

Application No: 13/0922C

Location: Land off, Biggs Way, Congleton, Cheshire, CW12 1LZ

Proposal: OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT
COMPRISING UP TO 49 DWELLINGS INCLUDING ACCESS

Applicant: CONGLETON INCLOSURE TRUST

Expiry Date: 31-May-2013

SUMMARY RECOMMENDATION

Approve, subject to conditions and
the completion of a S106 agreement

MAIN ISSUES

- Development of land in Open Countryside
- Housing policy and supply
- Provision of affordable housing
- Scale, design, layout, density and impact on residential amenity
- Impact on highway safety & sustainability of the site
- Impact on landscape, trees and ecology
- Provision of Public Open Space / play facilities
- Heads of terms for a legal agreement

REASON FOR REPORT

The proposal is a major development as defined by The Town and Country Planning (Development Management Procedure) Order 2010. Under the Council's constitution, such applications are required to be considered by Committee.

The application seeks outline planning permission for up to 49 dwellings on land allocated as Open Countryside and therefore is considered to be of strategic importance.

DESCRIPTION OF SITE AND CONTEXT

The site is located approximately 1 mile north of Congleton Town Centre. The site is bounded by the A34 (Manchester Road) to the west and A34 Macclesfield Road to the South. To the east is the residential development of Galloway Green, (by Seddons), on the former Cattle Market.

The proposed development is located on a Greenfield site that lies outside the Settlement Zone Line for Congleton, within the Open Countryside as identified in the adopted Congleton Borough Local Plan First Review.

The site measures 2.2 hectares and comprises of three fields with a network of mature hedgerows and mature trees.

DETAILS OF PROPOSAL

Outline planning permission is sought for the development of the site for up to 49 dwellings. The illustrative layout plan shows a mix of detached, semi detached and terraced properties, with a higher density to the south of the site (25-30 dwellings per hectare) and a medium density to the north the site (20-25 dwellings per hectare).

No information has been provided in relation to the height of the dwellings.

The developer seeks agreement to the principle of development, with access off Biggs Way (Galloway Green). Matters of appearance, landscaping, layout and scale are reserved for subsequent approval.

RELEVANT PLANNING HISTORY

Current application 13/0918C - Land off Manchester Road
Elsewhere on this agenda

POLICIES

Congleton Borough Local Plan First Review policies

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
NR1 Trees and Woodland
NR2 Statutory Sites (Wildlife and Nature Conservation)
NR3 & NR5 Habitats
NR8 Agricultural Land
H2 Provision of New Housing Development
H6 Residential Development in the Open Countryside
H13 Affordable Housing and Low Cost Housing

Other Material Considerations

- National Planning Policy Framework (2012)
- Strategic Market Land Availability Assessment (SHLAA)
- Cheshire East Local Plan Development Strategy

- Congleton Town Strategy
- Affordable housing - Interim Planning Statement on Affordable Housing and SPD 'Affordable Housing and Mixed Communities'
- Open space – SPG1 'Public Open Space' and Interim Guidance Note
- Sustainable Development SPD

CONSULTATIONS

Environment Agency

The Environment Agency has no objection in principle to the proposed development, and provides the following comments:

We are promoting, with help of local authorities and councils, Sustainable Drainage Systems (SuDS). These include the incorporation of retention ponds, swales, porous pavement and green roofs to reduce the damage upon of our aquatic resources. These developments provide an ideal opportunity and the developer should assess the feasibility of incorporating SuDS within their scheme.

The discharge of surface water from the proposed development is to mimic that which discharges from the existing site. If a single rate of discharge is proposed, this is to be the mean annual run-off (Qbar) from the existing undeveloped greenfield site. For discharges above the allowable rate, attenuation will be required for up to the 1% annual probability event, including allowances for climate change.

The discharge of surface water should, wherever practicable, be by Sustainable Drainage Systems (SuDS). SuDS, in the form of grassy swales, detention ponds, soakaways, permeable paving etc can help to remove the harmful contaminants found in surface water and can help to reduce the discharge rate. Therefore the following conditions are recommended:

- Scheme to manage surface water run-off
- Scheme to manage the risk of flooding from overland flow of surface water
- 5 metre wide buffer zone alongside the *watercourses*
- Further ecological survey & mitigation/compensation measures

Environmental Health

Environmental Health's initial objection (in respect of insufficient information) has been withdrawn, due to the submission of an Air Quality Addendum report.

No objection is raised, subject to two conditions in respect of mitigation measures to reduce emissions and control dust pollution during construction works.

Highways

The Strategic Highways Manager advises that the proposed traffic generation from this development will not have a material impact on the local highway network in pure traffic terms; however, the cumulative impact needs to be considered. The need for the

development to provide sustainable modes of transport requires funding towards improving access to cycle paths and the provision of a TOUCAN crossing.

