. It was suggested that minimum open space dimensions should exclude the SUDS. Appropriate, well designed swales, dry basins, permanent water bodies and other features can and should be accommodated within open space, but require space, careful design and should not detract from other functions of open space.

The applicant has revised the parameters plans, and as noted above given an indication of how the school site could be developed. These proposals are being considered in conjunction with the Council’s Landscape Architect who has been heavily involved in discussions on the proposals. Whilst there are no fundamental objections on landscape ground the revised proposals are being carefully appraised and the matter will be addressed in an update report to Members

URBAN DESIGN/MASTERPLAN

This matter has been the subject of extensive discussions with the applicant’s agents as, although the application is in outline with all matters reserved – save access, there was a need to ensure that the parameters set out in the application addressed the various issues on the site, and that the applicant’s had demonstrated that the uses could be accommodated on the site successfully. The parameters plan has been amended during the lifetime of the application.

The application is supported by a design and access statement, a design code which gives testing layouts for the whole site, (albeit in sections) and parameters plan as mentioned above. Whilst the submitted documents only gives an indication of what could be accommodated on site, and the testing layouts would not be approved, it is considered that it does give sufficient comfort that the broad housing numbers, together with the areas of open space, green links etc can broadly be accommodated on the site. Only at the reserved matters stage(s) would the exact numbers be known. The parameters plan however would be approved which will set the basic requirements for the site including set off distances to boundaries, widths of greenways etc.

The application has been appraised against the checklist in The Cheshire East Borough Design Guide, and the 6 criteria set out. Whilst the application is in outline, and as such many of the matters can only be considered at a high level, often based on the Design & Access Statement, there are no 'reds' indicating there is a significant issue identified, and many of the 'ambers' are capable of being addressed at the Reserved Matters stage. Overall it is considered the proposals are well thought out and will form the back bone for a successful scheme.

AMENITY

There are several properties on Giantswood Lane which adjoin the site, in the south west corner and in the case of one dwelling further north on Giantswood Lane. However in both cases the properties are well separated from any potential development by virtue of distance and or topography and as such there are unlikely to be any amenity concerns. In any event this would need to be looked at in more detail at the reserved matters stage. The illustrative layout indicates there will be no issues.

In addition to the existing dwellings, there is now an approved application for development to the south by Bloor Homes, however there is a public footpath separating the two sites, and the approved layout should not present any issues with the proposed development.

Other amenity issues associated with the construction stage of the development and impact more generally in the area is addressed below.

NOISE AND VIBRATION

There are potential noise issues due to;

- Construction phase impacts associated with the development, including the phased occupation of noise sensitive premises whilst the remainder of the site is built out.
- Noise impacts from road traffic (Manchester Road and the committed Congleton Relief Road)
- Noise impacts from fixed plant and equipment associated with the retail and school use.

At this time, the layout of the scheme is not finalised and as such it has to be borne in mind that the assessment of noise is based on principles rather than detailed design at this stage.

The applicant has submitted an acoustic report as part of the Environmental Statement (WYG February 2017) in support of the application. The impact of the noise from the above on the proposed development has been assessed in accordance with BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings and the Guidance Document Calculation of Road Traffic Noise. This is an agreed methodology for assessing noise of this nature.

The report recommends mitigation designed to ensure that occupants of the properties / occupants of nearby properties are not adversely affected by noise. The conclusions of the report and methodology used are acceptable.

As such, and in accordance with the acoustic report, conditions are recommended requiring the submission of a detailed acoustic mitigation scheme as part of any reserved matters application, and requiring the submission of a Construction Environmental Management Plan for the demolition and construction phase of development.

CONTAMINATED LAND

Whilst there are no objections on contaminated land grounds, in view of the sensitive end use of the site – residential, Environmental Protection recommend a series of contaminated land conditions to ensure there are no issues related to the site. Despite its former agricultural use, there is still a requirement for a Phase II investigation and remediation strategy, testing soils etc. brought onto site, and outlining measures that will be undertaken if contamination is found on site.

