

Application No: 16/6144C

Location: LAND WEST OF GOLDFINCH CLOSE, CONGLETON

Proposal: Reserved Matters application (appearance, landscaping, layout & scale) following approved Outline application 13/3517C - Outline application for erection of up to 230 dwellings, access, open space and associated landscaping and infrastructure.

Applicant: Seddon Homes Ltd

Expiry Date: 23-Mar-2017

## **SUMMARY**

The principle of development has already been accepted as part of the outline approval on this site. The weighting of material planning issues within the planning balance is an exercise previously undertaken by the Inspector.

This assessment therefore considers the matters of detailed design, layout and landscaping previously reserved, however, the scheme is considered to contribute to the 3 strands of sustainability in the NPPF in the following ways:

### **Social Sustainability**

The development will not have a detrimental impact upon residential amenity, it would provide benefits in terms of much needed affordable housing provision and would help in the Councils delivery of 5 year housing land supply and provide affordable housing in an area of continuing need.

The impact upon infrastructure would be neutral as the education department previously advised at outline stage that there was sufficient capacity in local schools to cater for this development as part of the outline scheme. The provision of public open space and the proposed play area is acceptable and complies with the parameters of the outline scheme.

### **Environmental Sustainability**

The design, layout and landscaping of the scheme are considered to be of sufficient quality.

A total of 27 conditions are imposed on the outline permission which address environmental concerns such as ecology, drainage and flood risk issues, trees, amenity, off site highways/provision of bus stops on Canal road, external lighting, travel planning and electric vehicle infrastructure amongst others. The Inspector considered the impact to be acceptable subject to these conditions, which do not need to be repeated as part of reserved matters

The proposed access points are acceptable and the traffic impact as part of this development has already been accepted together with highway works via a S278 agreement pursuant to the Highways Act and contributions for off-site highway works by the Inspector at the outline stage.

The internal design of the highway layout/parking provision is acceptable to the Head of Strategic Infrastructure (Highways).

### **Economic Sustainability**

The proposal will contribute to the local economy by virtue of the increased spending power of new residents and the construction supply chain.

### **RECOMMENDATIONS**

**Delegate to Planning Manager (Regulation) in consultation with the Chair of Southern Planning committee to APPROVE subject to no new material planning issues being raised in consultation to 3 contiguous neighbours on Tudor Way, not originally notified of this application.**

### **PROPOSAL**

Reserved matters approval is sought for the external appearance, layout, landscaping and scale for 120 dwellings at land to the west of Goldfinch Close, Congleton.

This scheme will result in an overall total of 198 dwellings within the Falcon Rise larger site, including the Moorings and land at Goldfinch/Kestrel Close. The larger site was the subject of outline scheme 13/3517C, granted on appeal for 'up to' 230 units. Both Goldfinch and the Moorings also have the benefit of separate reserved matters approvals. The Development at Goldfinch Drive has already commenced in connection with reserved matters 15/0001C.

Two accesses are provided via Kestrel Drive and Goldfinch Close, both of which were previously granted permission at the outline stage.

The development would consist of 1 to 5 bedroom units including some apartments. The entire development is proposed to be 2 storeys in height with the exception of 4 no semi detached bungalows.

The mix of housing is the following:

- 8 no. 1 bed flats (2 storey)
- 4 no. 2 bed bungalows
- 22 no. 2 bed semi/ terraced units
- 20 no. 3 bed semi units
- 14 no. 3 bed detached units
- 41 no. 4 bed detached units
- 11 no. 5 bed detached units

Public Open Space circumvents the application site with a LEAP comprising 5 pieces of located to the southern area of POS. Emergency vehicle access is provided via Howey Lane. A series of paths are provided linking the sit via the public open spaces to the PROW network and the town centre.

The outline permission requires the layout to follow the general parameters set in the Parameters Plan

## **SITE DESCRIPTION**

The application site is situated to the west of the residential development on Goldfinch Close and Kestrel Close, Congleton.

