

Application No: 15/0553C

Location: Land off, Middlewich Road, Holmes Chapel, CW4 7LH

Proposal: Reserved matters application for residential development of 80 homes, (24 affordable), the creation of an area of public open space and children's play area and associated works (outline approval 13/0041C).

Applicant: Niall Mellan, Persimmon Homes North West

Expiry Date: 11-May-2015

SUMMARY

The principle of development has already been accepted as part of the outline approval on this site. The social, environmental and economic aspects of the scheme are:

Social Sustainability

The development will not have a detrimental impact upon residential amenity, will provide benefits in terms of much needed affordable housing provision and would help towards the Council's housing land supply.

The impact upon infrastructure would be neutral and have already been considered when the outline application was approved

The proposed POS provision and the proposed LEAP are considered to be acceptable.

Environmental Sustainability

With regard to ecological impacts, the impact is considered to be neutral as mitigation has been secured through contributions secured at outline stage

The drainage/flood risk implications for this proposed development are considered to be acceptable.

Trees afforded protection under tree preservation order will not be unduly harmed. Whilst a section of hedgerow will be lost to facilitate the access, the proposed landscaping of the site would compensate for this loss.

The proposed access point is acceptable and the traffic impact as part of this development has already been accepted.

The internal design of the highway layout/parking provision meets with standard and is acceptable. The impact on the designate Heritage asset (Cotton Hall) would be

minimised through the design and landscaping.

Economic Sustainability

The development of the site would provide a number of economic benefits in the residential use of the site.

It is considered that the planning balance weighs in favour of this development.

RECOMMENDATION

APPROVE subject to conditions

REASON FOR DEFERRAL:

At the last meeting of 29th July 2015, Members resolved to defer this application to seek clarification on the 'pepper potting' of the proposed affordable units and to consider the provision of a designated car park within the site for commuters who park on the adjoining development at Ravenscroft.

Affordable Housing

Following concerns about the degree of 'pepper-potting' within the scheme, amended plans have been received altering the distribution of the affordable units across the site. As amended, the proposed affordable units would be spread across 3 separate clusters of 6 units. These would be positioned towards the northern boundary of the site, in the north-eastern corner and the far south-eastern corner of the development and would include both intermediate and affordable rented units in each cluster.

It is worth noting that the Council's approach to 'pepper potting' is outlined with the Interim Planning Statement on Affordable Housing which states at para. 4.8

"The design of new housing developments should ensure that affordable homes are integrated with open-market homes to promote social inclusion and should not be segregated in discrete or peripheral areas. Affordable homes should therefore be 'pepper potted' within the development."

The IPS goes on to say at para. 4.10

"The actual percentage will be decided on a site by site basis but the norm will be that affordable units will be provided not later than the sale or let of 50 % of the open market homes. However, in schemes that provide for a phased delivery and a high degree of 'pepper potting' of affordable homes, the maximum proportion of open market homes that may be completed before the provision of all affordable units may be increased to 80%."

In practice Strategic Housing has accepted an element of clustering of affordable units to aid delivery and management of the units from an Registered Providers perspective, with the policy

objective to ensure the units are not located in discrete and peripheral parts of the site and segregated from the market units for the creation of mixed and inclusive communities in accordance with para.50 of the NPPF.

The emerging Local Plan in policy SC5 is more general when referencing location of affordable housing and states at point 4.

“Affordable homes should be dispersed throughout the site, unless there are specific circumstances or benefits that would warrant a different approach.”

The Strategic Housing Manager has therefore confirmed that the location and distribution of the proposed affordable units would be acceptable. Accordingly, it is considered that the amended spread of affordable units would provide an appropriate degree of pepper-potting. Any further dispersal of the affordable units may render the units unsuitable for the registered providers in terms of management and maintenance which could affect the deliverability of this much needed market and affordable housing. As such, Members are advised that the proposed affordable housing is acceptable.

Car Parking

The Local Ward Councillor (Cllr Gilbert) and the Holmes Chapel Parish Council have raised concern about parking on the adjoining development at Ravenscroft. Owing to its close proximity to junction 18 of the M6 motorway, commuters park their cars on adjoining roads and then car-share. It is important to note that any such parking on the highway is not a breach of planning regulation and any obstructions or illegal parking are not planning matters, but are matters for the police to enforce.