AIR QUALITY

Environmental Protection initially raised an objection to this application due to the negative impact the development was predicted to have on several receptors in and around the Lower Heath air quality management area. The applicant has since commissioned a further air quality impact assessment using the more up to date CURED (Calculator Using Realistic Emissions for Diesels) tool. This tool gives a more robust realistic prediction of how road diesel emissions are expected to decrease over the coming years and as such the predicted impact of the development has changed.

There are no longer any receptors that are predicted to breach the air quality objective with only four receptors now predicted to experience a minor effect, the rest being negligible. Therefore, the overall conclusion in accordance with the methodology is that the impact of the development is not significant. As a result Environmental Protection have now removed its initial objection to the proposed development.

They still however recommend conditions due to the concerns over cumulative impacts of a large number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality. 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.

Conditions relating to following are recommended:

- Timing – No development to commence until CLR is completed
- Damage cost assessment – agree mitigations works to off set the pollution impacts
- Submission of a travel plan
- Installation of electric vehicle infrastructure
- Dust control measures during the demolition / construction phases

LIGHTING

Details of any lighting proposed should be agreed by condition to prevent unnecessary light spillage and pollution as part of the development.

Environmental Role - Conclusion

The site is allocated for housing in the recently adopted Local Plan, and the Council's Strategic Housing Land Availability Assessment (SHLAA) recognises that the land is capable of development for housing, confirmed by the work undertaken in support of the allocation in the Local Plan.

The site is considered to provide a range of sustainable links into Congleton so that occupiers will not be totally dependent on the private car.

Paragraph 38 of the Framework states that for larger scale residential developments, policies should promote a mix of uses in order to provide opportunities to undertake day to day activities including work on site, thereby minimising the need to travel.

Highways have raised no objections to the proposed development, and the report sets out the importance of the development to the delivery of the Link Road.

Although there are matters in relation to Landscape and ecology which remain outstanding, the other environmental matters are capable of being addressed, largely at the reserved matters stage and through the use of conditions.

ECONOMIC SUSTAINABILITY

JODRELL BANK

Jodrell Bank have objected to the application, on the grounds of a severe impact on the observatory's operations. This however needs to be considered against the fact the site is allocated alongside others in North Congleton to help meet the Council's identified housing need and will have been a factor considered as part of the Local Plan allocation process, in the planning balance.

Economic Role - Conclusion

The Framework includes a strong presumption in favour of economic growth. Paragraph 19 states that:

'The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth'

Specifically, in relation to the rural economy the Framework identifies that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

'support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings'

The proposed development will help to maintain a flexible and responsive supply of land for housing, provide a new school and retail facility as well as bringing direct and indirect economic benefits to the town including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain. The proposal will also deliver economic benefit in the form of the New Homes Bonus, which is a material consideration.

Similarly, the NPPF makes it clear that:

“the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.”

According to paragraphs 19 to 21:

“Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore, significant weight should be placed on the need to support economic growth through the planning system. To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century. Investment in business should not be overburdened by the combined requirements of planning policy expectations.”

SOCIAL SUSTAINABILITY

AFFORDABLE HOUSING

The Councils Interim Planning Statement: Affordable Housing (IPS) states that in Settlements with a population of 3,000 or more that we will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified ‘windfall’ sites of 15 dwellings or more or larger than 0.4 hectares in size. The desired target percentage for affordable housing for all allocated sites will be a minimum of 30%, in accordance with the recommendations of the Strategic Housing Market Assessment carried out in 2013. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

This is a proposed development of 500 dwellings therefore in order to meet the Council’s Policy on Affordable Housing there is a requirement for 150 dwellings to be provided as affordable dwellings. 98 units should be provided as Affordable rent and 52 units as Intermediate tenure.

The Heads of Terms proposed by the applicant indicates that they intend to provide 17.5% affordable housing on this site and for this reason Housing object. This is much less than the amount required by policy and the reason given for this approach is because of a contribution to be made towards the Congleton Link Road. However, if this is the case then housing feel this should be proven by way of a viability appraisal that the correct amount of affordable housing cannot be provided on the site and this appraisal should then be independently verified. This point is addressed in the Highways section of the report.

