

Application No: 23/2713C

Location: Land north of the Congleton Link Road ('CLR') known as Somerford Green, Congleton

Proposal: Reserved matters approval for application 16/1824M: Demolition of the existing building and an outline planning application with all matters reserved except for means of access for a mixed use development comprising residential dwellings (use class C3) and employment development (use classes B1, B2 and B8) incorporating an element of leisure uses (use classes A3 and A4), together with associated woodland buffer, ecological mitigation and enhancements, open spaces and infrastructure.

Applicant: c/o, Anwyl Homes

Expiry Date: 16-Oct-2023

## **SUMMARY**

This reserved matters application seeks approval for Appearance, Landscaping, Layout & Scale, following the grant of outline approval 16/1824M. The principle of residential development is in line with Local Plan allocation Site LPS 26 and is therefore accepted.

Highways have no objections, subject to securing a safe crossing over the Congleton Link Road. The Public Rights of Way team have now confirmed they have no objections subject to a condition/informative.

The Council's Tree Officer has sought clarification on a number of matters but has now confirmed she has no objection subject to conditions.

The Council's Landscape Officer has raised a number of matters that could be improved in the design and these have largely been taken on board by the applicant. The site boundary treatment is considered acceptable.

The Council's Ecologist sought clarification on a number of points, but following confirmation from the applicant, now raises no issues subject to conditions.

The Council's Urban Design Officer has just commented on the latest proposals, and whilst not raising any significant issues still feels so further improvements could be made, which the applicant is looking at. Members will be updated on any proposed changes.

The LLFA have requested clarification on a number of points which the applicant has sought to address. Members will need to be updated on the progress of discussions.

ANSA have confirmed they have no objections to revised proposals to the play area, but have raised concerns about the size of the informal play area to the northwest. The application however more than meets the required provision, and improvements to pathways are proposed.

Following the receipt of an Affordable Housing Statement, Housing have now confirmed that they raise no objections.

Finally other matters such as, Archaeology, Contaminated land, Air Quality and Amenity can be addressed by conditions on the outline.

## **RECOMMENDATION**

**Approve subject to a Deed of Variation to the original Section 106 agreement and conditions.**

## **SITE DESCRIPTION**

This application relates to a site north of the Congleton Link Road (CLR), accessed off the Radnor Roundabout, opposite Back Lane.

Although the site is generally relatively flat, there is a higher point adjacent to the roundabout, and a slight depression to the western boundary. The site has a frontage to the Congleton Link Road to the south, and to an access road off the roundabout to the east serving properties to the north. To the west the site bounds agricultural land, and the large grounds of adjacent properties, with an area of scrub on the CLR frontage. To the north the site adjoins properties and their associated grounds, assumed to be in agricultural use. On the northern boundary is a raised level area of land, with a hardcore base, understood to have been the site of a former agricultural building, now removed from site. An arm of the site, included within the site edged red, but not subject to any proposed built development sits to the northwest.

A public footpath (Somersford FP2) crosses the site linking the Radnor Roundabout to Chelford Road to the west.

The site falls within Flood Zone 1 – least risk for flooding, but it is noted that to the north (off site) the land falls away sharply down to the River Dane, and there is understood to be a culvert running from large ponds to the west (again off site) across the north end of the site, down to the river.

There are no listed buildings on nor adjacent to the site, and no conservation areas in the vicinity.

## **PROPOSAL**

The application seeks reserved matters on a part of the original outline approval for a much larger site:

*“Reserved matters approval for application 16/1824M: Demolition of the existing building and an outline planning application with all matters reserved except for means of access for a mixed-use development comprising residential dwellings (use class C3) and employment development (use classes B1, B2 and B8) incorporating an element of leisure uses (use classes A3 and A4), together with associated woodland buffer, ecological mitigation and enhancements, open spaces and infrastructure.”*

In detail, the proposal is to build 119 dwellings. This would be made up of 98 market and 21 affordable, with the following mix:

No. of Beds	No. of Units	Percentage
<b>Open Market</b>		
1	0	0%
2	10	10%
3	33	34%
4	55	56%
<b>Total</b>	<b>98</b>	<b>100%</b>
<b>Affordable</b>		
1	10	48%
2	7	33%
3	4	19%
4	0	0%
<b>Total</b>	<b>21</b>	<b>100%</b>

The levels above represent 17.5% affordable housing provision as set at the outline stage – as the site contributes to the CLR. The requirement is already secured by the signed Section 106 Agreement.

A NEAP is proposed towards the northwestern end of the site, with an informal area of public open space, containing SuDs and ecological measures included.

An Environmental Statement (ES) was submitted with the outline application.

