

Application No: 13/2604C

Location: LOACHBROOK FARM, SANDBACH ROAD, CONGLETON, CW12 4TE

Proposal: Reserved matters application for access/appearance/landscaping/layout and scale on outline application 11/0736C - Redevelopment of land for up to 200 dwellings, community facilities and associated infrastructure

Applicant: Bovis Homes

Expiry Date: 24-Sep-2013

**Date Report Prepared:** 27 September 2013

#### **SUMMARY RECOMMENDATION**

Approval, subject to conditions.

#### **MAIN ISSUES**

- The principle of development;
- Determination framework;
- Access;
- Layout;
- Scale;
- Appearance;
- Landscaping;
- Public Open Space;
- Ecology;
- Affordable Housing; and
- Other Matters.

#### **REASON FOR REPORT**

The application has been referred to Strategic Planning Board because it is a large-scale major development and a departure from the Development Plan.

Subject to the recommended conditions, the proposal is considered to be acceptable for the reasons set out in the appraisal section of this report.

#### **DESCRIPTION OF SITE AND CONTEXT**

The site is located within the Open Countryside as defined by the Congleton Borough Local Plan. The site is also within the Jodrell Bank Consultation Zone.

The site is on the western edge of Congleton and adjoins the settlement boundary. Loach Brook defines much of the eastern boundary of the site. The eastern element of the site is flat low lying land which forms the valley of the brook.

Part of the site is within Flood Zones 2 and 3.

The land rises towards the west. There are farm buildings at the southern end of the site, adjacent to Sandbach Road. The remainder of the site is agricultural land. To the north of the site there was a Scheduled Ancient Monument, but it remains a well vegetated feature on the landscape.

The course of Loach Brook is also a well vegetated boundary. Congleton High School and community sports fields are to the east of the site.

A public right of way crosses the site from Sandy lane to Sandbach Road.

## **DETAILS OF PROPOSAL**

The Reserved Matters application to which this report relates seeks formal approval for a development of 200 dwellings, comprising mainly of two storey houses and apartments together with associated garages, parking facilities, infrastructure, landscaping and drainage. The scheme encompasses the development of an Outline application (11/0736C) which was granted approval following an appeal in 2012.

## **RELEVANT HISTORY**

Following a review of the Council's records the following planning history on the site is considered relevant:-

- Outline Planning Permission was granted by an Inspector at appeal dated 16 August 2012 (referenced APP/R0660/A/11/2158727) for the redevelopment of land for up to 200 dwellings, community facilities and associated infrastructure at the site in accordance with the terms of the application referenced 11/0736C;
- The Planning Permission was in Outline with access, appearance, landscaping, layout and scale reserved for subsequent approval;
- The application was subject to conditions, these requiring the Reserved Matters being submitted before 16 August 2015 (condition 2) and that the development beginning before two years from the date of the approval of the Reserved Matters (Condition 3);
- The development must be carried out (condition 4) in accordance with Drawing No 4332-P-01B (red line plan) and any applications for Reserved Matters approval shall limit development to that shown on the illustrative masterplan Drawing 4332-P-03 Rev J (condition 5);
- An application to discharge conditions 7 (protection of existing trees), 9 (further badger survey), 10 (Contamination), 13 (10% of energy requirements from decentralised and renewable or low-carbon sources), 14 (Travel Plan) and 19 (programme of archaeological work) has been submitted, under referenced 13/3637D;

- Details of a landscape management plan which will include long-term design objectives, management responsibilities and maintenance schedules for a period of 25 years for all landscaped areas and open spaces, including the Conservation Grazing Area but excluding domestic gardens will have to be summated before work commences on site (condition 6);
- In addition conditions protected breeding birds (condition 8), surface water run-off & flooding (condition 11) foul sewerage (condition 12), construction of internal roads (condition 15), and scheme for off-site cycleway, footpath, bridleway and bus stop facilities (conditions 16 & 17), construction management plan (condition 18) and affordable housing (condition 20) all have to be satisfied before building work can commence.

The site has been the subject of some minor historic planning applications/permissions, which are listed below: -

- Advertisement Consent was refused on 5 November 200 for a flat board directional sign, under reference 33542/9;
- Planning Permission was refused on 16 March 1993 for an agricultural worker's cottage, under reference 25008/3;
- Planning Permission was refused on 7 July 1992 for an agricultural worker's dwelling, under reference 24327/3; and
- A Planning application for an agricultural building for sleep/feed cows was withdrawn on 24 July 1980, under reference 11634/3.

There is no relevant planning history for the site.

## **POLICIES**

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

The Development Plan for Cheshire East currently comprises the saved policies from the Congleton Borough (January 2005), Crewe and Nantwich (February 2005) and Macclesfield Local Plan (January 2004).

### **North West of England Plan Regional Spatial Strategy to 2021:**

Please note that the Secretary of State for Communities and Local Government has revoked the North West Regional Strategy on the 20 May 2013. Therefore this document no longer forms part of the Development Plan.