Biggs Way was designed with a 90 dwelling capacity, although it currently only used by 4 dwellings. The road has been formally adopted to Cheshire East standards. No objection is raised in respect of the access into the site, or the junction with Macclesfield Road.

Public Rights of Way Team

Proposed developments may present an opportunity to improve walking and cycling facilities in the area for both travel and leisure purposes.

The proposed footway/cycleway and crossing facilities within the development proposal would be supported, and should be designed and constructed to best practice, with natural surveillance. Destination signage should be provided on site. The developer would be required to include the maintenance of these paths within arrangements for open space management.

School Organisation and Capital Strategy

The most up-to-date forecasts indicate that there is sufficient capacity at local schools to accommodate the pupils generated by the proposal; therefore no commuted sum is required.

Congleton Sustainability Group

Congleton Sustainability Group support the principle of development of this site as, while it falls outside the current Settlement Zone Line for Congleton, it complies with the Congleton Town Strategy, the Cheshire East Borough Council (CEBC) Draft Development Strategy and the emerging CEBC Local Plan all of which have identified the north and west of Congleton, including this site, for significant levels of development during the plan period.

They support development in the west and north of Congleton as this area is close to most of the employment sites in the town and as such should reduce the need for out commuting. However, while currently there are limited employment opportunities in Congleton, which should be addressed by the Local Plan, residents of this development can also access employment at Crewe, Macclesfield and elsewhere in Cheshire East without having to pass through the congested town centre. Once the proposed Congleton Link Road has been constructed, access to other areas of Cheshire East can be gained with minimal use of the existing local roads.

They do however have a number of concerns relating to the details of this planning application most of which can and should be addressed through conditions attached to any approval. These concerns are summarised as follows:

- The development must conform to the masterplan for north and west Congleton and set the benchmark for sustainability for development in this area
- The applicant's sustainable travel proposals need to be enhanced and form conditions to any planning approval

- The development must contain firm proposals to reduce its carbon footprint

United Utilities

No objection, subject to the site being drained on a totally separate system, in accordance with the Flood Risk Assessment submitted with the application.

VIEWS OF THE PARISH / TOWN COUNCIL

Congleton Town Council raises no objection to the proposal. They recommend that any S106 contributions be directed towards Congleton Public Realm Strategy.

OTHER REPRESENTATIONS

Representations have been received from 26 parties, the majority of which are from the Galloway Green development.

The key planning concerns raised are in respect of:

Access/Traffic/Parking

- Highway safety, particularly having regard to the number of families/children
- Failure to meet access standards
- The existing road system is inadequate, the proposed development will exacerbate the problems
- Access to the “Biggs Way” development should come off the same junction on Manchester Road to that being proposed in application 13/0918C, not off Biggs Way
- Access should come off Walfield Avenue
- Biggs Way is a narrow road with residents parking on the road. It is not wide enough for the increased volume of traffic
- The junction at Galloway Green with Macclesfield Road is congested, and cannot cope with any additional traffic
- Proposal would increase congestion
- Biggs Way is used for drop off/pick up from school - blocking access to the proposed development
- Galloway Green will be used as a rat run at peak times
- Insufficient parking
- Congleton is only accessible by car
- Proposal will bring traffic to an unacceptable level
- The Grove Inn pub is changing to a convenience store which will increase traffic further
- How will emergency services/refuse vehicles access the site off Biggs Way?
- The proposal will not result in 30 extra vehicle trips, more likely 100

Harm to Countryside/Landscape

- Loss of important trees
- Harm to landscape spoiling existing contours
- Visually obtrusive and damaging to the landscape

- Loss of open space
- Adverse effect on rural area
- We should be conserving green spaces, not developing them
- The development will change the character of the area

Loss of Agricultural Land

- Destroying high quality agricultural land
- Inappropriate development on farmland

Harm to Ecology

- Threat to wildlife, particularly birds and bats & owls

Brownfield redevelopment

- Brownfield sites with existing planning permission are not being developed
- Brownfield sites should be developed first
- The redevelopment of the Cattle Market by Seddons was development of Brownfield land. The current proposals are different as they are on undeveloped fields
- Eaton Bank Farm area should be developed first

Location of the site

- The development is out of town, and will have an adverse impact on the town's vitality/viability
- Congleton is accessible on foot via Rood Hill, which is steep, long hill – not an easy or pleasant walk

No need for additional housing

- Given the developments at Astbury Mere, Havannah Village and Brookfields, there is no economic need for additional housing in Congleton
- There are numerous houses for sale on Galloway Green
- The relocation of Astra Zeneca, will increase the number of homes available in the area