The application site extends to Lamberts Lane (a Public Right of Way) to the south, recently built dwelling on Tudor Way and the cemetery to the north and west and by residential properties to the east, with Goldfinch Close and Chaffinch Close forming cul-de-sacs adjacent to the eastern boundary of the site. Both roads lead to Canal Road further to the east. Astbury Golf Club is located on the other side of Lamberts Lane.

The site has a network of existing hedgerows and trees and although it is agricultural land, it has not been managed for a period of time. The Congleton Borough Council (Canal Road, Congleton) Tree Preservation Order 1986 affords protection to a number of selected Oak and Sycamore trees within existing field hedgerow boundary enclosures.

## **RELEVANT HISTORY**

12/3025C - Land off Goldfinch Close and Kestrel Drive - Erection of up to 40 dwellings, open space, associated landscaping, infrastructure and access – granted on appeal 4 February 2014

12/3028C - Land west of the Moorings - Erection of up to 40 dwellings, open space, associated landscaping, infrastructure and access – granted on appeal 4 February 2014.

15/0001C – Reserved Matters of 13/3025C – Erection of 38 dwellings on land to the west of Goldfinch Close - Approved with conditions December 2015. This development is implemented and is currently under construction

15/0505C- Reserved Matters following outline approval (12/3028C) for 38 dwellings, open space, associated landscaping, infrastructure, access and demolition of a portal shed at land off The Moorings. Congleton – approved 27 November 2015

13/3517C - Outline application for erection of up to 230 dwellings, access, open space and associated landscaping and infrastructure – allowed on appeal 20 December 2015. The red edge of the scheme also contained those parts of the site whre reserved matters have been approved under refs 15/001c and 15/0505c

14/4938C - Outline application for erection of up to 220 dwellings, access, open space and associated landscaping and infrastructure- resubmission of 13/3517C – Refused 31-Jul-2015

## **NATIONAL & LOCAL POLICY**

## **National Policy**

The National Planning Policy Framework establishes a presumption in favour of sustainable development. Of particular relevance are paragraphs:

14 - Presumption in favour of sustainable development, 47-50 - Wide choice of quality homes, 56-68 - Requiring good design and 69-78 - Promoting healthy communities

## **Development Plan**

The Development Plan for this area is the adopted Congleton Borough Local Plan First Review (2005). The relevant Saved Policies are:

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  
GR22 Open Space Provision  
NR1 Trees and Woodland  
NR2 Statutory Sites (Wildlife and Nature Conservation)  
NR3 Habitats  
NR5 Habitats  
H2 Provision of New Housing Development  
H6 Residential Development in the Open countryside  
H13 Affordable Housing and Low Cost Housing

## **Cheshire East Local Plan Strategy**

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

PG2 – Settlement Hierarchy  
PG5 - Open Countryside  
PG6 – Spatial Distribution of Development  
SC4 – Residential Mix  
SC5 – Affordable Homes  
SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
SE3 – Biodiversity and Geodiversity  
SE5 – Trees, Hedgerows and Woodland  
SE 1 – Design  
SE 2 - Efficient Use of Land

SE 4 - The Landscape  
SE 5 - Trees, Hedgerows and Woodland  
SE 3 - Biodiversity and Geodiversity  
SE 13 - Flood Risk and Water Management  
SE 6 – Green Infrastructure  
IN1 – Infrastructure  
IN2 – Developer Contributions

**Other Material considerations:**

The EC Habitats Directive 1992  
Conservation of Habitats & Species Regulations 2010  
Circular 6/2005 - Biodiversity and Geological Conservation  
Statutory Obligations and Their Impact within the Planning System  
Interim Planning Statement Affordable Housing

**CONSULTATIONS**

**Head of Strategic Infrastructure (Highways):** No objection - internal road layout is acceptable and the amount of parking provision complies with the Council's standard.