### **Local Plan Policy:**

The application site lies within the Open Countryside as defined by the Congleton Borough Local Plan. The application is for Reserved Matters, therefore the relevant Local Plan policies are considered to be: -

- Policy PS8: Open Countryside;
- Policy GR1: New Development;
- Policy GR2: Design;
- Policy GR3: Residential Development;
- Policy GR5: Landscaping;
- Policy GR6: Amenity and Health;
- Policy GR9: Accessibility, servicing and provision of parking;
- Policy GR14: Cycling Measures;
- Policy GR15: Pedestrian Measures;
- Policy GR17: Car parking;
- Policy GR18: Traffic Generation;
- Policy GR21: Flood Prevention;
- Policy GR 22: Open Space Provision;
- Policy NR1: Trees and Woodland;
- Policy NR2: Statutory Sites (Wildlife and Nature Conservation);
- Policy NR3: Habitats;
- Policy NR5: Habitats;
- Policy H2: Provision of New Housing Development;
- Policy H6: Residential Development in the Open Countryside; and
- Policy H13: Affordable Housing and Low Cost Housing.

### **Other Material Considerations**

The National Planning Policy Framework came into effect on 27 March 2012, and replaces the advice provided in Planning Policy Guidance Notes and Statements. The aim of this document is to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. Local planning authorities are expected to “plan positively” and that there should be a presumption in favour of sustainable development.

Since the NPPF was published, the saved policies within the Macclesfield Borough Council Local Plan are still applicable but should be weighted according to their degree of consistency with the NPPF. The Local Plan policies Outlined above are consistent with the NPPF and therefore should be given full weight.

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

**Highways:** No objections, however, the developer is required to enter into a Section 38 agreement under the Highways Act 1980 for the formal adoption of the proposed highway infrastructure.

**Public Rights of Way:** No objection, as the development proposal includes scope for the establishment of new routes for walkers, cyclists and horse riders. Appropriate and adequate destination signage and/or interpretation should be placed on-site and off-site to inform local users

about the availability of the routes to be established, and the developer should be tasked to provide new residents with information about local routes for both leisure and travel purposes.

**The Environment Agency:** No objection in principle to the above Reserved Matters application, provided the conditions requested at Outline stage are met.

**United Utilities:** No objections.

**Environmental Health:** No objections, but would wish to see further information as to how the layout of the proposed site has provided mitigation measures for the internal noise levels of the proposed properties and the associated gardens.

**Natural England:** No objections, but made comments on the larger landscape area.

**Cheshire Police:** No objections. Comments made on the security aspects of this proposal.

**Cheshire Fire Authority:** No objections.

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

**Congleton Town Council:** No objection subject to the following comments being noted: -

- Concern at the additional congestion the proposed development will create in Congleton and particularly the Clayton by pass. As a consequence the applicant should be required to make a substantial contribution towards the cost of building the Link Road as a means of mitigating aggravation of said congestion by the extra traffic from the 200 homes to be built on the site;
- There is concern from United Utilities that the sewage system in the West Heath area is already at maximum capacity and cannot accommodate any additional foul water input. They recommend that the applicant should be required to make a substantial contribution by way of an infrastructure levy to the cost of expanding of the local sewage system;
- CEC to validate whether there is sufficient primary school capacity in the area for the new dwellings, and show how the validation was completed. If not, the applicant should be required to make a substantial contribution to the cost of expanding the existing schools and/or building a new one;
- The applicant should be required to make a substantial contribution towards the Congleton Public Realm Strategy, because of the extra demand placed on the infra-structure in Congleton;
- None of the houses appear to be bungalows, but Congleton has a higher than normal proportion of older people and bungalows are in short supply. The applicant should be required to build a proportion of bungalows and so meet the measurable housing needs of the local area; and
- The Outline application (11/0736C) included “community facilities”, but no such facilities have been proposed in the current application. The application should be refused and the applicant required including suitable community facilities on the estate plan.

**Newbold Astbury cum Moreton Parish Council:** The site adjoins the parish of Newbold Astbury and this development is obviously relevant to the possible future expansion of Congleton Town into the surrounding parishes.

- Flood Plain - Planning approval must include assurances that surface water disposal will be entirely satisfactory since part of the site lies within an established flood plain which has a limited capacity.
- Light Pollution - Any street lighting must be so arranged that there is no overspill/pollution into the surrounding countryside.
- Traffic - Apparently there is to be only one access/egress to and from the site. This will inevitably lead to increased traffic flow onto Wallhill Lane and Padgbury Lane to the South. The submitted plans do not appear to include sufficient controls/calming/constraints to cope with the traffic flows.
- Construction Traffic - As the construction phase of the development will generate considerable construction traffic, planning conditions must be imposed to ensure that such traffic is prohibited from traversing the rural lanes leading to the site.