Infrastructure

- There is insufficient infrastructure in place to meet the additional demands, e.g. school places, health services, open spaces, play areas
- The Congleton Relief Road needs to be completed prior to any additional houses being built

Scale/Design/Layout

- Over development
- Excessive scale
- Conflicts with existing pattern of development

Residential Amenity

- Paths/cycle routes will result in overlooking/loss of privacy
- Lack of private space
- Overlooking existing properties
- Blocking natural light
- Generating noise disturbance
- Policy GR6 seeks to protect the amenities of existing residential developments by ensuring that any new development adjoining or near to existing residential property is neither visually or environmentally intrusive. The wildlife corridor goes some way to minimise the impact, however, given that the land rises from the existing dwellings to the A34 boundary, and that some of the existing boundary properties are 3 storey, then the visual impact will be intrusive at best

Community

- The proposals will harm community spirit

Community Consultation

- As the applicant is a Community Trust, the Town Council will not object to the proposal, as they will benefit from the development.

Noise

- The acoustic report indicated there is a presumption against granting planning permission due to the level of noise. The applicant is proposing unsightly mitigation measures to address this
- The report has discounted the noise from the emergency ambulance station, which is within 100m of the proposed development. This noise is typical, not incidental
- The development would detract from the “peace and quiet”

Air Quality

- The development will add emissions from additional cars which will adversely affect air quality
- The site is already seriously affected by regular standing traffic on the two adjacent A roads

Flooding

- Irrespective of the details outlined in the Flood Risk Assessment Report and Drainage Assessment, the proposed development site has a significant problem with flooding. For much of the year, there is a pond in the middle of the site.

Suggested Conditions

- Wildlife corridor should be made compulsory – as wide as possible to minimise the impact of the development
- Landscaping of the wildlife corridor
- Development should be limited to 49 dwellings
- Development should not have an overbearing effect/result in a loss of privacy
- No construction access through Galloway Green/construction yard to be sited away from existing houses/no employees / contractors parking on Galloway Green
- Phased development
- Noise barrier to be fabricated in brick
- Materials to match Galloway Green development
- Hours of operation restricted
- Play areas on site for older children
- Street furniture to be kept to a minimum
- Trees and hedgerows should be retained to support existing wildlife

Other issues

- Proposals should not be considered in isolation rather as a group of proposals
- Existing cycle paths are not used, the extension/additional cycle routes will not be used either
- A new cycle path will create a race track around the site
- The proposed access off Manchester Road should not prejudice the access to the Moss Farm site
- There needs to be a masterplan for the whole site, with open space, play areas, roads, footpaths and landscaping interlinked
- Piecemeal developments will not provide appropriate infrastructural requirements

APPLICANT'S SUPPORTING INFORMATION

The following information has been submitted in support of the application: -

- Planning Statement
- Design and Access Statement
- Tree Survey
- Air Quality Report
- Drainage Assessment
- Noise assessment
- Statement of Community Involvement
- Ecological report
- Transport Statement
- Land contamination questionnaire
- Heads of Terms

Details of the above documents can be found on the application file.

OFFICER APPRAISAL

Main Issues

Given that the application is submitted in outline, the main issues in the consideration of this application are the suitability of the site for residential development, having regard to matters of planning policy and housing land supply, affordable housing, highway safety and traffic generation, contaminated land, air quality, noise impact, landscape impact, hedge and tree matters, ecology, residential amenity, open space, play provision and sustainability.

Policy Position

The site lies within the Open Countryside as designated in the Congleton Borough Local Plan First Review, where policies H6 and PS8 state that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.

The National Planning Policy Framework (NPPF) indicates that account should be taken of the intrinsic character and beauty of the Countryside, with restrictions on new housing to where it would enhance or maintain the vitality of rural communities. Policies H6 and PS8 have been formally saved, and are consistent with policy contained within the Framework. As such, and carry some weight.

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

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

Members should note that on 23rd March 2011 the Minister for Decentralisation, Greg Clark published a statement entitled ‘Planning for Growth’. On 15th June 2011 this was supplemented by a statement highlighting a ‘presumption in favour of sustainable development’ which has now been published in the National Planning Policy Framework (NPPF) in March 2012.

Collectively these statements and the National Planning Policy Framework mark a shift in emphasis of the planning system towards a more positive approach to development. As the minister says:

“The Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy”.

Development Strategy

Cheshire East Council is preparing its new Local Plan which will guide the future planning and development of the area. Between 15th January and 26th February 2013, the Council consulted on two documents: the Development Strategy and Emerging Policy Principles.

The Development Strategy sets out the proposed overall number of new homes and employment land that will be needed. It suggests levels of development for the main towns and identifies proposed strategic development sites.