Members discussed whether a designated car park to accommodate commuter vehicles could be provided within this site, given that it is closer to junction 18 than Ravenscroft and would therefore likely suffer from the same issue. However, when considering whether a development should be required to mitigate for something, this should be reasonably related to planning and to the development to be approved. As mentioned, the parking of vehicles on the highway is not a planning matter. Parking provision is. However, a development should only be expected to provide parking for the vehicle movements that it generates. This development would not generate the demand for car sharing and parking that already exists and therefore it would be unreasonable to expect the development to bear the cost of providing such parking. Furthermore, at the last meeting, reference was made to providing car parking on the area of proposed public open space. This would result in a loss of public open space which would result in a quantitative deficiency which would be contrary to policy and therefore a negative of the scheme. Such negatives would have to be weighed in the planning balance but it is officer's view that this would not be sustainable.

As such, Members are recommended to approve the application in line with the original resolution included in the report below subject to reference being made in condition no.s 1 and 2 to the amended affordable housing proposals.

PROPOSAL:

This is a reserved matters application for 80 dwellings. The issues which are to be determined relate to the access, appearance, landscaping, layout and scale of the development. Access would be taken directly off Middlewich Road.

SITE DESCRIPTION:

This reserved matters application follows the approval of outline application 13/0041C. The application site measures approximately 4.6 hectares in size and is located on the northern side of Middlewich Road towards the west of Holmes Chapel Village. The site comprises of a series of flat grassed paddocks which are used for the keeping of horses. The site is adjoined to the east by residential development, to the north by the Grade II listed 'Cotton Hall' and an equestrian centre, and to the west it is adjoined by 'Cotton Farm Barns' and open fields. The site falls outside of the settlement limits for Holmes Chapel and is therefore designated as Open Countryside in the adopted Congleton Borough Local Plan First Review (2005).

RELEVANT HISTORY:

13/0041C Outline application for residential development, comprising 80 homes, including 24 affordable homes to include an area of public open space and children's play area – Approved 05-Dec-2014

POLICIES

National Policy:

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

50. Wide choice of quality homes

56-68. Requiring good design

Development Plan:

The Development Plan for this area is the Congleton Borough Council First Review 2005. The relevant Saved Policies are: -

PS8	Open Countryside
GR1	New Development
GR2	Design
GR3	Residential Development
GR5	Landscaping
GR6	Amenity and Health
GR9	Accessibility, servicing and provision of parking
GR14	Cycling Measures
GR15	Pedestrian Measures
GR17	Car parking

GR18	Traffic Generation
GR21	Flood Prevention
GR 22	Open Space Provision
BH4	Listed Buildings Impact of Proposals
BH5	Listed Buildings Impact of Proposals
NR1	Trees and Woodland
NR2	Statutory Sites (Wildlife and Nature Conservation)
NR3	Habitats
NR5	Habitats
H2	Provision of New Housing Development
H6	Residential Development in the Open countryside
H13	Affordable Housing and Low Cost Housing

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

PG2 – Settlement Hierarchy
 PG5 - Open Countryside
 PG6 – Spatial Distribution of Development
 SC4 – Residential Mix
 SC5 – Affordable Homes
 SD1 - Sustainable Development in Cheshire East
 SD2 - Sustainable Development Principles
 SE3 – Biodiversity and Geodiversity
 SE5 – Trees, Hedgerows and Woodland
 SE 1 - Design
 SE 2 - Efficient Use of Land
 SE 4 - The Landscape
 SE 5 - Trees, Hedgerows and Woodland
 SE 3 - Biodiversity and Geodiversity
 SE 13 - Flood Risk and Water Management
 SE 6 – Green Infrastructure
 IN1 – Infrastructure
 IN2 – Developer Contributions

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
 Interim Planning Statement Affordable Housing
 Interim Planning Statement Release of Housing Land

CONSULTATIONS:

Environment Agency: No objection subject to drainage conditions.

United Utilities: No objection subject to drainage conditions.

Cheshire East PROW: No objection but advise that if the footpaths within the development are not adopted, details of their maintenance must be included within the same provisions for the public open space.

Natural England: No objection

Strategic Highways Manager: No objection

ANSA Open Space: No comments received at the time of writing this report.

Environmental Protection: no objection subject to conditions requiring updated noise survey, submission of an environmental management plan, dust control, a travel plan, submission of a contaminated land phase II investigation and an informative dealing with construction hours.

VIEWS OF THE HOLMES CHAPEL PARISH COUNCIL:

Recommend that the applicant reconsider the layout of the affordable homes to comply with the usual policy of CEC to pepper pot through a development rather than cluster together.