### **RELEVANT PLANNING HISTORY**

Outline consent was granted for the greater site (including land to the south) under:

16/1824M - Demolition of the existing building and an outline planning application with all matters reserved except for means of access for a mixed-use development comprising residential dwellings (use

class C3) and employment development (use classes B1, B2 and B8) incorporating an element of leisure uses (use classes A3 and A4), together with associated woodland buffer, ecological mitigation and enhancements, open spaces and infrastructure. Land to the north of the existing Radnor, Land at Back Lane, Cheshire APPROVED September 2018

The following are also relevant:

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

Land to the south of the CLR

20/5760C - Reserved matters application for 178no dwellings including associated roads, car parking and landscaping works. Radnor Green, Land off BACK LANE, CONGLETON APPROVED December 2021

**DEVELOPMENT PLAN POLICIES**

**Cheshire East Local Plan Strategy – 2010-2030**

- PG1 – Development Strategy
- PG6 – Open Countryside
- SD1 - Sustainable Development in Cheshire East
- SD2 - Sustainable Development Principles
- IN1 – Infrastructure
- IN2 – Developer Contributions
- SC1 – Leisure and recreation
- SC2 – Indoor and outdoor recreation
- SE 1 - Design
- SE 2 - Efficient Use of Land
- SE3 – Biodiversity and Geodiversity
- SE 4 - The Landscape
- SE 5 - Trees, Hedgerows and Woodland
- SE 6 - Green Infrastructure
- SE 13 - Flood Risk and Water Management
- CO1 – Sustainable Travel and Transportation

Site LPS 26 – Back Lane / Radnor Park, Congleton

**Site Allocations and Development Policies Document (“SADPD”)**

- PG9 - Settlement Boundaries,
- GEN1 - Design principles,
- ENV1 -Ecological network,
- ENV2 - Ecological implementation,
- ENV3 - Landscape character,
- ENV4 – River Corridors,

ENV5 - Landscaping,  
ENV6 - Trees, hedgerows and woodland implementation,  
ENV7 - Climate Change,  
ENV12 - Air quality,  
ENV14 - Light pollution,  
ENV15 - New development and existing uses,  
ENV16 - Surface water management and flood risk,  
ENV17 - Protecting water resources,  
RUR6 - Outdoor sport, leisure and recreation outside of settlement boundaries,  
HOU1 – Housing Mix,  
HOU6 – Accessibility and Wheelchair housing standards,  
HOU10 - Amenity,  
HOU11 – Residential Standards,  
HOU12 – Housing density,  
HOU13 – Housing delivery,  
INF1 - Cycleways, bridleways and footpaths,  
INF3 - Highways safety and access,  
INF6 - Protection of existing and proposed infrastructure  
INF9 – Utilities.

### **Neighbourhood Plans:**

The Somerford NDP referendum was held on the 15 of February 2018. The plan was made on the 19 March 2018. The following plans are considered relevant:

Policy H1: New Housing  
Policy D1: Design  
Policy D2: Building Design  
Policy N1: Green Network and Spaces  
Policy N2: Trees and Hedgerows  
Policy N3: Biodiversity  
Policy T1: Sustainable Transport, Safety and Accessibility

### **NPPF**

### **CONSULTATIONS (External to Planning)**

**Natural England:** Raise no objections. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on the following and has no objection:

- The River Dane Site of Special Scientific Interest (SSSI)

Natural England's further advice on designated sites is set out in their reply.

**United Utilities:** No objections subject to advisories regarding their property, assets and infrastructure

**Jodrell Bank:** No comments received.

**CEC Head of Strategic Infrastructure:** No objections subject to a crossing being provided across the Congleton Link Road.

**CEC Housing:** No objections

**CEC Public Rights of Way (PROW):** No objections

**CEC Environmental Health:** Raise no objections on the grounds of amenity, air quality and contaminated land, subject to some informatives as matters were considered at the outline stage, and relevant conditions.

**CEC Flood Risk Manager:** Currently object to the application until the applicant has demonstrated that the development will not increase risk elsewhere and where possible reduces flood risk overall. Following submission of additional information, the LLFA's updated comments are awaited.

**ANSA:** No objections, but some detailed design amendments have been requested.

## **VIEWS OF THE TOWN/PARISH COUNCILS**

**Somerford Parish Council:** "Somerford Parish Council has considered the significant number of additional documents that have been submitted by the applicant, and is disappointed that the main concerns raised by the Parish Council have not been adequately addressed, which means there are still serious deficiencies in the plans, namely:

- the need for a crossing point over the CLR;
- parking provision on the site;
- the perimeter grass verges and the provision of paved walkways through the centre of the site.
- public transport or lack thereof
- the location and isolation of the play space at the very edge of the site – now made worse by the proposed placement of the swale.

