

Application No: 22/0670C

Location: Land East of VIKING WAY, CONGLETON, CW12 1TT

Proposal: Reserved matters application proposing details for the appearance, scale, layout and landscaping for a residential development at Viking Way, Congleton. An Environmental Impact Assessment was submitted to the Local Planning Authority as part of the outline

Applicant: Kate McClean, Bloor Homes

Expiry Date: 20-May-2022

SUMMARY

This is a reserved matters application, submitted following outline permission 19/5596C seeking approval of reserved matters (save access). The principle of residential development, in line with Local Plan allocation Site LPS 27, has therefore been accepted.

Highways have no objections, and the Public Rights of Way team have no objections subject to conditions ensuring the PROW is protected.

The Council's Ecologist is now broadly satisfied subject to confirmation of when the mitigation works in the river corridor are to commence and subject to conditions. The Council's Forestry Officer has raised a number of issues that need to be addressed. A revised Arboricultural Impact Assessment is expected, and Members will be updated on this matter.

Extensive discussions have taken place in relation to urban design. Revised plans have been received and the Council's Urban Design Officer is now largely supportive of the scheme, although it is hoped some further amendments will be made. Initial landscaping comments have been received, requesting additional information and some amendments in line with the Urban Design and Forestry Officer comments. Members will be updated on these amendments in an update report.

ANSA have raised a number of detailed issues which the applicant is looking to address. Members will be updated accordingly.

Housing have no objections to the affordable housing provision. The applicant has submitted a Housing Mix Statement setting out how they feel they have addressed the emerging SADPD Policy.

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 what is referred to as Phase 1 of the greater Viking Way site which received outline permission in February this year. The site subject to this application amounts to 8.28ha. It is irregular in shape with a boundary to Viking way to the west, to agricultural land (subject to a current application for further residential development) to the north. To the south the land adjoins a farm/residential complex off a private access which also serves the fishing club and forms the eastern site boundary. The approved retail element of the outline permission lies to the south west of the site.

The site was still in agricultural use at the time of the site visit earlier this year.

The site is effectively on two levels, with the site frontage to Viking Way on the lower level, and the upper level adjoining the fishing club access. A relatively steep slope separates the two sites.

There are a number of trees on the site boundaries, and along a former field boundary through the centre of the site running north-south at the top of the slope described above.

A public footpath runs along the eastern site boundary parallel to the fishing club access but separated by a hedge/fence-line.

PROPOSAL

This reserved matters application seeks approval of the following reserved matters –Appearance, Landscaping, Layout and Scale for a development of 154 dwellings including a mix of 2, 3 and 4 bed properties.

As approved at the outline stage, the only vehicular access to the site is from Viking Way. The existing public footpath runs along the eastern boundary of the site, and the proposals include the provision of a greenway cycle/footway from Viking Way to a point on the site boundary to the east to link into this footpath, as agreed at the outline stage. This would allow this strategic route to continue to the east towards Giantswood Lane.

In addition, the following are proposed:

- 17.5% of the homes will be affordable (as agreed at outline as the site contributes to the Congleton Link Road).
- A central landscape corridor
- A Neighbourhood Equipped Area of Play (NEAP)
- Sustainable Urban Drainage features

The applicant has submitted a Housing Mix Statement and below is a summary table of that mix proposed on site:

No. of beds	Number	% of total units
2	20	13.0%
3	74	48.1%
4	60	39.0%
Total	154	100%

No. of beds	Number	% of open market units
2	8	6.3%
3	59	46.5%
4	60	47.2%
Total	127	100%

No. of beds	Number	% of affordable units
2	12	44.4%
3	15	55.6%
Total	27	100%

As required by condition on the outline, a phasing plan has been submitted which covers this residential phase and subsequent phases, as below:

Phase 1	Housing (this application)
Phase 2	Commercial (22/2350C referenced below)
Phase 3	Commercial – subject to separate full planning application (reference 22/3338C)
Phase 4	Local Centre (application anticipated shortly)
Phase 5	Commercial

River Dane Buffer River Dane Buffer Works to commence in an agreed timescale on commencement of Commercial/Local Centre phases.

A number of revisions have been made from the original submission and at the time of writing this report amended plans/reports are expected to address any remaining matters.

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

Relating specifically to this site:

19/5596C Outline planning application with all matters reserved except for the principal means of access for the erection of a residential development (Use Class C3), employment and commercial floorspace (Use Classes B1/B2/B8/C1/D2) and a local centre (Use Classes A1/A2/A3/A4/A5/D1) with associated landscaping, drainage and other infrastructure. Land off Viking Way, Congleton - APPROVED 2 Feb 2022

This approval required any reserved matters application to address a number of conditions which are discussed in this report.

In addition, there are the following applications submitted to-date (excluding discharge of condition applications) for other parts of the site included within the outline area:

22/2338C Full planning application proposing enabling works at Viking Way comprising the erection of site hoardings, removal of existing trees, site clearance, cut and fill excavation, and watercourse realignment.

Land to the East and West of Viking Way, Congleton

22/2350C Details of reserved matters (Access, Appearance, Landscaping, Layout and Scale) in respect of Phase 2 (commercial floorspace in Use Classes B2/B8/E(g)) of outline planning permission 19/5596C
Land to the West of Viking Way, Congleton

22/3338C Full planning application proposing the erection of an employment building (Use Class B2, B8 and ancillary E(g)) with associated infrastructure, including landscaping, drainage, and car, HGV and cycle parking, and access from Viking Way. Land to the East of, Viking Way, Congleton

Finally, an application for the retail element (local centre) of the site is anticipated shortly.