The applicant also proposes that 100% of the affordable housing on the site should be Intermediate/discounted sale housing with no rented housing proposed. This does not meet with policy and should the viability argument be independently verified then whatever amount of affordable housing can be provided on site should still carry the 65/35 tenure split. Strategic Housing would encourage early discussion with the applicant on this point.

The SHMA 2013 evidenced a requirement for 58 new affordable dwellings per annum. Broken down the SHMA identified a need for 27 x 1 bed, 10 x 3 bed, 46 x 4 bed and 37 x 1 bed older person dwellings – with an evidenced oversupply of both 2 bed general needs and older person dwellings.

There are 594 households on the Cheshire Homechoice housing register who have selected Congleton as their first choice area for rehousing. They require 243 x 1 bed, 219 x 2 bed, 114 x 3 bed and 18 x 4 bed dwellings.

The Affordable Housing IPS requires that the affordable units should be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration and also that the affordable housing should be provided no later than occupation of 50% of the open market dwellings

The affordable housing should meet the HCA's housing quality indicator (HQI) standards.

Housings preference is that the affordable housing is secured by way of a S106 agreement, which: -

- requires them to transfer any rented affordable units to a Registered Provider
- provide details of when the affordable housing is required
- includes provisions that require the affordable homes to be let or sold to people who are in housing need and have a local connection. The local connection criteria used in the agreement should match the Councils allocations policy.
- includes the requirement for an affordable housing scheme to be submitted prior to commencement of the development that includes full details of the affordable housing on site.

EDUCATION

The Cheshire East Local Plan Strategy 2010 – 2030 has identified that LPS 29 Giantswood Lane to Manchester Road, Congleton should provide a new primary school.

Therefore a developer contribution of £3,200,000 is required along with a levelled and fully serviced site to allow the construction of this new facility.

Without a secured contribution of £3,200,000 and appropriate site, Children's Services raise an objection to this application. The objection would not be raised if the financial mitigation measure is agreed.

These revised comments have been provided following an enquiry from the applicant about taking the value of the land into consideration in lieu of the financial obligation. Education also sought from the Council's legal services department about whether this should be considered

and the School Organisation and Capital Strategy Team were advised of the Local Plan policy requirement for the site. The Cheshire East Local Plan has been formally adopted after the initial consultation advice was provided.

PUBLIC OPEN SPACE/PLAY PROVISION

In accordance with the advice, standards and formulae contained in the Congleton Borough Council Interim Policy Note on “POS Provision for New Residential Development” 2008, an assessment has been made as to what POS would be needed to serve the outline proposals for up to 500 mixed dwellings shown on the originally submitted Parameter Plan, which shows there would be a quantity deficiency of both Amenity Green Space (AGS) and for Children and Young Persons provision (CYPP)

Although the application site spans the former Macclesfield BC and Congleton BC the majority of the site excluding the proposed location for the school and retail is located in Congleton and therefore this policy has been generally applied.

The Policy Note provides for (1) amenity greenspace (AGS) and (2) children’s play provision, other land typologies such as woodland, buffers, green corridors, wildlife/semi natural areas or incidental space/verges are not a standard requirement therefore these areas go beyond policy requirements. National Planning Policy, Congleton Masterplan, BFL12 and the new Local Plan however requires working with the natural environment, looking at opportunities for conserving and enhancement the landscape. Both local and national policy has been considered.

Having calculated the existing amount of accessible AGS within 800m of the site and the existing number of houses which use it 500 new homes (1200 persons) will generate a need for 12,000sq m (1.2ha) new AGS based on 2.4 persons per dwelling. The applicant is providing on site a central open space incorporating an established woodland, buffers with the potential to accommodate footpaths and SUDS however further formal AGS is required for informal games such as tag or kick about. The applicant has been asked to quantify the different areas of AGS within the informal open space. There is further open space being provided within the allocated area for the school which is not acceptable. To give 24 hour access at all times the open space must be provided within the residential allocation of the development. In addition to the AGS further space is required to accommodate the new large NEAP/destination play facility.