On the first point, we understand Anwyl has made an enhanced financial contribution to Cheshire East Council relating to transport infrastructure and the Congleton Link Road. Could we have details about how and when CE Council intends to use this at the site?"

## **OTHER REPRESENTATIONS**

Eight representations have been made to the originally submitted application, and two with regards to the amended proposal. The following issues are raised:

- Inadequate boundary treatment on the western side – a 6-foot wall/fence is required to keep people/dogs out. Concerns about attacks on livestock.
- Concerns about impacts on the water table/drainage and in particular the culvert that crosses the northern part of the site.
- Two and a half storey houses are inappropriate in this location and will lead to overlooking/privacy problems.
- No development should be allowed north of the link road.
- Increased light pollution, noise pollution, vehicle pollution is a blight for the local residents.
- Concerns about impacts on wildlife, in particular on Newts and the SSSI in the Dane Valley.
- No 4 bed properties provided for social housing which are needed.

These matters are picked up in the main body of the report.

## **OFFICER APPRAISAL**

### **Principal of Development**

The site forms part of the following policy allocation:

Site Back Lane / Radnor Park, Congleton

The development of Back Lane / Radnor Park over the Local Plan Strategy period will be achieved through:

1. The delivery of, or a contribution towards, the Congleton Link Road;
2. The delivery of around 750 new homes (at approximately 30 dwellings per hectare) as set out in Figure 15.31 of the LPS;
3. The delivery of around 7 hectares of employment land adjacent to Radnor Park Trading Estate as set out in Figure 15.31 of the LPS;
4. The delivery of around 1 hectare of employment or commercial development adjacent to the Congleton Link Road junction as identified in Figure 15.31 of the LPS;
5. The retention and enhancement of Back Lane Playing Fields which has Village Green status;
6. The delivery of improved recreational facilities linked to Back Lane playing fields and the proposed primary school site;
7. The provision of appropriate retail space to meet local needs;
8. The provision of pedestrian and cycle links set in green infrastructure to new and existing employment, residential areas, shops, schools, health facilities and the town centre;
9. The provision of public open space, as a new country park adjacent to Back Lane Playing Fields; as set out in Figure 15.31 of the LPS;
10. The provision of children's play facilities;
11. The provision of a new primary school with linked community use as set out in Figure 15.31 of the LPS;
12. Contributions to new health infrastructure; and
13. The provision of land required in connection with the Congleton Link Road as set out in Figure 15.31 of the LPS.

Essentially the site forms the last housing element of this allocation, with (largely completed) developments by Stewart Milne Homes (now Elan Homes), David Wilson/ Barrat Homes, Bellway, Seddon and Miller Homes making up the other elements. The commercial sites remain undeveloped, although it is noted a recent application for a substation has been submitted on land adjacent to the commercial site which would be an extension of the Radnor Park Industrial estate.

The development of this site for housing complies with the Local Plan allocation LPS 26 and as such is acceptable in principle – subject to it meeting the relevant elements of the Site-Specific Principles of Development, and other relevant Local Plan policies which are examined below.

### **Highway Implications**

The access to the site is taken from the spine road that connects with the Radnor roundabout, the site access has been amended to increase the width of the access to 5.5m and also provide a footway on both sides of access.



The internal road design has a main carriageway of 5.5m which then reduces to 4.8m wide roads that includes shared surface roads. The design standards accord with the design principles in CEC design guide and the internal roads will be subject to a 20mph limit.

The car parking provision accords with the CELP parking standards, with 4 beds having 3 spaces or more, 2 and 3 beds have 2 spaces and the 1 bed units having 1 space.

The site access plan indicates the visibility available at the access point and where it is intended to install a 30mph speed limit on the northern arm of the Radnor Roundabout.

The accessibility of the site is an issue, whilst there were no off-site active travel measures agreed on the outline application this site does require a controlled cycle and pedestrian connection to the existing facilities on the opposite side of the CLR on Back Lane due to the high traffic speeds on the CLR.

A formal controlled Toucan crossing on the CLR should be provided that links to the Back Lane pedestrian/cycle facilities and then link directly into the internal road network within the site.

In summary, the revised access to the site is acceptable including the proposed internal road layout within the site. The level of car parking for all of the units proposed is set at an acceptable level and conforms with standards.

The main concern is the accessibility of the site, a much safer pedestrian and cycle connections is required given the level and type of development proposed. It is proposed that the S106 Agreement is varied so some of the CLR contribution is used to provide a formal crossing point on the CLR. In terms of the trigger for the works, this needs to be early in the development and it is recommended that no more than 20 can be occupied unit the works have been commenced.

Subject to this change in the original S106, there are no objections to the application.

