

Application No: 20/5760C

Location: Radnor Green, Land off BACK LANE, CONGLETON

Proposal: Reserved matters application for 178no dwellings including associated roads, car parking and landscaping works.

Applicant: Mr Ben Sutton, Stewart Milne Homes

Expiry Date: 22-Mar-2021

SUMMARY

This is a reserved matters application, submitted following outline permission 16/1824M seeking approval of all reserved matters. The principle of residential development, in line with Local Plan allocation LPS26, has therefore been accepted.

Highways have no objections and whilst the Public Rights of Way team have raised some issues in relation to details of the East – West Greenway this is subject to a condition on the outline approval.

The Council's Ecologist has raised issues in relation to the possible impacts of the drainage outfall, access track and bridge crossing which are not fully considered in this application, however again these matters are the subject of conditions on the outline and the applicant will need to consider the ecological implications of these works as part of the condition discharge. Comments from the Council's Tree and Landscape Officer will need to be included in any update report, although it is not anticipated there will be any significant issues here.

Extensive discussions have taken place in relation to urban design and revised plans have now been received that address the majority of the issues raised.

ANSA have raised some matters which the applicant has sought to address and their comments on these which will be reported in an update report.

Housing have no objections to the affordable housing provision.

Finally matters relating to drainage and contaminated land/air quality/amenity can be addressed by condition, many already applied at the outline stage

RECOMMENDATION

Approve with conditions

SITE DESCRIPTION

This application relates to the southern part of the site approved in outline in 2018. It is bounded by the Congleton Link Road to the North, to the Miller Homes development to the West, to an area of grassland – which has the benefit of outline permission for commercial uses North of Radnor Park to the south, and to the River Dane with its steep wooded embankment to the East.

The site consists of two elements, the main area to the west – proposed for housing, which consists of an area of grassland and the area to the east, which consists of a rougher area of land, and some woodland along the embankment to the River Dane. There is a significant change in level between the main area of the site which sits on the embankment, and the river valley below. There are no trees within the main body of the site, which is essentially one large field, but there are numerous trees to the site boundaries.

PROPOSAL

This reserved matters application seeks approval of all reserved matters – Access, Appearance, Landscaping, Layout and Scale for a development of 178 dwellings (a reduction of 1 from the original submission) . In addition the following are proposed:

- Areas of public open space including a NEAP in the centre of the site
- A landscaped buffer on the southern boundary separating the site from the allocated commercial site beyond
- A sizable SUDS (sustainable urban drainage) pond to the east of the housing area
- A footpath/cycleway link to the Link Road to the north and east out of the housing area running along the river embankment and then down to the River Dane

Access to the site is proposed from the Link Road to the north west of the site, and Back Lane to the south, shared with the allocated commercial site. The two links would not meet.

The proposed housing mix is as follows:

ACCOMMODATION SCHEDULE

Mews Dwelling Types AFFORDABLE			SQFT	No	Total Sqft
--------------------------------	--	--	------	----	------------

AE	3 Bed	Aviemore MT	770	5	3850
BK	3 Bed	Berwick ET/S	869	8	6952

Apartments AFFORDABLE			SQFT	No	Total Sqft
-----------------------	--	--	------	----	------------

CRUM	2 Bed	Crummock APT	603	12	7236
LOWE	2 Bed	Loweswater APT	617	6	3702

Total dwellings and sqft			31	21,740
--------------------------	--	--	-----------	---------------

Mews Dwelling Types			SQFT	No	Total Sqft
---------------------	--	--	------	----	------------

AE	3 Bed	Aviemore MT	770	2	1540
BA	3 Bed	Balgowan MT	828	4	3312
BK	2 Bed	Berwick MT	866	8	6928
BK	3 Bed	Berwick ET/S	869	9	7821
BU	3 Bed	Burford ET/S	925	6	5550
CL	3 Bed	Cairnhill ET/S	972	26	25272
CU	3 Bed	Cullcross S	1031	5	5155
DA	3 Bed	Darrington S	1059	16	16944
DY	4 Bed	Dewsbury S	1141	12	13692

3 Bed Detached Dwellings			SQFT	No	Total Sqft
--------------------------	--	--	------	----	------------

CM		Corringham	1026	3	3078
----	--	------------	------	---	------

4 Bed Detached Dwellings			SQFT	No	Total Sqft
--------------------------	--	--	------	----	------------

DR		Daresbury	1079	4	4316
DY		Dewsbury DET	1144	3	3432
EL		Elland	1188	4	4752
FH		Farnham	1266	5	6330
HR		Harris	1382	7	9674
DV		Davenport	1323	6	7938

5 Bed Detached Dwellings			SQFT	No	Total Sqft
--------------------------	--	--	------	----	------------

KD		Kendal	1493	10	14930
LE		Leven	1630	4	6520
LY		Lytham	1668	4	6672
NA		Nairn	1759	9	15831

Total dwellings and sqft - OMS			147	169,687
--------------------------------	--	--	------------	----------------

Total dwellings and sqft - Including Affordable			178	191,427
---	--	--	------------	----------------

A number of revisions have been made from the original submission.

