

<b>Planning Reference No:</b>	09/4240C
<b>Application Address:</b>	Marsh Farm, Newcastle Road, Congleton.
<b>Proposal:</b>	Residential development of 52 units on Marsh Farm, Congleton.
<b>Applicant:</b>	JS Bloor (Wilmslow) Ltd & Jane Lowe
<b>Application Type:</b>	Full Planning Permission
<b>Ward:</b>	Congleton Town West
<b>Registration Date:</b>	18 <sup>th</sup> December 2009
<b>Earliest Determination Date:</b>	26 <sup>th</sup> February 2010
<b>Expiry Date:</b>	28 <sup>th</sup> April 2010
<b>Date report Prepared</b>	16 <sup>th</sup> June 2010
<b>Constraints:</b>	Tree Protection Orders

**SUMMARY RECOMMENDATION:** Delegate power to the Head of Planning and Policy to approve the application with conditions, subject to the signing of a Section 106 Agreement relating to affordable housing and public open space provision, should there be no objections arising from the impact on the public right of way on the site.

**MAIN ISSUES:**

- Principle of the Development
- Highways and Parking
- Amenity
- Design and Layout
- Landscaping and Trees
- Flood Risk, Contamination and Drainage
- Tree Protection
- Contributions – Affordable Housing and Open Space/Play Area

## 1. REASON FOR REFERRAL

This application has been referred to the Southern Planning Committee, as the scheme is a major development for more than 10 houses.

## 2. DESCRIPTION AND SITE CONTEXT

The application site comprises an area of land approximately 1.66 hectares in size and is situated on the eastern side of Newcastle Road, Congleton. To the north and east is the Astbury Mere Country Park; the village of Astbury is to the south and Congleton town centre to the north. The site is within the Settlement Zone Line of Congleton as defined in the adopted local plan.

The site includes the farmhouse and associated agricultural buildings, which would be demolished and an area of greenfield land. It is level adjacent to Newcastle Road and then slopes upwards to the northern and eastern boundaries. There are existing trees and hedgerows on the boundaries of the site.

### **3. DETAILS OF PROPOSAL**

The proposal is for the development of 52 houses and the layout would take the form of a central spine access road leading to 2 offshoots north and south with turning heads at both ends. An area of public open space is proposed in the centre of the site, opposite the junction as you enter the site.

There are a variety of house types included in the scheme, providing, 2, 3, 4 and 5 bedroom dwellings. These would take the form of detached, semi-detached and terraced dwellings; the detached and semi-detached would be interspersed within the site with the terraced properties facing onto Newcastle Road.

The proposal includes an undertaking to provide 15 affordable homes within the site comprising 8no. social rented and 7no. for open market sale at a discount of 30% to the open market value at the time of marketing. The social rented properties would comprise 5no. two bed homes and 3no. three bed home and the open market discount sale properties would comprise 7no. three bed homes.

### **4. RELEVANT HISTORY**

No relevant planning history relating to this site.

### **5. POLICIES**

#### **National Guidance**

PPS1 Delivering Sustainable Development  
PPS3 Housing  
PPS9 Biodiversity and Geological Conservation  
PPG13 Transport  
PPS23 Planning and Pollution Control  
PPG24 Planning and Noise

#### **Regional Spatial Strategy**

DP1 Spatial Principles  
DP2 Promote Sustainable Communities  
DP4 Make the Best Use of Existing Resources and Infrastructure  
DP7 Environmental Quality

#### **Congleton Local Plan 2005**

The site is not allocated in the Local Plan but the following policies apply:

PS4 Towns  
H1 & H2 Provision of New Housing Development  
H13 Affordable and Low Cost Housing  
GR1 New Development  
GR2 & GR3 Design  
GR6 Amenity and Health  
GR9 Parking and Access  
GR10 New Development & Travel  
GR18 Traffic Generation  
NR1 Trees & Woodlands

GR22 Open Space Provision

SPG2 Provision of Private Open Space in New Residential Developments

SPD6 Affordable Housing and Mixed Communities

## **CONSIDERATIONS (External to Planning)**

### **Housing:**

Our supply and demand analysis shows a shortfall of over 116no 2 bedroom houses and 41no 3 bedroom houses.

In line with Supplementary Planning Document 6 (Affordable Housing and Mixed Communities) we will be seeking 30% of the site to be classed as Affordable Housing. This housing should be in line with the definition in PPS3 which includes social rented housing or intermediate affordable housing including shared equity schemes. Of this 30% we would ordinarily expect 50% to be social rented and 50% to be either shared ownership or discounted for sale.

The proposal for affordable housing in this application put forward by Bloor Homes is therefore acceptable under the current planning policy. On housing sites where an element of affordable housing is to be provided and the applicant is a registered social landlord planning permission will normally be granted subject to a condition restricting the occupation of the houses to persons who meet the objectives of the registered social landlord. Where the applicant is not a registered social landlord planning permission may be granted for the whole scheme providing the applicant enters into a legal agreement whereby there are secure arrangements to ensure that the benefits of the affordable housing will be enjoyed by subsequent occupiers as well as the initial occupiers.