## **Public Rights of Way**

The application will affect Public Footpath Somerford No. 2. The PROW Team note that the developers intend to retain the path on its current alignment. However, due to recent internal investigations the alignment of the northern end of the path (as it passes Radnor Hall Farm) has been amended to move this section of the path slightly further west. This is to ensure that the recorded line for the path accurately reflects the definitive map and legal line of the footpath. The matter has been discussed with the applicant and the PROW Team who advise that the constructed path is slightly 'offline' at the southern end but not obstructed, and they therefore have no objection to the planning.

The plans indicate that a 2 metre width for the path set within a green corridor is to be provided, with a Breedon Gravel surface.

The PROW Team would recommend that the business owner satisfy themselves that any risk of conflict between vehicles and pedestrians, where the path crosses the road towards the southern end of the site, is mitigated through the use of signage, recommended speed limit or other such measures.

A condition and informatives are recommended.

## Landscape

The Council's Landscape architect makes the following general observations:

There are very few new off road pedestrian hard surfaced routes accessible for all excluding the existing footpath route.

It is noted that the open space area NW of site is merely a mown dead ended path which could have had so much more interest and access if it had been more circular and surfaced. This would be a great area for planting some trees but none have been proposed. The position of 3 public artworks based on nature along such a route could add fun and interest to this space too.

It is noted there are very few public open space areas, off street circular footpaths. The scheme's large 'green' areas seem mostly for SUDs/ecology only making large areas of the proposal off limits for play and enjoyment of all.

The Seating area with public art seems awkwardly located adjacent to a busy link road roundabout. Not the most tranquil location for a focus of civic space. It would have been better located on the other side of the estate where there is more ambiance. The Landscape Architect would like to see more detail on the theme, size/scale materials of the Public artwork which is welcomed, just need more fixed detail on the artwork parameters.

The Large areas of SUDS appear in-accessible areas for recreation on the western boundary.

The Landscape Architect then makes a series of detailed comments highlighting some discrepancies across the plans.

### EIA Statement of Conformity

The Landscape Architect agrees with the Landscape And Visual statement: No Further Assessment Required.

### Landscape Management Plan

The Landscape Architect agrees in principle with this document, but reserves the right to make further comments should the landscape masterplan be revised further, based on the comments above.

The applicant's agent is amending the plans in the northern POS area to create a circular pathway which is positive and is looking at additional tree planting around the edge of the area, does not feel public art is appropriate.

The public art was suggested by the Council's Design Officer so is to be retained as shown, but as the environment is not ideal – being next to a busy road, the seating area is to be removed and replaced to the rear of the site, close to (but outside) the NEAP.

The hard surfacing plan is being reviewed to clarify surfaces, and the planting comments are to be accommodated where possible. An amended Landscape Plan will be produced before committee picking up these points.

## Site boundary treatment

Whilst internal boundaries are looked at as part of the urban design assessment, residents have expressed concern about the quality/robustness of the western boundary of the site, due to concerns about trespass and dog attacks on livestock in adjacent fields.

The current boundary consists of some hedgerows and field (post and wire) fencing typically 1.2m tall, but in various states of repair. The submitted boundary treatment layout plan indicates different treatments.

- Boundary to area informal POS – Timber post and wire fence (0.9m) or where there is an existing boundary, the condition is to be assessed on site and repaired/replaced where necessary.
- Boundary to NEAP 0.9m high metal railings
- Boundary along SuDS area – 1.2m high timber post and 4 rail fence, double rails either side with stock proof mesh.
- Boundary to scrub area fronting CLR – 1.2m high timber post and 4 rail fence.

It is considered that the proposals are appropriate for the site.

## **Trees**

This reserved matters application has been supported by an Arboricultural Impact Assessment.

The survey confirms the presence of 1 individual high quality A Category tree, 2 individual and 3 groups of moderate quality Category trees, 2 individual and 1 group of low-quality C Category trees and 3 hedgerows. An area of protected woodland (W20 of the Congleton Rural District Council (Valley of the Dane) Tree Preservation Order 1954) is located to the northeast corner of the site but to the northeast of an existing access road to Radnor Hall Farm and the woodland is not considered to arise in any conflicts with the proposed development. None of the trees within or immediately adjacent to the site boundary are afforded any statutory protection.

Most of the trees on the site are shown to be retained aside from the removal of 1 poor quality boundary Oak in decline in low quality group G2, in addition to pruning works to 2 low-quality off-site Willow which are reported to have been pollarded previously and to contain fungal fruiting bodies to the stem base of one of the trees. There are no objections to these works, subject to the necessary consents being obtained from the tree owner. The construction of a NEAP is proposed to the east of trees T2, T3 and T4. No detail has been provided as to what this will comprise of but given its proximity adjacent to the boundary and within the RPAs of mature trees, any play area design should seek to accommodate play infrastructure outside RPAs where possible and any conditioned proposal/play area layout should be considered within an Arb Method Statement.