DEVELOPMENT PLAN 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 27: Congleton Business Park Extension

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:

The Hulme Walfield and Somerford Booths Neighbourhood Plan referendum was held on the 15 February 2018. The plan was made on the 19 March 2018. Relevant policies include:

HOU2 Housing for Older People and People with Disabilities
HOU3 Rural Character
HOU4 Housing Design

ENV1 Wildlife Corridor and Areas of Habitat Distinctiveness
ENV2 Trees and Hedgerows
ENV3 Multi Use Routes

Emerging Cheshire East Site Allocations and Development Policies Document (“SADPD”)

The Revised Publication Draft SADPD was submitted to the Secretary of State on 29 April 2021. Following the examination hearings and report from the Inspector, Main Modifications were published for consultation between 19 April 2022 and 31 May 2022. The Council has recently published its report of consultation and the Inspector will take the representations into account in preparing his Examination report, which will be issued to the council in due course. The following policies are considered to carry moderate weight in the assessment of the application:

PG9 - Settlement Boundaries, GEN1 - Design principles, ENV1 -Ecological network, ENV2 - Ecological implementation, ENV3 - Landscape character, ENV5 - Landscaping, ENV6 - Trees, hedgerows and woodland implementation, ENV7 - Climate Change, ENV12 - Air quality, ENV14 - Light pollution, ENV15 - New development and existing uses, ENV16 - Surface water management and flood risk, ENV17 - Protecting water resources, RUR6 - Outdoor sport, leisure and recreation outside of settlement boundaries, HOU1 – Housing Mix, HOU6 – Accessibility and Wheelchair housing standards, HOU10 - Amenity, HOU11 – Residential Standards, HOU12 – Housing density, HOU13 – Housing delivery, INF1 - Cycleways, bridleways and footpaths, INF3 - Highways safety and access, INF6 - Protection of existing and proposed infrastructure and INF9 – Utilities.

CONSULTATIONS (External to Planning)

Natural England – Have no comments to make

Environment Agency – Requested an extension of time to submit their comments in May, but no comments received to-date.

Cadent Gas – Standing advice has been issued to the applicant regarding precautions to take on site to protect the gas asset.

CEC Head of Strategic Infrastructure: No objections, subject to a condition.

CEC Housing: An Affordable Housing Statement has now been provided by the applicant. This covers the required information requested, and as such they now have no objections.

CEC Public Rights of Way (PROW): The development, if granted consent, would affect Public Footpath Hulme Walfield No. 7, as recorded on the Definitive Map and Statement, the legal record of Public Rights of Way. However, they raise no objections subject to an informative/condition requiring submission of a management scheme for the footpath during the development of the site.

CEC Environmental Health: No objections, most matters are covered by conditions on the outline permission.

CEC Flood Risk Manager: No objections in principle but have requested further information with regards to drainage design.

ANSA: A range of detailed comments have been received.

VIEWS OF THE TOWN/PARISH COUNCILS

Hulme Walfield and Somerford Booths Parish Council:

“The Parish Council has enjoyed positive, constructive discussions with Bloor’s and their agents, as a result of which a number of detailed amendments have been secured within the submitted plans.

Hulme Walfield and Somerford Booths Parish Council wish to support the reserved matters application in principle, subject to a number of detailed points raised below which relate to the plan layout and detailed Design Statements: -

Rights of Way and Non-Vehicular Links

The Parish Council requests that the developers engage with the Parish Council, Highways and Rights of Way officers post approval to ensure that there is a fully integrated network of safe, non-vehicular paths which connect not only into the strategic West - East Greenway and Dane Valley, but also the existing network of Public Rights of Way (PROW’s) within Hulme Walfield parish. This is particularly important in respect of path FP7 which provides a strategic link from the Giantswood Lane over-bridge, through land to be developed by Castle Green, into the applications, and then onward to Rood Hill and Congleton town. The Parish Council is seeking s106 contributions to this from other applicants to augment the proposed work by the applicants.

It does however request that the length of FP7 within the applicant’s ownership should be increased in width to 3metres so that a multi-modal path can be provided. It also requests the developers to assist Cheshire Highways in the upgrade of the small length through to Sandy Lane (Home Farm) which is outside their ownership.

We also welcome the proposed link from the West East Greenway onto FP7 and ask that further links are achieved, particular from the developments associated with the area referred to as ‘The Terrace’. We also seek confirmation the pedestrian path adjacent to this area of development and the NEAP/public open space is well connected to these other links.

The Parish Council also requests that further discussions take place for a new public right of way linking from FP7 in the vicinity of Home Farm though to Viking Way shops and offices through the adjacent Clowse industrial development (application pending). This principle is mentioned in the design statement and could form another useful link in the local PROW network

Speed Limits and Road Design

The applicant has proposed a number of physical measures on road design to ensure that traffic speeds can be moderated throughout the development. These are in addition to the design elements which will contribute to lower traffic speeds.

However, we look to Cheshire East to demonstrate commitment to the principal of 20mph speed limits for all new developments in the interests of road safety. The Parish Council does not consider that there need be any additional costs in Road Traffic Orders if this is implemented now. It should also be applied to all other pending developments, and retrospectively to Alderley Gate.

We also ask that Highways consider if the needs of tradesman and visitors vehicles can be adequately met within the proposed designs. This is to minimise traffic hazards and improve amenity for residents.

Home Farm: Alternative Layouts

It is an important principle that all new developments should 'preserve the outlook and residents', and this is very much the case in respect both of Home Farm and other residents of what is known locally as Sandy Lane. The Parishes wishes to support the proposed amendment believing this, together with the proposed Orchard provides some degree of screening from the existing dwellings. Additional landscaping might also be considered in this area.

Design Elements

Section 5 Development Proposals makes a number of proposals regarding Appearance and Detailing. Whilst the Parish Council does agree with most of the key elevation features, it asks that the developers reconsider the need for false, and totally unnecessary Tudor detailing, and the used of anything other than conventional 'V' porches. This is ensure a simplicity of design elements which are more appropriate to housing in rural locations.

Boundary Treatments

The proposed examples are considered appropriate but the Parish Council requests that these are both sustainable over time, and are not used to create enclosed areas where access for maintenance and litter collection is impossible.