**Strategic Housing Manager:** No objection – the scheme complies with the outline S106 requirements

**Environmental Protection:** No objection subject to conditions as detailed in the outline permission.

**PROW Team:** No objection subject to conditions

**Countryside Access Development Officer:** No objection subject to condition – the development provides an opportunity to improve walking and cycling in accordance with the NPPF

**REPRESENTATIONS**

**Congleton Town Council:** Objection. Consider the details at appeal should be maintained and the numbers of units and the at appeal should be adhered to, the wildlife corridor should be maintained

Objections have been received from 25 different local addresses on the basis of the following:

- Does not comply with planning policy or Town Plan
- Increased traffic
- Unsuitable access and road infrastructure with excessive parking at its access
- Concern that the emergency access will become a bone fide access
- Lack of parking
- Over looking into bungalows on Tudor Way
- Loss of privacy for existing residents
- Disturbance from position of the LEAP
- Loss of hedgerows
- Local infrastructure cannot cope

- Impact on local wildlife
- Proposal does not comply with outline parameters plan

Astbury Golf Club requested revisions to a pathway located within part of the POS within the southern part of the site be re-routed to avoid potential golf ball strikes from errant balls at the golf course.

## **APPRAISAL**

### **Principle of Development**

Given that the principle of development has been established by the granting of outline planning permission this application does not represent an opportunity to re-examine the appropriateness of the site for residential development.

Access to the site via the 2 access points via Goldfinch and Kestrel Close was fully approved as part of the outline scheme for up to 40 units granted outline permission at appeal.

The key issues for Members to consider in determining this application therefore, are the acceptability of the design and appearance of the scheme (excluding those parts of the original larger outline site area which already have reserved matters approvals), the internal highway configuration, landscaping, layout and scale of the buildings, particularly in respect of residential amenity, their relationship to retained trees/hedgerows and the surrounding area.

### **Housing Mix**

Policy SC4 of the submission version of the Local Plan requires that developments provide an appropriate mix of housing. In this case the development would provide the following mix:

This proposal provides for the following mix:

- 8 no. 1 bed flats (2 storey)
- 4 no. 2 bed bungalows
- 22 no. 2 bed semi/ terraced units
- 20 no. 3 bed semi units
- 14 no. 3 bed detached units
- 41 no. 4 bed detached units
- 11 no. 5 bed detached units

This residential mix is acceptable as it sits in accordance with the Parameters and Design Statement within the Original outline scheme determined to be acceptable by the Inspector.

The mix of sizes, both for market sale and affordable units are considered acceptable.

### **Affordable Housing**

The S106 Agreement attached to the outline application details that an Affordable Housing Scheme shall include an affordable housing provision of 30% which will comprise 65% affordable/social rent and 35% as intermediate tenure.

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

This is a proposed development of 120 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 36 dwellings to be provided as affordable dwellings. 23 units should be provided as Affordable rent and 13 units as Intermediate tenure. The applicant has submitted an Affordable Housing Scheme as required by the S106 Agreement attached to the outline permission which confirms that this site will provide the correct number and tenure split of affordable housing.

The SHMA 2013 identified a demand for 58 new affordable dwellings per annum until 2017/18. Broken down this evidenced a requirement for 27 x 1 bed, 10 x 3 bed, 46 x 4+ bed, 37 x 1 bed older person and 12 x 2 bed older person dwellings.

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

The applicant has proposed a development which includes 8 x 1 bed apartments (in two x 2 storey cottage style units that look like semi –detached houses), 18 x 2 bed and 10 x 3 bed affordable dwellings. The Strategic Housing Manager considers this to be acceptable and has noted that the applicant has worked closely with a local RP who is happy with this mix and the distribution of the affordable units through the site.

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

The layout has been revised to address a lack of pepper-potting, there are now clusters of affordable dwellings in 3 locations through the site, rather than one location as originally submitted. Clusters of circa. 10 affordable dwellings are deemed acceptable to the Strategic Housing Manager and she therefore raises no objection to this application.