The Policy Principles document sets out proposed policy principles to make sure that new development helps deliver objectives for enterprise and growth, plus stronger communities, better connectivity and a sustainable environment.

The Development Strategy and Policy Principles documents are not the final version of the Local Plan but the results of the consultation will be instrumental in drafting the final submission draft of the Local Plan. The application site is part of the site identified as Congleton 4 in the Development Strategy.

Site Congleton 4

Manchester Road to Macclesfield Road

1. Provision of, or contribution to, the Congleton Link Road;
2. Provision of 550 new homes (at approximately 30 dwellings per hectare);
3. Including 'housing to meet local needs', in line with Policy SC4 in the Emerging Policy Principles document;
4. Small scale local retail development in the region of 200-300 sqm;
5. Provision of:
 - i. Community facility / place of worship;
 - ii. Public house / take away / restaurant;
 - iii. Sports and leisure facilities
6. Incorporation of green infrastructure;
7. Pedestrian and cycle links to new and existing residential areas, shops, schools and health facilities; and
8. On site provision, or where appropriate, relevant contributions towards transport and highways, education, health, open space and community facilities.

Congleton Town Strategy

Congleton Town Council fully supports the Government's objective for communities to help shape their own future through engaging in neighbourhood planning. Cheshire East Council was successful in bidding for Neighbourhood Planning Frontrunner funds to help develop an innovative new approach to embedding the spirit of Localism in the production of the Local Plan.

The Congleton Town Strategy looks at how the town might develop in the future. It indicates where new employment, housing and other uses may be located, along with how new infrastructure might be prioritised.

An Advisory Stakeholder Panel, drawn from the Town Council, community partnerships, local businesses and community groups worked hard to put together their ideas on how they want to see Congleton grow and develop over the next 20 years.

Consultation on the draft Congleton Town Strategy took place between 2nd March and 2nd April 2012. All comments received were considered and the document revised accordingly. This revised document was approved at a meeting of Congleton Town Council on 23rd August 2012. At a special meeting held on 4th September 2012, Congleton Town Council approved an indicative route for the northern link road and this has been reflected in the Congleton Town Strategy.

The Congleton Town Strategy now forms part of the Cheshire East Local Plan evidence base and will inform the development of the new Local Plan. It may also be a material consideration in the determination of planning applications.

The application site is within Area D as identified within the Congleton Town Strategy. The Strategy suggests that Area D could accommodate 1,000 homes. The Strategy states that

‘having reviewed consultation responses received, the majority of the stakeholder panel identified that priority should be given to those sites that contributed to the delivery of the northern link road, are closest to existing employment sites and provide access to the greater part of Cheshire East and the M6 without the need to cross the town. This includes sites to the north (sites A, B, C, D) and to the west (H and G) of the town’.

Economic Growth Implications

The Written Ministerial Statement: Planning for Growth (23 March 2011) goes on to say

“when deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development.”

They should, inter alia, consider fully the importance of national planning policies aimed at:

- fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession;
- take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing;
- consider the range of likely economic, environmental and social benefits of proposals;
- ensure that they do not impose unnecessary burdens on development.

It is clear that the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to the town

including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain. These are considered to be important material considerations which weigh in favour of the development.

Loss of Agricultural Land

Policy NR8 of the Local Plan states that development on the best and most versatile agricultural land (grades 1, 2 and 3a in the ministry of agriculture fisheries and food classification) will not be permitted unless:

- the need for the development is supported in the local plan;
- it can be demonstrated that the development proposed cannot be accommodated on land of lower agricultural quality, derelict or non agricultural land; or
- other sustainability considerations suggest that the use of higher quality agricultural land is preferable to the use of poorer quality agricultural land.

This is supported by the National Planning Policy Framework, which states that:

“where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality”.

The agent has advised that the northern half of the site falls within category 3a which is deemed to be good quality agricultural land capable of producing moderate to high yields of a narrow range of arable crops such as cereals or moderate yields of a wide range of crops including grass. The southern half of the site appears not to have been classified.

Whilst land classified as Grade 3a falls within the category of best and most versatile agricultural land, the overall area classified as such is relatively small and cannot be described as “significant”.

Whilst the loss of Grade 3a agricultural land is regrettable, the benefits of the proposal outweigh the loss of such land to agriculture. In addition, the land itself is not actively farmed. It is used sporadically by a local farmer under license for the grazing of a small number of animals but is by no means intensively farmed. In practice, its loss would have little impact on agriculture in the locality.