RELEVANT PLANNING HISTORY

Congleton Link Road:

15/4480C The proposed Congleton Link Road - a 5.7 km single carriageway link road between the A534 Sandbach Road and the A536 Macclesfield Road. APPROVED July 2016

Forming the western boundary of the site:

16/0514C Outline application for demolition of some existing buildings and the development of a residential scheme composing up to 140 dwellings, open space, landscape, access and associated infrastructure - Land at, Back Lane, Congleton Approved 21-Dec-2017

18/4888C Reserved matters application for appearance, landscaping, layout & scale following outline approval application 16/0514C for demolition of some existing buildings and the development of up to 140 dwellings Land at, Back Lane, Congleton - Approved 13-Sep-2019

Relating specifically to this site:

16/1824M Demolition of the existing building and an outline planning application with all matters reserved except for means of access for a mixed use development comprising residential dwellings (use class C3) and employment development (use classes B1, B2 and B8) incorporating an element of leisure uses (use classes A3 and A4), together with associated woodland buffer, ecological mitigation and enhancements, open spaces and infrastructure. - Land to the north of the existing Radnor, Land at Back Lane, Congleton - Approved 21-Sep-2018

POLICIES

Cheshire East Local Plan Strategy – 2010-2030

- PG1 – Development Strategy
- PG6 – Open Countryside
- SD1 - Sustainable Development in Cheshire East
- SD2 - Sustainable Development Principles
- IN1 – Infrastructure
- IN2 – Developer Contributions
- SC1 – Leisure and recreation
- Sc2 – Indoor and outdoor recreation
- SE 1 - Design
- SE 2 - Efficient Use of Land
- SE3 – Biodiversity and Geodiversity
- SE 4 - The Landscape
- SE 5 - Trees, Hedgerows and Woodland
- SE 6 - Green Infrastructure
- SE 13 - Flood Risk and Water Management
- CO1 – Sustainable Travel and Transportation

Site LPS 26 - Back Lane / Radnor Park, Congleton

Saved policies in the Congleton Local Plan

- | | |
|-------|--|
| PS8 | Open Countryside |
| PS10 | Jodrell Bank Radio Telescope Consultation Zone |
| GR6&7 | Amenity & Health |
| GR9 | Accessibility, servicing and parking provision |
| GR10 | Managing Travel Needs |
| GR14 | Cycling measures |

GR15	Pedestrian measures
GR18	Traffic Generation
GR20	Public Utilities
GR22	Open Space Provision
GR23	Provision of Services and Facilities
NR4	Nature Conservation (Non Statutory Sites)
NR5	Maximising opportunities to enhance nature conservation

Neighbourhood Plans:

Most of the site falls within Somerford Neighbourhood Plan area but an area to the south falls within Congleton.

The Somerford Neighbourhood Development Plan referendum was held on the 15 of February 2018. The plan was made on the 19 March 2018.

- D1 (Design)
- D2 (Building Design)
- H1 (Housing)
- H2 (Housing Mix)

Congleton Neighbourhood Plan – Congleton Town Council formally withdrew the Congleton NDP on the 22 May 2019, following an exploratory examination meeting with CEC and an independent examiner. Very limited weight can therefore be afforded the plan.

- H4 Housing for the elderly, Disabled and other Vulnerable Groups
- H6 Affordable Housing, Starter Homes and Low Cost Housing to meet local housing needs
- H7 Tenure Mix
- H9 Housing Design
- T3 Parking and electric charge points
- T7 Pedestrians
- T10 Fibre Optic cabling to premises
- SE2 Landscape setting of the town
- D1 Design for Congleton
- D2 Design Quality

Other Material Considerations

- The National Planning Policy Framework
- National Planning Practice Guidance
- Cheshire East Infrastructure Delivery Plan
- Cheshire East: Strategic Flood Risk Assessment August 2013
- Cheshire Landscape Character Assessment
- 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
- Cheshire East Design Guide

CONSULTATIONS (External to Planning)

Natural England: They have requested further information on water quality impacts on the construction phase of the development so they can determine any impacts on the SSSI located 1km down-stream from the site. This is discussed below.

United Utilities: No objections subject to conditions relating to approving a surface water drainage scheme and separate foul and surface water drainage.

CEC Head of Strategic Infrastructure: No objections.

CEC Housing: Following the receipt of additional supporting information, including an affordable housing statement with a clear break down of bedroom types and also delivery timings, they now have no objections to the application.

CEC Public Rights of Way (PROW): No impacts on designated PROW's but a number of detailed comments have been made to the proposed North Congleton Master-planning: East – West Greenway and are set out in the report below.

CEC Environmental Health: No objections, most matters are covered by conditions on the outline permission, although the contaminated land officer has made recommendations with regards to conditions.

CEC Flood Risk Manager: No comments received at the time of writing this report, but as noted in the report below, drainage was the subject of a condition on the outline approval that needs to be discharged before commencement of development.

ANSA: comments were received to the original scheme, raising a number of questions, which are set out in the report below, which the applicant has sought to address in revised proposals. ANSA's revised comments will be reported in any update report.