### **Design Standards**

The properties are exclusively 2 storey (approx. 7.6m) height set within individual landscaped plots with off street parking on driveways or within integral garages. The 2 storey apartment blocks comprise 4 one bedroomed flats and are designed to have the appearance of a standard modern mews or terraced house with covered porch. The revisions have split the apartments in to two separate areas of the site.

The layout is in keeping with the residential layout and vernacular in the existing Goldfinch/Kestrel Close estate and the wider modern housing estate. In this case it is considered that the proposed heights are acceptable.

The scheme complies with the Illustrative Masterplan submitted as part of the outline application in the development zones and road layout. The street arrangement follows through from the indicative blocks on the outline masterplan and comprises the inclusion of the feature landscape spaces. The housing zones site within landscaped areas that are set by the outline parameters, which were designed to retain as much hedgerows through the site as possible.

It is considered that the design of the units is appropriate and that the development would not appear out of character with the housing already approved at the Moorings and Goldfinch Close. A variety of house types are used through the street within the scheme which utilise the same palate of materials and are considered to add visual interest.

Details of the proposed boundary treatments are standard close boarded fencing. An open plan configuration is contained to front gardens, again in keeping with character of the existing estate.

The detailed design and layout has been amended to remove areas of frontage car parking to smaller units and increased pepper-potting of affordable units. The density of development is appropriate and in keeping with the recently approved schemes at the Mooring and Goldfinch Close.

There are a series of pathways throughout the site linking open spaces and the PROW network with the town centre via Howey Lane and the existing housing estate.

Overall, it is considered that the design of the scheme is appropriate and that it accords with Policy GR2 (Design) of the Congleton Borough Local Plan.

### **Landscape Impact and trees/hedgerows**

The site is currently unused agricultural land located immediately adjacent to a residential area. There are well established hedgerows and tree belts to several of the boundaries. A number of mature hedgerows and trees are located around the periphery of the site. The land falls away from north to south.

There are no landscape designations on the application site. Within the Cheshire Landscape Character Assessment the application site is located on the boundary of the Lower Farms and Woods landscape, specifically the Brereton Heath Area.

Although the site displays some of the characteristics of the Brereton Heath Character Area, the character of the site is significantly influenced by the existing development of housing along the entire eastern boundary. The topography of the application site generally falls from east to west, towards The Howty, apart from a bund located along the north east boundary of the site.

The site has a network of existing hedgerows and trees and although is agricultural land, has clearly not been managed for a period of time, nevertheless the existing vegetation and trees provide an attractive setting and significant screen to the periphery of the site, particularly from Lamberts Lane. The site is strongly influenced by the existing boundary hedgerows and trees, so that visually the site is very well self contained with a Landscape Zone of Visual Influence that is limited to the existing surrounding boundaries and residential properties to the east of the site.

The Landscape Masterplan submitted indicates that the area to the east of the cemetery, currently a small valley will have a large belt of native shrubs composed of *Coryllus avellana* (Hazel), *Crataegus monogyna* (Hawthorn), *Ilex aquifolium* (Holly), *Prunus spinose* (Blackthorn) and *Viburnum opulus* (Guelder rose); there will be approximately 1034 shrubs along this boundary. In addition the masterplan shows that there will be 78 native heavy standard trees, including *Quercus* (Oak), *Malus sylvestris* (Crab Apple), *Prunus avium* (Wild Cherry) and *Tilia cordata* (Linden).

A second smaller belt of native shrubs –approximately 454 extend further to the south and then native heavy standard trees extend along the eastern boundary of the application site.