Sustainability

The agent has carried out a Sustainability assessment, using the toolkit developed by the North West Regional Development Agency:

Category	Facility	Land off Biggs Way, Lower Heath
Open Space	Amenity Open Space (500m)	110m
	Children's Play Space (500m)	110m
	Outdoor Sports Facility (500m)	220m
Local Amenities	Convenience Store (500m)	350m
	Supermarket* (1000m)	1000m
	Post Box (500m)	350m
	Playground/Amenity Area (500m)	110m
	Post Office (1000m)	1250m
	Bank or Cash Machine (1000m)	1000m
	Pharmacy (1000m)	750m
	Primary School (1000m)	900m
	Secondary School* (1000m)	350m
	Medical Centre (1000m)	1200m
	Leisure Centre or Library (1000m)	1150m
	Local Meeting Place or Community Centre (1000m)	1100m
	Public House (1000m)	150m (currently closed) or 1400m
	Public Park or Village Green (1000m)	800m
	Child Care Facility (1000m)	1300m
Transport Facilities	Bus Stop (500m)	250m
	Railway Station (2000m)	2200m
	Public Right of Way (500m)	400m
	Any Transport Node (400m in urban area)	100m

Rating	Description
Green	Meets minimum standard
Orange	Fails to meet minimum standard (less than 60% failure for amenities with a specified maximum distance of 300,400 or 500m and 50% failure for amenities with a maximum specified distance of 1000 or 2000m)
Red	Significant failure to meet minimum standard (greater than 60% failure for amenities with a specified maximum distance of 300,400 or 500m and 50% failure for amenities with a maximum specified distance of 1000 or 2000m)

This table demonstrates that the sustainability of the site in terms of access to existing services is high. Minimum standards for distances to shops, services and public transport links are met for 73% of the criteria. Where there are shortfalls, the distance is marginal.

The site's sustainability has also been assessed in the Council's SHLAA, where it was found that *"due to size of site, and mix of uses, a sustainable development can be created."*

It is considered that the site is reasonably sustainable, and an appropriate site for housing.

Housing

The National Planning Policy Framework (NPPF) advises at paragraph 47 the requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

"identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land".

The NPPF states that Local Planning Authorities should have a clear understanding of housing needs in their area. This should take account of various factors including:

- housing need and demand,
- latest published household projections,
- evidence of the availability of suitable housing land,
- the Government's overall ambitions for affordability.

It is considered that the most up-to-date information about housing land supply in Cheshire East is contained within the Strategic Housing Land Availability Assessment 2012 (SHLAA) (February 2013). This document has been considered by the Strategic Planning Board on 8th February and the Portfolio Holder on 11th February 2013 and been approved to form part of the evidence base for the Cheshire East Local Plan and in the determination of planning applications. The SHLAA indicates that there is a 7.15 year housing land supply in Cheshire East.

It should also be noted that the application site falls within *Strategic Site Congleton 4* as identified in the SHLAA and that this site is expected to deliver 390 dwellings within the next 5 years. **As the application site contributes towards the provision of the Council's housing land supply, this is a material consideration.**

The site is allocated in the SHLAA as being "deliverable". The definition of '**deliverable**' is that a site is available now, offers a suitable location for housing development now and there is a reasonable prospect that housing will be delivered on the site within five years and in particular that the development of the site is viable.

The NPPF clearly states at paragraph 49 that:

"housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing

should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means:

“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 the Framework taken as a whole; or*
- *specific policies in the Framework indicate development should be restricted.”*

Overall, and on balance, it is considered that the adverse impacts of the development – in terms of conflict with the development plan as a result of new housing within Open Countryside are outweighed by the benefits of the proposal in terms of sustainable residential development, provision including the 30% affordable housing. Given the scale and location of the development, its relationship to the urban area and its proximity to other services, it is not considered that these adverse impacts would *significantly and demonstrably* outweigh the benefits, and therefore an application may be considered favourably.

Need for additional affordable housing in the area

The Strategic Housing Manager advises that the site is located in the Congleton sub-area for the Strategic Housing Market Assessment 2010 (SHMA), which identified a need for 33 new affordable homes each year. In addition to the information taken from the SHMA 2010, there are 452 applicants on the Cheshire Homechoice register who require social or affordable rented housing in Congleton.

The Interim Planning Statement: Affordable Housing advises

“for Windfall sites in settlements with a population of 3,000 or more the Council 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 than 0.4 hectare in size. It also advises that the exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion of affordable housing for any site will normally be 30%, in accordance with the recommendation of the 2010 Strategic Housing Market Assessment”.

Therefore there should be provision of 30% of the total dwellings as affordable, with 65% provided as social rent (affordable rent is also acceptable at this site) and 35% intermediate. This is the preferred tenure split identified in the SHMA 2010 and highlighted in the Interim Planning Statement on Affordable Housing (IPS). This equates to a requirement for 15 affordable dwellings on this site, with 10 provided as social or affordable rented dwellings and 5 provided as intermediate tenure.