VIEWS OF THE TOWN/PARISH COUNCILS

Somerford Parish Council – Observe:

1. The houses do seem tightly packed, 179 houses on 4.82 hectares.
2. There are two entrances onto the development, 28 from one entrance and 151 from another.
3. Approx. 33 houses back onto the CLR.
4. The majority of the houses have no or a very poor view.
5. The road layout appears to be confusing, with lots of dwellings on "private" roads. Some dwellings will have to make 5 turnings before they reach the exit point of the development.
6. One of the roads filters into a new road from the Back Lane Trading Estate, before it then filters into the new Back Lane roundabout
7. The parking is not sufficient at each household

OTHER REPRESENTATIONS

Three representations have been received raising the following issues:

1. Concern all adjacent properties have not been notified
2. Concern about the amount of building work being undertaken in the area.
- 3 Drainage and soil issues. In particular a concern that “Over the last 4 years it seems that the housing developments and now new road are impacting the natural drainage of the land.” The concern is that more development will exacerbate the problem.
4. The part of Back Lane road next to Travis Perkins is also too small. Currently, only one car can pass through at a time. This will only get worse with another ~200 houses all wanting to access the same road. How will this be rectified?
5. Concern about the impact of houses so close to new dwellings built and lack of green space separating them.
6. Concern there are no new schools, hospitals, GP surgeries, and other required public services, being provided.
7. Loss of natural ground for drainage

OFFICER APPRAISAL

Principal of Development

The site is allocated Site LPS 26 - Back Lane / Radnor Park, Congleton:

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

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

13. The provision of land required in connection with the Congleton Link Road as set out in Figure 15.31 of the LPS.

The site already has the benefit of outline planning approval and, in principle, is considered to be in accordance with the Local Plan allocation, although as noted above it only forms a small part of the whole allocation.

Highway Implications

Access

The site will be accessed from the south via the link road that connects Back Lane and 3rd Avenue, this in turn connects with the new roundabout on Back Lane. A portion of the site will be accessed off an existing access point at the north of the site close to the CLR. There is no internal vehicular link between the two residential elements of the site, although pedestrian and cycle connectivity are provided.

Internal Design

The internal road layout is a standard form with the main access road being 5.5m wide with 2m footways to both sides. and the minor roads being shared surface at 4.8m wide. There are a number of private drives within the site that serve up to 5 units. Standard turning heads are provided at the end of the cul-de-sacs to allow for turning of refuse vehicles.

A movement plan has been submitted that indicates the location and connectivity of the footways and cycle paths through the development and also external links to the adjacent development, the CLR and other external pedestrian/cycle tracks.

Car parking provision across the development accords with the CEC car parking standards.

Conclusion

The submitted internal road layout is an acceptable design, speeds are likely to be contained to around 20mph. A number of external links have been provided for pedestrian and cyclists to access existing and planned routes which will aid connectivity generally.

In summary, there are no objections to the revised layout plans submitted in this reserved matters application.

Public Rights of Way/Cycle routes

The Public Rights of Way Team state that they have consulted the Definitive Map of Public Rights of Way and can confirm that the development does not appear to affect a public right of way.

The provision of connectivity for non-motorised users to and from this site needs to take in account the Local Plan requirements, including:

- The provision of pedestrian and cycle links set in green infrastructure to new and existing employment, residential areas, shops, schools, health facilities and the town centre;
- The provision of a network of open spaces for nature conservation and recreation, including access to and enhancement of the River Dane Valley Corridor as shown and detailed within the Local Plan Strategy.
- The provision of pedestrian and cycle routes to provide clear and safe links to surrounding communities.

- Future development should provide an east to west greenway with pedestrian and cycle links across the site linking together proposed and existing leisure uses, local retail and other community facilities at this site with other sites to the north of Congleton. This should include a footbridge over the River Dane for pedestrian / cycle use.

The Proposed Movement shows mainly on road routes for pedestrians and cyclists. Routes should be traffic-free where possible and should be designed and constructed to best practice in terms of pedestrian/cyclist shared use or segregated infrastructure, accessibility and natural surveillance, set within a green infrastructure corridor to create a sense of Quality of Place. The greenway route must link with the adjacent development site to the west and provide at least a 3m usable, surfaced width. The routes should be available prior to first occupation.

The proposals include a pathway from the eastern corner of the development, along the top of the river embankment and then down to the River Dane, as was originally envisaged as part of the outline proposals. This has been revised from the original submission to give a better separation from the proposed SUDS feature on site, but full details have not been provided as part of this application.

Whilst this is regrettable, the applicant highlights that this matter is the subject to a condition on the outline permission, No. 28 which reads:

“A scheme for the improvement of the existing access track down to the River Dane on the south eastern boundary of the site, shall be submitted and approved by the LPA. The approved details, which will make provision for full public access, shall be fully implemented prior to occupation of 50% of the dwellings on land south of the Congleton Link Road.”

As such it is accepted that the details of this provision can be dealt with separately.

The Proposed Planning Layout depicts a link for walkers/cyclists from the development site on to the Congleton Link Road.

Landscape/Trees

No comments have been received from the Council’s Tree & Landscape Officers at the time of writing this report, however in support of the application an Arboricultural Impact Assessment was submitted, together with full landscaping plans for the site.