To the south, along Lambert's Lane are additional area of native shrub planting, with three separate blocks of 145, 471 and 239 plants, as well as a number of heavy standard native trees. Additional native shrubs are being planted along both sides of Bridleway 4 Congleton, which runs from the southern part of Howey Lane, and while the majority of hedgerows are shown on the Masterplan drawing, it is clear that some changes have been made from the Parameters Plan- the removal of a hedge in area W1 (near Howey lane) approximately 25m and the removal of a section of hedge in area W7, just to the south of the cemetery. This hedge would, if kept, have formed the joint rear boundary of approximately 12 dwellings, total length of this hedge is approximately 65m. The Landscape Officer accepts that overall, the landscaping proposals are in broad accordance with the parameters plan

The layout would allow for the retention of the majority of the peripheral hedgerows and important trees (other than to accommodate the main access points previously approved) and would allow for landscape and biodiversity enhancement measures to be realised.

The Council's Tree Officer has confirmed that the arboricultural impacts are acceptable and as such there is no objection in this regard.

### **Residential Amenity**

The Congleton Borough Council Supplementary Planning Document, Private Open Space in New Residential Developments, requires a distance of 21 metres between principal windows and 13 metres between a principal window and a flank elevation to maintain an adequate standard of privacy and amenity between residential properties.

This scheme complies with that policy standard for relationships inside the site and outwith the site.

The SPD also requires a minimum private amenity space of 65sq.m for new family housing. The layout shows that this will be achieved in the majority of cases. It is therefore concluded that the proposed development is acceptable in amenity terms and would comply with the requirements of Policy GR1 and GR6 of the Local Plan.

### **Highways**

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

Vehicular access to the site is to be taken from Goldfinch Close and Kestrel Drive, precise details of which were granted on appeal. This assessment therefore addresses the internal layout.

The proposed internal road layout would comply with the parameters plan approved at outline phase. The Council's Head of Strategic Infrastructure (HSI – Highways) has confirmed that the proposed road layout does meet highway standards in regards to road width and pedestrian footways provided and as such are considered acceptable.

With reference to parking provision, the parking provision is 200% for the all of the units except for the 1 bed units, which have 1 space each. This provision accords with the current parking standards. As such, the internal road layout and the parking provision is considered to be acceptable and policy compliant.

The terms of the S106 attached to the Outline permission on this site require highways mitigation in lieu of the impact upon the A34, other matters such as pedestrian refuges on Canal Road and highway improvement scheme in the town centre are imposed upon the outline permission and need not be repeated

## **PROW AND COUNTRYSIDE IMPROVEMENT**

Public Bridleway No. 4 (Howey Lane) runs through the site, retained as part of a link that runs through the POS from Lamberts Lane to Howey Lane. The site is also adjacent to Public Bridleway No. 1 (Lambert's Lane). These routes were previously considered by the Inspector when he determined to grant outline permission.

In terms of the Howey Lane bridalway, the route runs through the POS which was set at outline stage.

The 'Pedestrian/cycle & shared routes' plan depicts a number of pedestrian routes leading to the Public Bridleway which runs through the site and to the Public Bridleway which runs along the southern side of the site. The Public Bridleways can be used by pedestrians, cyclists and horse riders for both leisure and utility journeys. The proposed routes on this site which connect with either end of the Public Bridleways should be designed and constructed to best practice standards to accommodate both pedestrians and cyclists.

Public Bridleway No. 4 is a well-used rural track which connects Congleton town with the network of Public Rights of Way to the south of the urban area. The network in this area has been promoted as the Southern Fringe project, an area of countryside routes offering an accessible leisure resource for the people of Congleton.

An aspiration has been logged under the Council's statutory Rights of Way Improvement Plan (Ref. T174) for the improvement of this route for cycling. Given the increased usage arising as a result of any consented development on this site, the surface would indeed require improvement to accommodate this. Details of the proposed surfacing, widths, gradients, landscaping and structures for this Bridleway need to be agreed, through a condition, with the Public Rights of Way team.