It is therefore my preferred option that the developer undertakes to provide the social rented element through an RSL who becomes a signatory to the section 106 agreement

### **Spatial Planning**

The site lies within the Settlement Zone Line Space as identified in the adopted Congleton Borough Local Plan. The proposal is for the erection of 52 dwellings.

## **ACCORDANCE WITH THE DEVELOPMENT PLAN**

The statutory development plan comprises the Congleton Local Plan First Review and the Regional Spatial Strategy (RSS) for the North West. However, the Secretary of State for CLG has recently announced that the RSS will be abolished in the near future, returning decisions on housing land supply to LPAs and this intent should be a material consideration in the determination of planning applications

### **Regional Spatial Strategy**

The NW **RSS** (2008) proposes a dwelling requirement of 20,700 dwellings for Cheshire East for the period 2003 to 2021, which equates to an average annual housing figure of 1,150 dwellings per annum. It should be noted that these requirement figures are average annual figures to be achieved during the overall period covered by this RSS, from 2003 to 2021 rather than an absolute annual target, and may be exceeded where justified by

evidence of need, demand, affordability and sustainability issues and fit with relevant local and sub-regional strategies. It should be noted that this RSS document supersedes the figures in both the Structure Plan and the Local Plans for the former Districts. 7,449 dwellings have been completed for Cheshire East for the period 2003-2009 (AMR 2009).

Policy **DP4** refers to a sequential approach for making the best use of existing resources and infrastructure, whereby development should accord with the following sequential approach:

1. First, use existing buildings (including conversion) within settlements and pdl within settlements;
2. Second, using suitable infill opportunities within settlements, where compatible with other RSS policies;
3. Third, the development of other land where this is well-located in relation to housing, jobs, other services and infrastructure and which complies with the other principles in DP1-9.

The site is mainly greenfield but could be classed as an infill opportunity within a settlement.

Policy **EM18** of the RSS requires that "...residential developments comprising of 10 or more units should secure at least 10% of their predicted energy requirements from decentralised and renewable or low-carbon sources, unless it can be demonstrated by the applicant, with regard to the types of development involved and its design, that this is not feasible or viable." No information has been submitted in respect of this within the application and thus the proposal is not in accordance with this policy.

### Local Plan

With regard to policy **H4**, the proposal needs to satisfy the following relevant criteria:

1. The proposal does not utilise a site which is allocated or committed for any other purpose in the Local Plan – the site has not been allocated or committed in the Local Plan;
2. The proposal does not give rise individually or cumulatively, to housing supply totals significantly at variance with the provisions of policies H1 and H2 – Housing figures superseded by RSS;
3. Various sustainability criteria – (see below);
4. The proposal accords with other relevant policies of the Local Plan.

The various sustainability criteria are:

- A. The availability of pdl sites and empty or underused buildings and their suitability for housing use;
- B. The location and accessibility of the site to jobs, shops and services by modes other than the car and the potential for improving such accessibility;
- C. The capacity of existing and potential infrastructure, including public transport, water and sewerage, other utilities and social infrastructure (such as schools and hospitals) to absorb further development and the cost of adding further infrastructure;
- D. The ability to build communities to support new physical and social infrastructure and to provide sufficient demand to sustain appropriate local services and facilities;

E. The physical and environmental constraints on the development of the site such as the level of contamination, stability and flood risk taking into account that this risk may increase as a result of climatic change.

In assessing the proposals' conformity with the above criteria it is found that:

- A. The site is mainly greenfield;
- B. The site is located within the SZL of Congleton and close to bus routes;
- C. There is insufficient information to assess this criterion;
- D. There is insufficient information to assess this criterion;
- E. The site is not within an area of flood risk.

In light of the above policies, therefore, it is found that the proposal is not in accordance with the Development Plan.

## *MATERIAL PLANNING CONSIDERATIONS*

### **Housing Supply**

Both National and Regional policy guidance state that Local Authorities should manage their housing provision to provide a five years supply. This suggests that Cheshire East Council should be providing its 5-year housing supply information for Cheshire East as a whole rather than the former districts or any housing market areas. With the introduction of **PPS3** if the Council does not have a five year supply it should consider favourably suitable planning applications for housing. Cheshire East has a 5.14 years supply (AMR 2009). This figure takes into account any backlog or over delivery of dwellings over the last 5 year period. Notwithstanding the existence of a 5 year supply, this does not preclude other, suitable sites being released for housing development, subject to it not undermining the achievement of housing policy objectives.

### **Affordable and Low Cost Housing**

According to **SPD6** 'Affordable Housing and Mixed Communities', in accordance with policy GR3 of the Local Plan, the Council will normally require any new housing development of 10 dwellings or more to provide an element of its market housing units as unsubsidised low-cost market housing. The proposal is for 52 dwellings and therefore the Council can expect a provision of Low Cost housing. The SPD also requires a proportion of 30% to be affordable housing. The applicant proposes 28%.

### **Open Space**

In line with **SPG1** almost all new housing developments will be expected to provide or contribute towards youth and adult needs in terms of outdoor informal public open space or relaxation space and children's play space. Therefore in terms of this proposal the Borough Council would expect that a financial contribution in lieu of the actual provision of Public Open Space on site, if it is not practical or desirable to provide it within the site.