The Affordable Housing Interim Planning Statement requires that the affordable homes should be provided no later than occupation of 50% of the open market units, unless the development is phased and there is a high degree of pepper-potting in which case the maximum proportion of open market homes that may be provided before the provision of all the affordable units may be increased to 80%.

All the Affordable homes should be constructed in accordance with the standards proposed to be adopted by the Homes and Communities Agency and should achieve at least Level 3 of the Code for Sustainable Homes (2007). The Affordable Homes should also be integrated with the open market homes and therefore 'pepper-potted' and be tenure blind and also not be segregated in discrete or peripheral areas.

The Design and Access Statement submitted with the application confirms that 30% affordable housing will be provided on this site. The Planning Statement goes on to confirm that the affordable homes will be delivered by a Registered Provider and the number, type and tenure will be stipulated by the Council.

Affordable Housing should be secured via a S106 agreement and provided through a Registered Provider, who are registered with the Homes and Communities Agency to provide social housing.

Scale, design, layout, density and impact on residential amenity

The detailed scale, design, appearance and layout of the dwellings are reserved for subsequent approval as part of a reserved matters application.

The key consideration with this outline application is whether 49 dwellings can be accommodated within the site, bearing in mind all of the constraints and requirements, such as the wildlife corridor, the cycle route, and the provision of Public Open Space.

The illustrative site layout plan indicates that the housing will be positioned centrally, surrounded by a strategic landscape buffer. A wildlife corridor is proposed along the eastern boundary, and a cycle route (between Jackson Road and Giantswood Lane, via Walfield Avenue) is proposed to run through the site. Areas of Public Open Space will be provided at the north and south of the site.

There is a mix of house types surrounding the site, from bungalows to three storey townhouses within the Galloway Green development. The majority of the dwellings on the illustrative layout plan are semi-detached houses, with a four detached houses and six terraced properties to the south of the site. As this application is outline, the dwelling types and positions may change. However, the layout plan indicates that 49 dwellings could be adequately accommodated, having regard to the site's constraints and the character of the area.

The southern part of the site is to be developed at a medium to high density 25-30 dwellings per hectare, whilst the northern part of the site is to be developed at a medium density of 20-25 dwellings per hectare, which is considered to be commensurate to the housing densities within the immediate locality of the site.

No information has been provided at this stage in respect of the dwellings scale, design or materials, as these are reserved matters. However, a condition is recommended in respect of building heights.

Given the scale and positioning of the landscape and wildlife corridor buffers, the proposed development is not anticipated to result in any loss of residential amenity. The Reserved matters proposals would need to meet the Space, Light and Privacy standards set out in the Local Plan.

Highway Safety

This application proposes the development of 49 residential dwellings served from an existing estate road link (Biggs Way), and then via the existing junction Galloway Green with the A536 Macclesfield Road at Congleton. The proposal is supported by a Transport Statement which assesses traffic generation from the site and considers the resulting impact on the local highway network.

To the front of the site, the A536 currently has a 30mph speed restriction and the junction is served by a ghost island right turn lane with hatching and splitter islands. Visibility meets required standards and to the south west of the junction there are bus facilities and a TOUCAN crossing. A "TOUCAN" crossing stands for 'Two can cross' and is like a Pelican crossing but allows pedestrians and cyclists to cross at the same time. It has red and green bicycle signals as well as red and green men.

This proposal is for a limited number of dwellings with a relatively low traffic generation. The volume of traffic from the site will be approximately 30 vehicle trips in the morning peak flow, which as a standalone figure, is not recognised as a material impact in the document: Guidance on Transport Assessments.

These trips will of course impact on the existing Galloway Green junction. However, this junction was originally designed to take this additional traffic (up to 90 dwellings). Therefore junction capacity is not a material issue in considering this application.

The Transport Assessment does not consider the cumulative impacts of traffic. Moreover, the local highway network is considerably congested.

Relief Road proposals

Cheshire East Council are currently planning the development of a relief road for Congleton which will link the A34 south of the town to the A34 just north of this site and it is necessary that some of the funding stream will come from development contributions.

The National Planning Policy Framework dictates that only 5 contributions can be accrued from developments towards major highway improvement schemes and, given the cost of a relief road, these contributions will need to come from major strategic developments.

This development proposal is not of strategic scale. Therefore the Strategic Highways Manager does not find it appropriate to require a funding contribution towards the relief road from this scheme.

However, there are optional schemes which will support the relief road scheme and one of those is the improvement of the A34 corridor through Congleton town area.

As a result of comments made by the Strategic Highways Manager, there have been negotiations with the developer's agent as the developer has identified the need for improvements to the cycle links from the town centre, via Eaton Bank across the A536 and then through this proposed development and across the A34 Manchester Road.