The Landscape Plan suggests a SuDS / wetland area adjacent to the western boundary adjacent to moderate quality, offsite B Category trees in group G1 and tree T1. No levels information has been provided to demonstrate what grading/lowering of the existing ground levels can be anticipated to accommodate the wetland and there are concerns that this element of the scheme has not been considered in terms of impacts to the trees. It's noted that the trees in G1 are described in the survey as 'prominent trees within the location'. Consideration should be given to ensure that this existing natural landscape feature is not compromised by the landscape design and wetland position indicated, and its position re located if necessary.

Subsequently the applicants have provided additional information to address the Tree Officer's comments with regards to the play area and SuDS feature. The officer has commented that the applicant's latest information confirms the relocation of the attenuation pond outside the RPA of trees in group G1 which is welcomed, with the NEAP detail providing clarification that a large portion of the RPAs of trees T2-T4 will not be covered in hard surfacing. The circumstances regarding the replacement and relocation of the outfall pipe which mostly affect T2 are accepted, but any relocation of Tree protection fencing and a working methodology for the works should feature in the AMS.

The Arboricultural Method Statement has been updated and should be conditioned accordingly.

## **Ecology**

### Statutory Designated Sites

It was noted that Natural England have been consulted on this application and requested further information be submitted in respect of potential impacts on the River Dane SSSI. It is now noted they raise no objections.

### Non-statutory Designated Sites

The River Dane Local Wildlife Site (LWS) and an area of ancient woodland are present to the north-east and just outside of the red line of the application site. To safeguard these receptors it must be ensured that appropriate buffers are provided in the layout adjacent to them. A minimum 15m buffer is required in respect of the ancient woodland. It is advised that the buffer provided by the revised Landscape Master Plan (TPM Landscape drawing number 101 rev G) is acceptable.

The drainage scheme for the site must be designed to avoid any impacts upon the Local Wildlife Site and ancient woodland. The surface water drainage for the development as indicated by the recently submitted drainage strategy would discharge outside of the ancient woodland, but within the Local Wildlife Site. There is however an existing outfall and existing concrete drainage channel within the Local Wildlife Site. The planning agent has confirmed that an additional outfall within the LWS is not required. No impacts on the LWS are therefore anticipated.

### Outline Conditions

A number of conditions were attached to the outline consent at this site.

#### *Condition 25 Updated Great Crested Newt Survey and Mitigation Strategy*

An updated survey and mitigation strategy as required by this condition has not been submitted with the reserved matters application.

It should be noted that since a European Protected Species is likely to be adversely affected the proposed development the planning authority must have regard to whether Natural England would be likely to subsequently grant the applicant a European Protected species license under the Habitat Regulations. A license under the Habitats Regulations can only be granted when:

- The development is of overriding public interest,
- There are no suitable alternatives and
- The favourable conservation status of the species will be maintained.

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.

It is advised that in the event that planning consent was granted entry into the district licencing scheme would be sufficient to maintain the favourable conservation status of the species. A condition is therefore recommended to secure this.

*Condition 27 Any future reserved matters application shall be supported by proposals for the incorporation of gaps for hedgehogs.*

Proposals as required by this condition are now included on the submitted boundary treatment plan.

#### *Condition 30 Updated survey for Badgers*

A survey as required by this condition has been submitted. Evidence of badgers was recorded but the proposed development is not likely to result in an effect upon any identified sett. The submitted report includes avoidance measures to minimise the risk to badgers and recommends a further survey be completed prior to commencement. If reserved matters consent is granted it is recommended that a condition be attached to secure the implementation of these measures.

The proposed development to proceed in strict accordance with the recommendations of the submitted Badger Survey Report prepared by ECUS dated 3rd May 2023.

#### Landscape management plan

A landscape management plan has been submitted in support of this application. If planning consent is granted a condition is required to ensure its implementation for a thirty year period.

Four additional conditions are recommended.

#### **Urban Design**

Summary design assessment/Conclusions

### Previous assessment 8-3-24

Integrating into the Neighbourhood				Distinctive Places				Streets for All			
1 Natural Connections	2 Walking, cycling public transport	3 Facilities and services	4 Homes for everyone	5 Making most of what's there	6 Memorable <u>character</u>	7 Well defined streets/spaces	8 Easy to find your way around	9 Healthy streets	10 Cycle and car parking	11 Green and blue infrastructure	12 Back of pavement, front of home
A	A	A	A	A	A	G	G	A	G	A	A

### Current assessment

Integrating into the Neighbourhood				Distinctive Places				Streets for All			
1 Natural Connections	2 Walking, cycling public transport	3 Facilities and services	4 Homes for everyone	5 Making most of what's there	6 Memorable <u>character</u>	7 Well defined streets/spaces	8 Easy to find your way around	9 Healthy streets	10 Cycle and car parking	11 Green and blue infrastructure	12 Back of pavement, front of home
A	A	A*	A	G	A	G	G	A	G	A	G

\*This would be considered green if the employment and school allocations were a little more advanced and more was being made of the POS to the north for informal play and recreation

There are no reds, but despite the changes and submission of additional information, there are a number of remaining ambers in the re-assessment.