## CONCLUSION

Taking the above into account, the proposal is not in accordance with the Development Plan, there hasn't been any low cost housing proposed and there is a lower affordable housing proportion proposed than is required from SPD6. Therefore the proposal should be refused.

### Environmental Health:

#### United Utilities:

No objections to the proposal providing the site is drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge directly in to the adjacent watercourse and may require the consent of the Environment Agency. If surface water is allowed to be discharged to the public surface water sewerage system the flow may be required to be attenuated to a maximum discharge rate determined by United Utilities.

#### Highways:

The Strategic Highways Manager has assessed this application and offers the following comments:

This site has been the subject of extended negotiations with the applicants and now has an amended layout which has been agreed in principle by the LPA.

The proposed development offers a new junction with the A34 to access the site and has a ratified Transport Assessment which has been scrutinised and validated by the S.H.M.

There have been discussions regarding the accessibility of the site as much of this was made in the Design and Access Statement. Given the claims of accessibility to this site, it would be more appropriate for the proposed layout to better support the optional accessibility modes through better provisional measures. To this end the S.H.M. requires some additions to the proposed site provisions and these are covered by attached conditions and informatives.

As a result there are few comments to make on the proposed layout and it remains for the S.H.M. to recommend conditions and informatives to the LPA which should be attached to any permission which may be granted.

**Informative:-** A 2.0 metre wide footpath will be provided for the full frontage of the site with the A34 Newcastle Road. The new footway will include for a tactile paved desire line across the A34, with tactile paving and dropped kerbs to both sides of the A34, at the northern most point along the site frontage. This will form part of the off-site highway works.

**Informative:-** The A34 Newcastle Road carriageway will be re-surfaced with a new wearing course in the vicinity of the junction, for a distance of 25 metres to either side of the centre-line of the access road into the proposed development. This will form part of the off-site highway works.

**Informative:-** Any identified and necessary alterations to the system of street-lighting on the A34 Newcastle Road will be undertaken by the developer as part of the S278 work. This will form part of the off-site highway works.

**Condition:-** Prior to first development the developer will enter into and sign a Section 278 Agreement under the Highways Act 1980 with regard to all related off-site highway works.

**Condition:-** Prior to first development the applicant/developer will provide a suite of plans detailing the design and construction specifications for the new junction with and re-surfacing of the A34, to the satisfaction of the LPA. This suite of plans will be utilised for the basis of the S278 Agreement.

**Condition:-** The service strip on the western side of the northern cul-de-sac will be replaced with a 2.0 metre wide footpath to provide a permanent link to the pedestrian access into the grounds of the church.

**Condition:-** The two lateral deflections – one on each cul-de-sac, will be omitted from the layout.

Conclusion.

The Design and Access Statement for the proposal suggests that: ‘an opportunity exists to produce a unique development proposal that reflects current Government guidance on improving the design quality of the urban environment.’

Unfortunately, whilst the D&A St. goes on to claim interface with the Astbury Mere Country Park and the local wooded areas – and this may be the case, the internal highway infrastructure does not align with the current Government guidance in Manual for Streets and only offers a design which reflects the older and superceded principles of Design Bulletin 32 and the Cheshire County Council Design Aid 1996.

The Strategic Highways Manager acknowledges that this format of road design does offer clear adoptable boundaries to the Highway Authority. It does not however, satisfy the need for innovative design under the principles of Manual for Streets. Manual for Streets design could offer distinct adoptable boundaries at the same time as offering; a better quality design and layout intended to support all forms of accessibility and the encouragement of wider modal choice by the Public Highway user, from pedestrian to vehicle driver.

To this end the Strategic Highways Manager expresses mild concern that full opportunity for quality design has not been taken by the developer, but recognises that the site has restrictions which lend itself to design under the 1996 Cheshire County Council Design Aid – a document still in use locally.

As a result the S.H.M. can not offer any reason to refuse this development and recommends the above listed conditions and informatives be attached to any permission which may be granted for this site.

**Senior Landscape and Tree Officer:**  
*24<sup>th</sup> February 2010*

There are a number of trees within the site and on its boundaries. The submission includes a tree survey report and a plan indicating recommended tree root protection zones. There is also an outline plan for soft layout proposals.

None of the trees on site are subject to TPO protection. Nonetheless, some specimens are prominent in the landscape, in particular the lines of Poplar trees on the Astbury Mere boundary and three mature trees close to the farm buildings. In addition there are sections of hedgerow which would be affected, including lengths fronting Newcastle Road.

Whilst all annotated as 1:500 scale, when compared the submitted site layout plan MF/PL-01 does not appear to be the same scale as the Tree Root protection zones plan 3720.02 or the sketch highway/drainage layout 09011/SK1 SS. The discrepancies need to be addressed.