The developer is proposing to provide a TOUCAN crossing on the A34 as an extension to the cycle links from the town centre to the rural environment of Giantswood Lane. The intention is to improve the cycle links via the existing cycle network to the benefit of local sustainable links and the permeability of the local highway network.

The Strategic Highways Manager considers that this would be a viable contribution from this development and that this would provide for the requirements of the NPPF mentioned above. The commuted sum would align with the aspirations of the Strategic Highways Manager in terms of contribution from this scheme.

Landscaping and Trees

The application site is located on the northern boundary of Congleton and is currently agricultural grazing land that has a good network of hedgerows and a number of mature and distinctive hedgerow trees. The land slopes, with a low point of approximately 104m AOD in the north east corner, rising to 113m AOD in the south west corner, at the junction of the Manchester Road and the Congleton Road.

The application site consists of three fields with a network of mature hedgerows and mature hedgerow trees. To the west of the Manchester Road are residential dwellings. To the south is an open green area with an ambulance station. To the east is the more recent residential development of Galloway Green which forms a rectangular and visually dominant extension of the urban form into an otherwise agricultural area.

An illustrative masterplan has been submitted which shows broad areas of strategic landscape as well as broad areas identified for development of either medium or medium/high density.

There are no landscape designations on the application site, but the application site is currently undeveloped agricultural land which is shown as being Open Countryside in the adopted Congleton Borough Local Plan First Review. The Cheshire Landscape Character Assessment 2008 identifies that the application site is located within Landscape Character Type 16: Higher Farms and Woods. This is a medium to large scale landscape with a gently undulating character. There is widespread evidence of hedgerow loss and areas with a more open aspect bound by wire fences and more isolated elements. Woodland has an important local effect upon the surrounding landscape.

There are no footpaths crossing the site. However, the surrounding road network does have good pavement provision and so there are good views across the whole of the application site from Manchester Road to the west and the roundabout forming the junction between the Manchester Road and Congleton Road to the south.

The application is an outline application and the illustrative concept plan does show strategic landscaping along the boundaries of the application site and also indicates the retention of two internal hedgerows.

It is recommended that a site masterplan be submitted with the reserved matters application which:

- Respects existing landscape and townscape characteristics of the site (principally any mature trees and hedgerows);
- Conserves and enhances the vast majority of the existing mature trees and any notable hedgerows as an integral and structuring part of the Landscape Framework;
- Minimises any potential adverse landscape or visual effects through the application of best practice design principles and careful attention to design through all stages of the development process – particularly, attention to design and specification of landscape boundary treatments to the existing surrounding properties.

The Forestry Officer advises that the arboricultural detail is adequate. However, a constraints plan would be needed with the reserved matters application, which reflect the need to provide adequate space associated with the new dwellings for the future growth potential of the retained trees.

Ecology

The Council's Nature Conservation Officer advises:

- The proposal is unlikely to affect Great Crested Newts & Badgers
- Subject the trees being retained within a wildlife corridor, the proposal is unlikely to affect roosting bats
- Conditions are required to protect breeding birds between March and August annually, and to provide roosts
- Hedgerows and ditches to be retained

Leisure / Greenspaces

Public Open Space

As only a limited amount of Public Open Space is to be provided on site, a deficiency has been identified. In order to mitigate against this deficiency, a commuted sum is required, according to the Council's Supplementary Planning Guidance on Public Open Space Requirements for new residential development, the commuted sum is £13,906.50, which will be spent on enhancements and maintenance of facilities at Galloway Green and Lower Heath Community Space.

Children and Young Person's Provision

In addition, there is a policy requirement to provide facilities for children. As there are existing play facilities within close proximity of the site at Galloway Green and Lower Heath Community Space, rather than provide additional play equipment on site, it has been agreed that the developer contribute towards enhancement and maintenance of the existing facilities on the adjoining the sites. The commuted sum is of £10,805.26 for enhancements and £35,223 for maintenance.

This approach and the commuted sums have been agreed with the agent.

CONCLUSIONS AND REASONS FOR THE DECISION

This proposal is considered to be contrary to policies PS8 and H6, however, it should be considered in the context of the presumption in favour of sustainable development as set out in the NPPF. Whilst the site is in the Open Countryside, it is relatively well served by public transport and has potential for pedestrian and cycle routes to local services. The site has been identified for development in the Cheshire East Local Plan Development Strategy & the Strategic Housing Land Availability Assessment (SHLAA). As the site is “deliverable”, it contributes towards the Council’s 5-year housing land supply. This is a material consideration.

The Cheshire East Local Plan Development Strategy indicates that this site (in addition to neighbouring land) would serve as an extension to Congleton. The site falls within an area described as “Congleton 4” which could accommodate 550 homes within the Local Plan period. Furthermore, the site is identified within the Congleton Town Strategy as part of Area D.