As noted in the description above there are no trees within the main body of the site, however there are numerous trees along the site boundaries, and the submitted report identifies that tree protection measures will be required to ensure these trees are protected as part of any development.

Comments received from the Council’s tree and landscape officers will be reported in any update report.

Ecology

Statutory Designated Sites

This application falls within Natural England’s SSSI impact risk zones for developments of this type. It is noted that Natural England have been consulted on this application and have requested further information to allow them to determine the potential impacts of the proposed development upon the River Dane SSSI. The applicant however has highlighted that the matters of concern, namely the impact on

water quality from the construction phase of the development, are controlled by conditions imposed on the outline approval, concerning the need for a drainage plan to be approved, and a Construction and Environmental Management Plan. An additional condition is recommended to highlight that the drainage and management plan conditions must consider water quality as part of the assessment

The following conditions were attached to the outline permission at this site (16/1824m).

Condition 25. Updated Great Crested Newt survey

An updated Great Crested Newt Survey has been undertaken and submitted in support of this application.

A number of ponds are located within 500m of the proposed development. No Great Crested Newts were recorded at ponds within 250m of the proposed development. The application site for the most part offers limited habitat for great crested newts. Only land affected by the proposed outfall and footpath link provide any suitable habitat for newts. The application poses a very low risk to great crested newts and measures are proposed in the submitted Ecological Mitigation and Enhancement Strategy to further reduce these risks.

It is therefore advised that great crested newts are not reasonable likely to be affected by the proposed development and an offence under the habitat regulations is unlikely to occur.

Condition 27. Proposals for the incorporation of gaps for hedgehogs to be incorporated into any garden or boundary fencing.

Suitable gaps as required under this condition are proposed for timber fences and the brick screening walls on the revised Boundary Treatment Details drawing rev. A.

Condition 30. Updated survey for Badgers shall be carried out and a revised ecological mitigation strategy for the area of the site covered by the reserved matters application shall be, submitted to and approved in writing by the Local Planning Authority.

A number of badger setts have been recorded on site. The submitted survey report advises that a number of these are located within 30m of a number of elements of the proposed development. Two setts, one disused and one partially used, are present within 30m of the development footprint. It is likely that the proposed development would pose the risk of some level of disturbance of these setts. The precise level of impact would however depend upon the extent of badger activity taking place at these setts at the commencement of development. It is therefore recommended that if planning consent is granted a condition must be attached to ensure that an updated badger survey and mitigation strategy is submitted prior to the commencement of development.

Badger setts are also located in close proximity to the potential location of the drainage outfall and the footpath route through the open space. The precise impacts of the scheme on badgers will depend to large extent upon the design of the surface water outfall and the detailed design and location of the footpath through the open space areas adjacent to the river. It is therefore advised that the badger impact assessment be revised once these details are known.

An Ecological Mitigation and Enhancement Strategy (August 2020, Ecology Services) has been submitted in support of this reserved matters application as required by this condition. This report has however been produced prior to the proposals for the bridge, footpath link and surface water outfall being finalised and so must be updated once the detailed proposals bridge crossing, footpath link and outfall finalised.

The following comments are based on the preliminary assessment:

Reptiles

The majority of the application site is unsuitable for reptile species and so this species is not reasonable likely to be affected by the proposed development.

This group of protected/priority species may however potentially be affected by footpath through the open space areas adjacent to the river. This work would result in a minor adverse impact upon this species through the loss of suitable habitat but also pose the risk of disturbing or killing any animals present when works were undertaken.

The submitted Ecological Mitigation and Enhancement Strategy includes measures (paragraph 3.76) to minimise the risk of reptiles being killed or injured. This may however require updating once the details of the proposed footpath are known.

Kingfisher

This specifically protected bird species may potentially nest on exposed banks of the River Dane and consequently may potentially be affected by the proposed bridge crossing. Further surveys for this species may be required once the design of the bridge crossing have been finalised.

Otter and water vole

Otters are known to be present on the River Dane. The submitted preliminary Ecological assessment advises that habitats along the river are not ideal for water vole.

It is advised that both of these species could be affected by the surface water outfall and bridge crossing. Further surveys/assessments for these species may however be required depending upon the final design and location of the bridge crossing and surface water outfall.

Hedgehogs, Common Toad and Polecat

As was considered at the time of the outline consent there are records of these priority species in the vicinity of the application site. The majority of habitat affected by the proposed development is of limited value for these species. The footpath, drainage outfall may however potentially result in the localised loss of habitat of higher value for these species.

The provision of hedgehog gaps in garden fences have been secured under condition 27 of the outline consent. Measures to minimise the risk to hedgehogs have been included with the Ecological Mitigation and Enhancement Strategy submitted with this application. These should be secured by condition if planning consent is granted.

Brown Hare

The proposed development would result in the loss of a significant area of farmland which is potentially utilised by this priority species. As was considered at the time outline consent was granted, if this species was present, this loss of habitat would result in a permanent minor adverse impact. The retention of the woodlands and the incorporation of the suggested buffer zone would reduce this impact, but it is advised that the loss of open farmland is difficult to fully compensate for. The application site is however becoming increasingly isolated as a result of adjacent development which reduces its suitability for this species.