On the basis of the tree survey data and the layout indicated the 1:250 Outline Soft Layout proposals 09/264/-01, I am concerned that the layout does not take sufficient account of the presence of existing trees. My principal concerns relate to plots where retained trees are likely to have a strong influence on the amenity of future residents, are likely to cause nuisance to residents or are likely to suffer damage during construction. Such plots include:

- Plots 6 & 7 where three existing mature trees would dominate the gardens (only two trees are shown) and the root protection area is not sufficient. I am aware that the bat survey recommends the retention of these trees and that the Councils Nature Conservation Officer is of the same view. In these circumstances, the layout need to ensure that the trees can be retained successfully.
- Plot 11 where the garage is too close to the boundary hedge
- Plot 15 where the house and garage would be within the root protection area and crown spread of trees,
- Plots 21,22,24,25,26 27 and 28 which would be heavily influenced by Poplar trees on adjacent land. These lines of trees are prominent skyline features and publicly visible. Nonetheless, the species is not suitable for retention in close proximity to dwellings. I would not recommend the siting of dwellings so close to this species. Careful consideration needs to be given to the long term proposals for these trees and if necessary to secure alternative planting.
- Plot 29 where the garage is within the root protection area and crown spread of a tree.

There appears to be no intention to attempt to retain or reinstate the Newcastle roadside boundary hedge, which I consider to be a typical boundary treatment in the area. On the adjacent development sites, the retention of the roadside boundary hedge was considered important. As the hedge has formed the boundary to agricultural land it should be assessed in accordance with the criteria in the Hedgerow Regulations 1997. If the hedge is found to be 'important' under the Regulations, this would be a material consideration.

It may be possible to address some of my concerns through an amended layout and I would be happy to discuss options. Should an acceptable form of layout be achieved, a detailed landscape and tree protection scheme would be required. I also consider boundary treatment will require further consideration. I am not convinced all the boundary treatment proposed is appropriate.

10<sup>th</sup> June 2010

Amended plan Rev D + additional tree survey data.

As far as I am aware, notwithstanding the varying levels on site, no levels data has been supplied.

The amended plan makes some improvement to the relationship between plots and retained trees/hedgerows and it should be possible to provide recommended tree root protection areas.

Although separation distances have increased, plots 21 – 25 inclusive remain likely to be influenced by Poplar trees on adjacent land. The later tree survey dated 7/4/10 proposes that these trees are either felled if 3<sup>rd</sup> party consent is secured, or their branch spread over the site is reduced. Whilst prominent landscape features due to their height, I am not convinced these trees are in keeping with the local landscape character or suitable for long term retention. If they were removed, the development would be visible when viewed from the north/north east in particular. Therefore if screening is considered important, and development of the site is deemed acceptable, I suggest it would be important to secure suitable additional planting along the boundaries in question, either on or off site. (If the Poplars remain, on site planting opportunities would be limited).

As far as I am aware, the original landscape plan has not been updated. In addition to the layout revisions and the issue above, the landscape treatment of the frontage needs further consideration. A revised landscape scheme will be necessary. This element and a tree protection scheme could be covered by condition. Boundary treatment will also require further consideration.

### **Archaeology Planning Advisory Service**

Thank you for your enquiry to the Cheshire Historic Environment Record. I have checked this hedgerow against the Cheshire Historic Environment Record under the following criteria as defined in Schedule 1, Part II of the Hedgerow Regulations:-

**Paragraph 1:** *The hedgerow marks the boundary, or part of the boundary, of at least one historic parish or township.*

**Paragraph 2:** *The hedgerow incorporates an archaeological feature which is*  
(a) *included in the schedule of monuments compiled by the Secretary of State under section 1 (schedule of monuments) of the Ancient Monuments and Archaeological Areas Act 1979; or*

(b) *recorded at the relevant date in a Sites and Monuments Record.*

**Paragraph 3:** *The hedgerow*

(a) *is situated wholly or partly within an archaeological site included or recorded as mentioned in Paragraph 2 or on land adjacent to and associated with such a site; and*

(b) *or is associated with any monument or feature on that site*

**Paragraph 4:** *The hedgerow*

(a) *marks the boundary of a pre-1600 AD estate or manor recorded in a Sites and Monuments Record or in a document held at that date at a Record Office; or*

(b) *is visibly related to any building or other feature of such an estate or manor.*

**Paragraph 5:** *The hedgerow*

(a) *is recorded in a document held at the relevant date at a Record Office as an integral part of a field system pre-dating the Inclosure Acts; or*

*(b) is part of, or visibly related to, any building or other feature associated with such a system, and that system –*

*(i) is substantially complete; or*

*(ii) is of a pattern which is recorded in a document prepared before the relevant date by a local planning authority, within the meaning of the 1990 Act, for the purposes of development control within the authority's area, as a key landscape characteristic.*

I can confirm that these hedgerows are not covered under the stated criteria. Further advice on the hedgerows status, as defined by the above criteria, will be required from the Record Office as stated in the 1997 Regulations.

**Nature Conservation Officer:**

*3<sup>rd</sup> February 2010*

Bats

The submitted bat survey has been undertaken to a high standard and whilst bats are active on the site there is no evidence of a roost being present.