REPRESENTATIONS:

Letters have been received from 5 addresses objecting to this application on the following grounds:

- Design and architectural proposals are poor
- Affordable homes are not pepper potted
- Affordable housing should be for local people only
- There are other sites in the Borough which are more appropriate, including brownfield
- Traffic - the main Middlewich Road is clogged everyday with traffic, including motorway traffic when there is an incident which happens quite regularly and this development will make it worse
- No more amenities are planned for Holmes Chapel which is already over loaded with the present number of houses
- The doctors are over subscribed
- The schools have waiting lists
- There is insufficient parking
- Will get worse if sites like the former FADS site come forward
- There should be no access through to Ravenscroft
- Impact on privacy
- Poor drainage

APPRAISAL

The principle of residential development has already been accepted following the approval of the outline application referenced 13/0041C. This application does not offer to opportunity to revisit the principle of the development, which has already been accepted. This application seeks approval of all of the reserved matters. These relate to access, appearance, landscaping, layout and scale of the development.

Affordable Housing

The proposed development will provide 24 affordable units (16 social/affordable rent and 8 for intermediate tenure) within the proposed 80. This provision accords with the Council's policy and the s106 agreement attached to the outline application which required 30% of the units to be affordable with a tenure split of 65% affordable/social rent and 35% as intermediate tenure. This was in accordance with policy. This is acceptable to meet the identified housing need.

The Council's Strategic Housing Manager expressed concern that the affordable units were not pepper potted. To address this, amended plans have been secured which now detail 2 clusters of affordable units spread across the site. The Council's Strategic Housing manager has confirmed that the location of the affordable units is now acceptable and the detail within the submitted Affordable Housing Scheme meets with approval.

Highways Implications

The traffic generated by 80 units and its impacts on the local highway network were assessed as part of the outline application and were considered to be acceptable. The Head of Strategic Infrastructure (HSI - Highways) has sought clarification on parking standards and provision of the pedestrian crossing along Middlewich Road, which was secured at the outline stage. The applicant has submitted an amended layout and supplemental information to clarify these points and the HSI has confirmed that the layout and parking arrangements are acceptable.

With respect to the access serving the development itself, the existing access which serves Cotton Hall to the north would be widened and extended into the site. Highways have not objected to such access arrangement and as such, the required visibility standard is met.

Residential Amenity

Supplementary Planning Guidance Note 2 advises on the minimum separation distances between dwellings. The distance between main principal elevations (those containing main windows) should be 21.3 metres with this reducing to 13.8 metres between flanking and principal elevations.

The layout and design of the site show that these distances will be maintained to the adjoining dwellings. Therefore, no concerns regarding the amenity of existing neighbouring dwellings are raised. Furthermore, the layout also demonstrates the required distance standards are achieved within the site and that an acceptable level of private amenity space can be achieved. Where separation distances are not met, the shortfall is only marginal and in most cases, the units are offset at angles from each other.

Trees, Hedgerows & Landscaping

The submission is supported by an updated arboricultural survey and constraints report. The layout generally respects tree root protection areas and crown spreads. The row of proposed dwellings on the Middlewich Road frontage would be influenced to a degree by shade from the Poplar trees which are now afforded protection under a Tree Preservation Order. However, the submitted arboricultural report states that this will not result in undue pressure to prune. The Council's Tree Officer is currently considering the updated information and this will be fed back by update.

In terms of hedgerows, a section of hedgerow (H5) would have to be removed to facilitate the construction of the access. The loss would not be significant in terms of length and would be mitigated by the landscape proposals for the site. The hedgerow is not considered 'important' under the Hedgerow Regulations 1997 and as such, its partial loss is not considered to be detrimental. Elsewhere, the majority of the hedgerows would be retained as part of the proposed development and supplemented as part of the landscape proposals.

Design

The application is a reserved matters application with details of scale, layout, appearance and landscaping to be determined at this stage.

The importance of securing high quality design is specified within the NPPF and paragraph 61 states that:

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

The submitted layout is arranged around a main spinal road which travels through the proposed areas of Public Open Space at the western edge of the site. The POS would perform as a gateway to the development and would be framed by properties overlooking and fronting these areas. Once into the site, the main road would travel from west to east would have roads and cul-de-sacs spanning off at 90 degrees with properties arranged in a linear pattern forming blocks. The layout would ensure that key views terminate on appropriate frontages and would ensure appropriate spacing for the two-storey scale of the proposed units.