Ancient Woodland and Local Wildlife Sites

As considered at the outline stage, the proposed development is located adjacent to the River Dane (Radnor Bridge to Congleton) and Forge Wood Local Wildlife Sites. Both of these Local Wildlife Sites support ancient Woodland Habitats. Ancient Woodlands receive specific protection under paragraph 118 of the NPPF. Ancient woodlands are sensitive to a number of impacts resulting from adjacent development, including, tipping of garden waste, loss of woodland edge habitats, changes in hydrology/water quality, light pollution and pollution by garden chemicals etc.

The submitted ecological assessment states that an undeveloped buffer of between 15 and 30m would be provided between the woodland and the proposed development. This is as anticipated at the outline stage.

In order to demonstrate that the required buffer has been incorporated into revised layout plan SK306-PSL02 Rev. N. This revised plan shows that the attenuation basin has been removed from the ancient woodland buffer. Footpaths are proposed within the buffer. In order to avoid an impact upon the adjacent woodland these must be designed carefully, and the extent of engineering work minimised.

It is advised that, to ensure that the buffer zone functions as intended, Proposals must be submitted for the retention and safeguarding (fencing off) of the buffers during the construction phase. Detailed landscaping/planting plans for the buffers must also be submitted.

In addition to the undeveloped buffer zone adjacent to the River Dane, a wildlife corridor was also proposed on the northern boundary as part of the outline application, as detailed in paragraphs 8.0102 and 8.108 of the ES. The submitted revised layout plan includes proposals for planting in this area, however this is located outside the red line of the application and so presumably forms part of the Congleton Link Road. It is advised that the northern boundary buffer must be provided on land within the control of the applicant.

Proposed drainage outfall and footpath link

Whilst proposals for a drainage outfall and footpath link were anticipated at the outline stage no specific details were available at the time of the determination of the outline application. The provision of these features was anticipated to potentially have an adverse impact upon ecological interests including the adjacent Local Wildlife Sites. These sites are protected by Local Plan Policy SE 3.

The drainage outflow and footpath link have been included with this reserved matters application, however, again only outline details are provided and the impacts of these features have not been fully assessed as part of the ecological assessment submitted with this application.

It is advised that an assessment of the potential impacts of the creation of the surface water outfall and footpath together with mitigation and compensation measures must be submitted at the same time as any detailed designs for those. The assessment should consider at least: protected/priority species and habitats, designated sites and the loss of biodiversity determined using the Natural England Version 3 Biodiversity Metric.

Lighting

To avoid any adverse impacts on bats resulting from any lighting associated with the development, particularly of the proposed footpath, it is advised that a lighting scheme should be submitted in support of this reserved matters application.

The lighting scheme should reflect the Bat Conservation Trust Guidance Note 08/18 (Bats and Artificial Lighting in the UK) and should consider both illuminance (lux) and luminance (candelas/m²). It should include dark areas and avoid light spill upon bat roost features, bat commuting and foraging habitat (boundary hedgerows, trees, watercourses etc.) aiming for a maximum of 1lux light spill on those features.

The scheme should also include a modelled lux plan, and details of:

- Proposed lighting regime;
- Number and location of proposed luminaires;
- Luminaire light distribution type;
- Lamp type, lamp wattage and spectral distribution;
- Mounting height, orientation direction and beam angle;
- Type of control gear.

This matter is to be conditioned.

Hedgerows

Hedgerows are a priority habitat and hence a material consideration. The applicant has advised that the hedgerow along the sites western boundary (identified as TN 1 on the 2020 Phase One Habitat Plan) would be retained as part of the proposed development, with the exception of the loss of a small section to facilitate an access route. This is however not clear from the submitted layout plan or detailed landscape plans. If planning consent is granted, it is recommended that the retention of this hedgerow be secured by means of a condition.

A tree within this hedgerow has been identified as potentially offering habitat for roosting bats. This tree is however shown for retention on the submitted arb impact assessment.

Nesting Birds

The application site may support breeding activity by the more widespread priority bird species which are a material consideration for planning. The vast majority of suitable habitat for these species would however be retained. If planning consent is granted the following condition is required to safeguard nesting birds:

Ecological Enhancement

This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development in accordance with Local Plan Policy SE 3. Whilst an Ecological Mitigation and Enhancement Strategy has been submitted with the reserved matters application this lacks sufficient detail to be enforceable.

It is therefore recommended that the applicant submits a detailed ecological enhancement strategy prior to the determination of the application or if planning permission is granted a condition should be attached which requires the submission of an ecological enhancement strategy.

Habitat Management Plan

If planning consent is granted a condition is required to secure the submission and implementation of a 30 year habitat management plan. The contents of the management plan would need to be informed by the proposals for and the impacts of the proposed footpath link.

Japanese Knotweed

The applicant should be aware that Japanese Knotweed (*Fallopia japonica*) is present on the proposed development site. Under the terms of the Wildlife and Countryside Act 1981 it is an offence to cause Japanese Knotweed to grow in the wild. Japanese knotweed may be spread simply by means of disturbance of its rhizome system, which extends for several meters around the visible parts of the plant and new growth can arise from even the smallest fragment of rhizome left in the soil as well as from cutting taken from the plant.