To avoid the loss of any foraging habitat the submitted report recommends the retention of three specific trees. From the lay out plan for the site it appears that this recommendation has not been adopted by the applicant and only two of the three trees appear to be retained. I recommend that the submitted plan be amended to show retention of all three trees and preferable shows increased native species planting in this area to increase the available bat foraging habitat.

To secure an enhancement of the site for roosting bats I recommend that a condition is attached that features for bats are incorporated in the new buildings. Wording of this condition is given in the breeding bird section below.

Breeding Birds

I recommend that the following two conditions are attached to any permission granted to ensure birds are not disturbed during the breeding season and to secure the provision of replacement nesting opportunities.

Prior to any commencement of works between 1<sup>st</sup> March and 31<sup>st</sup> August in any year, a detailed survey is required to check for nesting birds. Where nests are found in any building, hedgerow, tree or scrub to be removed (or converted or demolished in the case of buildings), a 4m exclusion zone to be left around the nest until breeding is complete. Completion of nesting should be confirmed by a suitably qualified person and a report submitted to the Council.

Reason:- to safeguard protected species in accordance with PPS9.

Prior to the commencement of development the applicant to submit detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds and roosting bats. Such proposals to be agreed by the LPA. The proposals shall be permanently installed in accordance with approved details.

Reason: To secure an enhancement for biodiversity in accordance with PPS9.

### Badgers

Badgers are active across the site, however the level of foraging activity is likely to be low enough that the proposed development of the site would not have an adverse impact on the species. No active setts have been recorded; however there is one mammal burrow which may possibly be used by badgers and the submitted survey report recommends that this is resurveyed to determine its current usage. I advise that this burrow should be re-inspected to confirm its usage by badgers and an updated report together with any mitigation required should be submitted prior to the determination of the application.

### Phase One Habitat map

I do not appear to have a full copy of the phase one habitat map produced as part of the submitted survey.

Whilst the habitats present on site do not appear to be particularly important in ecological terms it would be useful to have a full colour copy of the habitat plan prior to making final comments.

*3<sup>rd</sup> March 2010*

The updated badger survey is acceptable. No evidence of a badger sett was recorded on site and the site only appears to be used occasionally for foraging/commuting purposes. I advise that this species does not present a constraint on the proposed development.

My original comments in relation to other nature conservation issues and suggested conditions still stand.

### **Greenspaces:**

If the development were to be granted planning permission (in accordance with the submitted details on the plans submitted by Bloor Homes dated November 09 for 53 dwellings varying in size) there would be a deficiency in the quantity of provision, having regard to the adopted local standards set out in the Council's Open Space Study for both Amenity Green Space and Children and Young Persons provision.

### **Amenity Greenspace**

Following an assessment of provision of Amenity Greenspace accessible to the proposed development, it has been identified that there will be a quantitative deficiency in this type of provision in the event that planning permission is granted.

Due to the size of the proposed development site rendering it inappropriate for the on site provision of public open space, subject to discussion and negotiations with the Astbury Country Park Trust, an opportunity has been identified whereby there is the potential to increase the capacity of the existing amenity space at Astbury Mere Park adjacent to the development site by linking public rights of way to permissive path ways around the park.

The upgrading of this site by the improvement of access links to and around Astbury Mere would expand the Country Parks capacity via accessibility of the site and also connectivity to other areas that are open to the general public. Improvements to wildlife habitats, infrastructure and management service would also be beneficial to wildlife and the public.

With reference to the above suggestions to increase the Country Parks capacity and the revised site layout, it is felt that the footpath link indicated on the South West side of the development site on to the A34 would be better relocated to the North West of the site to adjoin the access road to Astbury Country Park. Although a footpath link in the above mentioned preferred location is indicated on the site plan, the path currently appears to stop on the boundary of the site and Greenspaces would prefer that consideration be given for enhancements of this existing public right of way to increase accessibility to the Park. In addition there is also the potential to construct pedestrian access from the South West of the site to the lane that leads to the sailing centre.

Greenspaces would also be in favour of the opening up of a link path between the development site and the newly constructed Care Home to improve accessibility for elderly residents by providing a quieter and safer access route to the Country Park.

Clarification as to the landscape impact of the development site on the Country Park and how the existing vistas will be affected, including information relating to any proposed screening is something that requires consideration by the Country Park and Greenspaces.

The proposed landscaped buffer strip adjacent to Newcastle Road is not an area that would be considered useable open space and would not therefore off set the amount of Amenity Greenspace available on site. Additional information relating to the type of landscaping proposals intended to shield the traffic noise would be required so that comment can be provided as to whether existing maintenance regimes could accommodate any new designs requirements.

Whilst potential exists for the enhancement of the Country Parks amenity spaces via path work improvements, opportunities to improve CE maintained PROW in the vicinity of the new proposed development also exist, thereby providing ample opportunity for the deficit in Amenity Greenspace on the development to be off set by improvements in other areas. It should be noted that Greenspaces would need to be involved in any discussion relating to PROW improvements and specifications for new paths, and it would be anticipated that any new paths should become PROW or be to adoption standards by highways.