## REPRESENTATIONS

The application has been advertised in accordance with the General Development Management Order 2010, in this case incorporating the following elements:-

- On site, by the means of a three site notices on Sandy Lane, Holmes Chapel Road and Box Lane making reference to major planning application that affects a right of way and is a departure;
- Site notice were posted on 16 July 2013;
- Notice was published in the local press (Congleton Chronicle) on 21 August; and
- Surrounding residential properties (55 properties) have also been written to directly.
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The publicity period for this application expired on 6 August 2013.

Ten letters of objection have been received from six local residents and their objections can be summarised as follows: -

### *Principle of Development issues*

- The proposed development sits within the parish of Somerford, a rural parish made up of pockets of low density housing and farms;
- The proposed development would set a precedent for high density housing within the parish;
- It would adversely affect the character of the parish and further extend the limit of mass housing into Open Countryside;
- The lack of employment in Congleton will mean that most homeowners will commute out of town, but because of congestion through Congleton many car owners will use the small rural roads to avoid the town;
- This will open the floodgates for further development on green belt land around Sandy Lane and this side of Congleton; this is valuable agricultural and environmental land;
- There are many Brownfield sites in town that could be developed e.g. on Bromley Road, Buxton Road etc;

### *Traffic implications*

- If access to the site was to be via Sandbach Road then traffic will be emerging onto and crossing a busy major trunk road;

- It will cause congestion;
- It is a stretch of road with a number of blind bends. Being a through road it is much used by HGVs;
- It will only be a matter of time before collisions / deaths occur;
- If access to the site was via Sandy Lane, what changes would be made to its character;
- The development will generate approximately an extra 400 cars moving into and out of the site access at peak times.
- The exit point proposed on the Sandbach Road at that point will prove to be a dangerous one; the traffic is moving too quickly at that point and the sight lines will be poor, especially for turning right.
- The exit point for cycle path 2 will be dangerous due to fast moving traffic. At this point the limit is 40mph but as the local Parish council know traffic is usually travelling far faster; and
- The speed limits on the A535 and A54 are 40mph; this is already currently exceeded by many and will provide a very dangerous spot for pedestrians and road users coming off and onto the site.

#### *Flooding issues:*

- Because of the topography of that side of the site, any development may well cause flooding onto Holmes Chapel Road;
- Any development will exacerbate the swelling of the Loachbrook;
- Has possible flooding been considered?
- If development goes ahead it may well prove impossible for future potential homeowners to obtain reasonably priced property insurance;
- The public foul sewer systems are currently at capacity therefore there will be a problem with increased sewage and flood water.

#### *Design issues:*

- The density of the proposed housing is out of character with the local area.
- There are half finished developments in town that are now becoming eyesores; there is development potential there to meet the Cheshire East development requirements.

#### *Capacity issues:*

- There is plenty of provision for low cost housing in Congleton; more provision is not needed;
- There is no guarantee on low cost housing to be provided and I fear once approved the scheme will erode any such provision;
- The 2 local Primary Schools are FULL; they are good schools and funds provided by the developer to aid the transition of the extra children will prove to be inadequate in the long term;
- Other pieces of infrastructure - water, sewage, electricity and gas - also seem inadequate to accommodate another 200 houses.

#### *Other Matters*

- The proximity of the site to the popular community facilities of Congleton High School, in particular the sports facilities which are in use daily and throughout the evening, generate artificial lighting and significant noise, which will be a major intrusion and potential

nuisance for residents of the site.

#### *Ecology/Trees and Archaeological issues*

- There is no discussion of current Tree Preservation Orders within and around the site in the published planning documentation;
- We have always been impressed with the diversity and level of plant and wildlife in the area, this scheme will not help;
- There is controversy about whether the Ancient Monument at the far end of the development is indeed that or is in fact a geological feature.

#### Congleton Sustainability Group

Congleton Sustainability Group have stated that whilst there are some worthy elements within the plans submitted by the applicant they fall short of what is acceptable and must be rejected.

- No community facilities are proposed for the site other than the public open space and children's play area;
- The local shopping centre at West Heath is at the 1km limit and we believe that at this distance most trips to this location from the site will be car based;
- The need to cross heavily trafficked roads to access the two local primary schools will encourage parents to drive their children to school;
- The isolated nature of the footway/cycleway to Holmes Chapel Road will be a disincentive to its use;
- The development must include a local shop and possibly other local services;
- The developer should fund or at least contribute to the cost of that part of the proposed Congleton Link Road;
- The only vehicular access to the site must be off this section of the Link Road;
- The footway/cycleway along the Sandbach Road frontage of the site must be of a high standard;
- The footway/cycleway should be extend eastwards to the existing footway at the crossing of Box Lane;
- The cycleway extending westwards along the north side of Sandbach Road to the junction with Sandy Lane;
- Every dwelling must have secure cycle storage;
- Buses should enter the site to pick up and drop off passengers;
- For the safety of all residents there should a 20mph speed limit for the whole of the site; and
- General comments on Energy Efficiency & Sustainability matters.

A full copy of all the comments made by the local residents toward this application as summarised above, can be viewed on the electronic file on the Council's public access website.

#### **APPLICANT'S SUPPORTING INFORMATION**

The applicant has submitted a *Design & Access Statement*, details of which can be read on file.