The main issues are:

- The number has reduced by one to 119, but the number proposed does impact the quality of the layout, resulting in certain issues discussed below. Although there have been enhancements to the layout, it has also weakened a little in localised areas too.
- The character of the PRow corridor as the key pedestrian axis through the site has been improved a little with the inclusion of raingardens and trees and further enhancement of the open space at its southern end (the northern end hasn't really been improved much)
- The extent of street tree planting/landscape is not as significant as it should be and there are sections of street lacking street trees. The street section between the urban spaces has not been enhanced despite repeated comments that this street should be a continuation of the avenue and should have street trees. The spaces themselves are also lacking interest/greening, reducing their value to the scheme and the potential for them to be non-descript/barren (when public realm is at a premium because of the density of development).
- There are areas where the more informal approach to frontage landscaping may create a lack of clarity re: public and private land and where use of hedging would also better contribute toward street greening.
- Whilst the scheme now includes raingardens as part of the management train, there still seems to be concern from the LLFA re: the SuDS proposed within the scheme, although the changes along the footpath route and along the southern boundary have enhanced the scheme's blue infrastructure. The drainage strategy also refers to rain gardens within private garden space but that is not shown on the landscape drawing.
- The street hierarchy is generally acceptable but the approach to materiality will need minor adjustment to take account of practical issues and ensure overall consistency with the CEC design guide. The eastern square should also not have defined pavement, instead reflecting the approach to the arrival and western squares.
- Local distinctiveness and place creation could have been strengthened in architectural terms to enhance character areas but there hasn't been any substantive change in that respect. The house types proposed are standard types with a little tweaking, rather than something more imaginative

and genuinely character driven. The approach to increase in scale is a bit arbitrary and could be improved.

- A more natural, informal approach to landscaping has been incorporated, with more wildflower planting, feature trees and additional raingardens. This will help to make it feel a little less suburban.
- An affordable housing distribution plan is now included, and the DAS identifies provision of 21 affordable units (17.5%) that will be tenure blind. However, these are not pepper potted and are clustered in the northern part of the site and therefore may not appear fully tenure blind as a consequence. Housing however have raised no issues with the layout.
- The landscape scheme for the southern edge has been strengthened by inclusion of trees and raingardens. It would have been helpful to have the link road planting scheme superimposed on the landscape strategy plan. The buffer with Radnor Hall Farm has been enhanced a little and will have a more naturalised character with wildflower planting rather than amenity grass.
- The quality and usability of POS to the north of the housing has been affected by the recent inclusion of a SuDS detention pond at the centre, restricting its use for informal recreation and play, such as a kick around area. This needs to be revisited to get more amenity and wider use out of the space.
- The crossing point from the main north south pedestrian route following the PRoW over the Link Road seems a little convoluted. It is noted that the highway comments about the requirement to include a controlled crossing. Subject to detailed design, there is scope to connect to the road network via the upgraded PRoW route and/or via the entrance street.

*“A formal controlled Toucan crossing on the CLR should be provided that links to the Back Lane ped/cycle facilities and then link directly into the internal road network within the site.”*

Whilst there has been some improvement from the previous design, it could be further enhanced by more meaningfully reviewing the density and reducing the overall number, particularly to improve the landscape opportunity within the heart of the development; a point that has been made consistently throughout. A more considered and creative approach to the design of house types would also lift the quality of the scheme.

If the scheme were to be approved as is, then conditions will be required to manage the detail of the hard and soft landscape including boundaries and street materials, details of the public art/interpretation and main facing/roofing materiality of the buildings.

In summary, whilst the Council’s Urban Design Officer is not raising any significant objections to the application, there are areas that could be further improved. Some of these points are already being picked up as set out in the Landscape and Public Open Space sections of the report, but the applicant is looking to see if further changes can be made. Members will be updated on these changes if proposed.

### **Noise / residential amenity**

Environmental protection have raised no issues with regards to noise or amenity, with matters of noise impact being dealt with by condition on the outline (Condition 34).

With regards to separation/privacy distances there are no issues with adjoining properties, given the good degree of separation and boundary hedgerows. Internally the majority of the properties meet or exceed the required separation distances, and in the few cases where they don’t the properties are slightly off set from one another or there are good urban design reasons for it.

## **Air Quality**

Environmental Protection have confirmed this was considered at the outline stage and conditioned accordingly.