Given that an opportunity has been identified for enhancing the capacity of existing Amenity Greenspace to serve the development based on the Council's Interim Policy Note on Public Open Space Requirements for New Residential Development the financial contributions sought from the developer would be;

Enhanced Provision:	<u>£ 9,033.93</u>
Maintenance:	<u>£20,220.75</u>

### **Children and Young Persons Provision**

Following an assessment of the existing provision of Children and Young Persons Provision accessible to the proposed development, if the development were to be granted planning permission there would be a deficiency in the quantity of provision, having regard to the local standards set out in the Council's Open Space Study.

Consequently there is a requirement for new Children and Young Persons provision to meet the future needs arising from the development. Whilst Bloor Homes have agreed to provide on site provision due to the absence of any in the local vicinity, the proposed location of the play area on the revised site layout is something that may need to be reconsidered.

The Revised Supplementary Planning Guidance Notes states that in relation to the location of public open space in new residential developments that; *“The open space should not adjoin a main road or estate distributor road”*. Due to the T-junction of the main estate in-road occurring directly to the front of the POS the relocation of the play area or the redirection of the traffic may be something for consideration.

A small Local Equipped Area for Play (LEAP) is to be provided and will contain at least 3 items of equipment (including a multi-unit) for the 6 and under age range.

This would take into account play area infrastructure, equipment including elements of DDA equipment, safer surfacing and safety inspection. We would request that the final layout and choice of play equipment be agreed with CEC, and obtained from a supplier on the Councils select list; the construction should be to the council’s specification. Full plans must be submitted prior to the play area being installed and these must be approved, in writing prior to the commencement of any works.

Given that an opportunity has been identified for increasing the quantity of Children and Young Persons Provision, based on the Council’s Guidance Note on its Draft Interim Policy Note on Public Open Space Requirements for New Residential Development the financial contributions sought from the developer would be:

New Provision: Bloor Homes to provide LEAP  
Maintenance: £51,044 (25 years)

**Environment Agency:**

The proposed development will only be acceptable if the following planning conditions are imposed:

**Condition:**

The development hereby permitted shall not be commenced until such time as a scheme to; limit the surface water run-off generated by the proposed development so that it will not exceed the run-off from the undeveloped site, has been submitted to and approved in writing by the Local Planning Authority.

**Reason:**

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

The Flood Risk Assessment (FRA) explains that the discharge of surface water from the proposed development is to be via a soakaway system, which is acceptable in principle. The system is to be designed for up to the 1 in 100 years design event.

**Condition:**

The development hereby permitted shall not be commenced until such time as a scheme to; manage the risk of flooding from surface water overland flow so that it will not cause flooding on-site and not increase the risk of flooding off-site, has been submitted to and approved in writing by the Local Planning Authority.

**Reason:**

To reduce the increased risk of flooding.

During a severe rainfall event overland flow of surface water could cause a flooding problem. This flood risk is not to affect proposed buildings and is to be contained within the site.

**Condition:**

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

**Reason:**

To ensure a safe form of development which poses no unacceptable risk of pollution.

Based on the information provided it would appear that the site will pose a low risk to controlled waters. However, a number of areas require further investigation as stated in section 23 of the report. Therefore it is recommended that the above condition is specified to enable the risk to controlled waters to be re-assessed once the additional works have been completed.

The following informatives should be included on the decision notice.

**Informatives:**

We are promoting, with help of Local Planning Authorities, Sustainable Urban Drainage Systems (SuDS). It would be beneficial for nature conservation and biodiversity to have sustainable urban drainage systems including swales and ponds.

The Environment Agency recommends the use of native species with any landscaping scheme. If there are distinct local varieties where the local gene pool should be maintained, then stocks of local provenance should be used. British forms tend to be more resistant to frost and damp than their European counterparts, and flower and fruit at times more appropriate to the British animals that depend on them.

**7. VIEWS OF TOWN/PARISH COUNCIL**

Recommend approval of the application subject to any highway concerns being taken into consideration.

**8. OTHER REPRESENTATIONS****Astbury Mere Trust:**

The Trustees are concerned with the density of the development and the possible visual impact from the Country Park, particularly from the north eastern section of the development. There is also the view that because there is a pre-existing public footpath which runs through the site on to the southern entrance to the Country Park, in effect, the park will be used as an amenity provision. As we would presume those residents will make full use of our facility and as the Trust is running this country park at a significant loss we request that if there is an S106 provision that the Astbury Mere Trust is granted this to cover some of its running cost.

**Sustrans:**

We note the application for the residential development at Marsh Farm, Congleton.

Should this land use be approved our comments are as follows:

- 1) The estate should be designed for slow speed re 20mph or less.
- 2) The new estate should be integrated with existing residential areas/facilities for both walking and cycling.
- 3) There should be a contribution from a development of this scale toward encouraging more walking and cycling in this area of Congleton such as to the town centre.
- 4) We suggest travel planning for a site of this size.