Wildflower Areas and Other Environment Net-Gain Measures

Experience on other developments are that proposed measures are largely ineffective unless appropriate management regimes are put in place. The use of natural measures to control storm water drainage e.g. reed beds are considered as a contribution to environment net gain.

Utilities - connections

It is understood that there will be a need to serve the proposed development from services on Giantswood Lane (water/drainage/telecoms,electricity). The Parish Council requests detailed plans of the work proposed and the likely duration of these to ensure minimal disruption to residents and other road users.

Construction Issues

The Parish Council welcomes verbal assurances from the applicants that robust measures will be put in place to ensure the impacts from construction are minimised.

Environmental Conservation and Enhancement

The Parish Council notes and welcomes the extensive and substantial measures being proposed to protect, enhance and augment existing tree cover, and wildlife habitats. It looks to the applicant to make novel use of such measures as reed beds as part of its SUDS proposals to control site storm water run-off. Such measures can further enhance the wildlife enhancements.

Provision for Active Recreation

The Parish Council welcomes the indicated provision not only of new cycle and footpath linkages through the site, but also of locations for active recreation/exercise. It has indicated a willingness to contribute further to these through its own funds.

It would however welcome a specific condition to ensure that a usable accessible surface is provided along the boundary of the site during the first phase of infrastructure construction. This will offset the disruption to recreational users which might occur from any temporary footpath diversions proposed to allow for the new access road and measures required to secure the remainder of the site for safe working.

Primary Care and Community Provision

It is an important function of good planning to ensure that community needs are adequately met. They feel the required contribution through the Section 106 to be inadequate and that alternate provision should be made for community facilities, for example as part of the primary school.

Attention has already been drawn to the lack of connectivity between the new link road cycleway which terminates abruptly half way down the slope of Manchester Road, and the footpath/bridleway which forms the boundary between Alderley Gate and the proposed Redrow site.

At present, cyclists or horse riders need to join the main carriageway before turning right into Lomas Way. The existing footpath link between the two points is a very poor surface and dangerously narrow, with the obstruction of a retained mature tree."

A number of these matters raised should be addressed in the revised proposals discussed.

OTHER REPRESENTATIONS

No representations received

OFFICER APPRAISAL

Principal of Development

The site forms one element of the following policy allocation:

Site LPS 27 - Congleton Business Park Extension

“The extension site at Congleton Business 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 625 new homes (at approximately 30 dwellings per hectare) as set out in Figure 15.32;
3. The delivery of around 10 hectares of land for employment and commercial uses adjacent to Congleton Business Park as set out in Figure 15.32;
4. The delivery of around 3 hectares of land for employment and commercial uses adjacent to the Congleton Link Road junction as set out in Figure 15.32;
5. The provision of appropriate retail space to meet local needs;
6. The provision of children's play facilities;
7. Pedestrian and cycle links set in green infrastructure to new and existing employment, residential areas, shops, schools, health facilities the town centre;
8. Contributions to health and education infrastructure; and
9. The provision of land required in connection with the Congleton Link Road as set out in Figure 15.32.”

The site already has the benefit of outline planning approval (which also included commercial and retail elements) and, in principle, is considered to be in accordance with the Local Plan allocation. Some of the requirements, for example the contribution to the Congleton Link road, are set out in the Section 106 agreement.

Highway Implications

The main access road is 5.5m wide with 2m footways on each side of the road, the secondary roads will be a minimum of 4.8m wide with footway provision on one side, there are also a number of private drives within the layout.

There are other pedestrian/cycleways proposed within the layout, a 3m east-west segregated greenway that links with Viking Way and the north east corner of the site is provided. As it is intended that this greenway route is adopted it will need to be built to adoption standards and have lighting. A connection to the PROW is proposed at the north end of the site but an additional connection is also required at the southern end.

A minimum of 2 parking spaces for each dwelling is provided, this in accordance with the CEC parking standards.

The design of the internal road network accords with the indicative design submitted at outline, although there a number of junction features and ‘narrowing’ included in this submitted design to help reduce vehicle speeds.

The submitted design is considered acceptable and meets current highway design standards and no objections are raised. There is a need for a condition to be attached requiring a ped/cycle to be provided to the PROW at the southern end of the site.

Highways have also confirmed that they are happy with the design of the greenway now additional information relating to levels has been received.

Public Rights of Way/Cycle routes

As set out above Public Footpath Hulme Walfield No. 7 runs along the eastern boundary essentially through an area of open space to the frontage of the proposed dwellings. The Public Right of Way Team raise no objections subject to a condition/informative to protect the pathway during the development process.

As agreed at the outline stage, and in line with the masterplan for North Congleton, a strategic greenway runs east-west across the northern part of the site linking Viking Way to the eastern site boundary where it meets the adjoining site what will form the next major development parcel linking through to Giantswood Lane.

The location for the greenway formed part of the approved parameters plan at outline, and although the route has been revised in one area, into an area marked as blue/green infrastructure, this amendment has been done to enable the route to be DDA (Disability Discrimination Act) compliant on what is a steep slope, and to avoid damage to adjacent trees. The proposals are considered to be broadly in compliance with the approved plan and the proposed route is considered acceptable.

Landscape

Initial detailed comments have been received raising a number of issues that need to be addressed and additional supporting information needed. The comments essentially echo the Council's Urban Design and Forestry Officers comments and amended plans addressing these matters are anticipated shortly at the time of writing this report. Members will be updated accordingly.

Trees

This reserved matters application has not been supported by any arboricultural information. The site benefits from established mature tree cover, in particular to the northern boundary with one veteran tree known to be located to the west of the site. The wider site was formally appraised in terms of trees under approved Outline application 19/5596C. Condition 18 of the Decision notice references an Arboricultural Impacts Assessment by Lightwoods Green Ltd and that prior to commencement of development that details should be submitted in accordance with this to include;

- a. A scheme (hereinafter called the approved protection scheme) which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site including trees which are the subject of a Tree Preservation Order currently in force or are shown to be retained on the approved layout, which shall be in place prior to the commencement of work.
- b. Implementation, supervision and monitoring of the approved Protection Scheme. The approved protection scheme shall be retained intact for the full duration of the development hereby permitted and shall not be removed without the prior written permission of the local planning authority.