## **OFFICER APPRAISAL**

Having considered this application, it is the considered view that the main issues in this case are:

- The principle of development;
- Determination framework;
- Access;
- Layout;
- Scale;
- Appearance;
- Landscaping;
- Public Open Space;
- Community Facilities;
- Ecology;
- Affordable Housing; and
- Other Matters.

### **The principle of development:**

The principle of residential development on this site has been established by the granting of Outline planning permission by an Inspector at appeal referenced APP/R0660/A/11/2158727 and dated 16 August 2012.

The main issues arising from the decision notice and evidence presented at the Inquiry were:

- The countryside protection policies of the development plan and the Framework;
- The effect on the character and appearance of the landscape;
- The impact of the proposal in respect of good quality agricultural land;
- Whether the development of the site would constitute sustainable development;
- Housing land provision policies in the development plan and the Framework;
- Including housing land supply and the sustainability of other sites; and
- Whether the development would be premature in respect of the emerging Cheshire East Core Strategy and the Site Allocations Development Plan Document (DPD).

This Reserved Matters submission does **not** represent an opportunity to re-examine the appropriateness of the site for residential development or **any** of the issues identified above.

### **Determination Framework:**

As stated above, the land benefits from Outline Planning Permission for a development of up to 200 dwellings, community facilities and associated infrastructure in accordance with the terms of the application and subject to the conditions set out by the Inspector.

Following closure of the Inquiry the appellants were consulted on whether access should be a Reserved Matter. This was agreed, therefore access is one of the Reserved Matters for consideration in the determination of this application.

The scheme accords with the parameters set in the Outline approval, therefore the elements for determination under this Reserved Matters application are:

- *Access:* This covers accessibility for all routes to and within the site, as well as the way they link up to other roads and pathways outside the site;
- *Layout:* This includes buildings, routes and open spaces within the development and the way they are laid out in relations to buildings and spaces outside the development;
- *Scale:* This includes information on the size of the development, including the height, width and length of each proposed building;
- *Appearance:* This means the aspects of a building which affect the way it looks, including the exterior of the development; and
- *Landscaping:* This means the improvement or protection of the amenities of the site and the area and the surrounding area, this would include planting trees or hedges as a screen.

#### **Access:**

New properties will be accessed from the road network within the development accessed off Sandbach Road. It should be noted that the access strategy for the site, including junction design and traffic impact issues were as per the approved details resolved at Outline stage.

The proposed changes to the highway network include changing the surfacing to effectively reduce traffic speeds and increase legibility and hierarchy of spaces within the development. Roads will terminate with vehicle turning facilities, these have been designed to accommodate the turning of a fire appliance and a refuse vehicle, and have been designed to our highway design standards. The design of limited vehicle permeability versus full pedestrian permeability gives the pedestrian priority over the motorist and will encourage walking and cycling as the primary means of transport, as encouraged by current design guides such as 'Better Places to Live' and 'Manual for Streets'.

Internal layouts of the houses will be designed to the requirements of the building regulations and allow access for the disabled in accordance with these documents. In particular, all properties will have a level threshold and an entrance level cloakroom or bathroom facility in accordance with Approved Document Part M. The design widths of corridors and doors, manoeuvring spaces and lighting will be in accordance with Approved Document Part M (2004).

#### **Layout:**

As you enter the site via the access from Sandbach Road the entrance corridor is terminated by a prominent three storey apartment building in a manor or farm house style aesthetic and village green.

Further vistas are terminated by occasional gable fronted dwellings that aid the prominent corners through the use of dual aspect dwellings; this approach has been carried through to this site to successfully integrate into the local vernacular style.

Dual aspect dwellings are located on the corners of each block to ensure that active frontages are achieved throughout the development with overlooking of public open space paramount in a family orientated development.

The site layout tries to respond to the rural nature of the surrounding context; informal winding lanes were created within a hierarchy of road infrastructure. A primary loop enables easy access in and around the site with secondary and tertiary roads/lanes connecting to the wider site.

The proposed roads, dwellings, public open space trails, and footpaths equip the site with a permeability that enables it site to be easily navigable whilst still being served from one access point.

This hierarchy is demarcated by the change in surface material from black tarmacadam to block paving and tegular paving.

An extensive landscape buffer surrounds the site along the western edge to further demonstrate the rural nature of the development connecting the Open Countryside to the site. The proposed green spine now has a natural meander as opposed the rigid alley that had a very urban aesthetic.

The site is split into three character areas: -

1. 'The Green Edge' borders much of the western boundary capturing all the plots that look out over the landscape buffer and Open Countryside and includes lower density dwellings;
2. The second character area is 'The Avenue' which constitutes the core of the development and is enclosed by the perimeter block of dwellings. The Avenue' centres around the green spine to the development framing vistas towards the Sandy Lane Community Park;
3. The final character area is 'The Valley' which overlooks the existing vegetation and Loach Brook and also constitutes the site frontage onto Sandbach Road and the entrance corridor into the site. This will provide a connection with the urban form of Congleton.