8 other representations have been received relating to this proposal expressing concern over the following issues:

- Highway Safety
- Impact of increased traffic especially combined with traffic from the church and care home
- Ecological impact
- Loss of wild plants
- Impact on trees
- Increased pressure on drainage
- Flooding
- Increase in noise levels
- Impact on local infrastructure
- Scale and density of the development

- Disruption during construction
- Loss of pleasant rural fields
- Impact on Astbury Country Park
- Light Pollution
- Poor living conditions due to road noise

## **9. APPLICANT'S SUPPORTING INFORMATION**

- Contaminated Land Survey
- Tree Survey Report with Update
- Design and Access Statement
- Affordable Housing Statement Including Draft Heads of Terms
- Transport Assessment
- Assessment of Traffic Noise Impact
- Air Quality Assessment
- Protected Species Surveys
- Flood Risk Assessment

## **10. OFFICER APPRAISAL**

### **Principle of Development**

The site is designated as being within the Settlement Zone Line of Congleton where there is a general presumption in favour of development provided that it is in keeping with the scale and character of the town. Although the site is largely Greenfield in appearance and nature, one of the key considerations is whether the Council is in a position to meet its five year land supply targets.

The Strategic Planning Officer has stated that as a whole Cheshire East has 5.14 years supply; however this does not preclude other suitable sites being released for housing development, subject to it not undermining the achievement of housing policy objectives. The Secretary of State for Communities and Local Government has recently announced that the Regional Spatial Strategy will be abolished in the near future; returning decisions on housing land supply to Local Planning Authorities and this intent should be a material consideration in the determination of planning applications.

On this analysis, the principle of housing development within the Settlement Zone Line of Congleton would be difficult to resist as the regional housing targets are set as a minimum, not a maximum limiting the amount of development that can take place.

Having regard to the density of the development, there would be 32 dwellings per hectare, which is slightly above the target set out in PPS3. This density is similar to that existing at the housing estate on the northern side of Astbury Mere Country Park, and not unusual within Congleton as a whole. This density is therefore considered to be acceptable.

Having regard to the greenfield character of the site, it should be noted that this is a relatively small area of private land, sandwiched between development. It is not considered that its loss would cause significant detriment to the character and appearance of the area.

Adjacent to the existing farmhouse and running along the western boundary of the site, there is Public Footpath 10 and this footpath appears to be within the application site where

Plot 1 would be sited. This has been advertised and advice from the Public Rights of Way unit is awaited, however the application should not be determined until after the advertisement has expired. An update will be provided to Members prior to the meeting.

### **Highways and Parking**

The Highways Officer has assessed the application and negotiated amendments to the layout in combination with the Planning Officers advice. The amended design does not comply with advice given in 'Manual for Streets', however due to the constraints of the site this would be difficult to achieve and the Strategic Highways Manager states that the site has restrictions which lend themselves to design principles under the 1996 Cheshire County Council Design Aid, which is a document still in use locally. In addition the level of parking provision for each of the dwellings is considered to be acceptable. It is therefore considered that a refusal on these grounds could not be sustained.

A Transport Assessment was submitted with the application and the Strategic Highways Manager has assessed this and verified its findings. The Assessment concludes that the site is considered to be accessible by a range of non-car modes of travel, is in close proximity to the existing public transport infrastructure and that the development would not have a detrimental impact on the local highway network, including the nearby junction of Newcastle Road and Padgbury Lane.

The Strategic Highways manager requests a condition requiring a footpath leading to the pedestrian link with the church, this however has been included in the amended layout, and therefore this would not be necessary.

Taking into account the issues covered above it is considered that the proposal is in compliance with Policies PPG13, GR9, GR10 and GR18 and acceptable in terms of highway safety, traffic generation and parking provision.

### **Contributions**

The application includes an undertaking for the provision of 15 affordable homes within the site as agreed following negotiations with the Housing Officer. These would consist of 5 two bedroom and 3 three bedroom homes for social rent and 7 three bedroom homes for open market discount (30%) sale. Supplementary Planning Document 6: Affordable Housing and Mixed Communities, requires 30% of the development to be classed as affordable housing in line with the definition in Planning Policy Statement 3: Housing and the Housing Manager is satisfied with the level of provision put forward. In addition the proposal also meets the requirement to be 50% social rented and 50% discounted for sale.

The Strategic Planning Officer states that the proposal does not provide the level of affordable housing required by Supplementary Planning Document 6, (Affordable Housing and Mixed Communities). The level to be provided would be 28%, however as the Housing Officer is satisfied with the level of provision and given the current economic climate, it is considered that this small shortfall (2%) is acceptable.

Provided that the developers and the Registered Social Landlord chosen to manage the social rented properties enter into a Section 106 Agreement securing the provision and retention of the affordable housing, it is considered that this renders the proposal acceptable in terms of the provision of affordable housing.

The Greenspaces Officer has assessed the proposal and states that due to the size of the development, it would be inappropriate to provide a large enough area of public open space within the development to offset the deficiency of provision set out by the adopted local standards in the Council's Open Space Study for both Amenity Green Space and Children and young Persons provision. As such commuted sums would need to be secured by Section 106 Agreement and these are fully explained in the consultation response from the Greenspaces Officer. In summary they would comprise a sum of £9,033.93 for enhanced provision of Amenity Greenspace, with £20,220.75 for maintenance and £51,044 for maintenance of a small Local Equipped Area for Play, the specification of which should be agreed with the Council.