- c. Implementation, supervision and monitoring of all approved construction works within any area designated as being fenced off or otherwise protected. No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.
- d. Timing and phasing of Arboricultural works in relation to the approved development.

Given that the final layout is to be determined with this reserved matters application, it is considered that the full impact on trees in terms is not yet known. The approved AIA provides advice and comprises of an initial survey in accordance with BS5837:2012 to demonstrate the impact of a suggested (not approved layout) on tree retention/removals.

The impacts on trees shown to be retained is subject to the provision of levels information of the existing site compared to the proposed site and given the apparent levels changes on the site as existing its considered that the true impacts on trees have yet to be fully appraised.

The site layout with this reserved matters application also differs to that considered in appendix 4 of the AIA referenced with the outline application. The Officers Report for the approved application states that particular care should be taken to accommodate veteran trees in a setting that aids their long-term retention. The veteran tree located to the west of this application is referenced individually within the report which states that it will be retained without impact on the veteran tree buffer zone to accord with section 175 c of the National Planning Policy Framework. The layout submitted with this application proposes encroachment within the RPA of this tree with a dwelling now abutting the RPA edge and footpaths and the end of a service road sited within the RPA.

Some trees formally indicated for retention within the AIA submitted at outline now appear to be greyed out suggesting removal, with a cycle path to an adoptable standard now shown to pass in close proximity to retained trees shown within an area of open space.

As submitted, the Council's Forestry Officer is unable to support this proposal as it is considered that there is insufficient information to fully appraise the impacts of this layout on trees. The impacts on the veteran tree do not accord with Section 175(c) of the NPPF or Policy SE5 of the Cheshire East Local Plan. An updated AIA should be submitted which considers the new layout and fully evaluates the effects of the proposed design, including potentially damaging activities such as proposed excavations and changes in levels, positions of structures and roads, footpaths, and cycleways etc in relation to retained trees to provide the level of confidence necessary to ensure the technical feasibility of the development in respect of the successful retention of trees.

A revised AIA is anticipated imminently which following amendments to the layout seeks to address the issues raised. Members will be updated accordingly.

Ecology

A number of conditions were attached to the outline permission at this site (19/5596C) requiring details to be submitted with the reserved matters.

Condition 3 Phasing including timetable for delivery of habitat creation in the River Dane Corridor.

A phasing plan for the entire development as required by this condition had not been submitted with this reserved matters application. The submitted Habitat Creation and Management Plan states that habitat creation in the River Dane corridor would commence at the time of site clearance for the retail and commercial phases of the development. This has been discussed with the Council's Ecologist, and now a phasing plan has been submitted it is accepted that this residential scheme should not trigger the River Dane Corridor works.

Condition 7 and Condition 30 Habitat creation method statement; ecological monitoring strategy and a 30 year habitat management

The revised Habitat Creation and Management Plan is acceptable.

Condition 8 Any Reserved Matters application involving the installation of the surface water outfall into the River Dane shall be supported by an updated Otter and Water Vole Survey.

It is understood that there are no outfalls to the river Dane proposed as part of this application.

Condition 9 Updated survey for Badgers

An updated badger survey has been submitted as required by this application. Evidence of two active badger setts was recorded. The setts occur both just outside and within the red line of the application. To avoid the risk of badgers being killed or injured during the works it is proposed to temporarily close one sett during the construction period and permanently close a second sett. This approach is acceptable.

Condition 10 Scheme for the creation of compensatory hedgerow planting to mitigate for the loss of any hedgerows lost

The revised Habitat Creation and Management Plan submitted in support of this application advises that no hedgerows are anticipated to be lost as a result of the proposed development. 748m of new native species hedgerow planting is however proposed as part of the landscaping for the scheme.

Condition 11 Details of external lighting

It is proposed to illuminate the footpath along the site's northern boundary. This will result in light spill in the vicinity of the retained badger sett and suitable habitat for foraging bats. In order to avoid impacts on these species It is advised that the footpath must be unlit, or lighting be minimised in this part of the site.

Condition 52 strategy for the incorporation of features to enhance the biodiversity value of the proposed development.

Acceptable proposals have been submitted as required by this condition.

Additional conditions

If reserved matters consent is granted a condition is required to safeguard nesting birds:

Urban Design

This scheme has been re-assessed against the Building for a Healthy Life (BHL – Homes England's key measure of design quality) considerations, the summary of which is presented below:

28-6-22											
Integrating into the Neighbourhood				Distinctive Places				Streets for All			
1 Natural Connections	2 Walking, cycling public transport	3 Facilities and services	4 Homes for everyone	5 Making the most of what's there	6 A Memorable character	7 Well defined streets/spaces	8 Easy to find your way around	9 Healthy streets	10 Cycle and car parking	11 Green and blue infrastructure	12 Back of pavement, front of home
Amber	Amber	Green	Amber	Red	Red	Amber	Green	Amber	Amber	Red	Amber

6-10-22											
Integrating into the Neighbourhood				Distinctive Places				Streets for All			
1 Natural Connections	2 Walking, cycling public transport	3 Facilities and services	4 Homes for everyone	5 Making the most of what's there	6 A Memorable character	7 Well defined streets/spaces	8 Easy to find your way around	9 Healthy streets	10 Cycle and car parking	11 Green and blue infrastructure	12 Back of pavement, front of home
Green	Green	Green	Green	Amber	Amber	Amber	Green	Amber	Amber	Amber	Green

Since the original assessment made in June, a number of changes have been made and in the sections below, looking at each of the criteria there are the original, followed by updated comments.