ANSA set out the requirements of the site as follows:

- Children’s formal play provision – NEAP/destination play facility as indicated on the parameter plan to provide focus for the new community. This should enjoy a well drained site and be inline with Fields in Trust standards containing at least 12 items of play, a third of which should be DDA inclusive and should complement existing local facilities taking note of buffer zones.
- Green gym a minimum of 5 items
- 4 LAPS minimum to be provided through the site located away from water bodies , final numbers, contents and locations to be agreed at submission of RM ensuring formal play is easily accessible and within FIT guidelines.
- Areas for social play and informal recreation - AGS

- Accessible hard surfaced routes across the site with consideration to lighting key routes
- Opportunities for GI infrastructure connectivity as provided on parameters plan
- Seating and activity/event areas
- Consideration for Public Art
- Interpretation/information boards
- Future management and maintenance opportunities
- Reflect adopted Green Space Strategy and national best practice on POS provision.

With regard to the maintenance and possible transfer to CEC, further discussion is required whether it is transferred to the council or other mechanism such as management company, the council needs to understand the arrangements and be assured maintenance will be of the appropriate quality and in perpetuity. The method for establishing the maintenance commuted sums would be to identify and cost a schedule over the 25 year period.

Clearly the above requirements for play and open space can be required through a Section 106 Agreement, but in any event the applicant has amended the parameters play to reflect what they feel ANSA are looking for on the site. Comments on these revised proposals are awaited.

COUNTRYSIDE ACCESS

As noted above, the development would affect Public Footpath No. 3 in the Parish of Hulme Walfield, and conditions/informatives would be required to ensure its incorporation into the site is done in an appropriate manner. Of particular note however is the importance of this site to allow for and improve links across this part of North Congleton.

1) The East-West Greenway route for pedestrians and cyclists promoted in the Congleton North Masterplan needs to be provided from within this site to offer and encourage active travel. It should consist of greenways segregated from traffic, set within green infrastructure corridors which link residential areas with the retail and education facilities of the site and the wider greenway routes off-site. Continuity needs to be provided for users of the greenway to cross the roads at either edge of the site, Giantswood Lane to the west and Manchester Road into consented site 14/4451C to the east. This is required to provide onward connection and permeability for a number of reasons. As acknowledged in the Transport Assessment, the National Cycle Route 55 is located directly south west of the site on Giantswood Lane, as is a Public Bridleway which offers an off-road route parallel to Giantswood Lane for a distance of 550m, and onward footpath connections.

2) The application documents note that bus stops are located on Manchester Road. It should be noted that footway provision on Manchester Road is not available on the western side of the road. Provision for pedestrians to cross this road to reach bus stop facilities would therefore be required.

3) A route for non-motorised users (NMUs) is proposed under the Congleton Link Road scheme along Moss Lane, across Manchester Road and under the Link Road. It is then proposed that this route links to other routes being discussed further north. In order to provide linkages between the site, adjacent sites and the Congleton Link Road, provision

should be made for an NMU facility, segregated from traffic, alongside Manchester Road along the full length of the site boundary. Alternatively facilities should be provided from the estate access road northwards to Congleton Link Road and from this point through the site to the estate road of the Bloor development site 16/3107C to the southeast. Note that it is proposed that Public Footpath No. 2 is upgraded to bridleway status under proposals for the application site 16/3107C, and therefore usable by pedestrians, cyclists and horse riders

4) Additional sustainable active travel routes should be provided linking the east-west greenway to the shared use pedestrian/cyclist facility to be provided along the southern side of the Congleton Link Road.

5) The Parameter Plan refers to pedestrian access and footpaths: these proposed routes can be anticipated to also be desire lines for cyclists. The surfaced usable width of the paths and greenways should be designed to best practice standards with a 3m minimum to accommodate shared pedestrian/cyclist use.