The Astbury Mere Trust has requested that they are granted Section 106 monies to offset the running costs of the Trust; however as the Trust is a private Limited Company and a registered charity and is not part of the development site, it would not meet the requirements of the Act. As such it would not be possible to acquiesce to this request.

### **Ecology - Protected Species & Nature Conservation**

Reports have been submitted with the application relating to the ecology of the site and protected species and the site have been assessed by the Nature Conservation Officer. He concludes that the development would not have a significant impact on protected species subject to the retention of three trees within the site and conditions relating to the prevention of disturbance of breeding birds and the enhancement of the site for roosting bats.

Having regard to the three trees mentioned, they are a in a group consisting of two Sycamores and one Ash. An updated Tree Survey undertaken in April of this year recommends the felling of the Ash as it is situated between the two Sycamores, resulting in it having a suppressed crown and being in decline with the western stem dead and an estimated remaining contribution of ten years. It is therefore considered that allowing this tree to be felled would benefit the two sycamores and provided that these trees are retained there would still be a foraging area on the site for bats.

It is recommended that conditions be imposed relating to the protection of breeding birds and features to enhance the area as a habitat for bats and breeding birds.

### **Amenity**

The development would meet the requirements required by Supplementary Planning Document 2 (Private Open Space), in that the private amenity space provided to the dwellings would be acceptable as would the separation distances between the individual properties. It is therefore considered that the residential amenities of future occupiers would be acceptable. It is considered however, that Permitted Development Rights should be removed from Plots 4 and 5, 32 to 41 inclusive, and 44 to 52 inclusive, as future extensions could have the potential to be detrimental to residential amenity.

### **Design and Layout**

The layout of the site would take the form of a main spine road entering the site with two offshoots forming a curved 'T' shape with turning heads at either end, the majority of the dwellings would be arranged around the route of the roads, with nine of the dwellings facing onto Newcastle Road, creating an active frontage to this part of the site adjacent to Astbury Care Home. The spine road has footpaths on both sides and in the northern part of the site a footpath is proposed leading to a pedestrian link through to the rear of the adjacent

church. An area of public open space is proposed at the entrance to the site, at the junction of the spine road, which it is considered would create an attractive feature for people entering the development.

The dwellings would consist of detached, semi-detached and terraced properties of a design that is considered to be acceptable, subject to the use of appropriate materials in their construction and this could be controlled by condition should the application be approved.

### **Landscaping and Trees**

None of the trees within the site are subject to Tree Preservation Orders; however some of the specimens are very prominent. The layout as originally submitted caused concerns in relation to the impact that retained trees would have on the future amenities of the proposed dwellings and where buildings would be within tree root protection zones or too close to boundary hedges, as such an amended layout was sought. The amendments have increased the separation distances between the properties sited near the lines of Poplar trees on the boundary with Astbury Mere Country Park. The Senior Tree and Landscape Officer still has concerns over the impact that these trees would have on the amenities of these properties but accepts that the relationship has been improved. She considers that these trees are not in keeping with the local landscape character or suitable for long term retention but do provide valuable screening to the site. They are not within the control of the applicants so it will be important to ensure that appropriate planting is secured by condition should planning permission be granted.

The planting proposed on the frontage of the site, adjacent to Newcastle Road is not considered to be an appropriate replacement for the existing hedgerow and it is recommended that alternative landscaping is secured by condition. The hedgerow does not fall under the relevant criteria of the Hedgerow Regulations 1997 in archaeological terms and a response is awaited from the Cheshire Record Office in relation to the Hedgerow Regulations.

On balance it is considered that suitable landscaping for the proposal can be achieved and it is recommended that this be controlled by conditions should the application be approved.

## **11. CONCLUSIONS**

In conclusion, it is considered that the proposal meets the requirements of the national policy and the development plan in terms of the issues addressed above and therefore approval of this application is recommended subject to the following conditions.

## **12. RECOMMENDATION:**

**Approve subject to the signing of a Section 106 Agreement and the following conditions:**

- 1. Commence development within 3 years**
- 2. Development in accordance with agreed drawings**
- 3. Submission and of details/samples of external materials**
- 4. Submission and implementation of a scheme of tree protection measures**

- 5. Submission and implementation of a method statement for construction in relation to trees and landscaping on the site**
- 6. Submission and implementation of a scheme of landscaping of the site**
- 7. Submission and implementation of details of boundary treatments**
- 8. Submission of a detailed drainage scheme**
- 9. Limits on hours of construction**
- 10. Limits on hours of piling**
- 11. Submission of detailed access and junction plans**
- 12. The dwellings shall not be occupied until the access and junction are completed in accordance with the approved details**
- 13. Omission of the lateral deflections on the submitted layout plan**
- 14. Submission of surveys and mitigation methods for the protection of breeding birds**
- 15. Submission of details of features for breeding birds and bats**
- 16. Submission of details of Local Equipped Area of Play**
- 17. Submission of scheme to limit surface water run-off**
- 18. Submission of a scheme to manage flood risk**
- 19. Submission of a scheme to deal with the risks associated with contamination on the site**

Location Plan: Cheshire East Council Licence No. 100049045