Disturbance of soil on the site may result in increased growth of Japanese Knotweed on the site. If the applicant intends to move any soil or waste off site, under the terms of the Environmental Protection Act 1990 any part of the plant or any material contaminated with Japanese Knotweed must be disposed of at a landfill site licensed to accept it and the operator should be made aware of the nature of the waste.

Conclusion

The Council’s Ecologist has requested more information in relation to the possible impacts of the drainage outfall, footpath link and bridge crossing of the River Dane. Whilst not ideal, these matters are secured by conditions on the outline and in order to discharge these conditions the applicant will need to consider ecological impacts as part of any proposals.

Urban Design

The performance of the scheme based upon these latest changes is summarised here:

1 Connections	2 Facilities	3 Public transport	4 Local housing requirements	5 Character	6 Working with site/context	7 well defined streets/spaces	8 Easy to find way around	9 Street for all	10 Car parking	11 Public/private spaces	12 External storage/amenity

Summary of assessment

The CEC Design guide would usually advocate creating a wholly outward looking development, however the previously approved development for Back Lane, the relationship to Congleton Link Road and the need to buffer the relationship with the proposed employment land do help to justify the layout as proposed. A stronger relationship has been created to the eastern fringe of the site and further ‘in plot’ landscaping indicated (subject to the detail) to reinforce the northern boundary in conjunction with the landscaping associated with the Link Road.

This aside, the revised scheme now performs more favourably when reviewed against the Building for Life 12 criteria that underpin the Cheshire East Design Guide. There are no reds and certain ambers are beyond the control of the applicant and dependent on the wider community and social infrastructure of the north Congleton development area coming forward. With the provision of a little more information then criterion 12 could readily be converted to a green.

During the course of the application the scheme has been amended and improved in a number of ways including creating stronger gateways, stronger building designs, identifying areas of distinct character, additional greening, improving connectivity, creating more balanced and less dominant parking,

improved street design and the hierarchy within the scheme. Certain positive attributes of the initial design have also been further strengthened as part of this iterative process.

The matters where there is still an element of modest concern/where further changes are advocated relate to 5 Character, 6 Working with the site and its context, 10 Car parking and 11 Public and private spaces, (12 previously mentioned) and these are reflected upon below with recommended actions.

If these are satisfactorily addressed either with targeted revisions or via condition then the scheme can be supported.

5 Character

There have been improvements to the layout and the house types that have given a lift and sense of identity and quality for the scheme, but still more could be done to further reinforce character.

Recommendations/ With actions from the applicant in italics:

- Further amendment to the apartment building design - omit rusticated render plinth in favour of a rusticated brick or use of good quality string coursing and wrapping the detail round all elevations. Consider omitting or reducing the Tudor boarding within the apex (see below for other large expanses of Tudor boarding). *Agreed, elevations have been updated.*
- Inclusion of more trees within the avenue leading up to the square, and there are also odd locations elsewhere where additional trees could be set in front garden spaces. *Agreed, the layout has been updated and the new landscaping plan has been submitted.*
- Set plots 176-8 back by a metre or 2 to allow hedging to front curtilage and elsewhere return hedging along frontages where space allows. *Layout amended to move 176-178 back 1.5m.*
- Boundary walls should return further where fencing would be visible in street scenes. The footpath link to the link road should not be enclosed by fencing except for the back garden of plot 154. *Boundary treatment layout updated.*
- The substation located at the edge of the main POS is unfortunate and will need to be landscaped and its access should be in grasscrete or corresponding block to the square. *Agreed, note added to layout.*
- There should be a more distinct treatment for the rural edge character area to differentiate it from the avenue/square area. The materials plan has been updated which shows all the homes around the main square in the same brick as discussed. The rural edge has a less formal feel with a various palette of materials. *The green edge also has the stone mullions removed as discussed.*
- The entrance off Back Lane requires a strong landscape scheme, including the land presently outside the control of the applicant to the north of the farm access. *Agreed and awaiting the landscaping plan for the land within our red edge. Obviously the applicant cannot influence the land outside their control.*
- Make better use of the space in the northern part of the site and potentially create localised play here and at the eastern edge of the site, where it interfaces with the rural edge of the Dane Valley. *Agreed and the details of which can be secured by condition.*
- Change the hipped roof design of Harris house type on the avenue, the square and the rural edge to a standard gabled roof. *Agreed, elevations have now been updated.*
- Refine details like header and string details and ensure string courses wrap full side elevations and where Cheshire boarding is proposed in large apices consider making those part boarded to reduce the scale. *Agreed, elevations now updated.*

- Hardscape needs tweaking - ensure shared drives and parking courts are in block as per the design guide and also driveways around the main square should be in block. Pavements along the Avenue should be in 'Charcon' paving, and that around the square in the north western part of the site should be the same as for the carriageway. The connecting paths in the NE part of the site should be in resin bound. *Agreed, hard landscaping plan has been updated and matches the approved adjacent Miller Homes scheme.*
- 10 year maintenance condition for frontage landscaping. Assume this can form part of a landscaping condition.