## **Contaminated Land**

Environmental Protection have confirmed this was considered at the outline stage and conditioned accordingly.

## **Flood Risk/Drainage**

Cheshire East Council as the Lead Local Flood Authority (LLFA) has reviewed the reserved matters application, and they object to this application until the information outlined below has been submitted and approved.

Given the proposed scale of the development, to satisfy the National Planning Policy Framework (NPPF) details should be provided to assess the application in accordance with the NPPF. Paragraph 165 of the NPPF states that all major applications should incorporate sustainable drainage systems which have appropriate operational standards; maintenance arrangements in place to ensure operation for the lifetime of the development and where possible, provide multifunctional benefits.

The applicant can overcome the objection by submitting the information outlined below which demonstrates that the development will not increase risk elsewhere and where possible reduces flood risk overall. If this cannot be achieved, the LLFA will consider whether there is a need to maintain their objection to the application.

Further to the submitted details any further details should be in accordance with CIRIA C753 and current best practice guidance. The LLFA look to see the following information included in any resubmission:

- Details of a proven outfall from site in accordance with the drainage hierarchy the follows options should be considered, in order of preference; infiltration, discharge to watercourse, discharge to surface water sewer or discharge to combined sewer. Information provided indicates infiltration drainage is possible across most of the site with only the western boundary proving to be unsuitable for infiltration.
- Provide details for exceedance flows; surface water should be contained within the site boundary without flooding any properties in a 1 in 100year+CC storm.
- Show that SuDS systems to be incorporated into the surface water management scheme for the site provide multi-functional benefits.
- Details of who will manage and maintain all drainage features for the lifetime of the development will be required prior to construction.
- A full description of the proposed attenuation will be required. The description must include the following:
  - Top water level, cover level, permanent water level and freeboard level,
  - Design to withstand erosion, including details of any planting/vegetation to be used,
  - Estimated maximum flood level,
  - 600mm difference between the FFLs of any nearby properties and the estimated maximum flood height,
  - Description of any flooding caused by the attenuation.



Additional supporting information has been submitted to the LLFA and a constructive dialogue was ongoing at the time this report was being written, and Members will need to be updated on this matter.

## **Public Open space**

Following on from my previous comments, ANSA have worked with the applicants preferred play provider in designing the NEAP play facility located in the northwest of the site, which is now acceptable in both area size and design terms. ANSA have also received confirmation that the minimum buffer distances have been met.

The Landscape Masterplan identifies open space grassland area to the northwest of the NEAP, measuring approximately 1,405m<sup>2</sup>. The intended use is for dog walking and similar activities. A small pocket space (756m<sup>2</sup>) with seating and sensory planting is provided across from the Radnor Roundabout.

The revised Landscape Masterplan now shows the open space dominated with an attenuation pond, wildflower meadows, grass mounds and a mown path which was not seen as acceptable.

The legal S106 agreement clearly requires this site should include 3,300 sq m of amenity green space and a NEAP of a minimum of 1,000 sq m .

Where possible, POS will have a multifunctional role, providing places for all types of activity including active pursuits, relaxation, community events, formal and informal play, community gardening and dog off-leash areas. It should provide space that can be adapted as the community settles and matures. The main area of POS does not provide these functions with the current landscape proposals.

The SuDS and meter high mounds should be removed with an accessible circular path around the periphery. For the path it is recommended that a buff-coloured hard surface such as resin bound gravel, Tarmac Ulticolour or NatraTex Coswold is used. Breedon Gravel has been proposed for the PRow through the center however this should match the material of the circular path as previously mentioned. This surfacing has been used on residential developments around the Borough. Some wildflower and fruit tree planting would complement the central close mown area required along with a picnic benches and occasional seating. Artwork around the circular route would give added interest linking/theming in with the artwork adjacent to the link road.

The small pocket space opposite Radnor Roundabout now includes public art which needs careful consideration. Is this something which needs to be seen from the main link road giving a unique sense of arrival into the development? Design and planting will play a part if this is the case. This space will not be the most relaxing of spaces adjacent to the link road so potentially medium height dense planting to dampen and reduce noise whilst still being able to see the art from the road will be needed.

If the current layout is fixed giving no further scope for pocket spaces, then the requirement from the S106 is not being met.

Taking this into account a high specification is expected for the infrastructure such as seating/picnic, paths and artwork.

Prior to commencement, details of drainage for the NEAP and finished levels plan showing cross sections and spot levels should be submitted.

The applicant has come back on these comments to highlight certain matters:

On the requirement for 3,300 sq m Amenity Green Space – a submitted plan shows that 9,905 sq m of amenity green space is provided which significantly exceeds the 3,300 sq m requirement. This is broken down as follows:

- 5,046 sq m of amenity green space
- 4,859 sq m of Northern POS (excluding the attenuation area).