6) The Design and Access Statement states that two further access points from Giantswood Lane will provide pedestrian, cycle and emergency vehicle access only to the western part of the site. Consideration of the onward journey of users of these routes should be given, as there is not currently footway provision on Giantswood Lane.

7) The legal status, maintenance and specification of the proposed greenways and paths in the site would need the agreement of the Council as the Highway Authority. If the routes are not adopted as public highway or Public Right of Way with the provision of a commuted maintenance sum, the route would need to be maintained for use under the arrangements for the management of the open space of the site. The surfaces of any improved Public Rights of Way shall be maintained under arrangements for the management of the site.

8) Pedestrian and cyclist routes should be designed and constructed to best practice in terms of shared use or segregated infrastructure, accessibility and natural surveillance, set within green infrastructure corridors to create a sense of Quality of Place. Design specifications should be provided and agreed with the Highway Authority at the Reserved Matters stage. Properties should have adequate and best practice cycle storage facilities and all highway designs should incorporate accessibility for cyclists and pedestrians.

Whilst the application is in outline, the supporting documents, including the various amendments made, show that the substantive improvements sought can be readily achieved on the site, but conditions are recommended to ensure they are brought forward at the reserved matters stage.

Social Role - Conclusion

The final dimension to sustainable development is its social role. In this regard, the proposal will provide up to 500 new family homes, including an amount of affordable homes, site public open space, improvements to countryside access and green infrastructure, the site for a new school and a financial contribution towards education provision.

In summary there are many other components of sustainability other than accessibility. These include, meeting general and affordable housing need, reducing energy consumption through

sustainable design, and assisting economic growth and development, which this proposal will help to do.

Overall, the proposal is considered to be a sustainable form of development, for which there is a presumption in favour within the Framework. The site is now allocated in the adopted Local Plan and this clearly represents an opportunity for planned development and growth. The development of the site is therefore considered to be acceptable in principle.

VIABILITY

As set out in the Highways section of the report, the reduction in affordable housing to 17.5% is an agreed approach in North Congleton, based on viability work undertaken by independent consultants on behalf of the Council to enable developments to contribute towards the Congleton Link Road. This is the approach taken across all the major sites that are contributing to the Link Road in North Congleton.

Section 106 Agreement / Community Infrastructure 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.

As explained above, POS and children's play space is a requirement of the Local Plan Policy. It is necessary to secure these works and a scheme of management for the open space and children's play space is needed to maintain these areas in perpetuity. This matter will need to be subject to a Section 106. Similarly the affordable housing is a policy requirement.

The highways contributions are necessary to improve the sustainability of the site and to mitigate any impacts. The education contribution is necessary to mitigate the impacts of the scheme. On this basis the highways, education, open space and affordable housing is compliant with the CIL Regulations 2010.

Planning Balance and Conclusion

The development is in accordance with the site specific newly adopted CE Local Plan Strategy and would deliver 500 houses, a primary school, a retail facility together with areas of open space and green infrastructure and significant contributions to the Congleton Link Road.

The proposal would satisfy the economic and social sustainability roles by providing for much needed housing adjoining an existing settlement where there is existing infrastructure and amenities. As with other key sites in North Congleton, the site is making a significant contribution towards the Link Road, but with an agreed reduction in affordable housing to 17.5%, together with contributions to other highway/sustainable transport works and

education. In addition, the scheme would also provide appropriate levels of public open space both for existing and future residents.

The development would provide for a one form entry primary school, and addresses issues of drainage, highways, trees, residential amenity, noise, air quality and contaminated land.

At the time of writing the report there are outstanding matters in relation to Landscape impact, with particular reference to the proposed school site, and ecological offsetting mitigation and these matters will need to be reported to Members in an update report.

Jodrell Bank have objected to the application and this does represent a factor against the proposals.

On the assumption the outstanding matters can be addressed, the scheme represents a sustainable form of development which the NPPF states should be “approved without delay”, and the planning balance weighs in favour of supporting the development in accordance with the development plan subject to a 106 legal agreement and conditions.