Any development in the area must not exacerbate the drainage issues experienced at the northern end of Bridleway No. 4, and should aim to improve the condition of the drainage of the route in order to accommodate the increased usage that it could be anticipated to carry as a result of the proposed development. Likewise, there are existing issues of drainage on Public Bridleway No. 1 which should not be exacerbated as a result of any development.

Subject to conditions, this scheme is considered to have an acceptable impact upon the PROW network

## **Ecology**

The application has been the subject of a number of surveys for European protected species and other protected species such as the badger. The surveys have been updated as part of the application consideration in accordance with the requirements of the Council's Nature Conservation Officer. The ecological conditions imposed on the outline scheme remain and do not need repeating in this application.

### **Discharge of Conditions attached to original outline permission 13/3517C**

A number of conditions attached to the original outline permission required information to be submitted as part of the reserved matters. This application has addressed this requirement in respect of Condition 1 (replacement hedge planting, hard and soft landscaping and scheme for provision and management of buffer to watercourse); 6 (Phasing); Condition 18 (updated badger survey); Condition 19 (Bird Nesting) and Condition 25 (scheme of pedestrian and cycle provision).

The information submitted satisfactorily addresses the requirements of conditions 1, 6, 18 and 19. However, condition 25 has not been detailed with regard to signage for cyclists/pedestrians. This can be addressed by condition.

### **Planning Balance**

The principle of development has already been accepted as part of the outline approval on this site. The weighting of material planning issues within the planning balance is an exercise previously undertaken by the Inspector.

This assessment therefore considers the matters of detailed design, layout and landscaping previously reserved, however, the scheme is considered to contribute to the 3 strands of sustainability in the NPPF in the following ways:

The development will not have a detrimental impact upon residential amenity, it would provide benefits in terms of much needed affordable housing provision and would help in the Councils delivery of 5 year housing land supply and provide a mix of affordable housing in an area of continuing need.

The impact upon infrastructure would be neutral as the education department previously advised at outline stage that there was sufficient capacity in local schools to cater for this development as part of the outline scheme. The provision of public open space and the proposed play area is acceptable.

The design, layout and landscaping of the scheme are considered to be of sufficient quality.

The ecological and arboricultural impacts are considered to be neutral as mitigation, which was conditioned as part of the outline permission follows through to this scheme. Drainage/flood risk issues are also conditioned by the outline approval.

The proposed access points are acceptable and the traffic impact as part of this development has already been accepted together with highway works via a S278 agreement pursuant to the Highways Act and contributions for off-site highway works by the Inspector at the outline stage.

The internal design of the highway layout/parking provision is acceptable to the Head of Strategic Infrastructure (Highways).

The proposal will contribute to the local economy by virtue of the increased spending power of new residents and the construction supply chain. Accordingly, the scheme is deemed to acceptable and is recommended for approval.

## **CONSULTATION**

Three neighbours in Tudor Way have not been originally consulted. These neighbours are contiguous to an area of POS on site. Individual consultation notices have been issued. The consultation period ends on 3 April 2017.

## **RECOMMENDATION**

**Delegate to Planning Manager (Regulation) in consultation with the Chair of Southern Planning committee to APPROVE subject to no new material planning issues being raised in consultation to 3 contiguous neighbours in Tudor Way, not originally notified of this application, and subject to the following conditions**

- 1. Development to be carried out in accordance with plans**
- 2. Accordance with details of boundary treatments**
- 3. Scheme of signage for pedestrians/cyclists**
- 4. Accordance with levels**
- 5. Notwithstanding any plan approved in condition 1, details of materials for parking spaces, shared surfaces and paths through POS to be submitted, approved and implemented**
- 6. Accordance with 5m buffer zone along watercourse**
- 7. Removal of permitted development rights classes A-E (extensions and outbuildings) for smaller units**
- 8. Materials to be submitted and approved**
- 9. Removal of permitted development rights for walls and other means of enclosure forward of front building line**
- 10 Public Rights of Way scheme of management to be submitted and approved**

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