The Strategic Highways Manager has been in negotiations with the applicant's design team, alongside other Local Planning Authority Officers, and has completed the negotiation of a 'Manual for Streets' layout, which combines the principles of that document with the need for a less urban design approach given the 'edge of countryside' location of the site.

In terms of parking provision, the one bed apartments would have one space per unit with some visitor parking. Parking provision varies across the rest of the site, with larger dwellings having more parking provision. All dwellings would have a minimum of two spaces. Overall, the scheme proposed 200% parking. The proposed garages would all have a minimum dimension of 5.85 metres in length by 3 metres in width. It is considered that the application complies with the new draft parking standards.

The apartment blocks and the flats over garages all have bin stores. Bin storage areas are shown in the rear gardens of all the dwellings. In addition bin collection points are identified with the layout plan.

Access for refuse vehicles have been provided so that all properties can be adequately served. These are positioned so that carry distances for collection personnel do not exceed 25m and are convenient for occupiers to access on collection days. Some of the properties are accessed from private drives, however, the layout has been designed so that a fire appliance can be positioned within 40m of the front and rear access to the property. Where properties are in terraces, access to the rear garden have been provided by gated access ways so that access to stored refuse can be achieved.

### **Scale:**

The site measures approximately 17.27 hectares overall with total net developable area of approximately 4.89 hectares. With the total of 200 dwellings the development will have a density of 40.90 dwellings per hectare.

The site is predominantly two storey with the occasional two and half storey dwelling (in the centre of the site) to give variety to the street scene. The only three storey dwellings comprise the manor house style apartment buildings located along the green spine which end vistas and create prominent landmarks within the site.

The roofs to the dwellings are predominantly pitched to the road with the occasional gable fronted (where appropriate) as is the style in the area to have gable frontages on prominent dwellings that end vistas or to vary the street scene.

Consistent ridgelines ensure a harmonious development with limited variation introduced so as to provide notable variety within the roof-scape with the use of units with varying forms and storey height. The use of traditional detailing to the house types for this development has been promoted.

Pitched dormers to the 2.5 storey dwellings and the occasional use of chimneys in the key character areas provide relief amongst the street scene whilst a variety of canopies and bay windows located to key frontages punctuate the facades.

### **Appearance:**

A traditional style of elevational detailing is proposed for this development echoing some of the detailing present in the highlighted local character areas such as Holmes Chapel Road.

The apartment blocks have been designed to look like large Georgian farm houses, which have been extended. A high quality rural rustic red brick is proposed for these buildings.

Building types consist of detached, semi detached and terraced forms. Detached dwellings are all wide frontage plots with terraced or semi-detached dwellings being narrower with blocks around a similar width as the wide frontage dwellings in order to maintain 'simple geometric shapes'.

Where dwellings are located on corners, dual aspect frontages shall be achieved in order to successfully negotiate the turning of the corners to continue the legibility of the street scenes.

There are three key character areas defined on the proposed site, A 'Green Edge' that looks out over the Open Countryside, 'The Valley' that acts as a gateway to the site and edge that fronts over the Loach Brook and 'The Avenue' that fronts onto the proposed area of natural play and green spine through the development.

These character areas will include chimneys to vary the street scenes across the site.

It is proposed that the materials will predominantly constitute an orange-red brick and painted render with simple tiled roofs, as with the earlier identified traditional material that surrounds the site. Occasional ivory rendered dwellings have been introduced throughout the scheme to reflect the spattering of rendered dwellings in the local character areas.

Rainwater goods are all to be black. Windows, door frames and garage doors are to be mainly finished in black or white. On the frontage of the site and on the main approach streets, garages and front doors are proposed to be a mix of colours, being pale green, mint turquoise and graphite grey.

Windowed garages are also proposed on the front streetscene and prominent plot throughout the site.

Hard surfacing will generally be black tarmacadam, however, demarcation of surfaces will be achieved through the use of block paving, being brindle or charcoal in colour and either in stretcher bond or herringbone.

### **Landscaping:**

Officers have sought to achieve a holistic approach to landscape design will be adopted throughout the development, creating a strong sense of place and coherent landscape character.

The proposal in terms of planting and infill planting does not extend to the Conservation grazing area to the north of the area of housing. The landscape management of this area is control via a separate condition on the Outline application.

The landscape strategy on this site needs to respond to and reinforce the street hierarchy and character of the surrounding area. Additional tree planting has been secured to mitigate the loss of existing mature trees on site. This will be utilised to highlight key feature areas, by the use of avenues of single species and feature trees at the termination of prominent vistas and on the boundaries of the site.

Internal landscaping will vary according the position on the site within the respective character areas. On the whole, the nature and scale of planting is appropriate for such an environment and it is felt that this is largely acceptable, apart from the proposed tree planting along the Sandbach Road boundary. Further discussions are ongoing to secure larger and more appropriate tree planting along this boundary.