Summing up the previous issues/conclusions

Key issues:

- Not embracing and strengthening the approved spatial code to deliver a place of real distinctiveness and quality, and indeed, disregard for the code in certain key aspects, not least in terms of the meaningful positive development of the character areas, the quality/character of the landscape design and treatment (particularly eroding the concept of water, existing GI and nature leading the landscape design across the site). – there has been some improvement overall but the scheme could have gone further to characterise and create a stronger sense of place given the strong foundation of the spatial coding. This will impact the overall sense of place and quality of the scheme, albeit the site character will invoke a strong emotional response.
- Not incorporating or uncertainty re: key elements of connectivity, in particular the link between the site and the local centre, which will lie at the heart of the wider development area, but also from the housing to the east-west greenway and PRoW and a connected street network e.g. the rural edge character area on the eastern edge of the site. – done but some revision considered appropriate – see target notes plan.

To conclude, the amendments have improved the scheme, reflected in the revised assessment, but, given the positive design framework established at outline, it is disappointing that the applicant has not more fully embraced the design opportunity presented by the spatial design code. This would have further elevated the quality and sense of distinctiveness of the development as well as its liveability.

The re-assessment

Aspects that needed to be reconsidered:

1 Natural connections (green, previously amber)

Previously recommended actions/response:

- Ensure direct connection for foot and cycle to the site boundary with the local centre from the Lower bank character area, as required in the design code regulating plan (p 39) – now included albeit it could be better aligned – see target notes plan
- Design in a crossing point for pedestrians/cyclists across the avenue in the Lower Bank character area as illustrated on the masterplan – not shown on recent drawings but should be included

- Ensure connection of the greenway route, street and pavements to the Viking Way highway boundary, including associated landscape features (e.g. avenue verge and trees) –the landscape masterplan does not extend to the Viking Way street edge and the planning layout doesn't show a full avenue to the Viking way street edge either
- Ensure connection at appropriate points from the Green and Green Edge character areas to the ProW and the east west greenway on the eastern and northern edges of the site- included but still not convinced these are at desire lines
- Ensure connected streets rather than cul-de-sacs wherever possible, as per the illustrative masterplan – implemented for the southern part of the site
- Accommodate the enhancements as required by the PROW team subject that not conflicting with the spatial design code – need confirmation that requirements met
- Ensure connection to the development site to the north – see target notes plan

2 Walking, cycling and public transport (green, previously amber)

Previously recommended actions/response:

- Ensure direct pedestrian connection to the Local Centre site from the Lower Bank area and for the east-west greenway to the adjacent site in the NE corner (without ransom) - now included albeit it could be better aligned and reduced in width to max 3 metres – see target notes plan
- Design in a well-designed, pedestrian focused crossing point for the east-west greenway across the Avenue and ensure junction design caters for pedestrians (appropriate radii and pedestrian priority surfaces) - not shown on recent drawings but should be included
- Ensure inclusion of connections at appropriate points to the ProW and the east-west greenway from the housing on the eastern and northern edges of the site - included but still not convinced these are at desire lines – see target notes plan
- Reduce the footpath/cycleway to the south of Lower Bank to 2 metres wide – done, however the link to the local centre could be narrowed however to 3 metres

4 Homes for Everyone (green, previously amber)

Previously recommended actions/response:

- Ensure that parking areas for higher density clusters are better integrated in design terms to make them as tenure blind as possible – still an issue in the terrace character area and associated mews streets – more softening landscape or other measures to break up parking required
- Include 2 bed private dwellings into the housing mix – plan submitted but unclear on private 2 bed units. These need to be coloured separately from affordable units. The response to urban design comments document states “revised layout includes 10% 2 bed properties with 2.5% entirely private tenure of which 2.5% are now open market homes”
- Provide a drawing that clearly shows the type/tenure mix - as above

5 Making the most of what's there (amber, previously red)

Previously recommended actions/response:

- Provide levels information including cross sections to explain how the design will respond to the site topography and ensure GI/BI features are retained and enhanced – engineering sections provided but there is concern about prospective levels changes affecting topography and trees in the northern central zone of the site and requirement for retention structure to the east of that space. More information is required to allay those concerns.
- Provide cross sections for the east-west greenway and across SuDS features to ensure the design is appropriate – engineering sections provided but landscape based sections would better assist in understanding the character of these elements (except the 2 landscape sections already submitted)

- Revisit areas of the site with access to important views and relationship to open space/landscape features to maximise the relationship/benefits and use this to inform the detailed design of buildings, taking a lead from the Spatial Design Code – more viewing points have been incorporated into the layout but there hasn't been a substantive change to the design of buildings to fully capitalise on the opportunities presented by the layout or structure established in the spatial code.
- Reconsider how the design of homes can exploit site arrangement, plot orientation and topography in terms of the passive opportunities, most notably solar gain – The response to urban design comments document refers to 2.5 storey units, orientation toward the Dane and oversized windows but the design could have responded more fully to these opportunities, drawing on some of the more progressive precedents in the code rather than more standard architectural designs. This would have enriched the scheme in terms of its sense of place and potentially its environmental performance and liability.

6 Memorable character (amber, previously red)

Previously recommended actions/response:

- Revisit the design to ensure it adheres to the Spatial Design Code, with particular focus upon the built and landscape character and access and movement sections. The information was included for a purpose: to enable designers and developers to place shape this scheme. Key areas to address are:
 - A stronger approach to SuDS and ecological enrichment – ponds not basins supported by other source control components to help deliver a SuDS train and characterise different areas supported by landscape design that reinforces the natural qualities of the site – partially improved – ponds designed to hold water with swales also included, although ponds appear quite engineered and potentially steep sided. Hence the request for landscape cross sections not yet provided, including those on Viking Way frontage. It is still difficult to determine how successful they will be as landscape/gateway features

Apart from 2 swales, no other SuDS components have been included and I would also question the commentary in the response to urban design comments document regarding this. It is clear from the wording at page 118 that there was an expectation in the spatial code that the primary SuDS infrastructure would be supplemented by a more extensive range of source control components across the site to support the role of ponds and swales in the SuDS system.