6 Working with the site and context

This would be green if the apartment building in the central northern part of the site was less dominant and had a better relationship to the adjoining housing development to the south. This could be quite strident and overbearing to a couple of those properties. The issue of SuDS is unfortunate as this would have added to the scheme rather than the reliance on a pipe and basin system. However, the improvements to the basin design and ecological betterment, the technical explanation and the current policy position mean that reluctantly we cannot compel a more innovative approach at this stage

Recommendations:

- Consider reducing the central apartment block to 2 storey to create a better relationship within the street and to neighbouring housing. The applicant however does not consider this is appropriate and that the building is acceptable. This is considered further below in the Layout/Amenity section.

10 Car parking

Generally the strategy works well and has been improved by the latest amendments, however, shared driveways and parking courts in tarmac (including those for apartments) have the potential to undermine should all be surfaced in block to enhance their hard landscape quality, whilst parking around the square should be in a block type in accord with the design guide

Recommendations:

- Surface private drives and courts in block and ensure those areas have good soft landscaping. Surface driveways around the square in block

The applicant has agreed to this change and update the submitted plans accordingly.

11 Public and private spaces

The main space for the scheme is well located at the heart and on the axis of the east-west greenway through the site. More could still be made of the small space in the northern part of the site, including making it more productive (i.e. fruit trees/growing beds). The southern boundary of the space needs to be landscaped to stop it being framed by a hard and abrupt boundary structure. There is scope to create 1 main LEAP and 2 less formal spaces for doorstep play, one being in the northern space, the other at the eastern built edge of the site, comprising more naturalistic elements, associated with the pond and East-West Greenway. Play could have an arts based aspect to help tie the scheme into the wider area.

Properties generally have reasonable sized gardens. The apartments have defined amenity space but no detailed design of that. The space to the central block is a little mean, but if the space in front is designed well, with a strong community function, then that would help compensate

It is understood that management will be via management company in perpetuity but that needs to be clearly secured.

Securing a green for this criterion is dependent on the landscape, ecology and open space officers being supportive of the scheme.

Recommendations:

- Ensure the central and northern spaces are well designed and provides a community function incorporating scope for social interaction, play and food production. Also consider the potential for more naturalistic play on the eastern edge of the site associated with the east/west greenway and pond are
- Ensure absolute clarity about management and duration

These matters can be conditioned.

12 External storage and amenity space

No information has been provided re: bin, cycle and external storage, which could be easily remedied by providing more information, including for apartments. Comments in relation to provision of private space are as for criterion 11

Recommendations:

- Provide further information re: provision for external storage, cycle and bin storage including for apartments.

It is considered this matter could be dealt with by condition.

Layout/Amenity

The site has a close relationship with the Miller Homes development to the west, and there are some separation distances that are slightly below the recommended distances, however in most examples the properties are off set from one-another and it is considered that the layout in this respect is acceptable.

Within the site itself, there are a few examples where the recommended distances between properties is not fully met – frontage to frontage distances, however in these examples the shortfall in the recommended distances is not considered to be significant and as such to achieve the successful layout, as described in the urban design section above, the layout is considered acceptable.

The apartment block in the centre of the site, plots 159-167, is not ideal being 3 storeys high adjacent to 2 storey houses and is a matter raised by the Council's Urban Designer. However, the block is designed with no habitable windows in the side elevation closest to the adjoining properties and being on the north side, separated by an established hedge-line the relationship is considered acceptable. The location whilst not at the site entrance, as would be typical for such units, does mark the end of the internal road(s) adjacent to an area of central open space and as such is considered on balance acceptable.

Noise / residential amenity

The conditions recommended – and applied, by Environmental Protection on the outline application relating to noise mitigation, lighting and construction management need to be discharged separately.

Air Quality

The conditions raised by Environmental Protection on the outline application relating to electric vehicle charging points, travel information packs and dust management remain in place through this reserved matters application and need to be discharged separately.

Contaminated Land

The Contaminated Land team has no objection to the above application subject to the following comments with regard to contaminated land:

- Residential developments are a sensitive end use and could be affected by any contamination present or brought onto the site.
- It is noted that this application only covers part of the approved site, this is residential development in land south of Congleton Link Road, as shown on the Proposed Planning Layout, drawing number SK306-PSL02, revision G dated 03/07/2019. The submitted report, e3P reference 12-479-r1, dated February 2019 also covers the land to the west of this.
- Site investigation works have been carried out in 2018. This did not identify any contaminants of concern with respect to soils or groundwater. Ground gas monitoring of 18 window sample boreholes across the extended area had commenced. It is uncertain why this was carried out when the consultants identified ground gas to be a very low risk, there was no obvious potential source of ground gas and shallow made ground was only encountered in 3 locations, none of which were assessed for ground gas risk. However, the report noted that as one location recorded elevated carbon dioxide which could require gas protection measures in this location, recommendations for measures would be considered upon completion of the gas monitoring. Six gas monitoring visits over three months were proposed, with three visited having been completed at the time of writing the report. No further information has been provided with this respect; however, it is noted that a summary of the report submitted to support the application (unauthored) states that no remedial measures are required. Clarification of this matter is sought.
- The contaminated land conditions as per the outline approval should be carried forward, noting that 12a) and b) are pre-commencement.
- Upon conclusion of the gas monitoring and subsequent reporting a discharged application should be raised to consider the discharge of contaminated land conditions for this part of the application site.