Along the main vehicular loop, the planting palette will incorporate medium sized trees with a regular and reliable architectural form, to create continuity through the development. Along the arms/lanes off the central vehicular loop, where space is more limited, smaller upright tree species will be proposed. Feature trees are proposed at focal points and at the end of vistas, utilising species with contrasting and striking foliage.

Boundary treatments have been sensitively design, which respond to this 'edge of countryside' site. The use of wooden post and Cheshire railing is prominent.

### **Public Open Space:**

As there is a deficiency in Children's and Young Person's Play Provision in the vicinity of the proposed development, a Neighbourhood Equipped Area of Play has been proposed within the site, not only to cater for the residents of the development, but also the wider area allowing the proposed development to successfully integrate with the existing community.

This area, as well as part of the landscape strategy of public open space will be transferred onto a management company once the development is complete, ensuring that the spaces are well maintained and remain vibrant and engaging for the residents to enjoy.

### **Existing Mature Trees:**

The revised Tree Retention Plan addresses concerns in respect of the retention of the two mature Oaks Trees. A condition is suggested to include a method statement for construction. The Oak tree at the access has been amended to comply with standards. The layout shows the removal of two Oak trees; however these trees have been downgraded as 'low' category and of limited landscape and amenity value.

There is, however, provision for substantial tree planting throughout the application site, which could provide mitigation to 'off set' the loss of the existing trees. The Landscaping scheme is currently being considered by the Council's Landscape Architect, who will take this into consideration.

### **Ecology Implications:**

#### **Protected Species**

Article 12 (1) of the EC Habitats Directive requires Member states to take requisite measures to establish a system of strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites and resting places. Article 16 of the Directive provides that if there is no satisfactory alternative and the derogation is not detrimental to the maintenance of the populations of the species at a favourable conservation status in their natural range, then Member States may derogate *"in the interests of public health and public safety or for other imperative reasons of overriding public interest, including those of a social and economic nature and beneficial consequences of primary importance for the environment"* among other reasons.

The Directive is then implemented in England and Wales: The Conservation of Habitats and Species Regulations 2010. ("The Regulations"). The Regulations set up a licensing regime

dealing with the requirements for derogation under Art. 16 and this function is carried out by Natural England.

The Regulations provide that the Local Planning Authority must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of their functions.

It should be noted that, since a European Protected Species has been recorded on site and is likely to be adversely affected by the proposed development, the planning authority must have regard to the requirements for derogation referred to in Article 16 and the fact that Natural England will have a role in ensuring that the requirements for derogation set out in the Directive are met.

If it appears to the Planning Authority that circumstances exist which make it very likely that the requirements for derogation will not be met, then the Planning Authority will need to consider whether, taking the development plan and all other material considerations into account, planning permission should be refused. Conversely, if it seems from the information that the requirements are likely to be met, then there would be no impediment to planning permission in this regard. If it is unclear whether the requirements will be met or not, a balanced view taking into account the particular circumstances of the application should be taken and the guidance in the NPPF. In line with guidance in the NPPF, appropriate mitigation and enhancement should be secured if planning permission is granted.

An active badger sett was previously recorded on site, this sett now appears to be disused. Based on the present status of the setts, The Council's Ecologist has advised that the proposed development will have no adverse impacts on badgers. That being said, a further badger survey is due to be undertaken prior to commencement of development. This is required by condition 09 of the Outline consent.

### Hedgerows

Hedgerows are a Biodiversity Action Plan priority habitat and a material consideration. As anticipated at the Outline stage the proposed development will result in the loss of hedgerows.

As part of the submitted landscape drawing replacement hedgerow planting is being proposed as part of the scheme. Amended plans have been received that show replacement native species hedgerow planting as part of the landscaping for the scheme.

### Landscaping

Extensive areas of amenity grassland are proposed as part of the landscaping of the site including around the balancing pond which is within the open space community park habitat creation area. The Council's Ecologist has advised that this treatment will have negligible benefits for biodiversity.

As an alternative the Council's Ecologist has recommended that a more bio-diverse wildflower/grassland mix is utilised. This would then be subject to a variable mowing regime to deliver accessible visually attract grasslands that are also of benefit for biodiversity.

## **Drainage and Flooding**

The open space includes the provision of an attenuation pond to the north of the site that forms part of the sustainable urban drainage design. The pond will form an integral part of the landscape design for the development but also helps to prevent flooding and reduces the run-off rate from the development and lessens any impact on the existing drainage system.

The attenuation basin will also help to enhance what is an already highly valued ecological site by enhancing habitats and attracting new wildlife.

The submitted drainage layout shows drainage routes, an attenuation pond, sewer outfall, slab levels, foul pumping station and indicates the site flood plain.

The details of the surface water drainage of the site would also form part of a Discharge of Conditions application, and would not normally accompany a Reserved Matters submission which seeks approval only of access, appearance, landscaping, layout and scale.

The Environment Agency and United Utilities has raised no objections to the scheme.

## **Affordable Housing:**

Condition 20 of the Outline approval relates to the provision of affordable housing. This condition requires an affordable scheme to be submitted and agreed prior to commencement of the development, rather than at this point in time. However, details of the affordable housing has been submitted and assessed by the Council's Strategic Housing department.