“6.88 Permeable materials and other source control techniques such as filter strips, swales, bio-retention and filter drains are used throughout the development to support the role of swales and ponds in the site wide Sustainable Drainage System.”

- A genuine character driven approach to different parts of the site, drawing on the Design Code and less reliance on standard design solutions repeated from other sites - there has been some response in respect to the design of buildings, but the palette is largely drawn from existing, previously used house types and consequently, there is a diluted response to the character coding and precedents.

As an example, the terrace character area design could have more closely followed the coding by employing subtle coloured render and brick, but the proposed street scene extract below illustrates how that design concept has been weakened by proposing an off white only. Muted colours could be used that would echo the character of a specific part of Congleton and help 'ground' the scheme, whilst not appearing garish or inappropriate in the landscape.

- Develop a stronger relationship of buildings to landscape, exploiting the opportunities to take in views of the wider landscape and relationship to key open spaces within the site, whilst using this to shape the urban and architectural design – a rather tokenistic response is explained in the response to urban design document relying on additional height and “generous glazing”. More could have been done to capitalise on the relationship to space if a more bespoke approach to building design were adopted, including providing external space for occupants, such as walk on balconies.

- Develop way finding, public art and play solutions that add to the sense of place and distinctiveness of the development, building upon the relationship to nature and the local water environment – no specific information provided within the landscape information as to how this helps place shape the scheme and reflect the landscape coding at outline. More information will be needed to help refine the approach
- Create formal and informal meeting opportunities for people within the development. Genuinely make it a place for people to thrive – some observation points/seating designed in, but a stronger meeting space could have been designed into the main POS in conjunction with the art/interpretation. – see target notes
- Ensure highway materiality fully accords with the CEC Design Guide and fully exploit the potential to include trees within streets to reinforce the hierarchy – materiality is in general conformity but there are still opportunities to enhance tree planting within the scheme – see target notes plan
- Revisit the parking strategy to reduce the impact of parking upon the character of parts of the site and introduce landscape to break up frontage parking. Parking in higher density areas should be designed into high quality spaces, utilising built form and landscape to help characterise and reduce visual dominance. – extent has been reduced but there are still some areas where parking needs to be broken up with soft landscape or other positive design measures
- Consider the scheme's roof and chimney scape to prevent the awkward juxtaposition of hipped and gable roof types and that roofscapes are also punctuated by chimneys
- Ensure that gateway, and focal buildings are appropriately enhanced to signify key events in the layout and terminate and draw in views within the scheme

7 Well defined streets and spaces (amber - no change)

Previously recommended actions/response:

- Review the layout to eliminate weaker edges to streets and spaces in the scheme – still some rear gardens visible in localised areas and plot 35 doesn't address the street as well as it should – see target notes plan
- Provide cross sections of streets to explain street character – not provided but explained in the design response document that streets designed to adhere to the spatial design code. Some minor revisions still advocated however – see Target notes plan
- Re-visit and closely follow the design cues set out in the Design Code to deliver the quality of streets and spaces within the character areas aspired to at outline – some improvement, particularly for the Home Farm interface character area but this is weakened by the more generic architecture for some units
- Review the design of key areas of the site, in particular the arrival square in Upper Bank, the Terrace, The Green and Home Farm interface to accord with the Spatial Design Code - some refinement has been undertaken, particularly the Home Farm interface character area
- Review boundaries to ensure there is a strong definition between public and private for every plot and ensure all corner plots equally address both frontages, including where they address open space – some side boundaries adjacent to open space could be better articulated as greener boundaries rather than t and g/trellis fencing

9 Healthy Streets (amber, no change)

Previously recommended actions/response:

- Ensure a connected street on the eastern side of the scheme and provide pedestrian links between private drives. Links should be made to the strategic pedestrian routes at potential desire line points – connected street designed in in southern parcel, pedestrian links between drives not provided. Links to ProW and greenway included but not at anticipated desire line points – see target notes plan
- Include pedestrian crossing point across the Avenue for the east-west greenway – not included – see target notes plan

- Design in meeting/resting spots within streets/spaces at key intersection points and secure more tree planting – potential meeting/viewing spots included. Scope for more street trees – see target notes plan
- Ensure street materiality is in accord with the CEC design guide – street materials amended to generally accord with DG. Some tweaks to street types suggested – see target notes plan

10 Cycle and car parking (amber, no change)

Previously recommended actions/response:

- Provide information re: cycle storage for dwellings and provide some cycle parking at the main area of POS – sheds identified on plans but doesn't appear that cycle parking provided at main POS
- Review parking within parts of the scheme to create more balanced parking solutions and reduce the extent of frontage parking. Where frontage parking is to be included ensure that positive built form and/or landscape breaks the parking down to prevent it becoming overly dominant/detrimental to the urban design – still some problem areas, particularly in the Terrace character area and associated Mews streets – see target notes plan
- Design streets to enable some informal visitor parking integrated into the street design – included in some areas of the site, most notably near the main POS

11 Green and blue infrastructure (amber, previously red)

Previously recommended actions:

- Provide an overarching landscape masterplan explaining how the landscape design follows that and the character area requirements of the code – masterplan provided but explanation is light as to how it accords with the landscape coding
- Provide detailed levels information including site and specific cross sections to show how areas of open space and landscape will work, given the sloping nature of parts of the site – engineering sections provided -engineering sections submitted but landscape translated sections for SuDS and greenway including information re: retention structure to east of central open space are considered necessary
- Provide more detail of the SuDS design, including cross sections, to ensure they act as positive landscape/ecological features and deliver the strategic design objectives set out in the Design Code. Also include other source control components as set out in the Design Code – swales now included but no other components included – see comments above at 6 Character. Landscape cross sections of some ponds still not submitted
- Clarify on the extent of open space management and fill any gaps where required. Ideally management will be in perpetuity and trees within private areas that contribute to the character of streets and spaces, should be subject to a 10-year retention/replacement condition – plan provided clarifying management area but no further information re: management period and managing trees on private land

12 Back of pavement, front of home (green, previously amber)

Previously recommended actions/response:

- Review boundary treatments between public and private space and eliminate any exposed rear gardens in relation to streets/spaces. Areas of space where function/management are unclear should be designed out
- Side garden boundaries adjacent to open space should be positively landscaped or living structures – side boundaries t and g timber and trellis fencing, preference would be for these to be green boundaries.
- Consider convenience of bin storage and design in storage where inconvenience will lead to un-planned storage in front of properties - recycling/waste drawing submitted; bin collection points designed in
- Ensure that utilities apparatus is designed in to ensure they are well integrated – not shown on house type plans and could do with confirmation about meter cabinets etc.