Flood Risk/Drainage

Whilst no comments have been received from the Council's Flood Risk Team, this matter was considered in general terms at the outline stage, and a condition (No.9) was attached to the outline namely:

“No phase of the development hereby permitted shall commence until details of the detailed design, implementation, maintenance and management of a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. This shall include

a) Information about the design storm period and intensity (1 in 30 & 1 in 100 (+30% allowance for Climate Change)), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance, the methods employed to delay and control surface water discharge from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface water.

b) Any works required off site to ensure adequate discharge of surface water without causing flooding or pollution

c) Flood water exceedance routes, both on and off site;

d) A timetable for implementation;

e) Site Investigation and test results to confirm infiltration rates;

The approved scheme shall be implemented in accordance with the approved timetable.”

As such this matter needs to be resolved prior to development commencing.

Public Open space

The Areas Plan Drawing SK306-POS indicates eight areas of Public Open Space however the majority are general landscaping, buffers and verges acting only as a visual amenity and for the retention of hedgerows and trees so offer little value in terms of future adaptability.

The Section 106 agreement requires a minimum of a Neighbourhood Equipped Area of Play (NEAP) (1,000m²) on each side of the link road plus 3,300m², an area totalling 4,300m². The central area is just under 384m² short which when providing so little POS would ideally need to be increased.

The POS area containing the NEAP is central and much better location than it was positioned previously, the only issue raised is that the substation is located in what should be informal space for informal recreation and play. The substation creates an unwelcomed barrier in the space for it to be utilised to its full potential therefore should be removed. Attention is drawn to the applicants requirement of a minimum buffer of 30m from the activity zone of the NEAP to the boundary of the nearest property as laid out in Fields in Trusts (FiT) standards. The NEAP should be to FiT standards paying particular attention to inclusivity and accessibility whilst maximising the open green amenity space. It is requested that surrounding developments are considered when designing the play facility so that it complements other facilities.

ANSA note there was very little to comment on with regard to planting and landscaping as there are no details submitted. This was a requirement for this reserved matters application and must be submitted in support of this application. Careful consideration should be given to the planting in the central space to allow informal games such as tag or kick about. Trees should offer shade but also give good sight lines in and through the open space for natural surveillance.

ANSA note that the phasing plan attached shows Phase 1 LEAP & NEAP and Phase 3 with LEAP & NEAP which they consider is misleading and ask for clarity.

Revised proposals, including detailed planting plans have been received to address these questions, and ANSA's comments are anticipated shortly and will be included in any update report.

Affordable Housing

The requirement for affordable housing was established at the outline stage in the Section 106 Agreement.

A plan has been submitted showing the affordable housing mix, accompanied by an affordable housing statement setting out a clear break down of bedroom types and also delivery timings which Housing have now confirmed they are happy with.

The affordable houses, whilst in particular blocks, for ease of management, are well scattered or pepper potted across the site.

CONCLUSIONS

This is a reserved matters application, submitted following outline permission 16/1824M seeking approval of all reserved matters. The principle of residential development, in line with Local Plan allocation LPS26, has therefore been accepted.

Highways have no objections and whilst the PROW team have raised some issues in relation to details of the East – West Greenway this is subject to a condition on the outline approval.

The Council's Ecologist has raised issues in relation to the possible impacts of the drainage outfall, access track and bridge crossing which are not fully considered in this application, however again these matters are the subject of conditions on the outline and the applicant will need to consider the ecological implications of these works as part of the condition discharge. Comments from the Council's Tree and Landscape Officer will need to be included in any update report, although it is not anticipated there will be any significant issues here.

In relation to urban design extensive discussions have taken place, and revised plans have now been received that address the majority of the issues raised.

ANSA have raised some matters which the applicant has sought to address and their comments on these which will be reported in an update report.

Housing have no objections to the affordable housing provision.

Finally matters relating to drainage and contaminated land/air quality/amenity can be addressed by condition, many already applied at the outline stage.

RECOMMENDATION

Approve subject to the following conditions;

- 1. Approved plans**
- 2. Tree retention**
- 3. Tree Protection**
- 4. Arboricultural method statement**

5. Levels survey – Trees
6. Services drainage layout - Trees
7. Updated badger survey and mitigation strategy submitted prior to commencement.
8. Implementation of hedgehog mitigation measures.
9. Submission of proposals for the fencing off of the woodland buffer zones during the construction phase of the development.
10. Submission of bat friendly lighting scheme.
11. Safeguarding of nesting birds.
12. Ecological enhancement.
13. Submission and implementation of 30 year habitat management plan.
14. The hedgerow identified as TN 1 on the submitted 2020 Phase One Habitat Plan to be retained with the exception of any unavoidable losses associated with the access.
15. 10 year maintenance condition for frontage landscaping
16. Drainage management/maintenance
17. Details of play areas and incidental open space, including the areas around the apartment blocks, to be agreed
18. Details of external storage, cycle and bin storage including for apartments required.

Informatives;

- Water Course & Bylaw 10
- Contaminated Land

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