The application proposal includes 60 affordable homes which equates to 30% of the total 200 dwellings being proposed and meets the requirement for affordable housing provision of not less than 30% of the dwellings.

The types of affordable property being offered are 24 x 2 bed houses, 15 x 3 bed houses and 21 x 1 bed apartments. The Council's Strategic Housing department consider this mix acceptable, as it will contribute towards meeting housing need in Congleton.

The tenure split of the affordable houses is 13 x 2 bed houses & 8 x 3 bed houses as intermediate tenure dwellings and 21 x 1 bed apartments, 11 x 2 bed houses and 7 x 3 bed houses as affordable rented dwellings. This meets the Council's preferred tenure split for affordable housing of 65% social rented dwellings and 35% intermediate tenure dwellings.

The revised affordable housing plans have been submitted, which break down the concentration of rented affordable dwellings. The Council's Strategic Housing department have confirmed that the location or 'pepper potting' of the affordable units is now acceptable.

There are currently 138 active applicants on Cheshire Homechoice who have selected the West Heath area of Congleton as their first choice, and a further 855 applicants who have selected another area in Congleton as their first choice. Plus Dane are the Registered Provider who have the most stock in West Heath and last year had just 11 vacancies in the



area, therefore there is a benefit of having a number of social rented homes at Loachbrook delivered earlier rather than later.

The phasing plan currently shows delivery of 29 affordable homes in the first phase, 19 affordable homes in the second phase, 4 affordable homes in the third phase and 8 affordable homes in the fourth phase. This fits in with the requirement of the Interim Planning Statement: Affordable Housing which requires affordable dwellings to be delivered periodically throughout the construction period. In any case all the affordable dwellings should be provided no later than occupation of 80% of the open market dwellings.

In terms of the arrangements for the transfer of the affordable housing to an affordable housing provider, discussions are on-going between Redrow and Registered Providers. Details will have to be submitted to the Local Planning Authority before work commenced to accord with the affordable housing condition attached to the Outline permission.

39 of the affordable homes will be rented dwellings will be provided as affordable rent, which is a rent at no more than 80% of market rents and is a nationally recognised form of affordable tenure detailed in the NPPF.

The standard occupancy criteria we would expect future occupiers of affordable housing to meet are that they are in '*housing need*' and that they: -

1. Currently live, or have lived, within Cheshire East and have done for at least 6 out of the last 12 months or 3 out of the last 5 years;
2. Have immediate family (mother, father, brother, sister, son, daughter, adoptive parents) who are currently living in Cheshire East and have done for at least five years or more;
3. Have a permanent contract of employment within the partnership area;
4. Members of the armed forces; and
5. Other significant reason

The above local connection is in accordance with the one used by *Cheshire Homechoice*, which is a choice based lettings system used to allocate social & affordable rented housing across Cheshire East. We would anticipate that the Registered Provider which Bovis transfer the affordable dwellings to would advertise the rented affordable dwellings via *Cheshire Homechoice*.

In summary, therefore, the affordable housing provision within the site is considered to be acceptable and in compliance with the Section 106 Agreement attached to the Outline permission and there are no objections on affordable housing grounds.

### **Archaeology:**

A Written Scheme of Investigation has been submitted which is designed to secure the discharge of the archaeological condition attached to the Outline planning permission. Cheshire Archaeology Planning Advisory Service have agreed a programme of building recording, fieldwalking, topsoil sieving, and targeted watching brief followed by production of a report. They have advised that the document outlines an appropriate scheme of works and

Cheshire Archaeology Planning Advisory Service will be able to monitor the mitigation in the field on behalf of Cheshire East Council and keep us informed of progress.

English Heritage have stated that the monument (300m south-east of Somerford Bridge) has been removed from the Schedule of Monuments as it is not a Long Barrow.

### **Other Matters raised by third parties:**

Congleton Sustainability Group

Many of the suggestions put forward by Congleton Sustainability Group refer to the principals of development, in response to their comments: -

#### *Site Access*

- The Outline approval does not allow for a shop or any other commercial premises;
- The S106 is already in existence, any contributions deemed necessary are contained within this document;
- The development cannot be planned around a road that does not yet exist, there is also a possibility that the road may never be built;
- The footpath / cycle link which will front Sandbach Road and continue into the site will be designed in accordance with Cheshire Highways standards;
- The width of the footway to Holmes Chapel Road is the decision of the Highways department;
- All of the affordable dwellings have a secure cycle shed, the apartments have specific cycle stores and many of the private dwellings have a garage where bicycles can be stored; and
- 2 new bus stops are to be created along Sandbach road to encourage the use of public transport; there will also be a travel plan which will promote alternative modes of transport and will be reviewed on an annual basis.