Other issues

It is noted that there is a proposed retaining wall for the central open space (north) shown on the levels plan for the east greenway. More detail is required to understand what this will be constructed of/how it will look and how it could impact, with the change in levels upon trees proposed to be retained.

At the time of writing this report further amended plans have been received addressing some of the outstanding matters raised. Members will be updated accordingly.

Layout / Amenity

As set out above, the site only adjoins other properties to the south-eastern corner, a small complex of buildings known as Home Farm/Sandy Lane. Whilst the development is in relatively close proximity, there is a reasonable standoff between properties – and intervening vegetation, and there are not considered to be any privacy/overlooking issues.

Within the site itself the majority of the properties achieve the recommended separation distances. There are a small number of cases within the site where there is a slight shortfall in the recommended distances (less than a metre difference), but it is not considered that there are any significant issues in any of these cases where properties are juxtaposition, and to help make a better overall layout.

It is noted there is no detailed levels information with the application, and whilst there are only significant sensitivities adjoining Home Farm and trees to be retained this will need to be carefully examined as part of a levels condition. The revised supporting information should include levels information in relation to the areas of open space where the main changes in level take place.

Noise / residential amenity

The proposal is for a residential development of up to 154 properties and is located in close proximity to a busy road (Giants Wood Lane) and in close proximity to existing commercial / industrial properties.

In support of the application, the applicant has submitted an acoustic report ref 220072 dated February 2022.

The NIA relates to the proposed site layout is detailed at page 3 of the NIA and corresponds to the applicants Planning Layout. Any amendments to the planning layout must comply with the NIA or the NIA maybe required to be reviewed accordingly. As the layout has been amended the NIA needs to be checked to ensure the recommendations don't need any changes. Whilst it is not anticipated that any changes will be needed (as the layout for these purposes is very similar) this will be confirmed in an update report.

The impact of the noise from road traffic and existing businesses on the proposed development has been assessed in accordance with:

- BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings.

An agreed methodology for the assessment of the noise source.

The report recommends noise mitigation measures (at section 5) designed to achieve BS8233: 2014 and WHO guidelines; to ensure that future occupants of the properties are not adversely affected by transportation noise sources.

The reports methodology, conclusion and recommendations are accepted.

In accordance with the acoustic report, it is recommended a condition is necessary in order for this application to be supported.

Air Quality

This proposal is a reserved matters application for a residential section of the initial outline application 19/5596C. Environmental Protection initially recommended a condition relating to electric vehicle charging points to which the developer has submitted some further information. For any subsequent discharge notices Environmental Protection will require more details stating the type of charging point and the exact locations of the units. The condition raised by Environmental Protection relating to ultra-low NOX emission boilers shall also be carried forward to this reserved matters application. The outline condition needs to be discharged in this regard, prior to occupation.

Contaminated Land

The contaminated land conditions relating to the residential area set at outline stage shall be carried forward. These are conditions 35 and, 37 – 39 of 19/5596C. Environmental Protection have assumed the commercial area will be considered under a separate reserved matters application at some stage, which is the case.

Flood Risk/Drainage

To ensure the Sustainable Drainage (SuDS) components are appropriately engineered into the layout, the Lead Local Flood Authority (LLFA) would request the developer submits a detailed surface water drainage layout under this application to review prior to approval. Whilst the detail, modelling, and maintenance strategy can be dealt with via the existing condition, it is imperative we're (CEC LLFA / UU) are happy with the SuDS components design to ensure minimal design changes at discharge of condition stage.

Public Open space

Ansa's main focus is Public Open Space (amenity open space, active recreation and play), there is only a small area of Green Infrastructure (GI) performing this function. Where possible, POS will have a multifunctional role, providing places for all types of activity including active pursuits, relaxation, community events, incidental recreation, playgrounds and dog off-leash areas. Whilst this scheme has the potential to provide for healthy activities in walking routes through the various pathways including the east/west greenway, has benefits for urban cooling/flood alleviation, carbon capture and has green visual amenity, the multifunctionality is restricted.

At outline application stage and through pre-app discussions it was acknowledged this was a challenging site due to the topography however no level details except from the east-west greenway have been submitted.

Very little recreational amenity has come forward. Engineered SuDS features which are designed primarily to service this purpose do not serve a recreational, habitat or ecological functions. More should

be made of these features along with the wider landscape to improve both the amenity value for the community and ecology.

Adding key infrastructure such as seating exploiting views, accessible inclusive pathways, interpretation panels, playful interactive way finders and art will help to create a distinctive sense of place.

Outline application 19/5596C Condition 51 states:

No development shall take place involving the Greenway until a timetable for the implementation of a detail scheme of Public Art to the Greenway has first been submitted to and agreed in writing by the Local Planning Authority. Prior to its installation, a detailed scheme of Public Art to the Green way shall be submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be installed in accordance with the approved timetable.

No information relating to Condition 51 has been submitted.

Pre application discussions were to focus the greenway on a nature-based theme taking advantage of the close proximity of the river Dane, running the theme through to the village centre which currently shows no connection.

The Urban design comments have gone into more detail regarding the connections along with the Public Rights of Way Team however ANSA concur the paths should be as inclusive and accessible as possible meeting with the ethos of Fields in Trust standards along with the Equality Act 2010. It is for this reason mown paths do not best serve the community with mixed physical abilities reducing the potential amenity value. The preferred surface would be a permeable resin bound gravel.