Total – 9,905 sq m

With regards to pathways, they will be amended around the northern area of POS to create a circular path, but as the ground is reasonably well drained – and drainage is to be improved yet further, the applicant feels a mown path is more suited to the location, which will also have less conflicts with ecological interests.

Finally public art/seating is addressed in the Landscape section of the report.

## **Affordable Housing**

This is the Reserved Matter Application that relates to the permitted Outline application 16/1824M. The permission was secured via a Section 106 dated 17th of September 2018.

The site falls under the Local Plan Strategy Site 26, Back Lane / Radnor Park, Congleton. Due to the required contribution to the Congleton Link Road the provision of Affordable Housing was agreed to be reduced from the standard 30% in policy SC5 of the Cheshire East Local Plan (CELP), to 17.5% of dwellings with 100% of these 17.5% dwellings being Discounted for Sale intermediate tenure.

The applicant is proposing 119 dwellings in total and as such there should be 21 (20.8) Intermediate affordable units. The applicant has confirmed the provision of the required 21 units.

### Affordable Housing Mix

Point 3 of policy SC5 (affordable homes) notes that “the affordable homes provided must be of a tenure, size and type to help meet identified housing needs and contribute to the creation of mixed, balanced and inclusive communities where people can live independently longer”.

There is a need in Congleton for Intermediate units that will cater for those 1st time buyers, those making a new household and families who cannot buy on the open market. The applicant is proposing a mix of 1-, 2-, and 3- bedroom dwellings. This mix will be meeting the need in Congleton for those who cannot afford to buy on the open market.

It is noted that all the proposed affordable dwellings are meeting the Nationally Described Space Standards.

Now that an acceptable Affordable Housing Statement has been submitted, Housing have no objections to the application.

## **Archaeology**

Addressed at the outline stage and conditioned accordingly.

## **Jodrell Bank**

No comments received.

## **SECTION 106**

To secure the implementation of the highway crossing over the Congleton Link Road (as required by Highways) a Deed of Variation to the original Section 106 Agreement referenced above, is required to allow a proportion of the contribution to the Link Road to be spent on providing a safe pedestrian/cycle crossing.

## **CIL REGULATIONS**

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010, it is 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; a) Directly related to the development; and b) Fair and reasonably related in scale and kind to the development. It is considered that the contributions required as part of the application are justified meet the Council's requirement for policy compliance. All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development. The non-financial requirements ensure that the development will be delivered in full. On this basis the S106 the scheme is compliant with the CIL Regulations 2010.

## **CONCLUSIONS**

This reserved matters application seeks approval for Appearance, Landscaping, Layout & Scale, following the grant of outline approval 16/1824M. The principle of residential development is in line with Local Plan allocation Site LPS 26 and is therefore accepted.

Highways have no objections, subject to securing a safe crossing over the Congleton Link Road. The Public Rights of Way team have now confirmed they have no objections subject to a condition/informative.

The Council's Tree Officer has sought clarification on a number of matters but has now confirmed she has no objection subject to conditions.

The Council's Landscape Officer has raised a number of matters that could be improved in the design and these have largely been taken on board by the applicant The site boundary treatment is considered acceptable.

The Council's Ecologist sought clarification on a number of points, but following confirmation from the applicant, now raises no issues subject to conditions.

The Council's Urban Design Officer has just commented on the latest proposals, and whilst not raising any significant issues still feels so further improvements could be made, which the applicant is looking at. Members will be updated on any proposed changes.

The LLFA have requested clarification on a number of points which the applicant has sought to address. Members will need to be updated on the progress of discussions.

ANSA have confirmed they have no objections to revised proposals to the play area, but have raised concerns about the size of the informal play area to the northwest. The application however more than meets the required provision, and improvements to pathways are proposed.

Following the receipt of an Affordable Housing Statement, Housing have now confirmed that they raise no objections.

Finally other matters such as, Archaeology, Contaminated land, Air Quality and Amenity can be addressed by conditions on the outline.

## **RECOMMENDATION**

**Approve subject to a Deed of Variation to the original Section 106 agreement and conditions.**

1. Approved plans
2. Implementation of badger mitigation measures
3. Safeguarding of Nesting Birds
4. Ecological enhancement -bat and bird boxes etc.
5. Prior to the commencement of development the consented development is to be entered into Natural England's District Licensing Scheme for Great Crested Newts.
6. Implementation of Landscape Management Plan for 30 year period.
7. Public Rights of Way scheme of management
8. Non standard - Tree protection and special construction measures
9. Tree levels survey
10. Detailed design, including drainage and levels for the NEAP
11. Details of artwork to be improved

## **INFORMATIVES:**

- NPPF
- PROW
- Environmental Protection

**In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.**