#### *Energy Efficiency & Sustainability*

- The applications are proposing to build to the latest building regulations which sees a 25% improvement on energy usage over and above the 2006 regulations. And all affordable dwellings will be built to Code for Sustainable Homes Level 3;
- Renewable energy sources such as photovoltaics do not provide a long term sustainable solution to reducing energy consumption, they require regular maintenance and relies on the purchaser of any of the dwellings to use them correctly to be efficient. All of the dwellings are built using 350mm cavity walls, utilising the fabric first approach and ensuring the dwellings are air tight means that the amount of energy used to heat the dwellings is substantially lower. In addition to this water butts are provided to all affordable units to encourage water re-use; and
- Although there is a large proportion of open space on the site the majority of this is to remain as grazing land as per the original master plan.

#### *General Comments*

- The ancient monument is no longer ancient monument, however an 8m wide sightline has been retained through the site to the mound and trees;
- Archaeology works are being undertaken;
- The open space will be managed by a professional management company;
- The development will be fenced off from the open space through the use of Cheshire railings;
- The affordable housing tenures and locations have been agreed with the affordable housing officer; and
- The apartments provide accommodation for those who do not need a house, the ground floor apartments offer suitable accommodation for the elderly and those with mobility restrictions.

#### Local Residents Comments

Objectors have raised a number of issues with regard to the principle of residential development on this site including the need for the development, loss of Open Countryside, the view that priority should be given to development of brownfield sites and conflict with the town strategy. However, as stated above, Outline planning permission has already been granted and this application relates only to Reserved Matters. **The principle is therefore firmly established and cannot be revisited.**

Impacts on education infrastructure have also been raised by residents. However, these were addressed at the Outline stage and appropriate Section 106 obligations were imposed accordingly.

With regards to the objection letters from the neighbouring residents, the majority refer to the principals of development which were approved through the granting of the Outline planning permission. Considering other points raised, comments are as follows:

- The site has in excess of 200% parking and has been designed in agreement with the Highways department;
- Many of the on-site trees are being retained;
- Ecological surveys have been carried out and recommendations such as installing bird and bat boxes will be implemented across the site;
- The contaminated burial pit will remain untouched and be capped as agreed with the Health Protection Agency; and
- All aspects of flooding have been considered and all of the dwellings are elevated above the flood plain and are sited outside of the flood plain. There is also to be a balancing facility to control the water run off from the site.

#### **Suggested Conditions:**

Environmental Health have requested a number of conditions relating to contaminated land, dust emissions, travel plan and hours of construction. These issues have also been raised by residents. However, these issues were also considered at the Outline stage and conditions were imposed to address them. Therefore no further conditions are required at this stage.

The Council's Ecologist recommended conditions in relation to a submission of a habitat/landscape management plan, safeguarding of breeding birds and provision of bat and bird boxes.

A condition is suggested to ensure the implementation and management of the landscaping scheme for the housing area. The Outline permission includes conditions to protect breeding birds (condition 8) and a long term management of the wider parkland area (condition 6) this may include provision of bat and bird boxes.

## **CONCLUSIONS AND REASON(S) FOR THE DECISION**

The principle has already been established at the Outline stage. The scheme has a number of additional positive planning benefits including providing much needed affordable homes within a sustainable location.

The design and layout of the scheme is considered acceptable, with some consideration of local character and site characteristics informing the design process. The development would assimilate into the landscape with existing vegetation around the perimeter of the site retained.

The proposal includes on-site provision of public open space, including an attractive links to a new Sandy Lane Community Park. The scheme also includes the provision of a children's play area which is deemed acceptable.

The proposal complies with the space, light and privacy standards, and therefore it is considered that the residential amenity of future occupiers is acceptable.

The traffic generation and impacts were dealt with at Outline stage. The internal road layouts have been subject to amendments to satisfy the Strategic Highways Manager and are considered satisfactory.

The proposal complies with the relevant development plan policies and the NPPF and therefore is recommended for approval subject to conditions.

In the event of any changes being needed to the wording of the committee's decision (such as to delete, vary or add addition conditions / informatives / planning obligations or reasons for approval / refusal) prior to the decision being issued, the Development Management and Building Control Manager, in consultation with the Chairman of the Strategic Planning Board is delegated the authority to do so, provided that he does not exceed the substantive nature of the Board's decision.

1. Time limit
2. Details in Accordance with Outline Approval
3. Plan References
4. Phasing in accordance with approved details

5. Facing materials (bricks/render/tiles/doors/garages) in accordance with approved details
6. Surface materials (pedestrian & vehicle areas) in accordance with approved details
7. Boundary treatments in accordance with approved details
8. Landscape scheme (for the housing estate and domestic gardens) in accordance with approved details
9. POS area in accordance with approved details
10. Landscaping implementation (incl. protection) to an agreed timescale
11. Tree protection (for the housing estate) in strict accordance with the Tree Retention, Removal and Protection Plan
12. Construction Specification/Method Statement (footpath adjacent to Oak T4 serving Plots 88-94).
13. Bins stores in accordance with approved details
14. Footpaths links in accordance with approved details
15. Access in accordance with approved details (req. Section 38 agreement under the Highways Act 1980).