In accordance with paragraph 14 & 49 of the NPPF:

“housing applications should be considered in the context of the presumption in favour of sustainable development”, 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”.

The site is considered to be in a sustainable location with access to local services, including shops, schools and good public transport links, and there are no adverse impacts which would significantly and demonstrably outweigh the benefits.

In summary, for the reasons outlined, it is considered that the principle of residential use on the site is considered acceptable, and although the proposal does not comply strictly with policy, there are sufficient material considerations weighing in favour of the development, to warrant a recommendation of approval being made, subject to conditions and a S106 agreement.

HEADS OF TERMS

- 30% Affordable Housing of which 65% social or affordable rent, and 35% intermediate tenure

- Commuted sum in lieu of sufficient on site Public Open Space of £13,906.50 & enhancements and maintenance of facilities at Galloway Green and Lower Heath Community Space of £10,805.26 for enhancements and £35,223 for maintenance
- Provision of Public Art to be incorporated into Public Open Space (No less than £10,000)
- Provision of or commuted sum for the improvement of cycle links and TOUCAN crossing on the A34
- Landscape and Habitat Management Plan

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.

The provision of 30% affordable housing is necessary, fair and reasonable to provide sufficient affordable housing in the area, and to comply with National Planning Policy.

The commuted sum in lieu of sufficient on site Public Open Space and play equipment is necessary, fair and reasonable, as the proposed development will provide 49 dwellings, the occupiers of which will use local facilities, and there is a necessity to upgrade/enhance existing facilities. The contribution is in accordance with the Council's Supplementary Planning Guidance.

The provision of public art is necessary, fair and reasonable, as this form of expression is considered to represent good design and provide cultural awareness and stimulation which helps to deliver a quality environment for the new residents.

Improved access to cycle lanes from the Town Centre through this site, will improve the cycle network, to the benefit of existing and new residents. It will make the site more sustainable, and will increase permeability on the of the local highway network. A TOUCAN crossing across the A34 will ensure residents can cross safely both on foot and by bicycle. These contributions are considered necessary, fair and reasonable, to integrate the development into the existing highway network.

The Landscape and Habitat Management Plan is necessary, fair and reasonable to secure appropriate ongoing management of the open space/landscape areas that are not within private gardens and to secure public access in perpetuity.

All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development.

Application for Outline Planning

RECOMMENDATION: Approve subject to a Section 106 Agreement and the following conditions

1. A01TR - Retention of trees, hedgerows & ditch
2. A02TR - Tree protection
3. A01LS - Landscaping - submission of full details
4. A02LS - Submission of landscaping scheme - including hard surfacing, street furniture
5. A04LS - Landscaping (implementation)
6. A19MC - Refuse storage facilities to be approved
7. Commencement of development
8. Time limit for submission of reserved matters (within 3 years)
9. Submission of reserved matters
10. Implementation of reserved matters (Plans/reports/surveys/statements)
11. Compliance with parameter plans - including limitation on building heights
12. The reserved matters application shall comprise no more than 49 dwellings
13. Submission of details in respect of wildlife corridor
14. Protection of nesting birds, and incorporation of features for breeding birds
15. Submission of further ecological survey with reserved matters application
16. Full Arboricultural Implication Study to be submitted with reserved matters application
17. Existing and proposed site levels, contours and cross-sections should be submitted with reserved matters application
18. Landscape Masterplan to be submitted with reserved matters application, to include POS & landscape buffer
19. Submission of a detailed Public Open Space landscape management and maintenance plan
20. Vehicular access to be taken off Biggs Way
21. Construction Method Statement
22. Submission of a construction management plan with reserved matters application
23. Design and construction plans to be submitted in respect of TOUCAN crossing
24. Installation of TOUCAN crossing prior to sale of 26th dwelling
25. If the TOUCAN crossing cannot be provided by the developer, a commuted sum of the equivalent cost shall be secured through a s106 agreement
26. Information on walking, cycling and public transport to be provided in each building
27. Hours of Construction
28. Details of any pile driving to be submitted with Reserved Matters application

- 29. Submission of lighting scheme with reserved matters application
- 30. Submission of a foul/surface water drainage scheme with Reserved Matters application
- 31. Provision of 5m wide buffer zone alongside watercourses
- 32. Submission of SUDS with reserved matters application
- 33. Submission of robust travel planning with reserved matters application
- 34. Submission of direct measures to reduce the effects of increased transport emissions
- 35. Submission of dust control scheme with reserved matters application
- 36. Submission of a site waste management plan with reserved matters application
- 37. Noise mitigation measures to be carried out in accordance with submitted scheme