The main POS recreational facility is centrally located containing a NEAP play facility. This is the only space for informal kick about/tag type games and as such requires a redesign.

The meadow grassland EM2 should be replaced with amenity grass. Care should be taken to meet a minimum 30m buffer from the activity zone to the boundary of the nearest property required for the NEAP. Inclusive paths should service the facility, with thought given to maximise the informal amenity space. The play equipment shown in the submitted drawing is inappropriate using very urban design which does not blend well with other equipment or the environment. There is very little inclusivity in either the equipment or surfacing.

The DAS refers to an extensive footpath network is proposed to link with the and enhance the existing rights of way. Along these routes, some 'trim trail' play and active/sports equipment is included. The site landscaping plan shows two items across the entire footpath network. Further items could be placed through the network in potentially better positions.

A small orchard is proposed in the south west corner of the site which is welcomed however this is not currently accessible for all. This should be considered.

Should the committee deem this application acceptable it is requested that conditions should be placed for

- Central open space including landscaping and design of NEAP
- Infrastructure - seating, accessible inclusive pathways, interpretation panels, playful interactive way finders and art.

- Greenway public art scheme and timetable.

As discussed above it anticipated these issues will be addressed with the amended plans.

Affordable Housing

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

This is a proposed development of 154 dwellings in a Key Service Centre therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 47 (46.2) dwellings to be provided as affordable homes.

The outline permission granted approval under the condition that 17.5% units were to be Affordable. This is due to the contributions to the Congleton Link Road. With this in mind there is a requirement for 27 (26.9) dwellings to be provided as affordable homes.

Affordable Housing Mix

Point 3 of policy SC5 (affordable homes) notes that "the affordable homes provided must be of a tenure, size and type to help meet identified housing needs and contribute to the creation of mixed, balanced and inclusive communities where people can live independently longer". Paragraph 12.48 of the supporting text of Policy SC5 (affordable homes) confirms that the Council would currently expect a ratio of 65/35 between social rented and intermediate affordable housing. On this basis, 18 units should be provided as affordable/social rent and 9 units as intermediate tenure.

Cheshire Homechoice

The current number of those on the Cheshire Homechoice waiting list with Congleton as their first choice is 894. This can be broken down as below;

	How many bedrooms do you require?						
First Choice	1	2	3	4	5	5+	Grand Total
Congleton	450	250	123	39	32		894

There is also still a need for Intermediate units that will cater for those 1st time buyers, those making a new household and families who cannot buy on the open market.

From the above data the Housing Officer was looking for a mix of 1, 2 and 3 bedroom for rented and 2 and 3 bedroom dwellings for Intermediate. Whilst no 1 bed properties are proposed, they have raised no objections to the affordable housing mix.

The Council's expectation is that the affordable housing should be provided no later than occupation of 50% of the open market dwellings

Housing prefer that the affordable housing meets the NDSS (Nationally Described Space Standards) sizing, which they do in this case.

An Affordable Housing Statement has now been provided by the applicant. This covers the required information. As such they now have no objections.

Housing mix

LPS Policy SC4 'residential mix' seeks to ensure that new residential development maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities.

In the proposal section above it sets out how the applicant has submitted a housing mix statement and the table summarises the house types proposed. The statement sets out how the applicant feels the development meets Local Plan policy SC4 and the emerging SADPD Policy HOU1, and provides market evidence to support the case. It is considered that an appropriate mix has been put forward. The supporting statement (which includes a comparison with a number of recently developed sites in Congleton) states:

"The proposed housing mix has been developed in the context of the indicative housing mix set out in table 8.1 of the draft SADPD but as per the policy text this table has been used as a "starting point" and the mix has then been developed in accordance with market evidence, local demographics and other factors such as the impact of the covid-19 pandemic. We are therefore of the opinion that the proposed mix for the subject siteis appropriate for this type of site and part of the Borough."

CONCLUSIONS

This is a reserved matters application, submitted following outline permission 19/5596C seeking approval of reserved matters (save access). The principle of residential development, in line with Local Plan allocation Site LPS 27, has therefore been accepted.

Highways have no objections, and the Public Rights of Way team have no objections subject to conditions ensuring the PROW is protected.

The Council's Ecologist is now broadly satisfied subject to confirmation of when the mitigation works in the river corridor are to commence, and subject to conditions. The Council's Forestry Officer has raised a number of issues that need to be addressed. A revised Arboricultural Impact Assessment is expected, and Members will be updated on this matter.

Extensive discussions have taken place in relation to urban design and initial revised plans have now been received and the Council's Urban Design Officer is now largely supportive of the scheme, although it is hoped some further amendments will be made. Initial landscaping comments have been received, requesting additional information and some amendments in line with the Urban Design and Forestry Officer comments. Members will be updated on these amendments in an update report.

ANSA have raised a number of detailed issues which the applicant is looking to address. Members will be updated accordingly.

Housing have no objections to the affordable housing provision. The applicant has submitted a Housing Mix Statement setting out how they feel they have addressed the emerging SADPD Policy.

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

There are a number of outstanding matters but following discussions with the applicant it is expected that updates will resolve these. A written update will be provided in due course to members. Subject to satisfactory receipt a recommendation of approval is made.

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. Bird nesting season**
- 8. Implementation of the recommendations in the acoustic report**
- 9. ANSA requirements of;**
 - Central open space including landscaping and design of NEAP**
 - Infrastructure - seating, accessible inclusive pathways, interpretation panels, playful interactive way finders and art.**
 - Greenway public art scheme and timetable.**
- 10. Levels**
- 11. A ped/cycle link to be provided to the PROW at the southern end of the site**

Informatives;

- Water Course & Bylaw 10**
- EP Standard informs**

In the event of any changes being needed to the wording of the Committee'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 Committee's decision.