Recommendation: Approve subject to a Section 106 Agreement and conditions.

RECOMMENDATION

APPROVE subject to a Section 106 Legal Agreement to Secure:

- 17.5% of the dwellings to be affordable at 80% discounted market sale. Affordable Homes should be pepper-potted (in clusters is acceptable)
- Provision of POS consisting of 12,000sq m (1.2ha) new AGS based on 2.4 persons per dwelling and a NEAP(1000sqm) /destination play facility as indicated on the parameter plan, a Green gym with a minimum of 5 items & 4 LAPS minimum.
- A commuted sum of £3,200,000 towards Education provision along with a levelled and fully serviced site to allow the construction of a new primary school.
- S106 contribution of £150,000 for the making of any Traffic Regulation Orders and to install traffic management measures to Giantswood Lane, Mill Lane and Smithy Lane – this contribution has a trigger event of a new highway link between Local Plan site CS45 and Giantswood Lane receiving planning approval and the commencement of development of said access
- A S106 contribution of £100,000 towards the delivery of a Puffin crossing of the A34 prior to the occupation of the 80th dwelling.
- A S106 contribution of £50,000 towards upgrade of the footway adjacent to the A34 from the Northern boundary of the site to the new underpass of the A34. The trigger event is the occupation of the 50th dwelling.
- A S106 contribution £15,000 per dwelling to the Congleton Link Road in lieu of the full Affordable housing provision (To be provided at 17.5%) as provided for in the submitted Local Plan Strategy (in accordance with Policy 5.235a). £600,000 of this will be paid prior to occupation of the 30th dwelling. An additional £1.5M will be paid on the occupation of the 125th dwelling, an additional £1.3M will be paid on the occupation of the 200th dwelling. The Balance of monies (calculated as the total number of dwellings approved at reserved matters stage, minus the cumulative contributions paid) will be

paid on occupation of 70% of the dwellings approved at the reserved matters application

- A contribution of £300,000 towards the provision of a new bus service linking this site to the town centre on the occupation of the 100th dwelling
- A maximum of 40 houses can be occupied until the Council has entered into a construction contract for the full construction of the Congleton Link Road

And the following conditions

1. Commencement of development (3 years) or 2 from date of approval of reserved matters
2. Reserved matters to be approved
3. Approved Plans
4. Materials
5. Landscaping
6. Implementation of landscaping
7. Tree/Hedgerow Protection Measures
8. Construction Management Plan to be submitted prior to commencement.
9. Travel Plan to be submitted prior to occupation of the first dwelling.
10. The main spine road for the new site will need to be designed to accommodate bus services and a minimum width of 6.5m is required.
11. Approval of a Public Rights of Way Management Scheme
12. Arboricultural Impact Assessment in accordance with Section 5 of BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations which shall include a Tree Protection Scheme
13. Submission of a management plan for the Woodland
14. Submission of an updated Badger Survey as part of and reserved matters application.
15. Bridge design to minimise habitat losses over water course.
16. Approval of lighting to avoid impacts on bats
17. Air pollution damage cost calculation and associated mitigation works.
18. Electric Vehicle Charging points.
19. Submission of an acoustic mitigation scheme as part of any reserved matters
20. Submission of a post demolition Phase II ground contamination and risk assessment together with a remediation report.
21. Control of soils brought onto site.
22. Measures to address contamination should it be expectantly be found during works.
23. Jodrell Bank mitigation measures.
24. Approval of levels.
25. Development to accord with the recommendations of the submitted flood risk assessment
26. Drainage strategy/design in accordance with the appropriate method of surface water drainage chosen.
27. Foul and surface water drained on separate systems.
28. Cycle storage and bin provision

In the event of any changes being needed to the wording of the Board's decision (such as to delete, vary or addition conditions / informatives / planning obligations or reasons for approval / refusal) prior to the decision being issued, the Head of Planning (Regulation), in consultation

with the Chairman of the Strategic Planning Board is delegated the authority to do so, provided that he does not exceed the substantive nature of the Board's decision.