Turning to the design of the dwellings themselves, amended plans have been secured which have addressed concerns regarding the treatment of corner plots by introducing window openings within side elevations to properties are dual fronted and do not create blank facing side treatments. The property types would be mixed and this would assist the street scenes. The detailed design is considered to be acceptable and would not harm the character or appearance of the area.

The frontage to the site along Middlewich Road is tree lined with mature protected poplars. The layout would respect these specimens and these will help to screen the development from views of the main approach road into Homes Chapel.

Impact on Setting of Listed Building

To the north of the site, lies the grade II* listed Cotton Hall. At outline stage, English Heritage advised that the proposal should be determined in accordance with national and local policy and in accordance with the council's own specialist conservation advice.

In response to advice received from the Council's Conservation Officer at outline stage, the layout has been amended so that the nearest units to the heritage asset are laid out in a crescent shape. This will help to provide a less regimented layout, a better gateway to the development and a softer buffer with the boundary to the curtilage of the listed building. It is considered that such amendments would result in a development that would have an acceptable impact on the setting of Cotton Hall, subject to high quality materials being secured by condition.

Ecology

The Council's Nature Conservation Officer (NCO) has noted that the landscaping scheme for the site includes proposals for the creation of a wildflower meadow as part of the gateway park located adjacent to the site access. The management plan for the site however proposes an intense cutting regime which would limit the nature conservation value of the resulting meadow. The supplier of the proposed meadow seed mix provide general management prescriptions for this seed mix and as such the NCO has suggested that the submitted management plan be amended to reflect this. If planning consent is granted a condition could be attached requiring the submission and agreement of details of the management plan.

Public Open Space

In accordance with the outline consent, the scheme proposes an area of Public Open Space (POS) offset towards the western portion of the site which would accommodate a Locally Equipped Area of Play (LEAP). This area would be well overlooked by the dwellings on the eastern side of the site and appears to offer a good quality useable space. The on-site open space and play area would be managed and maintained by a management company which was secured by the Section 106 Agreement.

Education

This issue was dealt with as part of the outline application where the Council's Education Department have confirmed that demand can be catered for by the existing local primary and secondary schools. As such, no mitigation or financial contributions are required.

PROW

The development would not directly impact upon any public rights of way.

Archaeology

The Cheshire Shared Services Archaeologist has advised that there is limited archaeological potential to generate a requirement for any further predetermination work. However, a programme of archaeological works is necessary and this is secured by conditions attached to the outline consent.

Flood Risk and Drainage

A Flood Risk Assessment has been carried out to determine the impact of the proposed development on flooding. In accordance with the National Planning Policy Framework and local policy, the FRA has considered the impact on the surface water regime in the area should development occur. United Utilities and the Environment Agency have considered the report and raised no objections subject to the imposition of appropriate planning conditions. Such conditions were attached to the outline consent.

PLANNING BALANCE

The principle of development has already been accepted as part of the outline approval on this site. The social, environmental and economic aspects of the scheme are:

Social Sustainability

The development will not have a detrimental impact upon residential amenity, will provide benefits in terms of much needed affordable housing provision and would help towards the Council's housing land supply.

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Economic Sustainability

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It is considered that the planning balance weighs in favour of this development.

RECOMMENDATION:

APPROVE subject to conditions

- 1. Amended / Approved Plans**
- 2. Accordance with submitted Affordable Housing Scheme**
- 3. Materials to be submitted and approved**
- 4. Updated Public Open Space Management Plan to be submitted**
- 5. Implementation of the tree and hedge protection measures as proposed**
- 6. Adherence to the submitted Arboricultural method statement**
- 7. Adherence to the submitted Tree Protection Scheme**
- 8. Construction Method Statement to be submitted**
- 9. Updated noise mitigation to be submitted. Development to be carried out in accordance with agreed mitigation**
- 10. Dust control measures**
- 11. Phase II contaminated land investigation to be submitted**
- 12. Removal of permitted development rights classes A-E**
- 13. Obscured glazed on selected plots with no further openings to be created**

In order to give proper effect to the Board`s/Committee`s intentions and without changing the substance of the decision, authority is delegated to the Head of Planning (Regulation), in consultation with the Chair (or in his absence the Vice Chair) of Strategic Planning Board, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

Application for Reserved Matters

RECOMMENDATION:

